



# City of Forest Park, Georgia Zoning Ordinance



Adopted:

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# CHAPTER 8. ZONING

## Article A: General Provisions

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### Sec. 8-8-1 Title and Authority

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- A. This document shall be formally known as the City of Forest Park Zoning Ordinance and it may also be cited and referred to as the Zoning Ordinance, Ordinance, or Code.
- B. This Ordinance shall be for the purpose of promoting the public health, safety, and general welfare of the City and all of its citizens.
- C. This Ordinance shall be under the authority of Official Code of Georgia Annotated, Title 36, Chapter 66, Zoning Procedures, and Title 36, Chapter 67, Zoning Proposal Review Procedures, and all acts amendatory thereto.

### Sec. 8-8-2 Jurisdiction

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This Ordinance shall apply to all land within the jurisdiction of the City of Forest Park, being all portions of the City not in the ownership of the municipal, state, or federal government and to any area for which the City of Forest Park Mayor and City Council has jurisdiction consistent with the provisions of Georgia law.

### Sec. 8-8-3 Purpose

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This Ordinance is intended to guide the growth and development of the City of Forest Park in accordance with the City of Forest Park Comprehensive Plan and for the following purposes:

- A. To secure adequate light, air, and convenience of access, and safety from fire, flood, and other dangers.
- B. To promote the public health, safety, comfort, convenience, morals, and general welfare.
- C. To plan for the future development of the City to the end:
  - 1. that the community grows with adequate public ways, utilities, health, education, and cultural and recreation facilities;
  - 2. that the needs of industry and business be recognized in future growth;
  - 3. that areas provide healthful surroundings for family life;
  - 4. that the growth of the community is commensurate with and promotes the efficient and economical use of public funds; and
  - 5. that the community strives for high aesthetic value and quality planning and design.

### Sec. 8-8-4 Definitions

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- A. The definitions contained in this Article shall be observed and applied in the interpretation of all other actions in this ordinance;
  - 1. Words used in the present tense shall include the future;
  - 2. Words used in the singular number shall include the plural;
  - 3. Words used in the masculine gender shall include the feminine;



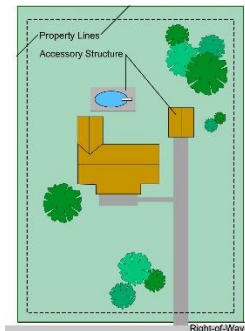
4. The word “shall” is mandatory, not discretionary;
  5. The word “may” is permissive;
  6. The word “lot” shall include the words “tract” and “parcel;”
  7. The word “building” includes all other structures of every kind regardless of similarity to buildings;
  8. The phrase “used for” shall include the phrase “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for;”
  9. The word “person” includes a corporation, firm, partnership or similar, as well as an individual;
  10. All measured distances shall be to the nearest whole foot;
  11. Parenthetical words or statements are integral parts of the definitions in which they are located;
  12. Any words not defined in Section 8-8-4 shall be construed in their generally accepted meanings as defined by standard dictionaries.
- C. The words generally used in this Ordinance are defined in Section 8-8-4, Definitions, and shall be viewed in that context.
- D. For the purpose of these regulations, certain words or terms used shall be defined as follows:

**Abandonment:** The relinquishment of property or a cessation of the use of the property for a continuous period of one (1) year by the owner with neither transferring rights to the property to another owner nor of resuming the use of the property.

**Accessory Dwelling:** A dwelling unit, which is used for residential occupancy, created within an existing single-family home or on the same lot. It is an independent unit, but it may share an entrance, yard and parking with the principal unit.

**Accessory Equipment:** Any equipment serving or being used in conjunction with a Telecommunications Facility or Support Structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or other structures.

**Accessory Structure:** A structure which is subordinate to a primary structure in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary building, structure, or principal use, and does not alter or change the character of the premises; is located on the same lot as the primary building, structure, or use.



**Adult Day Care Facility:** Adult day care facilities shall include any building or portion thereof used to house six (6) or more adults requiring care, maintenance, and supervision for part of a day.

**Administrator:** The individual or group responsible for the implementation and enforcement of the Ordinance. The Planning & Community Development Director, or his/ her designee, shall be the administrator for the Zoning Ordinance.

**Agricultural product:** Fruits, vegetables and field crops but shall exclude livestock and livestock products.

**Alley:** A street which affords only secondary means of access to abutting property, and not intended for general traffic.

**Alteration:** A change in size, shape, character, occupancy or use of a building or structure.

**Alteration, Structural:** Any change in the supporting elements of a building such as bearing walls, columns, beams, or girders.

**Amendment:** Any repeal, modification, or addition to a regulation; or any new regulation.

**Apartment:** One (1) or more rooms in an apartment building, with private bath and kitchen facilities or combination living space and commercial building, arranged, intended, designed, or occupied on a rental basis as a dwelling unit for a single family, an individual, or a group of individuals.

**Apartment Building:** A multi-family housing structure designed and constructed to accommodate three (3) or more dwelling units with independent cooking and bathroom facilities.

**Applicant:** The owner, owners, or legal representative of real estate who makes application for action affecting the real estate owned thereby.

**Application:** The application for and all accompanying documents and exhibits required of a petitioner by an approving authority for a development review process.

**As Built Plan:** A plan and supporting documentation which describes a particular site after construction has been completed. This plan should indicate all structures, hard surface features, utilities, landscaping areas, tree preservation zones, and tree replacement areas.

**Assisted Living Facility:** A state licensed use in which domiciliary care is provided to adults who are provided with food, shelter and personal services within independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals. This use shall not include hospitals, convalescent centers, nursing homes, hospices, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

**Attached Building:** A building that is structurally connected to another building by a foundation, wall, or roof line. Carports, garages, porch awnings and the like shall be considered attached buildings.

**Attached Wireless Communication Facility:** An antenna array that is attached to an existing structure. These structures include, but are not limited to, utility poles, signs, water towers, rooftops, equipment facilities, and towers with any accompanying pole or device which attaches the antenna array to the existing building or structure and associated connection cables.

**Automobile:** A self-propelled, free-moving vehicle with four wheels, usually used to transport not more than six passengers and licensed by the appropriate state agency as a passenger vehicle.

**Automobile Repair, Major:** A business where engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame, or fender straightening or repair; and overall painting of vehicles is performed.

**Automobile Repair, Minor:** A business that conducts repairs other than major repair including engine tune-up, muffler shops, shock absorber replacement shops, undercoating shops, and tire stores.

**Automobile Wash:** Any building or premises or portions thereof used for washing automobiles. The facility for washing automobiles may be self-service, semi-automatic, or automatic application of cleaner, brushes, rinse water, and heat for drying.

**Automobile Sales:** The use of any building, land area, or other premise for the display and sale of new or used automobiles, generally, but may include light trucks or vans, trailers, or recreational vehicles and including any vehicle preparation or repair work conducted as an accessory use.

**Basement:** A story partly underground but having more than one-half of its clear height below finished grade.

**Bed and Breakfast Facility:** An individual owner-occupied residence containing no more than six (6) guest rooms for hire, for lodging by prearrangement for periods not to exceed three (3) consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel, boarding, lodging house, or motel.

**Berm:** A man-made, formed, earth mound of definite height and width used for landscaping and obscuring purposes.

**Boarding House:** A dwelling other than a hotel where, for compensation and by prearrangement for a definite period, where meals and/ or lodging are provided for four (4) or more persons.

**Buffer:** Any land in permanent vegetation of trees, shrubs, walls, fences, berms, space, or related landscaping features required by Ordinance on private lots, and privately maintained, for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing visual or other aspects of privacy and aesthetics.

**Buffer Yards:** An area adjacent to front, side and rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare, or other emissions and to maintain privacy. Buffer yards are in addition to, but separate from, the front, rear, or side yard setbacks.

**Building:** A structure having a roof, supported by columns or walls, and intended for the shelter, housings, or enclosure of an individual, animal; process, equipment, goods, or materials of any kind.

**Building Area:** The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project less than two feet.

**Building, Detached:** A building surrounded by open space on the same lot.

**Building Code:** The International Building Code pursuant to O.C.G.A. §8-2-20.

**Building Envelope:** The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by the maximum height regulations, minimum yard setbacks, and buffers when applicable.

**Building Inspector:** The person or persons charged with the responsibility of issuing building permits, inspecting buildings, and issuing certificates of occupancy. This person is certified by the State or the International Code Council (ICC) in one or more disciplines; a residential or commercial Building Inspector, a plumbing, electrical or mechanical inspector or other specialty to inspect structures at different stages of completion.

**Building Permit:** A permit allowing a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure or before starting any construction, excavation, or work within a subdivision within its jurisdiction, or the pursuit of changes to the condition of land.

**Building, Principal:** A building or structure in which is conducted the predominant use of the lot, on which it is located.

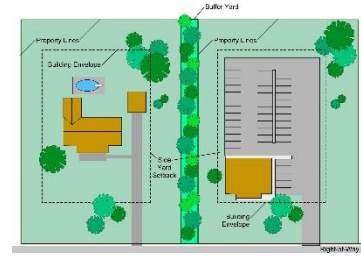
**Building, Residential:** A building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families or lodgers and which includes, but is not limited to the following types:

1. single-family detached dwellings;
2. two-family dwellings;
3. single-family or two-family attached and semi-detached dwellings developed initially under single ownership or unified control;
4. multiple-family dwellings.

**Business:** The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services; an occupation, employment, or enterprise which occupies time, attention, labor, and materials; or the maintenance or operation of offices, recreational, or amusement enterprises.

**Caliper:** The diameter or thickness of the trunk of a young tree or sapling as measured at six inches above the top of the root mass. This measurement is used for nursery-grown trees having a diameter of less than six (6) inches.

**Canopy:** A permanent roof-like structure projecting from a building and open on at least one (1) side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-



like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

**Carport:** An open-sided roofed automobile shelter, formed by extension of the roof from the side of a building.

**Cemetery:** Property used for the interring of the dead. Includes any crematory, mausoleum, or mortuary operated in conjunction with and on the same tract as the cemetery.

**Certificate of Occupancy:** A certificate stating that the occupancy and use of a structure complies with the provisions of the Building Code and all other applicable regulations of the City of Forest Park.

**Clearing:** The removal of vegetation from a property by any means.

**Club or Lodge, Private:** An association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building or portion thereof; the use of such premises being restricted to members and their guests.

**Commercial Vehicle:** Any truck or similar motorized mechanism designed to transport individuals or goods which is powered by an engine and which is licensed by applicable governmental authorities as a commercial motor vehicle.

**Comprehensive Plan:** The official adopted comprehensive plan pursuant to the Georgia Planning Act of 1989 that includes goals, objectives, and strategies for land use, growth management, transportation or thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation.

**Comprehensive Transportation Plan:** The official adopted plan adopted as part of the Clayton County Comprehensive Plan, as subsequently amended, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares.

**Condition of Approval:** Stipulations or provisions that are provided above and beyond the minimum requirements that are set forth as a prerequisite for the approval of an application.

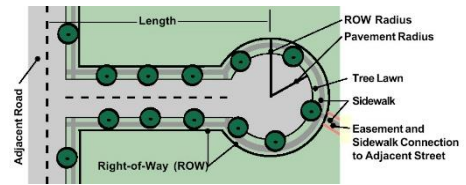
**Condominium:** Real estate lawfully subject to the Georgia Condominium Act, O.C.G.A. 44-30-70 et. seq. by the recordation of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

**Conforming Building or Structure:** Any building or structure that complies with all the regulations of this Ordinance or of any amendment hereto governing the zoning district in which building or structure is located; and is designed or intended for a conforming use.

**Construction Plan(s):** The maps or drawings showing the specific location and design of improvements to be built in accordance with the applicable requirements of the City of forest Park.

**Covenants:** Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the sub-divider and/ or developer, that are recorded with the plat and deed.

**Cul-de-Sac:** The turnaround at the end of a dead-end street.



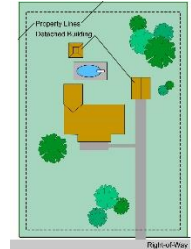
**Day Care Center:** As defined by Rules and Regulations of the Georgia Department of Human Resources and for the purposes of the Zoning Ordinance, any place operated by a person, society, cooperation, institution, or group wherein are received for pay for group care, for fewer than twenty-four (24) hours per day without transfer of legal custody, having nineteen (19) or more children under eighteen (18) years of age, and which is required to be licensed by both the City of Forest Park and the Georgia Department of Human Resources.

**Decorative Wall:** A masonry wall consisting of brick, stone or similar materials as approved by the Director and constructed with a design that includes specific pattern elements or ornamentation.

**Deciduous:** A plant with foliage that drops or dies at the end of a growing season.

**Design Guidelines:** The Downtown Mainstreet regulations codified within Section 8-8-54 in this Article of the zoning ordinance of the city.

**Detached Building:** A building that has no structural connection with the principal building.



**Development:** New construction and any reconstruction, relocation, alteration, remodeling, or renovation of structures

**Diameter Breast Height (DBH):** The standard measure of tree size for trees six (6) inches or greater in caliper existing on a site. The tree trunk is measured at a height of four and one-half (4 ½) feet above the ground, and if a tree splits into multiple trunks below that point, the trunk is measured at its most narrow point beneath the split.

**Director:** The Director of the Planning & Community Development Department.

**Domestic Pets:** Animals commonly used as household pets, protection, companions, and for the assistance of disabled persons. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, and aquarium fish.

**Drainage Easement:** A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of transporting stormwater.

**Driveway:** An access-way connecting one (1) or more dwelling units and/or their parking spaces with a street.

**Dwelling:** A building or structure or portion thereof, conforming to all requirements applicable to the residential use districts of the Zoning Ordinance and Georgia Building Code used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multi-family dwelling units, but excluding hotels, boarding houses, and lodging houses.

**Dwelling, Duplex:** A residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

**Dwelling, Manufactured Home:** A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards 42 U.S.C.A. 5401 et seq. and is installed and anchored on a permanent foundation and perimeter wall, according to the Georgia Manufactured Housing Code, as amended, and its pitched roof and siding are of materials customarily used for site constructed dwellings.

**Dwelling, Mobile Home:** A transportable dwelling unit manufactured prior to June 15, 1976 and not subject to the Federal Manufactured Housing Construction and Safety Standards 42 U.S.C.A. 5401 et seq.

**Dwelling, Multiple Family:** A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling; Quadraplex:** A building divided into four (4) self-contained residences.

**Dwelling, Single-Family:** A detached residential dwelling unit designed for and occupied by one (1) family.

**Dwelling, Triplex:** A building divided into three (3) self-contained residences.

**Dwelling, Two-Family:** A residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

**Dwelling Unit:** Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one (1) family and having permanently installed sleeping, cooking, and sanitary facilities.

**Easement:** A grant by a property owner to specific persons, the general public, corporations, utilities, governments, or others, for a specified purpose.

**Erosion:** The process by which land surface is worn away by the action of wind, water, ice, or gravity.

**Evergreen:** A plant with foliage that remains green year-round.

**Façade:** The exposed exterior walls of any structure.

**Family:** An individual, or two (2) or more persons if related by blood, marriage, adoption, or guardianship and not more than four (4) unrelated persons, occupying a single dwelling unit and using the same cooking facilities.

**Family Day Care Home:** A residential home in which shelter, care, and supervision are provided for fewer than twenty-four (24) hours per day, without transfer of legal custody, having no more than six (6) children under eighteen (18) years of age who are not related to such persons and whose parent or guardians are not residents in the same private residence. All family day care homes are required to be licensed by both the City of Forest Park and the Georgia Department of Human Resources. All family day care homes shall meet the requirements of the adopted International Residential Building Code.

**Farm Animals:** Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to, horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emus, ostriches, llamas, alpacas, rabbits, minks, foxes, buffalos, chickens, turkeys, quails, pheasants, and other animals or fowl of similar characteristics.

**Farm Stand:** A direct marketing operation without a permanent structure and only offering on farm produced and locally produced agricultural products.

**Fence, Chain-Link:** A fence constructed of galvanized steel or similar materials as approved by the Building Inspector for the purpose of enclosing or securing an area. Chain-link fences shall not include wire fences or fences of similar construction.

**Fence, Decorative Wall:** A masonry wall consisting of brick, stone, or similar materials as approved by the Director and constructed with a design that includes specific pattern elements or ornamentation.

**Fence, Industrial:** A chain-link or ornamental fence constructed of materials approved by the Director for the purpose of enclosing or securing an industrial use.

**Fence, Obscuring Wall:** A masonry wall consisting of brick, stone, or similar materials as approved by the Director and constructed for the purpose of enclosing, obscuring, or screening an area from view.

**Fence, Ornamental:** A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood, or similar materials fabricated into a design with specific pattern elements or ornamentation. Columns or support structures may consist of brick, stone or stucco that is architecturally consistent with the primary structure. All spaces in the fence shall be open and unobstructed and the fence shall not block vision to an extent greater than forty (40) percent. Ornamental fences shall not include chain-link or wire fences or fences of similar construction.

**Fence, Privacy:** A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than forty (40) percent for the purpose of obscuring or screening an area from public view.

**Fence, Rail:** A fence constructed of wood, vinyl or similar materials and consisting of one (1) to four (4) horizontal rails connecting to vertical posts spaced a minimum of six (6) feet apart. All spaces in such fences shall be open and unobstructed and such fences shall not block vision to an extent greater than forty (40) percent.



**Fence, Temporary:** A fence constructed of canvas, plastic, chain-link, wood, or similar material as approved by the Director for the purpose of enclosing or securing an area for a limited period of time.

**Final Plat:** The final map, drawing or chart upon which the sub-divider's as-built plan of subdivision is presented, and which, if approved, will be submitted for recording among the land records for Clayton County.

**Final Stabilization:** All land disturbing activities at a site have been completed and that for unpaved areas and areas not covered by permanent structures, one hundred (100) percent of the soil surface is uniformly covered in permanent vegetation with a density of seventy (70) percent or greater, or equivalent permanent stabilization measures such as the use of rip rap, gabions, permanent mulches, or geo-textiles, have been used. For the purposes of this definition, permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the

**Floodplain:** The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe. Flood plain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration.

**Floodway:** The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

**Floor Area:** The sum of the gross horizontal areas of the several floors of the building enclosed by an exterior wall, excluding however, attic and basement floors, open porches, breezeways, and garages.

**Floor Area of a Building (For determining off-street parking and loading requirements):** The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to a specific use; including accessory storage areas located within selling or working space such as counters, racks, or closets; and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

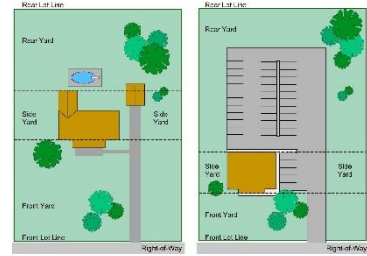
**Floor Area, Finished:** That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space living rooms, areas for personal hygiene, or combination thereof.

**Floor Area, Ground:** That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit. The Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

**Foundation:** The supporting member of a wall or structure.

**Front Line:** With respect to a building, the foundation line that is nearest the front lot line.

**Front Lot line:** For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way or a lake or watercourse; and for a corner lot, the line marking the boundary between the lot and each of the abutting streets.



**Front Yard:** The horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.

**Garage:** A deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

**Grading:** Any land-disturbing activity, including clearing, grubbing, stripping, cutting, filling, stockpiling, or any combination thereof, and shall include the land in its cut or filled condition.

**Group Day Care Home:** A home wherein group care for not less than seven (7) nor more than eighteen (18) children under eighteen (18) years of age for less than twenty-four (24) hours without transfer of legal custody and which is required to be licensed by both the City of Forest Park and the Georgia Department of Human Resources. All group day care homes shall meet the requirements of the adopted International Residential Building Code.

**Group Home:** A dwelling unit or facility in which full time residential care is provided for children under the age of seventeen (17) as a single housekeeping unit. The group residence may provide food, shelter, combination of personal care, social or counseling services and transportation. Bedroom suites shall not include kitchen facilities. The facility is required to be licensed by both the City of Forest Park and the Georgia Department of Human Resources.

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

**Heavy Vehicle:** Any large vehicle, cab, trailer, truck, tractor trailer, bus or car carrier (including rollbacks and wreckers), including, but not limited to, school buses, in excess of nine hundred (900) cubic feet or one-ton capacity.

**Height:** The vertical distance of a structure measured from the average elevation to the finished grade surrounding the structure of the highest point of the structure.

**Hospital:** An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for three (3) or more unrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term “hospital” does not apply to institutions operating primarily for treatment of insane persons, drug addicts, alcoholics, and other types of cases necessitating restraint of patients, and the term “hospital” shall not include convalescent, nursing, shelter, or boarding homes.

**Hotel:** A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

**Hotel, Extended Stay:** A hotel or motel offering individual rooms or suites containing a kitchen area with facilities where cooking is permitted.

**Impervious Surface:** Any material that prevents absorption of stormwater into the ground.

**Industrial Waste:** Solid Waste generated by manufacturing or industrial processes or operations as defined in O.C.G.A. 12-8-22.

**Inoperable Vehicle:** Any motorized vehicle incapable of immediately being driven.

**Institutional Facility for the Developmentally Disabled/Mentally III:** A residential facility that provides care, supervision and protection and operates under a license issued under the Georgia Department of Human Resources; provides for delivery of mental health services that are appropriate to the needs of the individual; and complies with the rules adopted by the Georgia Department of Human Resources.

**Junk Yard:** A place, usually outdoors, where waste or discarded property, other than organic matter, including but not limited to automobiles and farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale; this shall not include any industrial scrap metal yard. The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as, but not limited to, wood, paper, rags, garbage, tires, bones, and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard.

**Kennel:** A place primarily for keeping four (4) or more adult dogs, or other small animals that are ordinarily bred for sale as pets. This includes temporary care facility for compensation.

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

**Landscaping:** The improvement of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains, and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

**Legal Nonconforming Fence or Wall:** A fence or wall which was legally erected or installed but is no longer in compliance with the provisions of this Article. Such fences or walls must be located outside of any existing right-of-way and wholly upon the parcel to which they are associated.

**Loading Space:** Space logically and conveniently located for bulk pickups and deliveries, scaled to the size of delivery vehicles expected to be used.

**Locally produced Agricultural Product:** Agricultural products grown within a fifty-mile radius of the farm stand premises or produce acquired from any food distribution organization run in the State of Georgia dedicated to procuring produce from sustainable family farms.

**Lot:** A contiguous area of land separated from other areas of land by separate description (including a recorded deed, a subdivision plat or record of survey map, or by metes and bounds) for purpose of sale, lease, transfer of ownership or separate use.



**Lot Coverage:** The area of a zoning lot occupied by the principal building and any accessory structures.

**Lot Depth:** The horizontal distance between the front and rear lot lines.

**Lot Frontage:** All property of a lot fronting on a street right-of-way or common, private drive, as measured between side lot lines.

**Lot of Record:** A lot which was lawfully created and is a part of a subdivision recorded in the office of the Clayton County Clerk of the Court, or a parcel or lot described by metes and bounds, and a description of which has been so recorded.

**Lot Width:** The distance as measured between the side lot lines at the front set back line.

**Lot, Buildable:** Any lot upon which a building or structure is allowed to be constructed and occupied by the regulations of the City of Forest Park. Generally, the lot shall have frontage on and access to an improved street, meet minimal setbacks, and have all necessary utilities available.

**Lot, Corner:** A lot situated at the intersection of two (2) streets or which fronts a street on two (2) or more sides forming an interior angle of less than one hundred thirty-five (135) degrees.

**Lot, Developed or Improved:** A lot with buildings or structures.

**Lot, Interior:** A lot other than a corner lot with only one (1) frontage on a street other than an alley.

**Lot, Through:** A lot fronting on more than one (1) street, other than an alley, or abutting more than one (1) street which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or lake.

**Mini-Warehouse:** A building or portion thereof used for dead storage, mainly of the excess personal property of an individual or family, but also of small amounts of goods or merchandise for businesses or individuals.

**Mobile Home Park:** A parcel of land containing two (2) or more dwelling sites, with required improvements and utilities, that are leased for long term placement of manufactured homes and shall include any street used or intended for use as part of the facilities of such Manufactured Home Park. A Manufactured Home Park does not involve sales of manufactured homes in which unoccupied units are parked for inspection or sale.

**Motel:** An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists. A motel furnishes customary services such as maid

service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.

**Motorized ATV/Off Road Vehicle or Motor Bikes:** A motorized vehicle whose primary purpose and design is for usage other than transportation and generally off improved road surfaces. Also maybe referred to as not being street legal. Vehicles whose design and use are for use on challenging terrain and/or contests of speed and skill in adverse conditions. Examples but limited to; Dune Buggies, Motor Cross Bikes, Off-road motorcycles, Quad-runners, and Three Wheelers.

**Motor Vehicle:** Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

**Municipal Solid Waste:** Any solid waste derived from households as defined in O.C.G.A. 12-8-22.

**Nonconforming Building:** A building, structure, or portion thereof, which was designed, erected, or structurally altered in accordance with the provisions of a current such that it does not conform to the regulations of the zoning district in which it is located.

**Nonconforming Lot of Record:** A lot that predates the zoning regulations and was created such that it does not conform to the regulations of the zoning district in which it is located.

**Nonconforming Sign:** A sign or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the zoning district in which it is located.

**Nonconforming Use:** A use of land, buildings, or structures which does not conform with the use regulations of the zoning district in which it is located.

**Nursing Home:** A use in which domiciliary care is provided to three (3) or more convalescing, chronically or terminally ill non-family members who are provided with food, shelter and care. This use shall not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. Convalescent center, nursing home and personal care home are further distinguished in administrative and conditional use provisions.

**On Farm Produced Agricultural Products:** Agricultural products grown in a farm or garden on the same premises on which said produce is sold at a farm stand.

**Open Space:** An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open Space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open Space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.

**Outdoor Storage:** The outdoor accumulation of goods, junk, cars, buses, tractor trailers, railroad cars, equipment, products, or similar materials for permanent or temporary holding.

**Overlay District:** A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements above that required by the underlying zoning district.

**Owner:** Any person, group, of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to the land.

**Parking Deck:** A public or private structure or a portion thereof composed of one (1) or more levels of floors used exclusively for the parking of motor vehicles, whether public or private. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

**Parking Lot:** A group of parking spaces in an open area that may be of dirt, paved, or hard surface not including any part of a street or alley, designed or used for temporary parking of motor vehicles.

**Parking Space:** Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under a one and one-half (1 1/2) ton capacity.

**Paved:** A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks, or similar material. Crushed gravel, stone, rock, dirt, sand, or grass are not permitted as a paved surface.

**Permanent Foundation:** A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

**Person:** A corporation, company, association, society, firm, partnership, organization, unit of government, or any other group that acts as a unit, as well as a natural person.

**Personal Care Home:** A residential dwelling or facility in which are provided two (2) or more beds and other facilities and services, including room, meals, and personal care for non-family ambulatory adults, as regulated by the State of Georgia Department of Human Resources and the City of Forest Park. The term "personal care home" does not include buildings which are devoted to independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals, nor does it include halfway houses, residential treatment facilities, nursing homes, sanitariums, hospitals, or other institutional facilities, or rooming or boarding facilities which do not provide personal care.

**Petitioner:** A person submitting an application for a development permit or for the rezoning of land.

**Plat:** A map or chart that shows a division of land and is intended to be filed for record.

**Porch:** A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

**Preliminary Plat:** The plan or map upon which the approval of a proposed subdivision is based on as described in this Zoning Ordinance, indicating the proposed layout of the subdivision to be submitted for approval.

**Primary Building/Structure:** The building or structure in which the primary use of the lot or premises is located or conducted, with respect to residential uses, the primary building or structure shall be the main dwelling.

**Primary Use:** The main use of land or buildings as distinguished from an accessory use. A principal use may be either a permitted use or a conditional use.

**Professional Office:** An office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, physicians, surgeons or pharmacists, realtors, or insurance agents and brokers.

**Public Utility:** Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewerage systems.

**Rear Lot line:** The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten (10) feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line.

**Rear Yard:** The horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.

**Recreational Vehicle:** A vehicle which is built on a single chassis; four hundred (400) square feet or less when measured at the largest horizontal projections; designed to be self-propelled by a light duty truck; and designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use. A vehicle that is a temporary dwelling for travel, recreation, and vacation use.

**Recycling Center:** A lot or parcel of land, with or without buildings, upon which used household good materials are separated and processed for shipment for eventual reuse in new products.

**Registered Land Surveyor:** A land surveyor properly licensed and registered through reciprocity permitted to practice in the State of Georgia.

**Registered Professional Engineer:** An engineer properly licensed and registered through reciprocity permitted to practice in the State of Georgia.

**Residential Facility for the Developmentally Disabled/Mentally Ill:** A residential facility which provides residential services for persons with developmental disabilities or mental illnesses and such facility is licensed and regulated by the Georgia Department of Human Resources.

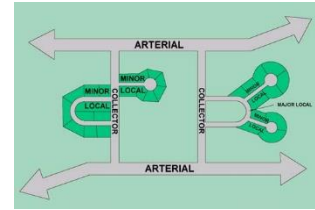
**Restaurant:** An establishment where food and drink are prepared, served, and consumed primarily within the principle building,

**Restaurant, Drive-through:** An establishment where food and/or beverages are sold in a form ready for consumption, where all or significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pick up of food may take place from an automobile.

**Right-of-Way:** A strip of land acquired by reservation, dedication, prescription, or condemnation, and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

**Right-of-Way Width:** The distance between property lines measured at right angles of the centerline of the street.

**Road/Street:** Any vehicular route that is an existing state, county, or municipal roadway; or is shown upon a plat approved pursuant to law.

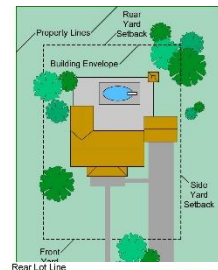


**Road/Street, Private:** Vehicular streets and driveways which are wholly within private property except where they intersect with other streets within public rights-of-way and are maintained by the owner(s), and a road/street that has not been accepted by the City or other governmental entity.

**Road/Street, Public:** All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

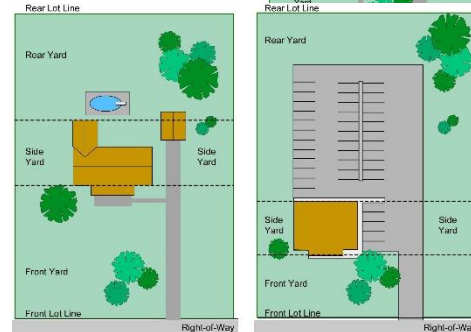
**School:** A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Georgia School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

**Setback:** The minimum horizontal distance between the wall of the building or foundation and a lot line or right-of-way.



**Side Lot line:** A lot boundary line other than a front or rear lot line.

**Side Yard:** The horizontal space between the nearest foundation of a building to the side lot line and that side lot line. unoccupied other than by architectural appurtenances projecting not more than twenty-four (24) inches into that space; steps or terraces not higher than the level of the first floor of the building; and open lattice-enclosed fire escapes, fireproof outside stairways and balconies projecting not over twenty-four (24) inches into that space.



**Land Development Site Development Plan (Site Plan):**

The plan indicating the location of existing and proposed buildings, structures, paved areas, walkways, vegetative cover, landscaping, and screening within a site proposed for development which is to be submitted to the Planning & Community Development Department for approval prior to the release of improvement location permits on the site.

**Solid Waste:** Any garbage or refuse as defined in O.C.G.A. 12-8-22.

**Solid Waste Handling:** The storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities as defined in O.C.G.A. 12-8-22.

**Street Grade:** The grade of the centerline of a street measured at any point along the street expressed as a percent.



**Street Tree:** Any existing tree or any tree to be planted on the street right-of-way.

**Structural Alteration:** A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations. Also, substantial roofing and siding work when repairs are made to the structure beneath.

**Structure:** A composition of materials to form a construction for use, occupancy, or orientation whether installed on, above, or below the surface of land or water.

**Structure Height:** The vertical distance of a structure measured from the average elevation to the finished grade surrounding the structure of the highest point of the structure.

**Sub-Divider:** A person, individual, firm, partnership, association, corporation, estate, or trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision, as herein defined, including any agent of the sub-divider.

**Subdivision:** The division of land into two (2) or more lots, parcels, sites, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or for building development. It includes resubdivision and relates to the process of resubdividing or to the land or territory subdivided.

**Supplemental Zones:** An additional setback requirement for residential buildings that allows for stoops, stairs, low walls and fences, and small gardens to buffer the ground floor from the sidewalk.

**Surety:** An amount of money or other negotiable security paid by the sub divider, developer, or property owner or his surety to the County which guarantees that the sub divider will perform all actions required by the County regarding an approved plat or in other situations, and provides that if the sub-divider, developer, or property owner defaults and fails to comply with the provisions of his approval, the sub divider, developer, or property owner or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

**Temporary Use/Structure:** A land use or structure established for a limited and fixed period of time with the intent to discontinue such use or structure upon the expiration of the time period.

**Townhouse:** A multi-family dwelling consisting of three (3) or more attached dwelling units, separated from others by a fire rated wall extending from the basement to the roof, each of which has primary ground floor access to the outside.

**Tractor Trailer Storage:** Property used for the long term controlled storage of tractor trailers which include permanent office or security facilities.

**Trailer:** Trailers designed for human dwellings can be divided into RV or mobile homes. To be classified as a RV trailer it must be less than four hundred (400) square feet and a trailer of four hundred (400) square feet or more is classified as a mobile - single wide. Trailers used for construction or sales offices should not be considered the same as RV or as mobile homes. Also transport trailers used for storage or are abandoned present a different set of issues.

**Tree:** Any living, self-supporting woody or fibrous plant which normally obtains a diameter breast height of at least three (3) inches, and typically has one (1) main stem or trunk and many branches.

**Urban Design Review Board or UDRB:** The administrative review body as provided by Section 8-8-158 of this Code of Ordinances.

**Use:** The purposes of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

**Use, Conditional:** A use that is designated by the Zoning Ordinance as being permitted in the district concerned if it meets special conditions, if found to be appropriate and upon application, is specifically authorized by the Mayor and City Council.

**Use, Principal:** The main use of land or buildings as distinguished from a subordinate or accessory use. (May be either “permitted” or “conditional”)

**Use, Permitted:** A use which may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations, and performance standards, if any, of such district.

**Variance:** A specific approval granted by the Planning Commission in the manner prescribed by the Zoning Ordinance, to deviate from the development standards that the Ordinance otherwise prescribes.

**Vehicle:** A device used as a mode of transportation of persons and/or goods including but not limited to automobiles, semi-tractor trailers, all types of trailers, snowmobiles, recreational vehicles, motorcycles and like devices.

**Warehousing and Distribution Centers:** Land and building facilities engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

**Wetland:** An area that is inundated or saturated by surface or ground water at a frequency and duration that under normal circumstances supports a prevalence of hydrophytic vegetation.

**Wireless Telecommunications Facility:** Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images, or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A telecommunication facility can consist of one (1) or more antennas and accessory equipment or one (1) base station.

**Yard:** An open space on the same lot with a building or structure, unoccupied and unobstructed from the general ground level to the sky, except as otherwise permitted. (a “yard” extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such lot is located).

**Yard, Front:** A yard extending along the full length of the front lot line between the side lot lines.

**Yard, Rear:** A yard extending along the full length of the rear lot line between the side lot lines.

**Yard, Side:** A yard extending along a side lot line from the front yard to the rear yard.

**Yard, Corner Side:** A side yard which adjoins a public street, road, or highway.

**Yard, Interior Side:** A side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.

**Zoning District:** A section of the City of Forest Park for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by the Zoning Ordinance.

**Zoning Map:** A map of the City of Forest Park, Georgia, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction.

**Zoning Ordinances:** An ordinance or resolution of a local government establishing procedures and zones or districts within its respective territorial boundaries which regulate the uses and development standards of property within such zones or districts. The term also includes the zoning map adopted in conjunction with a zoning ordinance which shows the zones and districts and zoning classifications of property therein.” O.C.G.A. § 36-66-3.

**Zero Lot Line:** The location of a building on a lot in such a manner that one or more of the building’s sides rest directly on a lot line.

**Sec. 8-8-5 Compliance**

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No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used or existing use be expanded, except in full compliance with all provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

**Sec. 8-8-6 Severability**

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If any provision of this Ordinance or the application of any provision to particular circumstances is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

**Sec. 8-8-7 Interpretation**

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The provisions of this Ordinance shall be held to be the minimum requirements for the protections of the health, safety, and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment. If two (2) or more provisions within this Ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

**Sec. 8-8-8 Jurisdiction**

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This Ordinance shall apply to the entire City limits of the City of Forest Park, Georgia.

**Sec. 8-8-9 Application**

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When this Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, federal laws, or other regulations regulates a structure or parcel of land, the greater restriction shall control. In no instance shall this Ordinance be interpreted as altering or negating any other applicable regulations.

**Sec. 8-8-10 Saving Provision**

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This ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous Zoning Ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

**Sec. 8-8-11 Repealer**

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The City of Forest Park Zoning Ordinance dated 1959 with all of its amendments, and its associated Zoning Map and any revisions are hereby repealed. In the event all of this the Ordinance is struck down as void, unconstitutional or invalid, including therefore this provision, that prior ordinances shall be considered to not have been repealed, and shall therefore still be in effect.

**Sec. 8-8-12 Transition Rules**

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- A. Any application for a Building Permit that has been filed with the Planning & Community Development Department (AKA Department of Planning, Building & Zoning), and is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this Zoning Ordinance.
- B. Any application for a Zoning Map Amendment that was filed with the Planning & Community Development Department (AKA Department of Planning, Building & Zoning), and is full and complete prior to the effective date of this Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists in this Ordinance, the Director shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.
- C. Any application before the Mayor and City Council or Planning Commission (i.e. conditional use, development standards variance, land use amendment) that has been filed with the Planning & Community Development Department (AKA Department of Planning, Building & Zoning), and is full and complete prior to the effective date of this Ordinance, shall continue the process pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing, provided that:
  - 1. If such application is no longer required by the terms of this Ordinance, the application will be dismissed; or,
  - 2. If the proposed use or development requires additional approvals from the Mayor and City Council, or Planning Commission pursuant to the terms of this Ordinance that were not required under the previous Ordinance, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Mayor and City Council.

**Sec. 8-8-13      Validity**

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Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid. It is the intent that any provision declared unconstitutional shall be severed from the Ordinance, and that the remainder of the Ordinance remain in effect.

**Sec. 8-8-14 – 8-8-20      Reserved**

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## **Article B: Zoning Districts, Overlay Districts, and Design Guidelines Established**

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### **Sec. 8-8-21 Establishment of Zoning Districts**

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For the purpose of this Ordinance, the planning jurisdiction is divided into the following zoning districts for the general uses as stated. These districts shall be indicated on the Official Zoning Map and labeled using the codes noted below. Each of the zoning districts stands alone and is not part of a hierarchy-system of zoning. Only those uses and development standards which are expressly permitted and noted for each district apply to that district.

#### **RS- Single Family Residential District:**

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This district is established to provide for moderate sized lot residential development in a suburban environment.

#### **RT- Two Family Residential District:**

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This district is established to provide for the medium density development of single family and two family homes on moderate sized lots in a suburban environment.

#### **RM- Multiple Family Residential District:**

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This district is established to provide for the development of multiple family residential units, including apartments, townhomes, fee simple townhomes, condominiums, and structures containing three or more dwelling units.

#### **MH- Mobile Home Residential District:**

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This district is established to provide for the development of manufactured housing as an attractive and attainable housing option.

#### **DM- Downtown Mainstreet District:**

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This district is established to provide for the development of mixed-use structures in an urban walkable environment with retail commercial as the predominant use.

#### **IC- Institutional Commercial District:**

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This district is established to provide a land use category for appropriate office, institutional, and public uses in a suburban setting.

#### **GC- General Commercial District:**

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This district is established to provide a land use category for conventional suburban commercial development at a scale that will provide goods and services to City neighborhoods and surrounding areas.

**UV- Urban Village District:**

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This district is established to provide a walkable environment for a mixture of residential, commercial, and office uses within close proximity to each other.

**LI- Light Industrial District:**

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This district is established to provide a land use category for assembly, warehousing, wholesale activities, and other light industrial operations.

**HI- Heavy Industrial District:**

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This district is established to is to provide for a land use category for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations.

**PI- Planned Industrial District:**

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This district is established to provide a comprehensively planned district for the orderly growth and development of certain industrial uses which are mutually harmonious with other industries permitted in the community.

**GZ- Gillem District:**

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This district is established to provide a land use category to allow an appropriate mix of industrial, commercial, office, residential, and public uses, while improving the aesthetics of the built environment.

**Sec. 8-8-22 Standards for District Land Uses**

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Specific land uses are either Permitted, Non-Permitted or a Conditional Use in each Zoning District. The City’s Permitted and Conditional Uses for each district are noted in the Permitted Use and Conditional Use columns of this Ordinance.

**Sec. 8-8-23 Unlisted or Questionable Land Uses**

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The Director shall determine into which category any questionable use be placed if it is not specifically listed but similar to another use that is a permitted or conditional use.

**Sec. 8-8-24 Official Zoning Map**

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The zoning map for the City of Forest Park, officially labeled the City of Forest Park Zoning Map, is hereby included as part of this Code. The map may also be known as and referred to as the Official Zoning Map.

**Sec. 8-8-25      Location of the Official Zoning Map**

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The Official Zoning Map will be located in the Planning & Community Development Department.

**Sec. 8-8-26      Zoning District Boundaries**

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The Zoning District boundaries shall be shown on the Official Zoning Map. The abbreviations for the zoning districts appearing in this Code shall be used to identify the zoning districts on the Official Zoning Map.

**Sec. 8-8-27      Measurement of Distance Requirement**

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All distance limitations required by the Forest Park Zoning Ordinance shall be measured in all cases by a straight line from the closest point of the property line of the proposed use being measured to the closest point of the property line of the site occupied by the other use from which the measurement is being taken.



Sec. 8-8-28 Single Family Residential District (RS)

**RS – Single Family Residential District**

**District Intent, Permitted Uses, and Conditional Uses**

**Intent**

The intent of the RS district is to provide for the development of single-family homes on moderate sized lots that are served by public water and sewer systems.

The provisions that regulate this land use district provides for the development of residential neighborhoods in a medium-density urban development environment.

This district should be protected from conflicting uses, yet encourage municipal, educational, and recreational facilities for the community to have access to.

The City should promote an average density of 5 dwelling units per acre.

**Permitted Uses**

**Residential**

- Single Family Residences
- Boarding house/ group home/ personal care home having 3 or less residents

**Agricultural**

- Farm animals; chickens, ducks, rabbits, similar farm animals, and bee keeping

**Public/ Institutional**

- Cemetery
- Golf course or driving range
- Municipal, County, State or Federal Buildings
- Public School K-12
- Parks and Playgrounds

**Conditional Uses**

**Agricultural**

- Farm Stand/ Sale of produce

**Residential**

- Assisted Living/ Nursing Home
- Bed and Breakfast
- Boarding house/ group home/ personal care home having 4 or more residents
- Residential care facility for children and adults

**Public/ Institutional**

- Pre-K and Day Care centers
- Places of Worship
- Private School K-12
- Nonprofit Fraternal Organizations and Clubs

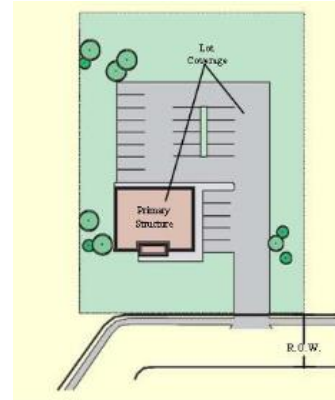
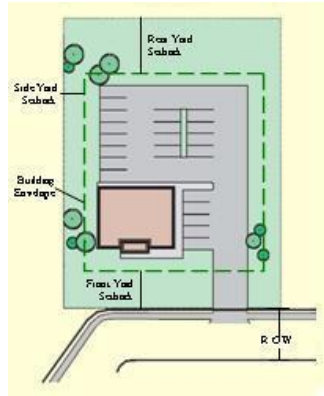
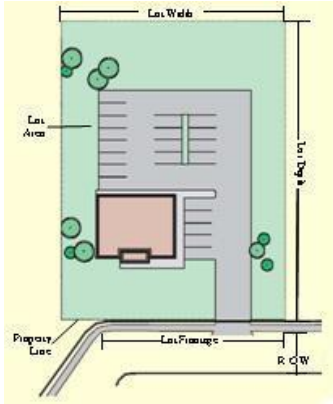
**Accessory Uses**

- Home Occupation
- Family Day Care Home
- Private/ Community Garden

Sec. 8-8-29 Single Family Residential District (RS) Standards

**RS – Single Family Residential District**

**District Standards**



**Minimum Lot Area:**

- 8,200 sq. ft.

**Minimum Lot Width:**

- 80 feet

**Maximum Lot Depth:**

- None

**Minimum Lot Frontage:**

- 100% of the lot width

**Minimum Front Yard Setback:**

- 25 feet

**Minimum Side Yard Setback:**

- 10 feet

**Minimum Rear Yard Setback:**

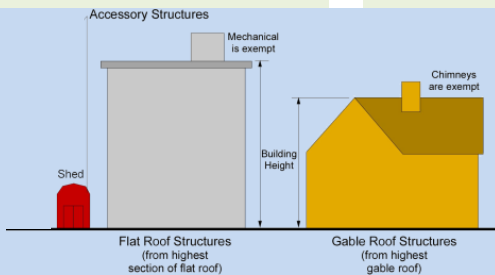
- 30 feet

**Maximum Lot Coverage:**

- 30 percent

**Minimum Living Area:**

- 1,400 sq. ft.



**Maximum Structure Height:**

- 35 feet for the Primary Structure
- 15 feet for Accessory Structures

**Sec. 8-8-30 Two Family Residential District (RT)**

**RT – Two Family Residential District**

**District Intent, Permitted Uses, and Conditional Uses**

**Intent**

The intent of the RT district is to allow single family and two family homes that are served by public water and sewer systems.

The provisions that regulate this land use district provides for the development of residential neighborhoods in a medium-density urban development environment.

This district should be protected from conflicting uses, yet encourage municipal, educational, and recreational facilities for the community to have access to.

The City should promote an average density of 8 dwelling units per acre.

**Permitted Uses**

**Residential**

- Single Family Residences
- Duplex Residences
- Boarding house/ group home/ personal care home having 3 or less residents

**Public/ Institutional**

- Cemetery
- Municipal, County, State or Federal Buildings
- Public School K-12
- Parks and Playgrounds

**Conditional Uses**

**Residential**

- Assisted Living/ Nursing Home
- Boarding house/ group home/ personal care home having 4 or more residents

**Public/ Institutional**

- Pre-K and Day Care centers
- Places of Worship
- Private School K-12

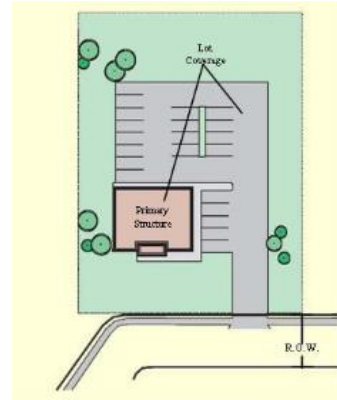
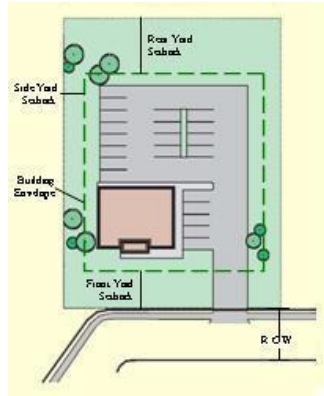
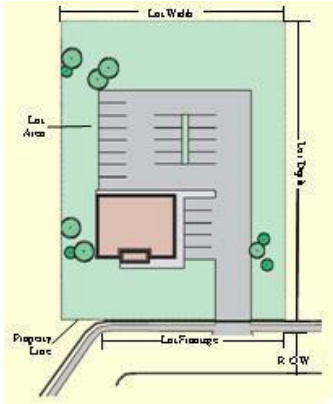
**Accessory Uses**

- Home Occupation
- Family Day Care

Sec. 8-8-31 Two Family Residential District (RT) Standards

**RT – Two Family Residential District**

**District Standards**



**Minimum Lot Area:**

- 9,000 sq. ft.

**Minimum Lot Width:**

- 90 feet

**Maximum Lot Depth:**

- None

**Minimum Lot Frontage:**

- 100% of the lot width

**Minimum Front Yard Setback:**

- 25 feet

**Minimum Side Yard Setback:**

- 10 feet

**Minimum Distance Between Buildings:**

- 30 feet

**Minimum Rear Yard Setback:**

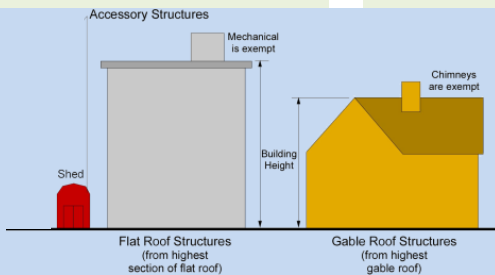
- 30 feet

**Maximum Lot Coverage:**

- 30 percent

**Minimum Living Area:**

- 1,200 sq. ft.



**Maximum Structure Height:**

- 40 feet for the Primary Structure
- 15 feet for Accessory Structures

Sec. 8-8-33 Multiple Family Residential District (RM)

**RM – Multiple Family Residential District**

**District Intent, Permitted Uses, and Conditional Uses**

**Intent**

The intent of the RM district is to allow the development of multiple family residences served by public water and sewer systems.

The provisions that regulate this land use district provides for the development of residential neighborhoods in a high-density urban development environment with access provided on streets that are classified as collector streets of higher.

This district should be protected from conflicting and uses, yet encourage municipal, educational, and recreational facilities for the community to have access to.

The City should promote an maximum density of 16 dwelling units per acre.

**Permitted Uses**

*Residential*

- Triplex
- Quadraplex
- Apartments
- Townhouses
- Condominiums
- Assisted Living/ Nursing Home

*Public/ Institutional*

- Municipal, County, State or Federal buildings
- Public School K-12
- Parks and Playgrounds

**Conditional Uses**

*Residential*

- Residential care facility for children and adults

*Public/ Institutional*

- Pre-K and Day Care centers
- Private School K-12

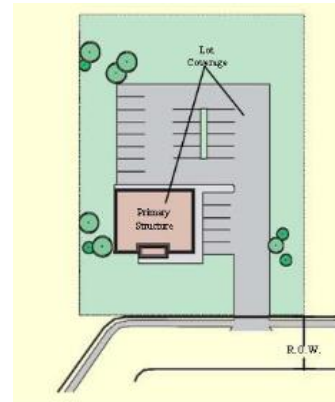
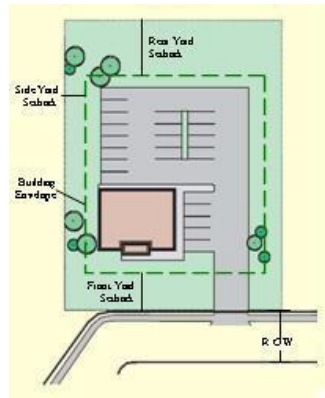
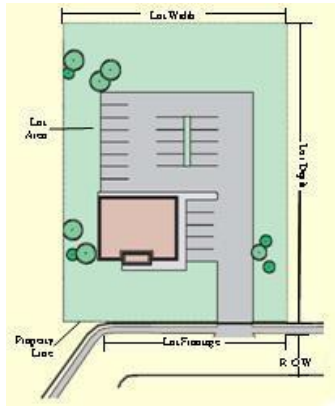
**Accessory Uses**

- Home Occupation

Sec. 8-8-34 Multiple Family Residential District (RM) Standards

**RM – Multiple Family Residential District**

**District Standards**



**Minimum Lot Area:**

- 3 acres

**Minimum Lot Width:**

- 200 feet

**Maximum Lot Depth:**

- None

**Minimum Lot Frontage:**

- 100% of the lot width

**Maximum Density:**

- 16 units per acre

**Minimum Front Yard Setback:**

- 30 feet

**Minimum Side Yard Setback:**

- 25 feet

**Minimum Distance Between Buildings:**

- 20 feet

**Minimum Rear Yard Setback:**

- 35 feet

**Maximum Lot Coverage:**

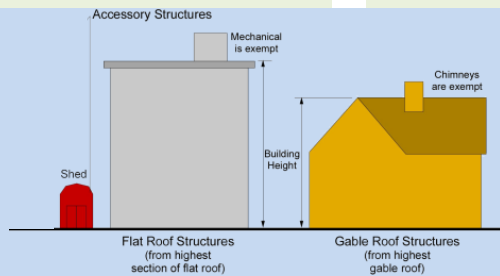
- 40 percent

**Minimum Open Space:**

- 20 percent

**Minimum Living Area:**

- Studio - 600 sq. ft.
- 1 bedroom – 800 sq. ft.
- 2 bedroom – 1,000 sq. ft.
- 3 bedroom – 1,100 sq. ft.



**Maximum Structure Height:**

- 35 feet for the Primary Structure
- 15 feet for Accessory Structures

Sec. 8-8-32 Mobile Home Residential District (MH)

**MH – Mobile Home Residential District**

**District Intent, Permitted Uses, and Conditional Uses**

**Intent**

The intent of the MH district is to allow manufactured home parks in the community as attractive and attainable housing options.

Mobile home parks shall be designed in accordance with O.C.G.A § 8-2-160 through 168, the State Board of Health requirements, and the requirements of this ordinance.

This district should be protected from conflicting uses, yet encourage parks, open space, and recreational facilities for the community to have access to.

The City should promote a maximum average density of 5 dwelling units per acre.

**Permitted Uses**

*Residential*

- Manufactured home
- Mobile home

*Public/ Institutional*

- Municipal, County, State or Federal buildings
- Public School K-12

**Conditional Uses**

*Public/ Institutional*

- Pre-K and Day Care centers

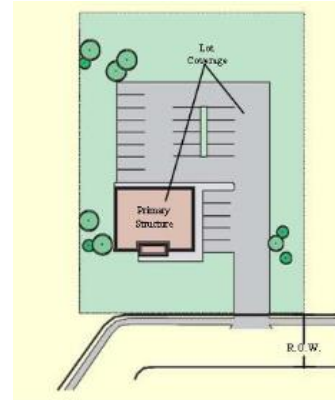
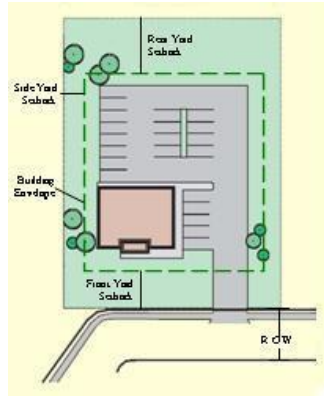
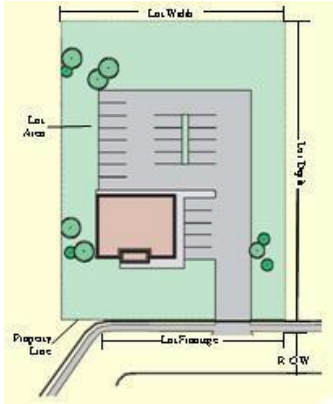
**Accessory Uses**

- Home Occupation
- Family Day Care
- Office/maintenance building incidental to use by residents of the mobile home park
- Recreation areas and structures owned, operated and maintained exclusively for the use of residents and guests of residents of the mobile home park
- Private streets to provide access only to the spaces and facilities within the mobile home park

Sec. 8-8-35 Mobile Home Residential District (MH) Standards

**MH – Mobile Home Residential District**

**District Standards**



**Minimum Lot Area:**

- 15 acres

**Minimum Lot Width:**

- 200 feet

**Maximum Lot Depth:**

- None

**Minimum Lot Frontage:**

- 100% of the lot width

**Minimum Internal Lot Area:**

- 6,000 sq. ft.

**Minimum Front Yard Setback:**

- 10 feet

**Minimum Side Yard Setback:**

- 10 feet

**Minimum Distance Between Buildings:**

- 20 feet

**Minimum Rear Yard Setback:**

- 20 feet

**Maximum Lot Coverage:**

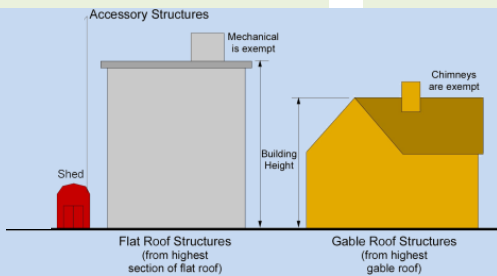
- 40 percent

**Minimum Open Space:**

- 20 percent

**Minimum Number of Units:**

- 50 per development



**Maximum Structure Height:**

- 35 feet for the Primary Structure
- 15 feet for Accessory Structures



Sec. 8-8-36 Downtown Mainstreet District (DM)

**DM – Downtown Mainstreet District**

**District Intent, Permitted Uses, and Conditional Uses**

**Intent**

The intent of the DM district is to maintain, enhance and expand the development patterns and mixed use and open space character of Downtown Mainstreet. It is also to encourage compatible infill and redevelopment opportunities.

Development standards within the district is intended to continue historic patterns and promote a predominant land use activity for retail, dining, entertainment, cultural events, community festivals, and residential options while still allowing for other uses to locate in the district.

**Permitted Uses**

*Residential*

- Residential dwellings on upper floors

*Retail and Business Uses*

- Apparel and retail stores
- Artisan galleries and theaters
- Bakery and cafe
- Bank and loan associations
- Barber shop and beauty salon
- Bike shop
- Bookstores
- Breweries and distilleries
- Clothing and apparel store
- Day spa and aesthetician
- Florist and gift shops
- Food trucks and courts
- Fruit, vegetable, meat seafood markets
- Grocery Store
- Fitness centers, gyms, yoga studios, and similar group instruction
- Ice cream and confectionary stores
- Jewelry store
- Medical offices, clinics, and physical therapy facility
- Museums and art galleries
- Nonprofit Fraternal Organizations and Clubs
- Pharmacy
- Professional offices
- Restaurants, having no visible drive though

**Permitted Uses cont.**

*Retail and Business Uses*

- Restaurants, pubs, and taverns, including outdoor dining
- Theaters, assembly halls, concert hall, or similar places of assembly

*Public/ Institutional*

- Commercial parking garages and lots
- Commuter transit, such as bus and train
- Municipal, County, State or Federal buildings
- Public School K-12
- Parks, recreation, and event space
- Cemetery

**Conditional Uses**

*Residential*

- Duplex
- Triplex
- Quadraplex

*Retail and Business Uses*

- Night club/ dance club
- Package Store
- Pre-K and Day Care centers

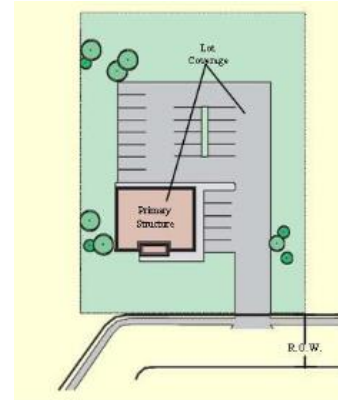
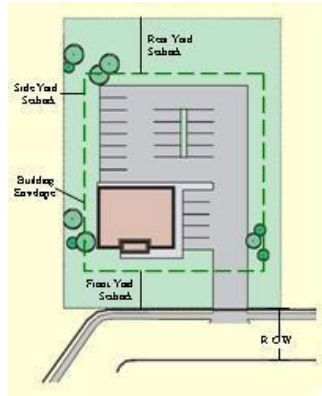
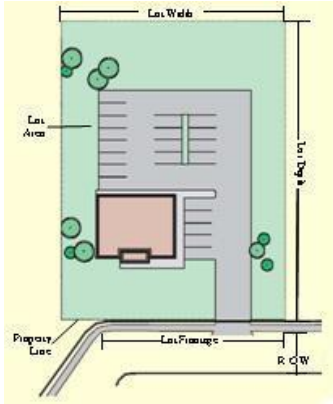
**Accessory Uses**

- Home Occupation

Sec. 8-8-37 **Downtown Mainstreet District (DM) Standards**

**DM – Downtown Mainstreet District**

**District Standards**



**Minimum Lot Area:**

- None

**Minimum Lot Width:**

- None

**Maximum Lot Depth:**

- None

**Minimum Lot Frontage:**

- None

**Maximum Front Yard Setback:**

- 10 feet

**Minimum Side Yard Setback:**

- 10 feet, with doors and windows

**Minimum Rear Yard Setback:**

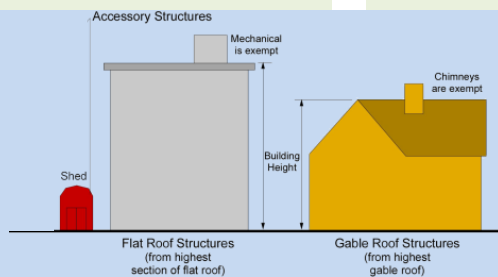
- 10 feet

**Maximum Lot Coverage:**

- 90 percent

**Minimum Living Area:**

- Studio - 600 sq. ft.
- 1 bedroom – 800 sq. ft.
- 2 bedroom – 1,000 sq. ft.
- 3 bedroom – 1,100 sq. ft.



**Maximum Structure Height:**

- 45 feet for the Primary Structure
- 15 feet for Accessory Structures

**Sec. 8-8-38 Institutional Commercial District (IC)**

**IC – Institutional Commercial District**

**District Intent, Permitted Uses, and Conditional Uses**

**Intent**

The intent of the IC district is to allow a land use category for offices, banks, and personal business services which can serve as a transitional area between residential and commercial districts.

The provisions that regulate this land use district promote appropriate office and institutional uses that are clearly non-conflicting with residential areas.

**Permitted Uses**

*Residential*

- Assisted Living/ Nursing Care Facility
- Boarding house/ group home/ personal care home having 4 or more residents
- Homeless shelter and services

*Retail/ Business Uses*

- Bakeries
- Banks and loan associations
- Barber shop and beauty salon
- Bookstores
- Child and adult day care centers
- Clothing and apparel store
- Convenience stores
- Coin laundry, dry cleaning, and pick up stations
- Day spa and aesthetician
- Dental offices and clinics
- Florist and gift shops
- Fruit, vegetable, meat seafood markets
- Grocery Store
- Group day care home
- Hardware Store
- Hospitals
- Jewelry store
- Medical offices, clinics, and physical therapy facility
- Museums and art galleries
- Nonprofit Fraternal Organizations and Clubs

**Permitted Uses cont.**

*Retail/ Business Uses*

- Pharmacy
- Private School K-12
- Professional offices Pub and Tavern
- Repair shops (watches, radio, television, shoe, etc.)
- Restaurants having no drive though

*Public/ Institutional*

- Municipal, County, State or Federal buildings
- Public School K-12

**Conditional Uses**

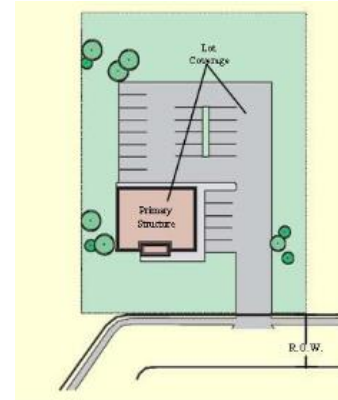
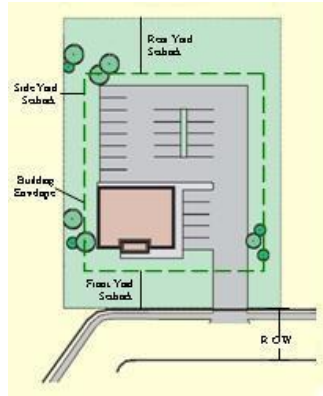
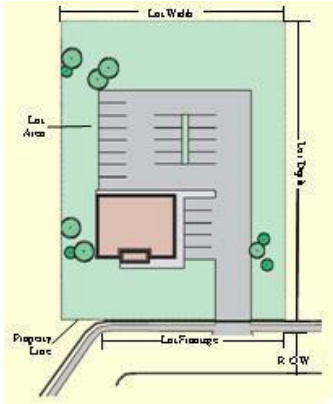
*Retail/ Business Uses*

- Colleges, universities, and vocational technical schools
- Places of Assembly
- Places of Worship
- Funeral Home/ Mortuary Establishments
- Veterinary clinics

Sec. 8-8-39 Institutional Commercial District (IC) Standards

**IC – Institutional Commercial District**

**District Standards**



**Minimum Lot Area:**

- None

**Minimum Lot Width:**

- 100 feet

**Maximum Lot Depth:**

- None

**Minimum Lot Frontage:**

- 100% of the lot width

**Minimum Front Yard Setback:**

- 25 feet

**Minimum Side Yard Setback:**

- 15 feet

**Minimum Distance Between Buildings:**

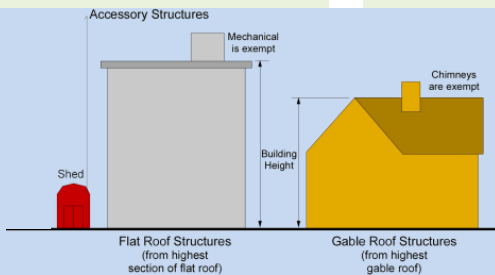
- 20 feet

**Minimum Rear Yard Setback:**

- 30 feet

**Maximum Lot Coverage:**

- 70 percent



**Maximum Structure Height:**

- 45 feet for the Primary Structure
- 15 feet for Accessory Structures

Sec. 8-8-40 General Commercial District (GC)

**GC – General Commercial District**

**District Intent, Permitted Uses, and Conditional Uses**

**Intent**

The intent of the GC district is to provide a land use category for a diversity of commercial uses that provide products and services on a regional level.

The provisions that regulate this land use district should promote an appropriate mixture of retail, personal service, dining, and entertainment uses that will allow for improved vehicular circulation and pedestrian movements.

**Permitted Uses**

*Retail and Business Uses*

- Any use permitted in the Institutional Commercial (IC) district
- Antique shops, provided that there is no outdoor display or storage
- Automobile broker
- Automobile gasoline sales
- Automobile rental and leasing facilities
- Automobile sales (New dealerships)
- Automobile minor service/ repair
- Automobile wash/ wax centers
- Building and lumber supply establishments, providing that there is not outside storage of materials or equipment
- Catering establishments
- Colleges, universities, and vocational technical schools
- Commercial parking garages and lots
- Commuter transit, such as bus and train
- Fitness centers, gyms, yoga studios, and similar group instruction
- Funeral Home/ Mortuary Establishments
- Furniture sales and showrooms
- Hotels

**Permitted Uses cont.**

*Retail and Business Uses*

- Indoor recreation, including bowling alleys, pool rooms, electronic gaming machines, and other similar activities
- Museums and art galleries
- Mystic/ spiritual readings and shops
- Night club, dance club, tavern, and similar establishments
- Package stores
- Palm readers/ psychics/ fortune tellers
- Pet shops having no outside kennels
- Private School K-12
- Professional/ business schools and colleges or other private schools offered for profit
- Restaurants and other dining establishments with or without a drive-through configuration
- Retail warehouses/ wholesales providing sales of merchandise with no outdoor storage
- Sporting field and complexes
- Stationary, office supply, and equipment stores

General Commercial District (GC) continued

**GC – General Commercial District**

**District Intent, Permitted Uses, and Conditional Uses continued**

**Permitted Uses cont.**

*Retail and Business Uses*

- Tattoo parlors and piercing studios
- Theaters, assembly halls, concert hall, or similar places of assembly when conducted completely within enclosed building
- Trade shops, including electrical plumbing, heating/cooling, and roofing/ siding, having no outside storage
- Vape and tobacco shops
- Veterinary clinics

*Public/ Institutional*

- Municipal, County, State or Federal buildings
- Public School K-12

**Conditional Uses**

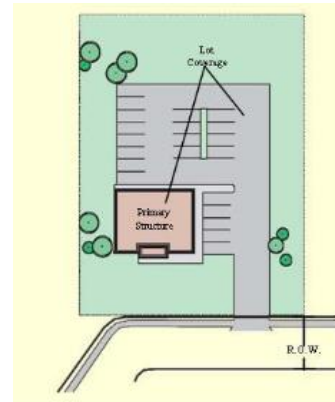
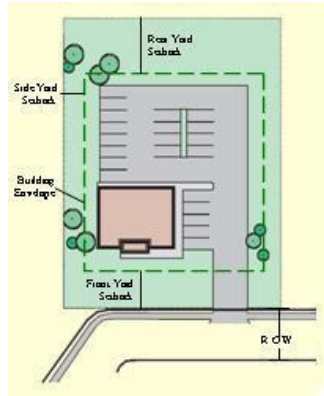
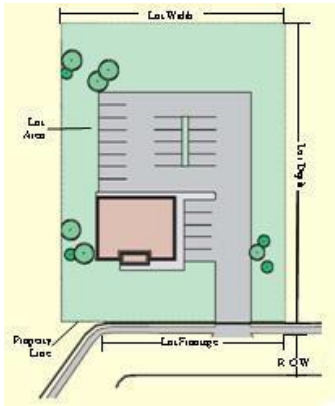
*Retail and Business Uses*

- Auction galleries
- Automobile sales (used dealerships)
- Flea Market
- Outdoor amusement enterprises, including carnivals, bazaars, miniature golf, and batting cages
- Mini-warehouses and storage buildings
- Night club, dance club, tavern and similar establishments
- Pawn Shop
- Places of Assembly
- Places of Worship
- Secondhand stores, including apparel, music, movies, gaming, and books

Sec. 8-8-41 General Commercial District (GC) Standards

**GC – General Commercial District**

**District Standards**



**Minimum Lot Area:**

- None

**Minimum Lot Width:**

- 100

**Maximum Lot Depth:**

- None

**Minimum Lot Frontage:**

- 100% of the lot width

**Minimum Front Yard Setback:**

- 25 feet

**Minimum Side Yard Setback:**

- 10 feet

**Minimum Distance Between Buildings:**

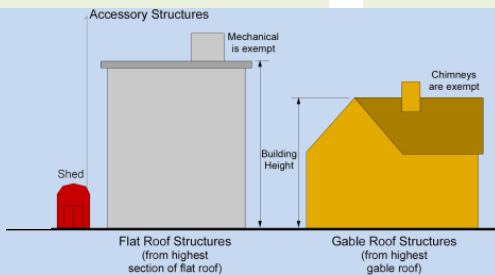
- 20 feet

**Minimum Rear Yard Setback:**

- 30 feet

**Maximum Lot Coverage:**

- 70 percent



**Maximum Structure Height:**

- 45 feet for the Primary Structure
- 15 feet for Accessory Structures

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**Sec. 8-8-42 Urban Village District (UV)**

**UV – Urban Village District**

**District Intent, Permitted Uses, and Conditional Uses**

**Intent**

The intent of the UV district is to allow a mixture of residential, commercial, and office uses within close proximity to each other.

The goal is to provide interconnected urban scale development in nodal and corridor areas that offer pedestrian connectivity and eliminate additional commuter trips for regionally oriented goods and services.

The creation of a regional destination with design amenities that accommodate mixed-use buildings with neighborhood serving retail, service, and other uses on the ground floor and residential units above the non-residential space.

Encouraging development that exhibits the physical design characteristics of pedestrian orientated, store-front style shopping streets; and promote the health and wellbeing of residents by encouraging physical activity, alternative transportation, and greater social interaction.

The district promotes a maximum density 24 dwelling units per acre.

**Permitted Uses**

**Residential**

- Residential dwellings on upper floors

**Retail and Business Uses**

- Apparel and retail stores
- Artisan galleries and theaters
- Bank and loan associations
- Barber shop and beauty salon
- Breweries and distilleries
- Convenience store with gasoline sales
- Conference Center
- Dancing schools and other group instruction
- Day spa and aesthetician
- Department stores
- Fitness centers, gyms, yoga studios, and similar group instruction
- Florist and gift shops
- Food trucks and courts
- Furniture sales and showrooms
- Grocery Store
- Hotels and hospitality
- Indoor/ Outdoor recreation, including bowling alleys, golf, racing electronic gaming machines, etc.
- Medical and professional offices
- Night club, dance club, tavern, and similar establishments

**Permitted Uses cont.**

**Retail and Business Uses**

- Restaurants, including outdoor dining
- Theaters, assembly halls, concert hall, or similar places of assembly

**Public/ Office/ Institutional**

- Commercial parking garages and lots
- Commuter transit, such as bus and train
- Municipal, County, State or Federal buildings
- Parks and amphitheaters

**Conditional Uses**

**Retail and Business Uses**

- Places of Assembly
- Places of Worship
- Pre-K and Day Care Centers

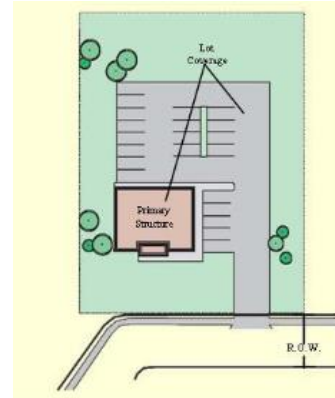
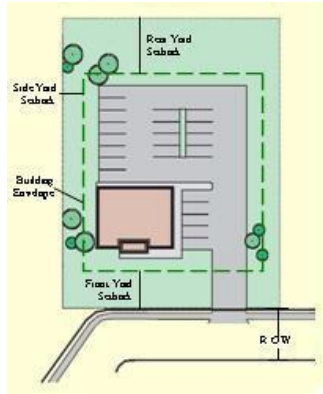
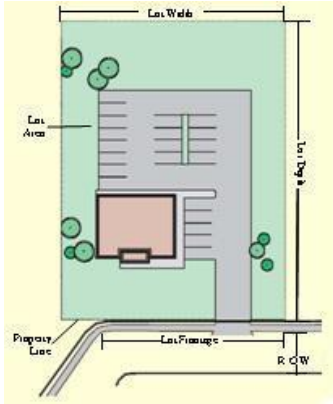
**Accessory Uses**

- Home Occupation

Sec. 8-8-43 Urban Village District (UV) Standards

**UV – Urban Village District**

**District Standards**



**Minimum Lot Area:**

- None

**Minimum Lot Width:**

- None

**Maximum Lot Depth:**

- None

**Minimum Lot Frontage:**

- 100% of the lot width

**Maximum Lot Coverage:**

- 70 percent

**Minimum Front Yard Setback:**

- 10 feet

**Minimum Side Yard Setback:**

- 10 feet

**Minimum Distance Between Buildings:**

- 20 feet

**Minimum Rear Yard Setback:**

- 20 feet

**Minimum Open Space:**

- 15 percent

**Maximum Building Size:**

- 250,000 sq. ft. on ground floor

**Maximum Building Length:**

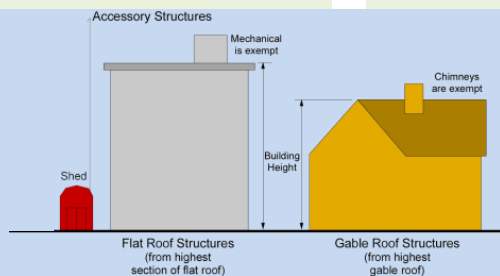
- 400 feet

**Maximum Density:**

- 24 du/acre

**Minimum Living Area:**

- Studio - 600 sq. ft.
- 1 bedroom – 800 sq. ft.
- 2 bedroom – 1,000 sq. ft.
- 3 bedroom – 1,100 sq. ft.



**Maximum Structure Height:**

- 75 feet for the Primary Structure
- 15 feet for Accessory Structures

**Sec. 8-8-44 Light Industrial District (LI)**

**LI – Light Industrial District**

**District Intent, Permitted Uses, and Conditional Uses**

**Intent**

The intent of the LI district is to allow a land use category for assembly, warehousing, wholesale activities, and other industrial operations.

The provisions that regulate this land use district should make the district compatible with Hartsfield-Jackson Atlanta International Airport, the State Farmers Market, the City’s commercial districts, and environmentally sensitive areas.

This district should be used in combination with the GC district in areas with convenient access to the interstates and other major transportation routes.

**Permitted Uses**

*Industrial and Warehousing*

- Agricultural implementation and equipment establishments
- Auto engine, body repair, and undercoating shops when completely enclosed
- Automobile rental and leasing facilities
- Automobile, truck, or trailer repair facilities
- Breweries and distilleries
- Building materials and lumber supply establishments
- Commercial parking garages and lots
- Computer and data processing services
- Gasoline service stations and truck stops
- Greenhouses and nurseries, including landscaping services
- Manufacturing, compounding, processing, or assembling food or consumer goods
- Mini-warehouses and storage
- Newspaper and printing plants
- Nonprofit Fraternal Organizations and Clubs

**Permitted Uses cont.**

*Industrial and Warehousing*

- Offices and administrative facilities
- Public utilities such as electric substations, storage of materials and trucks, repair facilities, offices and electric generating plants
- Recreational vehicle/ boat sales and service
- Repair, reconditioning, and manufacturing
- Research, experimental, or testing laboratories
- Truck, trailer, tractor sales and service
- Towing, wrecking, and impound service
- Tractor and trailer parking and storage
- Trade shops, including electrical, plumbing, heating/ cooling, and roofing
- Trade/ industrial/ vocational schools
- Wholesale business, warehouse, distribution, trucking terminal, and similar non processing storage and distribution uses

Light Industrial District (LI) continued

---

**LI – Light Industrial District**

**District Intent, Permitted Uses, and Conditional Uses continued**

**Permitted Uses cont.**

*Public/ Institutional*

- Municipal, County, State or Federal buildings

*Communications/Utilities*

- Utility substation
- Water tower

**Conditional Uses**

*Retail and Business Uses*

- Bowling alley, billiard hall, indoor archery and firearm range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation
- Automobile sales
- Places of Assembly
- Places of Worship

*Communications/Utilities*

- Wireless Telecommunications

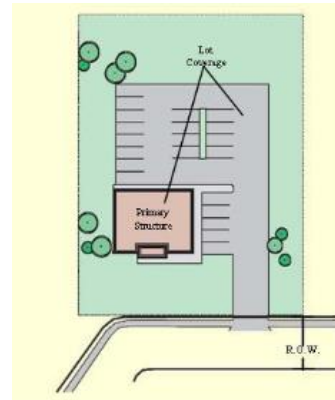
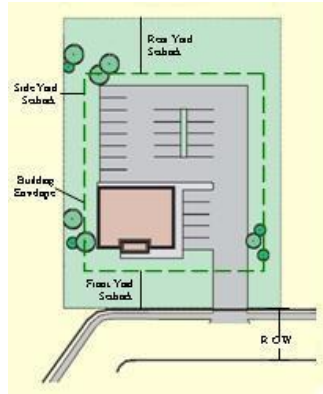
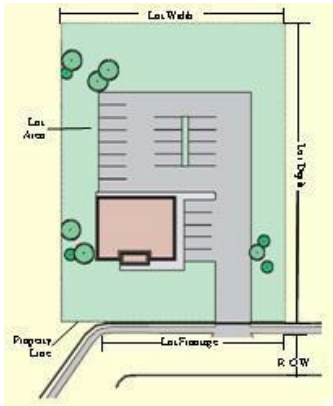
**Accessory Uses**

- Gate and Security buildings
- Outdoor Storage

Sec. 8-8-45 Light Industrial District (LI) Standards

**LI – Light Industrial District**

**District Standards**



**Minimum Lot Area:**

- 1 acre

**Minimum Lot Width:**

- 150 feet

**Maximum Lot Depth:**

- None

**Minimum Lot Frontage:**

- 100% of the lot width

**Minimum Front Yard Setback:**

- 50 feet

**Minimum Side Yard Setback:**

- 20 feet

**Minimum Distance Between Buildings:**

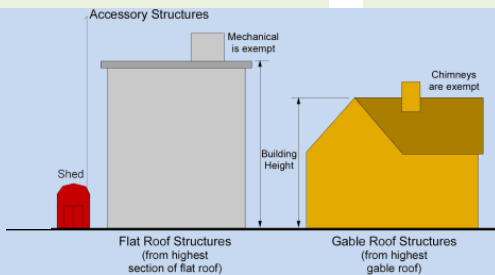
- 20 feet

**Minimum Rear Yard Setback:**

- 25 feet

**Maximum Lot Coverage:**

- 50 percent



**Maximum Structure Height:**

- 100 feet or as approved by the Fire Marshal for the Primary Structure
- 60 feet for Accessory Structures

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Sec. 8-8-46 Heavy Industrial District (HI)

**HI – Heavy Industrial District**

**District Intent, Permitted Uses, and Conditional Uses**

**Intent**

The intent of the HI district is to allow a land use category for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts.

The provisions that regulate this land use district should make the district compatible with the City's Industrial districts, redevelopment zones, and environmentally sensitive areas.

This district should be used in combination with the GC district in areas with convenient access to the interstates and other major transportation routes.

**Permitted Uses**

*Industrial and Warehousing*

- Any use permitted in the Light Industrial (LI) district
- Agriculture crop processing and storage (of materials produced off-site)
- Asphalt manufacturing
- Blast furnace, steel furnace, blooming, or rolling mill
- Brick, tile, and terra-cotta manufacturing
- Cement, lime, gypsum, or plaster of paris manufacturing
- Central mixing plant for cement, mortar, plaster, and / or housing materials
- Chemical storage or manufacturing
- Heating and electric power generating plants and all necessary uses
- Incineration of garbage or refuse when conducted within an enclosed plant
- Machine and machine tool manufacture
- Petroleum or inflammable liquids, production, refining, or storage
- Railway lines, passenger depots, intermodal facilities, and rail yards
- Rock, sand, or gravel distribution
- Smelting of copper, iron, zinc, or ore

**Conditional Uses**

*Industrial and Warehousing*

- Junk/salvage yard, places for dismantling, wrecking, and disposing of material
- Mineral extraction and processing
- Places of Assembly
- Places of Worship
- Recycling centers for collection or processing
- Towing, wrecking, and Impound service

*Communications/Utilities*

- Wireless Telecommunications

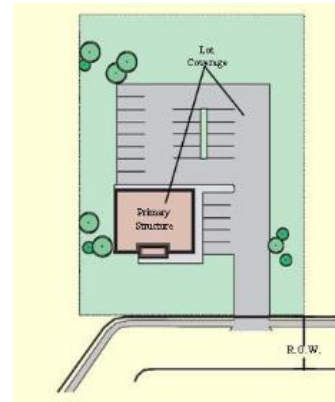
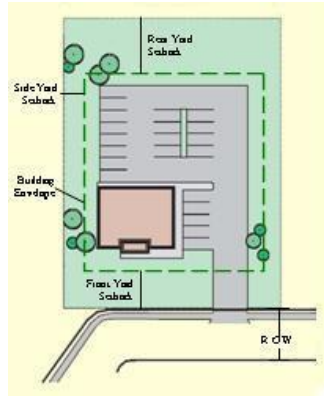
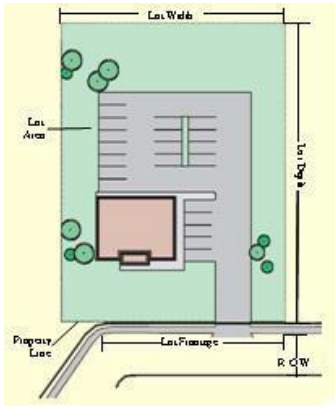
**Accessory Uses**

- Gate and Security buildings
- Outdoor Storage

Sec. 8-8-47 Heavy Industrial District (HI) Standards

**HI – Heavy Industrial District**

District Standards



**Minimum Lot Area:**

- 1 acre

**Minimum Lot Width:**

- 150 feet

**Maximum Lot Depth:**

- None

**Minimum Lot Frontage:**

- 50% of the lot width

**Minimum Front Yard Setback:**

- 25 feet

**Minimum Side Yard Setback:**

- 15 feet

**Minimum Distance Between Buildings:**

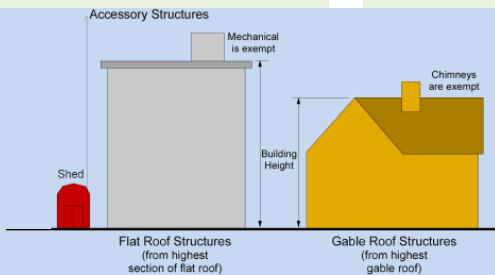
- 20 feet

**Minimum Rear Yard Setback:**

- 25 feet

**Maximum Lot Coverage:**

- 50 percent



**Maximum Structure Height:**

- 100 feet or as approved by the Fire Marshal for the Primary Structure
- 60 feet for Accessory Structures



**Sec. 8-8-48 Planned Industrial District (PI)**

**PI – Planned Industrial District**

**District Intent, Permitted Uses, and Conditional Uses**

**Intent**

The intent of the PI district is to provide for a comprehensively planned district for the orderly growth and development of certain industrial uses which are mutually harmonious with other industries permitted in the community and are also harmonious with residential, commercial, and other uses permitted in nearby districts.

The district caters to basic industries requiring large tracts of land; it is intended to be protected from encroachment by commercial, residential, and other land uses adverse to the location and expansion of industrial development.

The planned industrial district regulations are intended to promote the health, safety, morals, welfare, comfort, and convenience of the inhabitants of this district and the surrounding lands.

**Permitted Uses**

*Industrial and Warehousing*

- Agricultural implementation and equipment establishments
- Building materials and lumber supply establishments
- Cafeteria/ food courts and recreational services when completely enclosed solely for employees of businesses
- Computer and data processing services
- Greenhouses and nurseries, including landscaping services
- Manufacturing, compounding, processing, or assembling food or consumer goods
- Newspaper and printing plants
- Offices and administrative facilities
- Pre-K and Day Care centers solely for employees of businesses
- Research, experimental, or testing laboratories
- Travel/motor coach/RV camper park
- Wholesale business, warehouse, distribution, trucking terminal, and similar non processing storage and distribution uses

**Permitted Uses, cont.**

*Public/ Institutional*

- Municipal, County, State or Federal buildings
- Trade/ industrial/ vocational schools

*Communications/Utilities*

- Utility substation
- Water tower

**Conditional Uses**

*Retail and Business Uses*

- Places of Assembly
- Places of Worship

*Industrial and Warehousing*

- Tractor and trailer storage

*Communications/Utilities*

- Wireless Telecommunications

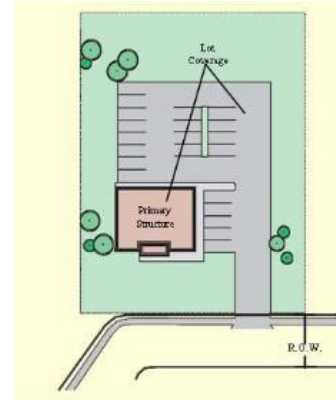
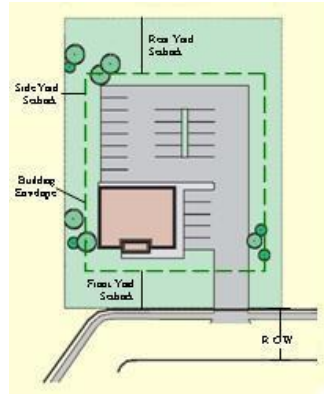
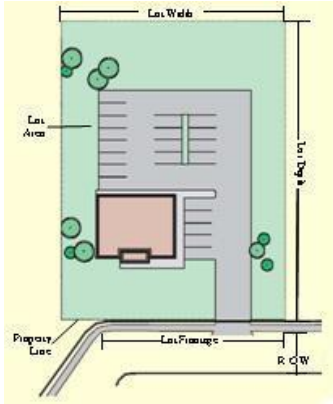
**Accessory Uses**

- Gate and Security buildings
- Outdoor Storage

Sec. 8-8-49 Planned Industrial District (PI) Standards

**PI – Planned Industrial District**

**District Standards**



**Minimum Lot Area:**

- 10 acres

**Minimum Lot Width:**

- 150 feet

**Maximum Lot Depth:**

- None

**Minimum Lot Frontage:**

- 50% of the lot width

**Minimum Front Yard Setback:**

- 30 feet

**Minimum Side Yard Setback:**

- 10 feet

**Minimum Distance Between Buildings:**

- 20 feet

**Minimum Rear Yard Setback:**

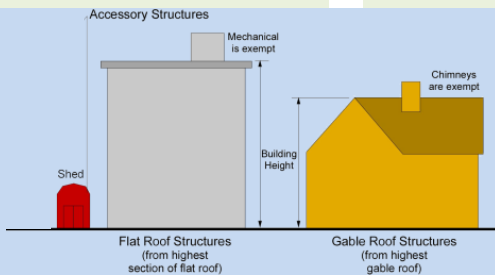
- 30 feet

**Maximum Lot Coverage:**

- 50 percent

**Minimum Open Space:**

- 10 percent



**Maximum Structure Height:**

- 45 feet for the Primary Structure
- 15 feet for Accessory Structures

Sec. 8-8-50 Gillem District (GZ)

**GZ – Gillem District**

**District Intent, Permitted Uses, and Conditional Uses**

**Intent**

The intent of the GZ district is to allow an appropriate mix of industrial, commercial, office, residential and public uses, while improving the aesthetics of the built environment.

By further establishing uses that complement the City's main street development efforts and allow for the repurpose of the former Fort Gillem area, the City can encourage a grid of connected street improvements to improve access and reduce congestion near the Interstate.

It is further intended to promote development of compatible land uses on a scale larger than that of individual small parcels in a comprehensively planned setting and to promote the purposes set forth in the Gillem Logistics Center Master Declaration of Covenants Plan and other plans approved by the City of Forest Park Urban Redevelopment Authority.

**Permitted Uses**

*Retail and Business Uses*

- Pre-K and Adult and Child Day Care centers
- Apparel and retail stores
- Auditoriums, stadiums, and coliseums
- Bank and loan associations
- Breweries and distilleries
- Catering establishments
- Convenience store with gasoline sales
- Conference Center
- Dancing schools and other group instruction
- Fitness centers and gyms
- Florist and gift shops
- Furniture sales and showrooms
- Grocery store
- Fruit, vegetable, meat, seafood markets
- Hotels and hospitality
- Indoor/ Outdoor recreation, including bowling alleys, golf, racing electronic gaming machines, etc.
- Medical and professional offices
- Professional/ business schools and colleges or other private schools offered for profit
- Recreational facilities, including tennis, badminton, basketball courts, batting cages, golf range, racing, and other open or enclosed facilities

**Permitted Uses cont.**

*Retail and Business Uses*

- Restaurants
- Retail and commercial bakeries
- Shopping centers and department stores
- Theaters, assembly halls, concert hall, or similar places of assembly

*Public/ Institutional*

- Commercial parking garages and lots
- Commuter transit, such as bus and train
- Municipal, County, State or Federal buildings
- Parks, recreation, and amphitheaters

*Communications/Utilities*

- Utility substation
- Water tower

Gillem District (GZ) continued

**GZ – Gillem District**

**District Intent, Permitted Uses, and Conditional Uses continued**

**Permitted Uses cont.**

*Industrial and Warehousing*

- Agricultural implementation and equipment establishments
- Building materials and lumber supply establishments
- Convenience stores
- Coin laundry, dry cleaning, and pick up stations
- Commercial parking garages and lots
- Cafeteria/ food courts and recreational services when completely enclosed solely for employees of businesses
- Computer and data processing services
- Consumer fireworks retail sales
- Gasoline service stations and truck stops
- Greenhouses and nurseries, including landscaping services
- Manufacturing, compounding, processing, or assembling food or consumer goods
- Mini-warehouses and storage
- Newspaper and printing plants
- Offices and administrative facilities
- Public utilities such as electric substations, storage of materials and trucks, repair facilities, offices, and electric generating plants

**Permitted Uses cont.**

*Industrial and Warehousing*

- Radio stations and transmission towers
- Railway lines, passenger depots, intermodal facilities, and rail yards
- Recycling centers for collection only
- Repair, reconditioning, and manufacturing
- Research, experimental, or testing laboratories
- Trade/ industrial/ vocational schools
- Waste to energy facilities
- Wholesale business, warehouse, distribution, trucking terminal, and similar non processing storage and distribution uses

**Accessory Uses**

- Gate and Security buildings
- Outdoor Storage

**Conditional Uses**

*Residential*

- Triplex
- Quadraplex
- Apartments
- Townhouses
- Condominiums

*Retail and Business Uses*

- Places of Assembly
- Places of Worship

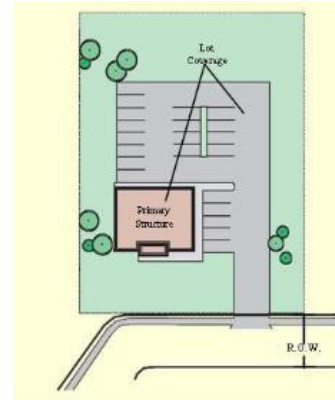
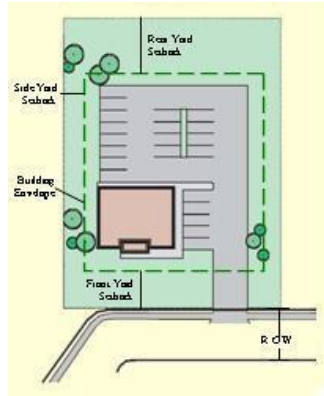
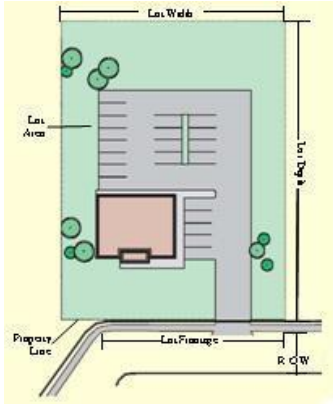
*Communications/Utilities*

- Wireless Telecommunications

Sec. 8-8-51 Gillem District (GZ) Standards

**GZ – Gillem District**

**District Standards**



**Minimum Lot Area:**

- 1 acre

**Minimum Lot Width:**

- 100

**Maximum Lot Depth:**

- None

**Minimum Lot Frontage:**

- 50% of the lot width

**Minimum Front Yard Setback:**

- 20 feet

**Minimum Side Yard Setback:**

- 10 feet

**Minimum Distance Between Buildings:**

- 20 feet

**Minimum Rear Yard Setback:**

- 25 feet

**Maximum Lot Coverage:**

- 50 percent

**Minimum Open Space:**

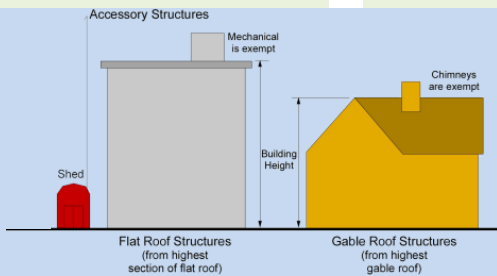
- 15 percent

**Density:**

- 14 du/acre

**Minimum Living Area:**

- Studio - 600 sq. ft.
- 1 bedroom – 800 sq. ft.
- 2 bedroom – 1,000 sq. ft.
- 3 bedroom – 1,100 sq. ft.



**Maximum Structure Height:**

- 60 feet for the Primary Structure
- 15 feet for Accessory Structures

**Sec. 8-8-52 Sexually Orientated Business Overlay District**

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There is hereby established a sexually oriented business overlay district. The sexually oriented business overlay district may overlay other districts on the official zoning map of the City of Forest Park.

**Sec. 8-8-53 Boundaries**

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The boundaries of the sexually oriented business overlay district shall be confined to those tracts of land having the following Clayton County Tax Identification Numbers as of December 31, 2006: 13-015B-B003; 13-015B-B002; 13-015B-B001; 13-015B-B007; 13-015B-B002A; 13-015B-B008; and 13-015B-B009," and more specifically, describes as:

Those portions of the City located within the following described area: beginning at the intersection of the northernmost right-of-way line of Georgia State Route 331, aka Forest Parkway, with the westernmost right-of-way line of the spur railroad line that coincides with the western boundary of the incorporated limits of the City, proceed in a generally easterly direction along the northernmost right-of-way line of Georgia State Route 331, aka Forest Parkway to its intersection with the westerly right-of-way line of U.S. Route 41, aka Old Dixie Highway; thence proceed in a generally northerly direction along said right-of-way line to its intersection with the southerly right-of-way line of Interstate 285; thence proceed in a generally westerly direction along said right-of-way line to its intersection with the easternmost right-of-way line of Interstate 75; thence proceed in a generally southerly direction along said right-of-way line to its intersection with the northernmost right-of-way line of Georgia State Route 331, aka Forest Parkway; thence proceed in a generally westerly direction along said right-of-way line to its intersection with the railroad spur line that coincides with the western boundary of the incorporated limits of the City, which is the point of beginning.

**Sec. 8-8-54 Downtown Mainstreet District (DM) Design Guidelines**

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The Downtown Mainstreet Design Guidelines are created to help attract and direct new growth as the city anticipates development in the Main Street and Gillem Logistic Center areas. The city has created the Main Street and Forest Park Tax Allocation District to incentivize the type of targeted growth that will revitalize these strategic areas of the city. These design guidelines will inform the redevelopment of the Downtown Mainstreet District to ensure that new construction and renovation contribute to a sense of place, a lively pedestrian environment, and a high-quality small-town destination. The regulations will provide strong direction for property owners and property developers seeking to be a part of the Main Street revitalization while reassuring residents that new development is guided by a vision to maintain the historic identity, create a vibrant and inviting Main Street, build diverse mixed-use, provide walkable and accessible streets, create and inclusive community, and improve the quality of life for all.

The guidelines establish a framework upon which the various aspects of development can evolve as part of a cohesive fabric. They provide criteria for project review, and an objective basis for the decisions and recommendations of the Forest Park Urban Design Review Board. This review process governs all proposed development in the Downtown Mainstreet District, as identified within Sections 8-8-158 to 8-8-163. The guidelines also include design requirements that promote effective use of the built

environment, which can lead to a reduction in the incidence and fear of crime, and an improvement in the quality of life. The guidelines and design requirements and their enforcement serve to protect property values and personal investment by ensuring a quality and consistency of design, continuity, a sense of order, and the reinforcement of community.

8-8-54.1 Tree and Vegetation Requirements

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**Trees and vegetation.** The requirements of the Forest Park Tree and Vegetation Protection Ordinance shall be applied within the Downtown Mainstreet District. In addition, street trees shall meet the following requirements:

- A. Street trees shall have minimum caliper of three (3) inches DBH (diameter at breast height) and twelve (12) feet in height at installation.
- B. They shall have a minimum mature height of forty (40) feet.
- C. As they grow to maturity, street trees shall be limbed to a minimum of eight (8) feet above the sidewalk to maintain appropriate clearance at the sidewalk.
- D. They shall be centered in the furniture or landscape zone and located a minimum of fifty (50) feet on-center.
- E. Street trees species shall vary by street throughout the Downtown Mainstreet District. Every street shall use the same species along its length, but other streets will use different species. This will encourage biodiversity and individual street character while reducing susceptibility to insects and disease. Tree species will be determined by the city as part of the UDRB review process.

8-8-54.2 Streetscape Requirements

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The Downtown Mainstreet District Streetscapes are the common elements that visually unite the area and lend it a distinct identity and boundaries. It is important to express the pedestrian-friendly, lively, safe environment that the city desires for this area through its design. The many elements that make up a complete streetscape work together to create an atmosphere that people will enjoy visiting and lingering. The following guidelines are general principles that apply to any streetscape in the Downtown Mainstreet District.

**A. Pedestrian and bicycle access.**

- 1. All new sidewalks shall connect to existing sidewalks to extend the network of pedestrian movement.
- 2. Crosswalks shall be visually emphasized through the use of one (1) of the following methods, appropriate to the street type:
  - a. Contrasting specialty paving;
  - b. Raised crosswalks;
  - c. Striping; and
  - d. Curb bulb-outs and extensions.
- 3. Special treatment shall be given to crosswalks at key intersections to calm traffic and give pedestrians priority.

4. Bike lanes, where appropriate, shall be designed to reduce conflicts between motorists and cyclists.
5. On-street parallel parking shall be provided where possible on residential streets to slow traffic, buffer pedestrians, and provide additional parking.
6. Multi-use paths shall be provided (minimum width of 8 feet – 10 feet), where feasible and in accordance with the locations set forth in the 2021 Downtown Forest Park Livable Centers Initiative Study, to expand pedestrian and bike connections.

**B. Vehicular access and surface parking.**

1. The number of curb cuts shall be minimized to the greatest extent possible by utilizing shared drives. Access shall be located off of secondary streets where possible. The width of curb cuts shall be kept to a maximum width of twelve (12) feet for one-way access and twenty-four (24) feet for two-way access.
2. Parking shall not be permitted between the back of sidewalk and the building façade. Parking shall be located behind buildings and shared among multiple tenants.
3. Surface parking lots shall be vegetated to help shade the paving and to soften their impact on the streetscape. Vegetated swales shall be utilized along the edges and in islands or medians within the lot to help treat and detain stormwater runoff.
4. Where parking areas are adjacent to buildings and front the sidewalk, they shall be screened with continuous vegetation or a low wall, a maximum of forty-two (42) inches tall with limited access.
5. On Main Street, on-street parallel parking shall be used to buffer pedestrians from traffic and to allow easy access to street-level retail.
6. Parking lots that abut streets with residential frontages shall be buffered to soften their appearance. Use of low walls, ample plantings, and at least a four (4) foot setback from the edge of sidewalk shall be required.

**C. Sidewalk—Generally in Downtown Mainstreet District.**

1. All sidewalks shall consist at a minimum of two (2) distinct zones:
  - a. a furniture or landscape zone along the back of the curb; and
  - b. a clear walking zone.
2. The furniture or landscape zone shall be determined by street type and shall be a minimum of four (4) feet wide. The clear walking zone shall be a minimum of six (6) feet wide.
3. Additional zones and added widths may be required depending on the street type.
4. Sidewalks shall be continuous across driveways to prioritize pedestrians.
5. Sidewalks shall have a minimum clear vertical clearance of eight (8) feet.
6. A supplemental zone shall exist on residential sidewalks adjacent to the clear walking zone. It shall be four (4) feet - eight (8) feet wide to accommodate stoops, stairs, low walls or fences, and landscaping.

**D. Street Trees**

1. Street trees shall comply with the requirements in Section 8-8-88(D).



**E. Streetscapes—Authorized materials.**

1. Sidewalk clear walking zones shall be concrete, plain or stained, with a broom finish, or brick/concrete pavers set in sand without mortar.
2. The furniture zone shall be brick or concrete permeable pavers to permit infiltration of stormwater.
3. A change in material color and/or texture shall be used at the back of curb and at crosswalks to assist visually impaired pedestrians in navigating safely.
4. Parking lots may be pervious pavement, brick and concrete pervious pavers, or standard asphalt. Overflow or lesser used parking lots may be light colored aggregate, as approved by the Director.
5. Walls shall be brick, natural stone, or cast stone; and fences shall be wrought iron painted black. Chain link, vinyl fencing, and barbed or razor wire are not allowed.
6. Street furniture adds amenities to the environment by providing places to sit and rest, receptacles for trash and recyclables, and secure places to lock bicycles.
  - a. Street furniture shall be of high-quality durable construction.
  - b. Street furniture shall be placed in the furniture zone and shall not encroach on the clear walking zone.
  - c. Street furniture shall be acquired from the city or a city-approved vendor in a design and style as established by the mayor and city council from time to time.

**F. Pedestrian lighting.**

1. Pedestrian lighting standards shall be centered between street trees a maximum of fifty (50) feet on center.
2. Pedestrian lighting fixtures shall be a maximum of sixteen (16) feet tall and shall illuminate the sidewalk with full cut-off fixtures that meet dark sky initiative guidelines.
3. Banners may be mounted to lighting standards and must provide a minimum of eight (8) feet clearance above the sidewalk.
4. Seasonal lighting, or festival lighting for special events, may be strung from buildings or poles to overhang the street and add excitement and interest.

**G. Walls and fences.**

1. Walls and fences used along sidewalks to delineate private property from pedestrian areas shall be a maximum of forty-two (42) inches tall and shall have openings for safety and security reasons.
2. Walls and fences used to screen dumpsters from view, shall be a minimum of eight (8) feet tall to provide proper screening.
3. Walls and fences along the cemetery boundaries shall have openings to create a minimum forty (40) percent transparency to allow glimpses inside and add interest to the perimeter of the cemetery.

**8-8-54.3 Main Street District Signage**

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Signage shall comply with the requirements of Title 8, Chapter 3 of this Code, with the exception of the following:

- A. Streetscape signage.
  - 1. Streetscape Signage design shall be compatible in scale, style, and composition with the building and storefront as a whole.
  - 2. Durable materials and quality construction shall be evident in all streetscape signage.
  - 3. Corner buildings may place projecting signage on their corner.
  - 4. Blade signs shall be mounted to provide an eight (8) feet clearance under the lowest part of the sign and shall not extend more than five 950 feet into the right-of-way; all right-of-way encroachments shall require an encroachment permit.
  - 5. Channel letters, silhouette signage, and individualized letter signs may be located in a signage band above the storefront windows.
  - 6. Awnings may include signage.
  - 7. Freestanding signage is prohibited.

8-8-54.4 Specialized Streetscape Regulations for Main Street

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In addition to the other streetscape requirements of this Article, on Main Street, the following shall also apply. To the extent there is any conflict with this section, these provisions will control.

- A. **Drive-through facilities.** Drive-throughs directly accessed to and from Main Street and visible from Main Street are prohibited. Drive-throughs should be located behind buildings to minimize their visual appearance from Main Street. Menu boards and speaker boxes should be located behind buildings and screened, as determined by the Director, to minimize their visual impact.
- B. On-street parallel parking, a minimum of eight (8) feet wide, shall be used to buffer pedestrians from traffic and to allow easy access to street-level retail.
- C. **Sidewalks.** Sidewalks along Main Street shall consist of three (3) distinct zones.
  - 1. A furniture zone along the back of curb.
  - 2. A clear walking zone and/or multi-use path
  - 3. A supplemental zone adjacent to storefront façades.
- D. The furniture zone shall be a minimum of five (5) feet wide to accommodate street furniture and trees.
- E. The clear walking zone shall be a minimum of eight (8) feet – ten (10) feet wide to accommodate pedestrian and bike amenities (multi-use path).
- F. The supplemental zone, where required adjacent to restaurants and shops, shall be five (5) feet - ten (10) feet wide to allow for cafe dining and store displays.
- G. If Main Street has a shared, identifiable bike lane, the travel lane should be a minimum of fourteen (14) feet wide.
- H. Street trees shall be planted in five (5) feet by five (5) feet wells with a metal grate covering, flush to the surrounding pavers. Metal grate coverings around street trees shall be acquired from the city or a city-approved vendor in a design and style as established by the mayor and city council from time to time.

8-8-354.5 Specialized Streetscape Regulations for Forest Parkway

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In addition to the other streetscape requirements of this Article, on the section of Forest Parkway within the Downtown Mainstreet District, the following shall also apply. To the extent there is any conflict with this section, these provisions will control.

**A. Pedestrian and bicycle access.**

1. Crosswalks shall be visually emphasized through the use of contrasting specialty paving or striping.
2. Pedestrian refuges in existing medians shall be added to allow people a safe place to wait while crossing the street.
3. Mid-block crosswalks shall be added to shorten the distance between street crossings. These crossings shall utilize pedestrian activated signals to allow safe crossing while not slowing traffic when not in use.

**B. Sidewalks.** Sidewalks along Forest Parkway shall be designed to buffer pedestrians from traffic. They shall consist of a landscape zone, at the back of the curb, and a clear walking zone. The landscape zone shall be a minimum of six (6) feet wide and the clear walking zone shall be at least eight (8) feet wide.

**C. Vegetated swales.**

1. Vegetated swales shall be used to treat and infiltrate stormwater runoff. Swales shall be located in existing medians and in the landscape zone adjacent to the street to help capture and detain runoff.
2. The swales shall be planted with native grasses and groundcover suitable for retention and cleansing of stormwater.
3. Street trees shall not be planted in the vegetated swales and instead planted behind the back edge of the sidewalk.

**D. Street furniture.** Street furniture shall not be allowed to encroach in the clear walking zone. A three (3) feet x eight (8) feet concrete or paved pad shall be provided at the back edge of the sidewalk to accommodate street furniture. This will allow benches and waste receptacles to be placed along the edge of the sidewalk without impeding easy pedestrian movement.

8-8-54.6 Specialized Streetscape Regulations for Jonesboro Road

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In addition to the other streetscape requirements of this Article, on the portion of Jonesboro Road within the Downtown Mainstreet District, the following shall also apply. To the extent there is any conflict with this section, these provisions will control.

**A. Pedestrian and bicycle access.** Crosswalks shall be visually emphasized through the use of contrasting specialty paving or striping.

**B. Sidewalks.** Sidewalks along Jonesboro Road shall be designed to buffer pedestrians from traffic. They shall consist of a landscape zone, a furniture zone, and a clear walking zone. The landscape zone shall be a minimum of six (6) feet wide. The furniture zone shall be at least four (4) feet wide and the clear walking zone shall be at least eight (8) feet wide.

C. **Street trees.** Street trees shall be located in the furniture zone. Trees shall be placed in four (4) feet x ten (10) feet planting beds with groundcover filling the rest of the bed.

D. **Vegetated swales.**

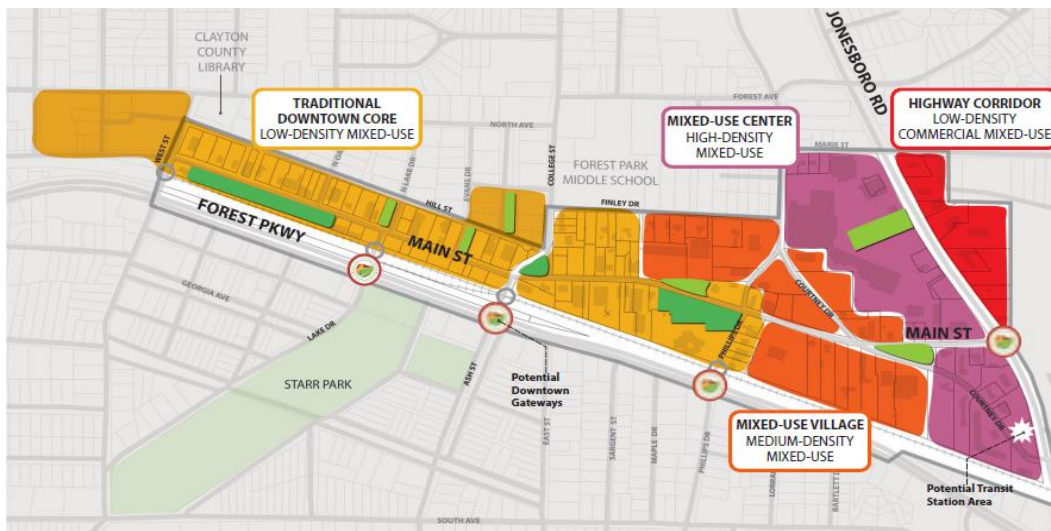
1. Vegetated swales shall be used to treat and infiltrate stormwater runoff. Swales shall be located in existing medians and in the landscape zone adjacent to the street to help capture and detain runoff.
2. The swales shall be planted with native grasses and groundcover suitable for retention and cleansing of stormwater.

8-8-54.7 Setbacks and Orientation of Buildings

- A. Mixed-use and commercial buildings shall have zero setback from the back of sidewalk. Projecting façade elements such as columns or pilasters shall be set at the back of the sidewalk with the mass of the building within three (3) feet of the setback line.
- B. Buildings located at prominent intersections may address the corner with special treatments such as chamfered edges with entrances or tower elements.
- C. Upper balconies, bay windows, or other projections from the main facade shall require an encroachment permit.
- D. All buildings shall be oriented to a public street with pedestrian entrances located along the sidewalk.

8-8-54.8 Special Building Standards for Development Subareas in Downtown

In addition to the general development standards in the Downtown Mainstreet District, four distinct subareas are defined for future mixed-use development. These sub areas are defined and delineated in the Downtown Forest Park Livable Centers Initiative Study adopted by the City in 2021. The map is identified below.



As defined by the 2021 Downtown Forest Park Livable Centers Initiative Study, any new development or redevelopment should comply with the following standards:

- A. **Traditional Downtown Core:** Low-density mixed-use with retail/commercial and single-family attached
  - 1. Building Height: 2-3 stories
  - 2. Residential Density: 6-12 units/acre
  - 3. Commercial Size: 3,000-5,000 SF
- B. **Mixed-Use Village:** Medium-density mixed-use with retail/commercial and single-family attached and multi-family
  - 1. Building Height: 3-4 stories
  - 2. Residential Density: 15-24 units/acre
  - 3. Commercial Size: 6,000-15,000 SF
- C. **Mixed-Use Center:** Higher-density Mixed-use
  - 1. Building Height: 5-6 stories
  - 2. Residential Density: 25-35 units/acre
  - 3. Commercial Size: 16,000-40,000 SF
- D. **Highway Commercial:** Mixed-use retail/commercial
  - 1. Building Height: 2 stories
  - 2. Residential Density: None
  - 3. Commercial Size: 20,000-30,000 SF

8-8-54.9 Mixed Use and Non-Residential Building Height, Materials, and Color

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- A. Minimum height is one (1) floor or twenty-four (24) feet. The first floor shall have a minimum floor-to-ceiling height of eighteen (18) feet.
- B. Allowable materials include brick masonry as the primary facade material, wood and aluminum for storefronts, stone or cast stone for details, transparent glass, fabric awnings, and metal canopies.
- C. Prohibited materials include stucco or plaster, tinted or reflective glass, exterior insulation and finish systems (EIFS), and vinyl or wood siding.
- D. Allowable brick colors shall include natural tones such as browns, oranges, reds, creams, and yellows, to be approved by the Urban Design Review Board.
- E. Paint and fabric colors shall be complementary subtle tones such as dark greens, blues, or neutral tones, to be approved by the Urban Design Review Board.

8-8-54.10 Building Entrances

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- A. Primary building entrances for all uses shall be oriented towards, architecturally articulated, and be directly accessible to a public street. Secondary entrances for upper-level uses may be located at the rear of the building or may be located to face the parking areas located to the rear of buildings. The use of fire-escape, entrance-only and exit-only doors as primary entrances is explicitly prohibited.
- B. Primary building entrances shall be at grade for universal accessibility.
- C. Entrances on the sidewalk for upper-level uses shall be distinguished from retail entrances.

- D. Entrances shall be emphasized with architectural features, such as varied massing, materials, architectural details, a canopy or awning, or a change in the roofline above.
- E. Recessed entries are required to prevent doors from opening into the sidewalk clear zone. They shall be a maximum of four (4) feet deep, shall be illuminated at night, and shall continue the storefront glass along the walls of the recess.
- F. Primary entry doors shall be at least fifty (50) percent transparent.
- G. To facilitate easy movement from the parking areas to the sidewalk, pedestrian alleys shall be included between buildings and shall be well-lit and marked.
- H. A street address number shall be located directly above or beside the primary building and business establishment entrances, shall be clearly visible from the sidewalk, and shall have a minimum height of six (6) inches.

8-8-54.11 Building Façade Transparency

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- A. Ground floor facades shall be at minimum sixty-five (65) percent transparent.
- B. Storefront windows shall begin no higher than thirty-six (36) inches above grade and the head height shall be at least ten (10) feet above grade.
- C. Doors shall be at least fifty (50) percent transparent which shall count towards the overall transparency of the ground floor facade.
- D. Upper façades shall be at least thirty-five (35) percent transparent but not more than fifty (50) percent transparent.
- E. Windowless expanses shall be less than ten (10) feet long at street level to maintain visual interest and pedestrian safety.
- F. Upper-level windows shall be vertically proportioned in either 1:2, 1:3, or 1:4 ratios. Grouped windows may have an overall horizontal proportion but shall be internally divided into vertical components. Street level windows may be horizontal to allow the greatest amount of transparency.

8-8-54.12 Ground Floor Standards

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These requirements shall not apply to residential buildings but shall apply to other buildings in the district.

- A. Ground floor space shall have a floor to ceiling height of eighteen (18) feet to accommodate a range of retail, commercial, and office uses.
- B. Storefront bulkheads shall be between eighteen (18) inches and thirty-six (36) inches in height above grade.
- C. Transom windows are encouraged over doors and storefronts to maximize penetration of light and provide greater transparency to the façade.
- D. Storefront windows may display merchandise, temporary signs, and other displays only in a manner which still allows customer and pedestrian views into shops and restaurants.
- E. A continuous horizontal band shall be located between sixteen (16) feet and twenty (20) feet above grade for placement of signage and separation of the base and middle or top of the building.

- F. Architectural detailing shall be highly articulated at the ground floor to generate pedestrian interest and create variety at street level.
- G. Building floors shall be delineated up to, and including, the fifth story above the sidewalk-level, executed by windows, belt courses, cornice lines or similar architectural detailing.

8-8-54.13 Awnings and Canopies

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These requirements shall not apply to residential buildings but shall apply to other buildings in the district.

- A. Fabric awnings in shed form are encouraged over retail storefronts as well as other nonresidential buildings. Awnings shall be no wider than the storefront and shall provide clearance of at least eight (8) feet above the sidewalk.
- B. Metal canopies may be used to mark building entrances. They shall be limited to twice the width of the doorway.
- C. All canopies or awnings shall be supported from the building and shall not be supported with columns in the sidewalk.

8-8-54.14 Green Roofs and Rooflines

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These requirements shall not apply to residential buildings but shall apply to other buildings in the district.

- A. Roofs shall typically be low slope ("flat"). Only noncommercial buildings that are 1-2 stories tall may have a pitched hip roof form.
- B. Low-slope roofs shall incorporate decorative parapets, cornices, or corbelling of the masonry.
- C. Pitched roofs shall have a minimum eighteen (18) inch overhang and be supported by decorative brackets.
- D. At a minimum, low-slope roofs shall have a white reflective membrane to help lessen the heat island effect.
- E. Terraces, or amenities for users of the building, are encouraged for low-slope roofs.
- F. Green roofs that incorporate native, drought-tolerant plants or xeriscaping are encouraged to reduce the heat island effect and manage stormwater. They may be cross utilized as attractive amenities for building inhabitants.
- G. Low-slope roofs shall have internal roof drains or be sloped to drain toward the rear of the building. Downspouts and gutters shall not be incorporated into the front façade of any building.
- H. Sloped roofs shall be asphalt shingles, clay tile or metal roof systems as approved by the UDRB

8-8-54.15 Exterior Nighttime Illumination of Non-Residential Buildings

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These requirements shall not apply to residential buildings but shall apply to other buildings in the district.

- A. Building lighting design shall follow dark sky initiatives and minimize light trespass across property lines.

- B. Building mounted lights must not extend lower than eight (8) feet above grade and project no more than twenty-four (24) inches from the façade.
- C. Moving, blinking, or strobe lights are prohibited.

8-8-54.16 Security Measures for Non-Residential Buildings

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These requirements shall not apply to residential buildings but shall apply to other buildings in the district.

- A. Security measures shall be concealed when not in use and must be equipped with key boxes, such as the KNOX-BOX® Rapid Entry System or other system approved by the city fire chief or fire marshal, to allow public safety personnel to enter buildings quickly in case of emergency. The key boxes shall be marked, conspicuous, and accessible. The fire chief or fire marshal shall approve the key box location.
- B. External roll down gates are prohibited.
- C. Internal roll down gates may be used but shall be designed to allow visual monitoring of the interior from the sidewalk.
- D. Window bars are prohibited.

8-8-54.17 Services and Utilities for Non-Residential Buildings

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Service and utilities shall be located behind buildings whenever possible. If it is not possible, a location on the side of the building is acceptable, with adequate screening.

- A. Dumpsters shall be enclosed on four (4) sides with three (3) walls eight (8) feet tall, and one (1) side providing a gated opening for access.
- B. Utilities shall be screened with vegetation or walls less than forty-two (42) inches tall.
- C. Rooftop equipment shall be screened from public view with parapet walls that match the primary façade materials.

8-8-54.18 Sustainable Design

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Innovation green building strategies shall be encouraged to further the implementation of sustainable design. Applicants are encouraged to submit such information with the application submitted to the UDRB.

8-8-54.19 Regulation of Large Buildings Occupied by a Single Retailer

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- A. To discourage single tenant and stand-alone commercial buildings on Main Street, refer to Section 8-8-54.8, Special Building Standards for Development Subareas in Downtown. Unless the is accessed and fronts on Jonesboro Road, no single commercial retail establishment within the Downtown Mainstreet District shall occupy more than thirty thousand (30,000) square feet of floor area. All structures, including structures housing such large retail establishments, must comply with the design standards of this Article.
- B. Along that portion of Jonesboro Road located within the Downtown Mainstreet District, no single commercial retail establishment shall occupy more than fifty thousand (50,000) square



feet of floor area. All structures, including structures housing such large retail establishments, must comply with the design standards of this Article.

8-8-54.20 Additional Regulation or Residential Buildings

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- A. Residential buildings shall be set at the back of a four (4) to eight (8) wide supplemental zone adjacent to the sidewalk.
- B. The supplemental zone will allow for stoops, stairs, low walls and fences, and small gardens to buffer the ground floor from the sidewalk.
- C. Residential buildings shall be set back from the back of the sidewalk at least fifteen (15) feet.

8-8-54.21 Residential Building Height, Material, and Color Regulations

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- A. The maximum height of residential buildings is three (3) floors, or forty-six (46) feet tall. The minimum height for such buildings is two (2) floors, or twenty-two (22) feet.
- B. Residential buildings shall be constructed of brick masonry as the primary façade material, stone or cast stone for details, transparent glass, and cement-board siding.
- C. Prohibited materials for residential buildings include stucco or plaster, tinted or reflective glass, and vinyl siding.

8-8-54.22 Residential Building Entrances

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- A. Residential buildings shall locate their primary entrance oriented to the street and shall open directly onto the adjacent sidewalk, supplemental zone, terrace, porch, plaza, or park adjacent to the sidewalk.
- B. Residential buildings shall locate their secondary entrances in the rear to access off-street parking and shall open directly onto the adjacent sidewalk, supplemental zone, terrace, porch, plaza, or park adjacent to the sidewalk.
- C. Primary building entrances shall be elevated a minimum of eighteen (18) inches above grade and no more than sixty (60) inches.
- D. Residential building entrances shall be emphasized with architectural features such as stoops and stairs with decorative railings. Said buildings shall have porches, stoops, or wheelchair access at each sidewalk-level entrance.
- E. All residential buildings not located at sidewalk-level shall have pedestrian access to the required public sidewalk via a lobby fronting and accessible from said sidewalk.
- F. Recessed entries for townhomes and condominiums are encouraged to give a sense of privacy and delineate semi-public space. They shall be a maximum of three (3) feet deep and shall be illuminated at night.
- G. All residences shall have an address identifier displayed at the primary entrance and illuminated at night. The identifier shall be located directly above or beside the primary residential entrance, shall be clearly visible from the sidewalk, and numbers shall have a minimum height of six (6) inches.

8-8-54.23 Windows in Residential Buildings

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- A. Windows in residential buildings shall be vertically proportioned in either 1:2 or 1:3 ratios.
- B. Grouped windows in residential buildings may have an overall horizontal proportion but shall be internally divided into vertical components.
- C. Bay windows in residential buildings may be used as accents and to gain better views down the street.
- D. Windows in residential buildings shall be double-hung with true divided lights in a ratio of 1-over-1, 2-over-1, 4-over-1, 2-over-2, and 4-over-4.
- E. Small fixed windows in residential buildings may be used as accents but shall be limited to one (1) per façade.

8-8-38.24 Townhome Architectural Standards

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- A. The maximum number of attached units is four (4).
- B. Frontloaded townhomes where garages face the primary street frontage are prohibited.
- C. Townhomes are permitted to face a courtyard rather than a roadway. The courtyard must be at least 15 feet wide and include a minimum six (6)-feet wide sidewalk.
- D. Minimum lot width for townhomes is 18 feet.
- E. On all street-facing facades, at least 20 percent of the façade must include windows, doors, or other transparent openings. Interior facing facades must have at least 10 percent of the façade include windows, doors, or other transparent openings.
- F. Adjacent townhomes cannot have identical façades. The facades must be designed to include variety in at least three of the following elements:
  - 1. Roof style
  - 2. Architectural banding, trim, or cornice detail
  - 3. Window trim, the number of mullions or muntins, or shutters
  - 4. Window size and placement
  - 5. A covered entryway or front porch design
  - 6. Balconies or Juliette balconies
  - 7. Building projections and recesses
  - 8. Decorative roofline elements such as brackets or chimneys
  - 9. Façade articulation such as bay windows or dormers
  - 10. One and two- story units
- G. Building materials, excluding architectural accents, shall be primarily brick, wood, stucco, or stone. Textured concrete masonry or cementitious fiberboard may be used as an exterior building materials, but shall not constitute the majority of any side of a building.

8-8-38.25 Duplex, Triplex, and Quadplex Architectural Standards

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- A. Duplexes are allowed on parcels that front Minor and Local roadways. They are prohibited on major roadways.

- B. Duplexes must provide transparent windows and/or doors on at least 20 percent of all facades visible from the public right-of-way.
- C. Side-by-side duplexes must not have front elevations that are mirror images. The left side and right side of the building must be designed to include variety in at least three of the following elements:
  - 1. Roof style
  - 2. Architectural banding, trim, or cornice detail
  - 3. Window trim, the number of mullions or muntins, or shutters
  - 4. Window size and placement.
  - 5. A covered entryway or front porch design
  - 6. Balconies or Juliette balconies
  - 7. Building projections and recesses
  - 8. Decorative roofline elements such as brackets or chimneys
  - 9. Façade articulation such as bay windows or dormers
  - 10. One and two- story units
- D. Duplexes with identical front elevations must not be located on adjacent building sites. Simple reverse configurations of the same elevation on adjacent lots are not sufficient. In order to qualify as a different façade elevation, dwellings must have different roofline configurations. In addition, at least three of the following architectural elements must be different from the adjacent building site(s):
  - 1. Architectural banding, trim, or cornice detail
  - 2. Window trim, the number of mullions or shutters
  - 3. Window size and placement
  - 4. A covered entryway or front porch design
  - 5. Building projections and recesses
  - 6. Decorative roofline elements such as brackets or chimneys
  - 7. Façade articulation such as bay windows or dormers
  - 8. Exterior color and material
  - 9. One and two-story units

**8-8-38.26 Multiple Family (Residential on Upper Stories) Architectural Standards**

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- A. Multi-family buildings on major and minor roadways must include windows, doors, or other transparent openings for at least 40% of the building between 2.5 and 7 feet above the level of the sidewalk.
- B. Multi-family buildings on local roadways must include windows, doors, or other transparent openings for at least 30% of the building between 2.5 and 7 feet above the level of the sidewalk.
- C. At least one entrance should be provided on every street frontage.
- D. Building façades shall be multi-faced creating visual variety through the roof line, window trim/recess, and façade articulation.
- E. Building materials, excluding architectural accents, shall be primarily brick, wood, stucco, or stone. Textured concrete masonry or cementitious fiberboard may be used as an exterior building material, but shall not constitute the majority of any side of a building.

8-8-54.27 Façade Articulation on Residential Buildings

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- A. Townhome or multiple family building façades shall reflect the individual units to reduce the scale and add architectural interest. The dwelling units shall be delineated by pilasters, material or color change, or other façade treatment.
- B. The traditional horizontal division of façades into a base, middle and top shall be expressed with cornice lines and material changes.
- C. Townhomes or multiple family buildings located at important intersections may address the corner in a monumental way, with a chamfered corner or tower element featuring an entrance.
- D. Flat façades with little or no articulation or detail are not permitted.
- E. Ground floor height shall be ten (10) feet to twelve (12) feet to accommodate generous ceilings in the living spaces.
- F. Transom windows over doors are encouraged to maximize light penetration and give greater verticality to the entrance.
- G. Floor plans shall be organized to place the more public rooms, such as the living room, in the front of the house and the more private rooms towards the rear.

8-8-54.28 Roofing on Residential Buildings

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- A. Roofs on townhomes or multiple family buildings shall be low-slope ("flat") and incorporate decorative parapets, cornices, or corbelling of the masonry.
- B. At a minimum, low-slope roofs shall have a white reflective membrane to help lessen the heat island effect.
- C. Roofs on townhomes or multiple family buildings are encouraged to be designed as terraces or amenities for residents of the building. They may incorporate native, drought-tolerant plants to add interest to the terrace, help reduce the heat island effect and manage stormwater runoff.
- D. Low-slope roofs shall have internal roof drains or be sloped to drain toward the rear of the building. Downspouts and gutters shall not be incorporated into the front façade.
- E. Sloped roofs shall be asphalt shingles or standing seam metal.

8-8-54.29 Residential Nighttime Illumination

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- A. Building and landscape lighting design shall follow dark sky initiatives and minimize light trespass across property lines.
- B. Landscape lighting may include low-level path lighting.
- C. All entrances shall be capable of being illuminated at night for security.
- D. Residential building lighting should provide visual security by minimizing or eliminating dark shadows and glare around the perimeter of the house.

8-8-38.30 Residential Open Space Requirement

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- A. All new residential development on lots of greater than 20,000 square feet must provide urban open space. Such open space shall be either private open space and/or public open space.
  - 1. Private open space is defined as an area that is:
    - a. Accessible and visible to residents, tenants, and/or users of the development.
    - b. Improved with seating, plantings, and/or other amenities.
    - c. Located on the ground floor or first level of the development, or on a roof or terrace level, or in an interior courtyard area of the development, or a combination of these locations.
- B. Out of doors, or in the open air (may be under a roof or canopy) excluding balconies that can only be accessed through private units.
  - 1. Public urban open space is defined as an area that is:
    - a. Accessible and open to the public.
    - b. Improved with seating, plantings, and/or other amenities.
    - c. Visible and accessible from the street or public pedestrian areas.
    - d. Located on the ground floor or no more than five feet above or five feet below ground level.
    - e. Out of doors, or in the open air (may be under a roof or canopy).
- C. Residential development on lots greater than 20,000 square feet must provide a minimum of 1 square feet per 100 square feet gross floor area of private open space, or 0.5 feet per 100 square feet gross floor area of public open space.
  - 1. Non-residential development on lots greater than 20,000 square feet must provide a minimum of 1 square feet per 100 square feet gross floor area of public open space
  - 2. All required open space shall be located behind the sidewalk.

8-8-54.31 Service and Utilities for Residential Buildings

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- A. Service and utilities shall be located behind residential buildings whenever possible. If it is not possible to locate them to the rear, a location on the side of the building is acceptable with adequate screening.
- B. Utilities shall be screened with vegetation or walls less than forty-two (42) inches tall.
- C. Residential trash bins shall be stored in a concealed location, either behind the main house or within an enclosure such as a fence or vegetation screen.

8-8-54.32 Sustainable Residential Design

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- A. Parking structures of one (1) level or more shall be located in the interior of blocks when possible and surrounded by active uses on the perimeter where appropriate.
- B. Parking structures of one (1) level or more fronting a public sidewalk shall have active uses such as shops, restaurants, and offices along the primary sidewalk.

- C. Vehicular entrances to the parking structure shall not be located on Main Street but instead off of secondary streets and shall be of the minimum width required. Pedestrian entrances may be located on Main Street for ease of access.
- D. Architectural treatment of parking structures.
  - 1. The ground floor of a parking structure shall be articulated with the same materials required in mixed-use buildings: brick, ample glass, awnings, and pedestrian-level detail, as required in Section 8-8-90.
  - 2. The upper levels shall be articulated in such a way as to conceal the cars parked within.
  - 3. Openings shall be regularly sized and spaces and have vertical divisions.
  - 4. Emphasize stair towers to add a vertical expression to the façade. The ramping system shall be contained within the bulk of the deck and not expressed on any public façade.
  - 5. Use vegetated screens or planters with hanging plants to enliven the facade with color and help reduce the heat island effect.
  - 6. Use metal architectural grillwork to add interest to openings above the ground floor while still allowing adequate ventilation.

8-8-38.33 Fire Sprinkler Installation Requirements

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- A. **Definitions.** For purposes of this Article the following definitions will apply:
  - 1. Approved sprinkler system means any sprinkler system that is designed, installed, and tested according to NFPA 13, 13R, or 13D standards.
  - 2. Assembly occupancies include, but are not limited to, buildings or portions of buildings used for gathering of fifty (50) or more people for such purposes as deliberation, worship, entertainment, eating, drinking, amusement, or awaiting transportation. Assembly occupancies also include special amusement buildings such as fun house amusement structures, regardless of occupant load.
  - 3. Fire protection sprinkler system means an integrated system designed in accordance with fire protection engineering standards. The installation includes one (1) or more automatic water supplies, usually activated by heat from a fire, and discharges water over the fire area.
  - 4. New construction means any structure constructed after the date of this Article that is used or intended for supporting or sheltering any use or occupancy. For the purpose of this section, "new" shall also include any additions to existing buildings, whether vertical or horizontal, which exceeds thirty-five (35) percent of the original floor area for commercial, townhome and condominium structures or exceeds fifty (50) percent for single-family residential structures; or any existing building or structure which shall be deemed to be a new building in the event such building or structure is subject to substantial renovation, or a fire, or other hazard of serious consequence as determined by the city's fire chief or fire marshal.
  - 5. Substantial renovation means, for nonresidential structures, any construction project where the cumulative costs of any combination of repairs, reconstruction, alterations, remodeling, replacement, renovations, or improvements (collectively called "renovations") to such structures exceeds thirty-five (35) percent of the fair market value

of said structure. The fair market value of the building is the current appraised value for the building as determined by the Clayton County Tax Assessor at the time of such renovations. For residential dwellings, substantial renovation means any structural improvement costing more than fifty (50) percent of the building's structure's assessed value as determined by the Clayton County Tax Assessor at the time of such renovations.

- B. **Sprinklers required.** Approved automatic sprinkler equipment shall be installed and maintained by the owner in all new and substantially renovated buildings within the Downtown Mainstreet District as follows:
1. **New construction.** Throughout all new commercial, retail, office and business structures, new residential structures of any type, repair garages, basements, dormitories, high rise buildings or structures, new hotels, new assembly occupancies, new health care occupancies, new educational occupancies, or new day care occupancies.
  2. **Existing commercial, retail and office buildings, and multifamily dwellings.** Throughout all substantially renovated commercial, retail and office buildings, and condominium and townhome dwellings where the cumulative costs of any combination of repairs, reconstruction, alterations, remodeling replacement, renovations, or improvements to such building exceeds thirty-five (35) percent of the fair market value of said building. The fair market value of the building is the current appraised value for the building as determined by the Clayton County Tax Assessor at the time of such repairs, reconstruction, alterations, renovations, or improvements. Nothing contained in this section shall authorize the construction of multifamily dwellings, or residential dwellings other than owner-occupied townhomes and condominiums within the Downtown Mainstreet District.
  3. **Existing single-family residential, townhome and multiple family dwellings.** Throughout all substantially renovated single-family residential dwellings of any type, where the cumulative costs of any combination of repairs, reconstruction, alterations, remodeling replacement, renovations, or improvements to such dwelling exceeds fifty (50) percent of the fair market value of said dwelling. The fair market value of the building is the current appraised value for the dwelling as determined by the Clayton County Tax Assessor at the time of such repairs, reconstruction, alterations, renovations, or improvements.
  4. **High hazard areas.** Throughout those areas of structures used for purposes that involve highly combustible, highly flammable, or explosive products or materials that are likely to burn with extreme rapidity, or that may produce poisonous fumes or gases, including highly toxic or noxious alkalines, acids, or other liquids or chemicals that involve flame, fume, explosive, poisonous, or irritant hazards; that involve flame, fume, explosive, poisonous, or irritant hazards; that involve division of material into fine particle or dust subject to explosion or spontaneous combustion, and that involve a high fire hazard because of the form, character, or volume of the material used.
  5. **Mercantile, industrial and storage occupancies.** Throughout every building occupied in whole for manufacture, storage or sale of combustible goods or merchandise.

## Article C: Development and Use Standards

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### Sec. 8-8-71 Introduction

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All structures, land uses, land use changes, structural alterations, structural relocations, structural additions, and structural enlargements that are constructed, created, established, or otherwise occur after the effective date of this Code shall be subject to all Development Standards and regulations for the applicable zoning district.

### Sec. 8-8-72 Expansion or Modification of Existing Uses and Structures

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No structure, parking area, or other site feature regulated by this Code shall be enlarged, altered, or expanded unless the minimum improvements required by this Article are provided to the property to the extent of its alteration or expansion. In the case of a substantial expansion, the portion of the site affected must meet the requirements of this Article.

An alteration or expansion to an existing property is substantial when the area or square footage of the expanded or altered land (including property used for building space, parking, or storage) or structure, respectively, exceeds twenty-five (25) percent of the area or square footage of the existing land or structure, exclusive of the alteration or expansion.

### Sec. 8-8-73 Lot/Yard Standards

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- A. **Legal Nonconforming Lots.** All existing lots in conflict with the lot/yard regulations at the effective date of this Code shall be considered Legal Non-Conforming Lots.
- B. **General Requirements.** Except as provided in this Code, no building or structure shall be erected, altered, enlarged or reconstructed unless such alteration, enlargement, or reconstruction conforms with the lot/yard regulations of the district in which it is located, as follows:
  1. **Front Yard Setbacks.** The minimum front yard setbacks shall be as noted for each Zoning District found in Article B.
  2. **Side Yard Setbacks.** The minimum side yard setbacks shall be as noted for each Zoning District found in Article B.
  3. **Rear Yard Setbacks.** The minimum rear yard setbacks shall be as noted for each Zoning District found in Article B.
  4. **Lot Areas.** The minimum and maximum lot areas shall be as for each Zoning District found in Article B.
  5. **Lot Width.** The minimum lot width shall be as noted for each Zoning District found in Article B.
  6. **Lot Frontage.** The minimum lot frontage shall be as noted for each Zoning District found in Article B.
  7. **Lot Depth.** The maximum lot depth shall be as noted for each Zoning District found in Article B.
  8. **Lot Coverage.** The maximum lot coverage shall be as noted for each Zoning District found in Article B.
  9. **Living and Ground Floor Areas.** The minimum dwelling unit and ground floor living areas



shall be as noted for each Zoning District found in Article B.

10. **Primary Structures.** The maximum number of residential and/or primary structures per lot shall be as noted for each Zoning District found in Article B.

**Sec. 8-8-74 Height Standards**

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- A. The maximum height permitted shall be as noted in the Two-Page Layout for each Zoning District found in Article B.
- B. No structure may be erected or changed so as to make its height greater than specified in the applicable zoning district, except as noted below. Exceptions to the height standards include:
  - 1. The following structures may exceed the permitted height if approved by the FAA:
    - a. Church steeples,
    - b. Water towers, and
    - c. Utility transmission towers.
  - 2. The following structures require FAA approval and may exceed the permitted height standards by up to fifteen (15) feet, but shall be completely shielded from view by design features of the building:
    - a. Necessary mechanical appurtenances, and
    - b. Elevator bulkheads.

**Sec. 8-8-75 Accessory Use/Structures Standards**

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All accessory uses and structures shall be permitted only in association with, and on the same lot as the primary use or structure.

- A. No accessory structures shall be placed in any required setbacks and shall otherwise comply with all Development Standards for the zoning district in which they are located.
- B. All accessory uses and structures shall be permitted only in association with, and on the same lot as the primary use or structure. Accessory uses and structures shall not be permitted to be located, placed, or established on any lot prior to the establishment of a primary use or structure unless otherwise permitted by this Code.
- C. Accessory structures are not deemed to include swing sets, mailboxes, lamp posts, doghouses, tree houses, and other such incidentals except as otherwise stated in this Code.
- D. The following accessory structures are permitted, subject to all applicable requirements of this Code:
  - 1. Attached and detached decks and patios,
  - 2. Gazebos,
  - 3. Mini-barns, sheds, and other storage buildings,
  - 4. Dumpsters, and
  - 5. Similar structures related to the primary use.
- E. Accessory uses and structures shall be consistent with the following requirements:
  - 1. No more than three (3) accessory structures may be placed on any one (1) lot; and
  - 2. The combined size of accessory structures on any one lot may not exceed an amount equal to fifty (50) percent of the finished floor area of the primary structure on that lot.

- F. Accessory structures shall comply with the following location requirements:
  - 1. No accessory structures shall encroach on any platted easement without written consent of the agency the easement belongs to or is managed by.
  - 2. No accessory structures shall be placed in any operable septic fields.
  - 3. A minimum separation of ten (10) feet shall be provided between an accessory structure and any primary structure or other accessory structure.
- G. All accessory structures, with the exception of gazebos and decks, shall only be located to the rear of the primary structure except in the case of corner or through lots; in which case, the structures may be placed to the side of the primary structure.

**Sec. 8-8-76 Temporary Building Standards**

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Temporary buildings that are used in conjunction with construction work may only be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

**Sec. 8-8-77 Home Occupation Standards**

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Home Occupations are those which meet the following standards; representing requirements which permit minimal business practices in certain residential zoning districts while maintaining residential character. The home occupation must not involve retail sales or manufacturing and shall be limited to small home-office operations.

- A. **Location.** Home occupation shall be conducted only within the principal residential structure, including garage area, and only if garage door remains closed.
  - 1. No home occupation permit/license shall be issued for a hotel, motel, intown suite, extended stay facility or any similar type facility.
- B. **Use of premises.** An area equal to not more than twenty-five (25) percent of the full area of the principal structure and garage area may be utilized for home occupational purposes.
- C. **Group instruction/assembly.** No home occupation shall be permitted wherein group instruction or group assembly or activity is involved. To that end, no dance instruction, exercise classes or similar activities.
- D. **Employees.** Only members of a family residing on the premises may be employed on the premises in pursuit of the business, trade, or occupation or profession.
- E. **Commodity.** No commodity shall be sold on the premises.
- F. **Outdoor storage.** No outdoor storage of any items related to the business, trade, profession, or occupation shall be allowed in connection with any home occupation.
- G. **Maintenance of residential character.** No alteration of the residential character of the premises may be made, and the home occupation shall not be allowed to create a nuisance or to create any undue disturbance.
- H. **Signs.** No signs relating to the home occupation shall be allowed on the premises.

- I. **Noise.** No business, trade, profession, or occupation shall qualify as a home occupation if the pursuit of such generates noise which is audible beyond the property lines of the property upon which the premise is located.
- J. **Vehicles.**
  - 1. No business, trade, profession, or occupation which generates vehicular trips or nonresidents to the premises exceeding ten (10) per day shall qualify as a home occupation. No business delivery may be made to the premises holding the home occupation license by any semi-tractor trailer.
  - 2. For purposes of this paragraph, the term "common carrier" shall include any delivery vehicle having more than two (2) axles.
- K. **Vehicle advertising.** No vehicles which display advertising relating to an occupation, business, trade, or profession carried on the premises of a home occupation may be utilized in such a manner so as to avoid the restriction on signs contained above.
- L. **Vehicle limitations.** No more than one (1) passenger vehicle displaying advertising relating to the business, trade, profession, or occupation carried on the premises may be parked on or about the premises at any one time. Off street parking must be provided on paved surfaces.
- M. **Storage or parking of equipment.** Except as allowed by Item (12) above, no business, trade, occupation, or profession otherwise qualifying as a home occupation shall be permitted to park or store any vehicular or motorized equipment, including, but not limited to, trucks, vans, tractors, earth moving equipment, construction vehicles, trailers, or like items used in conducting of such business on the premises.
- N. **Chemicals.** No business, trade, occupation, or profession which would otherwise qualify as home occupation may store any chemical not normally used for common household purposes on the premises.
- O. **Inspections.** As a condition for the granting of the home occupation license, the licensee agrees the City shall conduct an inspection during normal business hours for the purpose of determining whether the provisions of this Code section are being complied with.
- P. **Occasional use.** The occasional use of portions of the premises for the receipt of telephone calls, of consultation with clients, or the maintenance of a home office by an employee or owner of a business which maintains an active office location in a properly zoned area shall not require a home occupation permit, provided that all the other limitations of this section shall control.
- Q. **Produce.** Nothing contained within this chapter shall prohibit the occasional sales of seasonal produce grown entirely upon the premises from a home garden.

**Sec. 8-8-78 Day Care Facilities & Centers Standards**

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**8-8-78.1 Family Day Care Home Standards**

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Each family day care home shall be subject to the following requirements, when located within a residential zoning district or residential dwelling:

- A. All regulated facilities shall comply with the State regulation and acquire applicable State licenses for operation.
- B. All facilities shall comply with the adopted Building Code for the State of Georgia.
- C. Each family day care home shall provide not less than thirty-five (35) square feet of indoor play area for each child, based on maximum permissible enrollment.
- D. Each family day care home shall provide not less than two hundred (200) square feet of outdoor play area for each child, based on maximum permissible enrollment.
- E. All required outdoor play/ recreation areas shall be enclosed by a fence or wall not less than four (4) feet in height.
- F. The exterior appearance of any residential structure for which a family day care home is approved, shall be maintained as a residential structure and no signs shall be erected or displayed upon the premises.
- G. No family day care home shall be located within one thousand five hundred (1,500) feet of another day care facility.
- H. All facilities must apply for and receive a City Business License.

**8-8-78.2 Group Day Care Home Standards**

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Each group day care home shall be subject to the following requirements, when located within a residential zoning district or residential dwelling:

- A. All regulated facilities shall comply with the State regulation and acquire applicable State licenses for operation.
- B. All facilities shall comply with the adopted Building Code for the State of Georgia.
- C. Each child day care facility shall provide not less than thirty-five (35) square feet of indoor play area for each child, based on maximum permissible enrollment.
- D. Each child day care facility shall provide not less than two hundred (200) square feet of outdoor play area for each child, based on maximum permissible enrollment.
- E. All required outdoor play/ recreation areas shall be enclosed by a fence or wall not less than four (4) feet in height.
- F. The exterior appearance of any residential structure for which a group day care facility is approved, shall be maintained as a residential structure.
- G. No day care facility shall be located within one thousand five hundred (1,500) feet of another day care facility.
- H. All facilities must apply for and receive a City Business License.

**8-8-78.3 Day Care Center Standards**

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Each day care center shall be subject to the following requirements when located within a commercial building or commercial zoning district:

- A. All regulated facilities shall comply with the State regulation and acquire applicable State licenses for operation.
- B. Each child day care facility shall provide not less than thirty-five (35) square feet of indoor play area for each child, based on maximum permissible enrollment.
- C. Each child day care facility shall provide not less than two hundred (200) square feet of outdoor play area for each child, based on maximum permissible enrollment.
- D. All facilities must apply for and receive a City Business License.

**Sec. 8-8-79 Personal Care Home, Group Home, and Boarding Home Standards**

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**8-8-79.1 Personal Care Home, Group Home, and Boarding Home Having 3 or Less Persons**

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Each personal care home, boarding home, and group home having three (3) or less persons shall be subject to the following requirements:

- A. All regulated facilities shall comply with the State regulation and acquire applicable State licenses for operation.
- B. The exterior appearance of any residential structure for which a personal care home, boarding home, or group home is approved, shall be maintained as a residential structure and no signs shall be erected.
- C. Meet all regulations as identified in the adopted building code and adopted fire code.
- D. Meet all parking standards as identified within this Code.
- E. All facilities must apply for and receive a City Business License.

**8-8-79.2 Personal Care Home, Group Home, and Boarding Home Having 4 or More Persons**

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Each personal care home, boarding home, and group home having four (4) or more persons shall be subject to permitted subject to approval of a conditional use permit by the City Council and the following requirements:

- A. All regulated facilities shall comply with the State regulation and acquire applicable State licenses for operation.
- B. The exterior appearance of any residential structure for which a personal care home, boarding home, or group home is approved, shall be maintained as a residential structure and no signs shall be erected.
- C. Meet all regulations as identified in the adopted building code and adopted fire code.
- D. Meet all parking standards as identified within this Code.
- E. All facilities must apply for and receive a City Business License.

**Sec. 8-8-80 Homeless Shelter Standards**

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Homeless shelters may be permitted subject to a conditional use permit being approved by the City Council and the following conditions:

- A. The homeless shelter is not located within three thousand (3,000) feet of another homeless shelter.
- B. Meet all regulations as identified in the adopted building code and adopted fire code.
- C. All facilities must apply for and receive a City Business License.
- D. At least one (1) functional toilet, lavatory, and bathing or showering facility is provided for each eight (8) beds within the shelter.
- E. Separate and adequate clean laundry storage and separate and adequate soiled laundry storage rooms are provided appropriate to the linen needs of the shelter. Clean and sanitary linens shall be provided to persons staying in the shelter, and no common use of towels or linens shall be permitted.
- F. The facility maintains adequate trash service to prevent the accumulation of waste on the premises.
- G. No more than forty (40) beds are maintained within the shelter.
- H. No persons are allowed within the shelter until 6:00 p.m., and all persons shall vacate the shelter by 7:00 a.m. the next day.
- I. No alcoholic beverages or controlled substances are stored, served, sold, consumed, or in the possession of any person in the shelter.
- J. An operable telephone is maintained and readily available in the shelter; provided further that the City shall be immediately contacted in the event that a physical altercation or other violation of state or federal law or local ordinance occurs on the premises.
- K. The homeless shelter provides on-site parking and/or drop-off space adequate to meet the needs of the proposed facility; provided, however, that any modifications to the existing parking or drop-off area will not increase the overall square footage of the existing area.

**Sec. 8-8-81 Farm Stand Standards**

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- A. The purpose of a farm stand is to allow gardeners and farmers, who are actively growing produce, to provide a source of affordable local produce to increase the health and well-being of the community and provide a low-cost entrance into direct marketing their farm products. Such an operation is seasonal in nature and features on-farm produced as well as locally produced agricultural products. Permitted activities include: the marketing of agricultural products.
- B. The following regulations shall apply to farm stands:
  - 1. No farm stand may be located on any property that does not have a currently functioning garden or farmland.
  - 2. There shall be no sales of any items whatsoever other than on farm produced and locally produced agricultural products.
  - 3. Food franchises are prohibited.
  - 4. There shall be at least two (2) parking spaces for each two hundred (200) square feet of selling and display area.
  - 5. All signage must comply with the city sign ordinance.

6. The obstruction of any sidewalks is prohibited.
  7. Each farm stand shall maintain complete records indicating where all locally produced agricultural products are obtained for a period of one (1) year and make such records available to the city upon request.
- C. Subject to all conditions of any underlying zoning district, any conditional use permit granted by the city council shall set forth the days and times during which such farm stand may be in operation.
- D. To avoid over-concentration, no farm stand shall be established on a lot or lots within five thousand two hundred eighty (5,280) feet of another lot or lots containing an existing farm stand. The required separation distance must be measured in a straight line from the nearest point on the lot line of the property proposed for a farm stand to the nearest point on a lot line of the other property occupied by an existing farm stand.

**Sec. 8-8-82 Keeping of Chicken, Ducks, Rabbits, and Bees Standards**

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**8-8-82.1 Keeping of Chickens, Ducks, and Rabbits**

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The keeping of chickens, ducks, rabbits, and similar farm animals, and cages, coops, and enclosures for the keeping of such animals, shall be governed by the following regulations. In Residential Districts, the following regulations shall apply:

- A. **Number.** No more than one (1) such animal shall be kept on a parcel of land for each eight hundred (800) square feet of parcel or lot area. For a standard residential lot of four thousand eight hundred (4,800) square feet, this regulation would permit no more than a total of six (6) such animals.
- B. **Setbacks.** The coops or cages housing such animals may not be located in front yard or side street yard areas and shall not be located within five hundred (500) feet of any building.
- C. **Prohibitions.** No roosters, geese, or turkeys may be kept in a residential district.
- D. **Coops and Cages.** All animals shall be provided with a covered, predator-proof coop or cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals exclusive of areas used for storage of materials or vehicles. The total area of all coops or cages on a lot shall not be greater than thirty-two (32) square feet for up to six (6) animals. Coops and cages, singly or in combination, shall not exceed fifteen (15) feet in height.
- E. **Enclosures and Fences.** Chickens and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators and providing at least ten (10) square feet of area for each bird.

**8-8-82.2 Keeping of Bees**

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The keeping of bees and associated beehives shall be governed by the following regulations. In Residential Districts, the following regulations shall apply:

- A. **Number.** No more than one (1) beehive shall be kept for each two thousand four hundred (2,400) square feet of lot area, and no beehive shall be kept on a lot less than two thousand four hundred (2,400) square feet in area.
- B. **Location and Setbacks.** No beehive shall be kept closer than twenty (20) feet to any lot line and ten (10) feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a required front yard or side street yard. The front of any beehive shall face away from the property line of the Residential property closest to the beehive.
- C. **Fences and Shrubs.** A solid fence or dense hedge, known as a “flyway barrier,” at least six (6) feet in height shall be placed along the side of the beehive that contains the entrance to the hive, shall be located within five (5) feet of the hive, and shall extend at least two (2) feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least twenty-five (25) feet from all property lines and for beehives that are located on porches or balconies at least ten (10) feet above grade, except if such porch or balcony is located less than five (5) feet from a property line.
- D. **Water Supply.** A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
- E. **Prohibitions.** No Africanized bees may be kept on a property under the regulations of this section.
- F. **Building Permits.** A Building Permit shall be required for installation of a fence or for construction of a stable or other structure routinely requiring such permit, except that no Building Permit shall be required for cages, coops, or beehives that are not permanently attached to the ground or to another structure and do not exceed thirty-two (32) square feet in area nor eight (8) feet in height. No Building Permit shall be required for the barrier constituting a required enclosure if such barrier is not permanently attached to the ground and does not exceed three (3) feet in height; no permit shall be required for a “flyway barrier” not exceeding six (6) feet in height.
- G. **Enforcement.** The Director or his/her designee shall have the authority to inspect any property to determine compliance with the regulations of this section regarding the construction and permitted placement of enclosures, fences, cages, coops, beehives, stables, and other structures used in the keeping of farm animals or bees and shall have the authority to enforce the regulations of this section as they apply to such matters.
- H. **Variations.** The Planning Commission may vary the regulations of this section as they apply to a particular property if it determines that such variance will be consistent with the stated purpose of this section.

**Sec. 8-8-83      Automobile Repair and Washing Standards**

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**8-8-83.1      Minor Automobile Repair Standards**

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Minor automotive repair businesses such as oil change facilities, muffler shops, shock absorber replacement, tire stores, minor engine repair, subject to the following conditions:



- A. All repair work shall be conducted completely within an enclosed building.
- B. Vehicles shall not be allowed to be stored outside for more than forty-eight (48) hours unless awaiting repair for which a work order, signed by the vehicle owner, is posted in the vehicle so as to be visible from outside the vehicle. Vehicles with valid work orders may be stored in the rear yard for up to fourteen (14) days.
- C. Outdoor storage must be screened by a minimum of a six (6) feet tall obscuring fence.
- D. The applicant shall submit a pollution incidence protection plan (PIPP). The PIPP shall describe measures to prevent air, soil, and groundwater contamination caused by spills, discharges, or leakage, such as but not limited to special check valves, drain back catch basins, and automatic shut off valves. The site and business operation shall be maintained in accordance with the PIPP and all applicable local, state, and federal environmental protection laws, ordinances, and regulations.

8-8-83.2 Automobile Wash Standards

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Automobile car wash, automatic or self-service, subject to the following:

- A. All washing facilities shall be within a completely enclosed building.
- B. Vacuuming and drying may be located outside the building but shall not be located in the required front yard and shall be set back at least fifty (50) feet from any residential district or existing residential use.
- C. All cars required to wait for access to the facilities shall be provided stacking spaces fully off the street right-of-way that does not conflict with vehicle maneuvering areas to access vacuums and required parking spaces.
- D. All signs located throughout the site such as those that label the vacuum stations shall count toward to the total sign area permitted for the site.

8-8-83.3 Major Automobile Standards

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Major auto repair, including but not limited to engine and transmission repair and replacement, body repair, and undercoating shops, subject to the following:

- A. All repair work shall be conducted completely within an enclosed building.
- B. Vehicles shall not be allowed to be stored outside for more than forty-eight (48) hours unless awaiting repair for which a work order, signed by the vehicle owner, is posted in the vehicle so as to be visible from outside the vehicle. Vehicles with valid work orders may be stored in the rear yard for up to fourteen (14) days.
- C. The applicant shall submit a pollution incidence protection plan (PIPP). The PIPP shall describe measures to prevent air, soil, and groundwater contamination caused by spills, discharges, or leakage, such as but not limited to special check valves, drain back catch basins, and automatic shut off valves. The site and business operation shall be maintained in accordance with the PIPP and all applicable local, state, and federal environmental protection laws, ordinances, and regulations.
- D. In the event that an automotive repair business has been abandoned or terminated for a period of more than one (1) year, a new conditional use approval shall be required before the site can be re-occupied for this use.

**Sec. 8-8-84 Limitations on Certain Businesses**

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- A. **Purpose.** The regulations of this chapter are established to regulate the number and location of certain businesses for the purpose of protecting neighborhoods from negative secondary effects created by the concentration or clustering of such businesses. Furthermore, the regulations are established to guard against market saturation which may lead to increased rates to consumers as an offset for lower business volume.
- B. **Numerical Limitations on Certain Businesses.** This code section shall apply to the following types of businesses:
  - 1. Tire shops;
  - 2. Vapor shops and smoke shops;
  - 3. Thrift stores and consignment shops;
  - 4. Appliances shops; and
  - 5. Small box discount stores as defined in Section 8-8-84(l).
- C. The City shall issue a maximum of three (3) permits for each of the types of businesses set forth in part B above. No additional permits shall be issued unless the population of the City of Forest Park reaches thirty thousand (30,000) residents, at which time one (1) additional license may be permitted for each five thousand (5,000) residents of the City over the thirty thousand (30,000) initial thresholds. No application for a permit to do business as one (1) of the types of businesses set forth in part B above shall be considered or approved or a permit issued where the total number of permits for that type of business issued and in effect at the time of such application numbers less than one (1) for each five thousand (5,000) residents according to the latest officially and finally published annual population estimates by the U.S. Census Bureau. In making this computation, fractions of each five thousand (5,000) residents shall not be considered. For purposes of this section, non-conforming (grandfathered) business shops shall be included for purposes of calculating the number of outstanding permits.
- D. Whenever it shall be recognized by the Director or his/her designee that the release of population projections by the U.S. Census Bureau results in the availability of one (1) or more additional permits, and it is determined by the City Manager that one (1) or more additional permits are available, the City shall publish a notice, one (1) time, advising the public of such, and that applications will be received for a period of forty-five (45) days subsequent to the publication.
- E. If during this period, applications are received which exceed the number of newly available permits, there shall be held a lottery, administered by the City Manager, to determine the order in which applications shall be processed. Thereafter, the applications shall be processed in the order reflected in the results of the lottery. Once the proceeding of applications has resulted in the issuance of permits up to the limit contained in this chapter, the remaining applications shall be returned to the applicants, unprocessed.
- F. If no applications are received during the forty-five (45) day period after publication, applications shall thereafter be processed in the order in which they may thereafter be received.
- G. **Spacing.** This code section shall apply to the following types of businesses:

1. Hair salons and barbershops;
  2. Nail salons;
  3. Tire shops;
  4. Pawn, title lending and cash for title shops;
  5. Vapor shops and smoke shops;
  6. Thrift stores and consignment shops;
  7. Auto and truck repair shops (except that the spacing limitations shall not apply to such shops within the Light Industrial or Heavy Industrial zoning districts);
  8. Appliances shops;
  9. Tattoo shops; and
  10. Small box discount stores as defined in Section 8-8-84(l).
- H. To avoid over-concentration, no location for any business listed in part G above shall be established on a lot or lots within five thousand two hundred eighty (5,280) feet of another lot or lots containing an existing such business. The required separation distance must be measured in a straight line from the nearest point on the lot line of the property occupied by such business to the nearest point on a lot line of the other property occupied by such business.
- I. For purposes of this ordinance, a small box discount store is a retail store (a) with floor area less than 12,000 square feet; (b) that primarily offers for sale a combination and variety of convenience shopping goods and consumer shopping goods; and (c) continuously offers and advertises a majority of the items in their inventory for sale at a price less than ten dollars (\$10.00) per item. Small Box Discount Store shall not include the following: (i) drug stores or a convenience stores attached to or collocated with gas stations and (ii) existing flea markets where there is operated a center for shopping among collected vendors selling merchandise to the public from marketing booths, stalls, tables, benches, and similar displays in marketing configurations and arrangements for the sale of new and used merchandise.
- J. The distance limitation set forth in part H above shall not apply to any business proposing to operate within an existing flea market as defined in subsection part I above.
- K. Additionally, the distance limitation set forth in part H of this ordinance shall not apply to any business proposing to operate within indoor shopping centers, malls, and flea markets. This exemption exclusively applies to those businesses proposing to operate within indoor shopping centers, malls, and flea markets. This exemption shall not apply to businesses proposing to operate on the exterior of these indoor shopping centers, malls, and flea markets, nor shall it apply to detached storefronts and buildings located on the same property.
- L. Application and permit decisions shall be valid and conclusive for six (6) months from the decision date. During this period, applicants shall be prohibited from submitting duplicate applications and/or permit requests to the Planning & Community Development Director.
- M. **Exemption Regarding Acquisition of Existing Businesses.** The provisions of this Section 8-8-84 shall not apply to the acquisition of an existing business so long as all other aspects pertaining to the operation and location of the business remain the same.

**Sec. 8-8-85      Places of Assembly Standards**

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- A. As used in the Zoning Ordinance of the City of Forest Park, Georgia, a place of assembly is a structure, portion of a structure or area (either indoor or outdoor), designed primarily for people to gather to observe or participate in a single event or series of events. Places of assembly primarily consist of:
1. Places of religious worship;
  2. Conference centers;
  3. Funeral homes;
  4. Auditoriums;
  5. Stadiums and coliseums;
  6. Movie theaters;
  7. Concert halls;
  8. Dance halls;
  9. Movie, television and radio studios admitting an audience;
  10. Private commercial/vocational schools (including martial arts or dance studios, and technical or vocational training); and
  11. Clubs and/or lodges.

The following uses are not considered places of assembly for purposes of the Zoning Ordinance of the City of Forest Park, Georgia:

1. Public libraries;
  2. Hospitals, clinics and/or medical offices;
  3. Nursing homes;
  4. Flea markets;
  5. Transit stations;
  6. Restaurants;
  7. Recreational facilities without spectator seating.
- B. In the event any place of assembly shall be designed to serve more than one hundred (100) persons at any given time, the parcel shall:
1. Be located on a lot fronting a major thoroughfare; and
  2. Be located on a tract of land not less than two (2) acres in area and having a street frontage of not less than one hundred (100) feet. In the case of parcels of land containing multiple tenants, the total land area shall be prorated among the tenant spaces based on

square footage of each tenant space. In such cases, the prorated area for the place of assembly shall be not less than two (2) acres in area.

- C. Places of religious worship and conference centers shall be located a minimum of five hundred (500) feet away from another place of religious worship or conference center. The distance shall be determined by measuring a radius from the closest improved part of the property (excluding stormwater treatment facilities and landscape buffers) supporting the place of religious worship or conference center to the nearest parcel boundary of land on which occurs another place of religious worship or conference center is located.
- D. The establishment of sites and tents for temporary uses at a Place of Assembly, requires the granting of a special event permit from the Planning & Community Development Department. Such sites may not be used for a purpose covered by this Section for a cumulative period of more than fourteen (14) days during any calendar year.
- E. Nothing in this section shall be deemed to amend or otherwise alter any life safety code or any other provision of Code of Ordinances, City of Forest Park, Georgia unless expressly provided for herein.

**Sec. 8-8-86      Storage Yard Standards**

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Exterior storage yards (but not including the parking of vehicles for sale or lease) shall not be permitted in any district except the LI, HI, and PI districts. In the LI, HI, and PI districts these storage yards shall be enclosed by a privacy fence not less than eight (8) feet in height to provide visual screening.

**Sec. 8-8-87      Manufacture of Explosives, Consumer Fireworks, and Fireworks Prohibited**

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The manufacture of explosives, consumer fireworks, and fireworks is prohibited in all districts.

**Sec. 8-8-88      Sidewalk and Street Tree Standards**

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- A. **General Requirements.** Developments are permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development.
- B. **Sidewalks.** All developments shall be required to install public sidewalks along any public streets within and adjacent to the development.
  - 1. All sidewalks shall be constructed in the right-of-way or in a sidewalk easement adjacent to the right-of-way as required by the City.
  - 2. Sidewalks shall be a minimum of five (5) feet in width in residential areas and six (6) feet width in nonresidential areas and constructed of concrete consistent with all applicable City construction standards.
  - 3. Sidewalks shall connect to adjacent developments to create uninterrupted pedestrian walkways.
- C. **Internal Pedestrian Pathways.** All developments shall be required to install designated walks or paths providing for pedestrian and bicycle movement between public sidewalks and the

structures on the site.

1. These designated pedestrian pathways shall be a minimum of five (5) feet in width and include an improved surface of asphalt.
2. Designated walks shall be separated by grade or distance from entrance drives and internal traffic aisles and drives.

D. **Street Trees.** All developments shall be required to provide street trees within the private property along the right-of-way.

1. One (1) street tree shall be planted for every forty (40) feet of road frontage.
2. All street trees shall be a minimum of two and one half (2-1/2) inch caliper as measured consistent with the American Nursery Standards Institute (ANSI) at the time of planting and shall be of a species approved by the Director.
3. No tree shall be planted within ten (10) feet of any fire hydrant or five (5) lateral feet of any underground utility service.

E. **Maintenance on Sidewalks.** The occupant of any building and the owner of any lot shall keep the sidewalks adjacent to such building or lot clean of such refuse, rubbish, dead animals, weeds, underbrush, high grass, etc. As used in this section, "sidewalk" shall include all the ground, whether paved or not, between the property line and the back of curb or edge of pavement if no curb exists.

F. **Easements.** No structure with the exception of fences may be located in, or otherwise obstruct any easement. Fences shall be permitted within easements subject to the receipt of written permission from the easement holder.

#### **Sec. 8-8-89      Landscaping Standards**

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A landscape plan shall be submitted for any proposed use or building which requires the submittal of a Land Development Site Plan. Landscape plans shall be approved by the Urban Design Review Board prior to the issuance of a building permit and shall be prepared in accordance with the following:

**A. Planting plan specifications.**

1. Minimum scale of one (1) inch = fifty (50) feet.
2. Existing and proposed contours with contour interval not to exceed two (2) feet.
3. The planting plan shall indicate, to scale, the location, spacing and starting size for all proposed landscape material within the required greenbelt or landscaped area.
4. Typical straight cross section including slope, height and width of berms and type of ground cover or height and type of construction for all proposed walls, including footings.
5. Significant construction details to resolve specific site conditions, e.g. tree wells to preserve existing trees, culverts to maintain natural drainage patterns.
6. Planting and staking details in either text or drawing form to insure proper installation and establishment of proposed plant materials.

7. Planting plans shall be prepared by a registered landscape architect.
- B. **Landscape Planting Standards.** All new trees required to be planted by this Ordinance shall be measured consistent with the American Nursery Standards Institute (ANSI), as follows:
1. All deciduous trees shall be two and one half (2-1/2) inches in diameter at the time of planting measured at six (6) inches above the root ball.
  2. All evergreen trees shall be six (6) feet in height at the time of planting measured from the base of the root ball.
  3. All shrubs shall be twelve (12) inches in height at the time of planting measured from ground level.
  4. These planting standards shall not be considered as fulfilling any screening or buffer requirement.
  5. No landscaping materials, vegetation, plants, shrubs, trees, retaining walls, bedding, lighting, or mounds may extend into any existing or proposed right-of-way or easement without written permission from the agency that established the right-of-way or easement.
- C. **Design Standards.** All proposed landscape materials should complement the form of the existing trees and plantings. Light water, soil quantity and quality, and on-going maintenance requirements should be considered in selecting plant materials.
- D. **Maintenance Requirements.** Trees, vegetation, irrigation systems, fences, walls, and other landscape elements are considered elements of a project in the same manner as parking and other site details. The owner of the property shall be responsible for the continuous proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris and in good repair at all times.
1. All unhealthy or dead plant material shall be replaced by the next planting period. Other defective landscape material shall be replaced or repaired within three (3) months.
  2. Landscape materials are intended to grow, spread, and mature over time. Landscaping materials used to fulfill requirements of this section should only be pruned, limbed-up, or topped to ensure public safety, to maintain a neat and attractive appearance, and to preserve the relative health of the material involved.
- E. **Design Requirements.** Landscaping provided at the perimeter of and interior to parking areas shall meet the following design requirements:
1. Parked vehicles may hang over the interior landscaped area up to two and one half (2-1/2) feet, and wheel stops shall be provided to ensure no greater overhang or penetration of the landscaped area.
  2. All areas not landscaped with hedges, walls, or trees shall be provided with grass or other acceptable ground cover.

**Sec. 8-8-90      Parking Standards**

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All required parking spaces and lots shall conform to all of the following requirements:

- A. **Driving Surfaces.** All parking areas, including parking spaces, interior drives, and ingress/

egress into parking areas must be paved with asphalt or concrete. All parking areas shall be clearly painted to show each parking space.

- B. **Drainage.** Parking areas must be constructed to allow proper drainage which shall be subject to the review and approval of the City Engineer
- C. **Access to Public Streets.** Parking areas must be designed as to prevent vehicles from having to back into or maneuver in public streets.
- D. **Locations.** Parking lots shall not be located in any right-of-way, easement, or any required buffer yard.
- E. **Lighting.** Lighting for parking areas shall conform with the applicable requirements of the Lighting Standards section of this Article.
- F. **Landscaping.** Landscaping for parking areas shall conform with the applicable requirements of the Landscaping Standards section of this Article.
- G. **Required Parking Spaces.** Accessory off-street parking spaces shall be provided and maintained in accordance with the requirements set forth in the following table:

<b>Residential Uses</b>	
One-family and two-family dwellings	2 for each dwelling unit.
Multiple family dwellings	1.75 for each dwelling unit, plus 15 overflow spaces per 100 units.
Multiple family dwellings (high rise)	1.25 for each dwelling unit, plus 10 overflow spaces per 50 units.
Group homes, personal care homes	1 for each 4 beds, plus 1 for the owner, operator or manager living on the premises, plus 1 for each other employee, expected on premises.
Housing for the elderly	1 for each 3 dwelling units.
Bed and Breakfast	1 for each guest room, plus 1 for each 2 employees.
<b>Agricultural Uses</b>	
Farms, urban gardens, seasonal sales made on premises	Total parking area equal to 25% of the lot area devoted to sales.
<b>Educational Uses</b>	
Day cares, children’s boarding homes, kindergartens, elementary, and middle schools	1 for each 2 staff members and other employees. See also requirements for auditoriums, gymnasiums, and stadiums.
Senior high schools	1 for each 2 staff members and other employees, plus 1 for each 12 seats in a classroom based on planned classroom capacity. See also requirements for auditoriums, gymnasiums, and stadiums.



Trade, vocational business, and dancing schools; colleges and universities	1 for each 2 employees, plus 1 for each 10 seats in a classroom based on planned classroom capacity. See also requirements for auditoriums, gymnasiums, and stadiums.
<b>Institutional Uses</b>	
Hospitals	1 for each 4 beds, plus 1 for each 3 doctors, plus 1 for each 3 employees.
Clinics, health and medical centers	1 for each 200 square feet of gross floor area.
Medical institutions for children, adults, and the aged, and assisted living facilities	1 for each staff member, including doctors and nurses, plus 1 for each 3 other employees, plus 1 for each 6 beds.
<b>Public Assembly Uses</b>	
Arenas, assembly halls, auditoriums, concert halls, convention halls, dance halls, exhibition halls, gymnasiums, indoor theaters, pool or billiard halls, stadiums, and similar indoor amusement or recreation uses	1 for each 6 seats or total parking area equal to 3 times the gross floor area, whichever is greater. Where there are no fixed seats each 24 inches of bench or pew shall be considered 1 seat. Where there are no seats, benches, or pews, each 20 square feet of ground or floor area usable for seating shall be considered 1 seat.
Bowling alleys	7 for each lane.
Golf courses	8 for each green.
Golf driving ranges	2 for each driving tee, plus 1 for each 2 employees.
Public libraries and museums	1 for each 4 employees, plus 1 for each 1,200 square feet of gross floor area.
Places of worship	1 for each 6 seats.
Recreation and community centers	1 for each 150 square feet of gross floor area, plus 1 for each employee.
<b>Retail Sales Uses</b>	
Bars, taverns, restaurants, and other eating places	1 for each employee, plus 1 for each 100 square feet of floor area devoted to patron use or 1 for each 4 seats based on maximum seating capacity, whichever is greater.
Department stores	For establishments having 150,000 square feet of gross floor area or more, 1 for each 300 square feet of gross floor area.
Establishments for the sale of boats, farm implements, furniture, gymnasium supplies, hospital supplies, office supplies,	For establishments having less than 2,000 square feet of gross floor area, 1 for each 1,000 square feet of gross floor area.

machinery, major appliances, and new automobiles	For establishments having 2,000 square feet of gross floor area or more, 1 for each 700 square feet of gross floor area.
Establishments for the sale of restaurant equipment, floor covering, hardware, household equipment, paint, small appliances, and other retail sales items	For establishments having less than 2,000 square feet of gross floor area, 1 for each 700 square feet of gross floor area. For establishments having 2,000 square feet of gross floor area or more, 1 for each 500 square feet of gross floor area.
Food stores, grocery stores, supermarkets	For establishments having less than 4,000 square feet of gross floor area, 1 for each 500 square feet of gross floor area. For establishments having over 4,000 square feet of gross floor area, 1 for each 250 square feet of gross floor area.
Gasoline service stations	1 for each 100 square feet of gross floor area.
Hotels	1 for each dwelling unit, plus 1 for each 4 guest rooms, plus 1 for each 3 employees.
New and Used motor vehicle sales lots	Total parking area equivalent to 25% of the gross lot area.
Nurseries or plant-husbandry, garden supplies, agricultural produce, and other outdoor retail sales uses	Total parking area equivalent to 25% of the total lot area, plus 1 for each 2 employees.
Wholesale establishments	1 for each 1,000 square feet of gross floor area.
<b>Commercial Service Uses</b>	
Banks, governmental, business and professional office buildings	1 for each 500 square feet of gross floor area.
Medical or dental offices, and medical or dental laboratories	5 for each doctor or dentist, plus 1 for each 2 employees; or 1 for each 150 square feet of gross floor area, whichever is greater.
Automobile washing facilities	1 for each 3 employees, plus 1 for the owner or manager, and additional spaces equal to 3 times the capacity of the wash bay.
Mortuary and crematory establishments	8 for each slumber room, chapel, or parlor or 1 for each 100 square feet of floor area of assembly rooms whichever is greater, plus 1 for each vehicle maintained on the premise.
Repair and service garages	1 for each 500 square feet of gross floor area.
Other retail service uses	1 for each 500 square feet of gross floor area.
<b>Industrial Uses</b>	

Storage or warehouse uses	1 for each 2 employees expected to be on the premise during the largest work shift period or total parking area equivalent to 10% of the gross floor area, whichever is greater.
Junk, coal, lumber, contractors, or other open storage uses	1 for each employee plus space equivalent to 15% of the gross lot area.
Other permitted industrial uses	1 for each 3 employees expected to be on the premise during the largest work shift period or total parking area equivalent to 25% of the gross floor area, whichever is lesser.
<b>Other Permitted Uses</b>	
Other permitted uses not defined	Parking spaces shall be provided on the same basis as required for the most similar listed use.

**H. Location of Required Spaces.**

1. The required accessory off-street parking facility shall be located on the same lot as the use for which it is provided or on a lot within four hundred (400) feet of the nearest boundary of the lot upon which the use is located measured by a straight line between the two (2) points.
2. The separate lot upon which such accessory parking facilities are provided shall be in the same ownership or control as the building or use to which the parking facilities are accessory.

**I. Mixed Use Facilities.** Accessory off-street parking spaces required of two (2) or more uses located on the same lot or parcel may be combined and used jointly by such uses, provided that the parking spaces provided shall be equal to the total number of accessory off-street parking spaces required by all such uses. Where a use is accessory to the main use and is not primarily intended to serve additional patrons or employees, or generate additional traffic, no additional off-street parking spaces need be provided for such accessory use.

**J. Access and Maintenance of Off-Street Parking Spaces.**

1. Accessory off-street parking spaces, driveways, and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt, or other surfacing materials approved by the City Engineer, and maintained in good condition and free of debris and trash.

**K. Americans with Disabilities Act.** Handicap parking spaces shall be provided in all parking areas consistent with the requirements of the Americans with Disabilities Act.

- L. **Maneuvering.** All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. Parking lots shall meet the following dimensional requirements:

Parking Space and Interior Drive Requirements			
Angle of Parking	Minimum Driving Aisles Width (Feet)	Minimum Parking Space Size (Feet)	
		Width	Length
Parallel	12	10	24
...up to and including 45 degrees	14	10	18
...up to and including 60 degrees	18	9	18
...up to and including 90 degrees	24	9	18

- M. **Driveways.** The driveway used to provide accessibility to accessory off-street parking spaces shall be so located and arranged to minimize traffic congestion. Therefore:

1. No driveway shall be so located that there would be less than fifteen (15) feet between the point of tangency of the driveway apron radius and the outside crosswalk line at the intersection when such driveway is on the approach side of an intersection. In such cases as the driveway is on the leaving side of the intersection, the requirement shall be five (5) feet between the outside crosswalk line and the point of tangency of the driveway apron radius.
2. The maximum width of such driveway shall be thirty (30) feet measured at right angles to the angle of the driveway entrance. Such driveway shall have an apron radius at the curb of not less than six (6) feet or a curb cut of not more than sixty (60) feet and shall provide a means for motor vehicles to enter and leave the parking facilities without obstructing traffic.

**Sec. 8-8-91 Off Street Loading and Unloading Standards**

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Every building or structure used for business, trade or industry shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley or, if there is no alley, to a street.

- A. Minimum loading and unloading space required:

1. **Retail business.** One (1) space of three hundred (300) square feet for each three thousand (3,000) square feet of floor area or fraction thereof.
2. **Wholesale and industry.** One (1) space of five hundred (500) square feet for each ten thousand (10,000) square feet of floor area or fraction thereof.

3. **Bus and truck terminals.** Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded or unloaded at the terminal at any one (1) time.

**Sec. 8-8-92 Commercial, Heavy, and Recreational Vehicle Parking**

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**8-8-92.1 Commercial and/ or Heavy Vehicles Parked in Residential Zoning Districts**

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- A. It is unlawful for any person, firm, or corporation to park a heavy vehicle, or commercial vehicle that is used for commercial purposes in interstate or intrastate commerce, on any public street, private way, or on private property within the city that is located within a residential zoning district, unless the vehicle is actually engaged in loading or unloading activity, where the driver is present and in charge thereof.
- B. It is further unlawful for any person, firm, or corporation to maintain a heavy vehicle, or commercial vehicle that is used in interstate or intrastate commerce, on property within a residential zoning district, unless the vehicle is actually engaged in loading or unloading activity, where the driver is present and in charge thereof.
- C. It is also unlawful for any person, firm, or corporation to perform any type of maintenance or repair of a heavy vehicle, or a commercial vehicle that is used in interstate or intrastate transportation, within a residential zoning district.
- D. It is further unlawful for parts of commercial or heavy vehicles and their accessories, including materials hauled by the vehicles, to be stored in a residential zoning district, on a residential lot, or serviced on a residential lot.

**8-8-92.2 Commercial and/ or Heavy Vehicles Parked in Commercial Zoning Districts**

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- A. It is unlawful for any person to permit or cause any heavy or commercial vehicle to be parked or stored in a commercial district unless:
  1. The vehicle is actually engaged in loading or unloading activity where the driver is present and in charge thereof;
  2. The vehicle is owned or is being used by a business located on the property; or
  3. A business on the property is conducting operations and the vehicle is being used in connection with such activity.
- B. Where a heavy or commercial vehicle is parked in a parking lot located in a commercial zoning district pursuant to exceptions, subsections (a)(1) through (a)(3) of this section, such vehicle shall park only in areas designated and posted as loading zones and/or loading docks or otherwise in areas not designated for customer parking.
- C. The use of loading zones or loading docks by operators of heavy and/or commercial vehicles for sleeping or parking overnight is strictly prohibited. The use of any other parking area by operators of heavy and/or commercial vehicles for sleeping is strictly prohibited.
- D. The provisions this section shall not apply to truck rental, leasing, or sale facilities operating and conducting business.
- E. Vehicles displaying advertising of a business located on the property must be parked within the side or rear yard and may not be parked within the front yard, except vehicles parked temporarily while making a delivery, providing a service, or purchasing goods or services. Should there be no parking areas in the side or rear of the building, the vehicle may be parked in the front. Passenger cars (as classified by Federal Highway Administration FHWA)

displaying advertising may be parked in the front yard. Under no circumstances may a vehicle with advertising park in any parking space adjacent to an exterior road.

**F. Parking in Hotel or motel lots.**

1. Heavy and/or commercial vehicles may be parked in the parking lots of hotels and motels provided that the operators of said vehicles are registered guests of the hotel or motel, staying overnight and paying the full price of lodging, and provided that said vehicles are parked within the lines of a designated parking space clearly marked for trucks.
2. Where said heavy and/or commercial vehicle is a tractor trailer, only the cab of the tractor trailer may be parked in a hotel or motel parking lot in accordance with this subsection.
3. Any hotel or motel providing designated parking spaces for the parking of heavy and/or commercial vehicles pursuant to this subsection is prohibited from acting as a routing agent for said vehicles.

**G. Parking Decks.** No heavy vehicles shall be permitted to park in any parking deck located in any zoning district within the city.

**H. Overnight Parking or Storage.** Commercial and/or heavy vehicles may be parked overnight or for storage purposes in industrial zoning districts.

8-8-92.3 Commercial and/ or Heavy Vehicles Parked in Parking Decks

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No heavy vehicles shall be permitted to park in any parking deck located in any zoning district within the city.

8-8-92.4 Commercial and/ or Heavy Vehicles Parked Overnight or for Storage

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Commercial and/or heavy vehicles may be parked overnight or for storage purposes in industrial zoning districts.

8-8-92.5 Recreational Vehicle Standards

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A. In a residential zoning district, one (1) recreational vehicle owned by the residents may be stored on their individual lot within the confines of the rear yard, insofar as distances from principal structures, lot lines and easements are concerned. All recreational equipment parked or stored shall not be connected to sanitary facilities and shall not be occupied. In those instances where the rear yard is not accessible by means of a driveway, alley or has insufficient side yard clearance for the passage of a recreational vehicle, the recreational vehicle shall not be parked upon the property.

8-8-92. Trailer and Hauling Equipment Standards

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A. In a residential zoning district, one (1) trailer or piece of hauling equipment owned by the residents may be stored on their individual lot within the confines of the garage, shed, or other similar.

**Sec. 8-8-93 Buffer Zone Standards**

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In any commercial or industrial zoned district that abuts a residential zoned district, the owner of the property with a commercial or industrial zoning shall be required to maintain a buffer zone between the commercial property line at all points where it intersects with a property line of property zoned residential.

- A. The buffer zone shall be an area of space fifteen (15) feet in width and shall be planted with sufficient vegetation so as to provide a visual screen between the commercial and residential property at least eight (8) feet in height.
- B. The buffer zone shall be free of any form of commercial activity whatsoever.
- C. In those instances where there is not sufficient space to enable the maintenance of a fifteen (15) foot buffer zone, a screen or fence at least eight (8) feet in height, and made of sufficient material to provide a visual screen between that property zoned commercial and that property zoned residential, shall be constructed by the owner of the property zoned commercial and maintained at all times.

**Sec. 8-8-94 Fences and Walls Standards**

A. Fences and walls shall be permitted in all zoning districts with the issuance of a permit subject to conformance with the following requirements:

1. **Height and location requirements.** All fences and wall shall be erected in compliance with the following table:

Type of Fence or Wall	Maximum Height (feet)		
	Front	Side	Rear
Chain-link fence	N/A	6	6
Ornamental fence	4	6	6
Privacy fence	N/A	6	6
Rail fence	4	5	5
Industrial fence	N/A	8	8
Decorative wall	2	4	4
Obscuring wall	N/A	6	6

2. All required setbacks for fences and walls shall be measured from the property line or existing street right-of-way line. Height of such fences or walls shall be measured from the grade level to the highest point of the fence or wall.
3. All fences and walls located within the front yard shall be less than four (4) feet in height.
4. All fences and walls, including, but not limited to posts, foundations, and overhanging elements, shall be located completely within the limits of the lot to which they are associated. Fences and walls located within required side and rear yards may be erected on the property line with the submission of written consent from all adjacent property owners or a certified survey verifying the location of lot boundaries.
5. All fences and walls may be permitted up to any property line that is not also a right-of-way line. All fences and walls shall be setback a minimum of two (2) feet from all adjacent rights-of-way.
6. Fences that have one (1) finished or decorative side shall be oriented with the finished or decorative side facing outward towards adjacent parcels and away from the interior of the lot to which the fence is associated. Masonry walls shall be finished in a similar manner on all sides.
7. No fence or wall may be placed in any drainage, utility, sidewalk, landscaping, access, or other easement without written permission from the easement holder.

B. Fences specifically required by this Ordinance for screening, swimming pools, telecommunications facilities, or other purposes may exceed the maximum heights



established by this section in a manner consistent with the specific requirements of this Ordinance.

1. The height of a fence shall be determined by measuring from the highest grade to the highest point of the fence, including any posts or finials.
- C. The use of barbed-wire, razor wire or similar fencing materials is specifically prohibited in all zoning districts, except in industrial zoned districts. Such fencing materials may be allowed upon application to and approval by the Director. High voltage electric fences are prohibited throughout the City; however, the construction and use of low voltage electric fences, shall be allowed in the City only as provided in this section and subject to the following standards:
1. **Location.** Electric fences shall be permitted only in industrial zoned districts.
  2. **Setback.** Electric fences shall be a minimum of twenty-five (25) feet from all perimeter property lines when adjacent to residential zoning districts.
  3. **Buffers.** Electric fences shall not enclose a landscape buffer.
  4. **Height.** Electric fences shall have a minimum height of six (6) feet and maximum height of eight (8) feet, but such height can be extended up to ten (10) feet if a variance is granted.
- D. **Permit required.** A fence permit shall be required for all work performed in association with the construction, alteration, or relocation of a fence or wall, except where otherwise specified herein. Fences and walls for which a fence permit is not required:
1. **Repairs.** Repairs to an existing fence or wall with no structural changes.
  2. **Replacement.** Replacement of an existing fence with a new fence that is the same type and height and in the same location as the existing fence; provided the replacement fence is otherwise in full compliance with this ordinance.
  3. **Gates.** The installation of gates of up to eight (8) feet in width in an existing fence or wall with no structural changes.
- E. **Permit application.** Applications for fence permits shall be made upon forms provided by the Planning & Community Development Department. The following information shall be provided with the application:
1. A plot plan or lot survey shall be provided that includes the location of all existing and proposed fences, walls, structures, easements, and setback dimensions.
  2. A detail of the proposed fence or wall with all appropriate dimensions shall also be provided.
  3. Written consent of all adjacent property owners, or a certified survey verifying the location of lot boundaries, if a fence or wall is proposed to be erected or installed on a property line.
  4. Other information that the Director may require to show full compliance with this ordinance.
- F. **Legal nonconforming fences and walls.** All existing legal nonconforming fences or walls shall be permitted to continue as such until removed, extended, or altered, at which time such fences or walls shall be made to conform to the provisions of this Section.

**Sec. 8-8-95 Outdoor Lighting Standards**

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All outdoor lighting systems in the City of Forest Park shall be consistent with the following minimum standards and requirements.

A. **Purpose and intent.** The purpose of this section is to regulate the placement, orientation, distribution patterns, and fixture types of outdoor lighting. The intent is to encourage lighting that:

1. Provides safety, utility, and security;
2. Prevents glare on public roadways;
3. Protects the privacy of residents; and
4. Reduces atmospheric light pollution.

B. **Outdoor Lighting Compliance Statement.** The applicant for any permit for work involving outdoor lighting fixtures governed by this Section shall submit, as part of the site plan, evidence that the proposed work will comply with this Section. This information shall contain but not be limited to the following:

1. The location, height, make, model, lamp type, and wattage of each outdoor lighting fixture;
2. Certification that the angle of total light cutoff is no more than ninety (90) degrees; and
3. Additional information the Director may determine is necessary, including but not limited to illuminance level profiles.

**Sec. 8-8-96 – 8-8-109 Reserved**

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## **Article D: Nonconforming Standards**

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### **Sec. 8-8-110 Introduction**

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Within the districts established by this Article or amendments that may have previously been adopted or may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the ordinance was passed or amended but which would be prohibited, regulated, or restricted under the terms of the present or future amendments.

- A. For purposes of this Article, the term "nonconforming use" shall mean a lawful lot, structure, use of land, or land and structure that existed at the time of the adoption of The Zoning Ordinance of the City of Forest Park, or at the time of the adoption of an amendment to the zoning ordinance, that no longer conforms to those regulations and restrictions contained in the zoning ordinance because of the adoption of the zoning ordinance or the adoption of an amendment to the zoning ordinance.
- B. It is the intent of this chapter to require removal or cessation of certain of these nonconformities, and to permit others to continue until they are otherwise removed or ceased.
- C. Nonconforming use of land, structures, or land and structures in combination shall not be extended or enlarged after passage of this Article.
- D. To avoid undue hardship, nothing in this Article shall be deemed to require a change in the plans, construction, or designated use of any building on which construction was lawfully begun prior to the effective date of adoption or amendment of this Article, and upon which actual building construction has been carried on diligently.

### **Sec. 8-8-111 Nonconforming Lots of Record**

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- A. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption.
- B. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even if the lots fail to meet the requirements applicable in the district regulations.

### **Sec. 8-8-112 Nonconforming Structures**

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Where a lawful structure exists at the effective date of adoption that could not be built under the terms of this chapter by reasons of restriction on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it is and remains otherwise lawful subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity; but any structure or portion thereof may be enlarged or altered if the

degree of its nonconformity remains the same or is decreased, provided such structure is used for a permitted use.

- B. **One- and two-family residential structures.** Should such nonconforming one- or two-family residential structure be destroyed, by any means, in whole or in part, it may be reconstructed in the same location and upon its previous foundation and to its previously existing height, provided said reconstruction does not increase the previously existing degree of nonconformity and further provided that said reconstructed structure is used for a permitted use.
- C. **All other structures.** Should such nonconforming multifamily residential, commercial, or industrial structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Article.
- D. **Accessory structures.** When nonconforming, accessory structure be destroyed by any means, in whole or in part, it shall be subject to the same provisions as govern the primary structure to which they are an accessory use.
- E. **Moving.** Where a nonconforming structure is moved off its previous lot, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- F. **Public Purposes.** In cases where land is taken for public purposes from legal lots of record at the time of such taking in such manner as to reduce yards previously provided in relation to a portion of a structure below yard requirements generally applicable within the district, the portion of the structure involved shall be construed to be nonconforming.

**Sec. 8-8-113      Nonconforming Signs**

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Refer to Chapter 3, Signs.

**Sec. 8-8-114 – 8-8-130      Reserved**

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## Article E: Tree Protection

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### Sec. 8-8-131 Purpose

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The purpose of this Article is to:

- A. Provide standards for the conservation or replacement of trees as part of the land development and building construction process within the City.
- B. Provide a healthy living environment.
- C. Protect and enhance the aesthetic qualities of the community and reduce the loss of aesthetic quality provided by the natural tree cover on tracts of land being converted to urban development.
- D. Establish and maintain the maximum sustainable amount of tree cover on public and private lands in the City.
- E. Establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest in developed and developing areas of the City and a stable and sustainable rural forest in undeveloped areas.

### Sec. 8-8-132 Definitions

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The following definition of terms shall apply to the Forest Park Tree Protection Ordinance:

**Buffer:** That portion of a lot set aside with adequate natural or planted vegetation to accomplish visual and sound screening to separate residential zoning districts as required in the City of Forest Park Zoning Ordinance.

**Clearing:** An activity which removes or disturbs the vegetative cover, including trees.

**Crown dripline:** A vertical line extending from the outer surface of a tree branch tip to the ground.

**Deciduous tree:** Any tree which drops its leaves at the end of a growing season.

**Dripline area:** The total area underneath a tree which would encompass all crown driplines.

**DBH or "diameter-at-breast height:** A standard measure of tree size and is the trunk diameter measured in inches to a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, each trunk is measured separately, and the total trunk diameters are added together. A tree which splits into multiple trunks above 4.5 feet is measured as a single tree at 4.5 feet.

**Evergreen:** Any tree which retains its foliage throughout the year.

**Landscaping:** Any additions to the natural features of a plot of ground to restore construction disturbance and to make it more attractive, by adding lawns, trees, and shrubs, etc., to the natural environment.

**Landscape area:** An area set aside for the installation and maintenance of planting materials.

**Land and vegetation disturbance permit:** A permit to authorize the cutting, transporting, and clearing of vegetation.

**Natural vegetation:** A generally undisturbed, maintenance-free, self-perpetuating stand of vegetation comprising indigenous shrubs, flowers, wild grasses, and trees.

**Natural vegetation area:** The area within the boundaries of a given lot which is devoted to natural vegetation.

**Protection area:** All land which falls outside the buildable area of a parcel, all areas of the parcel required to remain in open space, the dripline areas beneath a tree or clusters of trees to be retained, and/or areas required to remain landscape strips or buffers according to the City of Forest Park Zoning Ordinance or conditions of zoning approval.

**Shrub:** A woody plant or bush of relatively low height (two (2) to six (6) feet), distinguished from a tree by having several stems rather than a single trunk.

**Specimen tree or specimen stand:** Any tree or grouping of trees which has been determined to be of high value because of its species, size, age, or location. General criteria for the determination of specimen trees or stands are as follows:

1. Any deciduous tree whose DBH equals or exceeds twenty-four (24) inches.
2. Any evergreen tree whose DBH equals or exceeds twenty-four (24) inches.
3. Any understory tree whose DBH equals or exceeds ten (10) inches.
4. Any tree which has a significant historical value and can be documented through historical records or otherwise, and any tree which has exceptional aesthetic value.

**Tree harvesting:** The cutting of more than fifteen (15) trees per year for purposes not related to immediate land development or in conjunction with an ongoing development project.

**Understory tree:** Any tree or woody plant which is of lesser height and spread than the surrounding evergreens or deciduous trees but which still provides shade and a degree of protection to the earth and vegetation beneath it.

**Sec. 8-8-133      Applicability**

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This Article shall apply to any activity which involves the removal of trees in the City.

Exemptions from the Forest Park Tree Protection Ordinance are:

- A. Dead, diseased, or infested trees as determined by the Georgia Forestry Commission and/or its local representative(s).
- B. Orchards and tree nurseries in active commercial operation.
- C. In the case of a tree contractor removing a tree or trees in a residential area, the contractor will not be required to submit a site plan but shall obtain a permit and pay a fee.

**Sec. 8-8-134      Land Vegetation Permit Required**

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Unless specifically exempted from this Article, all owners, developers of land, or contractors, must secure a land and vegetation disturbance permit prior to the removal, relocation, or transportation of any trees in the incorporated City Limits of Forest Park

- A. **Procedure.** Four (4) copies of a tree protection plan (TPP) must be submitted to the Planning & Community Development Director, or his/her designee, for review to ascertain conformance to the City of Forest Park Tree Protection Ordinance prior to application for a land and vegetation disturbance permit and/or application for development plan and preliminary plat approval. It is advised that a qualified landscape architect, Georgia Forestry Commission (GVC) certified urban forester, or arborist prepare the TPP.

The TPP must include:

1. The exact location of all existing trees and specimen trees more than ten (10) inches in diameter clearly indicating those which will be retained to meet the tree protection requirements, their size, dripline area and species.
2. The location, size, and species of all replacement trees.
3. The boundaries of all required buffer areas.
4. The boundaries of all existing and proposed landscaped areas.
5. The boundaries of all existing and proposed buildings.
6. The boundaries of all vehicle and pedestrian use areas.
7. All existing and proposed utilities (i.e., water, sewer, stormwater drainage and retention facilities, etc.), and all existing and proposed utility poles and/or light poles.

Upon submission of the TPP, the planning, building, and zoning director, or his/her designee, shall:

1. Conduct a preliminary review of the TPP.
2. Conduct an on-site inspection to determine if there are any trees of exceptional aesthetic or historical value.
3. Return the TPP either approved or with changes which must be made prior to the issuance of a land and vegetation disturbance permit.

After final approval of the TPP by the Planning & Community Development Director, or his/her designee, development plan and plats can be forwarded for review, of the land and vegetation disturbance permit can be issued.

- B. **Compliance.** It is the responsibility of the Planning & Community Development Director, or his/her designee, to review the TPP to ascertain compliance with the provisions of the tree protection ordinance before a land and vegetation disturbance permit will be issued. It is also the responsibility of the Planning & Community Development Director, or his/her designee, to conduct a final inspection for compliance with the tree protection ordinance before a certificate of occupancy or acceptance of streets will be granted.
- C. **Appeal procedure.** Any applicant for a land and vegetation disturbance permit who is aggrieved by any decision of the Planning & Community Development Director, or his/her designee, relating to the application of this Article shall have the right to appeal to the City Manager. Such appeal shall be requested in writing no less than ten (10) days after the decision has been made. The appeal shall be heard by the City Manager within thirty (30) days after the receipt of the appeals request. The City Manager shall have the right to overturn, modify, or affirm the decision made by the Planning & Community Development Director, or his/her designee.



**Sec. 8-8-135 Tree Protection Requirements**

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Property subject to the Forest Park Tree Protection Ordinance shall retain a minimum of twenty (20) percent of all trees more than ten (10) inches in diameter. Trees which fulfill this preservation requirement shall be exclusive of the required buffer areas. Every five (5) caliper inches of trees preserved shall count one (1) caliper inch toward the density requirements.

**Sec. 8-8-136 Guidelines for Tree Protection**

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Listed below are guidelines for tree protection to be followed during the grading and construction process, and for the continued maintenance of trees:

- A. All individual stand alone trees to be retained on a site must be marked with orange engineering tape, tied around the trunk of the tree at a height of five (5) feet above the ground.
- B. The tree protection area (dripline area) of stand alone trees and stands of trees will be marked with standard construction fencing (orange) or four (4) foot silt fence with stakes placed every ten (10) feet.
- C. If initial development is limited to streets, drainage easements and utilities, a TPP indicating only trees equal to or in excess of ten (10) inches DBH which are to be removed must be submitted. During street and utility construction, the grading permit shall be limited to the area needed for street right-of-way.
- D. If it is determined that irreparable damage has been done to a tree in a tree protection area, the developer, the builder, and/or owner shall be responsible for the replacement of that tree as provided for in this Article under Guidelines for Tree Replacement.
- E. All areas not devoted to structures, access ways, dumpsters, storage, roads, parking lots, and natural vegetation shall be landscaped.
- F. The Planning & Community Development Department may require landscaping in conjunction with the issuance of a building permit not requiring plat or site approval.
- G. All trees planted in accordance with this Article shall be of a species approved by the City.
- H. The planting of trees to meet the requirements of this Article shall be on the front or side of the developed areas and plantings behind a building shall not be counted in determining the minimum requirements of this section unless specifically authorized by the City.

**Sec. 8-8-137 Guidelines for Tree Replacement**

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- A. If the tree preservation requirements of this Article make reasonable use of a property impossible or if a tree in a tree protection area is irreparably damaged, the following replacement requirements shall be followed after the construction process is complete.
  - 1. The trees shall be replaced diameter inch for diameter inch with a minimum of three (3) inch DBH trees of the same species. If the species of the existing tree is unsuitable for replacement, as identified in Section 8-8-137(B), or is unavailable, an inch for inch

replacement of minimum three (3) inch DBH trees of a suitable species, as identified in Section 8-8-137(B), shall be planted.

2. All trees selected for replacement must be quality specimens free of disease, injury, or infestation, and must be ecologically compatible with the specifically intended growing area as identified in Section 8-8-137(B).
  3. All replacement trees must be planted before a certificate of occupancy is issued or streets and easements will be accepted.
  4. Replacement trees planted shall fall under the maintenance provisions of the City of Forest Park Urban Design Review Board, as identified in Section Sec. 8-8-161, Design Approval Procedures
  5. Specimen trees shall be replaced with specimen trees and understory trees shall be replaced with understory trees as identified in Section 8-8-137(B).
  6. Where the minimum tree diameter cannot be met due to natural site constraints, the developer or builder shall provide the remaining balance of the required trees for planting on public property.
- B. Trees suitable for replacement trees and unsuitable as replacement trees:
8. Trees suitable as replacement trees for specimen trees:

Southern Red Oak	Pecan
Northern Red Oak	Hickory
White Oak	Red Maple
Willow Oak	Florida Maple
Southern Red Oak	Yellow Birch
Sourwood	Sugar Maple
Birch	

9. Trees suitable for the replacement of understory trees:

Service Berry	Aristocrat Pear
Crape Myrtle	American Holly
Cherry	Plum
Fringe Tree	Coosa Dogwood
Virginia Pine	Kwanson Cherry
Red Bud	Red Buckeye
Carolina Silver Bell	

3. Trees unsuitable for replacement:

Eastern Hemlock	Eastern White Pine
Lombardy Poplar	Mimosa
Norway Pine	Paper Birch
Silver Maple	Spruce
Box Elder	Willow
Royal Paulownia	Tree of Heaven

**Sec. 8-8-138 Tree Harvesting**

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Tree harvesting is not allowed in a residentially zoned area or within one hundred (100) yards of residentially zoned property.

**Sec. 8-8-139 Fees**

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All permits and licenses shall be obtained through the Planning & Community Development Department and shall be in accordance with the business license ordinance prior to commencement of any type of operation. A permit of fifty dollars (\$50.00) shall be paid annually by any tree contractor removing a tree or trees.

**Sec. 8-8-140 Variances**

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The City Council may authorize in specific cases such variances from the terms of this Article as will not be contrary to the public interest when, due to special conditions:

- A. Granting a variance is determined to be a greater public benefit than the literal enforcement of the ordinance; and
- B. The tree replacement requirements of the ordinance could be met on site but, due to the location of the replacement trees they would not be in keeping with the intent and goals of the tree protection and/or landscaping Standards Section 8-8-89 of the City.

The affected property owner must make application for the variance request to the Planning & Community Development Director no less than fourteen (14) days prior to the next scheduled City Council meeting. The variance request shall not be placed on the council agenda if the city manager determines that the request does not meet the variance criteria listed above.

**Sec. 8-8-141 Penalties**

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Citation(s) for violation(s) of this Article will be issued by the City. The citation shall be returnable to and tried before the environmental court of the City. Any person, firm, or corporation found guilty of violating this Article shall upon conviction be fined up to one thousand dollars (\$1,000.00) as described in Section 1-1-8, General Penalty. Each day such violation remains unresolved to the satisfaction of the City shall be deemed a separate offense. In addition to any imposed fines, the responsible person may be required to replace a removed tree with a number of smaller trees of the same species, provided the combined caliper measurements of the smaller trees are at least equal to the measurement of the tree which was removed.

**Sec. 8-8-142 – 8-8-157 Reserved**

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## Article F: Boards and Commissions

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### Sec. 8-8-158 Urban Design Review Board

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The City of Forest Park hereby establishes the Urban Design Review Board which shall conduct business consistent with all requirements of this ordinance.

- A. The Urban Design Review Board shall consist of five (5) members, who shall be appointed by the Mayor and City Council (Governing Body) for terms of three (3) years each. Each member shall be a resident or working professional within Clayton County. The Planning & Community Development Director shall provide advice and recommendations to the governing body concerning the qualifications of individuals considered for appointment to the Board. On and after the effective date of this section, each person appointed to the Board shall meet either one (1) of the two (2) following minimum requirements:
3. He or she shall be educated and/or experienced in the field of land development, arts and culture, engineering, architecture, urban planning, landscape architecture, real estate, or similar professional field; or
  4. He or she shall be a design professional registered and licensed by the State of Georgia in one (1) of the following professional fields: architecture, engineering, or landscape architecture.
- B. Any vacancy in the membership of the Urban Design Review Board will be filled for the unexpired term in the same manner as the initial appointment. Members shall serve with pay as established by the governing body and may be reimbursed for any authorized travel expenses incurred while representing the Board.
- C. Members of the Urban Design Review Board shall be appointed by the governing body of the City for overlapping terms of three (3) years each. In order to ensure that the members' terms overlap, the initial appointments made after the effective date of this amendment may be, but are not required to be, for terms of three (3) years, two (2) years, or one (1) year, as needed to ensure overlapping terms; and thereafter all subsequent appointments shall be the terms of three (3) years each. All members shall serve until their successors are duly appointed and assume office.

### Sec. 8-8-159 Powers and Duties

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- A. **Duties of the Urban Design Review Board.** The Urban Design Review Board shall elect officers consisting of a chairman, a vice-chairman, and a secretary and shall adopt rules and guidelines for review of applications. Meetings of the Board shall be held at such times as the Board may determine on an as-needed basis. All meetings shall be open to the public. The Board shall review and approve or disapprove development proposals as set forth in Section 8-8-159(B).
- B. **Regulation of Development Citywide.** The Urban Design Review Board shall review all proposed single family subdivisions, multiple family residential, commercial, and industrial new construction, multiple family and residential, commercial, and industrial re-development,

exterior remodeling (other than maintenance), re-occupancy and/or demolition, community art and murals, and shall approve or disapprove all such construction, development, exterior remodeling, re-occupancy and/or demolition in accordance with the requirements set forth in the following subsections.

**Sec. 8-8-160 Rules and Procedures**

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- A. **Intent.** The intent of this section is to provide procedures and standards for review and approval of site, landscaping, and exterior architectural design plans for development within the Urban Design Review Board’s Powers and Duties as identified in Section 8-8-159 in order to ensure that such development complies with the provisions of this chapter and meets design and development policies established by the City.
- B. **Purpose.** The purpose of the design plan review process is to regulate site plan, landscaping, and the exterior architectural design for all uses in the Urban Design Review Board’s Powers and Duties as identified in Section 8-8-159 in order to:
1. Enhance and preserve the aesthetic qualities of the City of Forest Park as an attractive and progressive suburban community;
  2. Protect and maintain the value of existing buildings and property;
  3. Ensure architectural harmony between buildings and landscaping in order to promote and protect the aesthetic qualities of the City;
  4. Lessen traffic congestion and minimize traffic safety problems;
  5. Preserve and enhance the natural resources of the City in order to provide aesthetic and other public benefits, such as pollution abatement, erosion and runoff control, energy conservation, and enhancement of property values;
  6. Minimize any adverse impacts of new development on existing uses through provisions of screening, buffering, landscaping, and other techniques;
  7. Protect public investment by mitigating impacts generated by new development on existing public facilities, and utilities; and
  8. Enhance economic opportunities by maintaining the City as an attractive community for prospective developers, businesses, and residents.
- C. **Applicability.** A design plan approved by the Urban Design Review Board shall be required before a building permit is issued on any improvement, grading, alteration of land or alteration of the exterior of any building commences, for all structures and uses in the Urban Design Review Board’s Powers and Duties as identified in Section 8-8-159.

**Sec. 8-8-161 Design Approval Procedures**

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- A. **Pre-application meeting.** Prior to submittal of an application for approval or design plan, the applicant may meet with the Planning & Community Development Director, Building Official, or Urban Design Review Board member(s). The purpose of this informal meeting is to ensure the developer's understanding of this section and design plan application requirements; to inform the applicant of community design policies and standards; and to provide an opportunity for review of any preliminary drawings and site plans.
  
- B. **Application review.** A design plan application shall be submitted in triplicate to the Planning & Community Development Director for review to ensure compliance with provisions of this section and for transmission of two (2) copies to the Urban Design Review Board for review and final action. After the design plan application is submitted and accepted, the chairman of the Board shall call a formal meeting within fifteen (15) days of the application's acceptance. Within seventy-two (72) hours after the date of formal review meeting, the Board shall take final action on the design plan application. If the Board shall fail to take final action upon the application, the application shall be deemed to be approved. The Board may extend this deadline by a majority vote of those members present. When circumstances necessitate, the board may defer action on an application until its next meeting.
  
- C. **Decisions of the Board.** The Urban Design Review Board shall take final action by rendering one (1) of the following decisions on the design plan:
  - 1. **Approval.** The applicant shall be authorized to file for appropriate building permits in accordance with the approved design plan.
  - 2. **Conditional approval.** The applicant shall be authorized to file for appropriate building permits with approved conditions or modifications to the design plan. Conditions imposed by the board shall be to achieve public purposes and shall still permit development as accorded high-quality similar developments within the City of Forest Park.
  - 3. **Denial.** The applicant shall not be granted a building permit. The Board shall specify in writing to the applicant and governing body the reasons for denial. The reasons for denial shall include negative impacts on the environment, property values, surrounding properties, or public health, safety, or welfare.
  
- D. **Design Approval.** Upon approval of the design plan, the chairman of the Board shall notify the Planning & Community Development Director of the approval and transmit a copy of the approved design plan, with any conditions noted.
  
- E. **Enforcement.** All exterior architectural design and landscaping and other on-site improvements shall be completed in accordance with the approved design plan. The Building Inspector shall make periodic field inspections as required. If a violation is found to exist, the Building Inspector shall take immediate appropriate action to ensure compliance. No certificate of occupancy shall be issued unless all on-site improvements, landscaping, and

exterior building facades are completed (or guaranteed through the posting of an acceptable performance bond) in accordance with the approved design plan. A temporary certificate of occupancy may be issued not to exceed thirty (30) days wherein the on-site improvements can be completed within that time frame and such conditions present no safety hazard.

- F. **Approval duration and extension.** Approval for a design plan submitted under provisions of this section shall expire or be extended subject to provisions in Section 8-8-235, Building Permit Process.
- G. **Application requirements.** The specific administrative requirements for any pre-application and final application for design plan approval shall be established by the City of Forest Park; however, the application shall contain at least the following three (3) elements, as applicable:
  - 1. **Site analysis.** A site analysis, with appropriate topographic data, shall include information on significant manmade and natural features and features to be retained, moved, or altered.
  - 2. **Site plan.** A site plan at an appropriate scale with accompanying supporting information shall include information on proposed improvements including internal circulation and parking, landscaping, grading, lighting, drainage, and amenities.
  - 3. **Architectural design.** The architectural design element shall include scaled elevation drawings of proposed structures and information on building materials, colors, and items affecting exterior appearance, such as signs, air conditioning, grills, compressors, and similar features.
- H. **Administrative waiver.** The Urban Design Review Board may waive administrative requirements of this section as needed to facilitate the review process, where such requirements are inappropriate or unnecessary.
- I. **General architectural requirements.** The general architectural requirements listed in this section are minimum aesthetic standards for structures within the Urban Design Review Board’s Powers and Duties as identified in Section 8-8-159, regulated by the provisions of this section. These requirements shall be used by the Urban Design Review Board in reviewing exterior architectural design plans and drawings and may be supplemented by specific architectural design policies and standards, as established by the Urban Design Review Board and approved by the governing body.
  - 1. It shall not be the intent of the architectural requirements of this section to prescribe a narrow range of exterior architectural design choices, but rather to encourage well designed structures compatible with existing high-quality development in the immediate vicinity and in the surrounding area, and to prohibit poor-quality, garish, and/or incompatible design, which would have adverse effects on public and private investment.
  - 2. Each architectural design plan shall be reviewed by the Urban Design Review Board, based upon, but not limited to, the following policies and standards:
    - a. Design shall be in harmony with the general character of developments of high-quality in the immediate vicinity and the surrounding area, considering factors

such as mass, building materials, placement, height, changing land use patterns, and consistency of exterior architectural treatment.

- b. Design components shall be planned in such a fashion that they are physically and aesthetically related and coordinated with other elements of the project and surrounding environment to ensure visual continuity of design.
- c. Design shall protect scenic views, particularly those of open space, and utilize natural features of the site.
- d. Design shall protect adjacent properties from negative visual and functional impacts.
- e. All exterior forms, attached to buildings or detached, shall be in conformity to and secondary to the building.

J. **General landscaping requirements.** The landscaping requirements listed below and within the ordinance are the minimum design standards for all development. These requirements shall be used by the Board and the Director in reviewing site plans and may be supplemented by specific landscaping standards and specifications established by the Urban Design Review Board.

1. Landscape design and planning shall be integrated with the overall design concept for the project; therefore, the Board shall evaluate landscaping schemes as to their relationship to buildings and structures, as well as to existing natural and developed landscapes, and to other adjacent landscaping on private property and public rights-of-way.
2. Existing tree cover and natural vegetation shall be preserved, whenever possible, or at the applicant's option, replaced with suitable vegetation.
3. Landscaping or privacy fences shall be used whenever possible to screen objectionable views or nuisances which are visible from the roadway, such as service areas, refuse containers, air conditioning units, transformers, and similar features.
4. Grass areas shall be sodded or seeded with a variety suitable to the area that produces complete, permanent coverage.
5. No artificial plants, trees, or other vegetation shall be installed.
6. All landscaped areas shall be provided with a sprinkler system or readily available water supply.

K. **Tree requirements.** The following tree and planting and maintenance requirements shall be met:

1. Except as otherwise required by this section and to meet specific community design policies established by the Urban Design Review Board trees shall be planted and/or retained in areas of the site to enhance the overall project design and to provide such amenities as visual attractiveness, natural resources preservation, and energy conservation.
2. All retained or planted trees shall be protected or situated so as to prevent damage from environmental changes resulting from any building or other improvement.



3. The Urban Design Review Board may vary the minimum landscaping and tree requirements of this section if specific circumstances and/or site conditions warrant such action.

**Sec. 8-8-162 Surety**

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- A. **Agreement and bonding.** Prior to issuance of a certificate of occupancy, the developer or owner may be required to post a performance bond or cash escrow deposit guaranteeing all landscaping materials and work for a period of one (1) year after approval or acceptance thereof by the City in a sum established by the Urban Design Review Board, if specific circumstances and/or conditions warrant such action (such as intentional failure on the part of the owner or developer to comply with these provisions on a prior occasion or occasions), such bond shall be in the amount of one hundred (100) percent of the estimated cost of replacing all landscaping required in the approved design plan. At the end of one (1) year, the Building Inspector shall make an inspection and notify the owner or developer and the bond company of any replacements/corrections required to be made. If there are no replacements or corrections to be made, then the Building Inspector may authorize release of the bond or cash deposit.
- B. **Maintenance.** The owner shall be responsible for the maintenance and protection of all landscaping and other features of the design plan approved by the Urban Design Review Board.

**Sec. 8-8-163 Appeals**

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Any party aggrieved by the decision of the Urban Design Review Board shall be entitled to file an appeal with the Mayor and City Council.

- A. Said appeal must be submitted in writing and addressed to the Mayor and City Council of the City of Forest Park.
- B. Said appeal shall set forth each and every basis upon which the application was denied and shall set forth each and every reason that the said denial should be overruled.
- C. The governing body shall then set a time and date at the next regular meeting of the governing body whereby the aggrieved party may come before it and submit proof to said governing body that the denial is improper.
- D. The governing body shall afford the applicant sufficient time in which the applicant may address each reason that said party contends the Board was in error. The governing body shall then hear from the Director and/ or a representative of the Urban Design Review Board as to why said application was originally denied, and what negative impact said structure would have on the City.
- E. The governing body may question either the applicant, the Director, the Board representative, or all, in order to clarify or expand upon the position taken by either the applicant or the Board.
- F. Thereafter, the Mayor and City Council shall vote and decide whether to overrule initial decision of the Urban Design Review Board or whether to permit the decision of same to stand.

**Sec. 8-8-164 Planning Commission**

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The City of Forest Park hereby establishes the Planning Commission which shall conduct business consistent with all requirements of the State of Georgia and this Ordinance.

- A. **Membership.** The Planning Commission shall consist of and continue as a five (5) member commission. Members shall be appointed and confirmed in accordance with Mayor and City Council approval.
- B. **Term.** Planning Commission members shall be residents or property owners within the city and shall not be members of the city governing authority. Members shall be appointed for four (4) year terms and shall serve until their successor is appointed and qualified. Each successive appointment shall be for three (3) years.
- C. **Vacancies.** Any vacancy in membership shall be filled for the unexpired term by the governing authority who shall have the authority to remove any member for cause, on written charges, after a hearing has been held by the governing authority. If a member moves outside the City limits or sells his/ her property within the city; it shall constitute a resignation from the Planning Commission. Vacancies for unexpired terms shall be filled in the same manner as the initial appointment and the Mayor and City Council shall appoint and confirm a member for the unexpired term of the vacating member. Members may be reappointed to successive terms without limitation.
- D. **Compensation.** All members shall be compensated in an amount as fixed from time to time by the mayor and council, and each may be further reimbursed for actual expenses incurred in direct connection with official duties when said expense has the prior approval of the mayor or city manager.

**Sec. 8-8-165 Powers and Duties**

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- A. **Recommending Body.** The Planning Commission shall serve as the recommending body for the Mayor and City Council of Forest Park for the following applications. Planning Commission shall recommend approval or denial of applications being forwarded to the Mayor and City Council, which include:
  - 1. Comprehensive plan amendments;
  - 2. Zoning map amendments(rezoning);
  - 3. Conditional uses;
  - 4. Text amendments, and
  - 5. Regulations for the subdivision of land within the city, and to administer the regulations that may be adopted.

B. **Decision Making Body.** The Planning Commission shall approve or deny the following applications for:

1. Variances.

**Sec. 8-8-166 Rules and Procedures**

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A. **Quorum.** Three (3) members of the Planning Commission shall constitute a quorum for the transaction of business.

B. **Officers.** The following officers shall be established:

1. The Planning Commission shall elect a chairman. The chairman shall serve for one (1) year or until he/she is re-elected or his/her successor is elected.
2. A second member shall be elected as vice chairman, and he/she shall serve for one (1) year or until he/she is re-elected or his/her successor is elected.
3. The Planning Commission shall appoint a secretary, who is an employee of the City of Forest Park.

C. **Meetings.** The Planning Commission shall meet a minimum of once each month at a date and time established by the Planning & Community Development Director, and all meetings shall be called in accordance with the procedures in *Robert's Rules of Order*.

D. **Rules and Operating Procedures.** The Planning Commission shall have the authority, with Mayor and City Council consent, to adopt any procedures concerning organization, forms for applications, filing requirements, procedures, and conduct of meetings.

E. **Filing.** All applications shall be filed by the applicant with the Planning & Community Development Departments in the form prescribed by the Director.

**Sec. 8-8-167 Conduct of the Planning Commission's Hearing**

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A. **Acknowledgement.** All persons who wish to address the Planning Commission at a hearing shall first sign up on a form to be provided by the City prior to the commencement of the hearing.

B. **Matter Presented.** The Chairman will read the proposed petition under consideration in the order determined by the Director. The Director, or his/her designee, shall then present the petition, along with the staff report and all recommendations prior to receiving public input on the proposed petition.

C. **Speakers.** The Chairman will then call each person who has signed up to speak on the petition in the order in which the persons have signed up to speak, except the applicant who will always speak first. Prior to speaking, the speaker will identify himself or herself and state his or her current address. Only those persons who signed up to speak prior to the

commencement of the hearing shall be entitled to speak, unless a majority of the Planning Commission, in its discretion, allows the person to speak to the petition, notwithstanding the failure of the person to sign up prior to the hearing.

- D. **Time Limits.** The Applicant shall have a reasonable time for his presentation. The opponents of the request shall be allotted a reasonable time as well.
- E. **Decorum and Order.** Each speaker shall speak only to the merits of the proposed petition under consideration and shall address his remarks only to the members of the Planning Commission.
- F. **Notification.** These procedures shall be available in writing at each hearing.

**Sec. 8-8-168 Notice of Public Hearing**

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For all public hearings, the petitioner shall provide notice to the public consistent with the requirements of this ordinance provided in Section 8-8-185, Notice of Public Hearing.

**Sec. 8-8-169 – 8-8-184 Reserved**

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## Article G: Zoning Amendments

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### Sec. 8-8-185 Notice of Public Hearing

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For all public hearings, the petitioner shall provide notice to the public consistent with the requirements of this section. Required public notice shall include the following:

- A. **Notice Sign.** The petitioner shall allow the director to post on the subject property a sign giving notice of the hearing provided by the Planning & Community Development Department. The sign shall be posted and remain on the on the property a minimum of at least fifteen (15) days before and no more than forty-five (45) before the date of the public hearing of the Planning Commission, and Mayor and City Council.
- B. **Legal Notice.** The Director shall prepare a legal notice consistent with the requirements of Zoning Procedures Law of the State of Georgia for publication in the local newspaper of general circulation. Legal notices shall include each of the following:
  - 1. The general location of the subject property;
  - 2. The street or common address of the real estate;
  - 3. That the project plans are available for examination at the office of the City of Forest Park’s Planning & Community Development Department;
  - 4. That a public hearing will be held giving the date, place, and hour of the hearing; and
  - 5. That written comments on the petition will be accepted prior to the public hearing and may be submitted to the Director.
- C. **Notice to Interested Parties.** The Director shall prepare and distribute written notice of the petition to all property adjacent property owners the subject property.
  - 1. The notice shall contain the same information as the legal notice which is published in the newspaper as outlined above.
  - 2. The notices shall be sent to each property owner at least one (1) time and must be postmarked a minimum of at least fifteen (15) days before the date of the public hearing.

### Sec. 8-8-186 Zoning Map Amendment Process

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The following procedure shall apply to all zoning map amendment (“rezoning”) petitions:

- A. **Petition Initiation.** Proposals for zoning map amendments may be initiated by the property owner.
- B. **Application.** The petitioner shall submit a rezoning application, affidavit and consent of property owner (if the owner is someone other than the petitioner), a deed for the property involved, the required filing fee, and required supportive information. Supportive information shall include, but not be limited to the following:
  - 1. A site plan drawn to scale showing, at a minimum, all existing and proposed structures, setbacks, easements, rights-of-way, floodplains, and any other feature relevant to the petition.
  - 2. A vicinity map showing the use and zoning of surrounding properties.
  - 3. A letter of intent to the Planning Commission stating the reasons for the Zoning Map Amendment, including a detailed description of any proposed development for which the

rezoning is sought.

4. For proposals using septic systems, a letter from the County Health Department shall be provided verifying that the any proposed new development makes appropriate use of the septic system and will be adequately served.
  5. For proposals using public sewers, a letter from the service provider shall be included verifying that any proposed new development will be served.
- C. **Notification.** Notification for the scheduled public hearing regarding the rezoning request shall be completed consistent with the requirements of Section 8-8-185, Notice of Public Hearing, of this Ordinance and in accordance with the Planning and Zoning Act of the State of Georgia.
- D. **Planning Commission Public Hearing.** The Planning Commission will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the rezoning application and required supportive information.
1. Either the petitioner or a representative of the petitioner must be present at the public hearing to present the petition and address any questions the Planning Commission may have.
  2. The Planning Commission shall consider a report from the Director, testimony from the petitioner, and testimony from the public and interested parties at the hearing.
  3. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Planning Commission.
  4. The Planning Commission shall either forward the petition to the Mayor and City Council with a favorable recommendation, a favorable recommendation an unfavorable recommendation, or no recommendation, or table the request.
    - a. The petition shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed below in this Article.
    - b. The petition shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed below in this Article.
    - c. The petition may be forwarded with no recommendations if, by a majority vote of the Planning Commission, it is determined that petition includes aspects which the Planning Commission is not able to evaluate.
- E. **Decision.** In ruling upon any application for a zoning map amendment or upon any application for a conditional use or upon any other application for which the discretion of the Planning Commissions and/ or Mayor and City Council, they shall, at all times, act in the best interest of the health, safety, morals and general welfare of the City. In doing so, they will consider one or more of the following factors as they may be relevant to each application:
1. Would the proposed amendment be consistent and compatible with the City's land use and development, plans, goals and objectives?

2. Would the proposed amendment tend to increase, to decrease, or to have no impact on traffic safety and congestion in the streets?
  3. Would the proposed amendment tend to increase, to decrease, or to have no relationship to safety from fire and other dangers?
  4. Would the proposed amendment tend to promote, to diminish, or to have no influence on the public health and general welfare of the City?
  5. Would the proposed amendment tend to increase, to decrease or to have no influence on the adequacy of light and air?
  6. Would the proposed amendment tend to cause, to prevent, or to have no influence on the overcrowding of land?
  7. Would the proposed amendment tend to cause, to prevent, or to have no relationship on the population distribution within the City, thus creating any area so dense in population as to adversely affect the health, safety and general welfare of the City?
  8. Would the proposed amendment tend to impede, to facilitate, or to have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities, or facilities?
  9. Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?
  10. Would the proposed amendment tend to promote, to diminish, or to have no influence upon the aesthetic effect of existing and future uses of the property and the surrounding area?
  11. Would the proposed amendment tend to promote, to diminish, or to have no influence upon the aesthetic effect of existing and future uses of the property and the surrounding area?
  12. Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?
  13. Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?
- F. **Burden of Proof.** After the Mayor and City Council has heard evidence at the zoning hearing, they shall apply the evidence to the standards of review hereinabove set forth in arriving at their decision. They shall consider every relevant criteria contained in the standards. The burden of proof shall be on the applicant to show that the proposed zoning amendment promotes the public health, safety, or general welfare of the city. In the event the Planning Commission and the Mayor and City Council determine that the applicant has shown that the proposed zoning amendment promotes the health, safety, morals, or general welfare under the standards of review, then they shall grant the application, subject to any reasonable conditions that they may otherwise impose. Otherwise, the application shall be denied.



- G. **Certification.** The Director shall certify the Planning Commission’s recommendation and staff report to the Mayor and City Council.
- H. **Mayor and City Council Hearing.** The Mayor and City Council shall hold a public hearing and vote on the proposed amendment.
- I. **Decision Criteria.** In reviewing the rezoning petition, the Mayor and City Council shall consider the following standards governing the exercise of the zoning power as adopted in accordance with O.C.G.A. 36-66-5(b):
  - 1. The existing land uses and zoning classification of nearby property;
  - 2. The suitability of the subject property for the zoned purposes;
  - 3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions;
  - 4. The extent to which the diminution of property values of the subject property promotes the health, safety, morals or general welfare of the public;
  - 5. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
  - 6. Whether the subject property has a reasonable economic use as currently zoned;
  - 7. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property;
  - 8. Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;
  - 9. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
  - 10. Whether the zoning proposal is in conformity with the policies and intent of the land use plan;
  - 11. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; and
  - 12. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

**Sec. 8-8-187 Reapplication of Zoning Map Amendment**

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If the decision of the Mayor and City Council is to deny the zoning map amendment (rezoning), then the same property may not again be considered for a rezoning until the expiration of at least six (6) months immediately following such denial.

**Sec. 8-8-188 Conditional Use Process**

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The following procedure applies to conditional use petitions:

- A. **Application:** The petitioner shall submit a conditional use application, affidavit and consent of property owner (if the owner is someone other than the petitioner), a deed for the property involved, the required filing fee, and required supportive information. Supportive information shall include, but not be limited to the following:
  - 1. A site plan drawn with a straight edge, signed, and dated, clearly showing the entire layout of the property and all features relevant to the conditional use request.
  - 2. A letter of intent to the Planning Commission describing the details of the conditional use request including but not limited to:
    - a. The ways in which the conditional use shall comply with the applicable development standards of this Code,
    - b. The ways in which the conditional use shall be consistent with the required findings of fact described by Section 8-8-186(I).
  - 3. For proposals using septic systems, a letter from the County Health Department shall be provided verifying that the any proposed new development makes appropriate use of the septic system and will be adequately served.
  - 4. For proposals using public sewers, a letter from the service provider shall be included verifying that any proposed new development will be served.
- B. **Notification.** Notification for the scheduled public hearing regarding the conditional use request shall be completed consistent with Section 8-8-185, Notice of Public Hearing.
- C. **Public Hearing.** The Planning Commission will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the conditional use application and required supportive information.
  - 1. Either the petitioner or a representative of the petitioner must be present at the public hearing to present the petition and address the required findings of fact.
  - 2. The Planning Commission shall consider a report from the Director, testimony from the petitioner, and testimony from the public and interested parties at the hearing.
  - 3. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Planning Commission.
  - 4. The Planning Commission shall either forward the petition to the Mayor and City Council with a favorable recommendation, a favorable recommendation an unfavorable recommendation, or no recommendation, or table the request.
    - a. The petition shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed below in this Article.

- b. The petition shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed below in this Article.
  - c. The petition may be forwarded with no recommendations if, by a majority vote of the Commission, it is determined that petition includes aspects which the Commission is not able to evaluate.
- D. **Certification.** The Director shall certify the Planning Commission’s recommendation and staff report to the Mayor and City Council.
- E. **Mayor and City Council Hearing.** The Mayor and City Council shall hold a public hearing and vote on the proposed conditional use permit.

**Sec. 8-8-189 Reapplication of Conditional Use Permit**

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If the decision of the Mayor and City Council is to deny the Conditional Use Permit, then the same property may not again be considered for a Conditional Use until the expiration of at least six (6) months immediately following such denial.

**Sec. 8-8-190 Termination of Conditional Use Permit**

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A Conditional Use Permit may cease to be authorized and terminated with proper public notification, public hearing, and approval by the Mayor and City Council if construction has not been completed and approved within six (6) months of the date the Conditional Use Permit is granted.

**Sec. 8-8-191 Text and Map Amendments**

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- A. In accordance with O.C.G.A. S 36-66-1 et seq., the Zoning Procedures Law of the State of Georgia, the Mayor and City Council may amend or partially repeal the text of this Ordinance, or they may amend the Official Zoning Map of this Ordinance as follows:
- 1. The Director or Mayor and City Council may initiate a proposal to amend or partially repeal the text according to the procedure of the Zoning Procedures Law of the State of Georgia and according to the Mayor and City Council Rules and Procedures.
  - 2. The Director or Mayor and City Council may initiate an application to change the Official Zoning Map according to the procedure of the State of Georgia and according to the Mayor and City Council Rules and Procedures.
- B. In its review of the text and zoning map amendments, the Planning Commission and Mayor and City Council shall pay reasonable regard to:
- 1. The most recently adopted Comprehensive Plan;
  - 2. Current conditions and the character of structure and uses in each district;
  - 3. The most desirable use for which the land in each district is adapted;
  - 4. The conservation of property values throughout the jurisdiction;
  - 5. Responsible development and growth; and

6. The public health safety and welfare.

**Sec. 8-8-192 Variance Process**

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The following procedure shall apply to all variance petitions.

- A. **Application.** The petitioner shall submit a variance application, affidavit and consent of property owner (if the owner is someone other than the petitioner), a deed for the property involved, the required filing fee, and required supportive information. Supportive information shall include, but not be limited to the following:
  1. A site plan drawn with a straight edge, signed, and dated, clearly showing the entire layout of the property and all features relevant to the variance request.
  2. A letter of intent to the Planning Commission describing the details of the variance being requested and stating how the request is consistent with the development standards described by Section 8-8-193(A) of this Ordinance. The letter should include any written commitments being made by the petitioner.
- B. **Notification.** Notification for the scheduled public hearing regarding the variance request shall be completed consistent with Section 8-8-185, Notice of Public Hearing, of this Ordinance.
- C. **Public Hearing.** The Planning Commission will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the variance application and required supportive information.
  1. Either the petitioner or a representative of the petitioner must be present at the public hearing to present the petition and address the required findings of fact.
  2. The Planning Commission shall consider a report from the Director, testimony from the petitioner, and testimony from the public and interested parties at the hearing.
  3. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Planning Commission.
  4. The Planning Commission may approve, approve with conditions, deny, or table the petition.
    - a. The petition shall be approved if findings of fact are made consistent with the requirements of Section 8-8-193(A) of this Ordinance.
    - b. The petition shall be approved with conditions if the Planning Commission determines that the required findings of fact may be made if certain conditions are applied to the petition. The Commission may make reasonable conditions related to the required findings of fact part of its approval or accept written commitments from the petitioner.
    - c. The petition shall be denied if findings of fact consistent with the requirements of Section 8-8-193(A) of this Ordinance are not made.

- d. The petition shall be tabled if additional information is required to make a decision.

**Sec. 8-8-193      Development Standards Variances**

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- A. The Planning Commission may grant a variance from the development standards of this ordinance where permitted under this Ordinance, if, after a public hearing, it makes findings of facts in writing, that:
  - 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  - 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
  - 3. The strict application of the terms of this ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

**Sec. 8-8-194      Use Variances**

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The Planning Commission shall under no circumstances grant a use variance or take any action to establish a use on any property within its jurisdiction that is neither a listed permitted use nor a listed conditional use in the district in which it is located as established by Article B of this Ordinance.

**Sec. 8-8-195      Reapplication of Variance**

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If the decision of the Planning Commission is to deny the variance, then the same property may not again be considered for the same variance until the expiration of at least six (6) months immediately following such denial.

**Sec. 8-8-196      Termination of Variance**

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A variance may cease to be authorized and terminated with proper public notification, public hearing, and approval by the Planning Commission if construction has not been completed and approved within six (6) months of the date the variance is granted.

**Sec. 8-8-197      Administrative Variance**

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The Planning & Community Development Director shall have the power to approve a variance from site design and development standards where the intent of this Zoning Code can be achieved, equal performance obtained, and the administrative variance would not override conditions of zoning assigned by the Mayor and City Council. The authority to grant an administrative variance shall be limited to the following approvals:

- A. A reduction in the minimum front, side, or rear yard setbacks for a single lot, provided the following standards are met:
  - 1. The reduction is necessary due to the existence of any one of the following factors:
    - a. Geologic conditions;

- b. Topography; or
  - c. Inability of the applicant to adhere to tree protection standards set forth in Article E.
2. The reduction is limited to a maximum deviation of ten (10) percent from the site design standard.

**Sec. 8-8-198 – 8-8-212    Reserved**

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## Article H: Land Development Site Plans

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### Sec. 8-8-213 Land Development Site Plans Required

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Land Development Site Plans shall be required for all developments for which a Land Disturbance Permit and NPDES Permit is required by this Code.

### Sec. 8-8-214 Review and Approval Authority

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The Planning & Community Development Director, the Public Works Department, the City Engineer, the Fire Marshal, and Clayton County Water Authority shall have the authority to review and approve Land Development Site Plans required by this Article consistent with these provisions.

The procedure for the review of proposed amendments or revisions to previously approved Site Development Plans shall follow the process for the initial approval of Land Development Site Plans outlined below.

### Sec. 8-8-215 Review Process and Standards

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Land Development Site Plans shall be subject to the following review and approval process:

- A. **General Requirements.** All applications may be obtained through the Planning & Community Development Department. Fees shall be paid at the time the petition and permit applications are submitted.
  1. All applications shall be made on forms provided by the Director.
  2. All petitioners and permit applicants shall submit original applications which are completed in their entirety either in ink or typed. All applications shall be signed and notarized (if required).
  3. All petitioners and applicants shall submit copies of applications and necessary attachments as required by the Director.
- B. **Application.** The petitioner shall submit an application for Land Development Site Plans review, an affidavit and consent of property owner (if the property owner is someone other than the petitioner), a deed for the property involved, the required filing fee, and required supportive information to the City Planner. Supportive information shall include, but not be limited to the following:
  1. A location map showing and clearly identifying the subject property and showing all land within one (1) mile of the subject property.
  2. A property survey showing all existing structures, topography, trees with a diameter measured at chest height of eight (8) inches or greater, floodplain and floodway boundaries (including elevations), rights-of-way, easements, building setback lines, drainage areas, pipes, known tiles, structures, utility services, historic structures, and road accesses.
  3. A site plan, drawn to scale and bearing the seal of a professional engineer or land surveyor clearly showing all aspects of the property and all features relevant to the Site



- Development Plan, including:
- a. All proposed setbacks, buffer yards, structure heights, and lot coverage calculations;
  - b. All proposed buildings, structures, fences or walls, areas of outdoor storage, permanent dumpsters, and other improvements;
  - c. All proposed locations and dimensions of road accesses, interior drives, parking lots, loading docks or areas, sight visibility triangles, and interior sidewalks (all public road access shall be subject to the approval of the “Name of Jurisdiction” Board of Commissioners);
  - d. All proposed open spaces;
  - e. All proposed locations and capacities of public and private utilities (all septic systems shall be subject to the approval of the Health Department, all public sewer connections shall be subject to the approval of the appropriate public service provider);
  - f. All proposed public improvements including sidewalks, street trees, and right-of-way dedications; and
  - g. All proposed locations for temporary uses, such as seasonal sales areas.
4. A landscaping plan, drawn to scale and bearing the seal of a registered landscape architect, architect, engineer, or surveyor showing all required and proposed landscaping in the site interior, in and adjacent to parking areas, in buffer yards, and street trees. The landscaping plan shall include the identification of the height of the plantings from ground level at the time of installation and the species proposed to be used to meet the requirements of this Code.
  5. A site drainage plan bearing the seal of a professional architect engineer or land surveyor including all calculations required by the City Engineer. All Land Development Site Plans shall be subject to the approval of the City Engineer.
  6. A site construction plan showing proposed erosion control measures, the location of any proposed construction trailer and worker parking, the location, height, and dimensions of any temporary construction-related signage, any temporary site accesses to be used during construction, any temporary utility connections, the location of any stockpiles of dirt, construction materials, and construction waste dumpsters or storage areas.
  7. A detailed statement of the characteristics and operation of the development, including the population densities, presence of any adult uses, and number of potential employees. The detail statement shall include any written commitments being made regarding the Land Development Site Plans.
  8. Data required for site plan shall include:
    - a. Activity schedule showing anticipated starting and completion dates for the project. Include the statement in bold letters, that "the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities".
    - b. Stormwater and sedimentation management systems-storage capacity, hydrologic study, and calculations, including off-site drainage areas.
    - c. Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan should show options for year-round seeding.
    - d. Detail drawings for all structural practices. Specifications may follow guidelines set forth in the Manual for Erosion and Sediment Control in Georgia, Chapter 6.

9. Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. The certified plans shall contain:
  - a. Graphic scale and north point or arrow indicating magnetic north.
  - b. Vicinity maps showing location of project and existing streets.
  - c. Boundary line survey.
  - d. Delineation of disturbed areas within project boundary. Existing and planned contours, at two (2) foot intervals.
  - e. Adjacent areas and features areas such as streams, lakes, residential areas, etc. which might be affected should be indicated on the plan.
  - f. Proposed structures or additions to existing structures and paved areas.
  - g. Delineate the twenty-five (25) foot horizontal buffer adjacent to state waters and the specified width in MRPA area.
  - h. Delineate the specified horizontal buffer along designated trout streams, where applicable.
  - i. Location of erosion and sedimentation control measures and practices using coding symbols from the Manual for Erosion and Sediment Control in Georgia, Chapter 6.

**C. Review Process.** The application shall be approved by the following divisions: Planning & Community Development Department, The Public Works Department, the Fire Marshal, and the Clayton County Water Authority. Once approval is granted the Director shall issue the Land Disturbance Permit and NPDES Permit.

**Sec. 8-8-216 As-Built Drawings to be Submitted**

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It shall be the responsibility of the petitioner to prepare and have certified, by a registered professional engineer in the State of Georgia, a complete set of As-Built Drawings, and any other documents required by the Director.

**Sec. 8-8-217 Surety**

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- A. **Improvements.** All guarantees and sureties shall be conditioned upon the faithful completion and performance by the developer of all work required for completion of all amenities, improvements and installations that are part of a subdivision of land in order to fulfill requirements of this Title for an approved portion of the development, when such installations are to be completed within a specified period of time. Such delay in installation is subject to approval by the Director because of unusual weather, site conditions or construction phasing situations where it is in the ultimate interests of the City and the purchaser of the subject lots or units that installation and construction be delayed.
- B. **Guarantees and sureties.** With the Director's approval, guarantees and sureties may be allowed for the following types of improvements:
  1. Stormwater management facilities.
  2. Sidewalks, trails or walking paths.
  3. Street surface and curbing.

4. Landscaping and tree planting.

**C. Performance guarantee.**

1. The director shall have the authority to require the applicant to establish a performance guarantee or post a performance bond in a form acceptable to the county in order to guarantee timely installation of required project improvements; such as, but not limited to, streets, utilities, stormwater management facilities, sidewalks and landscaping within the subject development that are consistent with this Title. Said performance guarantee shall be in an amount equal to one hundred twenty-five (125) percent of the estimated construction cost and be for a term not to exceed twenty-four (24) months, with a single twelve (12) month extension, subject to approval by the director.
2. The developer shall provide the department with a certified copy of a properly executed improvement agreement covering all of the work to be done to complete all improvements.
3. If the developer intends to perform the work personally, the contract must be drawn with the City in an amount acceptable to the Planning & Community Development Department in an amount and timeframe acceptable to the Department to adequately cover the cost of the work to be performed.
4. The developer shall place funds in escrow with the county in an amount equal to one hundred twenty-five (125) percent of the total contract amount.
5. It shall be the responsibility of the developer to petition the county for release of the guarantees and sureties and to warrant that all improvements subject to the guarantee or surety have been completed to fulfill all the requirements of this title.

**D. Release of guarantees and sureties.**

1. It shall be the responsibility of the developer to petition the county for release of surety. During the two (2) year period, the Planning & Community Development Department will inspect the improvements randomly, listing any defects. The owner shall have thirty (30) days to correct any specified deficiencies. Failure to perform said corrections shall result in the forfeiture of the surety.
2. An organization shall be identified or established, with the approval of the City Attorney, for the purpose of owning and maintaining common facilities not proposed for dedication to the City. If covenants or conservation easements are used, they shall be approved by the City Attorney.

**Sec. 8-8-218 Certificates**

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Once approval is granted, the Director shall issue Certificate of Completion, if no buildings are on site, or Certificate of Occupancy, if buildings are on site.

**Sec. 8-8-219 – 8-8-234    Reserved**

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## Article I: Permits and Certificates

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### Sec. 8-8-235 Building Permit Process

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Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the construction codes, or to cause any such work to be done, he/she shall first make application to the Planning & Community Development Department and obtain the required permit for the work.

- A. **Information required.** Each application for a permit, with the required fee, shall be filed with the Planning & Community Development Department on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his/her authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the Director.
- B. **Drawings and document specifications.**
  1. **Requirements.** Documents drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as the quality of material where quality is essential to conformity with the construction codes.
  2. **Site drawings.** A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, setbacks, buffers, easements, exterior storage facilities, parking lots, roads, storm and sanitary sewer accesses, and adjacent property uses on the site or lot. The Director may require a boundary line survey or site plan prepared by a qualified surveyor.
  3. **Building floor plan.** A building floor plan drawn to a legible scale, which shall include, but not be limited to, rooms, doorways, corridors, exits.
  4. **Additional data.** The Director may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the Director are to be prepared by a certified, licensed architect or engineer and shall be affixed with their official seal.
  5. **Design professional.** The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications, and accompanying data, for the following:

- a. All group and occupancies.
- b. Buildings and structures three stories or more high.
- c. Buildings and structures five thousand (5,000) square feet or more in area.

**Sec. 8-8-236 Fence Permit Process**

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Applications for fence permits shall be made upon forms provided by the Planning & Community Development Department. The following information shall be provided with the application:

- A. A plot plan or lot survey shall be provided that includes the location of all existing and proposed fences, walls, structures, easements, and setback dimensions.
- B. A detail of the proposed fence or wall with all appropriate dimensions shall also be provided.
- C. Written consent of all adjacent property owners, or a certified survey verifying the location of lot boundaries, if a fence or wall is proposed to be erected or installed on a property line.
- D. Other information that the Director may require to show full compliance with this ordinance.

**Sec. 8-8-237 Certificate of Occupancy**

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It shall be unlawful for an owner to use or permit the use of any building or premises or part thereof, hereafter created, changed, converted, or enlarged, wholly or partly, until a certificate of occupancy, which shall be a part of the building permit, shall have been issued by the building official.

Such certificate shall show that such building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this ordinance.

- A. **Temporary Certificate of Occupancy.** Under such rules and regulations as may be established by the Building Inspector, a temporary certificate of occupancy for a part of a building may be issued.
- B. **Certificate for Existing Building.** Upon written request from the owner, the Building Official shall issue a certificate of occupancy for any building or premises existing at the time of enactment of this ordinance, certifying, after inspection, the extent and kind of use made of the building or premises, and whether such use conforms with the provisions of this ordinance.
- C. **Availability of Records.** A record of all certificates of occupancy shall be kept on file in the Planning & Community Development Department and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or in a building affected by such certificate of occupancy.

**Sec. 8-8-238 Zoning Verification Process**

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To determine in advance whether a structure or use existing or proposed for any property located within the City is or may be used or developed in compliance with this ordinance, the owner of the property or his agent ("owner") may request a zoning verification letter from the Director. Such request shall be in writing and on the form developed by the City, which form, at a minimum, shall require that the following information be provided regarding the property for which the certificate is being requested:

- A. Identity of the owner of the subject property;
  - B. Identity of any agent of the owner of the subject property;
  - C. A legal description of the subject property;
  - D. A complete description and inventory of all existing structures on the subject property;
  - E. A complete description and inventory of all proposed structures to be located on the subject property;
  - F. A complete description and inventory of any and all activities presently occurring on the subject property; and
  - G. A complete description and inventory of any and all activities proposed to occur on the subject property
- B. The issuance of a zoning verification letter shall merely constitute confirmation that the structures and/or uses located on or proposed for the subject property have been determined to be in compliance with the zoning ordinance of the City as effective on the date of issuance of the certificate and may be legally conducted thereon as of the date of issuance of the certificate.

**Sec. 8-8-239 – 8-8-254 Reserved**

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