

ADOPTED BY THE BOARD OF COMMISSIONERS OCTOBER 5, 1988  
COMPREHENSIVE REVISIONS ADOPTED 07/07/99 (97Z -060)  
WITH SUBSEQUENT AMENDMENTS AS NOTED

**ARTICLE XIX**

**Administrative Permits and Use Permits**

19.1. **SCOPE AND INTENT.**

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

19.2. **APPLICATION AND APPROVAL**

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

Uses allowable with a USE PERMIT and the minimum standards for such uses are listed in Section 19.4 of this Article.

19.2.1. **APPLICATION OF REGULATIONS.**

Uses enumerated herein may be authorized by Administrative Permit or Use Permit, as specified. The regulations contained in this Article shall not apply to any Permitted Use in any zoning district.

19.2.2. **ADMINISTRATIVE PERMITS.**

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

19.2.3. **USE PERMITS.**

Any use authorized by Use Permit may be approved by the Board of Commissioners in

accordance with standards enumerated under each use (Section 19.2.4) provided: (Amended 11/03/93, 04/05/95, 04/03/02)

- A. The subject use is allowable in the subject property's zoning district;
- B. The standards for the Use Permit as specified in Article 19 can be met, as well as Use Permit Considerations pursuant to Section 19.2.4 (Amended 04/05/95);
- C. A public hearing has been held in relation to the Use Permit before the Fulton County Community Zoning Board and the Fulton County Board of Commissioners in conformance with the notice standards outlined in Article XXVIII;
- D. Recommendations have been received from the Fulton County Environment and Community Development Department staff and the Fulton County Community Zoning Board; and
- E. Conditions imposed with respect to right-of-way dedication and roadway, water, sewer and/or other infrastructure improvements are met.

19.2.3.1. **Applications.** Use Permit requests shall require a separate application when included with a petition for rezoning. Each requested use for which a Use Permit is required shall be charged a standard Use Permit fee and assigned a Use Permit number which will be listed on the petition for rezoning. A public hearing, notice and evaluation shall be provided in accordance with Article XXVIII for each requested Use Permit. Each request shall be voted on separately, and each Use Permit request submitted as part of a rezoning petition shall be treated independently in the minutes of the Board of Commissioners meeting.

19.2.3.2. **Expiration.** All Use Permits shall expire within three (3) years from the date of approval by the Board of Commissioners or as otherwise conditioned unless a Land Disturbance Permit, Building Permit, Business License or Certificate of Occupancy has been issued. Requests for extensions shall be made in accordance with the standards for extensions contained in Article XXVIII. (Amended 6/5/91)

19.2.3.3. **Re-application.** The same or substantially similar petition for a Use Permit which has been denied by the Board of Commissioners shall not be resubmitted to the Environment and Community Development Department for a period of 6 months from the date of the denial.

19.2.3.4. **Variances.** Variances to Use Permit standards contained in Section 19.4 for receiving a Use Permit may be considered by the Board of Commissioners concurrently with a Use Permit petition if submitted with such petition. Such a variance request shall not require a separate variance application, but shall be assigned a variance number, charged a standard variance fee and be listed on the Use Permit petition as a Concurrent Variance in accordance with Article XXII, APPEALS, Section 22.9.

19.2.3.5. **Accessory Uses.** Structures and land may be used for uses customarily incidental to any

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approved use. (Amended 04/03/02)

19.2.4. **USE PERMIT CONSIDERATIONS.**

In the interest of the public health, safety and welfare, the Board of Commissioners may exercise limited discretion in evaluating the site proposed for a use which requires a Use Permit. In exercising such discretion pertaining to the subject use, the Board of Commissioners shall consider each of the following: (Amended 12/04/91, 04/05/95, 02/07/96)

- (1) Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the Board of Commissioners;
- (2) Compatibility with land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed;
- (3) Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;
- (4) The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets;
- (5) The location and number of off-street parking spaces;
- (6) The amount and location of open space;
- (7) Protective screening;
- (8) Hours and manner of operation;
- (9) Outdoor lighting; and
- (10) Ingress and egress to the property.

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

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

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

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**ARTICLE XIX**

**Section 19.3**

**Administrative Permits**

19.3. **MINIMUM ADMINISTRATIVE PERMIT STANDARDS**

19.3.1. **ALTERNATIVE ANTENNA SUPPORT STRUCTURE TO EXCEED THE DISTRICT HEIGHT** (Added 03/5/97, Amended 05/17/06)

**INTENT:** Pursuant to Section 704(a) of the Federal Telecommunications Policy Act of 1996, it is not the intent of this section to prohibit or have the effect of prohibiting the provision of personal wireless services in unincorporated Fulton County. It is the intent of this Section to address the aesthetic effect of telecommunication facilities on our landscapes, our citizens' demands for these services, and the needs of service providers.

A. **Required Districts:** All

B. **Standards:**

1. Alternative structures are not allowed as an accessory to a single family use or as a principal use in a single family district.
2. Alternative structures must be set back a distance equal to the height of the structure adjacent to residential and/or AG-1 zoned property unless said structure is proposed to be located on an existing building.
3. Above ground equipment shelters shall be surrounded by a minimum 10-foot wide landscape strip planted to buffer standards unless the Fulton County Arborist determines that existing plant materials are adequate.
4. Roof top antennas and associated structures shall not project more than 10 feet above roof line.
5. Height shall not exceed 130 feet measured from the finished grade of the base structure.
6. The alternative structure shall comply with applicable state and local statutes and ordinances, including, but not limited to, building and safety codes. Alternative structures which have become unsafe or dilapidated shall be

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repaired or removed pursuant to applicable state and local statutes and ordinances.

7. Facilities shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration (FAA).
8. Communication towers shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties, according to applicable Federal Standards which may be amended from time to time.
9. Telecommunications facilities shall not be used for advertising purposes and shall not contain any signs for the purpose of advertising.
10. Any telecommunications facility may co-locate on any existing tower, pole or other structure as long as there is no increase in height to the existing facility.
11. A telecommunication facility that ceases operation for a period of 12 consecutive months shall be determined to have terminated and shall be removed within 90 days of termination at the property owner's expense. It shall be the duty of both the property owner and the tower owner to notify the county in writing of any intent to abandon the use of the tower.
12. An application for a telecommunications facility shall be submitted in accordance with the Department's Plan Review submittal requirements.
13. An application for a telecommunication facility shall include a certification from a registered engineer that the structure will meet the applicable design standards for wind loads.
14. Communications facilities shall not be located in 100-year flood plain or delineated wetlands.

19.3.1(1)

**AMATEUR RADIO ANTENNA TO EXCEED THE DISTRICT HEIGHT**

(See Use Permit 19.4.5) (Added 07/07/93)

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

- A. **Required Districts:** All

B. **Standards:**

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

19.3.1(2)

**ANTENNA, TOWER, AND ASSOCIATED STRUCTURES (RADIO, T.V., MICROWAVE BROADCASTING, ETC.), TO EXCEED THE DISTRICT HEIGHT (TITLE AMENDED 3/6/91, AMENDED 03/05/97, 05/17/06)**

**INTENT:** Pursuant to Section 704(a) of the Federal Telecommunications Policy Act of 1996, it is not the intent of this section to prohibit or have the effect of prohibiting the provision of personal wireless services in unincorporated Fulton County. It is the intent of this Section to address the aesthetic effect of telecommunication facilities on our landscapes, our citizens' demands for these services, and the needs of service providers.

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

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

B. **Standards:**

1. Tower/accessory structures must be set back a distance equal to the height of the tower adjacent to residential and/or AG-1 zoned property.
2. Tower and/or associated facilities shall be enclosed by fencing not less than

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six feet in height and shall also be equipped with an appropriate anti-climbing device.

3. A minimum 10-foot wide landscape strip planted to buffer standards shall be required around the facility exterior to any fence or wall unless the Fulton County Arborist determines that existing plant materials are adequate.
4. Height shall not exceed 200 feet measured from the finished grade of the base structure.
5. The tower shall comply with applicable state and local statutes and ordinances, including, but not limited to, building and safety codes. Towers which have become unsafe or dilapidated shall be repaired or removed pursuant to applicable state and local statutes and ordinances.
6. Facilities shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration (FAA).
7. Communication towers shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties, according to applicable Federal Standards which may be amended from time to time.
8. Telecommunications facilities shall not be used for advertising purposes and shall not contain any signs for the purpose of advertising.
9. Any telecommunications facility may co-locate on any existing tower, pole or other structure as long as there is no increase in height to the existing facility.
10. A commercial telecommunication facility that ceases operation for a period of 12 consecutive months shall be determined to have terminated and shall be removed within 90 days of termination at the property owner's expense. It shall be the duty of both the property owner and the tower owner to notify the county in writing of any intent to abandon the use of the tower.
11. Communication facilities not requiring FAA painting/markings shall have either a galvanized finish or [be] painted a dull blue, gray, or black finish.
12. An application for a telecommunications facility shall be submitted in accordance with the Department's Plan Review submittal requirements.
13. An application for a telecommunication facility shall include a certification from a registered engineer that the structure will meet the applicable design standards for wind loads.

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14. Communications facilities shall not be located in 100-year flood plain or delineated wetlands.

19.3.2. **CLUB**

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

B. **Standards:**

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

19.3.3. **EVENT, SPECIAL INDOOR/OUTDOOR** (Amended 09/04/91, 07/07/93, 06/01/94, 04/05/95, 08/06/03, 04/05/06, 11/01/11)

As applicable, special events may be subject to the requirements of other Fulton County Departments, such as Health and Wellness, Police, Fire, Code Enforcement. Additional permits and plans may be required by other departments. All vendors shall be included in the permit request. Non-profits are not exempt. Applicable departments shall be identified by the Department at the time of application for a permit.

A. **Required Districts:** O-I, MIX, C-1, C-2, M-1A, M-1, M-2, AG-1 and residential districts in conjunction with an institutional use, such as a place of worship or a school, or for the benefit of charity such as tours of homes, show houses, and the like.

B. **Standards:**

1. No more than two Administrative Permits shall be granted per year and no permit shall be effective for more than 14 consecutive days for a single event on the same property. An application for said permit shall be made no less than 30 calendar days prior to the event to the Department. Said permit must be posted on site such that it is visible from the street.

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2. The hours of operation shall be 8:00 a.m. to 8:00 p.m., Sunday through Thursday and 8:00 a.m. to 10:00 p.m., Friday through Saturday.
3. Two copies of a drawing, no larger in size than 11" x 17", with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the Department for approval. Said drawing shall also depict north arrow, curb cuts and traffic patterns.
4. The applicant shall provide a notarized written permission statement of the property owner or lease holder of the subject site to the Department. A 24-hour contact number of the property owner or lease holder shall be provided along with permit application.
5. The entire property shall comply with the zoning district's setback requirements.
6. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of any residential use.
7. No tent, table or other temporary structure shall be located within 250 feet of a residential structure.

Tents less than 5,000 square feet do not require a building permit; tents equal to or greater than 5,000 square feet require structural plan review and a building permit.

All tents are subject to the approval of the Fire Department.

8. Sales from vehicles are prohibited. (Food trucks exempted.)
9. The entire property shall comply with Fulton County's parking requirements.
10. No equipment, vehicle, display or sales activity shall block access to a public facility such as a telephone booth, mail box, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.
11. A sound level of 65 dBA shall not be exceeded at adjacent property lines of any residential use.
12. All food vendors shall obtain Health and Wellness Department approval. Non-profits are not exempt from this requirement.
13. The applicant shall be required to meet with applicable Fulton County

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Departments. Fulton County Departments shall respond with all comments or a statement of “no comment” to the Department within 10 business days of the event.

19.3.3(1) **FOOD TRUCK** (Added 05/16/12)

As applicable, Food Trucks are subject to the requirements of other Fulton County Departments, such as Health and Wellness, Tax Assessors, etc.

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

B. **Standards:**

1. Food Trucks shall not conduct business or operate under this Article in the public right-of-way.
2. The allowable dimensions of a Food Truck (including all attachments, except hinged canopies that open to reveal food serving areas) shall be up to 18.5 feet long, 10.5 feet tall, and 8 feet wide.
3. The Food Truck use permit shall be valid for a period of 1-year after issuance and applicable to the approved site only.
4. The Food Truck use permit shall be limited to no more than 4 days per week (Monday-Sunday) at the approved site.
5. The hours of operation for Food Trucks shall be 6:00 a.m. to 8:00 p.m., Sunday through Thursday and 6:00 a.m. to 10:00 p.m., Friday through Saturday.
6. Food Trucks shall not operate on any private property without the prior consent of the property owner(s). The applicant shall provide a notarized written permission statement of the property owner(s) as they appear on the current tax records of Fulton County as retrieved by the County’s Geographic Information System (GIS). If the current ownership has recently changed and does not match the GIS record the applicant may provide a copy of the new deed as proof of ownership. A 24-hour contact number of the property owner(s) shall be provided along with permit application.
7. All Food Trucks shall be located a minimum of 200 feet from any eating establishment and 100 feet from any retail store that sell food unless both the property owner(s) (as they appear on the current tax records of Fulton County as retrieved by the County’s Geographic Information System (GIS) or if the current ownership has recently changed and does not match the GIS record the applicant may provide a copy of the new deed as proof of ownership) and

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lease holder(s) of said eating establishment/retail store grant written notarized permission for the Food Truck to be located closer than this minimum setback.

8. Food Truck vendors shall not be located within 25 feet of any right-of-way, entryway, curb-cut or driveway.
9. Food Trucks shall provide a minimum of 6 parking spaces adjacent to the vending area for the exclusive use of the Food Truck and shall not occupy the minimum required parking spaces for any other use on site.
10. Food Trucks shall be required to park on all-weather surfaces.
11. After hours parking of the Food Truck shall comply with Article 18.3, acceptable locations for off street parking, of the Fulton County Zoning Resolution.
12. Two copies of a drawing, no larger in size than 11" x 17", with dimensions (distances in feet) of the Food Truck's location from the site's property lines and other minimum distance requirements as specified by this Article shall be submitted to the Department for approval. Said drawing shall also depict north arrow, parking area, table/chair/canopy areas as applicable, curb-cuts and traffic patterns.
13. Food Trucks shall not emit sounds, outcry, speaker, amplifier or announcements while traveling on the public right-of-way or when stationary.
14. Food Trucks shall maintain all Fulton County, State of Georgia, and Federal licenses and shall follow all laws of the State and County Health Departments, or any other applicable laws.
15. The permit under which a Food Truck is operating shall be firmly attached and visible on the Food Truck at all times.
16. Any condition of zoning or provision of the Fulton County Zoning Resolution that prohibits a Food Truck use on a property shall supersede this Article.
17. Food Trucks and any accessory items shall not be left unattended or stored for any period of time on the permitted site when vending is not taking place or during restricted hours of operation.
18. Food Trucks are responsible for the proper disposal of waste and trash associated with the operation. Food Trucks shall remove all generated waste and trash from their approved location at the end of each day or as needed to maintain the public health and safety. No liquid waste or grease is to be

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disposed of in tree pits, storm drains or onto the sidewalks, streets or other public or private space.

19. Food Trucks must have an adequate supply of fresh water (through the means of an on-truck fresh water tank) to maintain the operation of the food service in a safe and sanitary manner.

19.3.4. **GOLF COURSE**

A. **Required Districts:** All

B. **Standards:**

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

19.3.5. **GUEST HOUSE**

(Amended 11/1/89, 5/6/92, 2/7/96)

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

B. **Standards:**

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

19.3.5(1) **OPEN**

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

19.3.6. **MOBILE HOME - WHILE RESIDENCE IS BEING BUILT**

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

B. **Standards:**

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

19.3.6(1) **PARKING, OFF-SITE AND SHARED**

(Added 07/07/99, Moved from Use Permits, 19.4.32.1, Amended 11/1/14)

Whenever parking as required in Article 18 cannot be accomplished, SHARED PARKING in accordance with Section 18.2.2 may be approved via an Administrative Permit provided:

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

B. **Standards:**

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

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19.3.7. **RAPID RAIL TRANSPORTATION STATION**  
(Added 5/6/92, Amended 11/1/14)

A. **Required Districts:** All

B. **Standards:**

Refer to the MARTA REARRANGEMENT COOPERATIVE AGREEMENT administered by the Department of Facilities and Transportation Services (FTS) or future name as adopted by the Board of Commissioners.

19.3.8. **RECREATIONAL COURT, PRIVATE**  
(Amended 03/06/91, 04/07/93, 06/01/94, 04/05/95, 02/07/96, 03/03/04)

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

B. **Standards:**

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

adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses shall be allowed only between dusk and 11:00 P.M.

- f. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines adjacent to single family residential uses.

19.3.9. **RECREATIONAL COURTS, PUBLIC**

Recreational courts operated as a club (except those serving residential developments), or courts operated as a business are defined herein as public courts. (Amended 03/03/04)

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

B. **Standards:**

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

19.3.10.

**RELOCATED RESIDENTIAL STRUCTURE**

(Added 7/7/99, Moved from 19.4.36, Amended 2/7/01, 11/01/14)

- A. **Required Districts:** Suburban A, Suburban B, Suburban C, R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, NUP, CUP, TR, A, A-L, AG-1, O-1 and MIX
- B. **Standards:**
1. The applicant shall include the following with the application for the Administrative Permit:
    - a. The address from which the structure is being relocated.
    - b. A photograph of the structure prior to its relocation.
    - c. The total heated floor area of both the existing structure and the renovated structure.
  2. The location of the structure and the heated floor area of the structure shall be in compliance with the minimum standards of the zoning district and/or conditions of zoning.
  3. The residential structure shall be affixed to a permanent foundation within 6 months of the date of the house moving permit, and the certificate of occupancy shall not be issued until such improvements are completed.
  4. All standards of this Resolution (except 2. above) and other applicable regulations shall be met within one year from the date of this permit issuance.
  5. A House Moving Permit shall be obtained from the Department in conjunction with this Administrative Permit-
  6. A building permit for the repair and construction of said structure shall be obtained within 30 days of this Administrative Permit issuance.
  7. The exterior of the structure shall be brought into compliance with the Fulton County Housing Code within six months of the issuance of this Administrative Permit.
  8. Prior to occupancy, a Certificate of Occupancy must be obtained from the Department.

19.3.10(1) **REVIVAL TENT**

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

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

B. **Standards:**

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

19.3.11. **ROADSIDE PRODUCE STANDS**

(Amended 05/06/92, 07/07/93, 04/06/94, 08/06/03, 04/05/06, 11/01/14)

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

B. **Standards:**

1. No more than four Administrative Permits shall be granted per year and no single permit shall be effective for more than 30 consecutive days; however, 2 or more permits, not to exceed 4, may be combined for a duration of 60 days, 90 days or a maximum of 120 days. An application for said permit(s) shall be made no less than 30 calendar days prior to the event. Said permit must be posted on site such that it is visible from the street.
2. The hours of operation shall be 8:00 a.m. to 8:00 p.m.
3. Two copies of a drawing, no larger in size than 11" x 17", with dimensions

(distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the Department for approval. Said drawing shall also depict north arrow, curb cuts and traffic patterns.

4. The applicant shall provide a notarized written permission statement of the property owner or lease holder of the subject site to the Department. A 24-hour contact number of the property owner or lease holder shall be provided along with permit application.
5. The property on which the roadside vendor is permitted must be located at least 1500 feet from a permanent business or another vendor which offers the same or similar merchandise as that of the vendor. Vendor shall provide names of all established businesses which sell similar or the same merchandise within 1500 feet of the proposed vendor site.
6. Any activity or structure shall maintain a minimum 10-foot setback from the right-of-way and not be located within a required landscape strip or buffer. Said activity or structure shall also maintain a minimum setback of 20 feet from any internal drive or permitted curb cut.
7. A minimum of 6 parking spaces shall be provided for the exclusive use of the roadside produce stand and shall not occupy the minimum required parking spaces for any other use on site.
8. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of a residential use.
9. No tent, table or other temporary structure shall be located within 100 feet of a residential structure.

Tents less than 5,000 square feet do not require a building permit; tents equal to or greater than 5,000 square feet require structural plan review and a building permit.

All tents are subject to the approval of the Fire Department.

10. No equipment, vehicle, display or sales activity shall block access to a public facility such as a telephone booth, mail box, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.
11. A sound level of 65 dBA shall not be exceeded at adjacent property lines of any residential use.

19.3.11(1) **ROADSIDE VENDING**

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(Added 07/07/93) (Amended 04/06/94, 02/07/01, 08/06/03, 04/05/06, 11/1/14)

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

B. **Standards:**

1. No more than two Administrative Permits shall be granted per year and no permit shall be effective for more than 9 consecutive days. An application for said permit shall be made no less than 30 calendar days prior to the event. Said permit must be posted on site such that it is visible from the street.
2. The hours of operation shall be 8:00 a.m. to 8:00 p.m.
3. Two copies of a drawing, no larger in size than 11" x 17", with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the Department for approval. Said drawing shall also depict north arrow, curb cuts and traffic patterns.
4. The applicant shall provide a notarized written permission statement of the property owner or lease holder of the subject site to the Department. A 24-hour contact number of the property owner or lease holder shall be provided along with permit application.
5. The property on which the roadside vendor is permitted must be located at least 1500 feet from a permanent business or another vendor which offers the same or similar merchandise as that of the vendor. Vendor shall provide names of all established businesses which sell similar or the same merchandise within 1500 feet of the proposed vendor site.
6. Any vending displays or activity shall maintain a minimum 10-foot setback from the right-of-way and not be located within a required landscape strip or buffer. Said displays or activities shall also maintain a minimum setback of 20 feet from any internal drive or permitted curb cut.
7. A minimum of 6 parking spaces shall be provided adjacent to the vending area for the exclusive use of the roadside vending and shall not occupy the minimum required parking spaces for any other use on site.
8. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of a residential use.
9. No table or cart shall be located within 250 feet of a residential structure. Tents and tarps are prohibited. Sales from vehicles are prohibited.
10. No equipment, vehicle, display or sales activity shall block access to a public

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facility such as a telephone booth, mail box, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.

11. A sound level of 65 dBA shall not be exceeded at adjacent property lines of any residential use.

19.3.11(2)

**SEASONAL BUSINESS USE**

(Amended 12/04/91, 5/6/92, 07/07/93, 04/06/94, 07/07/99, 03/03/04, 04/05/06, 11/1/14)

- A. **Required Districts:** CUP (with a commercial component), MIX (with a commercial component), C-1, C-2, M-1A, M-1, and M-2. Allowable in AG-1 and residentially zoned districts only when the property is occupied by a church, school, lodge/retreat, farm, plant nursery, etc., existing as a conforming or a lawful non-conforming nonresidential use. The issuance of this permit does not constitute an expansion or extension of a non-conforming use.

- B. **Standards:**

1. An Administrative Permit shall not be issued for the same seasonal business use more than once in any calendar year. Said seasonal business use must correlate to a calendar holiday or event. Said permit shall not exceed a total of 30 consecutive days for each use. Said permit must be posted on site such that it is visible from the street. An application for said permit shall be made no less than 30 calendar days prior to the event. Example: One permit may be issued for the sale of Christmas trees for a maximum of 30 consecutive days. A second permit may be issued for the sale of pumpkins for a maximum of 30 consecutive days. A third permit may be issued for the sale of firewood for a maximum of 30 consecutive days.

2. The hours of operation shall be 8:00 a.m. to 8:00 p.m., Sunday through Thursday and 8:00 a.m. to 10:00 p.m., Friday through Saturday.
3. Two copies of a drawing, no larger in size than 11" x 17", with dimensions (distances in feet) of the activity's location from the site's property lines and other minimum distance requirements as specified by this Section shall be submitted to the Department for approval. Said drawing shall also depict north arrow, curb cuts and traffic patterns.
4. The applicant shall provide a notarized written permission statement of the property owner or lease holder of the subject site to the Department. A 24-hour contact number of the property owner or lease holder shall be provided along with permit application.
5. The property on which the roadside vendor is permitted must be located at least 1500 feet from a permanent business or another vendor which offers the same or similar merchandise as that of the vendor. Vendor shall provide names of all established businesses which sell similar or the same merchandise within 1500 feet of the proposed vendor site.
6. Any display or sales activity shall maintain a minimum 10-foot setback from the right-of-way and shall not be located within a required landscape strip or buffer. Said displays shall also maintain a minimum setback of 20 feet from any internal drive or permitted curb cut.
7. A minimum of 6 parking spaces shall be provided for the exclusive use of the seasonal business and shall not occupy the minimum required parking spaces for any other use on site.
8. No temporary sanitary facility or trash receptacle may be located within 100 feet of a property line of a residential use.
9. No tent, table or other temporary structure shall be located within 100 feet of a residential structure. Sales from vehicles are prohibited.

Tents less than 5,000 square feet do not require a building permit; tents equal to or greater than 5,000 square feet require structural plan review and a building permit.

All tents are subject to the approval of the Fire Department.

10. No equipment, vehicle, display or sales activity shall block access to a public facility such as a telephone booth, mail box, parking meter, fire hydrant, fire alarm box, traffic control box, driveway or other access point.

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11. A sound level of 65 dBA shall not be exceeded at adjacent property lines of any residential use.

19.3.12.

**SWIMMING POOL, PRIVATE**

(Amended 03/06/91, 05/06/92, 06/01/94, 02/07/96 07/07/99, 12/01/99, 03/03/04)

- A. **Required Districts:** All districts except C-1, C-2, M-1, M-1A, M-2
- B. **Standards:** All swimming pools shall be completely surrounded by an enclosure. Such enclosure shall be a fence, wall, or building, to prevent access to the pool by unsupervised children and/or animals. The enclosure shall be an effective fence or wall not less than 5 feet high with self-closing, positive-latching gates provided on the outer side of the deck area. The enclosure entrance shall be locked when the pool is not open for use and all surrounding objects or structures must have a separation of five feet from the enclosure to provide an unclimbable space. The enclosure shall be in place prior to pool completion. Materials and construction shall comply with the regulations administered by the Fulton County Health Department.
  1. **Detached Dwellings.** Swimming pools shall be allowed in side and rear yards of single family dwellings in any district and may also be allowed at the back of the house on a double frontage single family residential lot as approved by the Department. Pools, pool equipment, and their decks must be a minimum of 10 feet from all property lines, except that when perimeter setbacks are required, for example in NUP and TR zoned districts, pools, pool equipment, and decks cannot be located in perimeter setbacks. (Amended 04/05/06)
  2. **Neighborhood.** Swimming pools serving a neighborhood must be located within the limits of the underlying zoning.
    - a. Use of swimming pools shall be limited to residents and guests of the neighborhood in which they are located.
    - b. Pools, pool equipment, and decks must be located at least 100 feet from all adjoining property lines.
    - c. Landscape strips and buffer requirements shall be as specified by Article 4.23.1.
    - d. A maximum 4-square foot sign identifying the future use of the property for a swimming pool shall be posted adjoining the lot's frontage until a Certificate of Occupancy is issued for the facility.
    - e. Sources of exterior illumination shall be directed away from adjoining residences and shall not exceed 1.2 foot candles along an

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adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses shall be allowed only between dusk and 11:00 P.M.

f. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines adjacent to single family residential uses.

3. Multi-family. Swimming pools, pool equipment, accessory structures, and fencing shall be located a minimum of 100 feet from any residential building, adjoining property line or street.

19.3.13. **SWIMMING POOL, PUBLIC**

Pools operated as a club (except clubs serving residential developments) or pools operated as a business are defined herein as public pools. (Amended 11/03/93, 03/03/04)

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

B. **Standards:**

1. Pools, pool equipment, decks, and parking shall be located a minimum of 100 feet from all property lines which abut single family residential uses. Adjacent to all other zonings and uses, the district setback requirements shall be provided.

2. Landscape strips and buffer requirements shall be as specified by Article 4.23.1.

3. Sources of exterior illumination shall be directed away from adjoining residences and shall not exceed 1.2 foot candles along an adjoining residential property line. Outdoor lighting of recreation facilities in or adjoining residential districts or uses shall be allowed only between dusk and 11:00 P.M.

4. A maximum continuous sound level of 60 dBA and a maximum peak sound level of 75 dBA shall not be exceeded at property lines adjacent to single family residential uses.

19.3.14. **TEMPORARY CLASSROOM**

(Amended 11/03/93, 11/03/04, 11/1/14)

A. **Required Districts:** All

B. **Standards:**

1. The structure must be constructed for use as a temporary classroom and certified as such by the Department.
2. The principal use must exist prior to the issuance of the permit.
3. The temporary classroom shall not be used to increase the capacity or enrollment as conditioned by zoning, or as limited by other Use Permit conditions.
4. An Administrative Permit for a temporary classroom shall expire three (3) years from the date of approval at which time the structure shall be removed unless a new Administrative Permit is obtained within 30 days of the expiration date. (Amended 11/03/04)
5. The structure shall not be located within any principal building setbacks or within any required landscape strips or buffers.
6. Two copies of a drawing showing dimensions shall accompany the application and shall accurately depict the proposed location of temporary structures, the traffic patterns and curb cuts and compliance with this section and all other applicable standards of this resolution.

19.3.15.

**TEMPORARY STRUCTURES**

(Amended 07/07/93, 11/03/93, 11/03/04, 11/01/14)

- A. **Required Districts:** All, except Emission Inspection Stations shall be permitted only in Non-residential Districts except AG-1. A real estate sales office for a residential subdivision shall be permitted in a residential district and AG-1 used for residential, during construction of said subdivision.
- B. **Standards:**
  1. Temporary structures (whether tents, site-built, mobile or manufactured structures) utilized for construction offices, real estate sales office, ticket booths, security guard shelters, storage structures in association with construction, emission inspection stations, portable toilets and other similar uses may be permitted by the Department in any district.
  2. Temporary structures shall be located outside of any required buffers and landscape areas, and shall maintain the principal building setback of the district except portable toilets must maintain a 200-foot setback from existing dwelling(s).
  3. Temporary structures must be removed prior to the issuance of a Certificate of Occupancy or within 5 days of completion of the temporary event or activity for which the structure was approved.

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4. Temporary structures used in conjunction with other permitted Administrative and Use Permits shall not be required to obtain a separate Administrative Permit.
5. An Administrative Permit for a temporary structure shall expire three (3) years from the date of approval at which time the structure shall be removed unless a new Administrative Permit is obtained within 30 days of the expiration date. (Added 11/03/04)

19.3.16. **TEMPORARY USE OF EXISTING DWELLING WHILE RESIDENCE IS BEING BUILT** (Added, 3/6/91)

A. **Required Districts:** All but M-1, M-1A, & M-2

B. **Standards:**

1. The building permit for the new principal structure shall be issued concurrently with this Administrative Permit.
2. The Administrative Permit shall expire 90 days after issuance of a certificate of occupancy for the new principal structure or one year after issuance of a building permit, whichever occurs first.

19.3.17. **OPEN**

19.3.18. **UTILITY SUBSTATIONS (TELEPHONE, ELECTRIC, OR GAS, ETC)** (Amended 5/1/91, 11/03/93, 11/1/14)

A. **Required Districts:** All.

B. **Standards:**

1. Utility substations measuring less than 35 square feet and less than 5 feet in height from finished grade are exempt from these regulations.
2. All substation structures shall be contained within the boundaries of the subject parcel and meet the minimum development standards of the district unless otherwise required in this article section.
3. Minimum setback of all utility structures from a residential structure shall be:
  - a. Electric - 200 feet.
  - b. Gas and Telephone - the applicable minimum setback for the district

in which located.

4. A minimum 10-foot wide landscape strip planted to buffer standards shall be required around the perimeter of all utility sites except along lines where buffers are required.
5. For electric substations provide a minimum 50-foot wide replanted or natural buffer adjacent to the property lines of any residential district and/or AG-1 district used for single family.
6. Interior to landscape strips or buffers that do not accomplish 100% visual screening as defined in the Tree Preservation Ordinance, provide an 8-foot high opaque fence or, masonry wall, a minimum 4-foot high landscaped earthen berm, a vegetative screen or some combination thereof, subject to the approval of the Department.

19.3.19.

**VETERINARY CLINIC/HOSPITAL OR KENNEL**

(See 19.4.24 for Kennel or Outside Animal Facilities); Deleted as a permitted use in C-2, Permitted in AG-1

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

B. **Standards:**

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