

ARTICLE XI

SECTION 11.1

CUP COMMUNITY UNIT PLAN DISTRICT

- 11.1.1. **CUP DISTRICT SCOPE AND INTENT.** Regulations in this Section are the CUP District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The CUP District identifies land areas for a variety of housing types within a planned community setting. (Amended 11/03/93)

The CUP District is intended to:

- A. Encourage the development of large tracts of land as planned communities.
- B. Encourage flexible and creative concepts in site planning.
- C. Preserve the natural amenities of the land by encouraging scenic and functional open areas.
- D. Provide for an efficient use of land.
- E. Provide a stable residential environment compatible with surrounding residential areas.
- F. Protect neighboring properties by requiring larger peripheral lots adjacent to larger lot developments.

- 11.1.2. **USE REGULATIONS.** Within the CUP District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.

- A. **Permitted Uses.** Structures and land may be used for only the following purposes:
 - 1. Single family dwelling
 - 2. Two family dwelling
 - 3. Triplex (Added 04/05/06)
 - 4. Quadruplex (Added 04/05/06)
 - 5. Townhouse (Added 04/05/06)
 - 6. Multi-family Residential
 - 7. Day Care facility located in a Multi-family or community building, or place of worship

8. Golf, country club, pool and recreation court
9. Community facilities
10. Places of Worship

B. **Accessory Uses.** A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation. Retail and service uses, and clubs accessory to recreation facilities are allowed subject to the following conditions:

1. Accessory retail and service uses shall be located wholly within a building with a majority of the floor area designed for recreation uses. No outdoor advertising is allowed.
2. Retail and service uses shall be limited to convenience retail and service establishments such as pro shops and personal services. Restaurants accessory to a club are allowed.

11.1.3. **DEVELOPMENT PLAN.** The development plan shall be the zoning control document for features depicted graphically. The site plan requirement applicable to rezoning requests shall be adhered to for CUP rezoning requests. Administrative guidelines for preparing site plans are available from the Director of the Environment and Community Development Department. A site plan shall become the development plan if the request to rezone is approved without changes or additions. If the approval by the Board differs, in any way, from what is depicted on the site plan submitted for the purpose of seeking rezoning, a revised plan must be certified by the Environment and Community Development Department before development related permits may be issued. A site plan or development plan shall not substitute for plans which are required as a prerequisite for applying for development related permits. The location of all use areas shall be shown on the development plan, and location on the ground shall be as shown on the development plan. (Amended 11/03/93)

11.1.4. **DEVELOPMENT STANDARDS.**

- A. **Height Regulations** - No single family residential dwellings or accessory structures shall exceed forty (40) feet in height. The height of all other structures are as approved per the conditions of zoning (Amended 2/7/96).
- B. **Minimum Land Area Per Unit** - As specified in conditions
- C. **Minimum Lot Area Per Unit** - As specified in conditions

- D. **Minimum CUP Size** - 10 contiguous acres
- E. **Maximum Density**
- Multifamily 9.0 units per gross acre.
 - Single family 5.0 units per gross acre.
- F. **Minimum Lot Width** - None, unless specified in conditions
- G. **Minimum CUP Development Frontage** - 35 feet
- H. **Minimum Lot Frontage** - 20 feet adjoining a street (Amended 11/03/93)
- I. **Minimum Heated Floor Area Per Unit** - As specified in conditions
- J. **Minimum Perimeter Setback -- Entire CUP Development** - As specified in conditions
- K. **Minimum Interior Setbacks -- Single family Lots**
1. **Minimum Front Yard** - As specified in conditions
 2. **Minimum Side Yard** - As specified in conditions
 3. **Minimum Rear Yard** - As specified in conditions
- L. **Minimum Accessory Structure Requirements**
- Single Family and Two Family Uses - Accessory structures may be located within the side or rear yards subject to perimeter and minimum yard setbacks.
- Multi-family Uses - Accessory structures may be located in the rear yard only but shall not be located within a minimum yard.
- M. **Minimum Building Separation -- More Than One Dwelling Per Lot**
- All building separations shall be as specified by the Standard Building Code. (Amended 06/02/04)
- N. **Other Minimum Standards**

1. Setbacks and roof lines shall be varied by at least 2 feet so that no more than 3 adjoining dwelling units within a single building shall have the same front setback or roof line.
2. Common outdoor area consisting of not less than 550 square feet per unit shall be provided for recreation in all developments of 20 or more acres.
3. Land area proposed for open space or recreation shall be allocated among the use areas in proportion to the ratio of a neighborhood population to the total CUP population so that acreage devoted to open space is reasonably accessible to all residents.
4. Multi-family uses shall not be located along the perimeter except adjacent to or across a street from an existing multifamily or more intense use.
5. Agreements, covenants, declarations and other contracts which govern the use, maintenance, and protection of a CUP development among its owners areas shall be part of the official zoning file, and changes thereto shall have no force and effect until a copy has been provided to the Director of the Environment and Community Development Department. (Amended 11/3/93)
6. Multi-family units shall not exceed 25 percent of the total number of dwelling units in a CUP.

11.1.5. **OTHER REGULATIONS.** The headings below contain some additional, but not all, provisions applicable to the CUP District:

Development Regulations. Article XXXIV
 Exceptions. Section 4.3
 Floodplain Management. Section 4.24
 Off Street Parking and Loading. Article XVIII
 Outside Storage. Section 4.2
 Landscape Area and Buffer Regulations of the TR, A or
 A-L District shall apply, as corresponding.
 Section 4.23
 River Protection. Metropolitan River Protection Act
 Signs. Article XXXIII

MILTON ZONING ORDINANCE

ARTICLE XI

SECTION 11.2

NUP NEIGHBORHOOD UNIT PLAN DISTRICT

Amended July 5, 1995

- 11.2.1. **NUP DISTRICT SCOPE AND INTENT.** Regulations set forth in this Section are the NUP District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The NUP District is intended to provide land areas devoted to low to medium density single-family residential uses of 5 or fewer units per acre consistent with the densities ranges suggested on the Comprehensive Plan Land Use Map. The NUP District is intended to 1) encourage the development of medium sized tracts of land as planned neighborhoods or the development of vacant parcels of land with transitional densities in built-up areas, 2) encourage the preservation of trees and vegetation, and to 3) encourage innovative site planning. Land proposed for a NUP shall comply with the following standards:
- A. Provide a density that is consistent with the plan densities and surrounding properties.
 - B. Protect neighboring properties by requiring peripheral setbacks and development standards compatible with adjacent developments as required by the district standards and the conditions of zoning.
- 11.2.2. **USE REGULATIONS.** Within the NUP District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.
- A. **Permitted Uses.** Structures and land may be used for only the following purposes:
 - 1. Single-family dwelling
 - 2. Recreation facilities associated with single family development

- B. **Accessory Uses.** A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

11.2.3. **DEVELOPMENT PLAN.** The development plan shall be the zoning control document for features depicted graphically. The site plan requirement applicable to rezoning requests shall be adhered to for NUP rezoning requests. Administrative guidelines for preparing site plans are available from the Director of the Environment and Community Development Department. A site plan shall become the development plan if the request to rezone is approved without changes or additions. If the approval by the Board differs, in any way, from what is depicted on the site plan submitted for the purpose of seeking rezoning, a revised plan must be certified by the Environment and Community Development Department before development related permits may be issued. A site plan or development plan shall not substitute for plans which are required as a prerequisite for applying for development related permits. The location of all use areas shall be shown on the development plan, and location on the ground shall be as shown on the development plan. (Amended 11/03/93)

11.2.4. **DEVELOPMENT STANDARDS.**

- A. **Height Regulations.** No building shall exceed forty (40) feet in height. (Amended 2/7/96)
- B. **Minimum Lot Area Per Unit** - 4,000 square feet
- C. **NUP Size** - Minimum 4 contiguous acres
Maximum 12 contiguous acres
- D. **Maximum Density** - 5 units per gross acre
- E. **Minimum Lot Width** - None unless specified in conditions
- F. **Minimum Development Frontage** - 35 feet
- G. **Minimum Lot Frontage** - 20 feet adjoining a street
- H. **Minimum Heated Floor Area Per Unit** - 1000 square feet detached
- I. **Minimum Perimeter Setback for the Entire NUP Development** When

adjacent to single family zoning/use or AG-1 zoned property, a 40-foot setback shall be provided around the periphery of the development including access drives serving more than one lot, principal and accessory structures and swimming pools. Other yard improvements and access/utility crossings are permitted.

J. **Minimum Interior Setbacks.**

1. **Minimum Front Yard** - As specified in conditions
2. **Minimum Side Yard** - As specified in conditions
3. **Minimum Rear Yard** - As specified in conditions

K. **Minimum Interior Building Separations.** To place a building along an interior side lot line at between zero and 7 feet shall require an encroachment and maintenance easement allowing a minimum of 7 feet of access to such buildings. A minimum building separation of 14 feet shall be maintained.

L. **Minimum Accessory Structure Requirements**

Accessory structures may be located in rear or side yards, but shall not be located within a minimum rear yard **except** that detached garages may locate along a rear lot line at between zero and 7 feet with an encroachment and maintenance easement allowing a minimum of 7 feet of access to the garage.

11.2.5. **OTHER REGULATIONS.** The headings below contain some additional, but not all, provisions applicable to the NUP District:

Development Regulations. Article XXXIV

Exceptions. Section 4.3

Floodplain Management. Section 4.24

Off Street Parking and Loading. Article XVIII

Outside Storage. Section 4.2

Landscape Area and Buffer Regulations of the TR district shall apply to Townhouse development. Section 4.23

River Protection. Metropolitan River Protection Act

Signs. Article XXXIII

ARTICLE XI

SECTION 11.3

MHP MOBILE HOME PARK DISTRICT

11.3.1. **SCOPE AND INTENT.** Regulations set forth in this Section are the MHP District regulations. Article XIX should be consulted to determine uses and minimum standards for uses allowed by Administrative Permit or Use Permit. The MHP District provides minimum design standards for Mobile Home Parks. The MHP District is intended to:

- A. Provide a desirable living environment.
- B. Require the provision of usable open space and recreational areas, and
- C. Be located in areas which are served by public sanitary sewer or be located in a drainage basin which is identified for sanitary sewer within 2 years.
- D. Have access to an arterial street.
- E. Be located on sites which have a high potential for tree retention and utilization of natural terrain.

11.3.2. **USE REGULATIONS.** Within the MHP District, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section or as a use allowed by Administrative Permit or Use Permit shall be prohibited.

- A. **Permitted Uses.** Structures and land may be used for:
 - 1. Mobile Homes (Amended 04/05/06)
 - 2. Grocery Store with a maximum of 2,500 square feet when approved as part of the development plan
 - 3. Laundromat and coin operated dry cleaning when approved as part of the development plan
 - 4. Day Care Facility
- B. **Accessory Uses.** A structure or land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home

occupation. The sale or display of mobile homes shall be accessory as long as each mobile home offered for sale is located on its individual lot and connected to all utilities.

11.3.3. **APPLICATION.** Applications for rezoning to MHP shall, in addition to the required submittal routinely required by the Director of the Environment and Community Development Department, be supported by: (Amended 11/03/93)

- A. A copy of the rules and regulations of the proposed mobile home park.
- B. A copy of any proposed covenants.
- C. A proposed maintenance plan for lawns, shrubbery, trees, recreation areas, and other natural areas.

11.3.4. **DEVELOPMENT PLAN.** The development plan shall be the zoning control document for features depicted graphically. The site plan requirement applicable to rezoning requests shall be adhered to for MHP rezoning requests. Administrative guidelines for preparing site plans are available from the Director of the Environment and Community Development Department. A site plan shall become the development plan if the request to rezone is approved without changes or additions. If the approval by the Board differs, in any way, from what is depicted on the site plan submitted for the purpose of seeking rezoning, a revised plan must be certified by the Environment and Community Development Department before development related permits may be issued. A site plan or development plan shall not substitute for plans which are required as a prerequisite for applying for development related permits. The location of all proposed structures (excluding mobile or modular homes) shall be as shown on the development plan, adopted at the time of zoning approval, and actual location on the ground shall be as shown on the development plan. (Amended 11/03/93)

11.3.5. **DEVELOPMENT STANDARDS.**

- A. **Height Regulations.** Structures shall be no higher than 35 feet or 2 and 1/2 stories, whichever is higher.
- B. **Minimum Land Area** - 20 contiguous acres
- C. **Minimum MHP Width** - Not less than 400 feet throughout

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- D. **Minimum Site Area Per Unit** - 4,000 square feet
- E. **Minimum Frontage for the Entire MHP Development** - 200 feet on an arterial or a road within 600 feet of an arterial (Amended 11/03/93)
- F. **Minimum Perimeter Buffers for the Entire MHP**
 - Road Frontage - 100 feet
 - all other - 50 feet
- G. **Maximum Density** - 5.5 units per gross acre plus additional density for features below:

<u>FEATURE</u>	<u>ADDITIONAL DENSITY</u>
1) Day care center	.2 units per acre
2) Supervised recreation	.2 units per acre
3) Neighborhood center	.2 units per acre
4) Unit carports or garages	.2 units per acre

11.3.6. **REQUIREMENTS FOR INDIVIDUAL UNIT LOCATIONS**. Each mobile home shall be located on a separate site which shall be identified by a marker at each corner. It is not required that individual sites be surveyed. Minimum requirements for individual sites are as follows:

- A. **Minimum Width** - 44 feet
- B. **Minimum Size** - 4,000 square feet
- C. **Minimum All Weather Patio** - 300 square feet
- D. **Minimum Enclosed Storage** - 125 cubic feet
- E. **Minimum Interior Street Setback** - 15 feet from pavement
- F. **Minimum Unit Separation** - 20 feet

11.3.7. **MINIMUM IMPROVEMENTS REQUIRED**

- A. **Access, Streets, Drainage and Walks.** Each mobile home park shall have a minimum of 2 primary access streets which shall be paved to a minimum width of 30 feet. Other streets within a mobile home park shall be paved to a minimum width of 24 feet.
- B. **Walkways.** All-weather pedestrian walks shall be provided throughout a mobile home park.
- C. **Construction Standards.** Streets and drainage structures shall be constructed in accordance with the minimum standards available from the Fulton County Department of Public Works. (Amended 11/03/93)
- D. **Underground Utilities Required.** All utilities shall be placed underground. A central television antenna system shall be provided.
- E. **Lighting.** Streets and walkways shall be lighted.
- F. **Unit Refuse Collection Facilities.** Each mobile home site shall be provided with water-tight and rodent proof refuse container(s) having a capacity of at least 50 gallons.
- G. **Common Refuse Collection Facilities.** Dumpsters or similar devices shall be provided for every 30 units or fraction thereof in excess of 15. Such central collection facilities shall be screened from view and shall not be located more than 400 feet from any mobile home served.
- H. **Water and Wastewater.** Each unit shall be served by public water and sanitary sewer.
- I. **Laundry Facilities.** Central laundry facilities shall be provided at the rate of 1 standard-size washing machine and dryer for each 25 units or fraction in excess of 11 units. Laundry facilities shall be located not more than 800 feet from the units served.
- J. **Public Telephones.** Public telephones shall be provided at convenient locations.
- K. **Fire Protection.** Fire hydrants shall be located throughout the park in accordance with standards of the Fire Marshal. Each unit shall be equipped with a fire extinguisher type approved by the Fire Marshal of Fulton County.

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- L. **Landscaping.** Each mobile home park shall be landscaped with shade trees, shrubs and grass. Landscaping shall be in accordance with a landscaping plan which has been approved by the Environment and Community Development Department. (Amended 11/03/93)
- M. **Recreation Facilities.** At a minimum, 10 percent of the gross acreage of a mobile home park shall be provided for common open space and recreation for the residents of the mobile home park.

11.3.8. **OTHER MINIMUM STANDARDS**

- A. Within 30 days of being located in a mobile home park, the undercarriage shall be screened from view.
- B. At least 400 square feet of common area shall be provided per unit for the storage of boats, travel trailers and other vehicles. This common storage area shall be enclosed by a fence and screened from view from all units and streets.

11.3.9. **MHP DISTRICT SUBDIVISION.** Individually divided lots are not allowed in the MHP District. All other divisions shall comply with the Subdivision Regulations of Fulton County.

11.3.10. **OTHER REGULATIONS.** The headings below contain some additional, but not necessarily all, provisions applicable to the MHP District.
 Development Regulations. Article XXXIV
 Exceptions. Section 4.3
 Floodplain Management. Section 4.24
 Off Street Parking and Loading. Article XVIII
 Outside Storage. Section 4.2
 River Protection. Metropolitan River Protection Act
 Signs. Article XXXIII