

**AN ORDINANCE TO AMEND ARTICLE II, DIVISION 8, AS IT PERTAINS TO FENCING
AND WALLS OF THE CITY OF MILTON ZONING ORDINANCE (CHAPTER 64 OF THE
CITY CODE OF ORDINANCES)**

BE IT ORDAINED by the City Council of the City of Milton, GA while in a regularly called council meeting on March 18, 2013 at 6:00 p.m. as follows:

SECTION 1. That the amendment of Article II Division 8, as it pertains to fencing and walls of the City of Milton Zoning Ordinance is hereby adopted and approved; and is attached hereto as if fully set forth herein, and;

SECTION 2. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed;

SECTION 3. That this Ordinance shall become effective upon its adoption.

ORDAINED this the 18th day of March, 2013.

Joe Lockwood, Mayor

Attest:

Sudie AM Gordon, City Clerk

(SEAL)

- THE CODE OF THE CITY OF MILTON, GEORGIA

Chapter 64 - ZONING

ARTICLE II. - GENERAL PROVISIONS

DIVISION 8. - ADDITIONAL PROVISIONS

Sec. 64-211. - Architectural treatment of common aggregate block.

Whenever visible from a public street in all except the AG-1 and industrial districts, and whenever adjoining a residential zoning district in all districts, the exterior of all common aggregate blocks shall be provided with an architectural treatment such as stucco, stone, brick, wood or an alternate treatment approved by the director of the community development department. Split rib and marble aggregate block shall not be deemed to be common aggregate block.

Sec. 64-212. - Fence and wall specifications; exemptions.

Fences and walls which conform to the provisions stated herein shall be permitted by the community development department. Fences erected for agricultural purposes in the AG-1 district shall be exempt from permit requirements.

- (1) *Visibility triangle.* Fences, walls and vegetative materials used in association therewith must not obstruct the minimum sight distance requirements which are specified in the city subdivision regulations (chapter 50) administered by the director of the community development department.
- (2) *Gates.* No part of a gate shall be located within 20 feet of a public right-of-way, nor shall any gate or vehicle in any way obstruct a public right-of-way or the minimum sight distance specified in the subdivision regulations regardless of whether open, closed or in an intermediate position.
- (3) *Maintenance of required landscape areas.* Landscape areas or strips required pursuant to this section shall be maintained in accordance with the requirements of the tree preservation ordinance (article III of this zoning ordinance).
- (4) *Fence and wall materials.* Where this zoning ordinance or zoning conditions require fences and walls to be solid/opaque, the visual density of the fence shall be such that it cannot be seen through.

The following standards shall apply to fences and walls:

- a. *Adjoining right-of-way.* In all zoning districts, wire fencing materials, including chainlink fencing with plastic or wooden inserts, shall not be used adjoining a street right-of-way. This provision shall not preclude the use of chain link fencing as a security fence around stormwater facilities or recreational courts.

The architectural treatment of poured concrete, common aggregate block or concrete block walls shall be approved by the director of the community development department.

- b. *Fences along all property lines.* Walls and fences constructed along all property lines shall be constructed with a finished side toward the neighboring property.
- c. *Barbed wire.* Barbed wire may be used in the AG-1 district as long as its use is associated with a legitimate agricultural pursuit. Barbed wire shall not be approved for any single-family dwelling lots, including such lots which are located in the AG-1 district. Barbed wire shall not be permitted in any other zoning districts.
- d. *Minimum landscape requirements.* A minimum three-foot landscape strip shall be provided between a fence or wall and a public right-of-way.

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- (5) *Height.* Fences and walls shall not exceed a height of eight feet from grade in residential districts. Column and ornament heights are permitted to exceed the maximum fence/wall height up to three feet.
- (a) Fencing along exterior streets shall be as follows:
- (1) Allowed fencing material shall be three or four board wooden fencing with wood posts.
 - (2) Fences shall not exceed 55 inches from finished grade.
 - (3) Fences shall be white, black, or dark brown in color.
 - (4) Opaque fences are prohibited.
 - (5) Chain link fences are prohibited.
 - (6) Fences shall be set back a minimum of three feet from a public right-of-way.
 - (7) If the side, side corner or rear yard is adjacent to an exterior street, any type of fence including opaque may be installed as long as the opaque fence is not visible from the street at any time of the year.
- (b) Fencing along interior streets including front, side corner, side and rear of platted subdivision lots shall be as follows:
- (1) Allowed fencing material and type along the front is limited to three or four board wooden fencing or as otherwise subject to the approval of the Community Development Director and;
 - (2) Along sides and rear of a lot, fencing material can be of any type.
 - (3) Fences shall not exceed 8' in height(4) If a front, side corner, side or rear lot line borders an exterior street, Section 5a. applies.
- (c) Fencing along side, side corner, or rear of non subdivision lots:
- (1) Allowed fencing material and type is not limited to three or four board wooden fencing.
 - (2) Fences shall not exceed 8' in height.
 - (3) If a front, side, side corner or rear lot line borders an exterior street, see section 5a.
- (6) *Setback.* Fences and walls shall be set back a minimum of three feet from a public right-of-way.

Sec. 64-213. - Home occupation permitted as accessory use; limitations.

A home occupation is permitted as an accessory use of a dwelling unit in any zoning district and its operation and employees are limited to members of the resident family only. The following are limitations on home occupations:

- (1) The smaller of 25 percent or 750 square feet of the gross floor area of a dwelling unit may be used for activities devoted to the home occupation.
- (2) Accessory buildings and structures may not be used for the home occupation.

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- (3) There shall be no signs identifying the home occupation, nor shall there be any storage, display or activity associated with the home occupation visible outside the structure.
- (4) The following uses are excluded:
 - a. Auto repair or similar operations;
 - b. Restaurants;
 - c. Keeping of animals;
 - d. Funeral homes;
 - e. Retail or wholesale shops;
 - f. Motel type establishments;
 - g. Taxi services; or
 - h. Any other occupation found incompatible with the intent of this zoning ordinance.
- (5) Resident participants in a home occupation must have the appropriate occupational licensing, including business licenses.
- (6) No home occupation shall generate traffic, sound, smell, vibration, light, or dust that is offensive.
- (7) No more than two clients or patrons are allowed on the premises at the same time in conjunction with the home occupation (except for persons in care at a family day care home, where no more than six clients are allowed).
- (8) Vehicles kept on site in association with the home occupation shall be used by residents only.
- (9) The transporting of goods by truck is prohibited. Incoming vehicles related to the home occupation shall be parked off-street within the confines of the residential driveway or other on-site permitted parking.
- (10) Home occupations must exclude the use of instruments, machinery or equipment that emit sounds (i.e., musical instruments, sewing machines, saws, drills) that are detectable beyond the unit.
- (11) Family day care homes are prohibited within multifamily dwelling units.
- (12) Family day care homes shall provide outdoor play areas as required by state law, but such areas shall be limited to side or rear yards outside the minimum yard area, and shall not occupy any yard adjoining a street.
- (13) Family day care homes shall be located at least 1,000 feet in all directions from any other such use operated as a home occupation.
- (14) Family day care home hours of operation shall be limited to Monday through Saturday from 6:00 a.m. to 7:00 p.m.
- (15) Family day care home operators shall have a current, certified copy of the operator's state family day care home registration which shall be filed with the business license application and renewals.
- (16) No home occupation shall be operated so as to create or cause a nuisance.

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Sec. 64-214. - Outparcel development.

Outparcel development permitted as a condition of zoning approval and identified on a site plan shall comply with the following standards:

- (1) The total floor area for outparcels shall be included in the total floor area allowed for the larger parcel.
- (2) Access for outparcels shall be from internal drives with no direct access to public roads.
- (3) Each outparcel abutting a public right-of-way shall have a minimum of 200 feet of frontage on that public right-of-way.
- (4) Internal entrance drives shall be located at least 100 feet from any publicly dedicated right-of-way.

Sec. 64-215. - Noise.

The city site acceptability noise standards shall apply to all newly proposed residential and special uses described herein.

City of Milton, Georgia		
Site Acceptability Noise Standards*		
Noise Classification	Day-Night Average Sound Levels (in Decibels)	Requirements and Restrictions
Acceptable	Up to 65	1. Noise study report per section 64-2131 No Restrictions.
Normally Unacceptable	66—75	1. Noise study report per section 64-2131 2. Sound attenuation plan.
Unacceptable	76 and up	1. Noise study report per section 64-2131 . 2. Residentially zoned/used developments are prohibited.

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*Reference—Title 24, Housing & Urban Development, Part 51-Environmental Criteria and Standards, Subpart B—Noise Abatement and Control, Section 51.103 Criteria and Standards (c) Exterior standards.

- (1) New residential development proposed within five miles of the Hartsfield-Jackson International Airport boundary shall be in compliance with the city site acceptability noise standards.
- (2) No residential dwelling shall be occupied if the interior day-night average sound level is 50 dBA or higher.
- (3) Any existing legal residential lot of record that does not change use or zoning classification is exempt from the requirements of this section.

Sec. 64-216. - Landfills, transfer stations, quarries and surface mining sites.

- (a) No portion of a new proposed residentially zoned or used property shall be located within a one-mile radius of the property lines of an existing active landfill.
- (b) No portion of a new proposed residentially zoned or used property shall be located within a one-mile radius of the property lines of an existing active transfer station.
- (c) No portion of a new proposed residentially zoned or used property shall be located within a 1½-mile radius of the property lines of an existing active quarry.
- (d) No portion of a new proposed residentially zoned or used property shall be located within a 500-foot radius of the property lines of an existing active surface mining site. Surface mining is defined as specified in O.C.G.A. § 12-4-72.
- (e) Any existing legal residential lot of record located within the radius requirements of subsections (a) through (d) of this section that does not change use or zoning classification is exempt from the requirements of this section.
- (f) Reference maps entitled "2005Z-0108 Environmental Standards for Unincorporated North Fulton" and "2005Z-0108 Environmental Standards for Unincorporated South Fulton" located online in the Fulton County GIS Map Catalog for locations of active landfills, transfer stations, quarries and surface mining sites.
- (g) Any owner of property located within a one-mile radius of the property lines of an existing active landfill or existing active transfer station or within a 1½-mile radius of the property line of an existing active quarry shall, prior to the sale or transfer of said property, notify and disclose in writing the existence of the landfill, transfer station, or quarry to the potential owner or transferee.

Sec. 64-217. - Endangered species.

Areas of confirmed, state department of natural resources listed, endangered plant and animal species throughout the city shall comply with the Federal Endangered Species Act of 1973.

Secs. 64-218—64-235. - Reserved.