

ARTICLE XII

SECTION 12A

OVERLAY DISTRICT AUTHORITY

12A.1.1. **DECLARATION OF PURPOSE, SCOPE, INTENT AND PUBLIC POLICY.**

The Fulton County Board of Commissioners finds that as a matter of public policy that the aesthetic, economic and functional qualities of unincorporated Fulton County are worthy of enhancement and preservation and are essential to the promotion of the health, prosperity, safety and general welfare of the existing and future residents of unincorporated Fulton County. Therefore, the Board of Commissioners authorizes each planning area to propose overlay districts and regulations, and, if desired, to request that the Board appoint a design review board. The purpose of said design review board and overlay district regulations shall be:

1. To foster civic pride.
2. To promote attention to accepted design principles in areas of new development and redevelopment.
3. To raise the level of community understanding and expectation for quality in the built environment.
4. To implement the Comprehensive Plan.
5. To provide for the designation, protection, rehabilitation and redevelopment of properties within overlay districts and to participate in federal and state programs designed to do the same.
6. To protect and enhance local aesthetic and functional qualities and to stimulate business.
7. To enhance the opportunities for federal, state and local tax benefits under relevant federal, state and local laws.

The Board of Commissioners further finds that the timely exercise of judgment in the public interest by a public body of proposed new development or redevelopment is desirable. Accordingly, the public policy objectives of this Resolution are to guide

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certain aspects of development, such as:

1. The spatial relationships of structures and open spaces to each other, and
2. The appearance of buildings and open spaces as they contribute to the attractiveness, function, economy and character of an area.

Planning area design standards are intended to be uniformly applied to evaluate the appropriateness of proposed changes to an overlay district in order to:

1. Protect and enhance the visual qualities and character of the district,
2. Provide guidance to design professionals, property and business owners undertaking construction in the district,
3. Recommend appropriate design approaches, and
4. Provide an objective basis for review, assuring consistency and fairness.

12A.2.1. **DEFINITIONS.**

Words not defined herein shall be construed to have the meaning given in Article III of The Zoning Resolution of Fulton County, or, by Webster's Ninth New Collegiate Dictionary. The words "shall" and "must" are mandatory, and the words "may" and "should" are permissive. As used in this resolution, the following terms shall be defined as follows:

Appearance: The outward aspect that is visible to the public.

Appropriate: Fitting to the context of a site, neighborhood or community.

Architectural Concept: The basic aesthetic idea of a structure, or group of structures, including the site, signs, buildings and landscape development that produces the architectural character.

Architectural Feature: A significant element of a structure or site.

Attractive. Having qualities that arouse satisfaction and pleasure in numerous, but not necessarily all, observers.

Building. A building is a structure created to shelter any form of human activity, including but not limited to, a house, store, barn, church, hotel.

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Certificate of Endorsement (COE). A document evidencing support of a material change in the appearance of a property located within an overlay district by the person or board designated within an overlay district.

Cohesiveness. Unity of composition among elements of a structure or among structures, and their landscape development.

Compatibility. Harmony in appearance of architectural features in the same vicinity.

Design Review Board (DRB). A panel which, when appointed by the Board of Commissioners, consists of seven (7) members appointed to consider applications within a specific overlay district.

Designation or Designated. A decision by the Board of Commissioners of Fulton County, Georgia, wherein a property or district is declared an overlay district.

External Design Feature. The general arrangement of any portion of structures or landscaping, including the type, and texture of the materials, the type of roof, windows, doors, lights, signs, and fixtures of portions which are open to the public view.

Exterior Architectural Features. The architectural style, general design and general arrangement of the exterior of a structure and site, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs, facade, landscaping and other architectural fixtures, features, details, or elements relative thereto.

Geographic Area. Land area subject to overlay district regulations.

Harmony. A quality that represents an attractive arrangement of parts, as in an arrangement of various architectural elements.

Landscape. Plant materials, topography and other physical elements combined in relation to one another and to structures including pavement.

Logic of Design. Widely accepted principles and criteria in the solution of design problems.

Material Change in Appearance. A change in a structure or a parking lot within an overlay district that exceeds ordinary maintenance or repair (defined below), and requires either a sign permit, building permit or land disturbance permit such as, but

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not limited to:

1. The erection, alteration, restoration, addition or removal of any structure (including signs) or parking lot;
2. Relocation of a sign or building;
3. Commencement of excavation; or
4. A change in the location of advertising visible from the public right-of-way.

Ordinary Maintenance or Repair. EXEMPT from inclusion in "Material Change in Appearance" defined above. Ordinary maintenance or repair of any exterior of any structure, parking lot or sign in or on an overlay district property to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in outer design, material, or appearance thereof. Painting, reroofing, resurfacing, replacement of a broken sign face and other similar types of ordinary maintenance shall be deemed ordinary maintenance and repair.

Overlay District. A geographically definable area, possessing a significant concentration or linkage of sites, buildings, structures, objects or landscapes, including the adjacent area necessary for the proper treatment thereof, united by plan and/or physical development. An overlay district shall further mean an area designated by the Fulton County Board of Commissioners as such.

Overlay Property. An individual site, structure, object or landscape, including the adjacent area necessary for the proper continuity thereof, contained within an overlay district.

Proportion. Balanced relationship of parts of a building, signs and other structures, and landscape to each other and to the whole.

Scale. Proportional relationships of the size of parts to one another and to humans.

Street Hardware. Objects other than buildings that are part of the streetscape. Examples are: street light fixtures, utility poles, traffic lights and their fixtures, benches, litter containers, planting containers, fire hydrants, etc.

Streetscape. The appearance and organization along a street of buildings, paving, plantings, street hardware and miscellaneous structures.

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12A.3. **CERTIFICATES OF ENDORSEMENT.**

12A.3.1. **APPROVAL OF ALTERATIONS OR NEW CONSTRUCTION.** Applicants for a Fulton County land disturbance permit, sign permit or building permit shall obtain a Certificate of Endorsement (COE) for applicable properties.

12A.3.2. **GUIDELINES AND CRITERIA FOR CERTIFICATES OF ENDORSEMENT.** Issuance of Certificates of Endorsement (COE) shall be based on the criteria of the Zoning Resolution of Fulton County along with other criteria adopted by the Board of Commissioners.

12A.3.3. **SUBMISSION OF PLANS.** An application for a COE shall be accompanied by such drawings, photographs, material samples or plans as may be required pursuant to the overlay district provisions.

12A.3.4. **INTERIOR ALTERATIONS.** Review of applications for endorsement shall not consider interiors or exterior features which are not visible from a public street.

12A.3.5. **ISSUANCE OF A CERTIFICATE OF ENDORSEMENT.**

- A. A COE may be issued when the proposed material change(s) in the appearance or arrangement of the elements of the project is consistent with the overlay district provisions.
- B. A copy of each final COE shall be maintained in the Development Services Department.

12A.3.6. **EXCEPTIONS.** When, by reason of unusual circumstances, the strict application of any provision of this Article would result in the exceptional practical difficulty or undue hardship due to the circumstances unique to the particular property in question, the Board of Zoning Appeals, in passing upon applications, shall consider and issue exceptions to said provisions so as to relieve such difficulty or hardship provided such exceptions shall remain in harmony with the general purpose and intent of said provisions, so that the integrity or character of the property, shall be conserved and substantial justice done. A hardship shall not qualify as an undue hardship if it is of a person's own making.

In granting such exceptions, the Board of Zoning Appeals may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Article.

- 12A.3.7. **APPEALS.** Appeals are to the Board of Zoning Appeals. Any appeal of a decision of the Board of Zoning Appeals is to Fulton County Superior Court in accordance with Article XX.
- 12A.3.8. **DEADLINE FOR CONSIDERATION OF APPLICATION FOR COE.** The DRB shall consider a completed application for a COE within 15 days after the filing thereof by the owner or occupant of an overlay district property. If the application has not been acted upon within 15 days, an the application shall be considered to be approved as submitted.
- 12A.3.9. **RELATIONSHIP OF THIS ARTICLE TO OTHER ZONING PROVISIONS.** The adoption of a resolution designating an overlay district, is an amendment to the existing Zoning Resolution. Designation of a zoning overlay district and shall be shown as such on the Official Zoning Maps of Fulton County, Georgia.
- 12A.4. **MAINTENANCE OF PROPERTIES, BUILDING CODE AND ZONING PROVISIONS**
- 12A.4.1. **ORDINARY MAINTENANCE OR REPAIR.** Ordinary maintenance or repair of any exterior feature visible from a public street in or on an overlay district property to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in design, material, or outer appearance thereof, does not require a building, sign, or land disturbance permit.
- 12A.4.2. **FAILURE TO PROVIDE ORDINARY MAINTENANCE OR REPAIR.** The owner or owners, or the owner's agent, of each designated overlay district property or site, shall keep in good repair all of the exterior portions of such property and site and all interior portions thereof which, if not maintained, may cause or tend to cause the exterior portion of such property or site to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair. The director of the Department of Inspections and Zoning Enforcement shall be responsible for the enforcement of the ordinary maintenance or repair provisions contained within this section.
- 12A.4.3. **AFFIRMATION OF EXISTING BUILDING CODES AND ZONING.** Nothing in this Resolution shall be construed to exempt property and business owners from complying with other existing County regulations whenever this Article does not apply. This resolution is an amendment to the Zoning Resolution and all other provisions of the Zoning Resolution shall remain in effect unless provisions in the overlay district conflict with other provisions of the Zoning Resolution, in which case, the stricter provisions of the overlay district shall apply.

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- 12A.5. **INTERPRETATION, VIOLATIONS, ENFORCEMENT AND PENALTY PROVISIONS**
- 12A.5.1. **VIOLATIONS.** This Article shall be governed by Article XXIX, Section 29.1 of this Resolution.
- 12A.5.2. **ENFORCEMENT.** This Article shall be governed by Section 26.3 of this Resolution.
- 12A.5.3. **PENALTY.** Violation of this Resolution shall be punished as provided for by Section § 21-1-8 of the Fulton County Code.
- 12A.5.4. **SEVERABILITY.** In the event that any section, subsection, sentence, clause or phrase of this resolution shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this Article which shall remain in full force and effect, as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.
- 12A.5.5. **CONFLICTS.** If the provisions of this Article conflict with this Resolution, or other ordinances, resolutions or regulations, the provisions of this Article shall govern or prevail to the extent of the conflict.
- 12A.5.6. **INTERPRETATION.** This Article shall be governed by Section 26.1 of this Resolution.