

**ORDINANCE ESTABLISHING STANDARDS FOR PROTECTION OF STEEP  
SLOPES AND GRADING ACTIVITY WITHIN UNINCORPORATED FULTON  
COUNTY, GEORGIA; PROVIDING PROCEDURES FOR LAND  
DISTURBANCE PERMITS**

**WHEREAS**, the Board of Commissioners of Fulton County finds that the natural resources of Fulton County, Georgia are of vital importance to Fulton County, Georgia and its citizens; and

**WHEREAS**, the Board of Commissioners of Fulton County recognizes that protection of steeply sloping terrain in Fulton County, Georgia, is beneficial for preventing erosion, reducing storm water runoff, reducing impacts to water quality, and flood control; and grading be designed to retain existing natural vegetation where applicable; and

**WHEREAS**, the Board of Commissioners of Fulton County finds that the health, safety and general welfare of the citizens of Fulton County shall benefit from the adoption of steep slopes and grading requirements within Fulton County.

**NOW, THEREFORE, LET IT BE ORDAINED**, by the Board of Commissioners of Fulton County, Georgia as follows:

**Section 1.      Title.**

This ordinance shall be known as the “Fulton County Steep Slopes Protection and Grading Ordinance.”

**Section 2.     Intent and Purpose.**

The purpose of this ordinance is to recognize and require adherence to county regulations and guidelines that govern the development of land that contains steep slopes within unincorporated Fulton County, Georgia. In addition, the intent of this ordinance is to minimize the grading and site disturbance of steep slopes and other environmentally sensitive areas as defined in the 2005-2025 Fulton County Comprehensive Plan by restricting land disturbances in such areas. Moreover, this section is intended to protect natural resources, public health, safety, and the general welfare of the citizens of unincorporated Fulton County.

**Section 3.     Definitions.**

The following definitions shall apply in the interpretation and enforcement of this article, unless otherwise specifically stated:

**“Applicant”** means any person who seeks permission to engage in any regulated activity on any land that contains steep slope areas, as those terms defined therein.

**“Department”** means the Fulton County Department of Environment and Community Development.

**“Land Disturbing Activity”** means any activity which may result in soil erosion from and the movement of sediments into waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in the Fulton County Soil Erosion and Sedimentation Control Ordinance.

**“Land Disturbance Permit”** means an official authorization issued by the Department, allowing defoliation or alteration of a site or the commencement of any construction

activities, including but not limited to, clearing, grubbing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural operations as defined in Official Code of Georgia Annotated (O.C.G.A. § 1-3-3).

**“Grading”** means the movement of earth by mechanical means to alter the gross topographic features, including elevation and slope, to prepare a site for final grading and construction of facilities, including structures, parking lots, and roads.

**“Professional Engineer”** means a professional engineer that has been licensed by the state of Georgia, having met the provisions thereof.

**“Professional Landscape Architect”** means a professional landscape architect that has been licensed by the state of Georgia, having met the conditions therein.

**“Regulated Activity”** means any activity which will, or which reasonably may be expected to result in the alteration of steep slopes.

**“Slope”** means the ratio of elevation change to horizontal distance, expressed as a percentage. Slope is computed by dividing the vertical distance (“rise”) by the horizontal distance (“run”).

**“State Waters”** means as defined by Georgia Erosion Sedimentation Act, O.C.G.A. § 12-7-1 et seq., any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

**“Steep Slope”** means any slope with a minimum rise of ten feet that has a slope percentage greater than thirty-three percent (33%) (10 foot vertical “rise” over a 30 foot horizontal “run”).

**“Steep Slopes Map”** means the latest edition of the Fulton County Government maps for unincorporated Fulton County, Georgia depicting slopes greater than 33 percent generated from the United States Geological Survey, Topography Maps, adopted by unincorporated Fulton County, Georgia.

**Section 4. Establishment of Jurisdictional Steep Slopes**

Although the Steep Slopes Map can be used for concept plan submittals, it does not necessarily represent the boundaries of jurisdictional steep slopes within unincorporated Fulton County, Georgia and shall not serve as a substitute for delineation of steep slope boundaries as identified by a physical topographic site survey, performed by a professional land surveyor. Any local government action under this ordinance shall not relieve the landowner from federal and state permitting requirements.

The Steep Slopes Map is available online in the Fulton County Geographic Information System (GIS) Map Catalog.

**Section 5. Authority and Applicability.**

The terms and provisions of this Ordinance regarding undeveloped, undisturbed steep slopes, established herein, shall apply to all development which requires issuance of a land disturbance permit within unincorporated Fulton County, Georgia.

The terms and provisions of this Ordinance regarding grading, established herein, shall apply to all residential development which requires issuance of a land disturbance permit within unincorporated Fulton County, Georgia.

No land disturbance permit will be issued by the Department without it being determined that the proposed development is in compliance with the provisions of this ordinance.

**Section 6. Slope Construction Restrictions.**

Table 1 below provides development restrictions for each steep slope category. These restrictions apply to contiguous land areas greater than 5,000 square feet.

<b>Table 1-Slope Development Restrictions</b>		
<b>Slope Category</b>	<b>Illustration of slope type (Rise over Run)</b>	<b>Development Restrictions</b>
Greater than 33%, but less than 40%	3.4 ft. rise over 10-ft run = (34%) slope	Building and site preparation may not occur unless a plan is submitted by a design professional of record (licensed professional engineer or landscape architect) and approved by the Department. The plan must meet the requirements of this ordinance (Section 8). The plan must indicate design/construction techniques that will not have adverse environmental impacts as determined by the Department.
40% or greater	4.0 ft. rise over 10ft. run = (40%) slope	Land disturbing activity shall not be conducted in areas containing 40% or greater slopes unless a variance is granted by the Board of Zoning Appeals (except detention ponds and water quality features are allowed on slopes not exceeding 50%).

**Section 7. Grading Restrictions.**

Table 2 below provides grading restrictions with respect to lot area. These restrictions apply to proposed residential development.

<b>Table 2-Grading Restrictions</b>	
<b>Lot Area Category</b>	<b>Grading Restrictions</b>
Greater than 15,000 square feet	Only roads and utilities grading allowed
8,000 square feet to 15, 000 square feet	No more than 100 feet from the right-of-way shall be disturbed (except roads and utilities). No grading activity allowed in the required rear yard setback.
Less than 8,000 square feet	No grading restrictions

**Section 8. Steep Slopes Plan Requirements.**

The following information shall be required for any concept plan for development on a lot or parcel that includes slopes greater than thirty-three percent (33%) in a land disturbance area:

- a. Steep slope areas on concept plans, based on the on the Generalized Steep Slopes Map or field run topography, shall be labeled and identified through cross-hatching and/or separate colors.
- b. Other engineering and environmental considerations may be required by the Department to determine whether the proposed development will create a threat to the public health, safety, and general welfare, or cause slope failure, erosion, or increases in the rate of stormwater discharge entering adjacent properties.
- c. Steep slope easements (slope areas of 40% or greater) shall be recorded on final plat documents as applicable

**Section 9. Exemptions**

The following shall be exempted from the steep slopes and/or grading requirements of this ordinance as indicated:

- 1) Legal residential lots that have been platted prior to the adoption of this ordinance (exempt from steep slopes and grading restrictions).
- 2) Mining activities permitted by the Georgia Department of Natural Resources under the Surface Mining Act (exempt from steep slopes and grading restrictions).

- 3) Land disturbing activities conducted for County transportation and water/sewer improvement projects (exempt from steep slopes and grading restrictions).
- 4) Land disturbing activities conducted by any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in Official Code of Georgia Annotated (O.C.G.A. 36-18-1) (exempt from steep slopes and grading restrictions).
- 5) Conservation subdivisions (exempt from steep slopes and grading restrictions).
- 6) Recreation and amenity areas including golf courses, trails and foot paths (exempt from grading restrictions)

**Section 10. Legally Non-Conforming Use Provisions.**

Concept Plans that are part of a zoning or use permit application, or subdivision application submitted to the County prior to the effective date of this ordinance, are exempt from the restrictions in Sections 6 and 7 for three years after the effective date of adoption of this ordinance.

**Section 11. Appeal Procedures.**

Should the owner of a lot or parcel want to conduct a land disturbing activity in conflict with the requirements of this ordinance, the owner shall request an appeal before the Fulton County Board of Zoning Appeals in accordance with Article 22 of the Fulton County Zoning Resolution. An analysis of the direction, rate, and volume of stormwater

runoff leaving each area within a slope category is required in addition to the requirements in Section 8.

**Section 12. Violations and Penalties.**

- a. Upon written notice, work that is being done in contradiction to the provisions of this ordinance shall be stopped immediately.
- b. A lawfully issued Land Disturbance Permit may be suspended, revoked, or modified upon finding that the holder is in violation of the terms of the permit or any portion of this ordinance. Written notice of this action shall be provided to the holder of the permit who shall comply with the directives contained therein.
- c. Upon inspection of the site, any individual conducting activity found in violation of this ordinance in regards to disturbance of a steep slopes area shall be fined \$1,000.00 per day until such land is replanted to County buffer standards and placed in a conservation easement.
- d. Upon inspection of the site, any individual conducting activity found in violation of this ordinance in regards to grading shall be fined \$1,000.00 per day until such land is replanted to standards as determined by the Fulton County Arborist.

**Section 13. Validity.**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance in whole or any part thereof other than the part declared invalid.

**ENACTED**, by the Board of Commissioners of Fulton County, Georgia, this day of \_\_\_\_\_, 2006.

**BOARD OF COMMISSIONERS  
FULTON COUNTY, GEORGIA**

By: \_\_\_\_\_

Karen Handel, District 1 (At Large), Chairperson

ATTEST:

\_\_\_\_\_  
Mark Massey, Clerk to the Commission

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Overtis Hicks Brantley, County Attorney