

## Douglas County Unified Development Code Audit

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## Introduction

Douglas County’s current Unified Development Code (UDC), adopted in 2004, has been amended numerous times over the last decade and a half. Though the County was forward-thinking in its creation of a UDC many years ago, the current document does not support many of the goals expressed in a number of its most recently-adopted guiding plans. Furthermore, the UDC lacks continuity with the City of Douglasville’s recently updated Unified Development Ordinance (UDO) – continuity that is critical, not only due to the sporadic nature of city and county limits, but also to encourage quality development in the future by reducing one of its most common barriers.

Though adoption of an updated UDC has been discussed by staff and elected officials, it was felt additional insight into specific planning topics, such as the advancement of housing diversity, would be helpful prior to rewriting the code. The County applied through ARC’s Community Development Assistance Program to obtain an audit of the current UDC, including recommendations on how to incorporate the primary goals of their guiding plans, as well as make the code more user-friendly and effective. Through the process, the County has gained an understanding of how to encourage quality development throughout its jurisdiction, with a focus on more mixed-use, dense development along its corridors and those areas adjacent to the City of Douglasville with adequate infrastructure, while preserving its rural character in the southwest quadrant.

In addition to a summary of existing conditions and community engagement, this document includes a series of recommendations by which to encourage quality development throughout the county. These recommendations Incorporate smart growth ideas and creative zoning techniques to encourage more dense, cohesive development along corridors and those areas adjacent to the City of Douglasville, while also allowing for sensitive development of the county’s rural areas. Renderings provided by Sizemore Group as part of this audit effectively illustrate

desired development patterns in each zoning district, making the UDC more user-friendly as well as conducive to quality development.

## Existing Conditions

### Comprehensive Plan Update (2018)

*Comprehensive plan update page numbers and Community Work Program item numbers are referenced parenthetically.*

In its 2018 Comprehensive Plan Update, Douglas County outlines future land use goals and related implementation strategies guiding land use patterns to foster the social and economic well-being of the county's residents. The goals illustrate a vision for compact development in urban areas, ensuring concurrent infrastructure development and improved access for pedestrian and community use, thereby reducing vehicular trips in these areas. The social and economic well-being of the county's residents will be serviced by a land use policy that promotes the inclusion of clean, high-tech industrial land use, servicing the county's economic base while minimizing local air and water pollution. Strategies aimed at satisfying these goals range from new requirements for the architectural quality of new developments to reimagined parking requirements.

#### *Goals*

The following goals were identified in Future Land Use - Character Area Categories (pp. 24-25):

- Ensure that future land use and development decisions are consistent with long range planning goals and policies and that such decisions promote social and economic well-being.
- Implement a land use plan that articulates a physical policy for a compact urban area and assures the availability of infrastructure concurrent with development that achieves the desires of the community's vision.
- Encourage and promote clean, high tech industrial development that strengthens the economic base of the community and minimizes air and water pollution.
- Promote development that is pedestrian-oriented, community centered and minimizes vehicular trips.

#### *Implementation Strategies*

The following implementation strategies were identified:

- Architectural Themes (p. 17)
  - Establish design guidelines requiring the restoration of historic structures to a unifying, influential period.

- Establish design guidelines (established by the materials, proportions, and character defining features of the aforementioned period) requiring new construction be executed in forms and materials compatible with said period, creating a visually unified area “signature”.
- Comprehensive Plan Context (p. 18)
  - Require appropriate development within distinct character areas, corridors, and centers, arranging these areas within a comprehensive circulation system that incorporates multiple nodes of transportation.
- Quality of New Development (p. 18)
  - Require high-quality architectural design and construction for all new public buildings, institutional buildings, and residential and non-residential private developments, reflecting Douglas County’s unique community image and character.
- Residential Development (pp. 18-19)
  - Designate transitional areas to accommodate and incorporate medium density and mixed housing types.
  - Require the use of master planned and open spaced subdivisions where appropriate.
  - Require the construction of an internal multi-use trail system in large residential developments to increase bicycle and pedestrian accessibility to schools, public facilities, employment and shopping areas, and parks and open spaces, and connected where possible to the County’s Planned Trail System.
  - Require effective and attractive buffers in new residential development to protect those areas from adjacent arterial roadways and non-residential developments.
  - Establish an “anti-monotony” code for major subdivisions, promoting diversity among housing products, densities, and site development characteristics.
  - Reduce permitted land uses in residential areas to schools, parks, and churches, requiring they be designed, located, and maintained with regard to surrounding residential areas.
- Non-Residential Development (pp. 19-20)
  - Require retail and service establishments along commercial corridors to be designed to resemble town squares of varying intensities, incorporating “Main Street” concepts including internal circulation for pedestrians and automobiles surrounding public spaces (i.e., small pocket parks, squares, and plazas), a mixture of uses, and tree-lined sidewalks.
  - Require workplace and commerce centers provide multiple services to its users and create a sense of arrival at primary entryways through building placement, landscaping, gates, entry monuments, specialty lighting, and other design elements.
- Design Guidelines (pp. 20-22)



- Site Design
  - Require consideration of both the physical site characteristics and contextual influences early and throughout design development, including environmental (i.e., existing vegetation, topographic features, minimally undisturbed natural areas, and drainage), visual (i.e., view sheds, view corridors, and primary views from on-site and off-site), patterns, character, and scale of existing planned developments in the immediate area, potential connections and other relationships with adjoining development (i.e., pedestrian access points, shared driveways, off street vehicular connections, open space systems and landscape buffers and service corridors), and perimeter open spaces and buffer zones.
  - Require all building frontages and sides of buildings oriented to the street or other public areas incorporate a combination of arcades, pedestrian level display windows, storefronts, and entrances.
  - Require variation in building height, building mass, roof pitch, and changes in wall planes in linear “strip” development in order to mitigate the linear effect of a development.
- Materials
  - Require the use of brick, stone, glass, and clapboard in earth tones (i.e., red, buff, cream, white, and gray) as the dominant exterior cladding on all four sides of new public and non-residential buildings and allow for the use of concrete block, sheet metal, and stucco as accent features.
  - Require a single building or development or multiple buildings within a development (including all “pads” within retail development as well as gasoline pump canopies or other accessory structures) maintain a consistent style/architectural theme (i.e. architectural design, building materials, colors, forms, roof style and detailing).
- Public Spaces
  - Require developments greater than 5 acres include a publicly accessible outdoor space (i.e., pedestrian plaza, pavilion, courtyard, water feature, fountain, sculpture, or other art features) and amenities (i.e., specialty paving, specialty lighting, and street furniture).
- Infrastructure
  - Require shared driveways, internal vehicular circulation system linking properties, and linkages of interior pedestrian systems to adjoining sites.
  - Require extensive use of trees and natural vegetation throughout new developments.
  - Require buildings placed along sidewalks have windows and doors facing the street and incorporate other architectural features.
- Parking

- Require alternatives to traditional street-side parking (i.e., side, rear, courtyard, etc.) when site conditions allow.
- Require buildings in shopping centers be placed along sidewalks so that at least 15% of the building has “street” presence.
- Require screening and buffering techniques to effectively hide off-street parking areas and soften the visual effects associated with such.
- Require landscaping be used to delineate the edge of a project, increasing a projects visibility and hence its viability in the competitive setting of the corridor.
- Require commercial developments not exceed parking requirements and incorporate features intended to reduce the dependence on the automobile (i.e. enhanced accessibility to transit, pedestrian connectivity, etc.).
- Future Land Use (pp. 23-24)
  - Adopt design guidelines and implement regulatory controls by area, zoning districts, or overlays, speaking to specific development characteristics such as site planning, massing, scale, and density.
  - Establish an Architectural Review Committee to review, monitor, and work with developers, architects, and builders in implementing the guidelines.
- Character Area Map (pp. 25-26)
  - Rezone in accordance with the “Community Character Areas” (pp. 26-29)
- Character Area Descriptions (pp. 27-47)
  - Require Master Planned Developments (MPDs) where appropriate in the following character areas: “Rural Places”, “Suburban Living”, “Urban Residential”, “Neighborhood Village Center”, “Community Village Center”, “Mixed Use Corridor”, “Workplace Center”, “Commerce Center”, “Intensive Industrial”, and “Resort Mixed Use”.
- 2018 Douglas County Community Work Program (pp. 60-66)
  - Develop Corridor Management for Plan of South Douglas Scenic Byway. (PZ 3)
  - Update Unified Development Code. (PZ 4)
  - Conduct a review of the UDC to determine if it would be more efficient to reduce the number of overlay district regulations and add those regulations to existing or new zoning districts. (PZ 9)
  - Along the Highway 78 corridor between Douglasville and Villa Rica - Review the buffer requirements for the MUC and WC Character Areas where they abut the residential character areas. (PZ 10)
  - Prepare Overlay Districts for Lee Road and Chapel Hill Road (ED 2)

## Lee Road Corridor Study (2019)

*Lee Road Corridor Study 5-Year Action Plan item numbers are referenced parenthetically. UDC sections that may be affected are referenced in brackets.*

The Lee Road Corridor Study outlines several goals and implementation strategies that may interact with the UDC. This corridor is envisioned as having the potential to become an iconic, livable node of mixed-use development with complete streets and varying housing options. For this vision to be met, the corridor must be broadly rezoned from single-family residential to a combination of uses that will support economic vitality, walkability, and varying housing options. Such a rezoning effort, then, would need to be bolstered by policies and regulations supporting this vision.

### *Goals*

The following goals were identified in the Executive Summary:

This project has the potential to impact and drive development over the next 10-20 years and become an iconic, livable node along Highway 92 with a mixture of uses, housing options, and complete streets to provide greater accessibility for pedestrians and bicycles and an identifiable downtown district for the County.

### *Implementation Strategies*

The following implementation strategies were identified in the Implementation Plan:

- Rezone Lee Road Corridor in accordance with proposed zoning map (5YAP 12), from predominately Single-Family Detached to: Commercial, Institutional, Mixed-Use, Multi-Family, Parks, and Single-Family Attached.
- Develop overlay district in Lee Road master planning area to require architectural, spatial, and infrastructure improvements on properties not controlled by the County. (5YAP 13) [UDC Section 208 (206)]
- Develop a policy to reduce overall curb cuts along corridor as properties develop. Amend ordinance to require space requirements between access points (5YAP 14) and inter-parcel access. [UDC Section 208 (206)]
- Develop regulations that require support infrastructure for transit, shared curb space, pedestrian amenities, and micro-mobility (5YAP 15), as well as multi-use path construction within and between new developments and existing resources. [UDC Section 208 (206) and/or 1013]
- Develop and implement a “No Net Loss of Trees Policy” (5YAP 17). [UDC Article 8]
- Develop public space standards for furniture, landscape, lighting standards, and activated storefront zones (5YAP 20). [UDC Section 208 (206)]

- Develop a policy to incorporate green roof and/or renewable energy into government buildings County-wide, and on Small Area Plan site, in particular (5YAP 22) and introduce required sustainable construction practice regulations. [UDC Section 208 (206) and/or 1019]
- Provide for the following land uses within the aforementioned zoning districts: mid-level (Q1 [Mixed-Use]) and intensive (Q3 [Commercial, Mixed-Use]) mixed-use activity centers, two-story (Q1, Q2, Q3, Q4, Q5, Q6 [Commercial, Institutional, Mixed-Use, Multi-Family, Single-Family Attached]) to four-story (Q3 [Commercial, Mixed-Use, Multi-Family]) development, conservation subdivisions (Q5 [Single-Family Detached]), etc. [UDC Section 206 (208)]

## Sweetwater Master Plan (2017)

*Sweetwater Master Plan page numbers or sections are referenced parenthetically. UDC sections that may be affected are referenced in brackets.*

The 2017 Southwest Thornton Activity Center Sweetwater Master Plan promulgates several goals and implementation strategies that can be addressed through the UDC. In this plan, the community envisions a future that leverages the county's available greenspace for recreational purposes while also reducing conflict between adjacent land and roadway uses. Implementation strategies in support of this vision aim to mitigate conflicting land uses, improve design standards, and appropriately rezone areas adjacent to greenspaces.

### *Goals*

The following goals were identified in the Community Vision (p. 32):

- Emphasize Greenspace: Sweetwater Creek State Park is an asset, but the area needs more community recreational public spaces and parks.
- Address Transportation Concerns: Reduce conflicts between trucks and automobiles.
- Foster Quality Amenities: More and higher quality restaurant and retail offerings.

### *Implementation Strategies*

The following implementation strategies were identified:

- Establish Technology District Toolkit (p. 75 and Appendix - Technology District Recommendations)
  - Create Technology Zoning District. [Section 205, 207, 209-210, 403, 405- 409, 412, 503, 505, 604, and 1503 and Zoning Map or Overlay]
  - Define technology-oriented businesses. [Section 209 and 1503]

- Reduce off-street parking standards [Section 604], permitted land uses [Section 210], and site (depth and setbacks) [Section 408] and building size requirements (height or lot coverage) [Section 412 or Overlay].
- Require quality architectural and landscape requirements [Section 805-806, 810-812, and 823-824 or Overlay].
- Provide for a mixed-use zoning and development that complement technology-oriented uses. [Section 210]
- Limit manufacturing/industrial uses to a narrow range of products that complement technology-oriented uses, such as medical, biomedical, pharmaceutical, computer and software products as well as robotics, communications, and energy facilities. [Section 210]
- Rezone Study Area (pp. 79-80)
  - Rezone study area in accordance with proposed future land use map, from predominately light industrial and residential uses, with nearly half of the land undeveloped, to a majority Commerce Center (OI-L, OI-H, C-C, C-G, C-H, C-R, LI, LI-R), Parks/Recreation/Conservation, Urban Residential (R-LD, R-MD, ~~R-D~~, R-TC, R-MF, ~~R-MH~~), and Workplace Center (OI-L, OI-H, C-C, C-G, C-R, LI-R, RMD, RTC, ~~R-MF~~), with some Public/Institutional.
- Amend Zoning (p. 77 and Appendix - Zoning Recommendations)
  - In the Quality Growth District (QGD) Overlay:
    - Increase landscape buffers and screening between existing and future commercial and residential uses.
    - Establish standards for quality buildings and structures (i.e., prohibiting aluminum, vinyl, cinder block, fiberglass, etc. as well as barbed wire, razor wire, chain link fence, etc.).
    - Require minimum glazing and fenestration to create active building frontages and neighborhood-scale facades.
    - Reduce floor area ratio (FAR) and establish density bonus for desired uses (i.e. technology-oriented businesses) not to exceed a FAR of 1.5.
- Adopt Guiding Land Use Policies (p. 72, 78, and 81)
  - Increase buffer and landscaping standards between “residential” and “business-oriented” land uses. [Section 804, 806, 810- 813, 815, and 823-824 or Overlay]
  - Require new residential development access toward new and existing residential routes and away from the Freight Priority Street Network. [Section 1004, 1008, and 1011 or Overlay]
  - Require development of portions of the Freight Priority Street Network during construction of new “business-oriented” developments. [Section 1004 and 1008 or Overlay]

- Require buildings be oriented to avoid facing existing and future residential properties with undesirable or aesthetically displeasing fronts, such as storage, tuck loading and access areas, or large inactivated walls. [Section 1004 or Overlay]

## Highway 92 Corridor LCI Study (2008)

*Highway 92 Corridor LCI Study page numbers or sections are referenced parenthetically.*

A 2008 LCI study of the Highway 92 Corridor includes fourteen land use recommendations, many of which can be addressed through the UDC. The study identifies the demand for a diversity of medium- and high-density neighborhoods with a mix of retail, residential, and recreational uses. It also encourages integration of transportation investments in the area to foster the use of transportation modes other than passenger vehicles.

### *Goals*

The following goals were identified in the Executive Summary (E-2):

- Encourage a diversity of medium to high-density, mixed income neighborhoods, employment, shopping, and recreation choices.
- Encourage integration of uses and land use policy/regulation with transportation investments to maximize the use of alternate modes.

### *Implementation Strategies*

The following implementation strategies were identified:

- LU-1 Land Use Recommendation: Intensify residential use from low density single family residential to medium density residential at about 4 units/acre density developed around a pattern of street and blocks with a mix of housing types. May need appropriate zoning change to accommodate above uses. Location: Richardson Property near Bomar Road. (pp. 5-21)
- LU-2 Land Use Recommendation: Intensify residential use from low density single family residential to a higher density residential development with a gross density of 8 units/acre that includes a range of housing types (SF, TH & MF), interconnected streets and blocks with publicly accessible park and open spaces. May need appropriate zoning change: see guidelines for TND. Location: Richardson property near Lee Road Extension. (pp. 5-21)
- LU-3 Zoning Change Recommendation from Low Density Residential to General Commercial: Encourages the development of retail and commercial uses. Village overlay encourages a mix of uses including residential and urban design standards. See guidelines for commercial development. Location: Property near the intersection of Lee Road and Highway 92. (pp. 5-21)

- LU-4 Land Use Recommendation: Intensify residential use from low density single family residential to a higher density residential development with a gross density of 8 units/acre that includes a range of housing types (SF, TH & MF) that transition from higher intensity closer to the corridor, interconnected streets and blocks with publicly accessible park and open spaces and neighborhood retail uses fronting Highway 92. May need zoning change; see guidelines for TND. Location: Howell Property at the corner of James Road and Highway 92. (pp. 5-22)
- LU-5 Land Use Recommendation: Intensify residential use from low density single family residential to a higher density residential development with a gross density of 8 units/acre that includes a range of housing types (SF, TH & MF) that transition from higher intensity closer to the corridor, interconnected streets and blocks with publicly accessible park and open spaces and neighborhood retail uses fronting Highway 92. See guidelines for TND. Location: Cagell Property near the corner of Bomar Road and Highway 92. (pp. 5-22)
- LU-6 Land Use Recommendation: Allow the development of Retail uses as a part of the existing transitional land use. May require zoning change from R-LD to C-C (Community Commercial). See guidelines for commercial development. Location: Properties fronting Highway 92 near Lake Monroe Road. (pp. 5-22)
- LU-7 Land Use Recommendation: Allow the development of Retail uses as a part of the existing transitional land use. May require zoning change from R-LD to C-C (Community Commercial). See guidelines for commercial development. Location: Properties fronting Highway 92 near south of Deerlick Park and Eagle Golf Course Property. (pp. 5-22)
- LU-8 Land Use Recommendation: Intensify residential use from low density single family residential to a higher density residential development with a gross density of 8 units/acre that includes a range of housing types (SF, TH & MF) that transition from higher intensity closer to the corridor, interconnected streets and blocks with publicly accessible park and open spaces and neighborhood retail uses fronting Highway 92. May need zoning change: see guidelines for commercial development. Location: Property at the corner of James Road and Highway 92. (pp. 5-23)
- LU-9 Land Use Recommendation: Allow protection of existing open space by designating it under the recreation/open space/park land use category. Location: Douglas County Soccer Association Fields. (pp. 5-23)
- LU-10 Land Use Recommendation: Allow protection of existing open space by designating it under the recreation/open space/park land use category. Location: Eagle Golf Course property. (pp. 5-23)
- LU-11 Land Use Recommendation: Allow the development of Retail uses as a part of the existing transitional land use. May require zoning change from R-LD to C-C (Community Commercial). See guidelines for commercial development. Location: Properties fronting Highway 92 near Terry Lane. (pp. 5-23)

- LU-12 Land Use Recommendation: Allow the development of office and commercial mixed use as a part of the existing mixed use corridor land use. May require zoning change from R-LD to C-C (Community Commercial). See guidelines for commercial development. Location: Properties fronting Highway 92 near South Hillcrest Drive. (pp. 5-23)
- LU-13 Traditional Neighborhood Design Ordinance: Develop a TND ordinance for the corridor. (pp. 5-23)
- LU-14 Update Corridor Overlay Ordinance: Update the corridor overlay ordinance with specific design recommendations from the Highway 92 LCI plan. (pp. 5-23)

## Metro Atlanta Housing Strategy

To foster sustainable economic development and meet the needs of residents in your community, it is vital to understand and address a community's need for housing.

Local governments play a critical role in the planning for and development of a community's housing, as, through land use and zoning, they provide opportunities to increase housing choice and remove barriers to new development. While overregulation restricts the type of housing that may be developed, another common byproduct is an increase in the cost of housing, which is passed on to potential homeowners and renters. As a result, the costs of regulations can pose a significant barrier to creating a diverse housing stock fit for the needs of a growing community.

In 2019, ARC completed the Metro Atlanta Housing Strategy to provide a baseline of information about the housing issues facing local communities. The tool identifies the stock of different housing types in communities and explores a range of tactics that may help improve housing options and affordability.

Douglas County is made up of several housing market types, described below. More information and greater detail can be found at [metroatlhousing.org](https://metroatlhousing.org):

- Submarket 7 (37% of Douglas County) – Lower-priced suburban neighborhoods with both single-family owners and a large, rapidly-increasing number of single-family renters.
- Submarket 9 (30% of Douglas County) – Lower-priced rural areas with large lots and mostly single-family housing stock.
- Submarket 10 (22%) – Rural areas with generally newer, higher-priced, large owner-occupied single-family homes on large lots.
- Submarket 6 (7%) – Suburban neighborhoods with moderate-to-higher-priced housing. Learn more.
- Submarket 8 (4%) – Suburban neighborhoods with lowest-priced single-family homes, mix of renters and owners.



In addition, the Bleakly Advisory Group undertook a Housing Market Study and Multi-Family Fiscal Impact Analysis for Douglas County, with a final report delivered in early 2017.

The study found that since 2000, the county's population had grown at 2.7% per year, far outpacing the rate of new construction. Consequentially, demand may eventually outpace supply, slowing growth and economic development for the county.

The study also found a lack of the multi-family housing needed to accommodate both current and future residents. Nearly 16% of all single-family homes in Douglas County are rented due in part to the restricted supply of multi-family housing. In typical "healthy" markets, less than 10% of homes tend to be renter occupied. Demand indicates that roughly 600 to 900 apartment units (in total) are needed within the unincorporated county over the decade. This also informs the need for housing types other than single-family homes, referred to as missing middle housing types, defined as a range of housing types that blend into a single-family neighborhood, but have higher densities like quadplexes and cottage homes.

In the report, Bleakly Advisory Group advances three key recommendations:

- I. Roughly 600-900 apartment units (in total) are needed within the unincorporated county over the next decade (3-4 projects) as most rentals continue to locate in the cities. At least one of these projects could be age restricted (oriented to senior living).
- II. A primary objective of County policy toward multi-family housing should be to encourage the transition of rented single-family homes and townhomes back to owner occupancy, while giving renter households more choices to live in managed apartment communities.
- III. The county should encourage multi-family development in densities above 10 units/acre, but only if accompanied by investment in better quality construction, more amenities, or a wider variety of units appealing to different markets.

Both the Bleakly Advisory group recommendations and Atlanta Regional Commission's Housing Submarket classification identify the need for Douglas County to increase housing options by gently increasing density, through missing middle housing and 3-4 new apartment buildings. Recommendations also include reducing regulatory barriers (costs) to development through zoning and building code changes.

### **Allow Multi-Family Housing in the Corridor Overlay**

To plan for the development of adequate housing, the county should allow zoning for higher density properties near high traffic corridors and employment centers.

### **Update Zoning Regulations to Increase Missing Middle Housing**

Zoning amendments can provide greater housing choice by allowing greater density through smaller lots, or multi-unit buildings in Medium Density Single-Family Residential (R-MD) and new High Density Residential (R-HD) described in *Increase Housing Diversity and Affordability* below.

Traditionally, residential density is gently increased by reducing setbacks, minimum square footage requirements, and allowable housing types.

In addition, accessory dwelling units (ADUs) – small, detached units with full kitchen that are often rented – provide another avenue for densifying residential areas without disrupting the neighborhood’s feel. These small homes can accommodate an aging population, as well. Allowing for ADUs provides the opportunity to introduce more housing types to the market, while possibly providing a second income for homeowners.

Duplexes, triplexes, and quadplexes can also be allowed to introduce density on single-family lots in a manner that will blend into the neighborhood. Douglas County can encourage this type of missing middle housing by amending the zoning code to allow property owners in targeted areas build or renovate duplexes to quadplexes, townhomes, and garden-style apartments.

### **Undertake Analysis of Local Regulations and Procedures**

There are several types of regulation inhibit development activity and drive housing costs up. The most common regulations that can become excessive and are considered “barriers” to housing include building codes, impact and development fees, and permitting and procedural rules.

While building codes provide important functions and are a significant public good, some are excessive or redundant, rendering negative impacts on the community’s housing market. The County should analyze its building code, reviewing for outdated elements and redundancies. These may include, for example, rehabilitation codes that force new construction can be very expensive and altogether prevent the reuse of existing structures.

Permitting and other procedural aspects of housing construction or rehabilitation should be analyzed for lack of efficiency, and redundancies that may delay development starts and increase overall costs or prevent development should be eliminated. Problematic cost increases stem primarily from the extension of time-sensitive development soft-costs, such as architectural and legal fees, holding costs, property taxes, and insurance payments. In addition, developers may be required to seek approval at various stages in the development process from multiple units of government and divisions within a unit. The amount of time a development is involved in administrative processes can be shortened by streamlining between different divisions and reducing redundancies. Integrating technology into the application processes can also save time. For example, online applications that allow for developers to check the status of their projects and receive updates add to efficiency and reduce uncertainty.

## Issues & Opportunities

### Community Engagement

Representatives of Douglas County's Board of Commissioners, Planning & Zoning Board, Board of Assessors, Economic Development Authority, and Health Department; the Douglasville-Douglas County Water and Sewer Authority; City of Douglasville Council and Staff; GreyStone Power Corporation; and local engineering and design, and contracting firms were asked to provide feedback regarding changes to the UDC. Questions explored preferred development models, both within and outside of the county, land use balance, and amenities, and specific changes to the UDC that would achieve those goals. Below, we outline themes that emerged from stakeholder interviews, providing insight into what generally agreeable future development patterns should be encouraged by the county's zoning code.

Many stakeholders expressed a desire to introduce a greater variety of housing options throughout the County. Comments supporting the diversification of housing options did not take issue with the county's extant housing stock, which is characterized by a distinct majority of single-family housing on relatively large lots. Instead, stakeholders noted that this housing stock would be complemented by incorporating a mix of other options as well. While many stakeholders lauded the development patterns of the Tributary Village area, a member of the Douglasville planning department noted that the neighborhood and others like it could benefit from the additional development of small lot, cottage-style housing to accommodate the needs of retirees and millennials. Another stakeholder, noting the opportunity for infill densification and mixed land-use in strategic pockets throughout the southern portion of the county, suggested that allowing for high quality loft and condominiums could be integral to a strategy to create walkable, live-work-play neighborhoods.

Frequently dovetailing with stakeholders' suggestions to densify housing in appropriate pockets of the county, many comments also expressed desire to see the introduction of more densely developed and walkable areas, like Woodstock's downtown, where the denser development can support restaurant and retail activity. Supporting pockets of dense development, stakeholders noted, would enable the county to combine the appeal of the county's natural environment and outdoor amenities with a burgeoning desire for walkable, mixed-use neighborhoods. When asked how the code should balance land uses in Douglas County, multiple stakeholders noted that in such mixed-use areas where residents can live, work, and play, the County should also foster innovative uses, such as an entertainment district. Overall, stakeholders enthusiastically supported the allowance of some mixed-use spaces attractive to retirees and millennials alike, without threatening the family-oriented and relaxed atmosphere characteristic of Douglas County.

Comments about adding housing options and gently densifying some pockets of the county were often related and complimentary to a resounding goal among stakeholders to protect greenspaces, the natural environment, and the county's watersheds. One member of the Water and Sewer Authority noted that protecting the Dog River basin, which serves as the County's water supply, is of paramount concern to the County. As a result, development in the watershed is limited to primarily low-density, large-lot residential land uses. One member of the Planning and Zoning board suggested that the Dog River reservoir could be turned into a recreation and outdoor area for the county, supporting multi-use trails. Another stakeholder identified the opportunity to develop multi-use trails to connect outdoor and residential areas with pockets of mixed-use density, with options for retail and foodservice. In sum, stakeholder comments supporting the preservation of greenspace and the natural environment also broadly imagined a recreational use for these preserved spaces, with a trail system to integrate greenspace with residential and commercial land uses, creating something like the Atlanta BeltLine, but with a pastoral feel.

Though largely unrelated to other comments, many stakeholders identified a need to improve the appearance and usability of roads and sidewalks, especially in the county's gateway areas. Several stakeholders called attention to the need to improve the quality and continuity of sidewalks and bike paths to make these spaces safer and more pleasant to use. Stakeholders also suggested that a focus on sidewalk, roadside, and median landscaping – for example by improving tree coverage to more populated sidewalks – would improve the desirability and livability of communities in Douglas County.

## Recommendations

An annotated audit can be found in Appendix A for those sections that reference affected sections of the UDC. However, due to the frequency with which they occur, several of these recommendations do not include a list of affected sections or annotated audit.

### Modernize and Make User-Friendly

In general, the UDO is overwhelming in its scope and breadth. Simple changes to organization, references, and graphics, as well as the elimination of excessive language or unused regulations, would make use and enforcement of the UDC easier and the fostering of innovative development and preservation of valued resources more effective. Finally, a formatted Portable Document Format (PDF) version of the UDC available through Douglas County's website, as well as a physical document available for purchase or viewing at the Douglas County Development Services Department offices, would be more easily referenced than the version currently available through Municode.

***Modify Document Structure***

The zoning and development codes should be clearly delineated from one another through article consolidation, organization, and design (e.g., title pages).

***Expand Table of Contents***

A detailed table of contents, including all articles and sections, should be added to the beginning of the UDC. Relevant sections of the table of contents should be repeated at the beginning of each article.

***Update Graphics***

Graphics (e.g. charts, tables, illustrations, renderings, etc.) should be used extensively throughout the UDC to communicate essential information more thoroughly and easily. In certain instances, graphics should be added, while in others existing graphics should be updated. This will be especially useful in illustrating the lot and building standards in Article 4 as well as more complex processes (e.g., text amendment process). Dimensional illustrations and 3-D massings for all twelve (12) recommended zoning districts were provided by Sizemore Group as part of this audit.

***Modify Tables******Lot Development Standards Tables***

Combine all lot development standards into one table per zoning district and illustrate each with the dimensional illustrations and 3-D massings discussed above [Appendix B: Table CR]. Use footnotes when appropriate to eliminate as many sections as possible. Add standards for impervious surface coverage and the minimum distance between accessory and principal buildings.

Affected Sections: Table 4.1-4.6

***Land Use Tables***

Format land use tables in such a way as to make referencing simple and straightforward [Appendix B: Table PU]. This may include adding a header row to each page as well as shading columns or rows in such a way as to make navigation of the table easy. Furthermore, use of letters (i.e., A (use is allowed by right in the district indicated), R (use is allowed with restrictions), and S (use requires Special Use approval)) instead of symbols would make referencing said tables quicker and easier.

Affected Sections: Table 2.5-2.6

***Other Tables***

Format all other tables in a similar manner, include adding a header row to each page as well as shading columns or rows in such a way as to make navigation of the table easy.

### ***Group and Eliminate Definitions***

To make definitions of terminology used throughout the UDC easier to find, those found in Articles 1-14 should be deleted and placed in Article 15. A number of terms are repeated in Article 15 (e.g., Regulated Stream and Stream, Regulated), a method which should either be used consistently throughout Article 15 or eliminated. Finally, Article 15 should be moved to the beginning of the UDC.

The terms listed below are included in the 2019 update to the Douglasville UDO but not in the UDC. Consideration should be given to adding these terms to the UDC for added continuity between the documents.

- Academic School
- Administrative Review
- Amusement Parlor
- Appeal
- Applicable Codes
- Applicant
- Arterial Street
- Automobile Parking Lot, Commercial
- Automobile Sales and Service
- Automotive Repair Shop
- Available Head
- Bank, Savings, Loan or Credit Union
- Banquet Hall
- Bill Board
- Boat Dealer
- Bond
- Building Materials Sales
- Building System
- Business or Vocational School
- Business Professional or Trade Association
- Business Service
- Canopy Tree
- Carnival
- Cellular Tower or Antenna
- Cemetery
- Charitable Organization
- City
- City Arborist
- Civic Social or Fraternal Association
- Collector Street
- Communications Facility
- Communications Service
- Communications Service Provider
- Construction
- Construction Contractor
- Construction Sign
- Convalescent Home
- Crosswalk
- Creek
- Dead End Street
- Decorative Pole
- Density
- Department
- Director
- Directional Sign
- Donation Bin
- Drug Addiction Rehabilitation Center
- Dwelling
- Elevated Building

- Eligible Facilities Request
- Enforcement Authority
- Event Center
- Existing Building or Structure
- Existing Grade
- Family Daycare Home
- Fast Food Restaurant
- Flood proofing
- Flood Resistant Materials
- Freight Agency or Shipping Coordinator
- Funeral Home
- Furniture or Equipment Rental Establishment
- Future Conditions Flood
- Future Conditions Flood Elevation
- Future Conditions Floodplain
- Future Conditions Hydrology
- Garment Services
- Gated Community
- General Business Office
- General Merchandise Store
- Grandfathered Use, Structure or Lot
- Greenway
- Group Home for the Elderly
- Group Personal Care Home
- Growler
- Guy Tower
- Health Club or Fitness Center
- Health Services Facility
- height
- Hunting
- Industrialized (or Modular) Home
- Kennel
- Lattice Tower
- Laws
- Live Detention
- Manufactured Home Sales Lot
- Medical or Dental Office
- Membership Dwelling
- Membership Organization
- Microbrewery
- Mini-Warehouse
- Motel
- Motion Picture Theatre
- Motor Freight Truck Terminal
- Motor Vehicle Dealers, Miscellaneous
- Motorcycles Sales and Service
- Non-Safe-Fall Tower
- North American Vertical Datum of 1988
- Nursing Home
- Ordinary Maintenance and Repair
- Outdoor Seating
- Parking Area
- Pawn Shop
- Parcel Performing Arts Theatre
- Permanent Subdivision Sign
- Permit
- Permittee
- Personal Enrichment School
- Personal Service Establishment
- Pervious Surfaces
- Place of Public Assembly
- Pole
- Political Organization
- Political Season
- Professional Office
- Professional Services
- Property Owner
- Protection Area, or Stream Protection Area
- Provider
- Public Right of Way
- Public Utility Easement

- Quadraplex
- Quasi-Public
- Recreation Facility, Community
- Recreation Facility, Private
- Recreational Vehicle Dealer
- Repair Shop, Miscellaneous
- Replace or Replacement
- Residential district
- Retail Store
- Riparian
- Runoff Rate Coefficient
- Safe-Fall Tower
- Semi-Public use
- Service Station
- Siding Type A Material
- Siding Type B Material
- Siding Type C Material
- Small Wireless Facility
- Special Outdoor Event
- Special Land Use
- Specimen tree
- Specimen Tree Stand
- Sports Facility, Commercial
- Stream Channel
- Stream Setback
- Street Classification
- Support Structure
- Ten-Year, 25-year and 100-Year Storms
- Theatre
- Theatre, Drive-In
- Tire Retreading or Repair Shop
- Title Pawn
- Transmission Tower
- Transmission Tower Height
- Tree Replacement Fund
- Tree Save Area
- Triplex
- Truck Loading Docks
- Truck Terminal
- Uniform Site Plan
- Used Merchandise Store
- Utilities
- Variance
- Vegetation
- Veterinarian
- Violation
- Wireless Facility
- Wireless Services
- Wholesale Trade Establishment

Affected Sections: 314(b); 323(c); 331(e)(1)(a)-(c) of Appendix D; 343(b); 348(d); 351(a); 352(a); 347(b) of Appendix E; 402; 602; 7.16 of Appendix F; 802; 803(c)(1); 902; 913; 918(a); 918(b); 1021(a); 1103(b); 1104(b); 1105(b); 1202

### ***Update References***

#### ***Unified Development Code***

References to the UDC, as well as articles and sections within the UDC, vary throughout the UDC. One shortened reference to the UDC (e.g., Development Code), as well as a uniform system to reference articles or sections of the UDC (e.g., Article 4 - Lot and Building Standards) should be selected and used consistently throughout the UDC. In addition, one reference to Douglas County and each of its various departments (e.g., Development Services), as well as associated entities (e.g., Clerk of the Superior Court), should be selected and used consistently throughout the UDC.



Furthermore, references to the adoption of the Development Code, or specific articles or sections therein, are often made, especially when establishing nonconformities. This language should not only reference the adoption, but the “adoption, revision, or amendment” of the Development Code, article, section.

#### *Comprehensive Plan*

References to the Comprehensive Plan vary throughout the UDC. One reference to the Comprehensive Plan (e.g., Comprehensive Plan) should be selected and used consistently throughout the UDC.

Furthermore, reference to the adoption of the Comprehensive Plan is often made. This language should not only reference the adoption, but the “adoption, revision, or amendment” of the Comprehensive Plan.

#### *Other Plans*

References to various plans (e.g., thoroughfare plan) vary throughout the UDC. One reference to each plan should be selected and used consistently throughout the UDC.

Furthermore, reference to the adoption of these plans is often made. This language should not only reference the adoption, but the “adoption, revision, or amendment” of the referenced plan.

#### *Internal and External Regulations, Requirements, or Review Entities*

References to internal and external regulations, requirements, or review entities should be checked for accuracy and updated if necessary. Where possible, specific references to internal and external regulations, requirements, or review entities should be avoided to reduce the number of necessary amendments to the UDC. A broader statement such as “The [entity] shall comply with all state, federal and local regulations and requirements and shall obtain and maintain any and all licenses required by all entities having jurisdiction over this subject matter.” or “The regulations of this Article shall be in addition to any required provisions of state law, applicable building codes and other ordinances of the County. In the event of conflict between the provisions of this Article and other laws or ordinances, the most restrictive provision shall prevail and be controlling.” or “approval by all affected departments and agencies” is usually sufficient and provides for changes to regulations, requirements, and review purview without amending the UDC. Review and approval by the County attorney of the chosen language should be sought.

#### *Designees*

References to a “designee” should be checked for accuracy and updated if necessary. When possible, reference to a “designee” should be made to provide for changes in review purview without amending the UDC.

### *Zoning Classification*

The zoning classification of property is described differently throughout the UDC. A uniform system of description (e.g., residentially-zoned property) should be selected and used consistently throughout the UDC.

### *Measurements*

Measurements of dimension, time, etc. are notated differently throughout the UDC. A uniform system of notation (e.g., one hundred (100) feet) should be selected and used consistently throughout the UDC. In addition, where distancing requirements are stipulated, clear measurement parameters should be added (e.g., property line to property line or building to building) to avoid confusion, unfair application, or abuse of the vagary.

### *NAICS*

Codes from the 1997 edition of NAICS are referenced throughout Section 210(e)(1). Updated references (e.g., 2017) should be selected and used consistently throughout the aforementioned section.

### *Gendered Terms*

A variety of gendered terms are used frequently throughout the UDC. Gendered terms (e.g., his/her/they) should be selected and used consistently throughout the UDC.

### *Acronyms and Abbreviated Terms*

There is inconsistent structuring of acronyms and abbreviations throughout the UDC. Terms should be written out only once in each section (e.g., American Association of State Highway and Transportation Officials (AASHTO)), and then abbreviated thereafter (e.g., AASHTO). This method should also apply to commonly referenced names (e.g., A Policy on Geometric Design of Highways and Streets is commonly referred to as the “Green Book”).

### ***Eliminate Excessive Language and Regulation***

The elimination and simplification of excessive language and regulation – especially that language which refers to the initial adoption of the UDC only – would reduce the sheer volume of text and, in turn, make the regulations easier to navigate and reference.

Affected Sections: 103(b); 203; 314; 328(c)(2); 348(e)(15); Table 7.2(1)-(4) of Appendix F; Table 7.2, Footnote (3) of Appendix F; 820(c); 915(c); 1021(h)(2)

### ***Incorporate New and Revised Sections***

The amendments to heavy truck parking facilities [Appendix D], short-term rentals [Appendix E], and sign regulations [Appendix F] provided by Douglas County should be incorporated into the relevant sections of the UDC. The draft sign language successfully avoids “content based” regulation, deemed unconstitutional in 2015. However, the additional renderings discussed above will greatly aid in its ease of use.

Affected Sections: 331(e)(1)(a)-(c) of Appendix D; 347(b) of Appendix E; 347(b)(2)(a) of Appendix E; 347(b)(2)(b) of Appendix E; 347(b)(2)(b)(i) of Appendix E; 347(c)(1) of Appendix E; 347(c)(1)(a) of Appendix E; 347(c)(1)(b) of Appendix E; 347(d)(2)(a) of Appendix E; 347(d)(2)(b) of Appendix E; 7.03(D)(7) of Appendix F; 7.03(E) of Appendix F; 7.08(A)(5)(c) of Appendix F; 7.08(E)(3) of Appendix F; 7.08(H)(1) of Appendix F; Table 7.1 of Appendix F; Table 7.2(1)-(4) of Appendix F; Table 7.2, Footnote (3) of Appendix F; 7.14(E)(1) of Appendix F; 7.14(F)(1) of Appendix F; 7.16 of Appendix F; Guide to On-Premise Signs, Picture Glossary, et al. of Appendix F; 9.11.2 of Appendix F; 9.11.2(E)(3) of Appendix F; The overall height... of Appendix F

### ***Expand Administrative Approval of Special Exception Variances***

Expansion of the administrative variance building height maximum to just under a story would allow additional flexibility without substantially changing the appearance of an area without board approval. In addition, a modest reduction of the floor area reductions allowed for a nonprofit organization constructing a residence would be consistent with the lot development standard reduction recommendations discussed under *Increase Housing Diversity and Affordability* below.

Affected Sections: 1303(d)(2)(b); 1303(d)(2)(c)

### ***Update Telecommunications, Group Living, Nonconforming Lot, and Subdivision Plat Sections***

Recommendations for telecommunication regulations, group living arrangements, nonconforming lot regulations, and subdivision plat exemptions were provided by Duncan Associates as part of this audit [Appendix G].

## **Encourage Quality Development**

Quality development results from a careful balance of heightened regulation where necessary and simplified development parameters when possible. Additional purpose statements in Article 1 should be added to encourage compliance with adopted plans and quality development throughout the county. Nonconformities should be eliminated in a timely, though fair, manner. Existing commercial and office/institutional zoning districts, as well as corridor overlay districts and master planned developments (MPDs), should be consolidated to more effectively encourage quality growth along the county’s existing corridors and intersections, as well as those

areas adjacent to the City of Douglasville. Finally, a slight expansion of planned unit developments (PUDs), including more directive purpose and intent statements, as well as scaled acreage requirements allowing smaller PUDs to develop near major arterials and intersections, would further provide for higher density, quality development near existing infrastructure to the north while preserving the highly-valued, rural character of the south.

### ***Add Purpose Statements***

To provide a general understanding of future development goals by users of the UDC, as well as a basis for more nuanced decision-making by staff and elected officials, additional purpose statements should be added. These purposes statements should foster more mixed-use, dense development along corridors and areas adjacent to the City of Douglasville while preserving the county's rural character through sensitive development of appropriate areas. In addition, they should explicitly reference the comprehensive plan and other adopted plans and the guidance therein.

Affected Sections: 103(a)

### ***Eliminate Nonconformities***

To identify and eliminate nonconformities in a more timely manner, regulations pertaining to said nonconformities should be clarified and strengthened. Moderate reductions in timeframes and thresholds for nonconformities will preserve property owner's rights while promoting more immediate change consistent with adopted plans.

Affected Sections: Article 1. Adoption, Purpose and Applicability; 101; 107(b)(1); 107(b)(2)(c); 107(c)(2); 107(c)(2)(a)(1); 107(c)(2)(a)(2); 107(c)(2)(a)(2)(a); 107(c)(2)(a)(2)(b); 107(d); 107(d)(3); 107(e)(2)(b); 107(e)(4)(b)(1); 7.14(E)(1) of Appendix F

### ***Require Quality Materials and Appropriate Screening, Distancing, and Paving***

Eliminate vinyl as a permitted fencing and exterior siding material and require the use of higher quality materials such as composite and fiber cement. Mechanical screening requirements should be modified to address topographical changes. Finally, distancing requirements between parking lots and residential structures, as well as curb cut paving requirements to reduce gravel discharge onto county roads, should be added.

Affected Sections: 304(c)(2); 305(a)(2); 305(b)(1)(a); 307(c)(1)(a); 310(b); 313(d)(1)(a)(3); 316(5); 319(d)(1); 328(b)(2); 328(c)(1); 338(a)(4)(b); 338(c)(3); 338(d)(3)(b); 348(a)(4)(h); 348(b)(7); 348(d)(6); 348(f)(4); 351(c)(3)(e); 351(d)(2); 351(e)(2)(f); 609(a)

### ***Consolidate Overlays and Master Planned Developments***

Recommendations for the O-ED Estate Density Overlay District, O-QGD Quality Growth Development Overlay, Highway 92 Village Overlay, Post Road Village Overlay, Corridor Overlay,

Highway 78 Corridor Overlay, Mixed-Use Master Planned Developments, and Master Planned Developments were provided by Duncan Associates as part of this audit [Appendix H].

### ***Expand Planned Unit Developments***

Recommendations for Planned Unit Developments were provided by Duncan Associates as part of this audit [Appendix H].

### ***Consolidate Commercial Zoning Districts***

A number of the existing commercial and office/institutional zoning districts are unnecessary, evidenced by their low parcel and acreage representation, as well as contradictory to the goals of the County's guiding plans. Consolidation and expansion of existing commercial and office/institutional zoning districts would provide for more targeted development of vibrant commercial corridors and nodes throughout the county. To that end, existing commercial and office zoning districts should be consolidated and expanded to the following:

- A Neighborhood Commercial (C-N) zoning district that provides for neighborhood convenience centers serving the needs of nearby residential areas;
- A General Commercial (C-G) zoning district that provides for smaller commercial corridors serving the needs of county and regional commuters, as well as county and city residents, including adjacent multi-family residential land uses; and
- A Heavy Commercial (C-H) zoning district that provides for a robust commercial corridor serving the needs of regional travelers and county and city residents, especially adjacent multi-family residential land uses.

### ***Consolidate Community Commercial (C-C) with Neighborhood Commercial (C-N)***

*Due to the lot development standard similarities, nature of the location disparity, and low land use discrepancy rate, all property currently zoned C-C should be rezoned to C-N.*

There are sixteen (16) parcels and approximately thirty-two (32) acres that are currently zoned Community Commercial (C-C) with and without conditions (approximately <1% of acreage within the county) [Appendix B: Table EZ]. The majority of C-C is located along arterial (e.g., GA-92/Fairburn Road) and collector roads (e.g., Chapel Hill Road) throughout the county [Appendix C: Map CC.01 – CC.03]. The lot development standards of C-C are more similar to General Commercial (C-G) than Neighborhood Commercial (C-N), though the reduction of the building floor area maximum from 10000 square feet (SF) in C-C to 6000 SF in C-N is of most concern [Appendix B: Table CC.01]. An examination of the number of buildings in C-C that exceed 6000 SF and the number of properties in C-N that could take advantage of a building floor area maximum increase – taking into consideration other lot development standards that may preclude expansion (e.g., setbacks) – should be used to determine how many nonconformities would be created by maintaining the 6000 SF building floor area maximum, as well as whether an increase

of the building floor area maximum in C-N to preserve the rights of affected property owners would negatively impact the integrity of C-N.

There are twenty-seven (27) principal land use discrepancies (an approximately 6% discrepancy rate) [Appendix B: Table CC.02] and two (2) accessory land use discrepancies (an approximately 7% discrepancy rate) [Appendix B: Table CC.03] between C-C and C-N. There are fifty-two (52) principal land use discrepancies (an approximately 12% discrepancy rate) and four (4) accessory land use discrepancies (an approximately 14% discrepancy rate) between C-C and C-G. It appears the majority of principal and accessory land uses that are currently provided for (either by right, with restrictions, or requiring Special Use approval) in C-C, but not C-N, involve increased vehicular traffic (e.g., Day Care Center (more than 18 persons in care)) and/or activity conducted outside of a principal or accessory building (e.g., Pet Care, Grooming, Training, Pet Sitting, and Boarding and Dog Kennels (except Veterinary Services)) and their associated adverse effects (e.g., congestion, noise, and fumes). An examination of current land uses in C-C should be used to determine how many nonconformities would be created by maintaining the current C-N land uses, as well as whether an introduction of any additional land uses in C-N to preserve the rights of affected property owners would negatively impact the integrity of C-N and adjacent and nearby property. As a majority of the uses provided for in C-C but not C-N are provided for in a similar manner in C-G, introduction of those uses in C-N should be minimized. Those land uses that do not appear to introduce increased vehicular traffic and/or activity outside of a principal or accessory building, and the adverse effects associated with said uses (e.g., Electronic and Precision Equipment Repair and Maintenance), may be included in C-N if desired.

C-N should be expanded in the Transitional Corridor, County Crossroads, Neighborhood Village Center, Community Village Center, and Mixed Use Corridor character areas (Douglas County Comprehensive Plan Update, 28). These character areas primarily surround major arterials (e.g., US-78) and intersections (e.g., I-20 and Post Road) [Appendix C: Map CN.01 – CN.03]. However, a focus on the Transitional Corridor located along minor arterials (e.g., GA-5/Bill Arp Road) in the center of the county, and County Crossroads located at smaller intersections to the southwest (e.g., GA-166/Duncan Memorial Highway and Post Road) of the county, would be most beneficial in establishing neighborhood convenience centers serving the needs of nearby residential areas. Existing parcels zoned C-C and C-N not within these desired locations should be rezoned to the adjacent and/or surrounding zoning district despite the inevitable creation of some nonconformities to avoid more intense development of the parcels due to this amendment, as well as “spot zoning.”

*Consolidate Low Density Office/Institutional (OI-L) and High Density Office (OI-H) with General Commercial (C-G)*

*Due to the location proximity, lot development standard similarities, and nature of the high land use discrepancy rate, all property currently zoned OI-L should be rezoned to C-G.*

There are fifty-one (51) parcels and approximately ninety-four (94) acres that are currently zoned Low Density Office/Institutional (OI-L) with and without conditions (approximately <1% of acreage within the county); there are no parcels zoned High Density Office (OI-H) [Appendix B: Table EZ]. The majority of OI-L is adjacent, nearby, or similarly situated to General Commercial (C-G) in the northeast [Appendix C: Map OIL.01 – OIL.03]. The lot development standards of OI-L, OI-H, and Neighborhood Commercial (C-N) are equally dissimilar, though, the lot development standards of OI-L and C-G are similar [Appendix B: Table OIL.01]. Furthermore, a building height maximum increase of five (5) feet would not negatively impact the integrity of property adjacent and nearby existing OI-L.

There are fifty-nine (59) principal land use discrepancies (an approximately 14% discrepancy rate) between OI-L/OI-H and C-N; one (1) principal land use discrepancy (an approximately <1% discrepancy rate) between OI-L and C-N; and two (2) principal land use discrepancies (an approximately <1% discrepancy rate) between OI-H and C-N [Appendix B: Table OIL.02]. There are one hundred twenty-five (125) principal land use discrepancies (an approximately 29% discrepancy rate) between OI-L/OI-H and C-G; one (1) principal land use discrepancy (an approximately <1% discrepancy rate) between OI-L and C-G; and zero (0) principal land use discrepancies between OI-H and C-G. There are three (3) principal land use discrepancies (an approximately 1% discrepancy rate) between OI-L and OI-H. There is one (1) accessory land use discrepancy (an approximately 4% discrepancy rate) between OI-L/OI-H and C-N and five (5) accessory land use discrepancies (an approximately 18% discrepancy rate) between OI-L/OI-H and C-G [Appendix B: Table OIL.03]. There are no accessory land use discrepancies between OI-L and OI-H. The land use discrepancies between OI-L/OI-H and C-G are due to the allowance of a number of land uses in C-G that are not currently provided for in OI-L/OI-H. Therefore, the rights of affected OI-L property owners would be preserved. The introduction of those land uses to existing OI-L would not negatively impact the integrity of adjacent or nearby property due to the location of existing OI-L and its proximity or similar situation to existing C-G.

C-G should be expanded in the Community Village Center, Mixed Use Corridor, Workplace Center, and Commerce Center character areas (Douglas County Comprehensive Plan Update, 28-29). These character areas primarily surround major arterials (e.g., US-78) and intersections (e.g., GA-92/Fairburn Road and Lee Road) [Appendix C: Map CG.01 – CG.03]. However, a focus on the Mixed Use Corridor along GA-92/Fairburn Road and S. Sweetwater Road in the northeast, as well as the Commerce Center located along GA-6/Thornton Road in the northeast, would be most beneficial in establishing smaller commercial corridors serving the needs of county and regional commuters, as well as county and city residents, including adjacent R-HD as recommended



under *Increase Housing Diversity and Affordability* below. Existing parcels zoned OI-L and C-G not within these desired locations should be rezoned to the adjacent and/or surrounding zoning district despite the inevitable creation of some nonconformities to avoid more intense development of the parcels due to this amendment, as well as “spot zoning.”

*Consolidate Regional Commercial (C-R) with Heavy Commercial (C-H)*

*Due to the location proximity, lot development standard similarities, and low land use discrepancy rate (only moderately higher than the discrepancy rate between C-R and C-G), all property currently zoned C-R should be rezoned to C-H.*

There are two (2) parcels and approximately twenty-nine (29) acres that are currently zoned Regional Commercial (C-R) with and without conditions (approximately <1% of acreage within the county) [Appendix B: Table EZ]. All of C-R is adjacent to C-H with frontage along GA-92/Fairburn Road in the northeast [Appendix C: Map CR.01 – CR.02]. The lot development standards of C-R are equally dissimilar to both C-G and C-H, though the reduction of the building height maximum from 60 feet (F) in C-R to 40 F in C-H is of most concern [Appendix B: Table CR.01]. An examination of the number of buildings in C-R that exceed 40 F in height and the number of properties in C-H adjacent to residentially-zoned property that could take advantage of a building height maximum increase should be used to determine how many nonconformities would be created by maintaining the 40 F building height maximum, as well as whether an increase of the building height maximum in C-H to preserve the rights of affected C-R property owners would negatively impact the integrity of C-H and adjacent and nearby property.

There are forty-one (41) principal land use discrepancies (an approximately 9% discrepancy rate) [Appendix B: Table CR.02] and two (2) accessory land use discrepancies (an approximately 7% discrepancy rate) [Appendix B: Table CR.03] between C-R and General Commercial (C-G). There are sixty-three (63) principal land use discrepancies (an approximately 15% discrepancy rate) and three (3) accessory land use discrepancies (an approximately 11% discrepancy rate) between C-R and Heavy Commercial (C-H). It appears the majority of principal land uses that are currently provided for (either by right, with restrictions, or requiring Special Use approval) in C-R, but not C-H, involve large-scale attractions (e.g., Zoos and Botanical Gardens) and their associated adverse effects (e.g., congestion, noise, and fumes). As a majority of the uses provided for in C-R (but not C-H) are not provided for in any other zoning district, these uses should be shifted to C-H (as the new, most intensely-used commercial zoning district) with restrictions or requiring Special Use approval to protect the integrity of C-H and adjacent and nearby property. Those land uses that do not appear to involve large-scale attractions and their associated adverse effects (e.g., Pawnshops) may be included in C-H if desired. The only accessory land use discrepancies involve land uses that are not provided for in C-R; a discussion of introducing new accessory land uses to C-H is, therefore, not necessary.



C-H should be expanded in the Mixed Use Corridor and Commerce Center character areas (Douglas County Comprehensive Plan Update, 28-29). These character areas primarily surround major arterials (e.g., US-78) and intersections (e.g., GA-78 and Mann Road) [Appendix C: Map CH.01 – CH.03]. A focus on the Mixed Use Corridor located along US-78 in the northeast and northwest would be most beneficial in establishing a robust commercial corridor serving the needs of regional travelers and county and city residents, especially adjacent R-HD as recommended under *Increase Housing Diversity and Affordability* below. Existing parcels zoned C-R and C-H not within these desired locations should be rezoned to the adjacent and/or surrounding zoning district despite the inevitable creation of some nonconformities to avoid more intense development of the parcels due to this amendment, as well as “spot zoning.”

### **Increase Housing Diversity and Affordability**

In an effort to provide for a variety of housing types throughout the county as the population continues to grow, as well as prevent the isolation of certain types of housing and its occupants (due to their race, socio-economic status, etc.) and the negative effects resulting from such isolation, consolidate Duplex (Two-Family) Residential (R-D), Townhouse Condominium Residential (R-TC), and Multi-Family Residential (R-MF) to create a new High Density Residential (R-HD) zoning district, allowing for a combination of different types of multi-family and small, single-family residential land uses where appropriate, either by right or with restrictions. In addition, reduce square footage, lot width, lot size, building setback, street width, and off-street parking requirements where appropriate. Relax accessory dwelling unit requirements and expand other types of residential land uses (e.g., duplexes and townhomes) either by-right, with restrictions, or requiring Special Use approval in other residential and commercial zoning districts.

#### ***Consolidate Multi-Family Residential Zoning Districts***

*Consolidate Duplex (Two-Family) Residential (R-D), Townhouse Condominium Residential (R-TC), and Multi-Family Residential (R-MF) to new High Density Residential (R-HD)*

*Due to the current land use limitations in R-D, R-TC, and R-MF, consolidation of these zoning districts to a new R-HD would more effectively provide for a variety of multi-family housing types (including duplexes and apartments, as well as townhouses and small, single-family dwellings) by right or with restrictions along and at major corridors and intersections to the north and northeast.*

There are one hundred eight (108) parcels and approximately eighty-one (81) acres that are currently zoned Duplex (Two-Family) Residential (R-D) with and without conditions (approximately <1% of acreage within the county); eight hundred forty-two (842) parcels and approximately two hundred thirty-two (232) acres that are currently zoned Townhouse Condominium Residential (R-TC) with and without conditions (approximately <1% of acreage

within the county); and seventy-eight (78) parcels and approximately two hundred ninety-one (291) acres that are currently zoned Multi-Family Residential (R-MF) with and without conditions (approximately <1% of acreage within the county) [Appendix B: Table EZ]. The majority of R-D, R-TC, and R-MF is located along or near arterial (e.g., GA-6/Thornton Road) and collector roads (e.g., Bright Star Road) and near Douglasville city limits to the northeast [Appendix C: Map RHD.01 – RHD.04]. Though lot development standards vary between R-D, R-TC, and R-MF, setbacks and building height minimums are relatively similar [Appendix B: Table RHD.01]. Lot size and building floor area minimums can be maintained by establishing lot development standards for each type of residential structure (e.g., duplex, townhouse, etc.).

There are six (6) principal land use discrepancies (an approximately 1% discrepancy rate) between R-D and R-MF; five (5) principal land use discrepancies (a 1% discrepancy rate) between R-TC and R-MF; and seven (7) principal land use discrepancies (an approximately 2% discrepancy rate) between R-D/R-TC and R-MF [Appendix B: Table RHD.02]. In addition, there are three (3) accessory land use discrepancies (an approximately 11% discrepancy rate) between R-D and R-MF; two (2) accessory land use discrepancies (a 7% discrepancy rate) between R-TC and R-MF; and three (3) land use discrepancies (an approximately 11% discrepancy rate) between R-D/R-TC and R-MF [Appendix B: Table RHD.03]. It appears the land use discrepancies primarily involve the type of residential land uses that are provided for in each zoning district. As the goal of this consolidation is the reimagining of a high-density residential zoning district that would encourage the development of a variety of quality, affordable housing, all of the residential land uses currently provided for in R-D, R-TC, and R-MF should be included either by right or with restrictions (e.g., size and distancing restrictions), but not require Special Use approval. The inclusion of an additional small single-family residential (e.g., <1000 square feet) land use by right or with restrictions (but not requiring Special Use approval), should be considered to fully realize an inclusive residential zoning district.

The new R-HD should be expanded in the Urban Residential, Mixed-Use Corridor, and Workplace Center character areas (Douglas County Comprehensive Plan Update, 27-29). These character areas primarily surround I-20, major arterials (e.g., US-78) and intersections (e.g., I-20 and GA-92/Fairburn Road), and Douglasville city limits to the north and northeast [Appendix C: Map RHD-CA.01 – RHD-CA.04]. A focus on the area immediately behind the commercial frontage of these major corridors and intersections and along Douglasville city limits would provide for a multitude of affordable housing options that support, and are supported by, surrounding commercial development and enjoy access to a variety of transportation alternatives. Existing parcels zoned R-D, R-TC, and R-MF not within these desired locations should be rezoned to the adjacent and/or surrounding zoning district despite the inevitable creation of some

nonconformities to avoid more intense development of the parcels due to this amendment, as well as “spot zoning.”

***Allow Two Primary Residential Uses per Property in New R-HD***

Provided certain restrictions can be met (e.g., minimum lot area and setbacks) the allowance of up to two different types of multi-family residential land uses (e.g., duplexes and townhouses) per property could further encourage development of affordable housing units in a diversity of residential structures. Additional distancing requirements between said uses should be established.

***Expand Multi-Family Residential Uses into R-MD and C-G and/or C-H***

Expansion of some multi-family residential land uses (e.g., duplexes) into the Medium Density Single-Family Residential (R-MD) and General Commercial (C-G) and or Heavy Commercial (C-H) zoning districts either by right, with restrictions, or requiring Special Use approval should be considered so as not to confine all multi-family residential land uses to one residential zoning district. Furthermore, eliminating “single-family” from the Low Density Single-Family Residential (R-LD) and Medium Density Single-Family Residential (R-MD) zoning district titles would further support the elimination of zoning districts established specifically for single- and multi- family residential land uses.

***Expand Accessory Dwelling Unit (ADU) Regulations***

Current accessory apartment regulations should be expanded to allow them by right in all agricultural and residential zoning districts except Manufactured Home Residential (R-MH) (i.e., AG, R-A, R-LD, R-MD, and new R-HD). A phased approach to this introduction of accessory apartments by right may help allay common fears associated with ADUs (e.g., increase in traffic, burden to infrastructure, etc.). In addition, current regulations pertaining to accessory apartments should be moderately relaxed. This could include a reduction in the required lot area minimum to three-quarters (.75) of an acre as well as allowing the owner to occupy either the primary residence or accessory apartment. Further reductions in the future could include eliminating the minimum lot area requirement altogether, provided all other lot development standards can be met.

***Reduce Lot Development Standards and Off-Street Parking Requirements***

Existing lot development standards and off-street parking requirements are reasonable. However, a modest reduction of floor area and off-street parking requirements would further encourage development of more affordable housing by reducing costs associated with said development. These reductions would also make new developments more useful for current residents (e.g., the growing number of one-car households).

Affected Sections: 307(c)(1)(b)(1); 410(a)(1)-(2); 410(a)(6); Table 4.5; 504(f)(4); 604(a)(2)(a); 604(a)(3) [NEW]; 604(b); 604(c); Table 6.1; Table 6.4; 1303(d)(2)(c)

***Maintain Conservation Subdivisions***

Recommendations for Conservation Subdivisions were provided by Duncan Associates as part of this audit [Appendix H].

# Appendix A

## Annotated Audit

### Organization of the Code

#### *Article 1. Adoption, Purpose and Applicability*

Add “reasonable” before “continuation of preexisting uses”.

### Article 1

#### **101**

Add “reasonable” before “continuation of preexisting”.

#### **103(b)**

Eliminate “a greater width, or size of yards, courts, or other open spaces, or require a lower height of buildings, or a smaller number of stores, or require a greater percentage of a lot to be left unoccupied,”.

#### **103(a)**

Add the following or similar intentions: “to promote quality development throughout the county, with a focus on more cohesive, mixed-use, denser development along corridors and those areas adjacent to the City of Douglasville”; “to preserve the county’s rural character while allowing for sensitive development of those areas where appropriate”; and “to follow the guidance of the comprehensive plan and other adopted plans”.

#### **107(b)(1)**

Change “is no longer a use or activity permitted by right or no longer meets or conforms to the requirements” to “no longer meets or conforms to one or more such requirements of this”.

#### **107(b)(2)(c)**

Reduce one (1) year timeframe for commencement of vested nonconforming use to six (6) months.

#### **107(c)(2)**

Introduce a mechanism for the certification and/or recordation of non-conforming structures in new Section 107(c)(2)(c) or similar.

#### **107(c)(2)(a)(1)**

Use “gross floor area” instead of “value”.

#### **107(c)(2)(a)(2)**

Use “gross floor area” instead of “value”.

#### **107(c)(2)(a)(2)(a)**

Reduce one (1) year timeframe for commencement of reconstruction to six (6) months.

#### **107(c)(2)(a)(2)(b)**

Eliminate Section 107(c)(2)(a)(2)(b).

**107(e)(2)(b)**

Eliminate ability to rebuild nonconforming signs after damage of any extent. Include required timeframe of six (6) months for removal of remainder of sign.

**107(e)(4)(b)(1)**

Reduce ninety (90) day timeframe for the removal of illegal signs not located within a public right-of-way or on public lands to sixty (60) days.

**107(d)**

Subdivision plat exemptions discussed in detail in Appendix G.

**107(d)(3)**

Nonconforming lot regulations discussed in detail in Appendix G.

**Article 2**

**203**

Eliminate Section 203.

**208(h)(d)(3)(a)(4)\***

Change “DBH” to “caliper”.

**Tables 2.5 - 2.6**

Update for ease of use and to allow for cross-reference with the Douglasville Unified Development Ordinance where appropriate. Update NAICS and UDC section references.

**Article 3**

**304(c)(2)**

Eliminate vinyl as a permitted fencing material and require the use of a higher quality material such as composite.

**305(a)(2)**

Eliminate vinyl as a permitted fencing material and require the use of a higher quality material such as composite.

**305(b)(1)(a)**

Eliminate vinyl as a permitted fencing material and require the use of a higher quality material such as composite.

**307(c)(1)(a)**

Eliminate vinyl as a permitted exterior siding material and require the use of a higher quality material such as fiber cement siding.

**307(c)(1)(b)**

Eliminate the two-car garage requirement for new construction. Change to “There must be an adequately paved area to provide off-street parking for a minimum of two (2) cars.”

**310(b)**

Eliminate vinyl as a permitted fencing material and require the use of a higher quality material such as composite.

**313(d)(1)(a)(3)**

Change “from a side or front view.” to “if visible from a public right-of-way or adjoining residentially-zoned property.”

**314**

Eliminate Section 314.

**314(b)**

Delete definitions and place in Article 15.

**316(5)**

Eliminate vinyl as a permitted fencing material and require the use of a higher quality material such as composite.

**319(d)(1)**

Eliminate vinyl as a permitted fencing material and require the use of a higher quality material such as composite.

**323(c)**

Delete definitions and place in Article 15.

**328(b)(2)**

Eliminate vinyl as a permitted fencing material and require the use of a higher quality material such as composite.

**328(c)(1)**

Eliminate vinyl as a permitted fencing material and require the use of a higher quality material such as composite.

**328(c)(2)**

Eliminate Section 328(c)(2).

**331(e)(1)(a)-(c) of Appendix D**

Delete definitions and place in Article 15.

**338(a)(4)(b)**

Change “with visual blocking” to “slats or similar screening material or device installed.”.

**338(c)(3)**

Eliminate vinyl as a permitted fencing material and require the use of a higher quality material such as composite.

**338(d)(3)(b)**

Add “if visible from a public right-of-way or adjoining residentially-zoned property.” after “screened from view”.



**343(b)**

Delete definitions and place in Article 15.

**348(a)(4)(h)**

Add a distancing requirement of one hundred (100) feet from parking areas and residential structure(s).

**348(b)(7)**

Add a distancing requirement of one hundred (100) feet from parking areas and residential structure(s) as well as a restriction on parking on any right(s)-of-way.

**348(d)**

Delete definitions and place in Article 15.

**348(d)(6)**

Add a distancing requirement of one hundred (100) feet from parking areas and residential structure(s) as well as a restriction on parking on any right(s)-of-way.

**348(e)(15)**

Delete and place in Section 348(e)(10).

**348(f)(4)**

Add a restriction on parking on any right(s)-of-way.

**351(a)**

Delete definitions and place in Article 15.

**351(c)(3)(e)**

Change “blinders installed or some other similar fencing materials or device.” to “slats or similar screening material or device installed.”.

**351(d)(2)**

Eliminate vinyl as a permitted fencing material and require the use of a higher quality material such as composite.

**351(e)(2)(f)**

Change “blinders installed or some other similar fencing materials or device.” to “slats or similar screening material or device installed.”.

**351(a)**

Delete definitions and place in Article 15.

**352(a)**

Delete definitions and place in Article 15.

**347(b) of Appendix E\*\***

Delete definitions and place in Article 15.

**347(b)(2)(a) of Appendix E\*\***

Change “permitted accessory dwelling unit.” to “permitted primary or accessory dwelling unit.”

***347(b)(2)(b) of Appendix E\*\****

Add “, excluding permitted accessory dwelling units.” after “entire dwelling unit”.

***347(b)(2)(b)(i) of Appendix E\*\****

Change “double” to “duplex”.

***347(c)(1) of Appendix E\*\****

Change “intended:” to “proposed:”.

***347(c)(1)(a) of Appendix E\*\****

Add “proposed” before “STR” and change “home.” to “dwelling unit.”.

***347(c)(1)(b) of Appendix E\*\****

Change to “Application must identify the number of bedrooms and maximum number of guests as well as maximum number of parking spaces and allowable vehicles provided for within the proposed STR.”

***347(d)(2)(a) of Appendix E\*\****

Change “permitted accessory dwelling unit,” to “permitted primary or accessory dwelling unit,”.  
Change “double” to “duplex”.

***347(d)(2)(b) of Appendix E\*\****

Add “excluding permitted accessory dwelling units,” after “entire dwelling unit,”. Change to “permitted accessory dwelling unit,” to “permitted primary or accessory dwelling unit,”.

## **Article 4**

### ***402***

Delete definitions and place in Article 15.

### ***409(c)\****

Change “be a minimum of 60 feet (60') from the future right-of-way as required by the Douglas County Major Thoroughfare Plan or as indicated on any roadway project plans on file with the Department of Transportation.” to “meet the same minimum front setback requirements for a principal building”.

### ***410(a)(1)-(2)***

Reduce minimum floor area requirement to sixteen hundred (1600) square feet.

### ***410(a)(6)***

Reduce minimum floor area requirement to twelve hundred (1200) square feet.

### ***Table 4.5***

Reduce minimum floor area requirement by one-hundred (100) square feet for each of the housing types in existing R-D, R-TC, and R-MF. (e.g., 1300 SF to 1200 SF for R-TC’s townhouse condominium).

### ***Tables 4.1 - 4.6***

Combine all lot development standards into one table per zoning district and illustrate each with the dimensional illustrations and 3-D massings developed as part of this report. Use footnotes when appropriate to eliminate as many sections as possible. Add standards for impervious surface coverage and the minimum distance between accessory and principal buildings.

## **Article 5**

### ***504(f)(4)***

Reduce off-street parking requirement to a one (1) car garage.

### ***509(b)(1)(b)(2)\****

Change to “A minimum 25-foot wide landscape strip adjacent to the street right-of way at road elevation or higher shall be provided. Every 100 feet of linear landscape strip must include a minimum of 3 canopy trees, 3 understory trees, 2 evergreen trees, and 18 shrubs. Planting standards may be reduced up to 50% with the provision of a 5 feet tall earthen berm running the entire length of the landscape strip.”

### ***509(b)(2)-(3)\****

Only require service equipment, etc. be screened “if visible from the public right-of-way or adjoining residentially-zoned properties”.

### ***509(b)(2)(d)\****

Consider relaxing or eliminating Section 509(b)(2)(d) for plant health and building maintenance purposes.

### ***509(c)(2)(d)(9) [NEW]\****

Add “Tilt-up panels” in a new Section 509(c)(2)(d)(9).

## **Article 6**

### ***602***

Delete definitions and place in Article 15.

### ***604(a)(2)(a)***

Reduce off-street parking requirement to one (1) parking space for each dwelling unit in a single-family detached, two-family or townhouse building. Eliminate off-street parking requirement for multi-family developments.

### **604(a)(3) [NEW]**

Add the following off-street parking reductions in a new Section 604(a)(3):

- A 25% reduction for uses within 1,320 feet of a public parking facility.
- A 5% reduction when an active on-site car share or vanpool ride share program is present.
- A 10% reduction for uses within 1,320 feet of an operating transit stop with service between the hours of 6:00 am to 8:00 pm and where service intervals are no longer than 20 minutes during peak commute hours.

### **604(b)**

Eliminate Section 604(b).

### **604(c)**

Delete "On all single-family residential lots one-half (1/2) acre or less,".

### **Table 6.1**

Delete "(plus minimum 2-car garage)" for "1. Single-Family Detached Residence".

### **Table 6.4**

Change "Other Multi-Family Developments (such as apartments) and congregate care facilities (such as a nursing homes)" to "Congregate care facilities (such as a nursing homes)".

### **609(a)**

Require paved curb cuts.

## **Article 7\*\*\***

### **7.03(D)(7) of Appendix F**

Move Section 7.03(D)(7) to Section 7.03(E)(6) and change to "A performance bond or cash deposit as set from time to time by the County Commissioners.".

### **7.03(E) of Appendix F**

Add "An application fee as set from time to time by the County Commissioners." to new Section 7.03(E)(7) or similar.

### **7.08(A)(5)(c) of Appendix F**

Change "Douglasville" to "The County".

### **7.08(E)(3) of Appendix F**

Add distancing and ambient light monitor requirements similar to those in sections 7.08(F)(1)(c)(2) and 7.08(F)(1)(c)(4) to new sections 7.08(E)(3)(i) and 7.08(E)(3)(j).

### **7.08(H)(1) of Appendix F**

Add "and permits shall not be required for these signs." to the end of the paragraph.

### **Table 7.1 of Appendix F**

Add Table 7.2(3) to new Table 7.1(5).

***Table 7.2(1)-(4) of Appendix F***

Eliminate Table 7.2, (1)-(4).

***Table 7.2, Footnote (3) of Appendix F***

Eliminate Table 7.2, Footnote (3).

***7.14(E)(1) of Appendix F***

Eliminate "Signs damaged by fire or act of God may be restored to their original condition."

***7.14(F)(1) of Appendix F***

Change "Douglasville" to "Douglas County".

***7.16 of Appendix F***

Delete definitions and place in Article 15.

***Guide to On-Premise Signs, Picture Glossary, et al. of Appendix F***

This information should be incorporated into and throughout the Article as relevant.

***9.11.2 of Appendix F***

This section should be incorporated into the Article where relevant and numbered accordingly.

***9.11.2(E)(3) of Appendix F***

Change "City of Orange City, Volusia County and/or the Florida Public Services Commission." to "Douglas County, City of Douglasville, and/or the Georgia Department of Public Safety."

***The overall height... of Appendix F***

This information should be incorporated into and throughout the Article as relevant.

## **Article 8**

***802***

Delete definitions and place in Article 15.

***Table 8.1\****

Replace "DBH" with "caliper".

***803(c)(1)***

Delete definitions and place in Article 15. Change section name from "Specimen trees and specimen tree stands; defined" to "Specimen trees and specimen tree stands; requirements".

***Table 8.3\****

Introduce lot size ranges, moderately reduce the twenty (20) foot minimum buffer width for lots twenty thousand (20,000) square feet and less, and minimally relax all planting requirements.

***804(a)(3)(b)\****

Change "All new subdivisions shall have required buffers immediately adjacent to the required berms along existing county road frontage." to "All new subdivisions shall have required buffers, including required berms, along existing county road frontage."

**806(b)\***

Clearly identify the location of side and rear yard landscape areas as well as their required width.

**819(b)\***

Update Section 819(b) to conform to current state law.

**820(c)**

Combine Section 820(c) with Section 803(c).

**Table 8.4\***

Replace with list of tree species that are prohibited to allow for the planting of a greater variety of species as well as reduce the need to amend this section of the UDC as often.

**821(b)(1)\***

Eliminate tree protection sign requirements.

## **Article 9**

**902**

Delete and place in in Article 15.

**Table 9.1\***

WSA only specifies a one hundred (100) foot buffer and one hundred fifty (150) foot setback within seven (7) miles upstream of Sparks Reservoir. Change the Dog River (primary area) maximum impervious surface area (residential and commercial) to eighteen (18) percent.

**908(c)\***

Limit impoundments of water to a volume less than ten (10) acre-feet or a dam height less than six (6) feet.

**913**

Delete definitions and place in Article 15.

**915(c)**

Eliminate "Land uses that may be allowed if otherwise permitted by the zoning district and by the Section 404 permit include: Permitted Uses:".

**918(a)**

Delete definitions and place in Article 15.

**918(b)**

Delete definitions and place in Article 15.

## **Article 10**

**1005\***

Reference current state requirements for survey monuments.

**1014(d)\***

Eliminate “and no building or driveway shall be built over or within 40 feet of an open drainage easement.”.

**1021(a)**

Delete definitions and place in Article 15.

**1021(h)(2)**

Eliminate Section 1021(h)(2).

**Article 11**

**1103(b)**

Delete and place definitions in Article 15.

**1103(b)\***

For “Vegetative Erosion and Sedimentation Control Measures,” change “Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.” to “Such measures can be found in the publication ‘Manual for Erosion and Sediment Control in Georgia’.”. Delete definition for “Wetlands, protected” as all wetlands are protected in Douglas County.

**1103(c)(1)(e)\***

Change to “Agricultural operations as defined in O.C.G.A. § 1-3-3, “Definitions,” to include raising, harvesting, or storing of products of the field or orchard; feeding, breeding, or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens, and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs, and apiarian products; farm buildings and farm ponds;”.

**1104(b)**

Delete definitions and place in Article 15.

**1104(c)(2)(e) [NEW]\***

Add “Linear construction projects for which the local government or authority determines that post-construction stormwater management is infeasible for the project in accordance with Georgia Department of Transportation standards. In such case, an infeasibility determination report must be submitted to the Authority that contains adequate documentation to support the determination that post-construction stormwater management is infeasible for the project.” to new Section 1104(c)(2)(e).

**1104(j)\***

Eliminate Section 1104(j).

**1104(t)(2)(e)\***

Replace Section 1104(t)(2)(e) with the “Administrative Appeal and Judicial Review” section on page VIII-30 through VIII-31 of WSA’s “Rules and Regulations”.

**1105(b)**

Delete definitions and place in Article 15.

**Article 12**

**1202**

Delete definitions and place in Article 15.

**Figure 12.8\***

Delete “[This approval recognizes the receipt of performance surety by Douglas County in the amount of \$\_\_\_\_\_ to assure the completion of all remaining improvements appurtenant to this subdivision.]”.

**Article 13**

**1303(d)(2)(b)**

Increase to 10 feet.

**1303(d)(2)(c)**

Reduce to 1200 square feet.

*\* These recommendations were provided by the Douglas County Engineer and Douglasville-Douglas County Water and Sewer Authority (WSA) and are not listed as part of an “Affected Section” within the report.*

*\*\* The section numbers referenced do not correspond to the adopted UDC. The established numbering system should be maintained, or a complete modification to the numbering system should be established, when adopting any amendments to the UDC.*

*\*\*\* The section numbers referenced do not correspond to the adopted UDC. The established numbering system should be maintained, or a complete modification to the numbering system should be established, when adopting any amendments to the UDC.*



## Appendix B

**Table CG**

<b>LOT DIMENSIONS</b>	
Minimum Lot Area, Sewered <sup>1</sup>	10000 SF
Minimum Lot Area, Non-Sewered <sup>1</sup>	1 AC
Minimum Lot Width, Sewered <sup>2</sup>	60 FT
Minimum Lot Width, Non-Sewered <sup>2</sup>	60 FT
Minimum Lot Frontage <sup>3</sup>	50 FT
Maximum Density	N/A
<b>MINIMUM SETBACKS</b>	
<i>Principal Building</i>	
Front setback, Major Thoroughfare <sup>4</sup>	50 FT
Front setback, minor street, min <sup>5</sup>	30 FT
Side setback, min <sup>6</sup>	10 FT
Rear setback, min <sup>6</sup>	10 FT
<i>Accessory Building (≤ 144 sf)</i>	
From Principal Building	N/A
Front	N/A
Side	5 FT
Rear	5 FT
<i>Accessory Building (≤ 144 sf)</i>	
From Principal Building	N/A
Front, Major Thoroughfare <sup>5 7</sup>	50 FT
Front, Minor Thoroughfare <sup>5 7</sup>	30 FT
Side <sup>6</sup>	10 FT
Rear <sup>6</sup>	10 FT
<b>MAXIMUM HEIGHT <sup>8 9</sup></b>	
Principal <sup>10</sup>	40 FT
Accessory <sup>10</sup>	40 FT
<b>Impervious Surface Coverage</b>	<b>N/A</b>
<b>Minimum Building Separation</b>	<b>N/A</b>
<b>Maximum Floor Area</b>	<b>N/A</b>

(1) (See Section 404(b) for excluded areas. See Section 406(b) for lot size increases.

(2) See Section 406(b)(5) for minimum lot widths where an on-site sewage management system is located. See Section 407(b) for lot width increases.

(3) 35 FT on a cul-de-sac or at such length specifically permitted within individual district regulations.

(4) A major thoroughfare is any road for which the minimum required right-of-way is 80 feet or more, such as a major or minor arterial or a nonresidential collector. See Table 10.1 for right-of-way widths.

(5) Minor streets include all streets for which the minimum required right-of-way is less than 80 feet, such as a residential collector road or a local residential street. See Table 10.1 for right-of-way widths.

(6) Side and rear yard setbacks are measured from the property line or, when a zoning buffer is required under Article 8, from the boundary of the buffer interior to the property.

(7) No detached accessory building may be located in the front yard of a lot unless it is at least one hundred (100) feet from the right-of-way.

(8) The vertical distance measured to the highest point of a building from the average finished grade across those sides of a building that face a street.

(9) See Section 412(b)(1) for exemptions.

(10) Fifty (50) feet on a lot of at least one (1) acre, located on a major arterial road if no nearer than seventy five (75) feet to the rear or side property lines and no nearer than one hundred (100) feet to adjacent residentially-zoned property.

**Table PU**

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-HD	C-N	C-G	C-H	LI	LI-R	HI	See Also:
<b>Agriculture, Forestry, Fishing and Hunting</b>													
111	Crop Production, except Greenhouse, Nursery, and Floriculture Production	A	A										
1114	Crop Production: Greenhouse, Nursery, and Floriculture Production	A	A	S									
<b>Animal Production: :</b>													
1121	Cattle Ranching and Farming, except Feedlots	R	S										§ 319
112112	Cattle Feedlots	R	S										§ 319
112120	Dairy Cattle Farming	R	S										§ 319
1122	Hog and Pig Farming	R	S										§ 319
1123	Poultry and Egg Production	R	S										§ 319
1124	Sheep and Goat Farming	R	S										§ 319
1125	Animal Aquaculture	R	S										§ 319
1129	Other Animal Production, such as Horses, Bees, Rabbits, etc.	R	S										§ 319
113	Forestry and Logging	R	R										§ 312
114	Commercial Fishing, Hunting and Trapping	A	A										
1151	Support Activities for Crop Production	A	A										
1152	Support Activities for Animal Production	A	A										
1153	Support Activities for Forestry	A	A										
42259	Livestock Sale Pavilion and Auction Facility	S	S							A		A	

A (Use is Allowed by Right in the District Indicated)

R (Use is Allowed with Restrictions)

S (Use Requires Special Use Approval)

Blank (Use is Not Allowed)

**Table EZ**

Existing Zoning Code	Existing Zoning	Parcels	Acres	Acres (%)
C-C	Community Commercial	0	0	0%
C-C-C	Community Commercial - Conditions	16	32.063532	0.0267%
C-G	General Commerical	277	460.447383	0.3838%
C-G-C	General Commerical - Conditions	69	223.741072	0.1865%
C-H	Heavy Commerical	338	601.265995	0.5012%
C-H-C	Heavy Commerical - Condition	85	289.843341	0.2416%
C-N	Neighborhood Commerical	112	153.452137	0.1279%
C-N-C	Neighborhood Commerical - Conditions	12	21.717676	0.0181
C-R	Regional Commercial	1	0.964604	0.0008%
C-R-C	Regional Commercial - Conditions	1	28.42292	0.0237%
HI	Heavy Industrial	59	269.305826	0.2245%
LI	Light Industrial	233	1137.149227	0.9479%
LI-C	Light Industrial - Conditions	106	786.614549	0.6557%
LI-R	Restricted Light Industrial	106	1328.789484	1.1076%
LI-R-C	Restricted Light Industrial - Conditions	4	524.895105	0.4375%
OI-I	Low Density Office/Institutional	27	34.530276	0.0288%
OI-L-C	Low Density Office/Institutional - Conditions	24	59.346044	0.0495%
PUD	Planned Unit Development	2370	3165.456016	2.6385%
PUD-C	Planned Unit Development - Conditions	3414	3906.428036	3.2562%
R-A	Residential-Agriculture	8256	57547.04118	47.9678%
R-A-C	Residential-Agriculture - Conditions	5	36.488955	0.0304%
R-D	Duplex Two-Family Residential	107	80.491133	0.0671%
R-D-C	Duplex Two-Family Residential - Conditions	1	0.321372	0.0003%
R-LD	Low Density Single-Family Residential	21958	28912.74929	24.0999%
R-LD-C	Low Density Single-Family Residential - Conditions	540	773.691155	0.6449%
R-MD	Medium Density Single-Family Residential	1	0.20149	0.0002%
R-MD-C	Medium Density Single-Family Residential - Conditions	485	310.071058	0.2585%
R-MF	Multi-Family Residential	77	264.784771	0.2207%
R-MF-C	Multi-Family Residential - Conditions	1	26.373624	0.0220%
R-MH	Manufactured Home Residential	559	675.782228	0.5633%
R-TC	Townhouse Condominium Residential	332	102.278059	0.0853%
R-TC-C	Townhouse Condominium Residential - Conditions	510	129.249938	0.1077%
State Park	State Park	9	2006.550126	1.6725%
City	City	14156	16066.95759	13.3925%
ROW	Right of Way	3	12.704747	0.0106%
	Totals:	54254	119970.1699	100.0000%

**Table CC.01**

	C-N	C-C	C-G
<b>LOT</b>			
Lot size, min <sup>1</sup>	5000 SF	10000 SF	10000 SF
Lot width, min <sup>2</sup>	40 FT	60 FT	60 FT
Lot frontage, min <sup>5</sup>	50 FT	50 FT	50 FT
<b>YARD [Principal Building]</b>			
Front setback, major thoroughfare, min <sup>6</sup>	50 FT	50 FT	50 FT
Front setback, minor street, min <sup>5</sup>	30 FT	30 FT	30 FT
Side setback, min <sup>6</sup>	10 FT	0/10 FT	0/10 FT
Rear setback, min <sup>6</sup>	10 FT	10 FT	10 FT
<b>BUILDING [Principal &amp; Accessory Buildings &amp; Structures]</b>			
Building height, max	35 FT	35 FT	45 FT <sup>7</sup>
Building floor area, max	6000 SF <sup>8</sup>	10000 SF <sup>9</sup>	-

(1) Minimum lot size for non-sewered property is 1 AC for OI-L, OI-H, C-N, C-C, C-G, and C-H and 5 AC for C-R. See Section 404(b) for excluded areas. See Section 406(b) for lot size increases.

(2) See Section 406(b)(5) for minimum lot widths where an on-site sewage management system is located. See Section 407(b) for lot width increases.

(3) 35 FT on a cul-de-sac or at such length specifically permitted within individual district regulations. 25 FT on a public street or access via a recorded permanent easement for tracts greater than 5 AC that are exempt from the subdivision regulations.

(4) A major thoroughfare is any road for which the minimum required right-of-way is 80 feet or more, such as a major or minor arterial or a nonresidential collector. See Table 10.1 for right-of-way widths.

(5) Minor streets include all streets for which the minimum required right-of-way is less than 80 feet, such as a residential collector road or a local residential street. See Table 10.1 for right-of-way widths.

(6) Side and rear yard setbacks are measured from the property line or, when a zoning buffer is required under Article 8, from the boundary of the buffer interior to the property.

(7) Sixty (60) feet on a lot of at least one (1) acre located on a major arterial road.

(8) 10000 SF for a grocery or specialty food store or drug or hardware store; maximum seating capacity of 50 for a restaurant or other food service and drinking place; and 100000 SF for a multi-tenant commercial building which may contain one grocery store and one drug or hardware store. A business that contains other businesses within it occupying the same space, such as a grocery store with a branch bank or fast food restaurant inside, shall be considered a single business establishment.

(9) 50000 SF for a grocery or specialty food store; 30000 SF for a drug or hardware store; 3000 SF for a convenience store with fuel pumps; and 100000 SF for a multi-tenant commercial building which may contain one grocery store and one drug or hardware store. A business that contains other business establishment.

Table CC.02

PRINCIPAL USES	C-N	C-C	C-G
<b>RESIDENTIAL USES</b>			
Fraternity & Sorority Houses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rooming and Boarding Houses			<input type="checkbox"/>
Mixed-Use Dwelling, including Lofts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b><i>Nursing and Residential Care Facilities:</i></b>			
Nursing Care Facilities	■	■	■
Residential Mental Retardation, Mental Health and Substance Abuse Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Personal Care Homes, Group (up to 15 under care)	●	●	●
Personal Care Homes, Congregate (more than 15 under care)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Minor Subdivision: Recombination, Resubdivision, Nondevelopment Lot Sales, 2-Lot or 5-Lot Split, Large Lot	●	●	●
Commercial & Industrial Subdivisions	■	■	■
<b>Administrative and Professional Offices</b>			
Corporate Management Offices	■	■	■
Newspaper, Periodical, Book, and Database Publishers	■	■	■
Software Publishers	■	■	■
Music Publishers	■	■	■
On-Line Information Services	■	■	■
Credit Card Issuing and Sales Financing	■	■	■
Mortgage and Nonmortgage Loan Brokers	■	■	■
Financial Transactions Processing, Reserve, and Clearinghouse Activities	■	■	■
Mortgage Servicing and Other Activities Related to Credit Intermediation	■	■	■
Financial Investments and Related Activities, such as Portfolio Management and Investment Advice, and Securities and Commodity Brokerages.	■	■	■
Insurance Carriers	■	■	■
Funds, Trusts, and Other Financial Vehicles	■	■	■
Electronic Shopping and Mail-Order Houses			■
Direct Selling Establishments, except Fuel Dealers	■	■	■
Lawyers, Notaries and Other Legal Services	■	■	■
Accounting, Tax Preparation, Bookkeeping, and Payroll Services	■	■	■
Architectural, Engineering, Surveying and Related Services	■	■	■
Interior Design, Graphic Design and other Specialized Design Services	■	■	■
Art Studio	■	■	■
Management, Scientific, and Technical Consulting Services, including Executive Search and Management Consulting	■	■	■
Research and Development in the Physical, Engineering, and Life Sciences	<input type="checkbox"/>	■	■
Research and Development in the Social Sciences and Humanities	■	■	■
Medical Offices of Physicians	■	■	■
Medical Offices of Dentists	■	■	■
Medical Offices of Health Specialists	■	■	■
Medical and Diagnostic Laboratories	<input type="checkbox"/>	<input type="checkbox"/>	■
Veterinary Services, including Animal Hospitals	<input type="checkbox"/>	<input type="checkbox"/>	■
Promoters of Performing Arts, Sports, and Similar Events	■	■	■
Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	■	■	■

COMMERCIAL SERVICES			
<i>Finance, Insurance and Real Estate Services:</i>			
Banks, Credit Unions and Savings Institutions	■	■	■
Insurance Agencies, Brokerages, and Other Insurance Related Activities	■	■	■
Real Estate Office	■	■	■
<i>Day Care Services:</i>			
Group Day Care Facility (18 or fewer persons in care)	●	●	●
Day Care Center (more than 18 persons in care)		●	●
<i>Transient Lodging:</i>			
Bed-and-Breakfast Inns	●	●	●
Country Inns	●	●	●
<i>Other Repair and Maintenance Services:</i>			
Electronic and Precision Equipment Repair and Maintenance		■	■
Home and Garden Equipment Repair and Maintenance		■	■
Home Appliance Repair and Maintenance			■
Reupholstery and Furniture Repair and Maintenance		■	■
Shoes and Leather Goods Repair and Maintenance	■	■	■
Personal and Household Goods, including jewelry, garments, watches, musical instruments and bicycles Repair and Maintenance	■	■	■
<i>Personal Care Services:</i>			
Barber Shops	■	■	■
Beauty Salons	■	■	■
Nail Salons	■	■	■
Diet and Weight Reducing Centers		■	■
Personal Services not listed above (except astrologers, dating services, escort services, fortune telling, introduction services, numerology services, palm reading, psychics, phrenology services, social escort services)			■
<i>Drycleaning and Laundry Services:</i>			
Coin-Operated Laundries and Drycleaners		■	■
Drycleaning and Laundry Drop-Off Station	■	■	■
Drycleaning and Laundry Services (except Coin-Operated)			■
Linen and Uniform Supply			■
<i>Health Related Services:</i>			
Home Health Care Services			■
<i>Other Personal Services:</i>			
Funeral Homes without Crematory	■	■	■
Pet Care, Grooming, Training, Pet Sitting, and Boarding and Dog Kennels (except Veterinary Services)		□	□
Photofinishing Laboratories (except One-Hour)	■	■	■
Photofinishing, One-Hour	■	■	■
Automobile Parking Lots and Garages	□	■	■
Personal Services not listed above			■
<i>Rental and Leasing Services:</i>			
Convention Center		●	●
Consumer Electronics and Appliances Rental			■
Formal Wear and Costume Rental		■	■
Video Tape and Disc Rental	■	■	■

Home Health Equipment Rental			■
Recreational Goods Rental			■
All Other Consumer Goods Rental			■
General Rental Centers			■
<b>Business Support Services:</b>			
Document Preparation Services	■	■	■
Telephone Answering Services	■	■	■
Telemarketing Bureaus	■	■	■
Business Service Centers	■	■	■
Collection Agencies	■	■	■
Credit Bureaus	■	■	■
Repossession Services		□	□
Court Reporting and Stenotype Services	■	■	■
All Other Business Support Services	■	■	■
<b>Other Business Services:</b>			
Photocopying and Duplicating Services (instant printing)	■	■	■
Couriers and Messengers, Local Delivery			■
News Syndicates	■	■	■
Data Processing Services	■	■	■
Real Estate Rental or Leasing Office (Residential)	■	■	■
Computer Systems Design and Related Services	■	■	■
Advertising, Public Relations and Related Services	■	■	■
Marketing Research and Public Opinion Polling	■	■	■
Photographic Studios and Commercial Photography	■	■	■
Translation and Interpretation Services	■	■	■
Office Administrative Services	■	■	■
Office Facilities Support Services	■	■	■
Employment Placement and Temporary Help Services	■	■	■
Travel Agencies, Tour Operators, and Convention and Visitors Bureaus	■	■	■
Packaging and Labeling Services		■	■
<b>Investigation and Security Services:</b>			
Investigation Services	■	■	■
Security Guards and Patrol Services	■	■	■
Security Systems Services	■	■	■
Locksmith Shops			■
<b>Construction Services:</b>			
Construction Contractors, Builders and Developers, office only	■	■	■
Private Schools: Business Schools and Computer and Management Training	□	□	■
Private Schools: Technical and Trade Schools	□	□	■
<b>Private Schools: Personal Enrichment:</b>			
Fine Arts Schools (Art, Drama, Music and Dance Studios)	□	□	■
Sports and Recreation Instruction			■
Language Schools	□	□	■
Exam Preparation and Tutoring	■	■	■
Automobile Driving Schools			■



Educational Support Services			■
Job Training and Vocational Rehabilitation Services			■
<b>Arts, Entertainment and Recreation</b>			
Libraries and Archives	■	■	■
Performing Arts Theaters: Drama, Dance, Music		■	■
Artist's Studios, except Taxidermists			■
Taxidermists			■
Museums and Historical Sites	□	■	■
Motion Picture Theaters (except Drive-Ins)		■	■
<b>Spectator Sports:</b>			
Stadiums, Coliseums, Arenas, Amphitheaters		□	□
<b>Amusement and Recreation Uses, Other:</b>			
Golf Courses and Country Clubs	□	□	□
Fitness and Recreational Sports Centers, Health Clubs	■	■	■
Ice or Roller Skating Rink			■
Tennis Courts			■
Bowling Centers			■
Billiard and Pool Halls			■
Miniature Golf			■
Golf Driving Range			■
Community Recreation Facility (non-profit) including YMCA, Senior Centers, Area-wide Recreation Center	□	□	□
<b>RETAIL TRADE</b>			
<b>Motor Vehicle and Parts Dealers:</b>			
New and Used Auto Brokers - Office Only	■	■	■
Furniture and Home Furnishings Stores	■	■	■
<b>Electronics and Appliance Stores:</b>			
Household Appliance Stores	■	■	■
Radio, Television, and Other Electronics Stores	■	■	■
Computer and Software Stores	■	■	■
Camera and Photographic Supplies Stores	■	■	■
<b>Building Material and Supplies Dealers:</b>			
Home Centers			■
Paint and Wallpaper Stores	■	■	■
Hardware Stores	□	□	■
<b>Lawn and Garden Equipment and Supplies Stores:</b>			
Nursery and Garden Centers	■	■	■
<b>Food and Beverage Stores:</b>			
Supermarkets and Other Grocery (except Convenience) Stores	□	□	■
Convenience Food Stores without fuel pumps		■	■
Specialty Food Stores, including Meat, Fish, Fruit and Vegetable Markets, Candy Stores	■	■	■
Beer, Wine, and Liquor Stores			■
Retail Bakeries and Pastry Shops	■	■	■
<b>Health and Personal Care Stores:</b>			
Pharmacies and Drug Stores	■	■	■

Cosmetics, Beauty Supplies, and Perfume Stores	■	■	■
Optical Goods Stores	■	■	■
Food (Health) Supplement Stores	■	■	■
All Other Health and Personal Care Stores	□	□	■
<b>Gasoline Stations:</b>			
Gasoline Stations, Full Service			●
<b>Clothing and Clothing Accessories Stores:</b>			
Clothing Stores	■	■	■
Shoe Stores	■	■	■
Jewelry Stores	■	■	■
Luggage and Leather Goods Stores	■	■	■
<b>Sporting Goods, Hobby, Book, and Music Stores:</b>			
Sporting Goods Stores and Bicycle Shops	■	■	■
Hobby, Toy, and Game Stores	■	■	■
Sewing, Needlework, and Piece Goods Stores	■	■	■
Musical Instrument and Supplies Stores	■	■	■
Book Stores	■	■	■
News Dealers and Newsstands	■	■	■
Prerecorded Tape, Compact Disc, and Record Stores	■	■	■
General Merchandise and Department Stores			■
<b>Miscellaneous Retailers:</b>			
Florists	■	■	■
Office Supplies and Stationery Stores	■	■	■
Gift, Novelty, and Souvenir Stores	■	■	■
Used Merchandise Stores			■
Antique Shop	□	■	■
Pet and Pet Supplies Stores		■	■
Art Dealers		■	■
Tobacco Stores	■	■	■
<b>Temporary Events</b>			
Roadside Produce Stand	■	■	■
Revival Tent		■	■
Seasonal Business Use	■	■	■
Special Indoor/Outdoor Event	■	■	■
All Other Temporary Events	■	■	■
<b>Food Services and Drinking Places</b>			
Restaurants, Full-Service, Family Restaurants	■	■	■
Restaurants, Full-Service, Quality Restaurants	■	■	■
Restaurants, Limited-Service, including Cafeterias, Fast Food and Take-Out, without drive-through windows.		■	■
Caterers and Other Special Food Services	■	■	■
Bars, Taverns and Other Drinking Places (Alcoholic Beverages)		■	■
<b>Manufacturing, Wholesaling and Warehousing</b>			
Dressmakers and Tailors	■	■	■
Printing and Related Support Activities, except Photocopying and Duplicating Services (instant printing)			■

<b>Waste Management and Remediation Services:</b>			
Solid Waste Landfill (Inert)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Transit and Ground Passenger Transportation:</b>			
Commuter Rail Systems			■
Bus and Other Motor Vehicle Transit Systems			■
Other Urban Transit Systems			■
Interurban Bus Transportation and Bus Stations			■
<b>Support Activities for Transportation:</b>			
Emissions Inspection			■
<b>Broadcasting and Telecommunications:</b>			
Radio and Television Broadcasting Stations			<input type="checkbox"/>
Cable Networks and Program Distribution			<input type="checkbox"/>
<b>Radio, Television and Telecommunications Antennae and Towers:</b>			
Ham Radio Tower less than 70 feet	■	■	■
Micro Telecommunication Facilities		<input type="checkbox"/>	<input type="checkbox"/>
Macro Telecommunication Facilities		<input type="checkbox"/>	<input type="checkbox"/>
Alternative Tower Structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monopole Tower 150 feet or less		<input type="checkbox"/>	<input type="checkbox"/>
Monopole, Guyed or Lattice Tower higher than 150 feet			<input type="checkbox"/>
Co-Location on an Existing Tower	●	●	●
<b>Utilities:</b>			
Solar Power Generation	●	●	●
Electric Power Transmission, Control, and Distribution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Natural Gas Distribution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Supply and Irrigation Systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewage Treatment Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Public and Institutional Uses:</b>			
Churches and Similar Places of Public Assembly	■	■	■
Charitable Organization Offices	■	■	■
Social Advocacy Organizations	■	■	■
Civic and Social Organizations, with Private Bar or Restaurant	■	■	■
Civic and Social Organizations, without Private Bar or Restaurant	■	■	■
Business, Professional, Labor, Political, and Similar Organizations	■	■	■
Outpatient Medical Care Centers	<input type="checkbox"/>	<input type="checkbox"/>	■
<b>Hospitals:</b>			
General Medical and Surgical Hospitals	<input type="checkbox"/>	<input type="checkbox"/>	■
Psychiatric and Substance Abuse Hospitals	<input type="checkbox"/>	<input type="checkbox"/>	■
Specialty (except Psychiatric and Substance Abuse) Hospitals	<input type="checkbox"/>	<input type="checkbox"/>	■
Social Services Assistance, including Individual and Family Services	<input type="checkbox"/>	<input type="checkbox"/>	■
Community Food and Housing, and Emergency and Other Relief Services			●
Cemeteries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private Schools: Elementary and Secondary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private Schools: Junior Colleges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private Schools: Colleges and Universities			

☐ Land use discrepancy between C-C and one Consolidation Option (C-N or C-G)  
☐ Land use discrepancy between C-C and both Consolidation Options (C-N and C-G)

**Table CC.03**

ACCESSORY USES	C-N	C-C	C-G
Accessory Uses Customary to a Principal Use	●	●	●
Accessory Uses Customary to a Church or Other Place of Worship	●	●	●
Accessory Uses Customary to Office, Commercial and Industrial Uses	●	●	●
Accessory Retail Uses (in an Office, Hotel or Multi-Family bldg)	●	■	■
Agricultural Produce Stand		□	□
Climate Controlled Storage		□	□
Group Day Care Facility Adult or Child (up to 18 in care)	●	●	●
Day Care Center, Adult or Child (more than 18 in care)	●	●	●
Golf Driving Range (Internal to Golf Course)	□	□	□
Helicopter Landing Pad			●
Night Watchman Residence			●
Outdoor Display Area			●
Outdoor Storage Area			□
Mausoleums and Crematories within a Cemetery	●	●	●
Community Food and Housing Shelter	●	●	●
Fallout Shelter	●	●	●
Temporary Office for a Development	●	●	●

- Land use discrepancy between C-C and one Consolidation Option (C-N or C-G)
- Land use discrepancy between C-C and both Consolidation Options (C-N and C-G)

**Table OIL.01**

	OI-L	OI-H	C-N	C-G
<b>LOT</b>				
Lot size, min <sup>1</sup>	10000 SF	1 AC	5000 SF	10000 SF
Lot width, min <sup>2</sup>	60 FT	100 FT	40 FT	60 FT
Lot frontage, min <sup>5</sup>	50 FT	50 FT	50 FT	50 FT
<b>YARD [Principal Building]</b>				
Front setback, major thoroughfare, min <sup>6</sup>	50 FT	50 FT	50 FT	50 FT
Front setback, minor street, min <sup>5</sup>	30 FT	30 FT	30 FT	30 FT
Side setback, min <sup>6</sup>	10 FT	20 FT	10 FT	10 FT
Rear setback, min <sup>6</sup>	20 FT	20 FT	10 FT	10 FT
<b>BUILDING [Principal &amp; Accessory Buildings &amp; Structures]</b>				
Building height, max	35 FT	150 FT	35 FT	40 FT <sup>7</sup>
Building floor area, max	-	-	6000 SF <sup>8</sup>	

(1) Minimum lot size for non-sewered property is 1 AC for OI-L, OI-H, C-N, C-C, C-G, and C-H and 5 AC for C-R. See Section 404(b) for excluded areas. See Section 406(b) for lot size increases.

(2) See Section 406(b)(5) for minimum lot widths where an on-site sewage management system is located. See Section 407(b) for lot width increases.

(3) 35 FT on a cul-de-sac or at such length specifically permitted within individual district regulations. 25 FT on a public street or access via a recorded permanent easement for tracts greater than 5 AC that are exempt from the subdivision regulations.

(4) A major thoroughfare is any road for which the minimum required right-of-way is 80 feet or more, such as a major or minor arterial or a nonresidential collector. See Table 10.1 for right-of-way widths.

(5) Minor streets include all streets for which the minimum required right-of-way is less than 80 feet, such as a residential collector road or a local residential street. See Table 10.1 for right-of-way widths.

(6) Side and rear yard setbacks are measured from the property line or, when a zoning buffer is required under Article 8, from the boundary of the buffer interior to the property.

(7) Sixty (60) feet on a lot of at least one (1) acre located on a major arterial road.

(8) 10000 SF for a grocery or specialty food store or drug or hardware store; maximum seating capacity of 50 for a restaurant or other food service and drinking place; and 100000 SF for a multi-tenant commercial building which may contain one grocery store and one drug or hardware store. A business that contains other businesses within it occupying the same space, such as a grocery store with a branch bank or fast food restaurant inside, shall be considered a single business establishment.

Table OIL.02

PRINCIPAL USES	OI-L	OI-H	C-N	OI-L	OI-H	C-G
<b>RESIDENTIAL USES</b>						
Fraternity & Sorority Houses			<input type="checkbox"/>			<input type="checkbox"/>
Rooming and Boarding Houses						<input type="checkbox"/>
Mixed-Use Dwelling, including Lofts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Nursing and Residential Care Facilities:</b>						
Nursing Care Facilities	■	■	■	■	■	■
Residential Mental Retardation, Mental Health and Substance Abuse Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Retirement Community	■	■		■	■	
Personal Care Homes, Group (up to 15 under care)	●	●	●	●	●	●
Personal Care Homes, Congregate (more than 15 under care)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Subdivisions:</b>						
Minor Subdivision: Recombination, Resubdivision, Nondevelopment Lot Sales, 2-Lot or 5-Lot Split, Large Lot	●	●	●	●	●	●
Commercial & Industrial Subdivisions	■	■	■	■	■	■
<b>Administrative and Professional Offices</b>						
Corporate Management Offices	■	■	■	■	■	■
Newspaper, Periodical, Book, and Database Publishers	■	■	■	■	■	■
Software Publishers	■	■	■	■	■	■
Music Publishers	■	■	■	■	■	■
On-Line Information Services	■	■	■	■	■	■
Credit Card Issuing and Sales Financing	■	■	■	■	■	■
Mortgage and Nonmortgage Loan Brokers	■	■	■	■	■	■
Financial Transactions Processing, Reserve, and Clearinghouse Activities	■	■	■	■	■	■
Mortgage Servicing and Other Activities Related to Credit Intermediation	■	■	■	■	■	■
Financial Investments and Related Activities, such as Portfolio Management and Investment Advice, and Securities and Commodity Brokerages.	■	■	■	■	■	■
Insurance Carriers	■	■	■	■	■	■
Funds, Trusts, and Other Financial Vehicles	■	■	■	■	■	■
Electronic Shopping and Mail-Order Houses						■
Direct Selling Establishments, except Fuel Dealers			■			■
Lawyers, Notaries and Other Legal Services	■	■	■	■	■	■
Accounting, Tax Preparation, Bookkeeping, and Payroll Services	■	■	■	■	■	■
Architectural, Engineering, Surveying and Related Services	■	■	■	■	■	■
Interior Design, Graphic Design and other Specialized Design Services	■	■	■	■	■	■
Art Studio	■	■	■	■	■	■
Management, Scientific, and Technical Consulting Services, including Executive Search and Management Consulting	■	■	■	■	■	■
Research and Development in the Physical, Engineering, and Life Sciences	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
Research and Development in the Social Sciences and Humanities	■	■	■	■	■	■
Medical Offices of Physicians	■	■	■	■	■	■
Medical Offices of Dentists	■	■	■	■	■	■
Medical Offices of Health Specialists	■	■	■	■	■	■
Medical and Diagnostic Laboratories	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
Veterinary Services, including Animal Hospitals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■

Promoters of Performing Arts, Sports, and Similar Events	■	■	■	■	■	■
Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	■	■	■	■	■	■
<b>COMMERCIAL SERVICES</b>						
<i><b>Finance, Insurance and Real Estate Services:</b></i>						
Banks, Credit Unions and Savings Institutions	■	■	■	■	■	■
Insurance Agencies, Brokerages, and Other Insurance Related Activities	■	■	■	■	■	■
Real Estate Office	■	■	■	■	■	■
<i><b>Day Care Services:</b></i>						
Group Day Care Facility (18 or fewer persons in care)			□			□
Day Care Center (more than 18 persons in care)						□
<i><b>Transient Lodging:</b></i>						
Bed-and-Breakfast Inns	●	●	●	●	●	●
Country Inns	●	●	●	●	●	●
<i><b>Other Repair and Maintenance Services:</b></i>						
Electronic and Precision Equipment Repair and Maintenance						■
Home and Garden Equipment Repair and Maintenance						■
Home Appliance Repair and Maintenance						■
Reupholstery and Furniture Repair and Maintenance						■
Shoes and Leather Goods Repair and Maintenance			■			■
Personal and Household Goods, including jewelry, garments, watches, musical instruments and bicycles Repair and Maintenance			■			■
<i><b>Personal Care Services:</b></i>						
Barber Shops	□	□	■	□	□	■
Beauty Salons	□	□	■	□	□	■
Nail Salons	□	□	■	□	□	■
Diet and Weight Reducing Centers						■
Personal Services not listed above (except astrologers, dating services, escort services, fortune telling, introduction services, numerology services, palm reading, psychics, phrenology services, social escort services)						■
<i><b>Drycleaning and Laundry Services:</b></i>						
Coin-Operated Laundries and Drycleaners						■
Drycleaning and Laundry Drop-Off Station			■			■
Drycleaning and Laundry Services (except Coin-Operated)						■
Linen and Uniform Supply						■
<i><b>Health Related Services:</b></i>						
Home Health Care Services		□			□	■
<i><b>Other Personal Services:</b></i>						
Funeral Homes without Crematory	■	■	■	■	■	■
Pet Care, Grooming, Training, Pet Sitting, and Boarding and Dog Kennels (except Veterinary Services)						□
Photofinishing Laboratories (except One-Hour)			■			■
Photofinishing, One-Hour			■			■
Automobile Parking Lots and Garages	□	□	□	□	□	■
Personal Services not listed above						■
<i><b>Rental and Leasing Services:</b></i>						
Convention Center						●
Consumer Electronics and Appliances Rental						■

Formal Wear and Costume Rental						■
Video Tape and Disc Rental	□	□	■	□	□	■
Home Health Equipment Rental						■
Recreational Goods Rental						■
All Other Consumer Goods Rental						■
General Rental Centers						■
<b>Business Support Services:</b>						
Document Preparation Services	■	■	■	■	■	■
Telephone Answering Services	■	■	■	■	■	■
Telemarketing Bureaus	■	■	■	■	■	■
Business Service Centers	■	■	■	■	■	■
Collection Agencies	■	■	■	■	■	■
Credit Bureaus	■	■	■	■	■	■
Repossession Services						□
Court Reporting and Stenotype Services	■	■	■	■	■	■
All Other Business Support Services	■	■	■	■	■	■
<b>Other Business Services:</b>						
Photocopying and Duplicating Services (instant printing)			■			■
Couriers and Messengers, Local Delivery		□			□	■
News Syndicates	■	■	■	■	■	■
Data Processing Services	■	■	■	■	■	■
Real Estate Rental or Leasing Office (Residential)	■	■	■	■	■	■
Computer Systems Design and Related Services	■	■	■	■	■	■
Advertising, Public Relations and Related Services	■	■	■	■	■	■
Marketing Research and Public Opinion Polling	■	■	■	■	■	■
Photographic Studios and Commercial Photography	■	■	■	■	■	■
Translation and Interpretation Services	■	■	■	■	■	■
Office Administrative Services	■	■	■	■	■	■
Office Facilities Support Services	■	■	■	■	■	■
Employment Placement and Temporary Help Services	■	■	■	■	■	■
Travel Agencies, Tour Operators, and Convention and Visitors Bureaus	■	■	■	■	■	■
Packaging and Labeling Services						■
<b>Investigation and Security Services:</b>						
Investigation Services	■	■	■	■	■	■
Security Guards and Patrol Services	■	■	■	■	■	■
Security Systems Services	■	■	■	■	■	■
Locksmith Shops						■
<b>Construction Services:</b>						
Construction Contractors, Builders and Developers, office only	■	■	■	■	■	■
Private Schools: Business Schools and Computer and Management Training	□	□	□	□	□	■
Private Schools: Technical and Trade Schools	□	□	□	□	□	■
<b>Private Schools: Personal Enrichment:</b>						
Fine Arts Schools (Art, Drama, Music and Dance Studios)	□	□	□	□	□	■
Sports and Recreation Instruction						■
Language Schools	□	□	□	□	□	■



Exam Preparation and Tutoring	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Automobile Driving Schools						<input checked="" type="checkbox"/>
Educational Support Services						<input checked="" type="checkbox"/>
Job Training and Vocational Rehabilitation Services						<input checked="" type="checkbox"/>
<b>Arts, Entertainment and Recreation</b>						
Libraries and Archives	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Performing Arts Theaters: Drama, Dance, Music						<input checked="" type="checkbox"/>
Artist's Studios, except Taxidermists						<input checked="" type="checkbox"/>
Taxidermists						<input checked="" type="checkbox"/>
Museums and Historical Sites			<input type="checkbox"/>			<input checked="" type="checkbox"/>
Motion Picture Theaters (except Drive-Ins)						<input checked="" type="checkbox"/>
<b>Spectator Sports:</b>						
Stadiums, Coliseums, Arenas, Amphitheaters						<input type="checkbox"/>
<b>Amusement and Recreation Uses, Other:</b>						
Golf Courses and Country Clubs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fitness and Recreational Sports Centers, Health Clubs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ice or Roller Skating Rink						<input checked="" type="checkbox"/>
Tennis Courts						<input checked="" type="checkbox"/>
Bowling Centers						<input checked="" type="checkbox"/>
Billiard and Pool Halls						<input checked="" type="checkbox"/>
Miniature Golf						<input checked="" type="checkbox"/>
Golf Driving Range						<input checked="" type="checkbox"/>
Community Recreation Facility (non-profit) including YMCA, Senior Centers, Area-wide Recreation Center			<input type="checkbox"/>			<input type="checkbox"/>
<b>RETAIL TRADE</b>						
<b>Motor Vehicle and Parts Dealers:</b>						
New and Used Auto Brokers - Office Only			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Furniture and Home Furnishings Stores			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
<b>Electronics and Appliance Stores:</b>						
Household Appliance Stores			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Radio, Television, and Other Electronics Stores			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Computer and Software Stores			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Camera and Photographic Supplies Stores			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
<b>Building Material and Supplies Dealers:</b>						
Home Centers						<input checked="" type="checkbox"/>
Paint and Wallpaper Stores			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Hardware Stores			<input type="checkbox"/>			<input checked="" type="checkbox"/>
<b>Lawn and Garden Equipment and Supplies Stores:</b>						
Nursery and Garden Centers			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
<b>Food and Beverage Stores:</b>						
Supermarkets and Other Grocery (except Convenience) Stores			<input type="checkbox"/>			<input checked="" type="checkbox"/>
Convenience Food Stores without fuel pumps						<input checked="" type="checkbox"/>
Specialty Food Stores, including Meat, Fish, Fruit and Vegetable Markets, Candy Stores			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Beer, Wine, and Liquor Stores						<input checked="" type="checkbox"/>
Retail Bakeries and Pastry Shops			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>

<b>Health and Personal Care Stores:</b>						
Pharmacies and Drug Stores			■			■
Cosmetics, Beauty Supplies, and Perfume Stores			■			■
Optical Goods Stores			■			■
Food (Health) Supplement Stores			■			■
All Other Health and Personal Care Stores			□			■
<b>Gasoline Stations:</b>						
Gasoline Stations, Full Service						●
<b>Clothing and Clothing Accessories Stores:</b>						
Clothing Stores			■			■
Shoe Stores			■			■
Jewelry Stores			■			■
Luggage and Leather Goods Stores			■			■
<b>Sporting Goods, Hobby, Book, and Music Stores:</b>						
Sporting Goods Stores and Bicycle Shops			■			■
Hobby, Toy, and Game Stores			■			■
Sewing, Needlework, and Piece Goods Stores			■			■
Musical Instrument and Supplies Stores			■			■
Book Stores			■			■
News Dealers and Newsstands			■			■
Prerecorded Tape, Compact Disc, and Record Stores			■			■
General Merchandise and Department Stores						■
<b>Miscellaneous Retailers:</b>						
Florists			■			■
Office Supplies and Stationery Stores			■			■
Gift, Novelty, and Souvenir Stores			■			■
Used Merchandise Stores						■
Antique Shop			□			■
Pet and Pet Supplies Stores						■
Art Dealers						■
Tobacco Stores			■			■
<b>Temporary Events</b>						
Roadside Produce Stand	■	■	■	■	■	■
Revival Tent	■	■		■	■	■
Seasonal Business Use	■	■	■	■	■	■
Special Indoor/Outdoor Event	■	■	■	■	■	■
All Other Temporary Events	■	■	■	■	■	■
<b>Food Services and Drinking Places</b>						
Restaurants, Full-Service, Family Restaurants			■			■
Restaurants, Full-Service, Quality Restaurants			■			■
Restaurants, Limited-Service, including Cafeterias, Fast Food and Take-Out, without drive-through windows.						■
Caterers and Other Special Food Services			■			■
Bars, Taverns and Other Drinking Places (Alcoholic Beverages)						■

<b>Manufacturing, Wholesaling and Warehousing</b>						
Dressmakers and Tailors			■			■
Printing and Related Support Activities, except Photocopying and Duplicating Services (instant printing)						■
<b>Miscellaneous Manufacturing:</b>						
Dental Laboratories	□	□		□	□	
<b>Waste Management and Remediation Services:</b>						
Solid Waste Landfill (Inert)	□	□	□	□	□	□
<b>Transit and Ground Passenger Transportation:</b>						
Commuter Rail Systems						■
Bus and Other Motor Vehicle Transit Systems						■
Other Urban Transit Systems						■
Interurban Bus Transportation and Bus Stations						■
<b>Support Activities for Transportation:</b>						
Emissions Inspection						■
<b>Broadcasting and Telecommunications:</b>						
Radio and Television Broadcasting Stations						□
Cable Networks and Program Distribution						□
<b>Radio, Television and Telecommunications Antennae and Towers:</b>						
Ham Radio Tower less than 70 feet	■	■	■	■	■	■
Micro Telecommunication Facilities	□	□		□	□	□
Macro Telecommunication Facilities	□	□		□	□	□
Alternative Tower Structure	□	□	□	□	□	□
Monopole Tower 150 feet or less	□	□		□	□	□
Monopole, Guyed or Lattice Tower higher than 150 feet						□
Co-Location on an Existing Tower	●	●	●	●	●	●
<b>Utilities:</b>						
Electric Power Generation						
Solar Power Generation	●	●	●	●	●	●
Electric Power Transmission, Control, and Distribution	□	□	□	□	□	□
Natural Gas Distribution	□	□	□	□	□	□
Water Supply and Irrigation Systems	□	□	□	□	□	□
Sewage Treatment Facilities	□	□	□	□	□	□
<b>Public and Institutional Uses:</b>						
Churches and Similar Places of Public Assembly	■	■	■	■	■	■
Charitable Organization Offices	■	■	■	■	■	■
Social Advocacy Organizations	■	■	■	■	■	■
Civic and Social Organizations, with Private Bar or Restaurant	■	■	■	■	■	■
Civic and Social Organizations, without Private Bar or Restaurant	■	■	■	■	■	■
Business, Professional, Labor, Political, and Similar Organizations	■	■	■	■	■	■
Outpatient Medical Care Centers	□	□	□	□	□	■
<b>Hospitals:</b>						
General Medical and Surgical Hospitals	□	□	□	□	□	■
Psychiatric and Substance Abuse Hospitals	□	□	□	□	□	■
Specialty (except Psychiatric and Substance Abuse) Hospitals	□	□	□	□	□	■
Social Services Assistance, including Individual and Family Services	□	□	□	□	□	■
Community Food and Housing, and Emergency and Other Relief Services						●

Cemeteries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private Schools: Elementary and Secondary	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Private Schools: Junior Colleges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private Schools: Colleges and Universities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- Land use discrepancy between either OI-L or OI-H and Consolidation Option (C-N or C-G)
- Land use discrepancy between OI-L, OI-H, and Consolidation Option (C-N or C-G)
- Land uses discrepancy between both OI-L and OI-H and Consolidation Option (C-N or C-G)

**Table OIL.03**

ACCESSORY USES	OI-L	OI-H	C-N	OI-L	OI-H	C-G
Accessory Uses Customary to a Principal Use	●	●	●	●	●	●
Accessory Uses Customary to a Church or Other Place of Worship	●	●	●	●	●	●
Accessory Uses Customary to Office, Commercial and Industrial Uses	●	●	●	●	●	●
Accessory Retail Uses (in an Office, Hotel or Multi-Family bldg)	●	●	●	●	●	■
Agricultural Produce Stand						□
Climate Controlled Storage						□
Group Day Care Facility Adult or Child (up to 18 in care)	●	●	●	●	●	●
Day Care Center, Adult or Child (more than 18 in care)	●	●	●	●	●	●
Golf Driving Range (Internal to Golf Course)	□	□	□	□	□	□
Helicopter Landing Pad	●	●		●	●	●
Night Watchman Residence						●
Outdoor Display Area						●
Outdoor Storage Area						□
Mausoleums and Crematories within a Cemetery	●	●	●	●	●	●
Community Food and Housing Shelter	●	●	●	●	●	●
Fallout Shelter	●	●	●	●	●	●
Temporary Office for a Development	●	●	●	●	●	●

- Land use discrepancy between either OI-L or OI-H and Consolidation Option (C-N or C-G)
- Land use discrepancy between OI-L, OI-H, and Consolidation Option (C-N or C-G)
- Land uses discrepancy between both OI-L and OI-H and Consolidation Option (C-N or C-G)

**Table CR.01**

	C-G	C-R	C-H
<b>LOT</b>			
Lot size, min <sup>1</sup>	10000 SF	5 SF	10000 SF
Lot width, min <sup>2</sup>	60 FT	100 FT	100 FT
Lot frontage, min <sup>5</sup>	50 FT	50 FT	50 FT
<b>YARD [Principal Building]</b>			
Front setback, major thoroughfare, min <sup>6</sup>	50 FT	50 FT	50 FT
Front setback, minor street, min <sup>5</sup>	30 FT	30 FT	30 FT
Side setback, min <sup>6</sup>	10 FT	10 FT	10 FT
Rear setback, min <sup>6</sup>	10 FT	10 FT	10 FT
<b>BUILDING [Principal &amp; Accessory Buildings &amp; Structures]</b>			
Building height, max	35 FT <sup>7</sup>	35 FT	45 FT <sup>8</sup>

(1) Minimum lot size for non-sewered property is 1 AC for OI-L, OI-H, C-N, C-C, C-G, and C-H and 5 AC for C-R. See Section 404(b) for excluded areas. See Section 406(b) for lot size increases.

(2) See Section 406(b)(5) for minimum lot widths where an on-site sewage management system is located. See Section 407(b) for lot width increases.

(3) 35 FT on a cul-de-sac or at such length specifically permitted within individual district regulations. 25 FT on a public street or access via a recorded permanent easement for tracts greater than 5 AC that are exempt from the subdivision regulations.

(4) A major thoroughfare is any road for which the minimum required right-of-way is 80 feet or more, such as a major or minor arterial or a nonresidential collector. See Table 10.1 for right-of-way widths.

(5) Minor streets include all streets for which the minimum required right-of-way is less than 80 feet, such as a residential collector road or a local residential street. See Table 10.1 for right-of-way widths.

(6) Side and rear yard setbacks are measured from the property line or, when a zoning buffer is required under Article 8, from the boundary of the buffer interior to the property.

(7) Sixty (60) feet on a lot of at least one (1) acre located on a major arterial road.

(8) Sixty (60) feet on a lot of at least one (1) acre located on a major arterial road if no nearer than fifty (50) feet to rear and side property lines and no nearer than seventy five (75) feet to adjacent residentially-zoned property.

Table CR.02

PRINCIPAL USES	C-G	C-R	C-H
<b>RESIDENTIAL USES</b>			
Fraternity & Sorority Houses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rooming and Boarding Houses	<input type="checkbox"/>		<input type="checkbox"/>
Mixed-Use Dwelling, including Lofts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b><i>Nursing and Residential Care Facilities:</i></b>			
Nursing Care Facilities	■	■	■
Residential Mental Retardation, Mental Health and Substance Abuse Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Personal Care Homes, Group (up to 15 under care)	●	●	●
Personal Care Homes, Congregate (more than 15 under care)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b><i>Subdivisions:</i></b>			
Minor Subdivision: Recombination, Resubdivision, Nondevelopment Lot Sales, 2-Lot or 5-Lot Split, Large Lot	●	●	●
Commercial & Industrial Subdivisions	■	■	■
<b>Administrative and Professional Offices</b>			
Corporate Management Offices	■	■	■
Newspaper, Periodical, Book, and Database Publishers	■	■	■
Software Publishers	■	■	■
Music Publishers	■	■	■
On-Line Information Services	■	■	■
Credit Card Issuing and Sales Financing	■	■	■
Mortgage and Nonmortgage Loan Brokers	■	■	■
Financial Transactions Processing, Reserve, and Clearinghouse Activities	■	■	■
Mortgage Servicing and Other Activities Related to Credit Intermediation	■	■	■
Financial Investments and Related Activities, such as Portfolio Management and Investment Advice, and Securities and Commodity Brokerages.	■	■	■
Insurance Carriers	■	■	■
Funds, Trusts, and Other Financial Vehicles	■	■	■
Electronic Shopping and Mail-Order Houses	■	■	■
Direct Selling Establishments, except Fuel Dealers	■	■	■
Lawyers, Notaries and Other Legal Services	■	■	■
Accounting, Tax Preparation, Bookkeeping, and Payroll Services	■	■	■
Architectural, Engineering, Surveying and Related Services	■	■	■
Interior Design, Graphic Design and other Specialized Design Services	■	■	■
Art Studio	■	■	■
Management, Scientific, and Technical Consulting Services, including Executive Search and Management Consulting	■	■	■
Research and Development in the Physical, Engineering, and Life Sciences	■	■	■
Research and Development in the Social Sciences and Humanities	■	■	■
Medical Offices of Physicians	■	■	■
Medical Offices of Dentists	■	■	■
Medical Offices of Health Specialists	■	■	■
Medical and Diagnostic Laboratories	■	■	■
Veterinary Services, including Animal Hospitals	■	■	■
Promoters of Performing Arts, Sports, and Similar Events	■	■	■

Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	■	■	■
<b>COMMERCIAL SERVICES</b>			
<b><i>Finance, Insurance and Real Estate Services:</i></b>			
Banks, Credit Unions and Savings Institutions	■	■	■
Pawnshop		■	■
Insurance Agencies, Brokerages, and Other Insurance Related Activities	■	■	■
Real Estate Office	■	■	■
<b><i>Day Care Services:</i></b>			
Group Day Care Facility (18 or fewer persons in care)	●	●	●
Day Care Center (more than 18 persons in care)	●	●	●
<b><i>Transient Lodging:</i></b>			
Hotels and Motels		■	■
Bed-and-Breakfast Inns	●	●	●
Country Inns	●	●	●
RV (Recreational Vehicle) Parks and Recreational Camps		●	●
<b><i>Automotive Repair and Maintenance:</i></b>			
General Automotive Repair (except busses & trucks)		●	●
Automotive Exhaust System Repair		●	●
Automotive Transmission Repair		●	●
Automotive Body, Paint, and Interior Repair and Maintenance			□
Automotive Glass Replacement Shops		●	●
Automotive Oil Change and Lubrication Shops		●	●
Car Washes		□	□
<b><i>Other Repair and Maintenance Services:</i></b>			
Electronic and Precision Equipment Repair and Maintenance	■	■	■
Home and Garden Equipment Repair and Maintenance	■	■	■
Home Appliance Repair and Maintenance	■	■	■
Reupholstery and Furniture Repair and Maintenance	■	■	■
Shoes and Leather Goods Repair and Maintenance	■	■	■
Personal and Household Goods, including jewelry, garments, watches, musical instruments and bicycles Repair and Maintenance	■	■	■
<b><i>Personal Care Services:</i></b>			
Barber Shops	■	■	■
Beauty Salons	■	■	■
Nail Salons	■	■	■
Diet and Weight Reducing Centers	■	■	■
Personal Services not listed above (except astrologers, dating services, escort services, fortune telling, introduction services, numerology services, palm reading, psychics, phrenology services, social escort services)	■	■	■
<b><i>Drycleaning and Laundry Services:</i></b>			
Coin-Operated Laundries and Drycleaners	■	■	■
Drycleaning and Laundry Drop-Off Station	■	■	■
Drycleaning and Laundry Services (except Coin-Operated)	■	■	■
Linen and Uniform Supply	■	■	■
<b><i>Health Related Services:</i></b>			
Home Health Care Services	■		■
Ambulance Services			■



Blood and Organ Banks			<input type="checkbox"/>
<b>Other Personal Services:</b>			
Funeral Homes without Crematory	■	■	■
Pet Care, Grooming, Training, Pet Sitting, and Boarding and Dog Kennels (except Veterinary Services)	<input type="checkbox"/>	■	■
Photofinishing Laboratories (except One-Hour)	■	■	■
Photofinishing, One-Hour	■	■	■
Automobile Parking Lots and Garages	■	■	■
Personal Services not listed above	■	■	■
<b>Rental and Leasing Services:</b>			
Convention Center	●	●	●
Passenger Car Rental and Leasing		■	■
Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing			■
Consumer Electronics and Appliances Rental	■		■
Formal Wear and Costume Rental	■	■	■
Video Tape and Disc Rental	■	■	■
Home Health Equipment Rental	■	■	■
Recreational Goods Rental	■	■	■
All Other Consumer Goods Rental	■	■	■
General Rental Centers	■	■	■
Office Machinery and Equipment Rental and Leasing			■
<b>Business Support Services:</b>			
Document Preparation Services	■	■	■
Telephone Answering Services	■	■	■
Telemarketing Bureaus	■	■	■
Business Service Centers	■	■	■
Collection Agencies	■	■	■
Credit Bureaus	■	■	■
Repossession Services	<input type="checkbox"/>	■	■
Court Reporting and Stenotype Services	■	■	■
All Other Business Support Services	■	■	■
<b>Other Business Services:</b>			
Photocopying and Duplicating Services (instant printing)	■	■	■
Couriers and Messengers, Local Delivery	■	■	■
News Syndicates	■	■	■
Data Processing Services	■	■	■
Real Estate Rental or Leasing Office (Residential)	■	■	■
Computer Systems Design and Related Services	■	■	■
Advertising, Public Relations and Related Services	■	■	■
Marketing Research and Public Opinion Polling	■	■	■
Photographic Studios and Commercial Photography	■	■	■
Translation and Interpretation Services	■	■	■
Office Administrative Services	■	■	■
Office Facilities Support Services	■	■	■
Employment Placement and Temporary Help Services	■	■	■
Travel Agencies, Tour Operators, and Convention and Visitors Bureaus	■	■	■

Packaging and Labeling Services	■	■	■
<b>Investigation and Security Services:</b>			
Investigation Services	■	■	■
Security Guards and Patrol Services	■	■	■
Armored Car Services			■
Security Systems Services	■	■	■
Locksmith Shops	■	■	■
<b>Services to Buildings and Dwellings:</b>			
Exterminating and Pest Control Services			■
Janitorial Services			■
Landscaping Services			■
Carpet and Upholstery Cleaning Services			■
Swimming Pool, Duct, Gutter and Drain Cleaning, and Other Services to Buildings and Dwellings			■
<b>Construction Services:</b>			
Construction Contractors, Builders and Developers, office only	■		■
Construction Contractors, Builders and Developers, with outdoor storage			□
Private Schools: Business Schools and Computer and Management Training	■	■	■
Private Schools: Technical and Trade Schools	■	■	■
<b>Private Schools: Personal Enrichment:</b>			
Fine Arts Schools (Art, Drama, Music and Dance Studios)	■	■	■
Sports and Recreation Instruction	■	■	■
Language Schools	■	■	■
Exam Preparation and Tutoring	■	■	■
Automobile Driving Schools	■	■	■
Educational Support Services	■	■	■
Job Training and Vocational Rehabilitation Services	■	■	■
<b>Arts, Entertainment and Recreation</b>			
Libraries and Archives	■	■	■
Performing Arts Theaters: Drama, Dance, Music	■	■	■
Artist's Studios, except Taxidermists	■	■	■
Taxidermists	■	■	■
Museums and Historical Sites	■	■	■
Zoos and Botanical Gardens		■	
Nature Parks		●	
Motion Picture Theaters (except Drive-Ins)	■	■	■
Motion Picture Theaters, Drive-In		●	
<b>Spectator Sports:</b>			
Stadiums, Coliseums, Arenas, Amphitheaters	□	□	□
Racetracks		□	
Other Spectator Sport Facilities		□	
Amusement and Theme Parks		□	
Amusement Arcades		□	□
<b>Amusement and Recreation Uses, Other:</b>			
Golf Courses and Country Clubs	□	□	□
Fitness and Recreational Sports Centers, Health Clubs	■	■	■

Ice or Roller Skating Rink	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Tennis Courts	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Bowling Centers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Billiard and Pool Halls	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Miniature Golf	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Golf Driving Range	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Community Recreation Facility (non-profit) including YMCA, Senior Centers, Area-wide Recreation Center	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amusement and Recreation Uses not listed above		<input type="checkbox"/>	
<b>RETAIL TRADE</b>			
<b><i>Motor Vehicle and Parts Dealers:</i></b>			
New Car Dealers			<input checked="" type="checkbox"/>
Used Car Dealers			<input checked="" type="checkbox"/>
New and Used Auto Brokers - Office Only	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Recreational Vehicle Dealers			<input checked="" type="checkbox"/>
Motorcycle Dealers			<input checked="" type="checkbox"/>
Boat Dealers			<input checked="" type="checkbox"/>
All Other Motor Vehicle Dealers			<input type="checkbox"/>
Automotive Parts, Accessories, and Tire Stores			<input checked="" type="checkbox"/>
Furniture and Home Furnishings Stores	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b><i>Electronics and Appliance Stores:</i></b>			
Household Appliance Stores	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Radio, Television, and Other Electronics Stores	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Computer and Software Stores	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Camera and Photographic Supplies Stores	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b><i>Lawn and Garden Equipment and Supplies Stores:</i></b>			
Outdoor Power Equipment Stores		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Nursery and Garden Centers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b><i>Food and Beverage Stores:</i></b>			
Supermarkets and Other Grocery (except Convenience) Stores	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Convenience Food Stores without fuel pumps	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Specialty Food Stores, including Meat, Fish, Fruit and Vegetable Markets, Candy Stores	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Beer, Wine, and Liquor Stores	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Retail Bakeries and Pastry Shops	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b><i>Health and Personal Care Stores:</i></b>			
Pharmacies and Drug Stores	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Cosmetics, Beauty Supplies, and Perfume Stores	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Optical Goods Stores	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Food (Health) Supplement Stores	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
All Other Health and Personal Care Stores	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b><i>Gasoline Stations:</i></b>			
Gasoline Stations, Full Service	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
Gasoline Stations with Convenience Stores, no repairs		<input checked="" type="radio"/>	<input checked="" type="radio"/>
Truck Stops and Other Gasoline Stations		<input type="checkbox"/>	

<b><i>Clothing and Clothing Accessories Stores:</i></b>			
Clothing Stores	■	■	■
Shoe Stores	■	■	■
Jewelry Stores	■	■	■
Luggage and Leather Goods Stores	■	■	■
<b><i>Sporting Goods, Hobby, Book, and Music Stores:</i></b>			
Sporting Goods Stores and Bicycle Shops	■	■	■
Hobby, Toy, and Game Stores	■	■	■
Sewing, Needlework, and Piece Goods Stores	■	■	■
Musical Instrument and Supplies Stores	■	■	■
Book Stores	■	■	■
News Dealers and Newsstands	■	■	■
Prerecorded Tape, Compact Disc, and Record Stores	■	■	■
General Merchandise and Department Stores	■	■	■
<b><i>Miscellaneous Retailers:</i></b>			
Florists	■	■	■
Office Supplies and Stationery Stores	■	■	■
Gift, Novelty, and Souvenir Stores	■	■	■
Used Merchandise Stores	■	■	■
Antique Shop	■	■	■
Pet and Pet Supplies Stores	■	■	■
Art Dealers	■	■	■
Manufactured (Mobile) Home Dealers			□
Tobacco Stores	■	■	■
Accessory Utility Structures, Prefabricated Sheds and Gazebo Dealers			■
Farm Equipment and Implements			■
Auction House		■	□
<b><i>Temporary Events</i></b>			
Roadside Produce Stand	■	■	■
Revival Tent	■	■	■
Seasonal Business Use	■	■	■
Special Indoor/Outdoor Event	■	■	■
All Other Temporary Events	■	■	■
Swap Meets, Flea Markets, Craft Shows and Farmers' Markets		■	
<b><i>Food Services and Drinking Places</i></b>			
Restaurants, Full-Service, Family Restaurants	■	■	■
Restaurants, Full-Service, Quality Restaurants	■	■	■
Restaurants, Limited-Service, including Fast Food and Take-Out, with drive-through windows.		■	■
Restaurants, Limited-Service, including Cafeterias, Fast Food and Take-Out, without drive-through windows.	■	■	■
Caterers and Other Special Food Services	■	■	■
Bars, Taverns and Other Drinking Places (Alcoholic Beverages)	■	■	■
<b><i>Manufacturing, Wholesaling and Warehousing</i></b>			
Dressmakers and Tailors	■	■	■
Printing and Related Support Activities, except Photocopying and Duplicating Services (instant printing)	■		■

<b>Miscellaneous Manufacturing:</b>			
Dental Laboratories			<input type="checkbox"/>
<b>Warehousing and Storage:</b>			
Miniwarehouses and Self-Storage Units			<input type="checkbox"/>
<b>Sound Recording Industries:</b>			
Record Production			<input checked="" type="checkbox"/>
Integrated Record Production/Distribution			<input checked="" type="checkbox"/>
Sound Recording Studios			<input checked="" type="checkbox"/>
Other Sound Recording Industries			<input checked="" type="checkbox"/>
<b>Waste Management and Remediation Services:</b>			
Solid Waste or Recycling Transfer Station			<input type="checkbox"/>
Solid Waste Landfill (Inert)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Septic Tank Cleaning and Portable Toilet Services			<input type="checkbox"/>
<b>Transportation, Communications and Utilities</b>			
Airport and Other Air Transportation		<input type="checkbox"/>	
Helicopter Landing Pad		<input type="checkbox"/>	
<b>Transit and Ground Passenger Transportation:</b>			
Mixed Mode Transit Systems		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Commuter Rail Systems	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Bus and Other Motor Vehicle Transit Systems	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other Urban Transit Systems	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Interurban Bus Transportation and Bus Stations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Taxi and Limousine Service			<input type="checkbox"/>
Scenic and Sightseeing Transportation		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Support Activities for Transportation:</b>			
Packing and Crating		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Emissions Inspection	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Broadcasting and Telecommunications:</b>			
Radio and Television Broadcasting Stations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Cable Networks and Program Distribution	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Telephone and Other Wired Telecommunications Carriers			<input type="checkbox"/>
Cellular and Other Wireless Telecommunications Carriers (except Satellite)			<input type="checkbox"/>
Telecommunications Resellers			<input type="checkbox"/>
Satellite Telecommunications			<input type="checkbox"/>
<b>Radio, Television and Telecommunications Antennae and Towers:</b>			
Ham Radio Tower less than 70 feet	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Micro Telecommunication Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Macro Telecommunication Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alternative Tower Structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monopole Tower 150 feet or less	<input type="checkbox"/>		<input type="checkbox"/>
Monopole, Guyed or Lattice Tower higher than 150 feet	<input type="checkbox"/>		<input type="checkbox"/>
Co-Location on an Existing Tower	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Utilities:</b>			
Solar Power Generation	●	●	●
Electric Power Transmission, Control, and Distribution	□	□	□
Natural Gas Distribution	□	□	□
Water Supply and Irrigation Systems	□	□	□
Sewage Treatment Facilities	□	□	□
<b>Public and Institutional Uses:</b>			
Churches and Similar Places of Public Assembly	■	■	■
Charitable Organization Offices	■	■	■
Social Advocacy Organizations	■	■	■
Civic and Social Organizations, with Private Bar or Restaurant	■	■	■
Civic and Social Organizations, without Private Bar or Restaurant	■	■	■
Business, Professional, Labor, Political, and Similar Organizations	■	■	■
Outpatient Medical Care Centers	■	■	■
<b>Hospitals:</b>			
General Medical and Surgical Hospitals	■	■	■
Psychiatric and Substance Abuse Hospitals	■	■	■
Specialty (except Psychiatric and Substance Abuse) Hospitals	■	■	■
Social Services Assistance, including Individual and Family Services	■	■	■
Community Food and Housing, and Emergency and Other Relief Services	●	●	●
Cemeteries	□	□	□
Private Schools: Elementary and Secondary	●	●	●
Private Schools: Junior Colleges	□	□	□
Private Schools: Colleges and Universities	□	□	□

- Land use discrepancy between C-C and one Consolidation Option (C-N or C-G)
- Land use discrepancy between C-C and both Consolidation Options (C-N and C-G)

**Table CR.03**

ACCESSORY USES	C-G	C-R	C-H
Accessory Uses Customary to a Principal Use	●	●	●
Accessory Uses Customary to a Church or Other Place of Worship	●	●	●
Accessory Uses Customary to Office, Commercial and Industrial Uses	●	●	●
Accessory Retail Uses (in an Office, Hotel or Multi-Family bldg)	■	■	■
Agricultural Produce Stand	□	□	□
Climate Controlled Storage	□		□
Group Day Care Facility Adult or Child (up to 18 in care)	●	●	●
Day Care Center, Adult or Child (more than 18 in care)	●	●	●
Golf Driving Range (Internal to Golf Course)	□		□
Helicopter Landing Pad	●	●	●
Night Watchman Residence	●	●	●
Outdoor Display Area	●	●	●
Outdoor Storage Area			□
Heavy Truck Parking	●	●	●
Mausoleums and Crematories within a Cemetery	●	●	●
Community Food and Housing Shelter	●	●	●
Fallout Shelter	●	●	●
Temporary Office for a Development	●	●	●

Land use discrepancy between C-C and one Consolidation Option (C-N or C-G)

Land use discrepancy between C-C and both Consolidation Options (C-N and C-G)

## RHD.01

	R-D	R-TC	R-MF
<b>LOT</b>			
Lot size, min <sup>1</sup>	10000 SF <sup>2</sup>	5445 SF <sup>3</sup>	7260 SF
Lot width, sewer, min <sup>7</sup>	50 FT <sup>2</sup>	20 FT	-
Lot width, non-sewer, min <sup>4</sup>	60 FT <sup>2</sup>	20 FT	-
Lot frontage, min <sup>5</sup>	50 FT	20 FT	50 FT
<b>YARD [Principal Building]</b>			
Front setback, major thoroughfare, min <sup>6</sup>	50 FT	50 FT	50 FT
Front setback, minor street, min <sup>7</sup>	30 FT	25 FT	25 FT
Side setback, min <sup>8</sup>	10 FT <sup>9</sup>	0/10 FT <sup>10</sup>	0/10 FT <sup>10</sup>
Rear setback, min <sup>8</sup>	40 FT	40 FT	10 FT
<b>BUILDING [Principal &amp; Accessory Buildings &amp; Structures]</b>			
Building height, max	35 FT <sup>11</sup>	35 FT	45 FT
Building floor area, one-bedroom unit, min	1100 SF	-	-
Building floor area, two-bedroom unit, min	1300 SF	-	-
Building floor area, three-bedroom unit or more, min	1500 SF	-	-
Building floor area, townhouse Condominium, min	-	1300 SF	-
Building floor area, efficiency unit, min	-	-	800 SF
Building floor area, one-bedroom unit, min	-	-	950 SF
Building floor area, two-bedroom unit, min	-	-	1100 SF
Building floor area, three-bedroom unit or more, min	-	-	1300 SF

(1) Minimum lot size for non-sewered property with public water is 21780 SF/dwelling unit for R-D, R-TC, and R-MF. See Section 404(b) for excluded areas.

(2) Per dwelling unit.

(3) Minimum site size for R-TC is 3 AC. Minimum individual lot may be 2,400 SF.

(4) See Section 406(b)(5) for minimum lot widths where an on-site sewage management system is located.

(5) 35 FT on a cul-de-sac or at such length specifically permitted within individual district regulations. 25 FT on a public street or access via a recorded permanent easement for tracts greater than 5 AC that are exempt from the subdivision regulations.

(6) A major thoroughfare is any road for which the minimum required right-of-way is 80 feet or more, such as a major or minor arterial or a nonresidential collector. See Table 10.1 for right-of-way widths.

(7) Minor streets include all streets for which the minimum required right-of-way is less than 80 feet, such as a residential collector road or a local residential street. See Table 10.1 for right-of-way widths.

(8) Side and rear yard setbacks are measured from the property line or, when a zoning buffer is required under Article 8, from the boundary of the buffer interior to the property.

(9) Zero side yard setbacks can be permitted on individual lots with no more than two connected units.

(10) None required between attached units; 10 FT side yard or 20 FT of separation between buildings required.

(11) 20 FT maximum accessory structure height.



## RHD.02

PRINCIPAL USES	R-D	R-TC	R-MF
<b>Residential Uses</b>			
Single-Family Attached: Duplex	■		
Single-Family Attached: Townhomes		■	
Multi-Family			■
Rooming and Boarding Houses			□
<b>Nursing and Residential Care Facilities:</b>			
Personal Care Homes, Family (up to 6 under care)	●		
<b>Subdivisions:</b>			
Minor Subdivision: Recombination, Resubdivision, Nondevelopment Lot Sales, 2-Lot or 5-Lot Split, Large Lot	●	●	●
Conventional Residential Subdivision	■	■	■
<b>Amusement and Recreation Uses, Other:</b>			
Neighborhood Recreation Centers, including Private Playgrounds, Tennis, Pools or Other Recreation Amenities, with or without Accessory Food and Beverage Sales	●	●	●
Private Parks, Playgrounds and Other Open Space Amenities, including Squares, Greens and Pocket Parks	■	■	■
<b>Waste Management and Remediation Services:</b>			
Solid Waste Landfill (Inert)	□	□	□
<b>Radio, Television and Telecommunications Antennae and Towers:</b>			
Ham Radio Tower less than 70 feet	■	■	■
Micro Telecommunication Facilities			□
Macro Telecommunication Facilities			□
Alternative Tower Structure	□	□	□
Co-Location on an Existing Tower	●	●	●
<b>Utilities:</b>			
Solar Power Generation	●	●	●

Land use discrepancy between R-D, R-TC, and R-MF

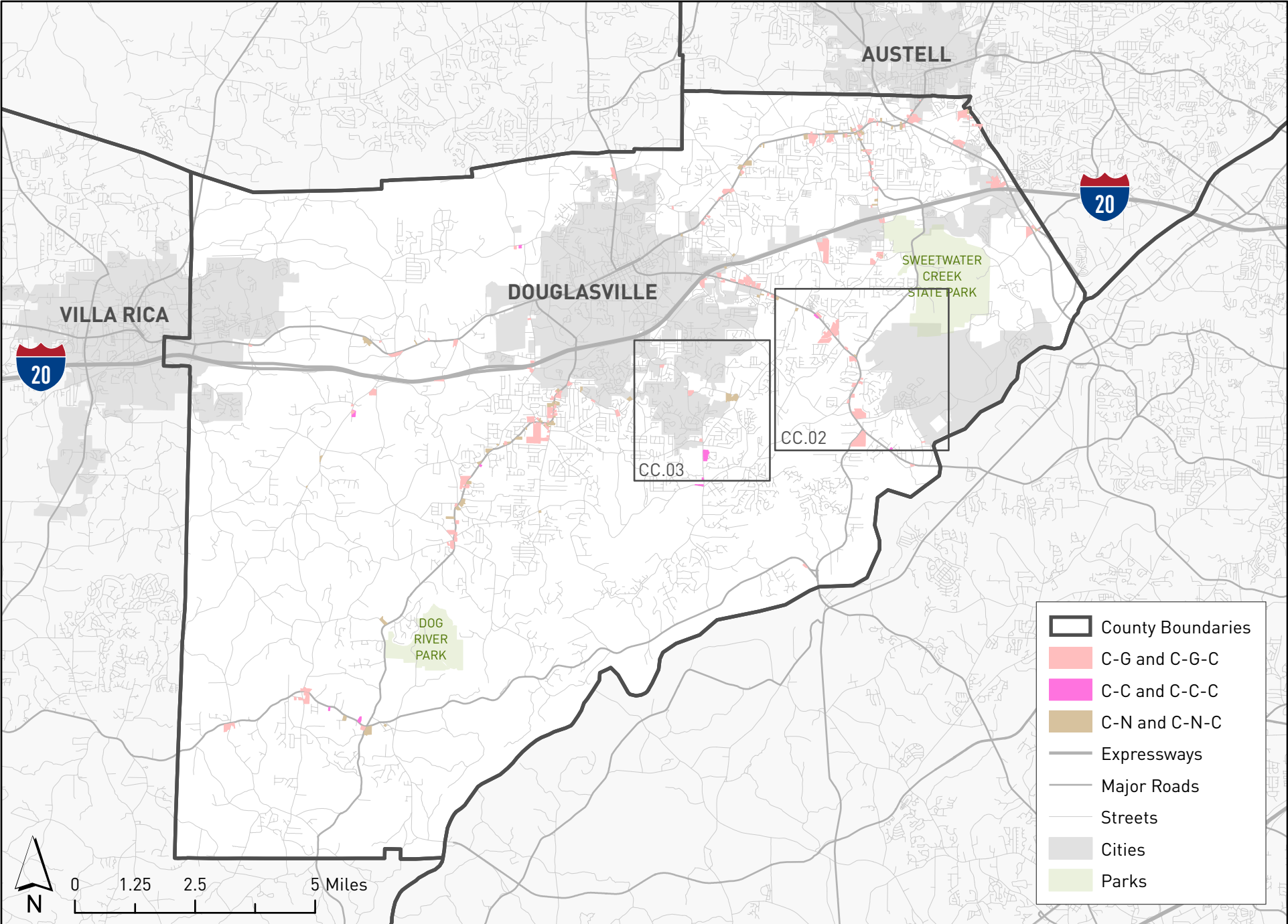
## RHD.03

ACCESSORY USES	R-D	R-TC	R-MF
Accessory Uses Customary to a Principal Use	●	●	●
Accessory Uses Customary to a Dwelling	●	●	●
Accessory Retail Uses (in an Office, Hotel or Multi-Family bldg)			●
Group Day Care Facility Adult or Child (up to 18 in care)		●	●
Day Care Center, Adult or Child (more than 18 in care)			●
Home Occupation - Home Office	□	●	●
Home Occupation - Home Business	□	□	□
Neighborhood Recreation Centers, including Private Playgrounds, Tennis, Pools or Other Recreation Amenities, with or without Accessory Food and Beverage Sales	□	□	□
Private Parks, Playgrounds and Other Open Space Amenities, including Squares, Greens and Pocket Parks	■	■	■
Fallout Shelter	●	●	●
Temporary Office for a Development	●	●	●

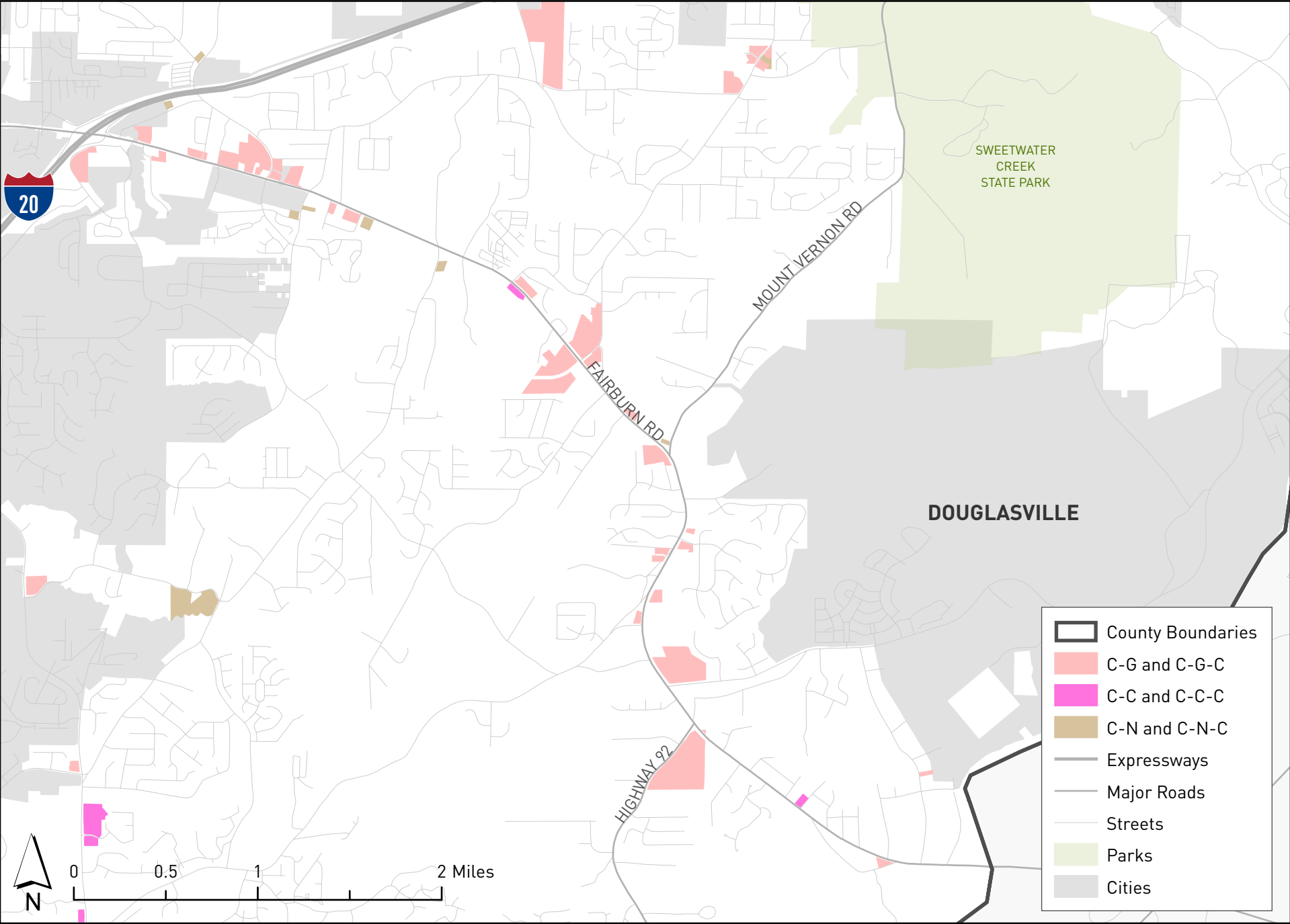
Land use discrepancy between R-D, R-TC, and R-MF

# Appendix C

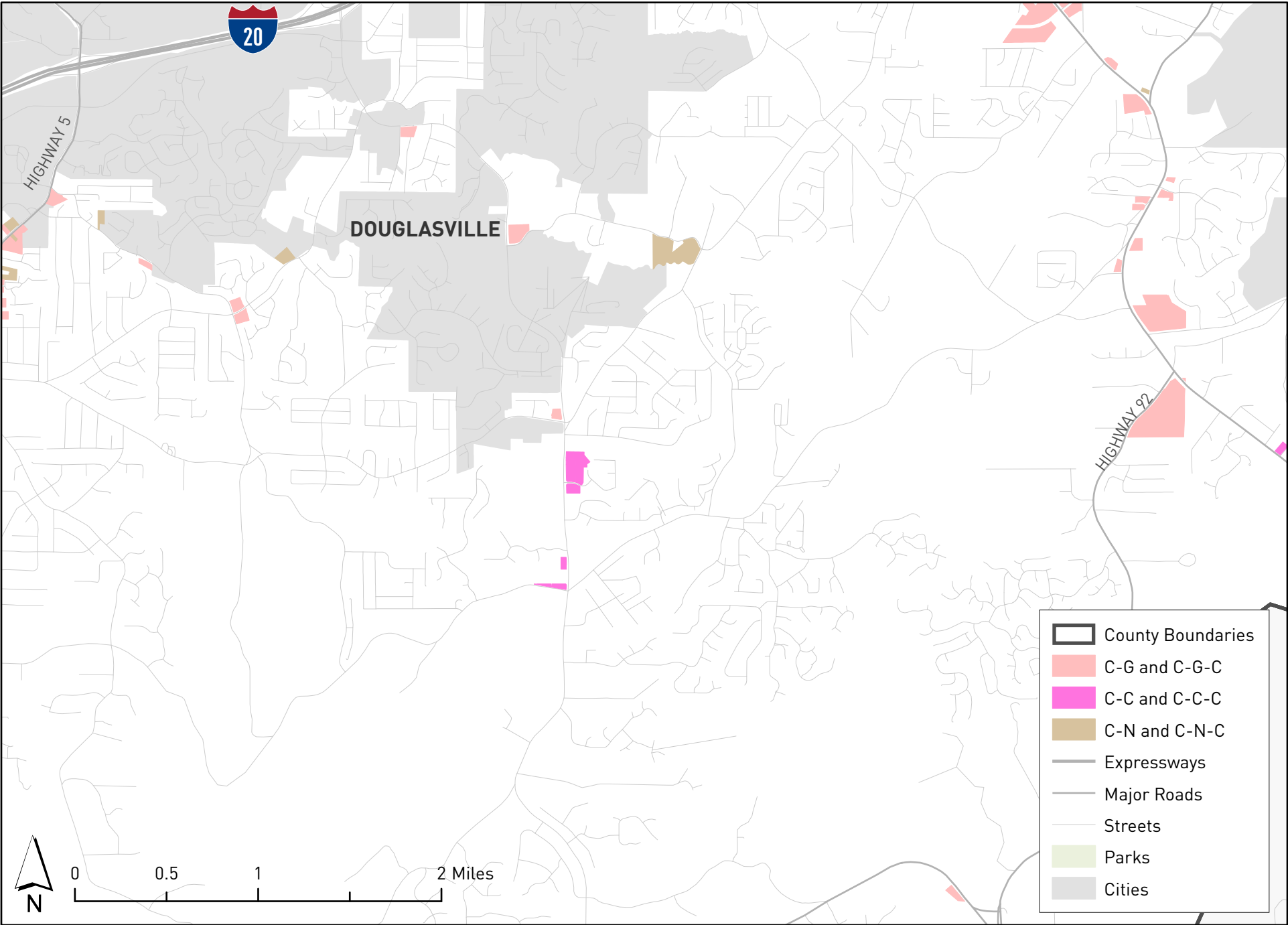
Map CC.01. Consolidation of C-C



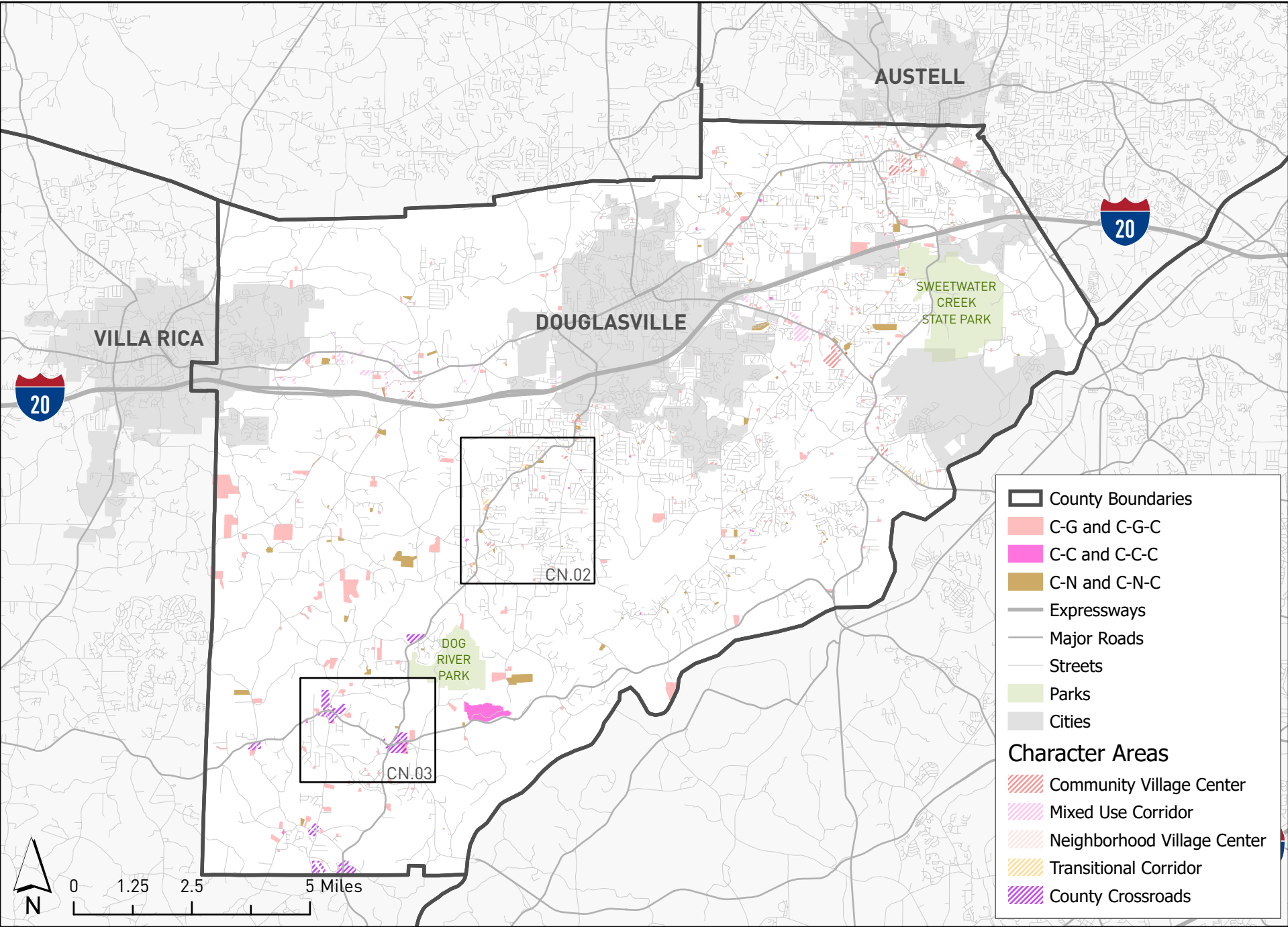
Map CC.02. Consolidation of C-C: GA Highway 92 and Fairburn Road



Map CC.03. Consolidation of C-C: Chapel Hill Road

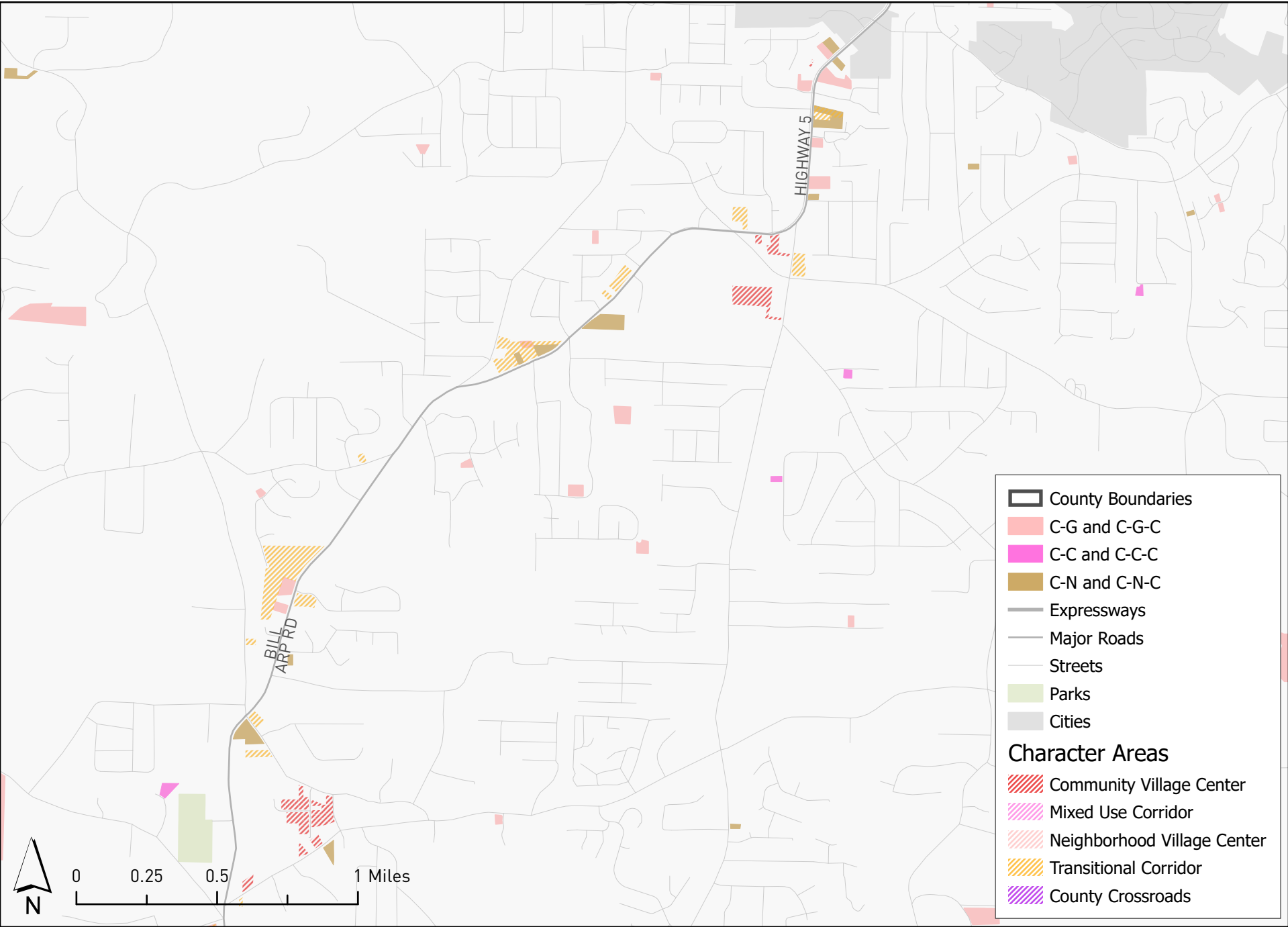


Map CN.01. Expansion of C-N



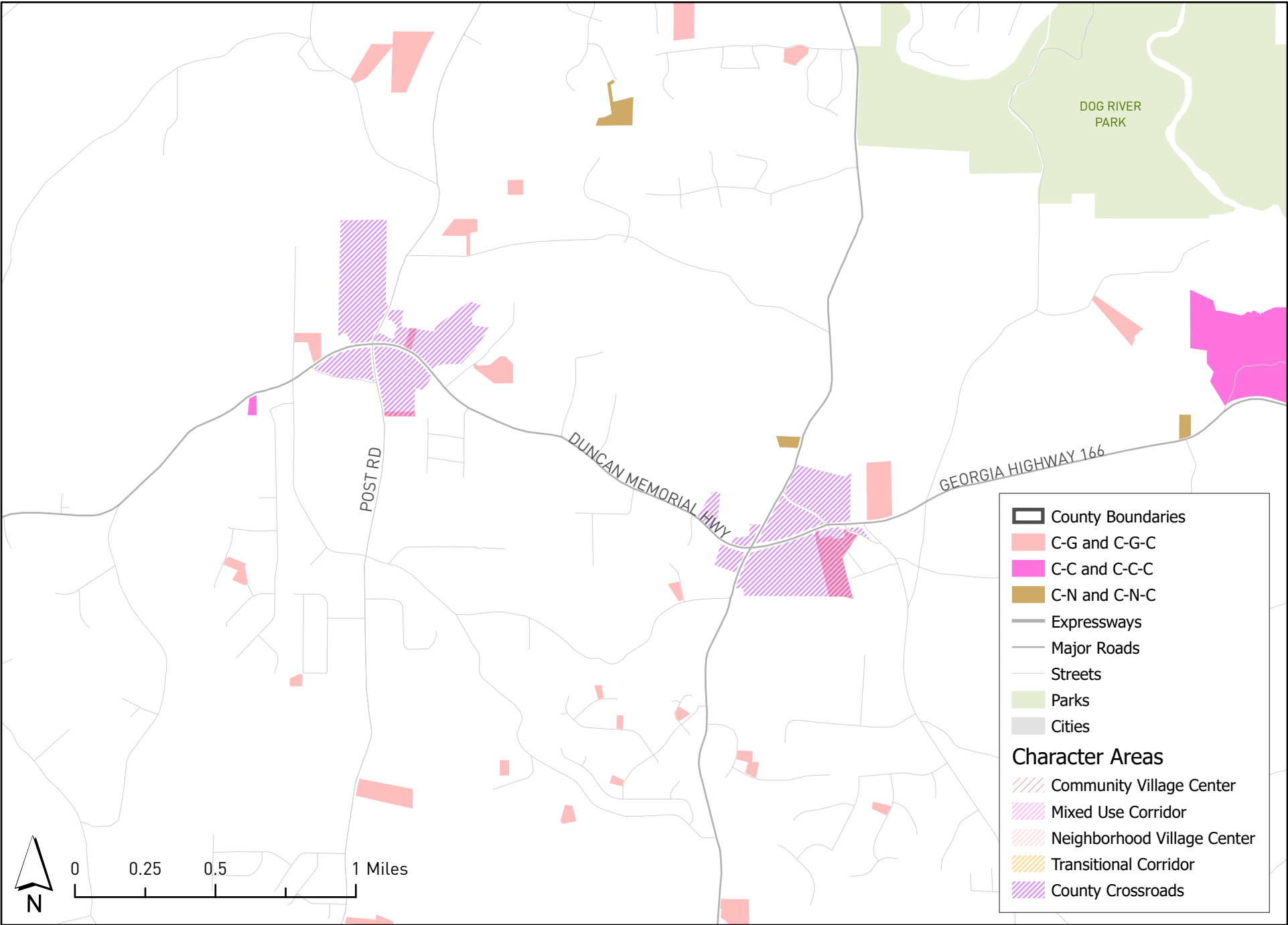


Map CN.02. Expansion of C-N: GA-5 and Bill Arp Road

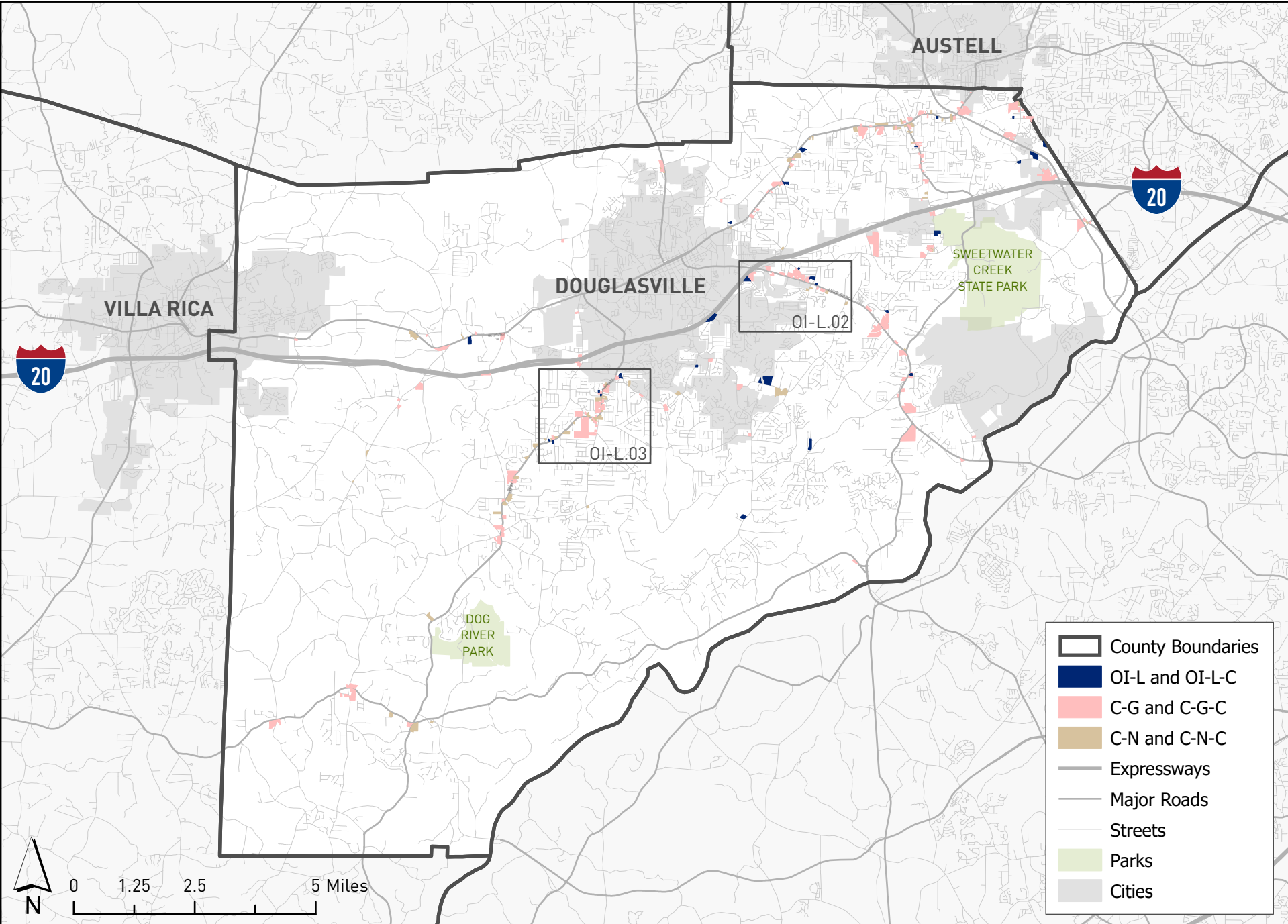




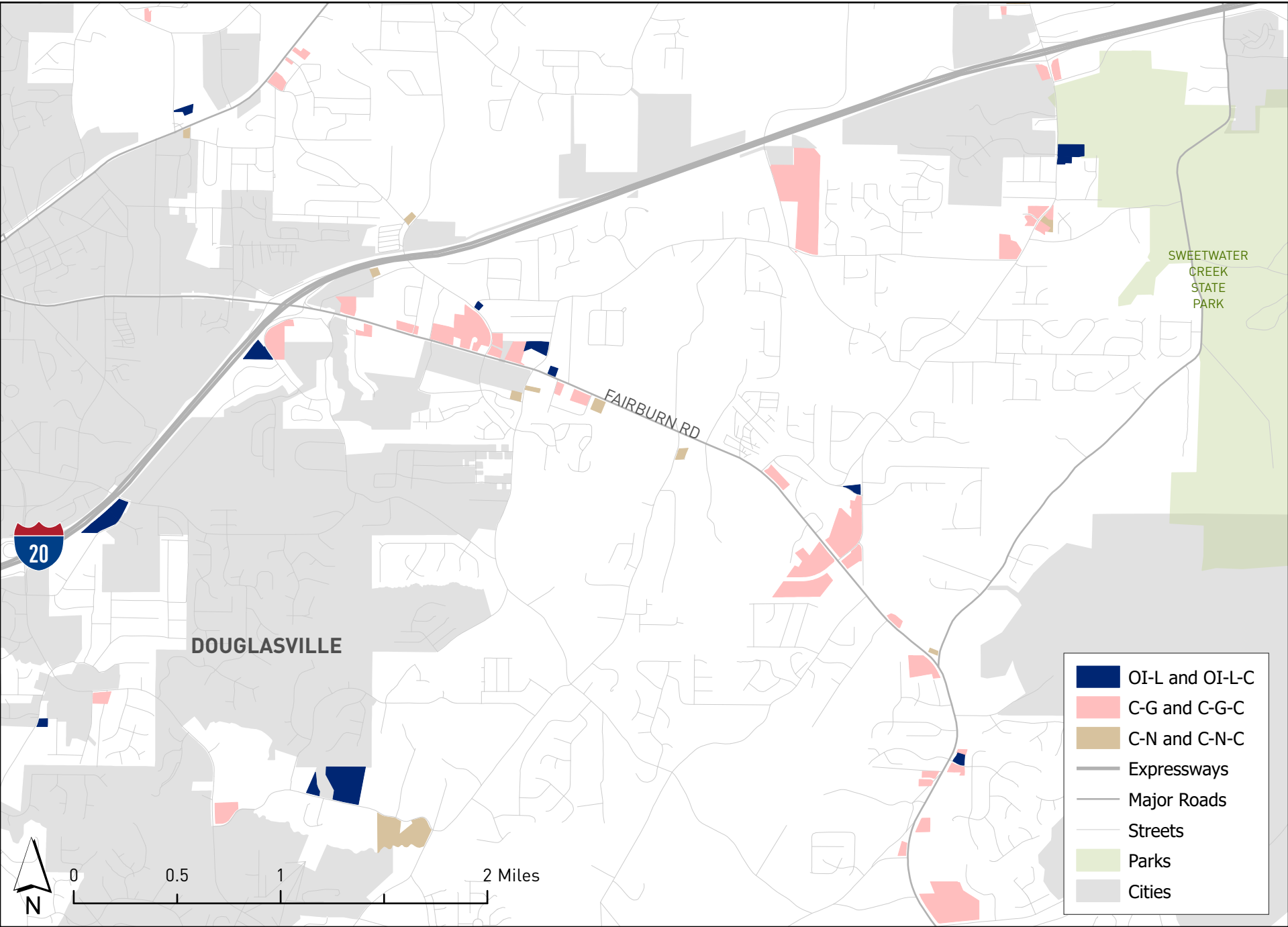
Map CN.03. Expansion of C-N: GA-166/Duncan Memorial Highway and Post Road



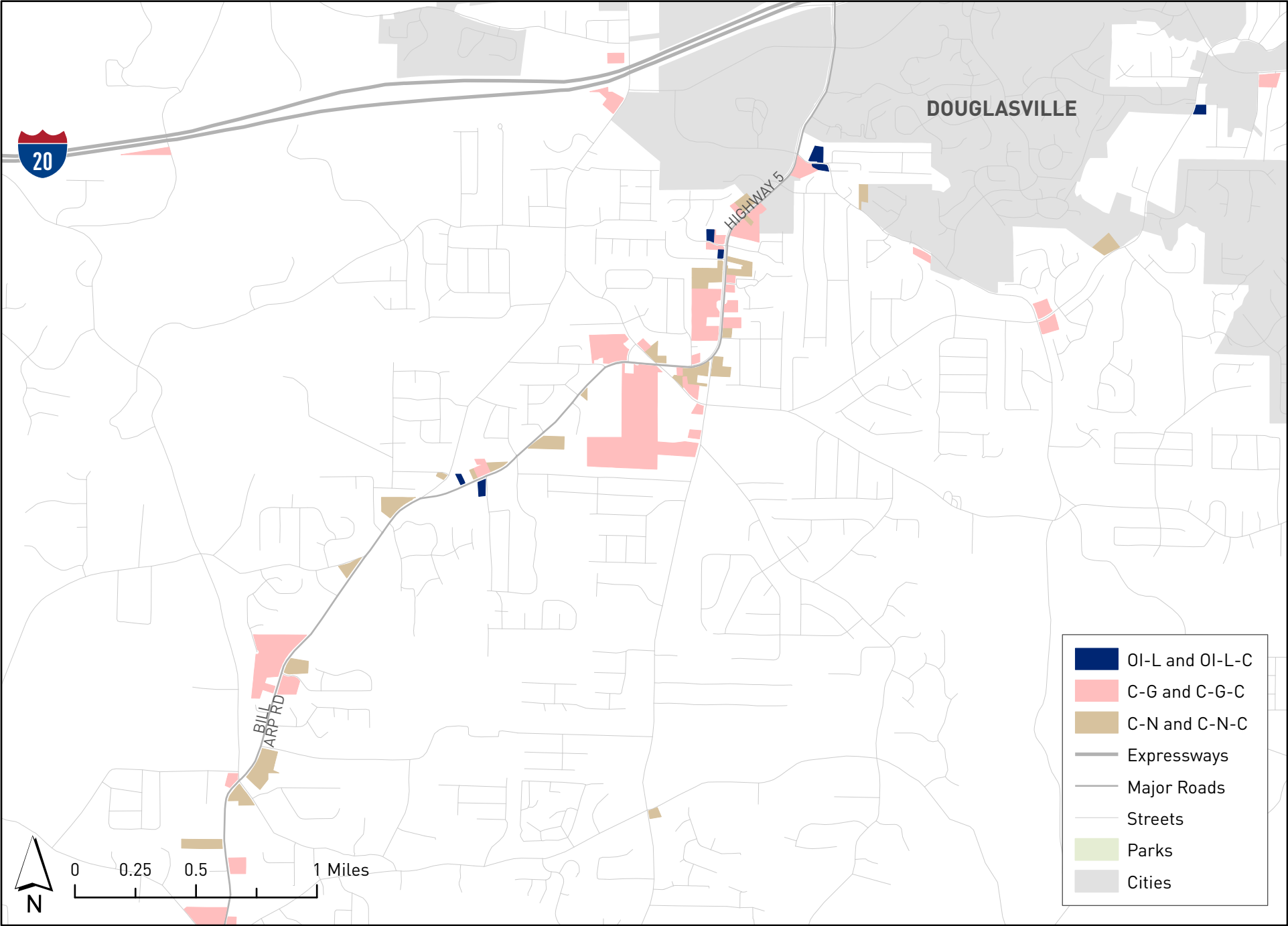
Map OIL.01. Consolidation of OI-L and OI-H



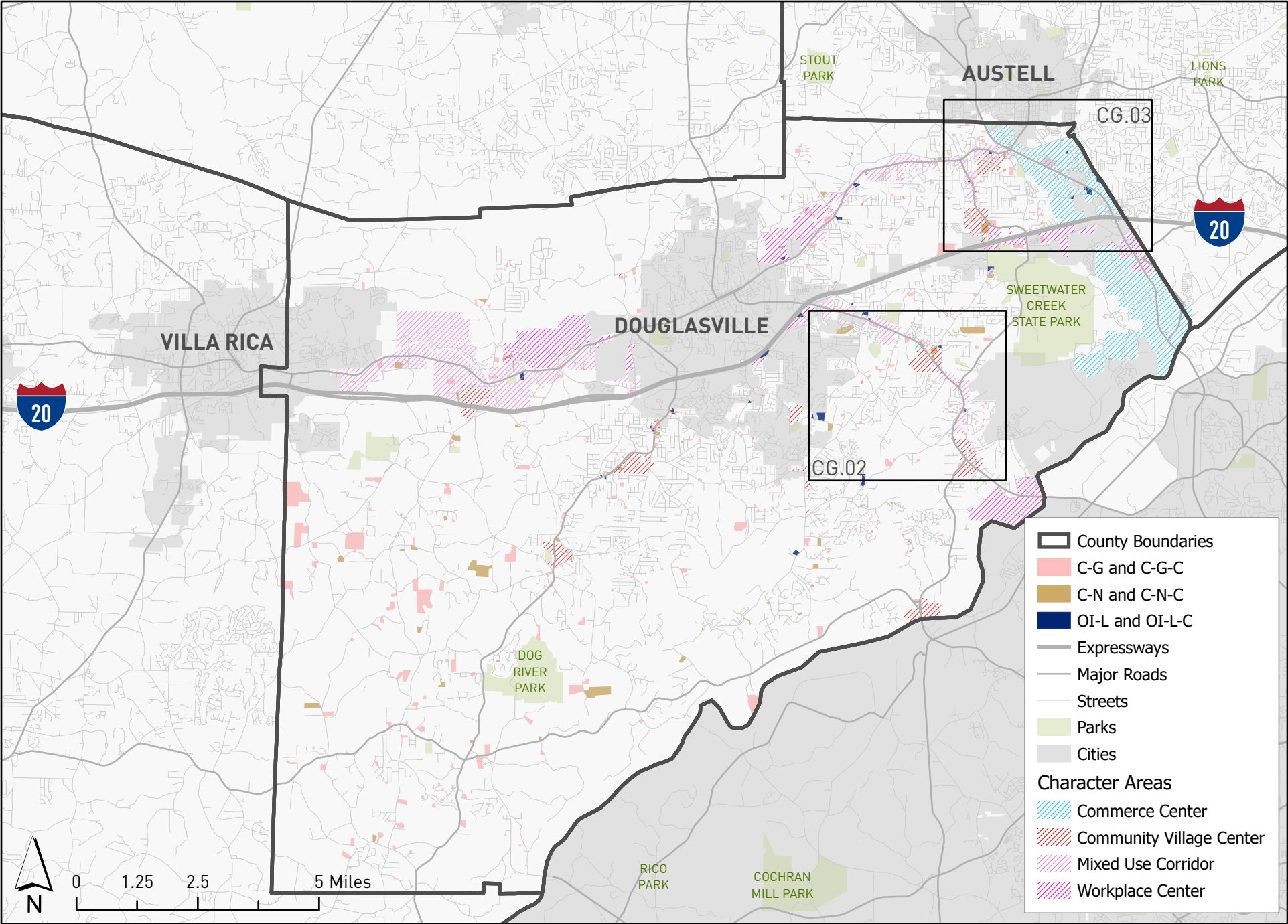
Map OIL.02. Consolidation of OI-L and OI-H: Fairburn Rd Near I-20



Map OIL.03. Consolidation of OI-L: GA Highway 5 Near I-20

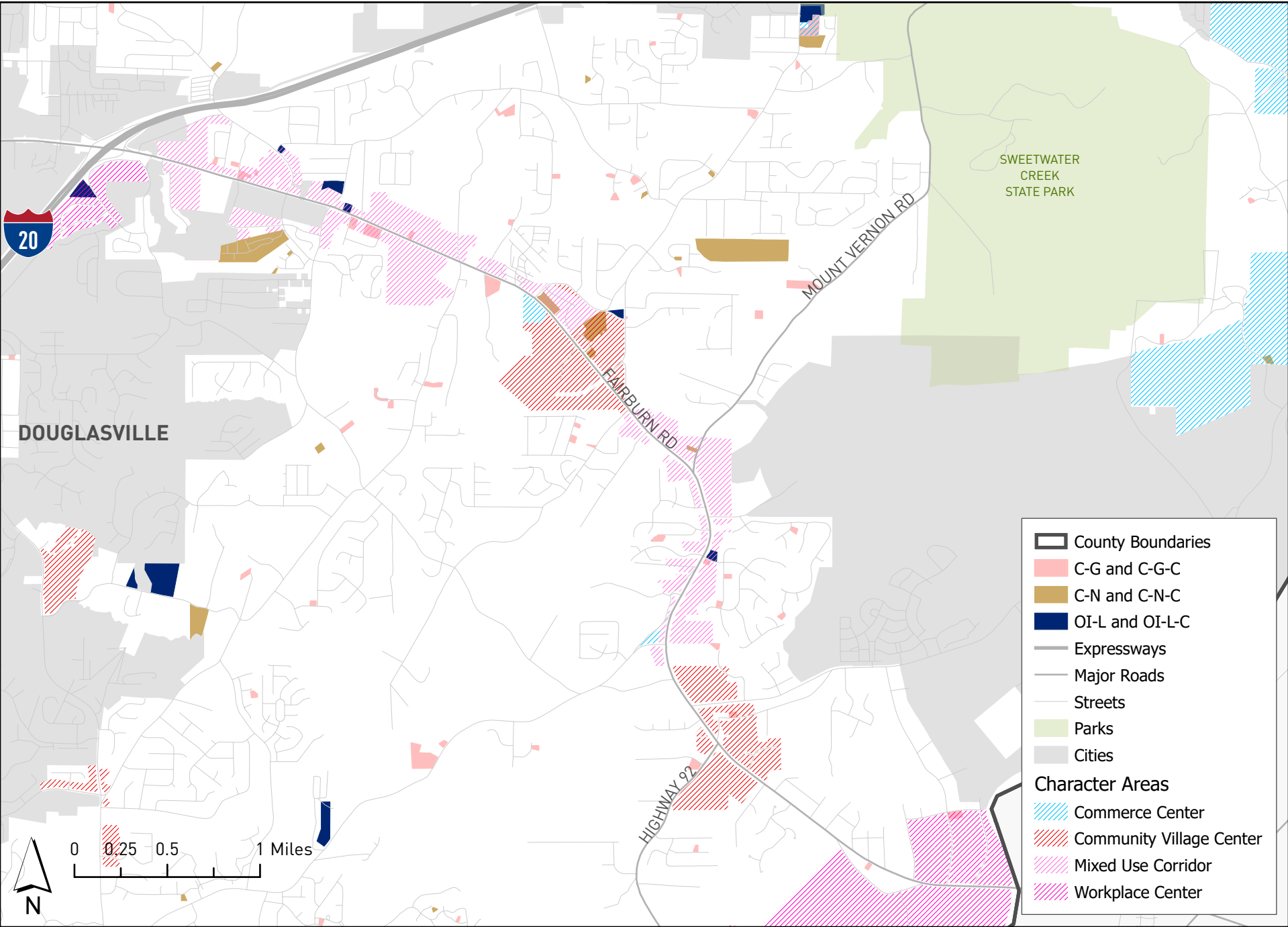


Map CG.01. Expansion of C-G

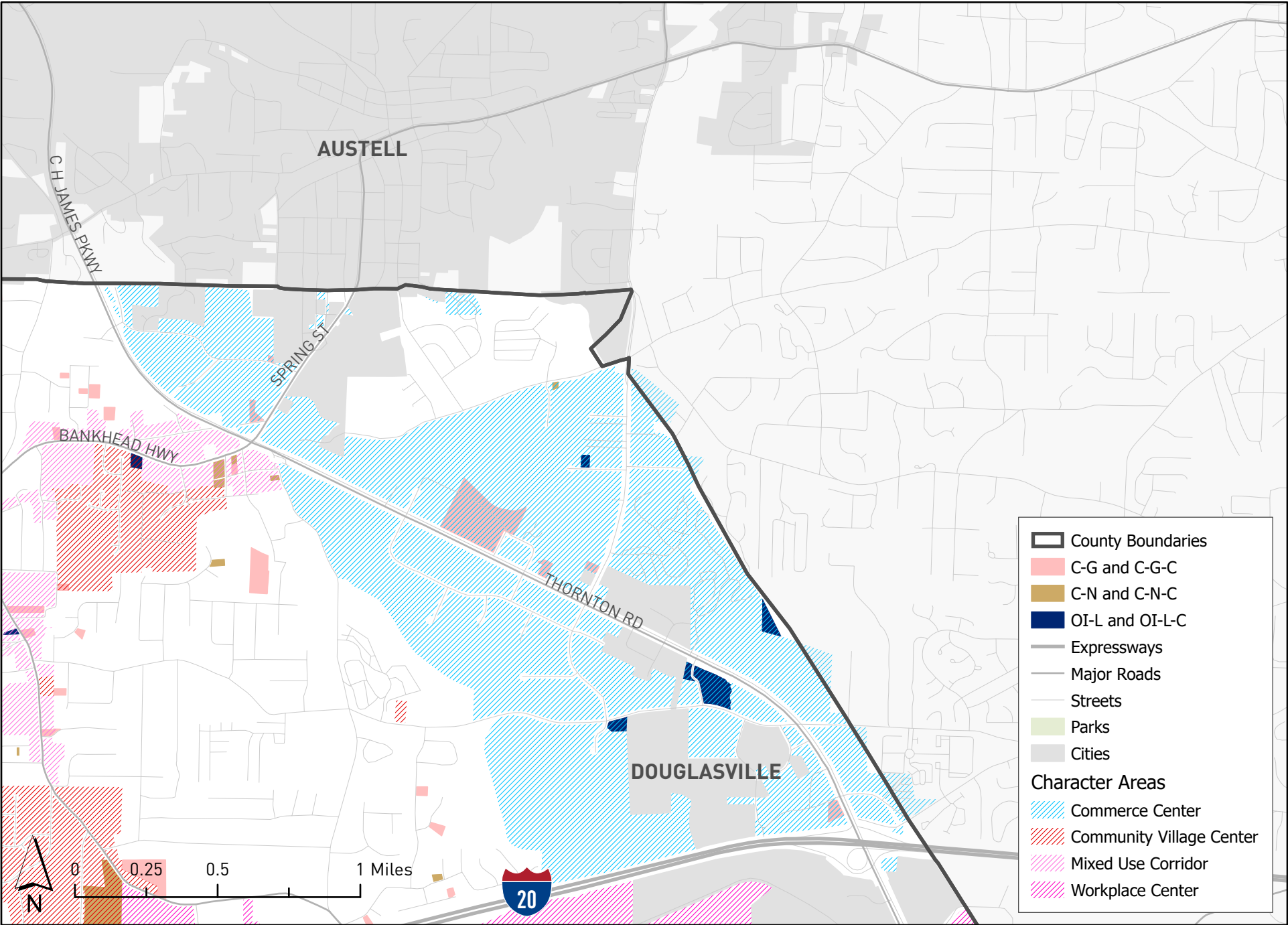




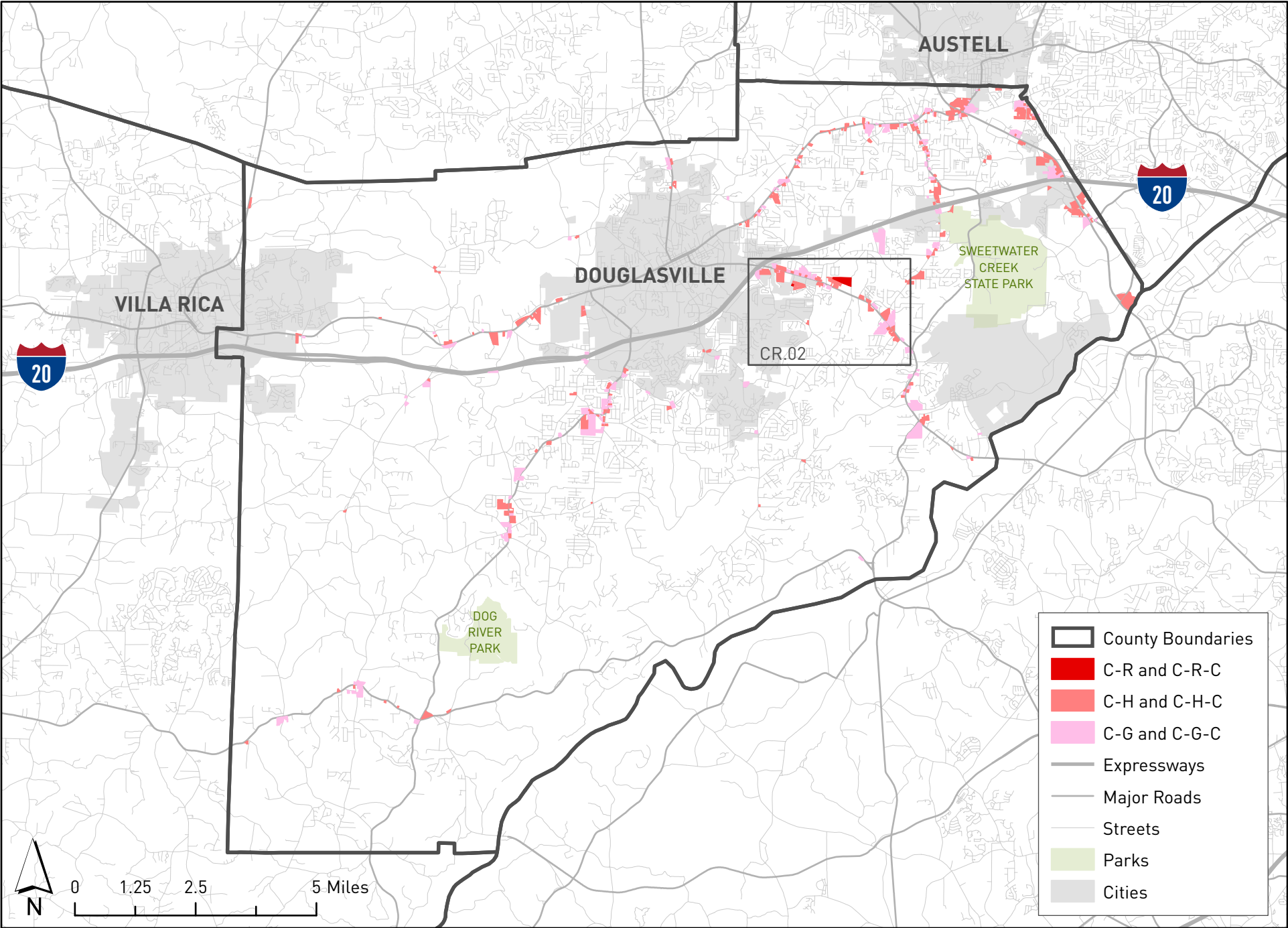
Map CG.02. Expansion of C-G: GA-92/Fairburn Road and Mount Vernon Road



Map CG.03. Expansion of C-G: Thornton Road

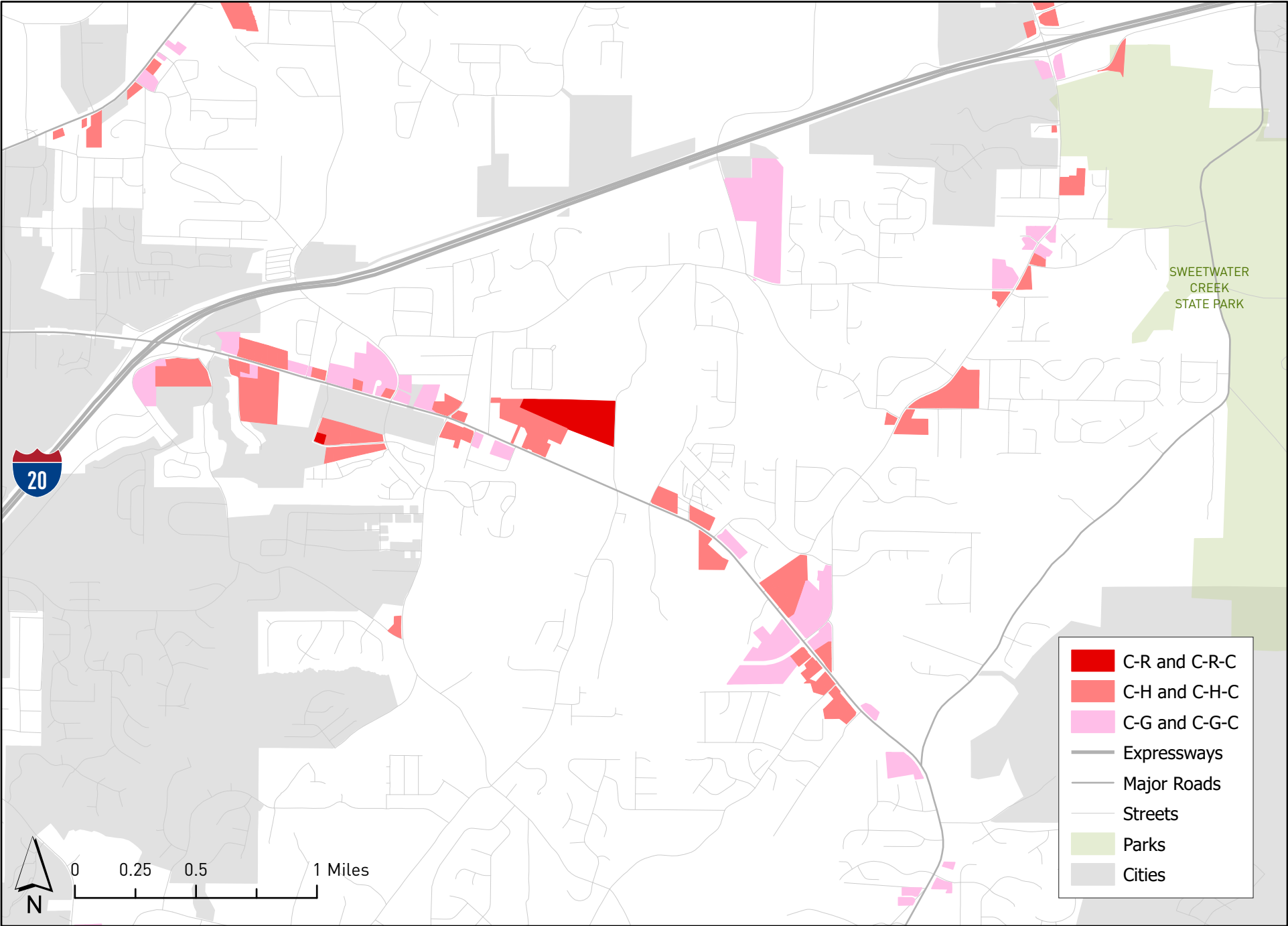


Map CR.01. Consolidation of C-R

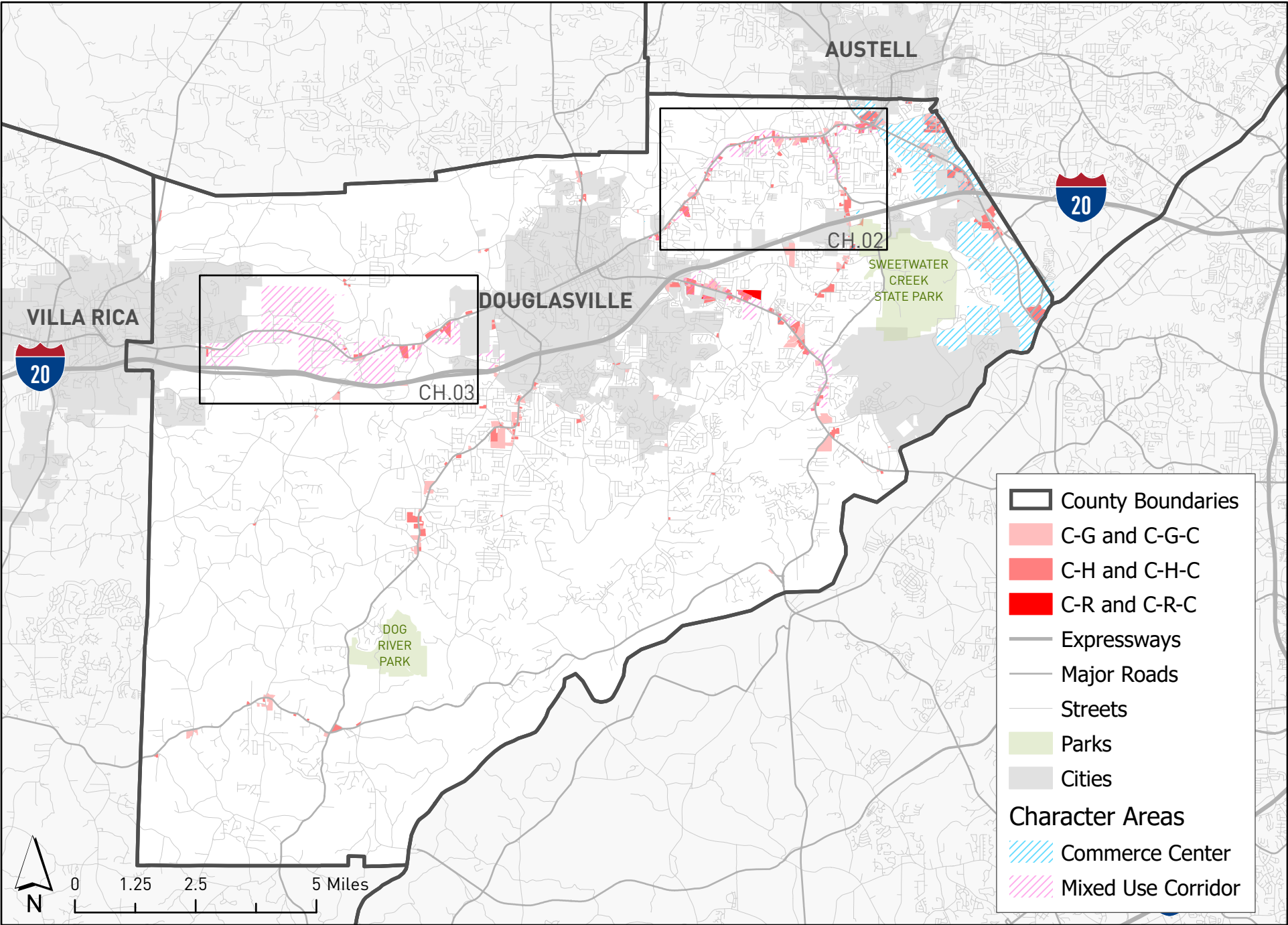




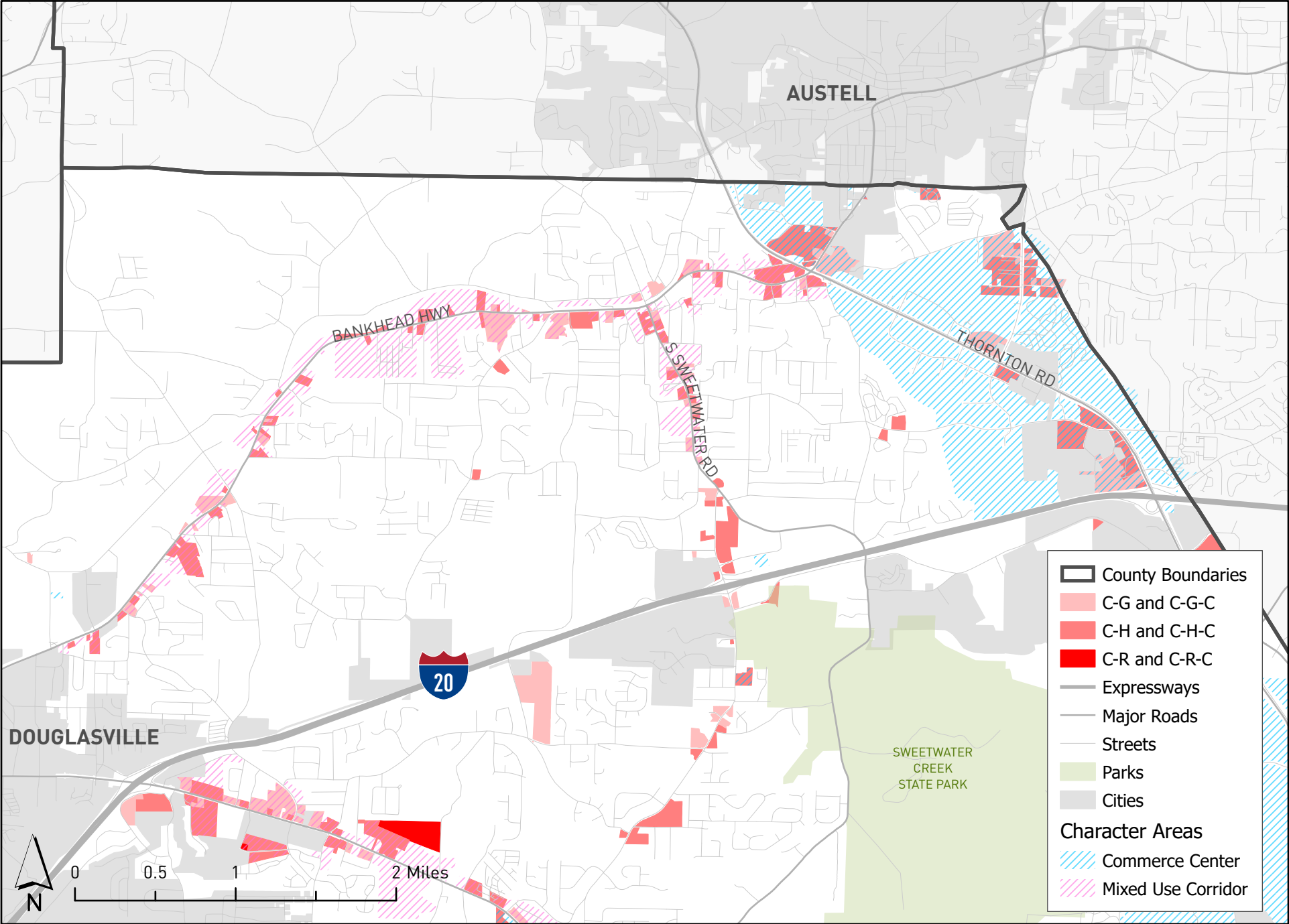
Map CR.02. Consolidation of C-R: Fairburn Rd



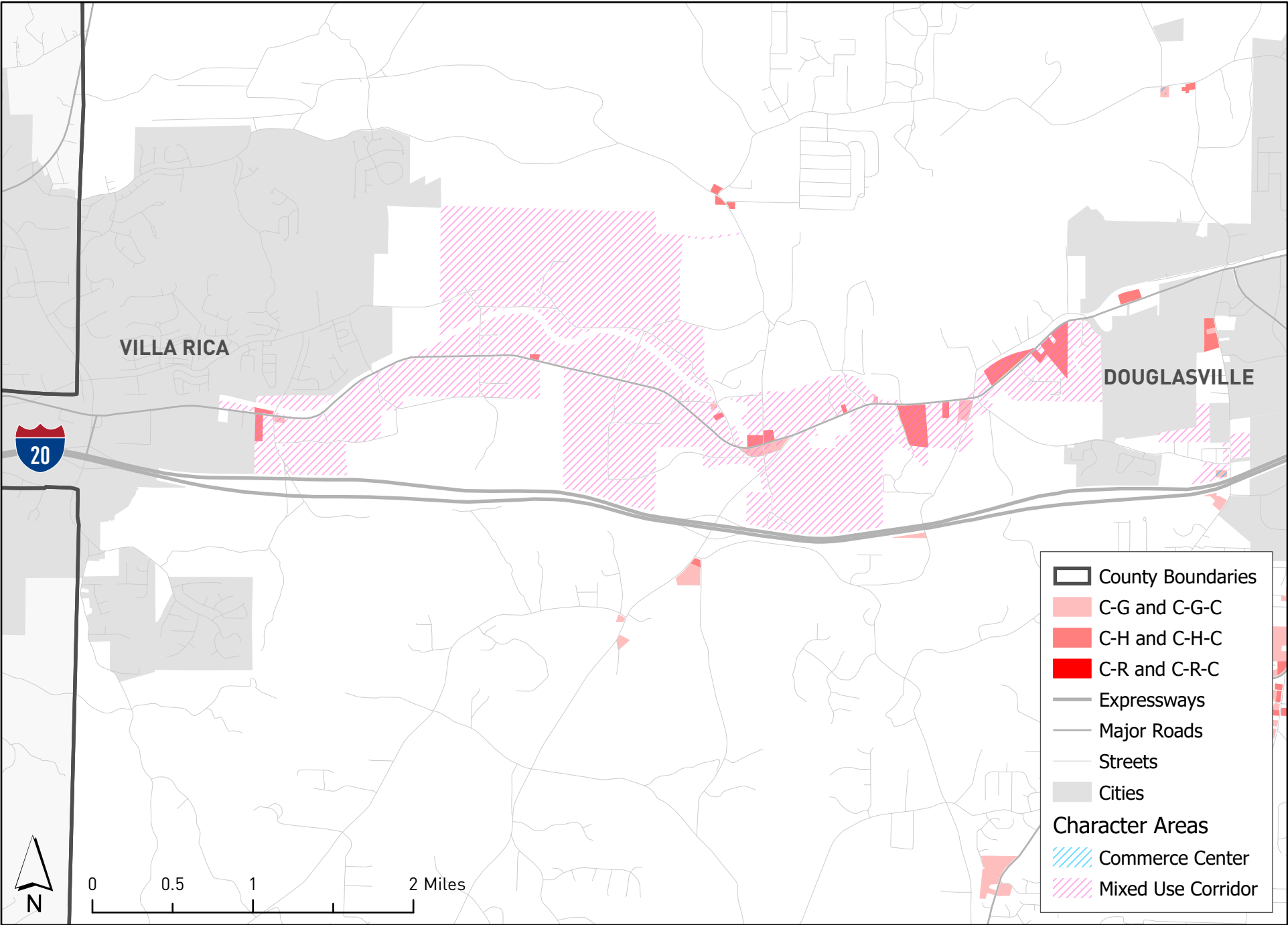
Map CH.01. Expansion of C-H



Map CH.02. Expansion of C-H: Bankhead Highway

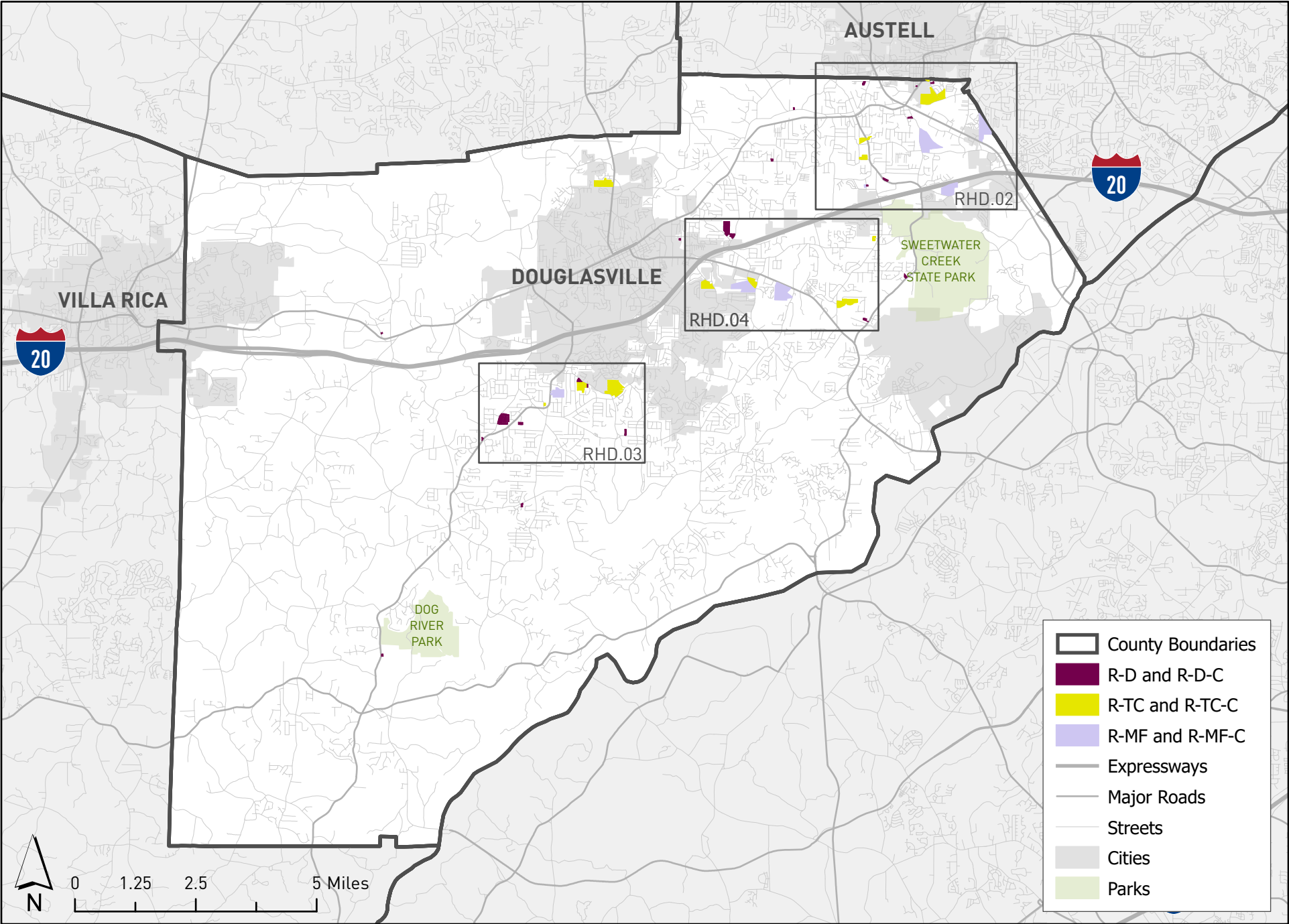


Map CH.03. Expansion of C-H: US Highway 78

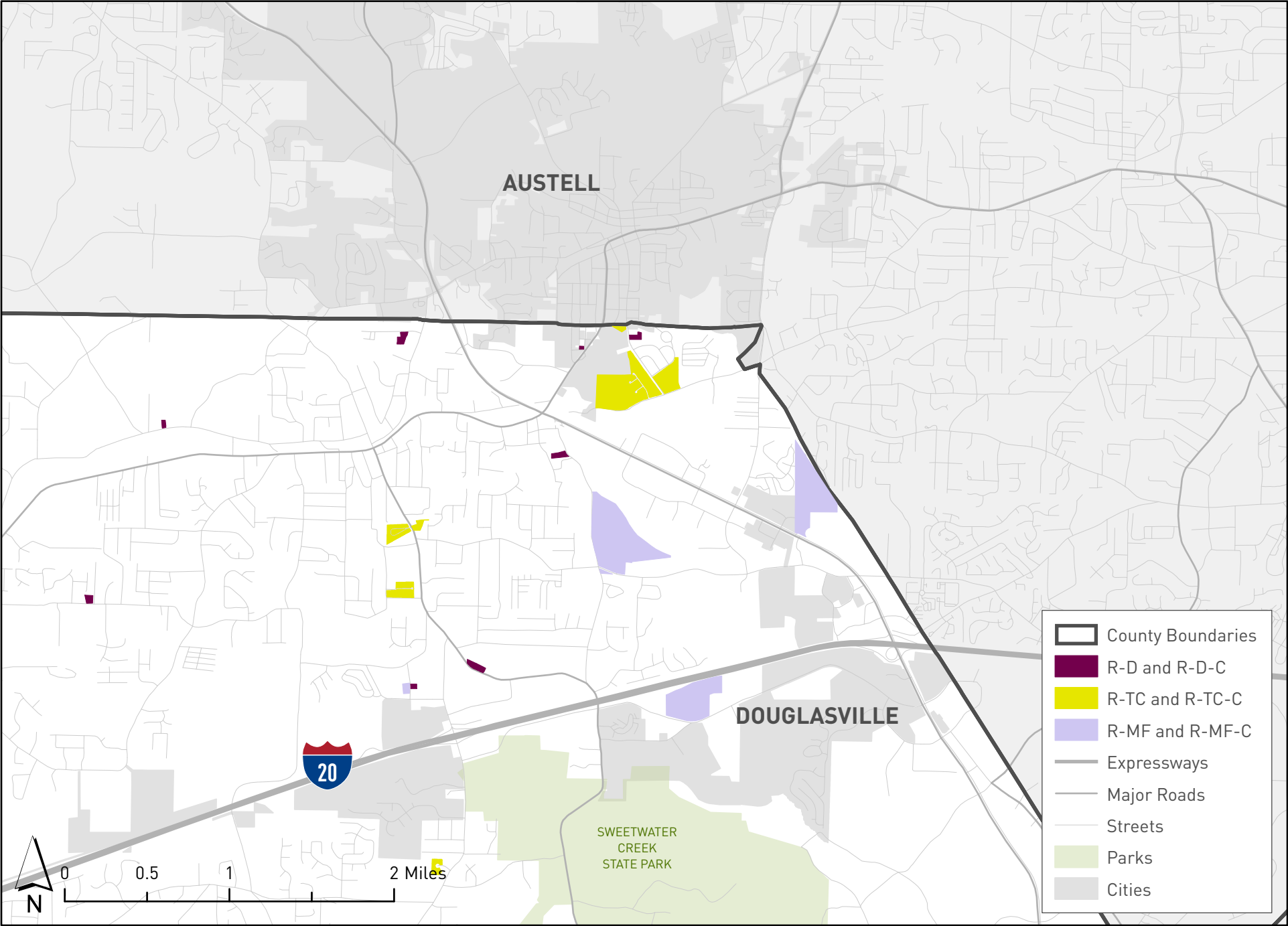




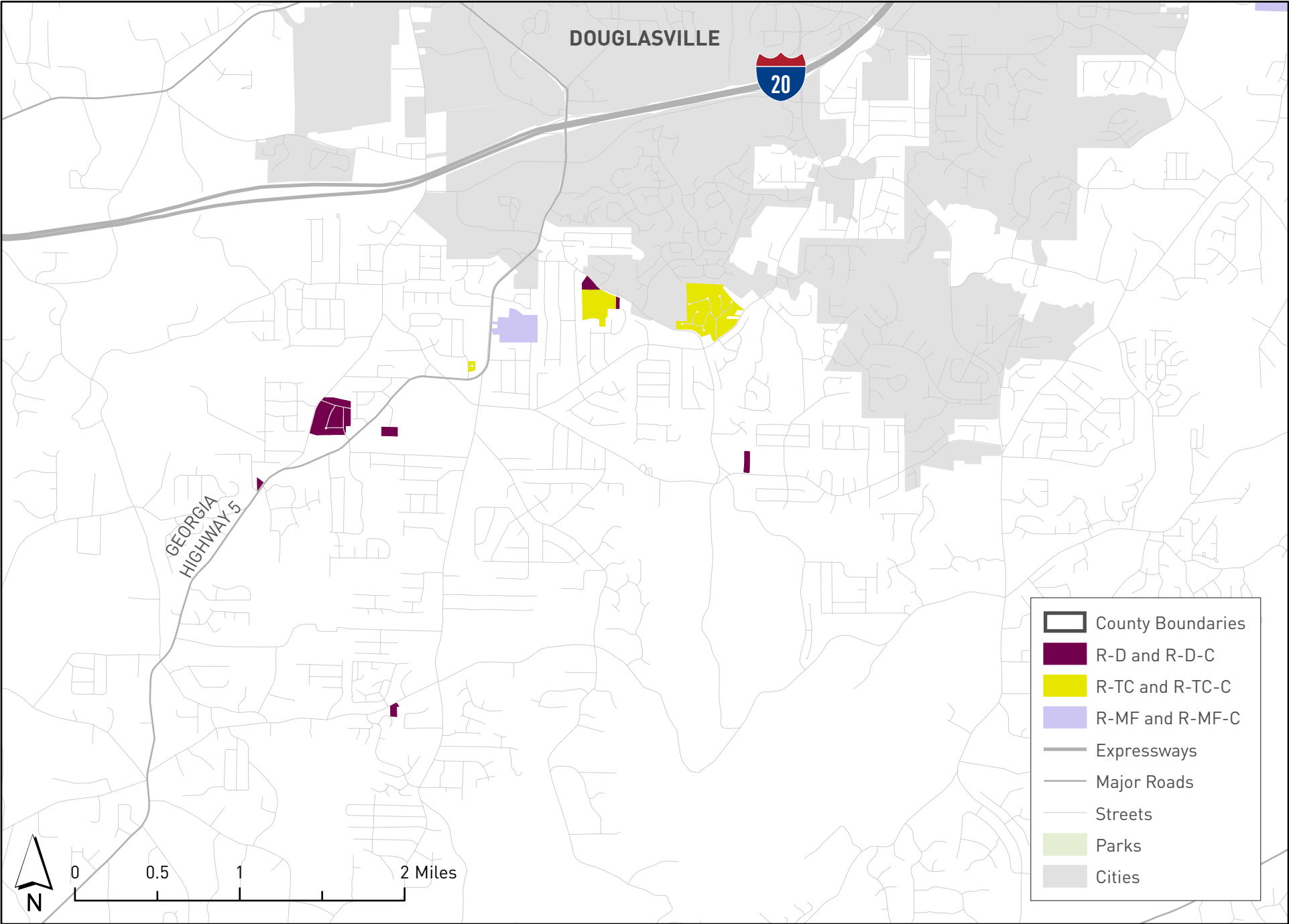
Map RHD.01. Consolidation of R-D, R-TC, and R-MF



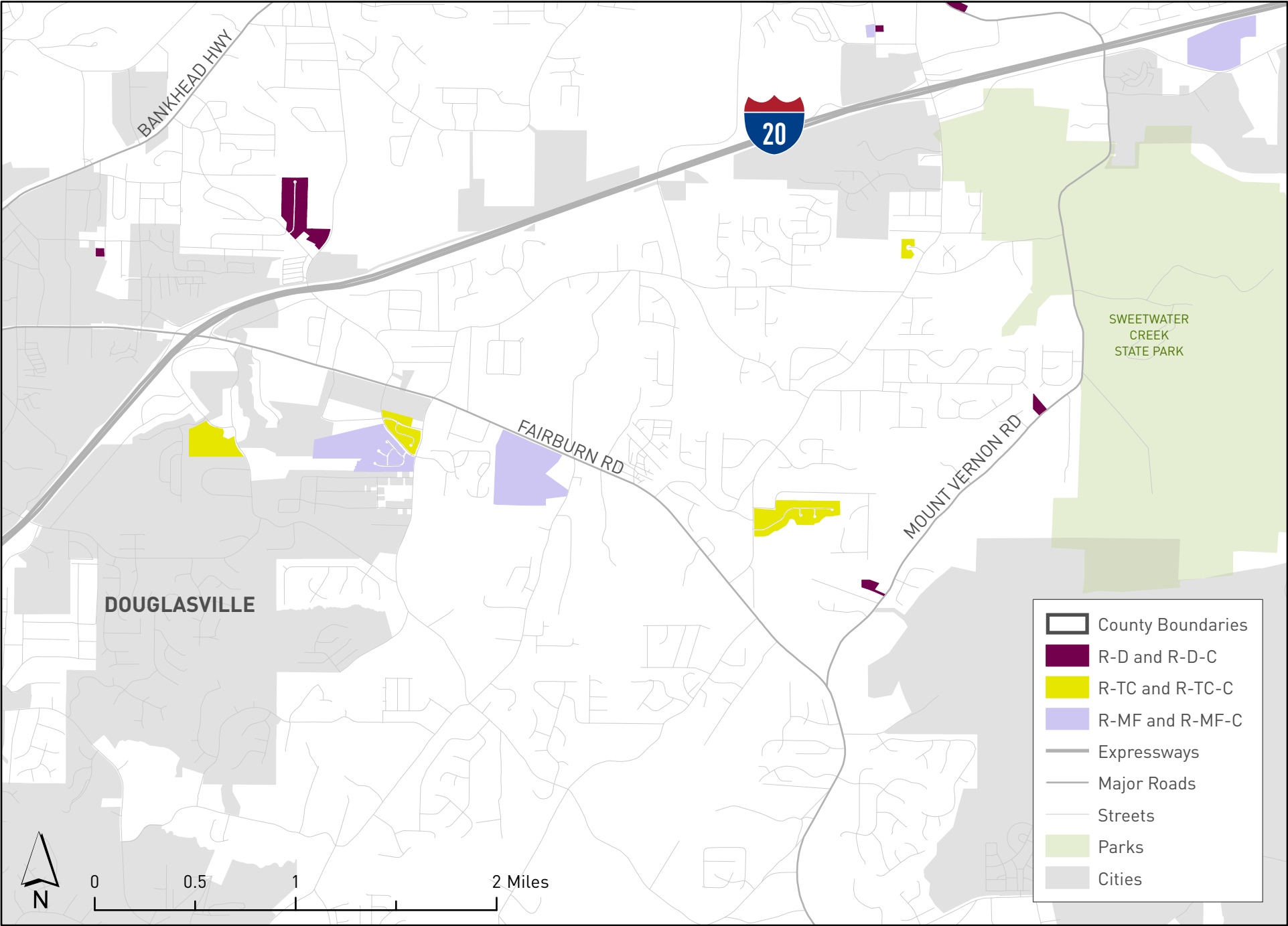
Map RHD.02. Consolidation of R-D, R-TC, and R-MF: Near Thornton Rd and Bankhead Hwy



Map RHD.03. Consolidation of R-D, R-TC, and R-MF: Near GA Hwy 5 and I-20

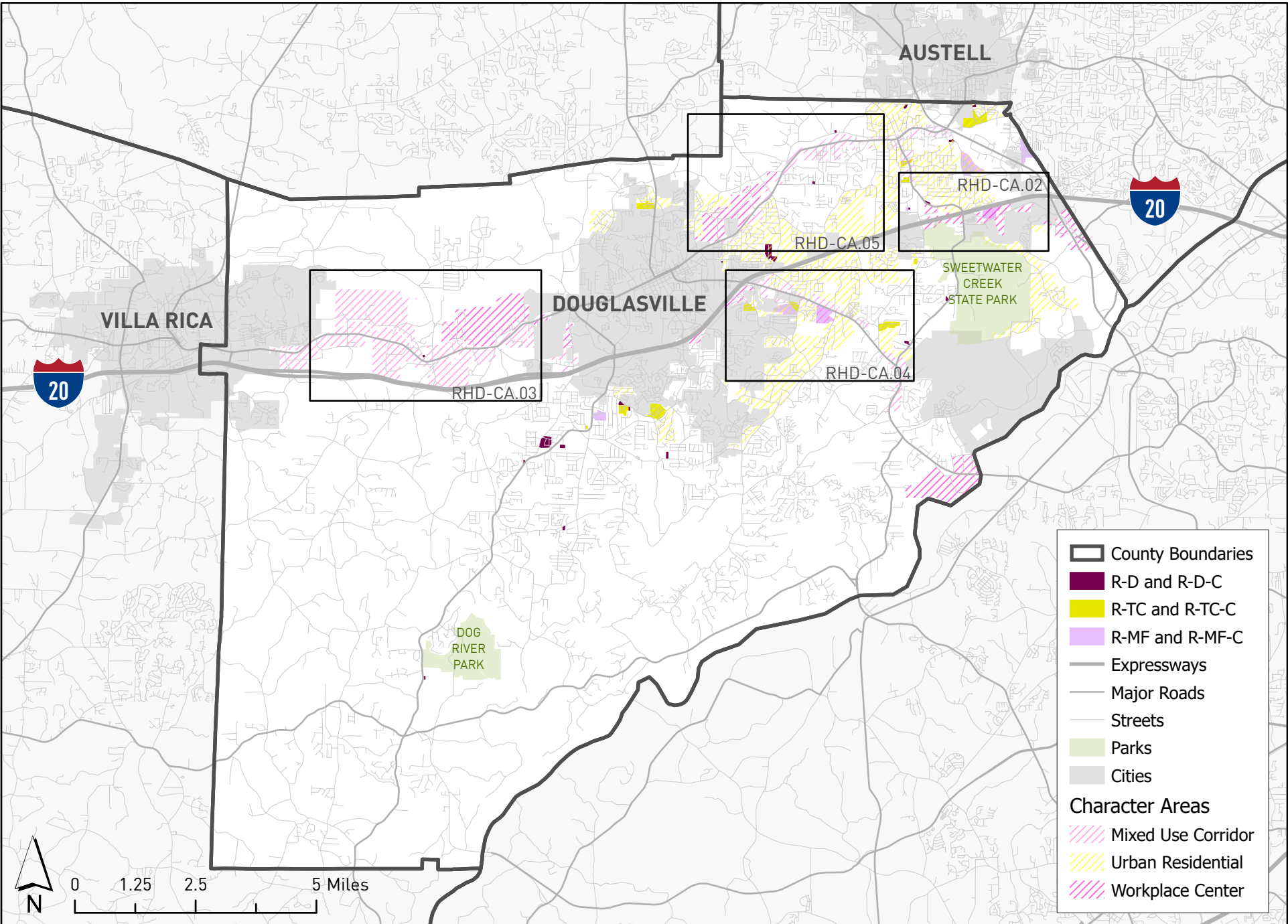


Map RHD.04. Consolidation of R-D, R-TC, and R-MF: Douglasville City Limits

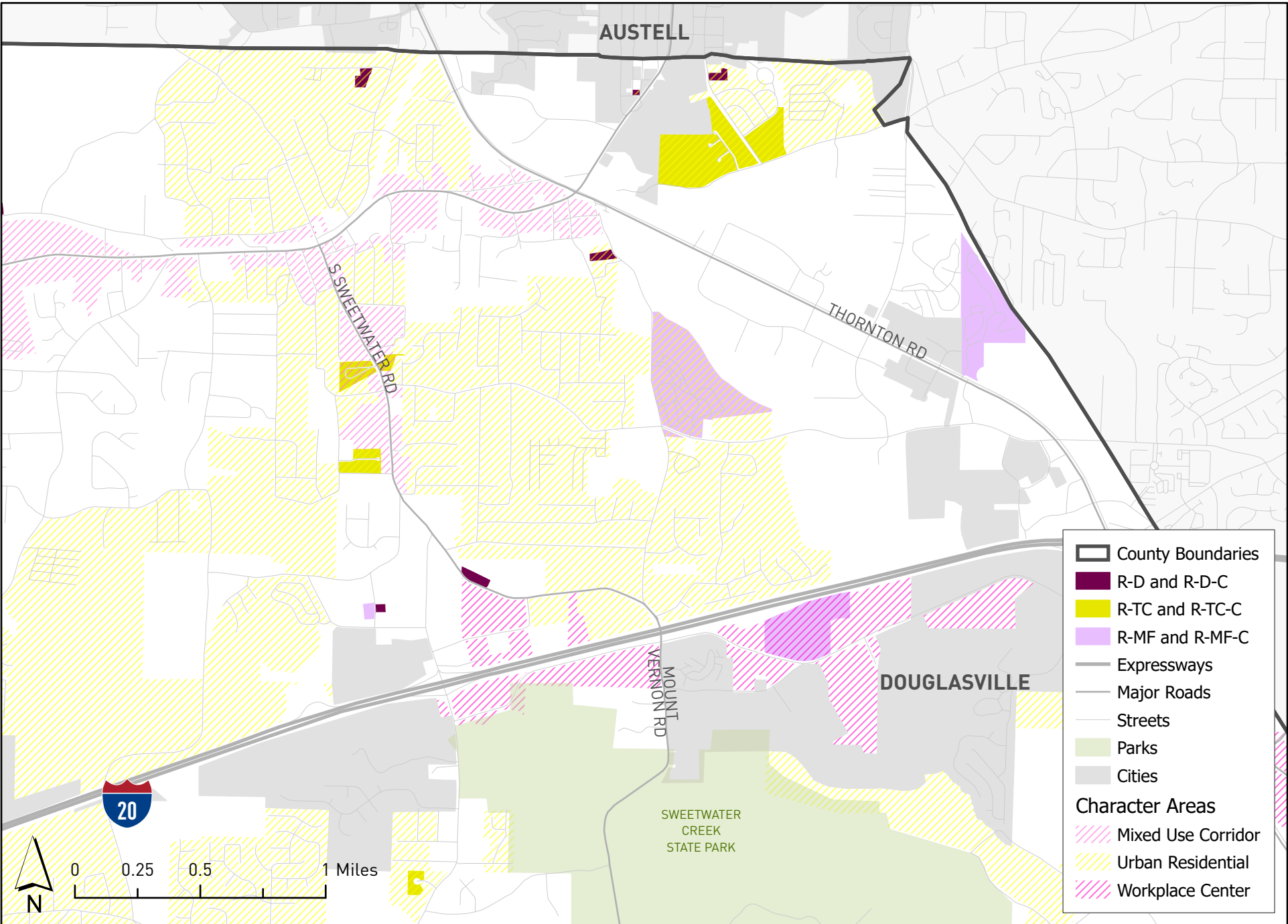




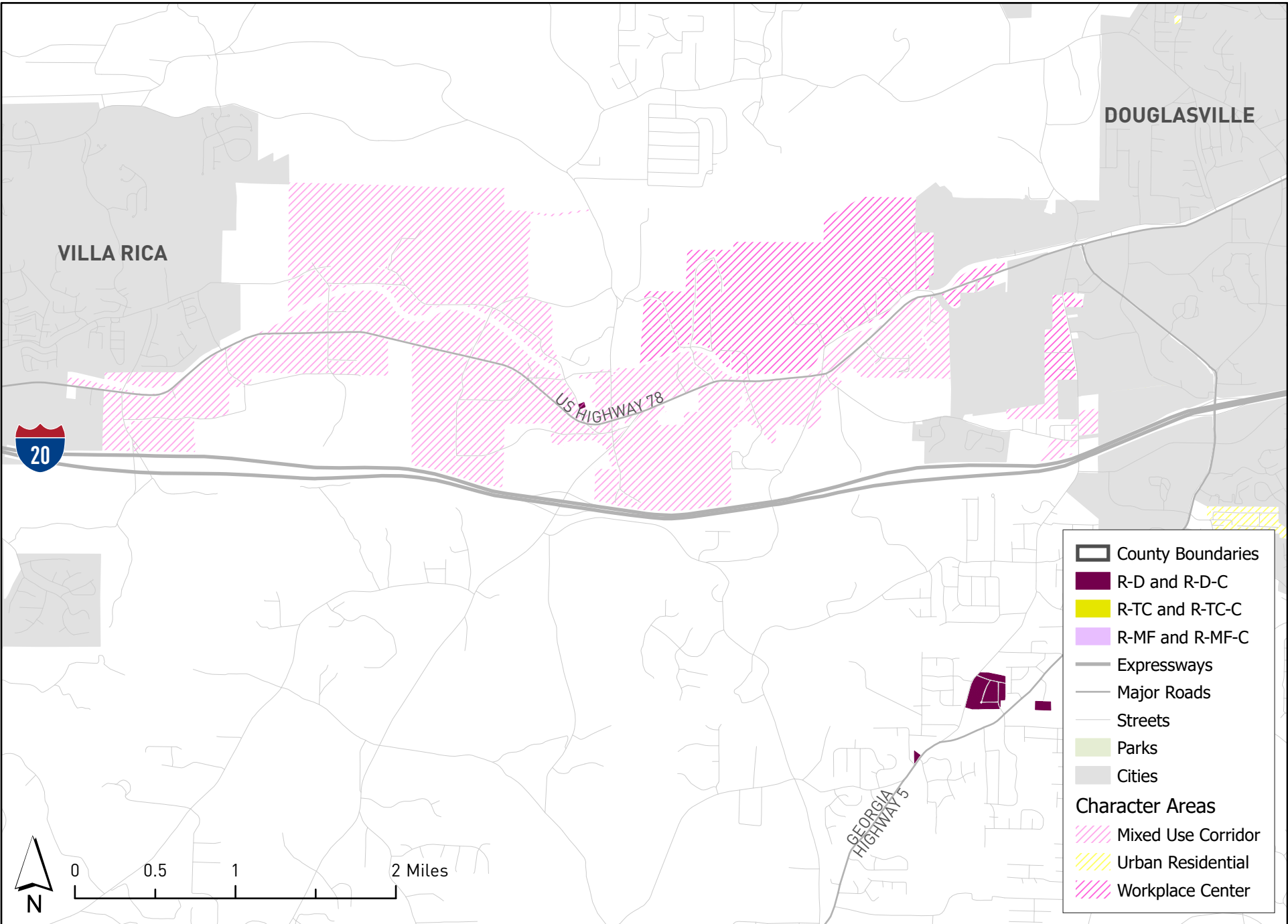
Map RHD-CA.01. Establishment of R-HD



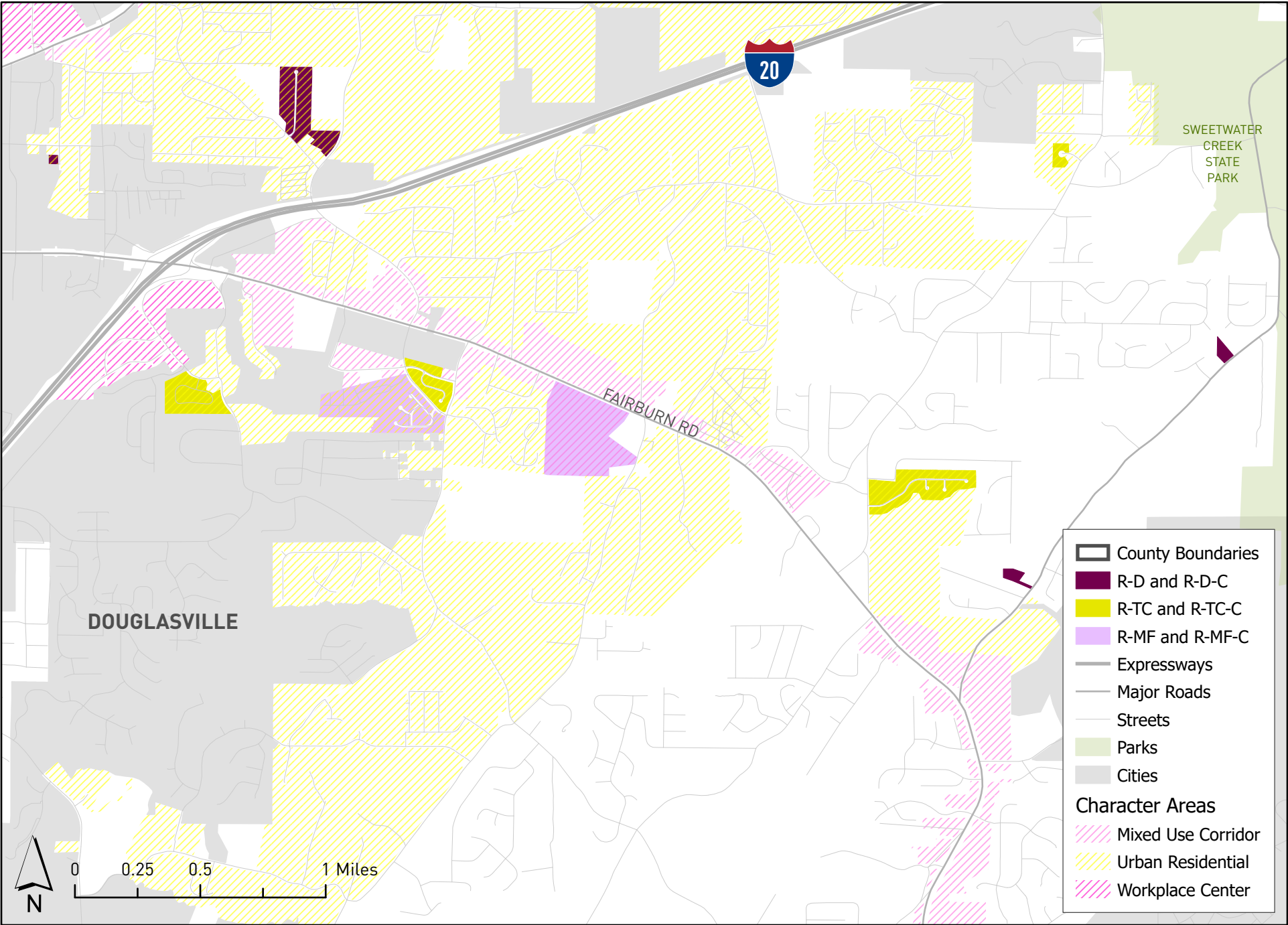
Map RHD-CA.02. Establishment of R-HD: I-20



Map RHD-CA.03. Establishment of R-HD: US-78

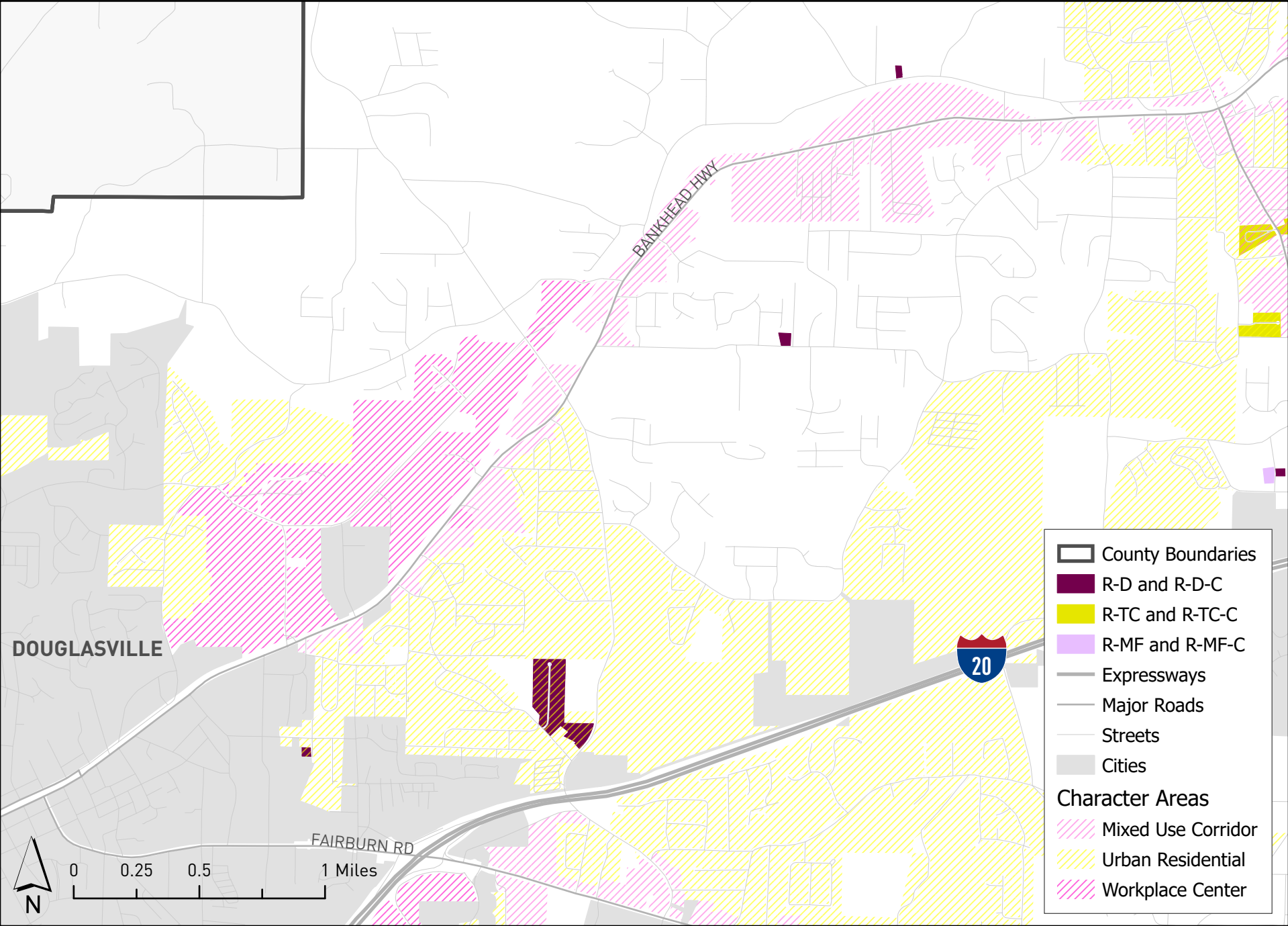


Map RHD-CA.04. Establishment of R-HD: I-20 and GA-92/Fairburn Road





Map RHD-CA.05. Establishment of R-HD: Douglasville City Limits



## Appendix D

Truck parking facilities (*after* Sec. 331 (d) Convenience store with fuel pumps)

**Sec. 331 – Gasoline stations, truck stops and heavy truck parking facilities, and convenience stores with fuel pumps**

Any use that dispenses gasoline or diesel fuel, or provides mid-term truck parking, whether as a principal or accessory use, shall comply with the requirements of this Section.

**331 (a) General requirements**

- (1) Facilities shall not be within 100 feet of any residential property or properties containing a school, public playground, church, hospital, public library or institution for children or dependents.
  - a. *The circulation and parking area of the **heavy** truck parking facilities must be at least 200 feet from any residential property. Heavy truck parking and circulation areas must be at least 100 feet from any property lines and separated from adjoining residential property by a 50 foot buffer.*
- (2) The site shall have at least 125 feet of frontage on a major collector or arterial street and have a minimum lot area of 1 acre.
- (3) Vehicle access drives and curb cuts, including those for entrances, exits, and other similar facilities on public streets, shall be no greater than 40 feet wide, as measured at its narrowest point parallel to the street, and the driveway radius shall terminate no closer than 10 feet to an adjoining property line, no closer than 40 feet to a street intersection, and 40 feet from another driveway, or shall meet GDOT requirements, if greater, on state routes.
- (4) There shall not be more than 2 driveways from the same property along a single street, which must be separated by at least 100 feet.
- (5) All operations except for the sale of gasoline or diesel fuel, truck stops and truck parking facilities, shall be conducted in an enclosed building.
- (6) No gasoline pump or edge of canopy shall be located closer than 20 feet to any right-of-way line, or the following distance from the centerline of the following streets, whichever is greater:
  - a. U.S. or State numbered highway: as required by the Georgia Department of Transportation.
  - b. Arterial street: 80 feet from the centerline.
  - c. Major collector street: 70 feet from the centerline.
  - d. Minor collector street: 60 feet from the centerline.
  - e. Local commercial or industrial street: 50 feet from the centerline.
  - f. Local residential street: a distance equal to the front setback required by the zoning district for a principal building.
- (7) There shall be no rental of trucks, trailers, hand tools, garden tools, power tools or other similar equipment as an incidental part of the operation.
- (8) Car or truck washes on the property shall be enclosed within a building, located within a side or rear yard only, and located at least 50 feet from the property line.
- (9) A well impact and soil survey must be approved by Environmental Health and the Board of Commissioners prior to issuance of a building permit.

**331 (e) ~~Mid-term Heavy truck parking facilities without accessory uses.~~**

Establishments that cater solely to the parking needs of the heavy trucking industry – which excludes truck stops establishments that cater to the fueling needs of the trucking industry - are subject to the following requirements in addition to the general requirements of this Section.

- (1) ~~Mid-term heavy truck parking facilities without accessory uses~~ may be permitted to provide heavy truck parking, which is defined as parking for a duration of no more than one week per vehicle, for the following classes of trucks, as defined in Article 6, §602:

  - a. Heavy Truck: A heavy truck is a motor vehicle with two or more rear axles or commercial vehicles that have a gross vehicle weight of 10,001 pounds or more. For purposes of this definition, each component part of a heavy truck, such as the semi-trailer and truck tractor are considered heavy trucks, whether or not they are connected to another component or stand alone. School busses are not considered "heavy trucks."
  - b. Semi-Trailer: A trailer with a set or sets of wheels at the rear, the forward portion of which is designed to be supported by the truck tractor or towing vehicle. For the purpose of this definition, flatbeds designed to be hauled by truck tractors are included as semi-trailers.
  - c. Truck Tractor: A heavy motor vehicle consisting of a truck cab designed to tow semi-trailers.
- (2) ~~Mid-term Heavy truck parking facilities shall only be allowed on state-maintained highways or within one-quarter mile of a state-maintained highway with access provided along a Major Arterial Street, as classified on the County's Transportation and Thoroughfare Plan Map, unless otherwise approved by the Director of Transportation for use along a lesser classification.~~
- (3) On-street heavy truck parking is strictly prohibited.
- (4) Heavy truck parking facilities are allowed in L-I and H-I zoning districts, and C-H with Special Use Permit Approval.
- (5) Parking may be provided on gravel for heavy trucks – including truck tractors and semi-trailers – weighing 10,001 pounds or more provided that:

  - a. The vehicle access drive is a minimum of 24 feet wide and has a paved driveway apron extending 100 feet into the property from the right of way.
  - b. Gates or access control features for vehicle access shall not be installed within 75 feet of the right of way
- (6) Upon establishment of a principal lot, accessory overflow satellite lots are permitted provided:

  - a. Such space lies within 400 feet of the main entrance to the site where principal use occurs.
  - b. Such lots shall be associated with the original permitted use and shall meet all requirements of the Unified Development Code for the original lot. These lots shall not thereafter be reduced or encroached upon in any manner, including accessory uses.
- (7) Parking must be screened with landscaping subject to approval of the county arborist.

  - a. A minimum 20' wide landscape strip adjacent to the street right-of-way shall be provided. Every 100 feet of linear landscape strip must include a minimum of 3 canopy trees, 3 understory trees, 2 evergreen coniferous trees, and 18 shrubs.



- b.** Side and rear landscaping: Unless otherwise required in Article 8 of the Unified Development Code, all side and rear yards shall have landscaped buffers of a minimum of 15' in width. These buffers may utilize existing mature trees but must be supplemented if the natural buffer does not provide a minimum of 80% opacity between the proposed use and adjacent use, unless it abuts Interstate 20. These plantings shall include a mixture of canopy trees (50% must be evergreen), understory trees, evergreen coniferous trees, and shrubs.
- c.** Perimeter fencing is required. Fencing must be decorative metal or dark vinyl-coated chain-link. If dark vinyl-coated chain-link fence is chosen, landscaping must be external to the fencing.
- (8)** Truck stop electrification equipment must be provided for a minimum of 25% of the parking spaces.
- (9)** No truck or automobile repairs are allowed on site except minor emergency repairs to restore vehicle operability. No dismantling, sale, or major repairs such as engine overhaul, transmission and differential repairs, body and fender work and other repairs of a similar nature shall be performed on the site.
- (10)** No long-term storage of parts, non-operable, or abandoned vehicles is permitted.
- (11)** ~~Mid-term~~ Heavy truck parking facilities must provide adequate security measures to control access and safeguard their patrons.
- a.** The facility must include a light source that provides a minimum level of security. If lighting is included in the site design, it must comply with Section 1026 Outdoor lighting of this code.

## Article 2, Section 210, Table 2.5

NAI CS Code	Principal Uses	A G	R A	RL D	RM D	R D	RT C	RM F	RM H	OI L	OI H	C N	C C	C G	C H	C R	LI	LI R	HI	See Also
8129 30	Heavy Truck Parking Facilities														■		■		■	§331

## Article 15 Glossary of Definitions

Truck Parking Facility, **Heavy**: Establishments catering solely to the parking needs of the trucking industry, and including parking facilities for heavy trucks for no more than one continuous week per vehicle.

# Appendix E

Short-term rental units (before [updated] Sec. 348 Spectator and amusement developments)

**Sec. 347 - Short-term Rentals**

A private residence may be operated as a short-term rental unit (STRs), located within primary or accessory dwelling units, if the use is subordinate and incidental to the primary residence, is owner-occupied, and meets the following requirements:

**347 (a) Short-term Rental License/Permit approval requirements.**

- (1) Short-term rental (STR) units require Special Use Permit approval and a Douglas County business license, both of which must be approved and filed before the STR is publicly or privately listed and any bookings are accepted.
- (2) Any person operating a short-term rental shall obtain a Special Use Permit for a short-term rental, pursuant to the following stipulations:
  - a. A Special Use Permit shall be obtained before initiating operations or within two years of the passage of this ordinance, if a rental unit is already in operation before the date of the passage of this ordinance.
  - b. Special Use Permits are required for all short-term rentals operated within unincorporated Douglas, County, regardless of STR type.
  - c. Special Use Permits shall be valid for five years from the date of the approval, at which point they will have to be renewed.
  - d. Upon change of property ownership or material fact, a new application for a Special Use Permit is required to continue operation of the rental unit.
  - e. Applicants and associated operators must post one copy of the business license on the inside of the main entry door of the STR and one copy on the exterior of the unit in plain view of the general public and/or common areas.
    - i. The notice shall include a 24-hour, 7-day phone number for a private party responsible for the facility who will receive complaints regarding its operation.

**347 (b) Definitions:**

- (1) Short-term rental units - also known as residential vacation rentals - are defined as residential or accessory structures, including any house, apartment, condominium, room, or lodging accommodation on any property, that provide single-party rentals for periods of less than ninety consecutive days.
  - a. This definition excludes simultaneous or overlapping rentals to two or more unrelated parties, consisting of one or more people.
- (2) Two types of short-term rentals are recognized:
  - a. Accessory short-term rentals, also known as accessory dwelling unit short-term rentals (accessory dwelling-STRs), are defined as short-term rentals located on properties in a permitted accessory dwelling unit.
  - b. Temporary short-term rentals are defined as short-term rentals located on properties where the owner, regardless of whether or not they will remain onsite during the booking period, intends to rent up to an entire dwelling unit.
    - i. This includes an entire residence, such as a single-family home, one side of a double, an apartment, or condominium.

**347 (c) Application requirements**

- (1) Applicants must file for a Special Use Permit through the Department of Planning and Zoning. Applicants must indicate what type of STR is intended: An accessory short-term rental or a temporary short-term rental.
  - a. Application must identify whether the STR is a shared or private room, or part of or up to the entire home.
  - b. The number of bedrooms and maximum number of guests permitted by the Special Use Permit.

- c. Short-term rental applicants must include primary and secondary contact information with their application and must provide this information directly to adjacent neighbors should their Special Use Permit be approved.
- d. The Douglas County fire marshal must inspect and approve short-term rental units.

#### **347 (d) Restrictions**

- (1) Short-term rentals (STRs) located outdoors, in an accessory structure are bound by the standard regulations, permits, and procedures applied to accessory dwelling units.
  - a. Sheds, garages, tents, and similar temporary or permanent structures not intended for habitation are not permitted for habitation and use as a short-term rental.
- (2) Only one short term rental unit per property and one party of guests are permitted at a time.
  - a. Accessory short-term rentals may rent up to three spare bedrooms in a permitted accessory dwelling unit, and occupancy is limited to nine guests associated with a single party.
  - b. Temporary short-term rentals may rent up to an entire dwelling unit, such as a single-family home, one side of a double, an apartment, or condominium, with up to five bedrooms, and occupancy is limited to a total of thirteen guests associated with a single party.
- (3) Short term rentals shall not interfere with the residential character of the neighborhood. They shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of their residence.
- (4) Parking must be provided according the following stipulations:
  - a. All parking for the subject short-term rental unit must be provided off-street, on the same lot as the subject short-term rental unit.
    - i. The property owner shall limit the number of parking spaces and vehicles of occupants to the maximum number specified in the Special Use Permit and no more parking spaces than are allowed per the subject type of dwelling unit, as specified in Table 6.1: Maximum Outdoor Parking Spaces Allowed by Use (Article 5, Sec. 604)
    - ii. No parking on yards or lawns.
- (5) Short-term rental units are only permitted within residential land-use categories (AG, R-A, R-LD, R-MD, R-D, R-TC, R-MF, R-MH, MPD).
- (6) Within all residential land use categories, no whole-home STR shall be located within
  - a. 200 linear feet of a parcel, on the same side of the street, that contains a prior permitted whole-home STR.
  - b. 200 linear feet of a parcel, on the opposite side of the street, that contains a prior permitted whole-home STR
  - c. These same distances apply to other types of visitor-serving accommodation (i.e. Bed and Breakfast or Homestay.)
  - e. Distances shall be measured from the closest property line of the existing residential vacation rental unit, and/or other visitor-serving accommodation, to the closest property line of the property containing the proposed STR.
  - f. In the case of condominium units, the property line shall be the wall of the individual unit.
- (7) No short-term rental shall contain restaurant facilities or food service for guests.
- (8) Maximum length of stay shall not exceed ninety consecutive days.

#### **347 (e) Denial, Suspension, and Revocation**

- (1) Failure to comply with any of the requirements of this Section is grounds for the County to revoke the special use permit at any time.

**(2) Advertising the availability of property for the use of short-term rental units contained therein that exists in violation of this Section shall be prima facie evidence of a violation, and may be grounds for denial, suspension or revocation of a license.**

<b>NAI CS Code</b>	<b>Principal Uses</b>	<b>A G</b>	<b>R A</b>	<b>RL D</b>	<b>RM D</b>	<b>R D</b>	<b>RT C</b>	<b>RM F</b>	<b>RM H</b>	<b>OI L</b>	<b>OI H</b>	<b>C N</b>	<b>C C</b>	<b>CG</b>	<b>C H</b>	<b>C R</b>	<b>LI</b>	<b>LI R</b>	<b>H I</b>	<b>See Also</b>
	Short-term rental	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											\$324

## Article 15 Glossary of Definitions

**Short-term rental: Also known as residential vacation rentals. Residential or accessory structures, including any house, apartment, condominium, room, or lodging accommodation on any property, that provide single-party rentals for periods of less than ninety consecutive days.**

Family: An individual, or two or more persons related by blood, marriage, adoption or guardianship, or a group of up to four unrelated persons operating as a family unit, occupying a single dwelling unit and using the same cooking facilities; provided however that domestic servants employed on the premises or two roomers or boarders, may be housed on the premises without being counted as a separate family of families. A family is distinguished from a group occupying a boardinghouse, rooming house, hotel, nursing home or convalescent home, or similar homes, regardless of whether said homes provides charitable services or operates for profit. **Up to six unrelated persons functioning as a single party renting rooms or up to an entire house within a short-term rental do not count as a family unit.**

**Owner-occupied: A property where the owner resides for the majority of the year, regardless of whether they operate a rental arrangement for part of or up to the whole property at any time during the year, whether or not they reside on the property during a rental arrangement.**

# Appendix F

## ARTICLE 7 SIGNS

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## Article 7 Signs

### Sec. 7.01 Findings and purpose of sign regulations

Regulation of the location, size, placement, and certain features of signs is necessary to allow for the free expression of ideas and information, to enable the public to locate goods, services, and facilities in the County without difficulty and confusion, to improve the general attractiveness of the County, to take advantage of the beauty of the County's natural environment, to ensure the orderly flow of traffic, and to protect property values therein. Such regulation is also necessary to facilitate and aid in the identification and location of businesses in the County in the event of police, fire, or other emergencies and to avoid confusion and delay in response to such emergencies. Accordingly, it is the intention of the County to establish regulations governing the display of signs that will:

- A.** Protect the safety and welfare of the public by minimizing hazards and distractions to pedestrian and vehicular traffic.
- B.** Promote use of signs that are consistent with the Douglas County Comprehensive plan and ensure compatibility with surrounding areas, as well as nearby businesses and residents
- C.** Provide for the expression of commercial and noncommercial speech by citizens and businesses in the County.
- D.** Enhance the economy of the County and the success of business and industry by promoting the reasonable, orderly, and effective display of signs.
- E.** Restrict signs and lights that increase clutter, or which increase the probability of traffic accidents by obstructing or confusing the vision of drivers, bicyclists, or pedestrians.
- F.** Ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property, and public welfare.
- G.** Ensure that signs reflect and support the desired ambience and development patterns of the various zoning districts and promote an attractive built environment.
- H.** Differentiate from other signs, the small placards, labels and displays that provide warnings, instructions and the like, in sizes and locations that do not add to clutter and that are unlikely to distract drivers.
- I.** Provide broadly for the expression of individual opinions through the use of signs on private property.

### Sec. 7.02 Scope of regulations; compliance required

- A.** This Article provides for the types of signs that may be placed on a property, and regulates the physical characteristics of signs, such as their size, number, placement, and timing (for temporary signs). The regulations and requirements of this Article apply to all signs that are or are intended to be viewed from a public right-of-way or adjacent property, or that are intended to be viewed from outdoor areas of public property, except as otherwise exempt under this Article.
- B.** Signs placed on any property, building, other structure or vehicle within the County shall conform to this Article.
- C.** The regulations of this Article shall be in addition to any required provisions of state law, applicable building codes and other ordinances of the County. In the event of conflict between the provisions of this Article and other laws or ordinances, the most restrictive provision shall prevail and be controlling.
- D.** Notwithstanding any other restrictions in this Article, any sign authorized under this Article can contain any commercial or non-commercial message, other than messages containing obscenity as defined by Georgia law, or other than a sign that advertises an activity that is illegal under Georgia or federal laws.



### Sec. 7.03 Sign permits

- A.** Except as exempted from obtaining a permit as provided in section 7.04, Exemptions from Permitting, no sign shall be erected, reconstructed, expanded or replaced without first securing a permit from the Director of Development Services or his designated sign official. Every such application shall be granted, denied or rejected for incompleteness in writing within 10 business days of submission of the application. All applications meeting the requirements of this Article shall be granted. If an application fails to meet the standards of this Article, the denial shall identify the standards that are not meant by the application. Any application rejected for incompleteness shall identify the reasons further action cannot be taken. If the director fails to act on a completed application within 10 business days of submission, it shall be deemed approved, subject to the requirements and provisions of this Article.
- B.** Nonconforming signs require registration with the director.
- C.** A permit and fee is required for the following signs:
  - 1. All permanent freestanding signs.
  - 2. All permanent building signs.
  - 3. Temporary signs as provided by section 7.10, Temporary Signs.
  - 4. Directional signs.
- D.** Each application for a sign permit for a permanent sign shall be in writing and in the form prescribed by the director and shall contain the following information:
  - 1. Name, address and telephone number of the sign erector and sign owner, with written consent of the property owner.
  - 2. Location of the building, structure, or lot upon which the sign is to be attached or erected.
  - 3. A site plan showing setback from all adjacent streets, structures and property lines, as well as all existing signs upon the lot and the distance of a proposed freestanding sign to the nearest freestanding sign.
  - 4. Prints or drawings of the plans and specifications and structural details of construction and attachment to a building or in the ground (a single submission may be permitted for any standardized signs).
  - 5. The estimated cost of construction of the sign.
  - 6. An application for a planned center or for any commercial or industrial use having more than 100,000 square feet of gross floor area, must be accompanied by a uniform sign plan consistent with the standards of section 7.13, Uniform Sign Plan.
  - 7. A performance bond or cash deposit, if for a temporary permit.
  - 8. An application fee as set from time to time by the County Commissioners.
  - 9. Any other information as may be reasonably required by the zoning official to determine compliance with all provisions of this Article.
- E.** Each application for a permit for a temporary sign shall be in writing and in the form prescribed by the director and shall contain the following information:
  - 1. A description of each temporary sign to be placed on the property, including its proposed location.
  - 2. Written designation of the time period during which the sign will be placed on the property, consistent with the durations allowed under section 7.10, Temporary Signs.
  - 3. For portable signs, banners and festoons, written and graphic evidence of compliance with all requirements of section 7.10, Temporary Signs.
  - 4. A scaled drawing with dimensions and specification, specifying materials, illumination, character sizes, colors, and support systems for each proposed sign.
  - 5. Written consent of the property owner.
  - 6. Any other information as may be reasonably required by the director to determine compliance with all provisions of this Article.

- F.** No permit and no fee are required for routine maintenance of a sign, repainting, repairs or cleaning, including replacement of the sign face, provided no structural change is made to the sign and the sign is not increased in size or height nor location changed. This exemption from permit and fee applies only to the owner of the sign. Change of sign owner necessitates a new permit for change of sign face.
- G.** No permit or fee is required for the erection of yard signs meeting the standards of this Article.
- H.** No permit or fee is required for the erection of temporary window signs.
- I.** An applicant may appeal the denial of a sign permit as an appeal of an administrative decision to the Zoning Board convened as the Zoning Board of Appeals. Such appeals must be filed with the director within five business days of the denial of the sign permit. In hearing an appeal, the Zoning Board is bound by the standards of this Article in rendering its determination. All appeals shall be heard within 45 days of filing and decision shall be reached no later than 30 days from date of hearing.
- J.** Numbered decals shall be issued with permit numbers on the decal corresponding to the numbers on the approved permit application. The issued numbered decal must be affixed to the lower right-hand corner of the area of the sign. The numbered decals are not transferable from one sign to another and must be placed on the sign described and permitted in the corresponding numbered permit application at all times.
  - 1.** Failure to have decal on a sign shall be *prima facie* evidence that the sign is not lawfully permitted.
  - 2.** It shall be unlawful for any person to attach a sign decal to any sign for which it was not issued, or to remove a decal from any sign.
- K.** A sign permit shall expire if the sign for which the permit was issued has not been substantially completed (to the extent of at least 60% completion based on the estimated cost of construction from the permit application) within six months of issuance. One 6-month extension may be approved by the director for circumstances deemed extenuating and reasonable.

#### **Sec. 7.04 Exemptions from permitting**

The following are exempt from obtaining a permit under this Article:

- A.** Window displays of goods available on a site and temporary window signs.
- B.** Brand names or logos on products, product containers, or product dispensers (such as but not limited to a soft drink machine or gasoline pump) that are an integral part of the product or the product's packaging.
- C.** Property address numerals not exceeding four inches in height in residential districts and not exceeding eight inches in height in non-residential districts.
- D.** Holiday decorations and displays erected during the winter holiday period from November 1 through January 5.
- E.** Incidental signs.
- F.** Yard signs on residential properties meeting the standards of this Article.
- G.** Yard signs on non-residential properties meeting the standards of this Article.
- H.** Temporary window signs meeting the standards of this Article.
- I.** Public and private recreational signs meeting the standards of this Article.
- J.**

## **Sec. 7.05 Prohibited signs**

### **A. The following types of signs are prohibited in all locations:**

1. Animated signs.
2. Signs that are painted on or attached to trees, fence posts, utility poles, or rocks or other natural features.
3. Signs that are dilapidated or in such condition as to create a hazard, nuisance or to be unsafe.
4. Signs containing obscene messages, as obscenity is defined by federal and Georgia law.
5. Signs obstructing any fire escape, window, door, opening usable for fire prevention or suppression, or that prevents free passage from one part of a roof to any other part thereof or interferes with any opening required for ventilation.
6. Signs placed on vehicles not regularly used in the normal course of business and parked in such manner as to attract attention to a business location.
7. Any sign placed in public right-of-way; provided this prohibition does not apply to signs placed by the governmental entity controlling such right-of-way, or to private contractors providing emergency repair services in such right-of-way so long as the signs conform to the Uniform Manual of Traffic Control Devices, or to marking of public utility poles located in the right-of-way by franchised utilities.
8. Signs posted on private property without the permission of the property owner.
9. Roof signs.
10. Signs imitating public warnings or traffic control devices.
11. Signs emitting smoke or sound capable of being detected on any traveled road by a person of normal hearing.
12. Signs erected within the railroad right-of-way except for official railroad signs.

### **B. In addition to those signs identified in subsection 7.05. A., Prohibited Signs, the following signs are also prohibited within any Historic District that may be adopted by The County:**

1. Billboards.
2. Monument entrance signs
3. Portable signs, except for A-frame signs that are permitted.
4. Signs erected on or located on any street or public right-of-way, curbs, curbstone, hydrant, lamp post, tree, barricade, or temporary walk.
5. Signs painted directly on the exterior wall of any building or structure.
6. Signs with revolving or rotating beams of light.
7. Signs placed upon a structure in any manner so as to disfigure or conceal any window opening, door or significant architectural feature or detail of the building.
8. Signs with any visible element of plastic or similar manufactured materials, excluding temporary signs, background faces of sign changeable portions of wall copy signs, and yard signs.
9. Signs with visible elements made of interior grade wood.

## **Sec. 7.06 General requirements applying to all signs**

### **A. Conformance to building codes**

1. In addition to any sign permit required under this Article, a building permit shall be obtained from the director prior to installation or placement of any freestanding sign having a sign face area greater than 15 square feet or any building sign having a sign face area greater than six square feet. All signs for which a building permit is required shall be constructed and maintained in conformity with all building code and electrical code requirements.
2. Plans required for issuance of a building permit for a sign shall be certified as to conformance with all structural and wind-load resistive standards of the building code by a qualified structural engineer or be prepared using standard drawings prepared by a structural engineer or other qualified professional meeting or exceeding all requirements of the building code.
3. All signs involving internal lights or other electrical devices, or circuits shall display a label certifying it as being approved by the Underwriter's Laboratories, Inc.

4. All electrical service to a sign shall comply with the electrical code.
5. Clearance from all electrical power lines shall be in conformance with the requirements of the electrical code.

**B. Conformance to state law**

The following applies to any sign located or to be located within 660 feet of the nearest edge of the right-of-way of an Interstate, U.S. or State-numbered highway (or any other road designated as a "primary highway" by the State of Georgia and approved by the U.S. Department of Transportation), or located or to be located beyond 660 feet of such highway but visible and intended to be read from such highway:

1. Such sign shall comply with all requirements of the Georgia Outdoor Advertising Act, O.C.G.A. 32-6-70 *et seq.*
2. Such sign shall comply with all requirements of this Article. Between the Georgia and Douglasville regulations, such sign must comply with the most restrictive requirements with respect to each and every item of regulation.

**C. Sign maintenance**

1. All signs, together with all their supports, braces, guy wires, and anchors shall be kept in good repair and, unless constructed of galvanized or non-corroding metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition.
2. All signs shall be maintained in accordance with all County regulations, including any regulations concerning nuisances and vegetation.

**D. Minimum sign setback**

1. Sign installations on state and federal highways must meet set back and clear zone distance criteria based on the latest edition of the *Roadside Design Guide*, by the American Association of State Highway and Transportation Officials.
2. No portion of a sign shall be located less than 12 feet from any back of curb or from street paving on streets with no curb.
3. No sign or sign structure of any kind shall be located less than 10 feet from a side or rear property line or within a required landscape strip.

**E. Ground clearance under signs**

Signs extending over sidewalks or walkways shall maintain a minimum clearance of eight feet above such sidewalk or walkway.

**F. Visibility clearance area**

Any portion of a sign located within 20 feet of the intersection of the right-of-way lines of streets, or within 20 feet of the intersection of the edge of a driveway and the right-of-way line of a street, shall be no more than 30 inches in height, nor shall such sign otherwise obstruct visibility or pose a threat to traffic safety.

## Sec. 7.07 Measurement of sign area and height

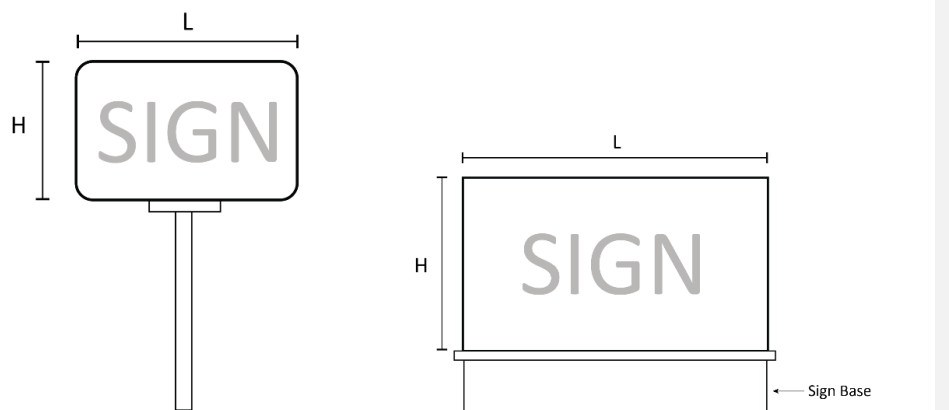
### A. Computation of sign area

To determine compliance with the maximum allowable sign areas permitted under this Article, the following shall establish how sign areas are measured.

#### 1. Sign face area

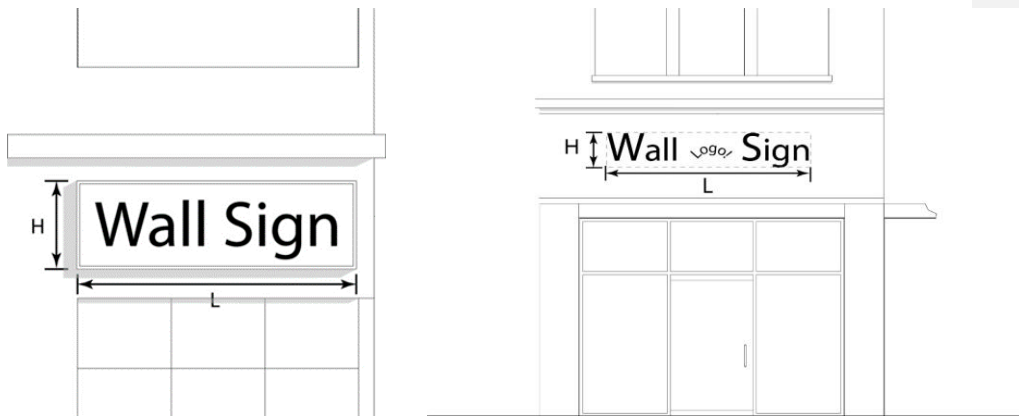
- a. The area of a sign face shall be computed as the area within the smallest rectangle enclosing the limits of a sign face, or the combination of the areas of all such rectangles delimiting each sign module, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.
- b. For signs that have no identifiable frame or border, the smallest rectangle that includes all the sign's words, letters, figures, symbols, logos, fixtures, colors, or other design elements intended to convey the sign's message shall establish the area of the sign's face.
- c. For signs applied to a kiosk or other cylindrical sign structure, the area of the sign face shall be computed as the largest rectangular area achieved from any one view of the sign. Measurements shall be made as a flat plane rectangle projected on the sign.
- d. The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those portions contained within the rectangle that delimits the sign face or a sign module.
- e. Changeable copy signs.

For any sign on which any of the words, letters, figures, symbols, logos, fixtures, colors, or other design elements are routinely changed or are intended to be changed from time to time, the sign face area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed. Both changeable and fixed elements of signs with changeable copy signs are counted toward a single sign face area.

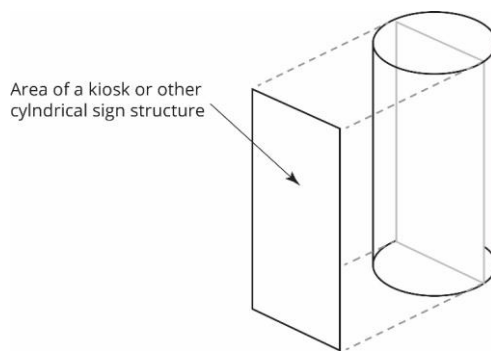


**Figure 7-1 – Sign Area Measurement Freestanding Sign**

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**Figure 7-2 – Sign Area Measurement Wall Sign**



**Figure 7-3 – Sign Area Measurement Wall Sign Cylindrical or Kiosk Sign**

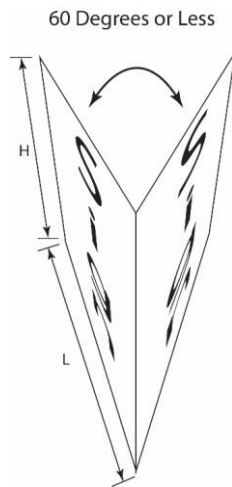
## 2. Treatment of open spaces

Any open space contained within the limits of the rectangle delimiting the sign face, sign module, or sign structure shall be included in the computation of the area of such sign face, sign module, or sign structure.

## B. Multi-faced signs

### 1. Double-faced signs

For double-faced signs, when the sign face surfaces are parallel (back-to-back), or where the smallest angle formed between the two faces is 60 degrees or less, the area of the sign shall be taken as the area of the largest side. For double-faced signs where the interior angle formed by the faces is more than 60 degrees, the area of the sign shall be the total area of all sides.



**Figure 7-4 – Sign Area Measurement Double-Faced Sign**

### 2. Signs with three or more faces

For sign structures having only three faces and the interior angle formed between all of the faces is 60 degrees, the area of the sign shall be taken as the area of the largest side. For all other multi-faced signs with three or more sides, the area of the sign shall be the largest total of all faces that are joined by an interior angle of more than 60 degrees that can be viewed from any one direction.

## C. Measurement of sign height and distance

### 1. Sign height

The height of a sign shall be equal to the vertical distance from the average grade at the base of the sign, or from the crown of the roadway of the nearest street within 100 feet of any portion of the sign, to the highest point of any portion of the sign, whichever results in the greater sign height. Any earthen berms and elevated foundations supporting signs, signposts or other sign supports shall be included in the height of the sign.

## 2. Measurement of distance

Minimum distances required hereunder shall be measured along the shortest straight line from the nearest point on a sign structure to the nearest point on a property line, sign structure, building or structure to which the minimum distance requirement applies.

## Sec. 7.08 Regulation of specific types of permanent signs

### A. Freestanding signs

#### 1. Distance between

Each freestanding sign having an area of 75 square feet or less shall be located at least 50 feet from any other freestanding sign on the same side of the street. Each freestanding sign having an area of between 75 and 300 square feet shall be located at least 100 feet from any other freestanding sign on the same side of the street. The director may reduce the distance if it cannot be met due to the location of existing signs on separate but adjoining lots. Such reduction shall be the minimum required to maintain the greatest separation possible from such existing signs.

#### 2. Interior signs

Interior signs are allowed as accessory uses on a property occupied by a planned center or by any multi-family, commercial or institutional, or industrial use exceeding five acres if each sign complies with all of the following:

- f. One interior sign not to exceed 64 square feet in area nor more than eight feet in height may be located on the property for each principal building on the lot of a planned center, located at least 100 feet from any street right-of-way line.
- g. Other miscellaneous interior signs are allowed beyond the minimum front yard setback on a property developed for multi-family, commercial or institutional, or industrial use, provided that such signs shall have no more than three square feet in sign face area nor more than three feet in height (except signs that are required by law to be higher than three feet high, such as those marking a handicapped parking space).

#### 3. Entities with drive-through lanes

In addition to any other freestanding sign authorized by this section, if property contains a commercial or industrial building or structure where materials are delivered at a drive through delivery point located other than on the front side of the building, then two additional freestanding signs per drive through lane shall be allowed to be located to serve the drive-through service on the property; no such sign shall exceed 40 square feet in area nor 8 feet in height.

#### 4. Vacant properties

Vacant parcels of land zoned to non-residential classifications may contain one freestanding sign limited to 32 square feet in sign area with a sign permit.

#### 5. Monument entrance signs

##### a. Location

Monument entrance signs are signs located at an entrance into a residential subdivision, into a multi-family development, or into an office, commercial or industrial park consisting of two or more lots. Each monument entrance sign shall not exceed the number, area or height limitations shown on Table 7.1, Permitted Freestanding Signs—By Land Use Category.

##### b. Placement of signs in the right-of-way

When the owner or developer of a residential development or of an office or industrial park desires a divided roadway entrance to the development with a landscaped island in the right-of-way, the director may approve a monument entrance sign within the island provided that



the sign will not be internally illuminated, that it be in scale with the landscaping and overall design of the entrance, and that the placement of the sign will not be a hazard to traffic.

**c. Maintenance**

Douglasville shall not be responsible to maintain any such monument entrance sign, where allowed, within or out of the street right-of-way. If a monument entrance sign within an island in the street right-of-way is allowed to become dilapidated, the County may require removal of such sign.

**6. Billboards**

In lieu of a freestanding sign authorized by Table 7-1, Permitted Freestanding Signs—By Land Use Category, any property located within 660 feet of Interstate Highway 20 may contain one billboard which complies with the following:

**d. Location**

All portions of the face and support members of any billboard must be located within 660 feet of a State, U.S., or Interstate numbered highway.

1. The property must be zoned LI, HI, C-H or C-R, but not be located within the Quality Growth Overlay District.
2. The property must have at least 50 feet of frontage on a State, U.S., or Interstate numbered highway and contain at least 1 acre in lot area.
3. No portion of the billboard shall be located within 300 feet of a property occupied by a dwelling, church, school, park or public building, or within 300 feet of a single- or two-family residential property or a multi-family property.
4. No billboard shall be placed in or obstruct the view of an area of historic interest designated by the County, or within 300 feet of a building, structure or site designated as historic under state or federal regulation.

**e. Setback**

All portions of the face and support members of any billboard shall be set back from all buildings, structures, and property lines at least 75 feet.

**f. Sign area**

The sign area of any billboard shall not exceed 14 feet in height and 50 feet in length, with or without trim, for a total size of 700 square feet.

**g. Illumination**

Externally illuminated billboards shall use base-mounted fluorescent or mercury vapor lights and shall be activated by photoelectric cells. Digital lighting of billboards, including LED and other electronic forms of lighting, is permitted only as set out in this paragraph. For billboards erected as of right within 500 feet of Interstate Highway 20 or erected pursuant to a limited exchange allowed by section 7.14, digital lighting is permitted so long as:

- 1) All requirements of O.C.G.A., Section 32-6-75 are met. Where the standards of state law and this UDO vary, the most stringent standards shall be met.
- 2) Each message remains unchanged for its full display duration. No fading, scrolling or other simulated movement of the sign copy is permitted.
- 3) No digital lighting shall be utilized within 150 feet of any single family residence or any property zoned for single family use.
- 4) Digital billboards are limited as of right to commercially or industrially zoned properties within 500 feet of the right-of-way of Interstate Highway 20.

- 5) No digital billboard shall be erected within 5000 feet of another digital billboard on the same side of the roadway.
- 6) The display or message of a digital billboard may not change more frequently than once every 10 seconds, with a transition period of one second or less.
- 7) All digital billboards shall have installed an ambient light monitor which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this article. Maximum brightness levels for digital billboards shall not exceed three-tenths (0.3) foot-candles over ambient light levels measured within one hundred fifty (150) feet of the sign. Certification shall be provided to the County demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower and that the sign operates within such standards.
- 8) All billboards shall be designed in such a manner that any malfunction shall result in the sign going completely dark.

#### **h. Height above interstate grade**

All billboards on property adjacent to the Interstate Highway 20 shall be a minimum of 10 feet above the adjacent interstate pavement measuring from the lowest portion of the sign face.

#### **i. Extrusions prohibited**

Extrusions beyond the face of any billboard, excluding aprons are prohibited.

#### **j. Location and number of signs**

Only one billboard shall be allowed per lot. No billboard shall be placed on any lot that contains any other freestanding sign. Billboards shall be no less than 1,000 feet apart measured from the two closest points, and only one sign face shall be allowed to face the same direction per location. This allows back-to-back of "V" formation signs but prohibits two signs (side by side or over and under) facing the same direction.

#### **k. Spacing on interstate**

Billboard locations on property adjacent to Interstate Highway 20 shall be no less than 1,000 feet apart, measuring from the two closest points of each sign.

#### **l. Spacing at interchanges**

Four billboards shall be allowed per interchange adjacent to the interstate highway as one per exit/entrance quadrant. All billboards at interstate highway interchanges are restricted to an area 1,200 feet long beginning 500 feet from the point where the pavement widens on the main traveled way to accommodate the longest exit/entrance ramp.

#### **m. Height**

Billboards shall not exceed 30 feet in height. Two billboards in the same location, back-to-back or in a "V" formation shall be the same height above the interstate surface.

### **7. Interstate signs**

One interstate sign is permitted on lots located within 500 feet of an interchange for Interstate Highway 20, so long as no other free-standing sign is located on the lot. The 500-foot measurement commences and ends at the beginning and ending point of entrance ramps onto and from the interstate and extends 500 feet perpendicular to such ramps.

### **B. Projecting signs**

- 1. Projecting signs shall not project more than 42 inches beyond the face of the building.
- 2. Projections shall be at a ninety-degree angle to the building face.

3. All sides of a projecting sign shall be finished.

#### **C. Directional signs**

Directional signs may be located within three feet of driveways that provide access into or from the property. There shall be no more than two such signs per driveway and each such sign shall not exceed two square feet in sign area nor be more than 30 inches in height. Such signs shall be no less than six feet from the back of curb (or edge of pavement, whichever is greater).

#### **D. Standards for signs not requiring building permits**

1. Nonpermanent but water-resistant construction materials may be used, such as but not limited to poster board, foam core board or illustration board.
2. Except for portable signs allowed under section 7.10, Temporary Signs, the words, letters, figures, symbols, logos, fixtures, colors, or other design elements that convey the sign's message shall be permanently applied to the sign's face. Automatic changeable copy signs shall not be allowed. No illumination of such signs is allowed.

#### **E. Changeable copy signs**

1. Manual changeable copy signs are permitted in all commercial districts and for institutional entities in all districts. Electronic changeable copy signs are permitted only in highway commercial districts.
2. In the historic district where the changeable copy portion of a sign face is limited to six square feet.
3. Electronically controlled changeable copy signs shall comply with the following:
  - a. The sign shall comply with industry intensity standards for brightness.
  - b. The sign shall display static advertising messages and will not have animation or motion within the messages that might be distracting to drivers.
  - c. The sign shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
  - d. Transition from one message to another shall be instantaneous.
  - e. The sign message shall remain fixed for a "hold time" of at least 10 seconds or the most current regulations promulgated by the Georgia Department of Transportation, whichever is more restrictive.
  - f. Each sign message shall be complete within itself and shall not continue onto subsequent sign messages.
  - g. The sign company shall participate in the national amber alert program and FBI and Emergency alert broadcasting program to bring emergency messages to the public as needed.
  - h. The County Sheriff's department shall have the ability to submit emergency messages to the sign company for immediate broadcast should the Sheriff determine an emergency situation warrants warning the public.

#### **F. Illuminated signs**

##### **1. Types of illumination**

- a. Externally-illuminated sign. An externally-illuminated sign, when permitted, shall have concealed wiring and controls, and shall have shielded and screened external light sources.
- b. Internally-illuminated sign. Internally-illuminated signs, where permitted, must completely shield the source of light from direct view. Internally channeled or reverse-channeled letters are permitted only in instances of wall signs affixed to buildings with a front setback of more than 100 feet.

- c. Each parcel housing a monument sign may utilize automatic changeable copy compromising not more than 50 percent of the sign face, subject to the following standards:
- 1) Each message remains unchanged for its full display duration. No fading, scrolling, or other simulated movement of sign copy is permitted.
  - 2) No automatic changeable copy shall be utilized within 150 feet of any single family residence or any property zoned for single family use.
  - 3) The automatic changeable copy may not change more frequently than once every 10 seconds, with a transition period of one second or less.
  - 4) All automatic changeable copy shall have installed an ambient light monitor which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this article. Maximum brightness levels for such copy shall not exceed three-tenths (0.3) foot-candles over ambient light levels measured within one hundred fifty (150) feet of the right. Certification shall be provided to the county demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower and that the sign operates within such standards.
  - 5) All automatic changeable copy shall be designed in such a manner that any malfunction shall result in the changeable copy portions of the sign going completely dark.

## **2. Traffic Control**

No sign illumination device shall resemble an official traffic control or warning sign, nor shall it hide from view or distract from any traffic or street sign or signal.

## **3. Hazards**

Illumination devices shall be placed, filtered, and shielded so direct rays will not be cast into the eyes of drivers or pedestrians.

## **4. Light Pollution**

Sign illumination shall not cast light directly upon adjacent properties or roadways. No illuminated signs are allowed within 100 feet of any residential zoning district or property occupied by a single- or two-family dwelling.

## **5. Exposed Wires**

No sign may have exposed electrical wires.

## **6. Strings of Bulbs**

Strings of bulbs are not permitted, except during the winter holiday period of November 1 through January 5.

## **7. Hours of Illumination**

No sign shall be illuminated between 11 p.m. and 6 a.m. except for those hours during which the premises on which the sign is located is open for business or employees are on the premises.

## **G. Under-canopy signs**

Under-canopy signs of greater than 4 square feet shall be rigidly mounted.

## **H. Yard signs**

1. All residentially zoned properties in the County are permitted the use of yard signs conforming to the standards of this article without permit. Each yard sign shall measure no more than four and one-half square feet in sign area and be erected to a height of no more than three feet. No yard

sign shall be illuminated, contain fluorescent or Day-Glo colors or ink, or contain extrusions beyond a rectangular face. One yard sign may be permitted at any time, provided that an unlimited number of yard signs are allowed during a political election, between the date of close of filing for qualification of candidates and final determination on each ballot issue or candidate.

2. For all nonresidential zoned properties, one yard sign measuring no more than 16 square feet in sign area and at a height of no more than eight feet is allowed, without permit, located so that the stake is not closer than 12 feet to the back of curb or from the edge of the pavement on streets with no curbing, and no part of the placard is closer than 12 feet to the back of the curb or from the edge of the pavement on streets with no curbing. Exceptionally, an unlimited number of yard signs with sign area faces of 16 square feet or less and eight feet in height or shorter are allowed during a political election between the date of close of filing for qualification of candidates and final determination on each ballot issue or candidate, and permits shall not be required for these signs.
3. No yard sign shall be illuminated.

#### **I. Window signs**

Window signs are permitted without restriction, so long as:

1. The aggregate sign area of all building signs, including window signs, does not exceed the limitations set out in Table 7-2, Permitted Building Signage—By Land Use Category.
2. Window signage cannot cover more than 50% of the window and shall count towards the total square footage for allowable wall coverage area.

### **Sec. 7.09 Permanent signs allowed, by land use category**

- A. Tables 7-1 and Table 7-2 on the following pages present the maximum number, size, height, and other restrictions relating to permanent signs that are allowed by right in each land use category. Additional signage is allowed under other sections of this Article.
  1. For single-occupancy buildings, the maximum allowed area for all building signs shall be calculated based on the percentage of the entire area of said wall, including all windows and doors.
  2. For multi-tenant planned center buildings, the maximum allowed area for all building signs for each tenant shall be calculated based on the percentage of the area of the wall, including all windows and doors, of that portion of the structure occupied by the tenant.
  3. Additional wall signage is allowed for each tenant (up to a maximum of three signs per street-facing wall) when the tenant meets one or more of the following conditions: a) the tenant occupies more than 50,000 square feet of floor area (add one sign); b) the tenant occupies more than 100,000 square feet of floor area (add one additional sign).
  4. Projecting and under-canopy signs shall be limited to no more than one per tenant on a property, and each tenant shall have no more than 1 projecting sign or under-canopy sign, for each street that the tenant faces.

**Table 7.1: Permitted Freestanding Signs—By Land Use Category**

	Agricultural Property	Single- or Two-Family Residential Uses	Nonresidential Uses within Residential Districts	Commercial & Office Districts	Industrial Districts	Institutional Property
<b>Freestanding Sign – One Tenant or Use on Property:</b>						
Max. Number	1 per lot	1 per lot <sup>i</sup>	1 per street frontage	1 per street frontage	1 per street frontage	1 per street frontage
Maximum area of each sign	75 sq. ft.	6 sq. ft.	16 sq. ft.	75 sq. ft.	75 sq. ft.	32 sq. ft.
Maximum height	6 ft.	6 ft.	12 ft.	20 ft.	20 ft.	8 ft. <sup>2</sup>
Illumination	External only	Not allowed	External only	Internal or External	Internal or External	Internal or External
<b>Freestanding Sign – Planned Center – Multiple Land Uses or Tenants</b>						
Max. Number	N/A	N/A	N/A	1 per 300 feet of street frontage	1 per 300 feet of street frontage	
Maximum area of each sign				300 square feet	300 square feet	
Maximum height				12 feet <sup>2</sup>	25 feet	
Illumination				Internal or External	Internal or External	
<b>Project Entrance and Monument Entrance Sign:</b>						
Max. Number	2 per entrance drive <sup>ii</sup>	2 per entrance drive <sup>ii</sup>	2 per entrance drive <sup>iv</sup>	2 per entrance drive <sup>v</sup>	2 per entrance drive <sup>vi</sup>	2 per entrance drive
Maximum sign face or sign structure area <sup>1</sup>	64 square feet	64 square feet	64 square feet	100 sq. ft.	200 sq. ft.	32 sq. ft.
Maximum height	12 feet	12 feet	12 feet	20 feet	30 feet	8 ft.
Illumination	Internal or External	Internal or External	Internal or external	Internal or external	Internal or External	Internal or External

<sup>1</sup> Ground (i.e., "monument") sign only.<sup>2</sup> Applies to any institutional property located within a Residential zoning district.

**Table 7.2: Permitted Building Signage—By Land Use Category**

For building signs permitted on Table 7.2, the following shall apply:

- (1) For single-occupant buildings, the maximum allowed area for all building signs on a wall shall be calculated on the basis of the percentage of the entire area of said wall, including all windows and doors.
- (2) For multi-tenant buildings, the maximum allowed area for all building signs for each tenant shall be calculated on the basis of the percentage of the area of the wall, including all windows and doors, of that portion of the structure occupied by the tenant.
- (3) In no case shall a window sign obscure more than 20% of a window.
- (4) Projecting and under-canopy signs shall be limited to no more than 1 per tenant on a property, and each tenant shall have no more than 1 projecting sign or under-canopy sign, for each street that the tenant faces.

	Agricultural Property	Single- or Two-Family Residential Districts	Commercial and Office Districts Single Use	Industrial Districts Single Use	Planned Centers
<b>Wall, awning, under-canopy, projecting &amp; permanent window signs on a building:</b>					
Maximum number of building signs except under canopy and projecting signs	1	1	1 per tenant for each of the tenant's walls facing a street <sup>3</sup>	1 per tenant for each of the tenant's walls facing a street	1 per tenant for each of the tenant's walls facing a street
Maximum sign face area—total for each tenant	2 sq. ft.	2 sq. ft. <sup>vii</sup>	15% of the area of the wall facing a street	15% of the area of the wall facing a street	25% of the area of the wall facing a street
Maximum sign face area for each sign	n.a.	n.a.	100 square feet per sign	200 square feet per sign	200 square feet per sign
Additional Under-Canopy Sign or Projecting Sign	Not Allowed	Not Allowed	1 per tenant, up to 6 sq. ft. in area	1 per tenant, up to 6 sq. ft. in area	1 per tenant, up to 6 sq. ft. in area
Illumination	n.a.	n.a.	Internal or External	Internal or External	Internal or External
<b>Signs on a freestanding canopy:</b>					
Max. number of all canopy signs	Not Allowed	Not Allowed	1 per canopy face	1 per canopy face	1 per canopy face
Maximum sign face area			10% of the area of each canopy face	10% of the area of each canopy face	10% of the area of each canopy face
Maximum sign face area of largest sign			9 sq. ft.	9 sq. ft.	9 sq. ft.
Illumination			Internal or External	Internal Only	Internal Only

<sup>3</sup> Additional wall signage is allowed for each tenant (up to a maximum of three signs per street-facing wall) when the tenant meets one or more of the following conditions: a) the tenant occupies more than 50,000 square feet of floor area (add one sign); b) the tenant occupies more than 100,000 square feet of floor area (add one additional sign).

- B. Planned developments.** For signs in a planned unit development (PUD) or master planned development, each property or individual development project within the planned development shall conform to the sign regulations established as part of the zoning approval for the planned development. If no such regulations exist, each property or individual development project within a planned development shall conform to the provisions of this Article in accordance with the land use category of said property or individual development.

## **Sec. 7.10 Temporary Signs**

### **A. Short-term freestanding signs**

1. For all nonresidential zoned properties, one additional short term freestanding sign measuring no more than 16 square feet in sign area and at a height of no more than 12 feet is allowed, without permit, located so that the stake is not closer than 12 feet to the back of curb or from the edge of the pavement on streets with no curbing, and no part of the placard is closer than 12 feet to the back of the curb or from the edge of the pavement on streets with no curbing.
2. No short-term freestanding sign shall be erected on the same premises as a permanent freestanding sign. Exceptionally, an unlimited number of freestanding signs with sign area faces of 16 square feet or less and 12 feet in height or shorter are allowed during a political election between the date of close of filing for qualification of candidates and final determination on each ballot issue or candidate, and permits shall not be required for these signs.

### **B. Setbacks, locations and limitations for temporary signs.**

1. All signs shall have a minimum setback of 10 feet from the rear and side property lines. For front setback, the sign must be 3 feet from a public right-of-way or more than 12 feet from any street paving or curb line, whichever is greater. However, in no case will a sign be allowed to obscure vision at a street or driveway intersection, or railway crossing nor, will a temporary sign be allowed to obscure a permitted permanent sign. For traffic safety, signs shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.
2. A temporary sign shall be erected and maintained only with the permission of the owner of a property upon which the sign is located.
3. No temporary sign shall be placed within the right-of-way of any street.
4. No temporary sign shall be illuminated.

### **C. Portable signs, inflatable signs, banners and festoons.**

Portable signs, inflatable signs, banners and festoons and other temporary signs are allowed as temporary signs on a property in nonresidential zoning districts, subject to the following additional restrictions.

#### **1. Portable or inflatable signs.**

One portable or inflatable sign per developed lot or business is allowed under the following conditions and requirements:

- a. Prior to the erection or placement of these signs or devices, all required fees and taxes shall be paid by the owner of the sign.
- b. The maximum number of portable or inflatable sign permits to be issued to a single location or site at any given time shall be one such sign permit, either for a portable or an inflatable sign, but not both simultaneously. Permits may be issued no more often than once every 90 days, and for a duration not to exceed 30 calendar days.



- c. No individual business in a planned center shall be allowed a portable or inflatable sign or be issued such a permit.
- d. The maximum size allowance for these devices and signs shall not exceed 16 square feet per sign face for a portable sign and 200 square feet for an inflatable sign. Said sign shall not have arrows, directional arrows, or flashing lights.
- e. The sign must be placed on the site in accordance with the setback requirements pertaining to temporary signs.
- f. To prevent wind damage to the sign or other property, the sign must be securely anchored to the site in a manner acceptable to the director.
- g. All electrical connections to the sign must be in compliance with the electrical codes as adopted by the County and must be inspected prior to use.
- h. The maximum height of any portable sign shall be four feet.

## **2. Banners and festoons**

- a. The director is authorized to issue a temporary permit for pennants, banners, fringes, twirling, streamers, and feather flags. The maximum number of such temporary permits issued shall be one temporary permit every three-month period. Each temporary permit will be for a period not to exceed 30 calendar days for each issuance.
- b. When allowed as temporary signage, a banner shall be allowed only as wall or window signage and shall be placed flush upon the wall or window to which it is attached. Banners shall not be hung as under-canopy signs, flown as flags, or used as any other form of sign.
- c. Such banners shall not be in addition to the maximum limitation on building signage for a tenant as shown on Table 7-2, Permitted Building Signage—By Land Use Category.
- d. A banner may be placed on an individual business within a planned center.

## **3. A-Frame signs**

- a. A-frame signs constitute a form of signage that is granted by a permit, but which is utilized only during active hours for which the commercial entity is open. Where permitted in the Central Business District, A-frame signs are allowed on sidewalks in the public right-of-way. Where permitted elsewhere in the County, A-frame signs shall be located entirely on private property.
- b. A-frame signs shall not be illuminated.
- c. Plastic, dry erase boards, or unfinished plywood are prohibited materials for A-frame signs.
- d. A-frame signs shall be located on or adjacent to sidewalks in such manner that they do not encroach upon a required four-foot accessible pedestrian path.
- e. The base of an A-frame sign shall not be located more than 18 inches from the façade of the commercial entity responsible for the sign.
- f. A-frame signs may only be displayed during business hours and shall be removed when the commercial entity is closed.
- g. A-frame signs shall be composed of stained or painted wood with a sign face composed of wood or slate (chalk) board with a maximum height of 30 inches and a sign face area of no greater than 6 square feet.
- h. Permits are required for A-frame signs and may be issued on an annual basis.

## **Sec. 7.11 Flags**

Flags are allowed in all zoning districts and may be flown without permit in accordance with the following standards:

- A.** No more than three (3) flags shall be permitted per lot.
- B.** No flag shall exceed 24 square feet in area on any lot used for single and/or two-family residential use or 60 square feet when flown on a lot with a primary use other than single or two-family residential.

- C. Flags shall not be flown from a pole, the top of which is higher than 25 feet on a single or two-family residential lot or 40 feet in height on lots with a primary use other than single or two-family residential.
- D. Any flag not meeting any one or more of these standards shall be considered a banner and shall be subject to being permitted as such.

#### **Sec. 7.12 Variances**

There shall be no variances from the sign regulations of this Article.

#### **Sec. 7.13 Uniform sign plan**

- A. A uniform sign plan is required for any planned center, such as a shopping center with three or more establishments, before any signs for the planned center or the center's tenants may be erected on the property.
- B. The uniform sign plan shall govern the placement and design of all signs within the planned center as to their location, materials, size, letter style, and color.
- C. A uniform sign plan shall be submitted and approved as follows:
  - 1. The uniform sign plan shall consist of such drawings and specifications as may be required to clearly illustrate the location, materials, size, letter style, and color of each and every sign to be placed as freestanding and building signs within the development.
  - 2. The uniform sign plan is to be submitted to the director. The uniform sign plan shall be approved upon a finding by the director that:
    - a. The plan provides that signs of a similar type and function within the development shall have a consistency of size, lettering style, color scheme, and construction materials to present a unified design concept while respecting the differences between tenant types and occupancies.
    - b. The signs proposed in the uniform sign plan shall comply with the requirements of this Article, such as number, location, and size restrictions.
  - 3. All tenants of the planned center, whether an owner, lessee, subtenant, purchaser, or other occupant, shall comply with the approved uniform sign plan.

## Sec. 7.14 Nonconforming signs

- A.** In all use districts, signs which on the effective date of this Article become nonconforming with respect to the requirements set forth in this Article may continue in existence so long as the size is not increased beyond that existing as of the effective date of this Article and no change is made in the technology of the sign other than as provided in subsection (F) of this section, provided that no portable sign shall be considered a nonconforming sign.
- B.** Existing signs which were legally erected but which have become nonconforming and do not meet the setback requirements of this Article due to a road widening project may be moved to meet the setback requirements of this Article but shall not be increased in size, shape or changed in any manner except as to meet the requirements of this Article, provided, however, this subsection shall not allow the relocation of any sign for which the value has been paid to the owner by an government or government agency in conjunction with a road widening project. No sign shall be relocated pursuant to this subsection before such time as the sign owner shall provide to the director a signed cop of the purchase contract or condemnation documents showing transfer of the owner's land for road widening.
- C.** In all use districts, signs that were:
  - 1. Illegally erected or maintained with respect to prior ordinances,
  - 2. Made of paper, cloth, or nondurable materials, except yard signs,
  - 3. Located in the public right-of-way, shall be prohibited by this Article and shall be removed by the owner. Upon failure to comply with requirements of this Article, the director may cause the removal of such signs at the expense of the owner.
- D.** A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards or demountable material on nonconforming signs shall be permitted.
- E.** Minor repairs and maintenance of nonconforming signs such as electrical repairs or lettering repairs shall be allowed. However, no structural repairs or changes in the size, shape or technology of a sign shall be permitted except to make the sign comply with the requirements of this Article. Signs damaged by fire or act of God may be restored to their original condition.
- F.** Existing billboards on state and federal highways within the County that were legally erected, but which become nonconforming as a result of this Article or prior sign ordinances are allowed to remain until purchased by the state department of transportation or the County or voluntarily removed by the owner, provided that the sign owner meets the requirements of state laws, rules and regulations governing such signs, including periodic maintenance to keep the sign from becoming dilapidated. The County finds that it is in the interest of the County that such nonconforming billboards be phased out of existence as they near the end of their useful life. The County further finds that the limited presence of some billboards along state and federal highways is useful in displaying emergency information, promoting local businesses, community events and other information within the County and the most efficient means of such promotion is through the limited use of digital billboards. The County, therefore, adopts a limited exchange program for nonconforming billboards in exchange for the right to erect one new digital billboard. The owner of any nonconforming billboard located within 150 feet of and oriented toward state or federal highways in the County may apply for a permit to replace such billboard with a new digital billboard meeting the standards of section 7.08.A.6.d. The condition for issuance of a replacement permit is the agreement by the applicant to remove, without cost to the County or State, one additional billboard also located within the Douglas County limits and to reserve one message segment per sign face for community use for a minimum of four weeks per year. Such community use need not be continuous and may be spread throughout the year at the sign owner's discretion. The sign owner shall institute a system for receiving requests for community use on behalf of the citizens of Douglasville and shall be responsible for ensuring compliance with this condition.

- G.** Each nonconforming sign shall be registered with 90 days of the enactment of this Article by the owner, and if it is determined that such nonconforming sign was legally erected under the prior ordinance or resolution requirements, then a sign permit shall be issued to the sign owner and the sign so marked with the permit decal. Should the owner of a nonconforming sign fail to register such sign within 90 days from the enactment of this Article, such failure to register shall be deemed a violation of this Article, and such person shall be subject to citation in the municipal court.

Existing signs on property of newly annexed territory that were legally erected under the county ordinance which would become governed by the City upon annexation and will be reviewed by City Officials. Such signs shall be de-registered with the County within 90 days of being annexed by the city.

## **Sec. 7.15 Enforcement**

### **A. Enforcement responsibility**

The director is responsible for general administration and enforcement of this Article; the receipt, review and processing of all applications for sign permits and uniform sign plans, and of securing compliance with its terms.

### **B. Citations**

Any violation of this Article may be tried upon a citation issued by the director or any other authorized representative of the County pursuant to the provisions of this Article and State law. Without limitation, businesses, organizations, builders, developers, contractors, property owners, and such other parties responsible for the violation may be cited for violation of any provisions of this Article.

### **C. Removal of illegal signs**

The director may order the removal of any sign in violation of this Article by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit was issued, such notice shall operate to revoke the permit. The removal order shall be issued only after the appropriate party fails to respond or otherwise comply within 10 business days after the County gives written notice of non-compliance.

#### **1. Procedure following removal order**

An aggrieved party may appeal the removal order within 5 business days from the date that the notice was mailed in accordance with section 7.03(1), Sign Permit.

#### **2. Removal without notice**

- a.** The director or any other agent of the County having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this Article, without giving notice to any party, if:
  - 1)** Said sign is illegally placed upon the public right-of-way or upon other public property; or
  - 2)** Said sign poses an immediate safety threat to the life or health of any members of the public.
- b.** Following such removal, the County may collect the costs as provided in the following subsection (C)(3), Costs of Removal, below.

#### **3. Costs of removal**

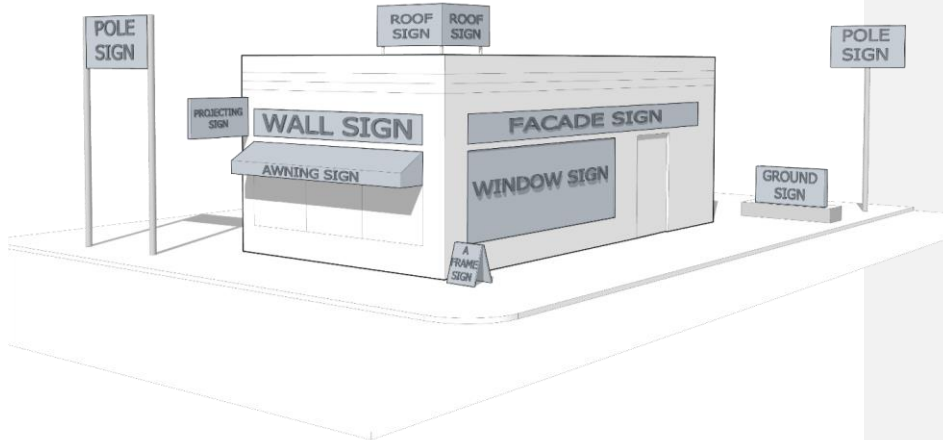
- a.** Removal of any sign found in violation shall be without liability to the County, its officers, agents, and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be determined, then the costs of removal shall be the responsibility of any party that procured the erection of the sign.

- b. If payment or arrangement to make payment is not made within 60 days after the receipt of a statement of removal costs, the director shall certify the amount thereof for collection to the County Attorney.
- c. Costs of removal shall be charged in accordance with a fee schedule adopted by the County Commissioners from time to time, or at the actual cost to the County.

## Sec. 7.16 Definitions

The following words and phrases have specific meanings as used in this Article:

- A. *A-frame sign*: A sidewalk sign, the support structure of which is not embedded in the ground, but that is constructed in such a manner that the sign stands on its own yet is not permanently installed. A-frame signs are designed as two panels, hinged at the top, with the bottom edge of both panels spread so that the overall sign forms an "A" shape.
- B. *Animated sign*: A sign that has moving parts or includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs set in motion by fans or other electrical devices, or made up of a series of sections that turn, including any type of screen using animation or scrolling; provided this definition does not include electronic changeable copy signs or digital billboards meeting the standards of this article. Animated signs also include signs that emit sound, smoke or other special effects.
- C. *Awning*: A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, or window from the elements. Awnings are often made of fabric or flexible plastic supported by a rigid frame and may be retracted into the face of the building.
- D. *Awning Sign*: See "Building Sign."
- E. *Banner*: A sign, other than a flag, made of paper, cloth, thin plastic, or similar lightweight and pliable material, and usually containing a message or logo that can be mounted to a structure.
- F. *Billboard*: A freestanding sign with a sign area of 300 square feet or greater, which is supported by one or more columns, uprights, or braces in or upon the ground and is not attached to a building and is not mobile or temporary.
- G. *Building Sign*: A sign that in any manner is fastened to, projects from, or is placed or painted upon the exterior wall, window, door, or roof of a building. The term "building sign" includes but is not limited to the following:
  - 1. *Awning Sign*: A sign imposed, mounted or painted upon an awning.
  - 2. *Canopy Sign*: A sign affixed to, imposed upon, or painted on any canopy, such that the sign is mounted in such a manner that a continuous face with the canopy is formed.
  - 3. *Channeled Letters*: Internally illuminated letters or symbols mounted individually on a raceway or power source.
    - a. *Internally Channeled Letters*: Letters or other symbols with recessed surface designed to accommodate incandescent bulbs or luminous tubing.
    - b. *Reverse Channeled Letters*: Letters or other symbols with raised surface designed to be lighted from behind by incandescent bulbs or luminous tubing.
  - 4. *Mansard Sign*: A sign imposed, mounted or painted upon a mansard and not extending above the top of the mansard.
  - 5. *Marquee Sign*: Any sign attached flat against the marquee or permanent sidewalk canopy of a building and not extending above the top of the marquee.
  - 6. *Parapet Sign*: A sign imposed, mounted or painted on a parapet and not extending above the top of the parapet.



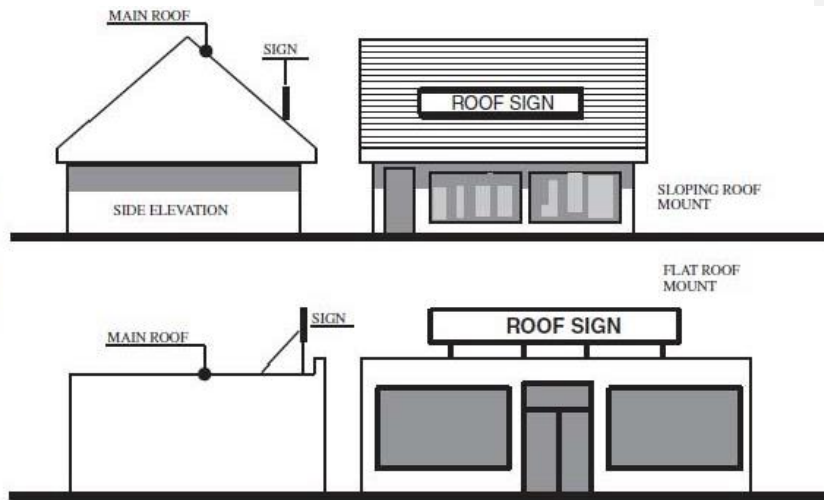
7. *Projecting Sign:* A sign affixed to a wall and extending more than four (4) inches from the surface of such wall, usually perpendicular to the wall surface.



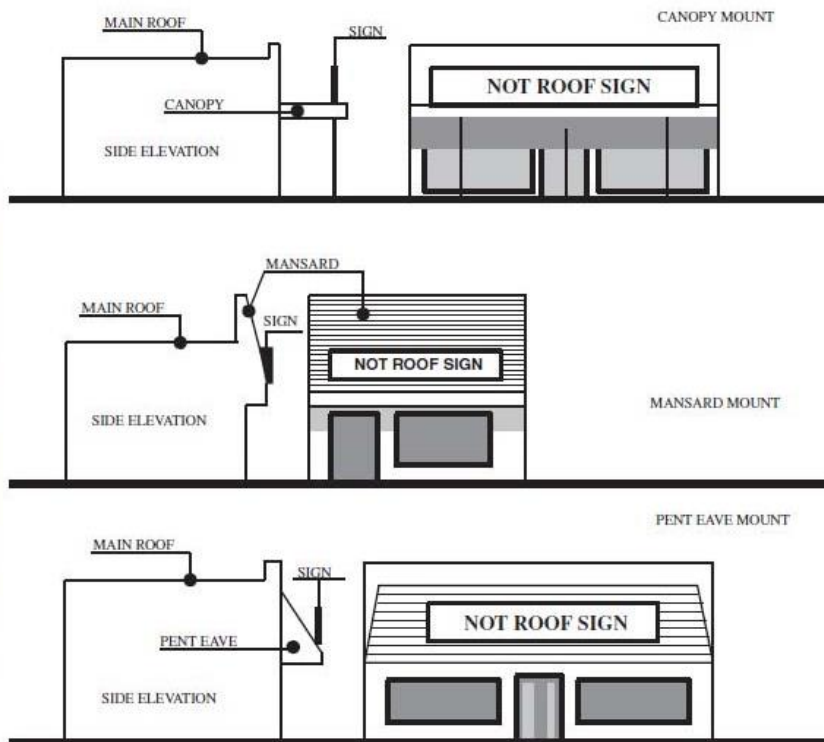
8. *Roof Sign:* A sign that is mounted on, applied to, or otherwise structurally supported by the roof of a building.



ROOF SIGNS



FASCIA SIGNS ON ROOF-LIKE PROJECTIONS



9. *Under-Canopy Sign:* A display attached to the underside of a marquee or canopy and protruding over public or private sidewalks.



10. *Wall Sign:* A sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building, with the sign face parallel to the wall, and extending from the surface of the wall no more than four (4) inches.



11. *Window Sign:* A sign that is placed on or behind a windowpane or glass door and intended to be viewed from outside the building.





- H. Canopy:** A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.



- I. Canopy Sign.** See "Building Sign."  
**J. Channeled Letters.** See "Building Sign."

**L. Changeable Copy Sign:**

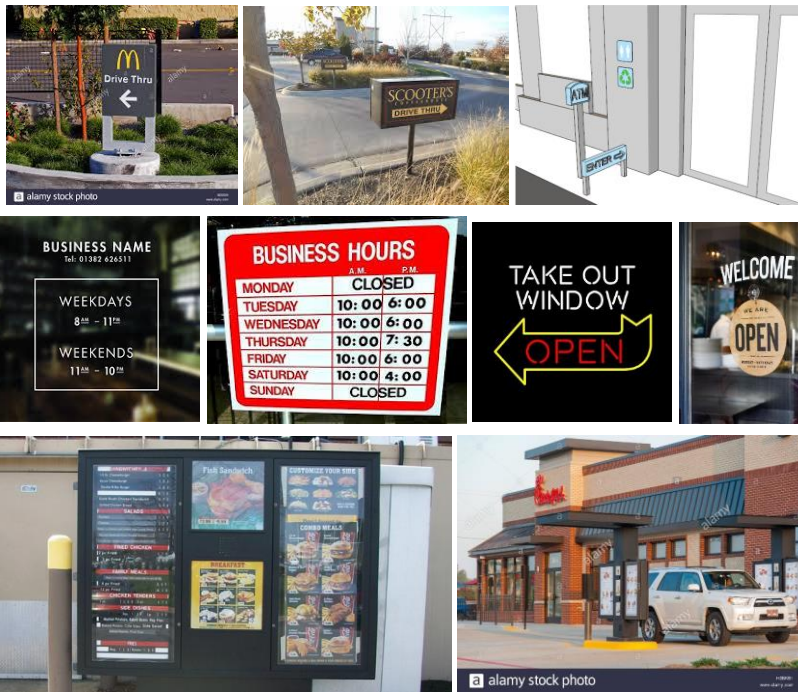
1. *Automatic Changeable Copy Sign:* A sign on which the copy changes automatically on a lamp bank, digital screen or through mechanical means, e.g., electrical or electronic control. Copy shall mean words, symbols and numbers.
2. *Manual Changeable Copy Sign:* A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters. Copy shall mean words and numbers.

**M. Digital Billboard: A billboard, the sign face of which is composed of LED or other electronic units that, when displayed, constitute the sign face of the sign.**

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- N. Directional Sign:** A sign mounted on a single or double pole sign that serves the purpose of guiding safe vehicular and pedestrian traffic movements onto, from, or on property, and without which there is an increased risk of incompatible traffic movements, conflict, or confusion. Such signs shall be used for the direction of traffic movement and shall not be used of purpose of advertisement.
- O. Double-Faced Sign:** A sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another, where each sign face is designed to be seen from a different direction and the two sign faces are separated from each other at their nearest point by no more than three feet.
- P. Feather flag:** A sign composed of fabric, plastic or other pliable material oriented in a vertical direction and supported by a harpoon-style pole or staff driven into the ground as its primary means of support.
- Q. Festoons:** Strings of ribbons, tinsel, small flags, pennants, streamers, pinwheels or other pliable materials designed to move in the wind.
- R. Flag:** A sign consisting of any fabric containing distinctive colors, patterns, logos or symbols, used as an official symbol of a government or any other entity or organization. Feather flags are excluded from the definition of flag.
- S. Freestanding Sign:** A sign permanently attached to the ground and that is wholly independent of any building or other structure. The term "freestanding sign" includes but is not limited to the following:
  1. *Pole Sign:* A sign that is mounted on one or more freestanding poles, columns, or similar support such that the bottom of the sign face or lowest sign module is not in contact with the ground.
  2. *Ground Sign:* A freestanding sign in which the entire bottom of the sign face or structure is in contact with the ground, providing a solid and continuous background for the sign face from the ground to the top of the sign. Also referred to as a "monument sign."
- T. Ground Sign:** See "Freestanding Sign."
- U. Illuminated Signs:**
  1. *Internally Illuminated Sign:* Any sign that is illuminated by an artificial light source from within the sign structure, usually projected through a transparent or translucent sign face.

2. *Externally Illuminated Sign:* Any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.
- V. *Incidental Sign:* A small sign, emblem, or decal no larger than one square foot. Such signs are normally located on doors, windows, and gas pumps, and are generally not readily visible or legible from public rights-of-way. Incidental sign means signs that are normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed. Incidental signs are commonly seen as menu boards, open signs, small window signs noting hours of operation, and small hanging signs. They DO NOT COUNT TOWARDS THE TOTAL ALLOWED SIGN AREA.



- W. *Interior Sign:* A small sign located within the interior of a planned center or of a commercial or industrial use comprised of more than five acres, located beyond the front building setback and not readable from the public right-of-way.
- X. *Interstate Sign:* A freestanding sign not exceeding 100 feet in height or 700 square feet in sign area located with 500 feet of an interstate highway exit or entrance ramp.
- Y. *Internally Illuminated Letters:* See "Building Sign, Channeled Letters."
- Z. *Mansard:* A steeply sloped, roof-like façade architecturally similar to a building wall.
- AA. *Mansard Sign:* See "Building Sign."

- BB. Marquee:** A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building.
- CC. Marquee Sign:** See "Building Sign."
- DD. Monument Entrance Sign:** A permanent freestanding sign located at a discernible entrance into a multi-family development, residential subdivision or a planned center from a public street not part of the development.
- EE. Monument Sign:** See "Ground Sign" under "Freestanding Sign."
- FF. Multi-Faced Sign:** A single sign structure consisting of two sign faces (see "double-faced sign") or three or more sign faces on different sides of the structure that are separated from each other at their nearest point by no more than three feet and face. Sign faces on a single sign structure that are separated by more than three feet are treated as separate signs.
- GG. Parapet Sign:** See Building Sign.
- HH. Planned Center:** For purposes of this Article, a single nonresidential property or contiguous properties, planned, developed and managed as a unit for occupancy by two or more principal tenants that are separately owned and have no corporate relationship, such as a shopping center or office complex.
- II. Pole Sign:** See "Freestanding Sign."
- JJ. Portable Sign:** A sign, excluding A-frame signs, designed to be transported or easily relocated and not attached to the ground, such as but not limited to the following:
1. A sign designed to be temporarily placed upon the ground and not otherwise permanently affixed to it as otherwise required by the building code; or
  2. A sign mounted on a trailer, with or without wheels and with or without electrical illumination.
- KK. Projecting Sign:** See "Building Sign."
- LL. Roof Sign:** See "Building Sign."
- MM. Sign:** Any structure, display, or device visible from the public right-of-way that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement, or illumination. "Sign" excludes purely artistic displays or decorations.
- NN. Sign Face:** That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two or more modules on the same surface that are separated or surrounded by open space or by portions of a sign structure not intended to contain any message or idea and are purely structural or decorative in nature.
- OO. Sign Height:** The vertical distance to the highest point of a sign structure.
- PP. Sign Module:** Each portion or unit of a sign face that is clearly and physically separable from other such units by virtue of the expression of a complete thought, message, logo, or idea.
- QQ. Sign Structure:** All elements of a freestanding sign, including the sign face, background, or decorative elements related to the presentation or support of the sign's message, and the structural supports.
- RR. Tenant:** For the purposes of the sign ordinance of Article 7, a natural person, business or other entity that occupies land or buildings by ownership, under a lease, or through payment of rent; an occupant, inhabitant, or dweller of a place.

**SS.** *Under-Canopy Sign:* See "Building Sign."

**TT.** *Uniform Sign Plan:* Coordinated drawings and specifications that establish a unified design concept with respect to the location, materials, size, letter style, and color of all signs to be placed on or within a planned center.

**UU.** *Wall Sign:* See under "Building Sign."

**VV.** *Window Sign:* See "Building Sign."

**WW.** *Yard Sign:* A temporary sign intended for short-term use, containing no reflective elements, flags or projections and erected on a wooden support or metal frame.

# guide to on-premise signs

Needs  
A Permit

Does  
NOT  
Need A  
Permit



## THE FOLLOWING SIGNS REQUIRE A PERMIT IN ALL CIRCUMSTANCES:

- **A** Electrical/neon Sign
- **B** Storefront Sign
- **C** Awning Sign
- **D** Hanging Sign
- **E** Painted, Decal or Vinyl-Cling Sign  
(If more than 25% of Window)

- **1** Painted-on, decal or vinyl-cling sign (single or multiple) that covers 25% or LESS of each window
- **2** Incidental signs stating address, hours of operation or open/close UNLESS the sign also contains a business name, slogan or logo\*

## Picture Glossary



"A-frame Sign" also known as "sandwich board" or "tent sign" means a movable steeply angled sign with two sides that meets at the top in the shape of the letter "A" and is not attached to a structure or the ground.

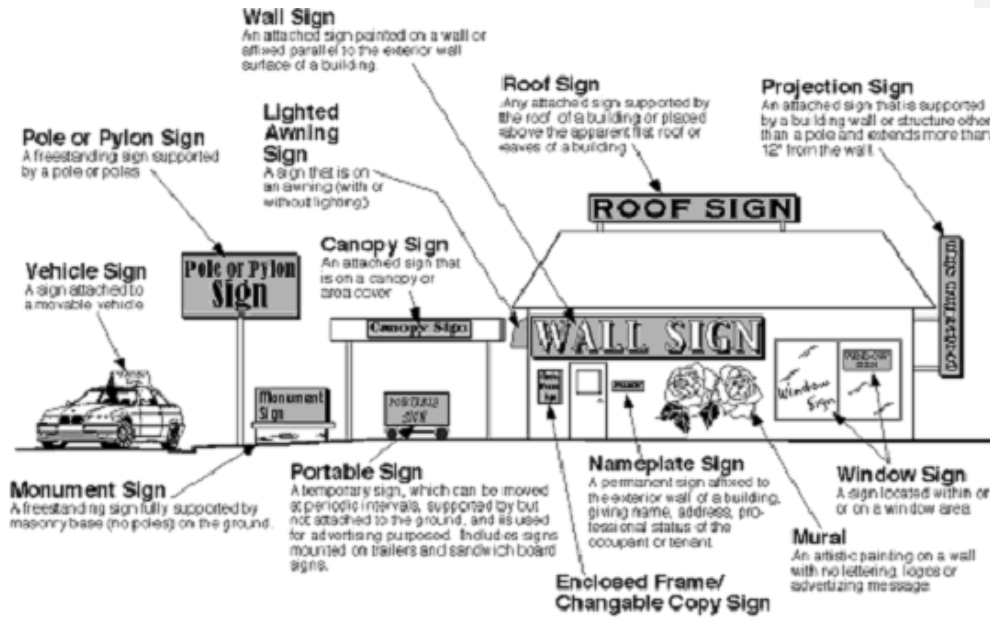


"Air Blown Sign" means a sign that is intended to be inflated by air or other gas.



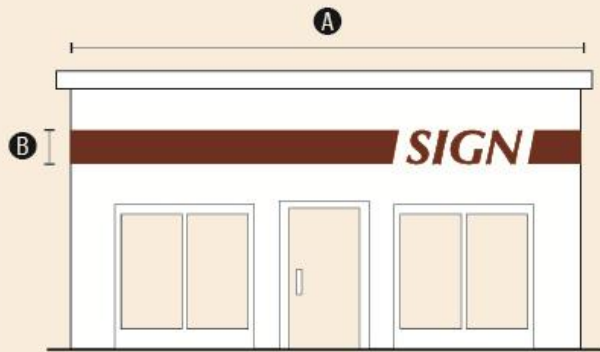
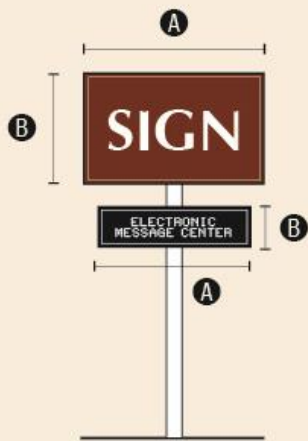
"Ancillary Sign" means any sign allowed by this code, with or without permit that is not a freestanding, incidental freestanding, wall, roof or projecting sign. If allowed within the zoning designation, ancillary signs include, but are not limited to: A-frame signs, flags (excluding attention flags), and banners.







## Computation of Sign Area



$$A \times B = \text{Sign Area}$$

9.11.2. *Vehicle signs.* A vehicle sign in excess of one and one-half square feet painted on or wrapped on a currently licensed, legally-operating vehicle that is used daily in the normal course of operation of an business establishment for transportation may be authorized as provided below.



A.

If a vehicle sign on a passenger vehicle exceeds one and one-half square feet, the vehicle shall be permitted in non-residential areas without obtaining sign review permit, but shall only be parked in the rear of the commercial building, inside the confines of the building; or if no rear parking exists, may be parked at the closest point near the front entrance of the business they serve in a parking space specifically designated and reserved for vehicle loading/unloading or other reserved designation approved by the DSD on the approved site plan for the property.

B.

Trailers, vans and box trucks or commercial vehicles of any type that include any commercial message, when not actively in use for daily business, shall only be parked to the rear of their associated non-residential building and screened consistent with a site plan service area screening. Any large commercial vehicle, trailers, vans and box trucks or any other commercial vehicle shall not be parked or stopped for more than 15 minutes in the front of the business establishment that they serve.

C.

Vehicle signs or vehicles with signs shall be not be routinely parked proximate to the right-of way or in a location where it serves as or constitutes additional signage. Signs on vehicles that are regularly parked in front of or near an establishment and not used daily for transportation and the course of daily business, as well as signs on vehicles that are parked adjacent to the right-of-way, shall be prohibited. However, a property owner may, through the conditional use process, request authorization for a vehicle sign or wrapped vehicle to be used in lieu of other freestanding primary signage. Signage that exceeds the code shall be required to be immediately removed, parked in the rear of the business, or appropriately screen as provided herein.

D.

For purposes of this chapter, transportation shall mean the act of or business of carrying something or someone from one place to another as part of the daily business.

E.

Vehicles and vehicle signs exempt from these provisions.

1.

Vehicles with sign copy area that is less than one and one-half square feet on the sides, rear or top of a passenger vehicle shall be exempt from these provisions.

2.

Any vehicle sign parked on private property when parked within the confines of a building or in some manner which provides for effective screening so as not to allow the sign or signs on the vehicle to be viewed from any public street.

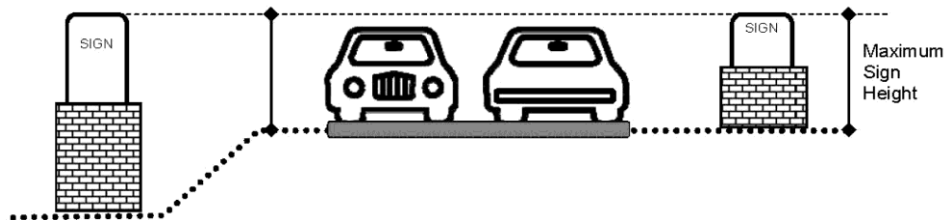
3.

Buses, taxicabs and similar common carrier vehicles which are licensed or certificated by the City of Orange City, Volusia County and/or the Florida Public Services Commission.

The overall height of a freestanding primary sign is measured from the lowest point of the ground directly below the sign to the top of the sign, less any approved embellishments.

Note: Where a freestanding sign is mounted along a roadway that has a significantly higher grade level as compared to the grade level directly below the freestanding sign, then the DSD may authorize the height to be measured from the roadway grade level to the top of the freestanding sign or sign structure.

FIGURE 9.10.12



i

ii

vii Residential districts are permitted one freestanding sign or one wall sign, not both.

# Appendix G

# Zoning and Land Development Regulation Research

Prepared for Douglas County, Georgia

August 2020

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## Telecommunications Regulations

### Small Cell Facilities (in Public Rights-of-Way)

Georgia's *Streamlining Wireless Facilities and Antennas Act*, O.C.G.A. Title 36, Chapter 66C (the "SWFAA") was adopted in 2019. It addresses the placement of small wireless facilities in public rights-of-way and authorizes local governments to adopt regulations consistent with the Act. Douglas County adopted local regulations pursuant to the state act in September 2019. The regulations are codified in Chapter 14 ("Roads, Streets and Sidewalks"), Article 9 ("Small Wireless Facilities and Antennas in the Public Right-of-Way") of the county code.

No further changes are recommended to the county's small cell regulations.

### Telecommunications Facilities Outside Public Rights-of-Way

Regulations governing placement of telecommunication towers and antennas outside of public rights-of-way are part of Douglas County's Unified Development Ordinance (UDO)—Section 343 (Radio, Television and Telecommunications). These regulations were last updated in 2011.

Two key federal laws govern the county's ability to regulate telecommunication facilities: The *Telecommunications Act of 1996* and The *Middle-Class Tax Relief and Job Creation Act of 2012*.

#### *Telecommunications Act of 1996*

According to Section 704 of the *Telecommunications Act of 1996*, local governments "shall not unreasonably discriminate among providers of functionally equivalent services," and "shall not prohibit or have the effect of prohibiting the provision of personal wireless services." The Act also requires the county to act on telecommunication facility applications within "a reasonable period of time," and states that any decision to deny a request to "place, construct, or modify [such facilities] shall be in writing and supported by substantial evidence contained in the written record." The *Telecommunications Act* also prohibits the local governments from regulating the "placement, construction, and modification of on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the [FCC's] regulations concerning such emissions."

#### *Middle-Class Tax Relief and Job Creation Act of 2012*

In 2012, the *Middle-Class Tax Relief and Job Creation Act of 2012* became (federal) law. Section 6409(a) of that act, also known as the "Spectrum Act," limits the county's control over co-locations, removals, and modifications of wireless towers and base stations ("eligible facility requests") by mandating that state or local governments "may not deny, and shall approve" applications that do not constitute a "substantial change." The Act also establishes timeframes ("shot clock") for review and approval of such eligible facility requests.

#### Key Provisions of the *Spectrum Act* and *Telecommunications Act of 1996*

1. Local regulations may not discriminate among different businesses, providers of wireless services.
2. Decisions may not be based on health impacts or concerns of radio frequency emissions if such emissions comply with FCC regulations on emissions.



3. The ultimate effect of local regulations cannot result in prohibiting the ability of a business, or businesses, to provide personal wireless services to an area.
4. “Eligible facilities requests” for a modification of an existing wireless tower or base station that do not result in “substantial change” of the physical dimensions of the tower or base station must be approved (permitted as of right).
  - A. “Eligible facilities requests” include co-location of new transmission equipment; removal of transmission equipment; and replacement of transmission equipment
  - B. “Substantial changes” are those that result in any of the following:
    - i. Increases height by more than 10% of 20 feet
    - ii. Increases width by more than 20 feet
    - iii. Excavation or deployment outside the current site
    - iv. Negates required concealment
    - v. Violates terms of prior approval
- Local regulations may not require any documentation beyond what is needed to determine the proposed construction is covered under the *Spectrum Act* (section 6409(a)).
- Local regulations may not require a showing of “need” for the modification.
- Applications must be acted upon within specified timeframes: 60 days for eligible facilities request (no-substantial change); 90 days for co-location request (substantial change); 150 days for new towers.
- Decisions to deny must be provided in writing and supported by substantial evidence, and if the denial and reasons are not in the same document, both must be issued at the same time.
- Conditions of approval may only be required only if directly related to local regulations or state or federal law.

## Recommendations

The county’s existing “Radio, Television and Telecommunications” regulations do not appear to conflict with the *Telecommunications Act of 1996*, but the UDO should be updated to incorporate provisions mandated by the *Spectrum Act*. The amendments should include clearer definitions and procedures distinguishing between co-location requests that constitute substantial changes and those that result in non-substantial changes, as defined by the *Spectrum Act* and accompanying Federal Communications Commission rules. While the federally mandated timeframes for review and action on telecommunication permit requests do not necessarily need to be made part of the codified ordinance, the county is required to follow them as a matter of practice.

## Samples and Guides

Sample ordinances incorporating *Spectrum Act* provisions and guides addressing *Spectrum Act* compliance are attached as Appendix A.

## Group Living Arrangements

### Existing Regulations

Several types of group living arrangements are classified and regulated in Douglas County's UDO:

#### Unrelated Persons Living Together as "Family Unit"

Groups of up to four unrelated persons living together and operating as a family unit are covered under the UDO's definition of "family" and are allowed by-right in all districts that permit residential dwelling units.

#### Personal Care Homes

Group living arrangements is also allowed under also the definitions and regulations that apply to "personal care homes," which are defined as dwellings that "provide or arrange for the provision of housing, food service and one or more personal care services for two or more persons who are not related to the owner or administrator by blood or marriage." Three sizes of personal care homes are defined and regulated:

1. Family Personal Care Home: A personal care home in a family type residence, noninstitutional in character, that offers care for 2 to 6 persons.
2. Group Personal Care Home: A personal care home in a residence or other type of building that is noninstitutional in character and offers care for up to 15 persons.
3. Congregate Personal Care Home: A personal care home that offers care to 16 or more persons.

Group care homes located in residential zoning districts are subject to the following supplemental regulations:

1. They must be separated by at least 1,000 feet from any other personal care home (of any type) in the same or any other zoning district.
2. They may not function as a work release facility for convicts or ex-convicts, as a drug rehabilitation center, or as a facility serving as an alternative to incarceration.

#### Rooming or Boarding House

Dwellings within which a resident family or manager offers lodging or lodging and meals to two or more persons not under the resident's parental or protective care in exchange for monetary compensation or other consideration are regulated as "rooming or boarding houses."

#### Fraternity & Sorority Houses

Fraternity and sorority houses are listed as allowed uses in some districts. The UDO contains no definition other than a link to the applicable (now outdated) Standard Industrial Classification (SIC) Code.

#### Residential Mental Retardation [sic], Mental Health and Substance Abuse [Facilities]

This use is also undefined by the UDO, but listed as an allowed use in some districts. The 4-digit NAICS (nee SIC) code refers to "establishments primarily engaged in providing residential care (but not licensed hospital care) to people with intellectual and developmental disabilities, mental illness, or substance abuse problems."

## GROUP LIVING ARRANGEMENTS

These group living uses are allowed as follows under the current UDO:

NAICS Code	PRINCIPAL USES	AG	R-A	R-LD	R-MD	R-D	R-TC	R-MF	R-MH	OI-L	OI-H	C-N <sub>2</sub>	C-C <sub>2</sub>	C-G	C-H	C-R	LI	LI-R	HI	See Also:
	Unrelated Group of up to 4 living as "family"	■	■	■	■	■	■	■	■											
	Fraternity & Sorority Houses											□	□	□	□	□				
7213	Rooming and Boarding Houses							□						□	□					
6232	Residential Mental Retardation, Mental Health and Substance Abuse Facilities									□	□	□	□	□	□	□				
6239	Personal Care Homes, Family (up to 6 under care)	●	●	●	●	●														§ 340
6239	Personal Care Homes, Group (up to 15 under care)									●	●	●	●	●	●	●				§ 340
6239	Personal Care Homes, Congregate (more than 15 under care)									□	□	□	□	□	□	□				§ 340
■ = allowed by right   ● allowed with restrictions   □ = special use approval required   blank = prohibited																				

### Fair Housing Act

The federal Fair Housing Act (FHA) prohibits a broad range of practices that discriminate against individuals on the basis of race, color, religion, sex, national origin, familial status, and disability (i.e. "protected classes"). The Act does not pre-empt local zoning laws, but it does prohibit local governments from making zoning or land use decisions or enacting regulations that exclude or discriminate against protected classes. "Discrimination" under the FHA includes "a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford persons within protected classes equal housing opportunities.

Common examples of how the FHA applies to zoning regulations include the following:

**Regulations must treat groups of unrelated persons equally.** Local zoning and land use laws that treat groups of unrelated persons with disabilities (or others with protected status) less favorably than similar groups of unrelated persons without disabilities violate the FHA. For example, assume that a zoning ordinance defines a family to include up to 6 unrelated persons living together as a household unit, and gives such a group of unrelated persons the right to live in any zoning district without special permission. If that ordinance disallows a group home for 6 or fewer people with disabilities or requires the home to seek special zoning approval, the ordinance's requirements would conflict with the FHA because it treats persons with disabilities more restrictively than it treats persons without disabilities.

**Regulations may generally limit the number of unrelated persons who may live together; reasonable accommodation may be required.** Local governments may generally restrict the number of unrelated persons living together as long as the restrictions are imposed equally on all groups. Thus, in the case

where a family is defined to include up to 6 unrelated people, an ordinance would not, on its face, violate the FHA if a group home for 7 people with disabilities was not allowed to locate in a single-family zoned neighborhood, because a group of 7 unrelated people without disabilities would also be disallowed. However, as discussed below, because persons with disabilities are also entitled to request reasonable accommodations in rules and policies, the group home for 7 persons with disabilities would need to be given the opportunity to seek some form of zoning exception or waiver. If the criteria for reasonable accommodation were met, the permit would have to be given in that instance, but the ordinance would not be invalid in all circumstances.

**Regulations may impose on group homes the same restrictions as on other groups of unrelated persons; reasonable accommodation may be required.** Even though a zoning ordinance imposes on group homes the same restrictions it imposes on other groups of unrelated people, a locality may be required, in individual cases and when requested to do so, to grant a reasonable accommodation to a group home for persons with disabilities. For example, it may be a reasonable accommodation to waive a setback requirement so that a paved path of travel or ramp can be provided to residents who have mobility impairments. A similar waiver might not be justified for a different type of group home when residents do not have difficulty negotiating steps and do not need a reduced setback in order to have an equal housing opportunity.

**Reasonable accommodation must be determined on a case-by-case basis.** Not all requested modifications of rules or policies are reasonable. Whether a particular accommodation is reasonable depends on the facts and requires case-by-case basis determination. What is reasonable in one circumstance may not be reasonable in another. For example, assume that an ordinance does not allow groups of 4 or more unrelated people to live together in a single-family neighborhood. A group home for 4 adults with developmental disabilities would very likely be able to show that it will have no more impact on parking, traffic, noise, utility use, and other typical concerns of zoning than an “traditional family.” In this circumstance, there would be no undue burden or expense for the local government nor would the single-family character of the neighborhood be fundamentally altered. Granting an exception or waiver to the group home in this circumstance would not invalidate the ordinance. The locality would still be able to keep groups of unrelated persons without disabilities from living in single-family neighborhoods.

**Reasonable accommodation is not required if there will be a significant burden on the locality or fundamental change to the neighborhood.** A 50-bed nursing home would not ordinarily be considered an appropriate use in a single-family neighborhood, for obvious reasons having nothing to do with the disabilities of its residents. Such a facility might or might not impose significant burdens and expense on the community, but it would likely create a fundamental change in the single-family character of the neighborhood. On the other hand, a nursing home might not create a “fundamental change” in a neighborhood zoned for multi-family housing. The scope and magnitude of the modification requested, and the features of the surrounding neighborhood are among the factors that must be taken into account in determining whether a requested accommodation is reasonable.

**Whether a locality can assure that a neighborhood does not have more than its fair share of group homes.** The Department of Justice and HUD take the position, and most courts that have addressed the issue agree, that density restrictions are generally inconsistent with the FHA. However, if a neighborhood came to be composed largely of group homes, that could adversely affect individuals with

disabilities and would be inconsistent with the objective of integrating persons with disabilities into the community. Especially in the licensing and regulatory process, it is appropriate to be concerned about the setting for a group home. A consideration of over-concentration could be considered in this context. This objective does not, however, justify blanket separation/spacing requirements that have the effect of preventing group homes from locating in entire neighborhoods.

## Recommendations

In order bring the county's UDO into alignment with the Fair Housing Act and Americans with Disabilities Act (ADA), the regulations should be amended to:

1. Allow group homes for protected classes in all zoning districts that permit single-family dwelling units, since those districts permit households of unrelated persons. This could be accomplished by amending the definition of "family" or by amending the definition of "personal care home" to expressly include occupancy by persons with disabilities and permitting family personal care homes in all districts that permit single-family dwellings.

Possible amendments to existing "family" and "personal care home" definitions:

Family: An individual, or two or more persons related by blood, marriage, adoption or guardianship, or a group of up to four unrelated persons, including developmentally disabled persons and their caretakers, who need not be related by blood, marriage, or guardianship, living together in a dwelling unit as a family or household, operating as a family unit, occupying a single dwelling unit and using the same cooking facilities; provided however, that domestic servants employed on the premises or two roomers or boarders, may be housed on the premises without being counted as a separate family of families. A family is distinguished from a group occupying a boardinghouse, rooming house, hotel, nursing home or convalescent home, or similar homes, regardless of whether said home provides charitable services or operates for profit. (Amended 10/03/2006 - TXT2006-01)

Personal Care Home: A dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service and one or more personal care services for two or more persons who are not related to the owner or administrator by blood or marriage, including homes for developmentally disabled persons and their caretakers.

2. Delete "Residential Mental Retardation, Mental Health and Substance Abuse Facilities" from the ordinance and instead regulate such facilities as personal care homes.
3. Remove the 1,000-foot separation/spacing requirement for group homes for persons with disabilities unless it can be clearly demonstrated that such regulations are necessary to prevent an over-concentration of group homes in particular areas.
4. Remove the prohibition on personal care homes serving as drug rehabilitation facilities since individuals recovering from (but not currently abusing) drug or alcohol addiction are considered handicapped and are protected under the FHA.

5. Establish a reasonable accommodation approval procedure that would permit case-by-case approval of reasonable accommodation requests using FHA criteria, rather than zoning variance hardship criteria (see attached sample provisions from Brookhaven GA Zoning Ordinance).

### Sample Ordinance Provisions

Sample zoning ordinance provisions addressing reasonable accommodation are attached as Appendix B.

## Nonconforming Lots

### Existing Regulations

In zoning parlance, a “nonconforming lot” is a lawfully created lot that, due to the adoption of new or amended zoning regulations, does not comply with currently applicable minimum lot area, minimum lot width or lot frontage regulations. Douglas County’s Unified Development Ordinance (UDO) generally allows individual nonconforming lots to be used and built upon. It does, however, include an important caveat for owners of contiguous nonconforming lots. It requires that when two or more contiguous nonconforming lots are in common ownership and the lots together would be large enough to comply with lot size minimums, the lots are considered to be merged as one for the purpose of meeting applicable lot size requirements.

#### **Douglas County UDO**

##### ***Sec. 107(d)(3) Combination of nonconforming lots; where required.***

*If two or more adjoining lots with contiguous frontage are in a single ownership at any time after the adoption of this ordinance and such lots individually are too small to meet the yard width and area requirements of the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted sizes and the lot or lots in one ownership shall be subject to the requirements of this ordinance.*

### Sample Ordinance Provisions

Lot merger provisions similar to those found in Douglas County’s UDO are not uncommon (in Georgia or in other states). See Appendix C for sample provisions from other codes.

### Legal Issues

In a 2017 case (*Murr v. State of Wisconsin*), the U.S. Supreme Court ruled that a Wisconsin county’s enforcement of a “lot merger” provision did not result in a compensable taking under the Fifth Amendment.

The facts of *Murr* were simple. The parents of the plaintiffs purchased a pair of lots bordering the Lower St. Croix River, holding one property in their own name and another in the name of a corporation. They built a house on one lot (Lot F) and left the other lot vacant (lot E). In the 1970s, Congress enacted legislation including the Lower St. Croix in the national Wild and Scenic Rivers System, leading to the adoption of county zoning regulations to protect the riverbank and riparian property values. In the 1990s, the parents transferred both lots to their children.

The lots were too small to meet the zoning ordinance’s minimum lot size requirements and therefore were nonconforming lots. Under the ordinance’s lot merger provision, once the parents voluntarily transferred both lots to the children as joint owners, the lots were deemed “merged”—effectively treated as one lot. When the *Murr* children approached the county about developing Lot E, they were told they could not build a house on Lot E (or sell it to someone else).

The Court ruled that the lot merger provision did not result in a taking.

### Conclusion

On their face, lot merger provisions seem sensible and fair: If citizens voluntarily acquire adjacent substandard lots that can be used as one conforming lot, it makes sense to require them to conform to the same zoning standards that apply to owners of similarly sized conforming lots. There is well-established precedence for such requirements and no obvious legal vulnerabilities to their use.



## Subdivision Plat Exemptions

### Existing Regulations

Douglas County's Unified Development Ordinance (UDO) defines a "subdivision" as:

- (1) The division of a property or tract of land into two or more tracts or lots;
- (2) A land development project in which two or more lots are created, along with the streets and utilities needed to support construction of buildings on the lots;
- (3) The division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership, or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Under the terms of the UDO, subdivisions are further classified as "major" or "minor," generally on the basis of whether the subdivision will be served by existing streets and other public improvements (minor) or whether new streets, stormwater drainage facilities or public utilities will be required to be installed to serve the subdivision (major). All major and minor subdivisions are required to be reviewed and approved in accordance with the applicable subdivision plat procedures of UDO Article 12, Division III and Division V.

The UDO includes no express provisions covering land divisions that are exempt from plat approval requirements and procedures.

### Recommendations

The county should consider amending the UDO to define "exempt" land division activities that are not required to follow the normal subdivision plat approval process.

### Sample Ordinance Provisions

Sample zoning ordinance provisions addressing subdivision plat exemptions are attached as Appendix D.

# Appendix A: Sample Telecommunications Provisions

## National League of Cities Wireless Facility Siting Checklist

6409(a) Checklist  
March 5, 2015

### Wireless Facility Siting: Section 6409(a) Checklist

Note: Use of this checklist is voluntary. It is meant to provide a framework for those jurisdictions needing assistance in complying with Federal timeframes to act on Eligible Facilities Requests for modifications to existing wireless towers or base stations that do not substantially change the physical dimensions of such towers or base stations. This document is not intended to provide legal guidance; jurisdictions are encouraged to consult an attorney on legal matters.

Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a), reads in pertinent part:

“...a State or local government may not deny, and **shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change** the physical dimensions of such tower or base station.” (emphasis added).

### Initial Application Review

- A jurisdiction should contemplate three types of wireless facility applications:
  - o Collocation or modification that is not a substantial change (“Eligible Facilities Request”);
  - o Collocation or modification that is a substantial change; OR
  - o New facility
- If the application is for a collocation or modification, the documentation provided by the applicant must state whether the collocation or modification is a substantial change. – See Appendix A for definition of “substantial change.”
  - o Note: The FCC has clarified that “collocation” includes the first placement of transmission equipment on a wireless tower or base station.<sup>1</sup>
- Appropriate application fee should be in place, if applicable.
- Check application for completeness
  - o Note: Must notify applicant in writing of incomplete application **within 30 days** of submission. This tolls the clock (i.e. stops 60 day deadline from running) provided it identifies the specific material missing from the application and cites the basis for requiring the submission of such material. Once applicant submits supplemental materials, the clock again may be tolled if the state or local government notifies applicant in writing **within 10 days** that supplemental submission is also incomplete. If the application is deemed incomplete, the written notice must specify the missing information and the code, provision, ordinance, application instruction or other publically-stated procedures that requires the information.

<sup>1</sup> See 2014 Infrastructure Order ¶ 179.

6409(a) Checklist  
March 5, 2015

#### Site/Attachment Information

- Summary of site location (address) and ownership of structure to which collocation or modification applies
  - o Examine: Ownership of support structure, dimensions of support structure prior to collocation (to measure whether collocation or modification would constitute a “substantial change”)
  - o Property boundaries, setbacks, elevation and dimensions of collocation or modification project
- Summary and scope of work to be completed on site
- Changes to current site
  - o Examine: Will collocation or modification defeat the effect of existing concealment elements? Concealment elements include, but are not limited to, artificial tree branches or painting to match a supporting façade.<sup>2</sup>

#### Equipment Specifications

- Equipment type
- Equipment specifications (Example: dimensions and weight)
- Installation status: E.g., removing, updating, collocating
- Equipment mount type
- FCC antenna structure registration number (if applicable)
- Will collocation equipment require lighting?

#### Compliance with Federal, State and Local Ordinances and Codes

- Conformance with local zoning and building and safety codes should be reviewed by the jurisdiction’s building or planning department
  - o Examine: E.g., setback requirements, electrical power safety, wind resistance safety
  - o Ensure that facility was lawfully constructed
- Post-installation maintenance schedule
- Any required certifications
  - o Example: Applicant will comply with all applicable federal, state, and local building codes supported by structural analysis

#### Legal

- Ensure jurisdiction’s applicable insurance/surety bond/other financial requirements are satisfied for installation

#### Contact Information

- Primary and secondary contact information for wireless facility project coordinators (local government and industry)

<sup>2</sup> See 2014 Infrastructure Order ¶ 200.

6409(a) Checklist  
March 5, 2015

- Emergency contact information in case of tower/collocation disruption

**Timeframe<sup>3</sup>**

- Within 60 days of the application filing, accounting for tolling, a state or local government shall approve the application if covered by Section 6409(a).
- Tolling period may commence by (1) mutual agreement, or (2) upon written notice to applicant that application is incomplete within the first 30 days following an application submission, as long as notice identifies the missing information, as well as the code provision, ordinance, or application instruction that requires the submission of the information.
- Local jurisdictions have 10 days to notify the applicant that the supplemental submission (after notification of incomplete application) did not provide the information identified in the original notice that specified the missing information.
- The failure to approve an application within the time for action will result in a deemed grant of the application.
  - o A state or local authority may challenge an applicant's written assertion of a deemed grant in any court of competent jurisdiction when it believes the underlying application did not meet the criteria in Section 6409(a) for mandatory approval, would not comply with applicable building codes or other non-discretionary structural and safety codes, or for other reasons is not appropriately "deemed granted."

<sup>3</sup> The rule implementing the 2014 Infrastructure Order, 47 CFR § 1.40001 ("Wireless Facilities Modifications") becomes effective April 8, 2015; however, §§ 1.40001(c)(3)(i), 1.40001(c)(3)(iii), and 1.140001(c)(4) (reproduced below), which have new information collection requirements, will not be effective until approved by the Office of Management and Budget (OMB). The FCC will publish a document in the Federal Register announcing OMB approval and the relevant effective date.

**47 CFR 1.40001(c)(3)(i)**—To toll the 60-day review timeframe on grounds that an application is incomplete, the reviewing State or local government must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (c)(1) of Section 1.140001.

**47 CFR 1.140001(c)(3)(iii)**—Following a supplemental submission from the applicant, the State or local government will have 10 days to notify the applicant in writing if the supplemental submission did not provide the information identified in the State or local government's original notice delineating missing information. The timeframe for review is tolled in the case of second or subsequent notices of incompleteness pursuant to the procedures identified in paragraph (c)(3). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

**47 CFR 1.140001(c)(4)**—If a request is deemed granted because of a failure to timely approve or deny the request, the deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

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## APPENDIX A

### How does the FCC define “substantial change”?

The FCC has determined that a modification substantially changes the physical dimension of a wireless tower or base station if it meets ANY of the following criteria:

- ❖ Towers outside public rights of way<sup>4</sup>
  - Increases height by more than 20 feet or 10 percent, whichever is greater;
  - Protrudes from edge of tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater;
- ❖ Towers in public rights of way and for all base stations
  - Increases height of tower or base station by more than 10 percent or 10 feet, whichever is greater;
  - Protrudes from the edge of the structure more than 6 feet;
- ❖ Involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
- ❖ Entails any excavation or deployment outside the current site of the tower or base station;
- ❖ Would defeat existing concealment elements of the tower or base station; or
- ❖ Does not comply with conditions associated with the prior approval of the tower or base station unless non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds.

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<sup>4</sup> Section 6409(a) applies only to state and local governments acting in their role as land use regulators and does not apply to such entities acting in their proprietary capacities, e.g., as owners of support structures or real property. *See* 2014 Infrastructure Order ¶ 239.



## APPENDIX B

**Application Elements that May Voluntarily be Adopted by Local Jurisdictions**

A jurisdiction should review whether existing application processes meet the requirements of the FCC's 2014 Infrastructure Order. A jurisdiction may consider including the following elements in its application form for an Eligible Facilities Request:

1. Applicant's certification that they have the legal authority to collocate/modify support structure which may include approvals from the jurisdiction authorizing the initial placement of transmission equipment on the tower or other structure.
2. The identity of the owner of the parcel.
3. Detailed site plan. Except where the facility will be located entirely within an existing structure or an existing building, a detailed site plan should show:
  - (a) Existing and proposed improvements. The location and dimensions of the existing facility and the maximum height above ground of the facility (also identified in height above sea level).
  - (b) Elevation. The benchmarks and datum used for elevations.
  - (c) Design. The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of applicant's existing and proposed antennas and other equipment. The method(s) by which the antennas will be attached to the mounting structure should be depicted.
  - (d) All existing setbacks.
  - (e) Location of accessways. The location of all existing accessways and the location and design of all proposed accessways.

## National League of Cities Model Wireless Facility Siting Ordinance

6409(a) Chapter  
March 5, 2015**Wireless Facility Siting: Model Chapter Implementing Section 6409(a)**

Note: Use of this model chapter is voluntary. It is meant to provide a framework for those jurisdictions needing assistance in complying with Federal timeframes to act on Eligible Facilities Requests for modifications to existing wireless towers or base stations that do not substantially change the physical dimensions of such towers or base stations. This document is not intended to provide legal guidance; jurisdictions are encouraged to consult an attorney on legal matters.

**I. PURPOSE**

This Chapter implements Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act"),<sup>1</sup> as interpreted by the Federal Communications Commission's ("FCC" or "Commission") Acceleration of Broadband Deployment Report & Order,<sup>2</sup> which requires a state or local government to approve any Eligible Facilities Request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

**II. DEFINITIONS<sup>3</sup>**

For the purposes of this Chapter, the terms used have the following meanings:<sup>4</sup>

- a. *Base Station*. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:
  - i. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
  - ii. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks).
  - iii. Any structure other than a tower that, at the time the relevant application is filed with [jurisdiction] under this section, supports or houses equipment described in paragraphs (a)(i)-(a)(ii) that has been reviewed and approved

<sup>1</sup> Middle Class Tax Relief and Job Creation Act of 2012, 112 Pub. L. 96, *codified at* 47 U.S.C. 1455.

<sup>2</sup> Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, *Report and Order*, 29 FCC Rcd 12865 (2014) ("2014 Infrastructure Order").

<sup>3</sup> These definitions were adapted from the FCC's own definitions. *See generally* 47 CFR § 1.40001(b). For a discussion of these definitions, see 2014 Infrastructure Order ¶¶ 145-204.

<sup>4</sup> A jurisdiction may wish to incorporate these definitions, which are specific to Section 6409(a), into its wireless facilities ordinance more broadly; alternatively, these can be stand-alone definitions solely for Eligible Facilities Requests under Section 6409(a).

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under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with [jurisdiction] under this section, does not support or house equipment described in (a)(i)-(ii) of this section.

- b. *Collocation.* The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- c. *Eligible Facilities Request.* Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
  - i. Collocation of new transmission equipment;
  - ii. Removal of transmission equipment; or
  - iii. Replacement of transmission equipment.
- d. *Eligible support structure.* Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with [jurisdiction] under this section.
- e. *Existing.* A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this section.
- f. *Site.* For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted t that area in proximity to the structure and to other transmission equipment already deployed on the ground.
- g. *Substantial Change.* A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
  - i. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;<sup>5</sup>

<sup>5</sup> Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act. 47 CFR § 1.40001(b)(7)(i)(A).



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- ii. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- iv. It entails any excavation or deployment outside the current site;
- v. It would defeat the concealment elements of the eligible support structure; or
- vi. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (g)(i)-(g)(iv) of this section.<sup>6</sup>
- h. *Transmission Equipment.* Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- i. *Tower.* Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

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<sup>6</sup> See 2014 Infrastructure Order ¶ 200. This section identifies the limited number of prior conditions of site approval that may not be used to determine whether a modification qualifies as a substantial change. *Id.*

III. APPLICATION REVIEW<sup>7</sup>

- a. *Application.* [Jurisdiction] shall prepare and make publicly available an application form which shall be limited to the information necessary for [jurisdiction] to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.
- b. *Type of Review.* Upon receipt of an application for an Eligible Facilities Request pursuant to this Chapter, [identify appropriate department– e.g., Public Works, Planning] shall review such application to determine whether the application so qualifies.<sup>8</sup>
- c. *Timeframe for Review.* Within 60 days of the date on which an applicant submits an application seeking approval under this Chapter, [jurisdiction] shall approve the application unless it determines that the application is not covered by this Chapter.
- d. *Tolling of the Timeframe for Review.* The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by [jurisdiction] and the applicant, or in cases where [jurisdiction's reviewing body] determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.
  - i. To toll the timeframe for incompleteness, [jurisdiction] must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.
  - ii. The timeframe for review begins running again when the applicant makes a supplemental submission in response to [jurisdiction's] notice of incompleteness.
  - iii. Following a supplemental submission, [jurisdiction] will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (d) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- b. *Interaction with Section 332(c)(7).*<sup>9</sup> If [jurisdiction] determines that the applicant's request is not covered by Section 6409(a) as delineated under this Chapter, the

<sup>7</sup> This section was adapted from the FCC's rules. *See generally* 47 CFR § 1.40001(c). For a discussion of application review processes, see 2014 Infrastructure Order ¶¶ 205-236.

<sup>8</sup> The jurisdiction may wish to review whether existing processes meet the requirements of the 2014 Infrastructure Order. *See, e.g.,* 47 CFR § 1.40001(c)(1); 2014 Infrastructure Order ¶ 214.

<sup>9</sup> *See* 47 U.S.C. § 332(c)(7); *In re* Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify

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presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of [jurisdiction's] decision that the application is not a covered request. To the extent such information is necessary, [jurisdiction] may request additional information from the applicant to evaluate the application under Section 332(c)(7)<sup>10</sup>, pursuant to the limitations applicable to other Section 332(c)(7) reviews.<sup>11</sup>

- c. *Failure to Act.* In the event [jurisdiction] fails to approve or deny a request seeking approval under this Chapter within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
- d. *Remedies.* Applicants and [jurisdiction] may bring claims related to Section 6409(a) to any court of competent jurisdiction.

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All Wireless Siting Proposals as Requiring a Variance, *Declaratory Ruling*, 24 FCC Rcd 13994 (2009) ("Shot Clock Ruling"), available at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-09-99A1\\_Rcd.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-99A1_Rcd.pdf).

<sup>10</sup> See 2014 Infrastructure Order ¶ 220. For example, an applicant may submit a request for review under Section 6409(a) asserting the modification does not substantially change the physical dimensions of the facility, when in fact the application proposes a substantial change and is therefore not covered under Section 6409(a). See *id.*

<sup>11</sup> See 2014 Infrastructure Order ¶¶ 258-260 (prescribing limits on application review and tolling for applications under Section 332(c)(7)).

## Marietta GA Telecommunications Ordinance



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**712.07 Telecommunication towers and infrastructure**

Telecommunication towers may be permitted in RRC, CRC, HI, LI, OS, OHR and CBD zoning districts pursuant to those additional restrictions listed herein.

**A. *General Requirements***

1. A Special Land Use Permit granted by City Council shall be required for the construction of all new telecommunications towers within the City limits after the following factors are considered:
  - a) The proposed height of the tower;
  - b) Proximity to residential structures and residential district boundaries;
  - c) Nature of uses on adjacent and nearby properties;
  - d) Surrounding topography, tree coverage and foliage;
  - e) Design of the tower, with particular reference to design characteristics which have the effect of reducing or eliminating visual obtrusiveness.
2. All permit applications submitted to the Department of Development Services shall include a complete inventory of the applicant's existing towers and receivers/transmitters located within Cobb County, including each asset's location, height and co-location usage or capabilities. The Department of Development Services shall utilize such information to promote co-location alternatives for other applicants.
3. All applicants must demonstrate that no existing tower or structure can accommodate the proposed antenna(s). Evidence of an engineering nature shall be documented by the submission of a certification by a qualified engineer. Such evidence may consist of the following:
  - a) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
  - b) No existing structure is of sufficient height to meet the applicant's engineering requirements.
  - c) No existing tower or structure has sufficient structural strength to support applicant's proposed antenna(s) and related equipment.
  - d) Applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing tower or structure.
  - e) The fees or costs required to share the existing tower or structure or to adapt the existing tower or structure for shared use are unreasonable. Costs exceeding new tower development are presumed unreasonable.
  - f) Such other limiting factor(s) as may be demonstrated by the applicant.
4. At the time of filing the application for a tower, the applicant shall provide a site plan and information regarding tower location, accessory structures, neighboring uses and proposed landscaping. Documentation must be submitted and certified by a qualified engineer delineating coverage and propagation zones, tower design and co-location capabilities. If an application is deemed incomplete, an applicant will be notified by the Department of Development Services within 30 days. Any timeframes of review are delayed or tolled until the applicant resubmits the application materials. The applicant





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shall be notified by the Department of Development Services within 10 days if the resubmittal is incomplete.

5. In granting a Special Land Use Permit, the City Council may impose additional conditions to the extent determined necessary to minimize adverse effects on adjoining properties, however, no conditions shall be added that:
  - a. Require that any collocation to the tower be subject to a review that is more extensive than the current collocation approval process as provided in 712.07(C).
  - b. Require that existing wireless infrastructure be removed, unless the infrastructure is abandoned and owned by the applicant.
  - c. Require that an antenna or other wireless equipment be placed on publicly owned land as an alternative to the location proposed by the applicant.
6. City Council will make a formal decision in writing to approve or deny an application for a Special Land Use Permit for a new tower within 150 days.

**B. Standards**

1. All towers must be set back a distance of twice (x2) the full height of the tower from any residentially zoned property or structure used for residential purposes. This condition shall not apply in areas zoned Central Business District.
2. All towers shall be separated from each other by a distance of at least 1000 feet.
3. All new self-supporting towers which do not incorporate approved alternative design features must be designed and built in a manner that allows at least two other entities to co-locate on the structure.
4. All towers and their related structures shall maximize the use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment. Towers shall be painted so as to reduce their visual obtrusiveness, subject to any applicable standards of the Federal Aviation Administration (FAA).
5. Any tower which directly abuts a residentially zoned property shall have a minimum 50' landscaped buffer with a solid fence or wall no less than six feet in height.
6. All landscaping plans shall be prepared by a registered landscape architect. For each 30 linear feet of perimeter fencing, no less than 2 trees and 2 shrubs shall be installed. The remainder of the property shall be landscaped in accordance with City standards (see standards set forth in Section 712.08).
7. Towers shall be enclosed by security fencing not less than 6 feet in height and shall be equipped with an appropriate anti-climbing device; provided, however, that such requirements may be waived for alternative design mounting structures.
8. All towers shall be monopole designed except those located in Heavy Industrial districts that are greater than 150 feet in height.
9. All towers must meet or exceed current standards and regulations of the Federal Communications Commission (FCC) and FAA.
10. Subsequent to Council approval, but prior to the issuance of any building permits, compliance with Section 106 of the National Historic Preservation Act, shall be demonstrated.



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11. Tower heights shall be measured from the existing ground base level to the highest point on the tower or other structure, even if said highest point is an antenna, in accordance with Table C:

TABLE C. MAXIMUM TELECOMMUNICATION TOWER HEIGHTS

Zoning District	Three Users*	Four or more Users*
HI	150'	200'
LI	125'	150'
RRC	120'	140'
CRC	100'	120'
CBD	100'	120'
OS	100'	120'

\*Refers to the number of separate entities co-locating on the same structure.

C. Streamlined approval of additions to existing structures (substantial change) and alternative structures

An applicant may apply for streamlined approval to modify an existing tower or structure by the addition of transmitting and/or receiving antennas or panels, if such modifications are considered a substantial change(s); or for the construction of an alternative structure. City Council will review all applications and make their decision based upon the information submitted.

1. The applicant shall provide a site plan and information as listed on a city application including:
  - a. Location of the structure(s);
  - b. Elevations or a rendering of the structure(s);
  - c. Any accessory structure(s); and
  - d. All proposed landscaping.
2. If an application is deemed incomplete, an applicant will be notified by the Department of Development Services within 30 days. Any timeframes of review are delayed or tolled until the applicant resubmits the application materials. The applicant shall be notified by the Department of Development Services within 10 days if the resubmittal is incomplete.
3. Applicants will be notified of a formal decision in writing to approve or deny an application within 90 days.
4. After submission of an application to the Department of Development Services, City Council may consider streamlined approval of the addition of transmitting and/or receiving whip antennas and panels to an acceptable structure when such modifications are determined to be a substantial change(s). Such acceptable structures include buildings, signs, light poles, water towers, and other free standing nonresidential structures. Antennas attached to existing acceptable structures, along



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with supporting electrical and mechanical equipment, shall be of a color identical to, or closely compatible with, that of the supporting structure. If the request for a substantial change to modify an existing tower or acceptable structure by the addition of transmitting and/or receiving whip antennas and panels is approved, either as is or as amended by City Council, the proposed antennas and/or panels shall be approved as per the motion; and with the understanding that all necessary building permits must be obtained. Applicants will be notified of a formal decision in writing to approve or deny an application within 90 days. If the request is not approved, it shall be referred back to the Department of Development Services for modification and resubmission by the applicant.

5. After submission of an application to the Department of Development Services, City Council may consider streamlined approval for the construction of an alternative mounting structures such as fake trees, clock towers, bell steeples, light standards, and similar alternative mounting structures, provided such alternative structure is determined to satisfy such factors set forth in subsection A. These structures shall also be exempt from the additional separation and setback requirements pertaining to towers. If the request to approve construction of the alternative structure is approved, either as is or as amended by City Council, the proposed structure shall be approved as per the motion. Applicants will be notified of a formal decision in writing to approve or deny an application within 90 days. If the request is not approved, it shall be referred back to the Department of Development Services for modification and resubmission by the applicant.

**D. Administrative Approval**

For eligible facilities, an applicant may request administrative approval of modifications to an existing tower or base station that is deemed to not be a substantial change, as defined in this code.

1. The applicant shall provide a site plan and information as listed on a city application regarding location of the structure(s); elevations or a rendering of the structure(s) including any proposed changes; any accessory structure(s); and all proposed landscaping. If an application is deemed incomplete, an applicant will be notified by the Department of Development Services within 10 days. Any timeframes of review are delayed or tolled until the applicant resubmits the application materials.
2. After submission of an application to the Department of Development Services, and a determination of eligibility has been made, the Director of Development Services will review all applications and make their decision based upon the information submitted.
3. The Development Services Director may administratively waive district setback requirements by up to 50% to accommodate the placement of such additional buildings or other supporting equipment in order to encourage the shared use of existing infrastructure.
4. The addition of antennas to an existing structure are exempted from all setback requirements which pertain to residentially zoned or used properties.





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5. Once the request has been confirmed to not be a substantial change, as defined in this code, a decision shall be made by the Development Services Director within 60 days, subject to Federal law and FCC rule changes.

E. Removal of Antennas and/or Towers.

All towers shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such towers. If upon inspection by the Department of Public Works such tower is determined not to comply with the code standards and to constitute a danger to persons or property, then upon written notice by certified mail, return receipt requested, or by personal service being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance. The owner of the tower may appeal the determination by the Department of Public Works by filing a written appeal to the City Manager within 10 days of the receipt of the notice of non-compliance by the owner. The City Manager shall hold a hearing within 5 days of receiving said written appeal. In the event such tower is not brought into compliance within 30 days, the City may petition the municipal court for an order removing such antenna and/or tower and may petition the court for a lien upon the property for the costs of removal.

F. Exceptions.

1. Antennas or towers located on publicly owned property or owned by governmental bodies shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the appropriate governing body. Further, subject to State law, any rental or license fee required to renew or extend the term of a lease shall not exceed the fair market value for rental or use of a similarly situated facility.
2. A tower under seventy (70) feet in height owned and operated by a federally-licensed amateur radio station operator shall be exempted from these requirements. However, the owner or operator of such tower shall be required to comply with all applicable local, state and federal codes.
3. Any existing or previously approved tower or antenna shall be considered "grandfathered" and will not be required to meet any additional requirements of this ordinance other than those in place prior.

G. Definitions:

- *Base Station.* A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:
  - i. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.





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- ii. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks).
  - iii. Any structure other than a tower that, at the time the relevant application is filed with the City of Marietta under this section, supports or houses equipment described in paragraphs (i)-(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support. The term does not include any structure that, at the time the relevant application is filed with the City of Marietta under this section, does not support or house equipment described in (i)-(ii) of this section.
- *Collocation.* The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- *Eligible Facilities Request.* Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
  - i. Collocation of new transmission equipment;
  - ii. Removal of transmission equipment; or
  - iii. Replacement of transmission equipment.
- *Eligible support structure.* Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City of Marietta under this section.
- *Substantial Change:* A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
  - i. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater. For other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater. (Changes in height will be measured from the top of the original support structure or tower);
  - ii. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
  - iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground



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cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

- iv. It entails any excavation or deployment outside the current site;
  - v. It would defeat the concealment elements of the eligible support structure; or
  - vi. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (i)-(iv) of this section.
- *Transmission Equipment.* Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
  - *Tower.* Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

## Griffin GA Telecommunications Ordinance

### ARTICLE III. - TELECOMMUNICATION ANTENNAS AND TOWER STANDARDS<sup>[3]</sup>

Footnotes:

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Editor's note— [Ord. No. 19-04, § 1, adopted Jan. 22, 2019](#), repealed the former Art. III, §§ 86-131—86-145, and enacted a new Art. III as set out herein. The former Art. III pertained to similar subject matter and derived from [Ord. No. 15-17, § 1, adopted Dec. 8, 2015](#).

#### Sec. 86-131. - Purposes.

This article is designed and intended to balance the interests of the residents of the city, telecommunications providers, and telecommunications customers in the siting of towers and other wireless support structures within the city so as to protect the health, safety and integrity of residential neighborhoods and foster, through appropriate zoning and land use controls, a competitive environment for telecommunication service providers that does not unreasonably discriminate among providers of functionally equivalent personal wireless services. These regulations shall not prohibit or have the effect of materially inhibiting the provision of personal wireless services, and are intended to promote the city as in the availability of personal wireless telecommunications services, 5G and broadband. To that end, this article shall:

- (1) Provide for the appropriate location and development of wired and wireless telecommunications facilities in the city, other than on or within the city's public rights-of-way;
- (2) Protect the city's built and natural environment by promoting compatible design standards for wired and wireless facilities;
- (3) Minimize adverse visual impacts of telecommunications facilities through careful design, siting, landscape screening and innovative camouflaging techniques;
- (4) Avoid potential damage to adjacent properties from tower or antennae failure through engineering and careful siting of support structures and antennas;
- (5) Maximize use of any new and existing wireless support structures so as to minimize the need to construct new structures and minimize the total number of structures throughout the city;
- (6) Maximize and encourage use of alternative wireless support structures as a primary option rather than construction of additional towers; and
- (7) Encourage and promote the location of towers and support structures in areas which are not zoned for residential use.

( [Ord. No. 19-04, § 1, 1-22-2019](#) )

#### Sec. 86-132. - Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory equipment* means any equipment serving or being used in conjunction with a tower or support structure and includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, equipment cabinets, storage sheds, shelters, or similar structures.

*Antenna* means any communications equipment that transmit, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services. For the purposes of this article, the term "antenna" does not include any tower and antenna expressly excluded under section 86-133.

*Application* means a formal written request submitted to the city manager or his designee to construct, collocate, or modify a tower or support structure or other telecommunications facility within the city.

*Base station* means a structure or equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. Sec. 1.40001 or any equipment associated with a tower.

*Building official* means the building official of the city or his or her designee.

*Collocate* or *collocation* means the mounting or installation of antenna and equipment on an existing tower or support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

*Complete application* means an application containing all documents, information, and fees specifically enumerated in this article pertaining to the location, construction, collocation, modification, or operation of wireless facilities.

*Eligible tower* or *support structure* means any tower or support structure, as herein defined, existing at the time a request is filed with the city for: (a) collocation of new transmission equipment, (b) removal of transmission equipment, or (c) replacement of transmission equipment.

*Equipment compound* means an area surrounding or adjacent to the base of a tower or support structure within which accessory equipment is placed.

*Governing body* means the board of commissioners of the city.

*Modification* or *modify* means the improvement, upgrade, expansion, removal, or replacement of existing wireless facilities on an existing tower or wireless support structure or within an existing equipment compound.

*Monopole tower* means a telecommunications tower consisting of a single pole, constructed without guy wires or ground anchors.

*Personal wireless services* means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as such terms are defined and used in 47 U.S.C. § 332.

*Personal wireless service facilities* means facilities for the provision of personal wireless services, as herein defined.

*Substantial change* means, for purposes of this article, such term as expressly defined in 47 C.F.R. Sec. 1.40001, which by reference is expressly made a part hereof.

*Tower* means any structure built for the sole or primary purpose of supporting any licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and the associated site.

*Wireless facility* means the set of equipment and network components, exclusive of the underlying wireless support structure, including antennas, transmitters, receivers, base stations, power supplies, cabling, and accessory equipment, used to provide wireless data and wireless telecommunications services.

*Wireless support structure* means a freestanding structure, such as a monopole, tower (either guyed or self-supporting), or suitable existing or alternative structure designed to support or capable of supporting wireless facilities, such as an elevated water tank. Such term shall not include any telephone or electrical utility pole or any utility tower used for the distribution or transmission of electrical service.

( [Ord. No. 19-04, § 1, 1-22-2019](#) )

Sec. 86-133. - Exclusions.

The following shall be exempt from this article:

- (1) Any wireless support structure and antenna under 70 feet in total height which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission;
- (2) Any device designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service or direct broadcast satellite service, of one meter or less in diameter;
- (3) Any telecommunications facilities located on property owned, leased or otherwise controlled by the city, provided a written lease authorizing the wireless facility has been approved by the governing body, the city did not mandate placement of a wireless support structure on proprietary property, and the rental charge is limited to fair market value for the rental or use of similarly situated property;
- (4) Any cable television headend or hub towers and antennas used solely for cable television services;
- (5) Any radio or television broadcast towers and antennas, whose placement is regulated by Article 7 of the Unified Development Code of Griffin, Georgia.

( [Ord. No. 19-04, § 1, 1-22-2019](#) )

Sec. 86-134. - Initial siting of wireless support structures.

- (a) Wireless support structures shall be allowed as a use by right in the central business district (CBD), planned commercial district (PCD), planned industrial district (PID) and institutional district (INST), as shown on the official zoning map of the city. In all other zoning districts, wireless support structures shall be allowed by special use permit following procedures of the Unified Development Code of Griffin, Georgia. No wireless support structure shall be sited at any location where it causes obstruction or interference with navigable air space.
- (b) Wireless support structures, other than monopole towers, designed and intended to accommodate at least one user are permitted up to a height of 100 feet following design review by and receipt of a building permit from the building official. Wireless support structures, other than monopole towers, designed and intended to accommodate at least two users are permitted up to a height of 120 feet following design review by and receipt of a building permit from the building official. Wireless support structures designed and intended to accommodate at least three users are permitted up to a height of 140 feet following design review by and receipt of a building permit from the building official. A height variance may be sought following procedures of the Unified Development Code of Griffin, Georgia. No variance shall be granted for a wireless support structure of a height greater than 160 feet. The standard for granting a height variance for a wireless support structure, other than monopole towers, shall be the willingness of the owner to provide space on the structure for future collocation.
- (c) Monopoles are permitted up to a height of 80 feet to accommodate single users. Monopoles are permitted up to a height of 100 feet if designed and intended to accommodate at least two users. A height variance may be sought following procedures of the Unified Development Code of Griffin, Georgia. No variance shall be granted for a monopole of a height greater than 120 feet. The standard for granting a height variance for a monopole tower shall be the willingness of the owner to provide space on the structure for future collocation.
- (d) Larger satellite dishes of greater than one meter in diameter, but less than two meters in diameter, shall not be located within the downtown commercial historic district of the city, as listed on the National Register of Historical Places, or within the front yard setback or roof of a single-family residence, unless a building permit is issued by the building official following design review in which the applicant demonstrates he cannot receive acceptable signals in preferred locations.
- (e) It is the intent of the city, in exercising its police power under this article, to streamline its procedures for initial siting of wireless facilities, not to unreasonably discriminate among providers of functionally equivalent services nor prohibit or have the effect of materially inhibiting the provision of personal wireless services. In considering

an application for the initial siting of a wireless support structure, the city, its staff and governing body, shall not seek or require information about, evaluate, or consider the technical, business, or service characteristics of such proposed wireless facilities, the provider(s), nor the environmental effects of radio frequency emissions.

- (f) All decisions as to the initial siting of wireless support structures shall be made within 150 calendar days of the initial filing of an application, as extended only by the tolling of such period if the application has been returned to the applicant, within 30 days from the date of initial filing, as incomplete in accordance with FCC regulations issued under 47 U.S.C. § 331(c)(7). Any decision to deny the application must be in writing, supported by substantial evidence, and served upon the applicant prior to expiration of said period (as calculated in the manner provided in said regulations); failure to timely notify the applicant of a denial, in writing, shall be deemed to be an approval of the application, as filed. Notice of incompleteness given under this section must specify the code provision or other requirement that is missing; following a resubmission by the applicant, any further notice of incompleteness shall be given within ten days and reference specifically only missing items noticed in the first notice of incompleteness.

( [Ord. No. 19-04, § 1, 1-22-2019](#) )

Sec. 86-135. - Preferred and disfavored location sites.

- (a) *Preferred location sites.* Preferred location sites are prioritized from highest to lowest as follows:
  - (1) *Collocation sites:* Any existing wireless support structure currently being used for transmitting or receiving electromagnetic radio signals used in the provision of all types of wireless communications services shall be the highest preferred location site regardless of the underlying zoning designation of the site; provided, however, that collocations which meet this criteria shall be subject to the design and siting components of this article and collocation sites shall not become an antenna farm or otherwise be deemed by the building official or the governing authority to be visually obtrusive.
  - (2) *Publicly owned structures:* Publicly owned structures are the next highest preferred locations throughout the city because they appear in virtually all neighborhoods, are dispersed throughout the city, and, due to their institutional or infrastructure uses, are generally similar in appearance to or readily adaptable for telecommunications facilities. Therefore, wireless support structures should be less noticeable when placed on publicly owned structures than when placed on industrial or commercial structures. Publicly owned structures include, but are not limited to, facilities such as police or fire stations, libraries, community centers, civic centers, courthouses, utility structures, water towers, elevated roadways, bridges, flag poles, schools, hospitals, clock or bell towers, light poles and churches.
  - (3) *Industrial and commercial structures:* Wholly industrial and commercial structures such as warehouses, factories, retail outlets, supermarkets, banks, garages, or service stations shall be preferred locations particularly where existing visual obstructions or clutter on the roof or along a roofline can and will be removed as part of the installation of the wireless support structure.
  - (4) *Mixed use buildings in high-density districts:* Mixed use buildings (housing above commercial or other nonresidential space) are also preferred location sites.
- (b) *Disfavored location sites.* Any single-family residential district or site adjoining a single-family residence, duplex, or multifamily housing complex shall be a disfavored site for the location of wireless facilities; provided, however, larger satellite dishes may be sited in rear or side yard setbacks as a matter of right.

( [Ord. No. 19-04, § 1, 1-22-2019](#) )

Sec. 86-136. - Requirements for all wireless support structures.

- (a) *General requirements for all wireless support structures.* The requirements set forth in this section shall govern the design and construction of all wireless support structures governed by this article.



- (1) *Building codes and safety standards.* To ensure the structural integrity of wireless support structures, the owner shall ensure that proposed facilities are designed, constructed, and maintained in compliance with standards contained in applicable building codes and any applicable standards for such wireless support structures, as amended from time to time. Compliance shall be shown by the seal and signature of a registered engineer licensed in the State of Georgia on the design plans. Owners of wireless facilities shall conduct periodic inspections of such facilities at least once every year to ensure structural integrity. Inspections shall be conducted by a qualified, professional engineer licensed to practice in this state. The results of such inspection shall be provided, in writing, to the building official.
- (2) *Regulatory compliance.*
  - a. All wireless support structures must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communication Commission and any other agency of the state or federal government with the authority to regulate telecommunications facilities. If such standards and regulations are changed, then the owners of the telecommunications facilities governed by this article shall bring such telecommunications facilities into compliance with such revised standards and regulations within the date established by the agency promulgating the standards or regulations.
  - b. Owners of wireless support structures shall provide documentation to the building official, upon written request, showing that each wireless facility is in compliance with all applicable federal and state requirements. Evidence of compliance may be requested every 12 months.
  - c. It shall be the duty of every owner of a wireless support structure existing in the city as of February 22, 2012, or constructed thereafter, to provide the building official with an "as-built" scaled diagram showing the dimensions of every wireless support structure, the equipment compound in which located, together with the number of equipment cabinets within the compound. Such drawing shall show the height of the wireless support structure, the width of the structure at each point where antenna are proposed to be affixed, the height at which each antenna is affixed to the structure, and the distance the antennae projects above or horizontally from the structure.
- (3) *Security.* All wireless support structures shall be fenced and equipped with an appropriate security system, including, if applicable, an anticlimbing device or other similar protective device, to prevent unauthorized access to the structure.
- (4) *Lighting.* No illumination is permitted on telecommunications facilities unless required by the Federal Communication Commission, the Federal Aviation Administration, or other state or federal agency of competent jurisdiction or unless necessary for air traffic safety. If lighting is required or necessary, the building official may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.
- (5) *Advertising.* No advertising is permitted on wireless facilities. However, a whip antenna may be allowed on any legally permitted permanent billboard or outdoor advertising sign as long as the other requirements of this article are met.
- (6) *Visual impact.*
  - a. Wireless facilities shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration or other applicable federal or state agency, be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.
  - b. If an antenna is installed on a structure other than a tower, the antenna and associated electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. Roof-mounted antennas shall be made visually unobtrusive by screening to match existing air conditioning units, stairs, elevator towers or other background.

- c. Where feasible, wireless facilities should be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.
  - d. Wireless facilities should not be placed in a direct line of sight within historic or scenic view corridors as designated by the governing body, local historic preservation commission, or by any state or federal agency.
  - e. Any equipment cabinet that supports wireless facilities must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. Equipment compounds or cabinets shall be screened from public view by using landscaping or materials and colors consistent with the surrounding backdrop. The compound or cabinet must be regularly maintained.
- (7) *Landscaping.*
- a. Landscaping shall be used to effectively screen the view of the wireless facility from adjacent public ways, public property and residential property.
  - b. Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be removed and vegetation to be replanted to replace that lost.
  - c. The building official may waive or modify the landscaping requirement where lesser requirements are desirable for adequate visibility for security purposes, for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries and tree farms, or where an antenna is placed on an existing structure. In certain locations where the visual impact of the tower would be minimal, such as remote agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be modified or waived by the zoning administrator.
- (8) *Maintenance impacts.* Equipment at a wireless facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street.
- (9) *Principal, accessory and joint uses.*
- a. Accessory structures used in direct support of a wireless facility shall be allowed but not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a wireless facility shall not be stored or parked on the site of the wireless facility.
  - b. Wireless facilities may be located on sites containing another principal use in the same buildable area.
- (10) *Lot size and setbacks.*
- a. The following setback requirements shall apply to wireless facilities, provided, however, that the building official may reduce the standard setback requirements of this section if the goals of this article would be better served thereby:
    - 1. Towers must be set back a distance equal to the height of the tower from any off-site residential structure.
    - 2. Towers, guy wires and accessory facilities must satisfy the minimum zoning district setback requirements.
    - 3. Wireless facilities must be set back from any property line a sufficient distance to protect adjoining property from the potential impact of wireless facility failure by being large enough to accommodate such failure on the site, based on the engineer's analysis required in this article.
  - b. For antennas attached to the roof or a supporting structure on a rooftop, a 1:1 setback ratio (example: ten-foot-high antenna and supporting structure requires ten-foot setback from edge of roof) shall be maintained unless an alternative placement is shown to reduce visual impact.



(b) *Additional requirements for towers.*

- (1) Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zoning district as much as possible. Personal wireless telecommunication towers shall be integrated through location and design to blend in with existing characteristics of the site to the extent practical. Concealment elements, or "stealth-design", may be a reasonable condition of permit approval.
- (2) Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.
- (3) At a tower site the design of the buildings and related structures shall to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower and related facilities to the natural setting and built environment.
- (4) Towers shall not be located any closer than 1,500 feet from an existing tower unless technologically required or visually preferable.
- (5) When a tower is adjacent to a residential use, it must be set back from the nearest residence a distance at least equal to its total height.
- (6) In no case shall a tower be located in the required front yard, back yard or side yard in a residential district.
- (7) Towers shall not be sited where they will negatively affect historic or scenic view corridors as designated by the governing body, a local historic preservation commission, or any state or federal agency, or where they will create visual clutter.
- (8) Towers shall be enclosed by decay-resistant security fencing not less than six feet in height and shall be equipped with an appropriate anticlimbing device or other similar protective device designed to prevent tower access.
- (9) Placement of more than one tower on a lot may be permitted, provided all setback, design and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails.
- (10) Wireless facilities shall meet all requirements of the city's stormwater regulations, including post-construction maintenance and inspection requirements.

( [Ord. No. 19-04, § 1, 1-22-2019](#) )

Sec. 86-137. - Application procedures.

- (a) *General application requirements for all building and special use permits.* Application for a building permit or special use permit for any wireless facility shall be made to the building official by the person, company, or organization that will own and operate the wireless facility. An application will not be considered until it is complete and appropriate fee has been tendered. The following information shall be submitted when applying for any building permit, special use permit, or variance included in this article and must be submitted for an application to be considered complete:

- (1) *Basic information.*
  - a. Site plan or plans to scale specifying the location of wireless facilities, base station and/or other accessory uses, access, parking, fences, landscaped areas, drainage, and adjacent land uses. Applicants shall submit both a paper location map and a digitized location map in a format compatible with the GIS software currently utilized by the city.
  - b. Evidence of legal ownership or interest, such as a deed to the property or a lease between the legal owner(s) and applicant for the building permit.

- c. Landscape plan to scale indicating size, spacing and type of plantings required in subsection 86-136(a)(7).
  - d. A full description of the immediate area surrounding the proposed wireless facility, including any adjacent residential structures and districts, structures and sites of historic significance, streetscapes or scenic view corridors.
  - e. Report from a qualified professional engineer licensed in this state, documenting the following:
    - 1. Height of the proposed wireless facility, width at base, and design, including any pertinent design factors governing the proposed facility;
    - 2. Total anticipated capacity of the telecommunications facility, including number and types of antenna which can be accommodated;
    - 3. Evidence of structural integrity of the tower structure; and
    - 4. Structural failure characteristics of the wireless support structure and demonstration that site and setbacks are of adequate size to contain debris.
  - f. The identity of a community liaison officer appointed by the applicant to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility. Include name, address, telephone number, facsimile number and email address, if applicable.
  - g. Identification of the geographic service area for the subject installation, including a map showing the proposed site and the nearest wireless facilities to the proposed site. Describe the distance between the proposed wireless facility site and existing sites.
  - h. Designation of which location preference, identified in section 86-134, the proposed facility is meeting. If the proposed location is not a preferred location one through four or is a disfavored site, describe: (i) what collocation site, publicly owned facility, or other preferred location site(s) are located within the geographic service area; (ii) what good faith efforts and measures were taken to secure each of these preferred location sites; (iii) why each such site was not feasible and/or why such efforts were unsuccessful; and (iv) why the proposed site is essential to meet service demands for the geographic service area.
- (2) *Additional information requirements for towers.*
- a. If the proposed site is zoned for residential use, applicants must justify why any alternate sites in commercial or industrial zones have not been proposed. The building official will not consider justifications that appeal only to undue expense and/or to undue difficulties in entering into a lease agreement. The building official shall not deny a building permit if the applicant refuses to site its wireless facility on public property; otherwise, it shall be ground for denial if collocation space on an existing tower is available and the applicant refuses to collocate.
  - b. The applicant must provide a utilities inventory showing the locations of all water, sewage, drainage, gas and power lines impacting the proposed tower site.
- (3) *Applicant required to provide information* . The applicant must provide any other information which may be requested by the building official to fully evaluate and review the application and the potential impact of a proposed wireless facility.
- (b) *Expedited review for building permits only.* When a wireless facility will be a use of right pursuant to section 86-134 and requires only a building permit and design review before it may be erected, the building official will expedite review of the application and render a decision on the application within 30 days after receipt of a complete application.
- (c) *Special use permits.*
- (1) A request for a special use permit shall be initiated by application to the zoning administrator and handled in accordance with the special use permit procedures of Section 406 of the Unified Development Code of

Griffin, Georgia. The governing body may issue a special use permit under this section, provided it shall have determined that all of the requirements of section 86-136 have been satisfied and, further, that the benefits of and need for the proposed tower are greater than any possible depreciating effects and damage to the neighboring properties.

- (2) In granting a special use permit, the governing body may impose additional reasonable conditions to the extent determined necessary to buffer or otherwise minimize adverse effects of the proposed tower or antenna on surrounding properties.

( [Ord. No. 19-04, § 1, 1-22-2019](#) )

Sec. 86-138. - Appeals.

Any decision by the building official denying a request to site or construct a wireless facility shall be in writing and specifically stating the reason(s) for denial. Appeals from any decision of the building official under this article may be taken by any person aggrieved by the decision. Such appeal shall be made, in writing, to the city manager and filed within ten days of a written denial. The city manager shall hear the appeal in an administrative hearing within 15 days or at a time mutually agreed for a hearing by the parties. Any decision by the city manager denying or approving with conditions a request to site or construct a wireless facility shall be final; served upon the appellant in writing and supported by substantial evidence in a written record, which shall be provided the appellant contemporaneously with the letter of denial.

Applicants who are aggrieved by a final decision of the city manager may, within 30 days of the date of written notice of denial, elect to: (a) seek judicial review in the U.S. District Court for the Northern District of Georgia, Newnan Division, or (b) make application for writ of certiorari to the Superior Court of Spalding County, Georgia.

( [Ord. No. 19-04, § 1, 1-22-2019](#) )

Sec. 86-139. - Modification—Colocation, removal or replacement of antennae.

- (a) The owner of all existing tower or wireless support structure shall allow other personal wireless service companies, including public and quasi-public agencies, using functionally equivalent personal wireless technology to collocate antennas, equipment and facilities on an existing telecommunications facility unless specific technical constraints prohibit such collocation. Personal wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for equitable sharing of cost in accordance with industry standards.
- (b) Review of applications to modify eligible support structures. All modifications (collocation of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment) of an eligible support structure shall be made by written application to the building official. Section 6409 of the Spectrum Act, codified at 47 U.S.C. § 1455, requires the city to approve any eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station. Where the application and supporting documentation submitted by the applicant demonstrates the modification has been designed and will be constructed to observe all building and safety codes, maintain any concealment element or "stealth" condition, and extends less than 10' vertically and 6' horizontally, the application shall be approved and permit issued; provided, however, the owner of the facility shall submit modified "as-built" plans and drawings to the building inspector reflecting the modification(s) made.
- (c) All other applications for modifications which substantially change the physical dimensions of an existing tower or base station shall follow the format of section 86-137 and be supported by documentation or information reasonably demonstrating the modification will meet the criteria of this article. Within 90 days of the date on which an applicant submits an application seeking approval of a substantial modification, the city shall approve, deny, or approve with reasonable conditions the application, in writing. If denied, the letter of denial shall contain a statement of the specific grounds for denial. The 90-day period begins to run on the date the application is filed with the building official and may be tolled only if the city, within 30 days of receipt of the

application, notifies the applicant, in writing, that the application is not complete, clearly and specifically delineating all missing documents or information (such delineated documents or information limited to the requirements of this section).

- (d) In the event the city fails to approve or deny a request for substantial modification within the timeframe for review (accounting for any tolling), the request shall be deemed granted; provided, however, the request shall not become effective until the applicant notifies the city's building official, in writing, served upon the building official by either personal service, or certified mail (return receipt requested) that the review period (accounting for any tolling) has expired and that the application has been deemed granted.
- (e) If a building permit is not forthcoming from the city, the applicant may bring a claim related to 47 U.S.C. § 1455 in any federal district court of competent jurisdiction.

( [Ord. No. 19-04, § 1, 1-22-2019](#) )

Sec. 86-140. - Nuisances.

Wireless facilities, including, without limitation, power source, ventilation and cooling, shall be operated at all times so as not to cause unreasonable noise or the generation of heat that adversely affects a building's occupants and shall be maintained or operated in such a manner as to not become a nuisance.

( [Ord. No. 19-04, § 1, 1-22-2019](#) )

Sec. 86-141. - Maintenance of antennas and towers.

All wireless facilities shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such facilities. If upon inspection by the building official any such telecommunications facility is determined not to comply with the code standards or to constitute a danger to persons or property, then, upon written notice being provided to the owner of the facility and the owner of the property, if such owner is different, such owners shall have 30 days to bring such facility into compliance. In the event such wireless facility is not brought into compliance within 30 days, the city may provide notice to the owners requiring the wireless facility to be removed. In the event such wireless facility is not removed within 30 days of receipt of such notice, the city may remove such facility and place a lien upon the property for the costs of removal. Delay by the city in taking action shall not in any way waive the city's right to take action. The city may pursue all legal remedies available to it to ensure that wireless facilities not in compliance with the code standards or which constitute a danger to persons or property are brought into compliance or removed. The city may seek to have the wireless facility removed regardless of the owner's or operator's future intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

( [Ord. No. 19-04, § 1, 1-22-2019](#) )

Sec. 86-142. - Abandoned towers.

- (a) Any wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned, whether or not the owner or operator intends to make future use of it or any part of it. The owner of a wireless facility and the owner of the property where the facility is located shall be under a duty to remove the abandoned wireless facility. If such antenna and/or tower is not removed within 60 days of receipt of notice from the city notifying the owner of such abandonment, the city may remove such tower and/or antenna and place a lien upon the property for the costs of removal. The city may pursue all legal remedies available to it to ensure that abandoned wireless facilities are removed. Delay by the city in taking action shall not in any way waive the city's right to take action. The city may seek to have the wireless facility removed regardless of the owner's or operator's future intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

- (b) If the owner of an abandoned tower or antenna wishes to use such abandoned tower or antenna, the owner first must apply for and receive all applicable permits and meet all of the conditions of this article as if such tower or antenna were a new tower or antenna.

( [Ord. No. 19-04, § 1, 1-22-2019](#) )

Sec. 86-143. - Preexisting towers/nonconforming uses.

- (a) All wireless facilities operative on November 15, 1997, shall be allowed to continue their present usage as a nonconforming use and shall be treated as a nonconforming use in accordance with this article. Routine maintenance, including replacement with a new tower or antenna of like construction and height, shall be permitted on such existing telecommunications facilities. New construction other than routine maintenance shall comply with the requirements of this article.
- (b) A telecommunications facility that has received city approval as of November 15, 1997, in the form of either a building permit or special use permit, but has not yet been constructed or placed in operation shall be considered an existing wireless facility so long as such approval is current and not expired.
- (c) Placement of an antenna on a nonconforming structure shall not be considered an expansion of the nonconforming structure.

( [Ord. No. 19-04, § 1, 1-22-2019](#) )

Sec. 86-144. - Penalty for violation of article.

- (a) Any person who attempts to erect or erects a wireless facility covered by this article without having first obtained the necessary building permit, special use permit, or variance in the manner provided in this article shall be deemed in violation of this article. Any responsible party or other persons convicted in the municipal court of the city of violating any provision of this article shall be guilty of violating a duly adopted ordinance of the city and shall be punished as provided in section 1-12.
- (b) If any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this article or without obtaining the required permits, or if any building, structure or land is used in violation of this article, the building official, in addition to any other remedies, may institute proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use or to correct or abate such violations. Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use continues may be deemed a separate offense.

( [Ord. No. 19-04, § 1, 1-22-2019](#) )

Sec. 86-145. - Coordination with federal law.

Whenever it is brought to the attention of the governing authority, in writing, that the application of this article would unreasonably discriminate among providers of functionally equivalent personal wireless services or prohibit or has the effect of materially inhibiting the provision of personal wireless services, a waiver of the offending provisions of this article may be granted. Whenever the provisions of this article are found in conflict with applicable federal law, the provisions of the federal law shall prevail.

( [Ord. No. 19-04, § 1, 1-22-2019](#) )

## Sahuarita AZ Eligible Wireless Facilities Modifications

### Chapter 18.62

#### 18.62.010 Purpose.

The purpose of this chapter is:

A. To implement Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”), as interpreted by the Federal Communications Commission’s (“FCC” or “Commission”) Acceleration of Broadband Deployment Report and Order, which requires the town to approve any eligible facilities request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of a tower or base station;

B. To exempt facilities modifications approved under this chapter as eligible facilities requests from the zoning regulations that are inconsistent with or preempted by Section 6409 of the Spectrum Act;

C. To provide for review of eligible facilities modifications approved pursuant to this chapter as nonconforming structures in the event that Section 6409(a) of the Spectrum Act is found to be unconstitutional or otherwise determined to be invalid or unenforceable and such modifications would otherwise have been in conflict with development regulations in place at the time of receipt of a complete application. [Ord. 2016-110 § 1.]

#### 18.62.020 Definitions.

“Base station” means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.

1. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

2. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems (DAS) and small cell networks).

3. The term includes any structure other than a tower that, at the time the eligible facilities modification application is filed with the town under this chapter, supports or houses equipment described in subsections (1) and (2) of this definition, and that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

4. This term does not include any structure that, at the time the eligible facilities modification application is filed with the town under this chapter, does not support or house equipment described in subsections (1) and (2) of this definition.

“Collocation” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

“Conceal” or “concealment” shall mean eligible support structures and transmission facilities designed to look like some feature other than a wireless tower or base station. Concealed facilities are those built to meet the town’s standards for camouflage, as described in Chapter [18.60](#) STC.

“Deemed approved” means an eligible facilities modification application that has become effective, as provided pursuant to the FCC Eligible Facilities Request Rules, based upon the town’s failure to act.

“Eligible facilities modification” means any proposed facilities modification that has been determined pursuant to the provisions of this chapter to be subject to this chapter and which does not result in a substantial change in the physical dimensions of an eligible support structure.

“Eligible support structure” means any tower or base station that is existing at the time the eligible facilities modification application is filed with the town.

“Existing” shall, for the purpose of this chapter and as applied to a tower or base station, mean a constructed tower or base station that has been reviewed and approved under the applicable zoning or siting process of the town, or under another state, county, or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for the purposes of this definition.

“FCC” means the Federal Communications Commission or its successor.

“FCC Eligible Facilities Request Rules” means 47 C.F.R. Part 1 (Part 1 – Practice and Procedure), Subpart CC Section 1.40001 as established pursuant to its Report and Order in re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, or as may be thereafter amended.

“Proposed facilities modification” means a proposal submitted by an applicant to modify an eligible support structure which the applicant asserts is subject to review under Section 6409 of the Spectrum Act, involving:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

Site. For the purposes of this chapter, the “site” for a wireless communication facility may consist of one lot or an area on a lot or within a right-of-way which is legally described on a lease.

“Small cell facility” means a personal wireless services facility that meets both of the following qualifications:

1. Each antenna is located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and
2. Primary equipment enclosures are no larger than 17 cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, are not included in the calculation of equipment volume: electric meter, concealment, telecomm demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

“Small cell network” means a collection of interrelated small cell facilities designed to deliver personal wireless services.

“Spectrum Act” means the “Middle Class Tax Relief and Job Creation Act of 2012” (Public Law 112-96; codified at [47 U.S.C. Section 1455\(a\)](#)).

“Substantial change criteria” means the criteria set forth in this chapter at STC [18.62.040](#).

“Tower” means any structure built for the sole or primary purpose of supporting any antennas and their associated facilities, licensed or authorized by the FCC, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

“Transmission equipment” means equipment that facilitates transmission for any wireless communication service licensed or authorized by the FCC, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. [Ord. 2016-110 § 1.]

### **18.62.030 Applicability and relationship to other rules and regulations.**

#### **A. Sole and Exclusive Procedure.**

1. Except as may be otherwise provided in this chapter, and notwithstanding any other provisions in the Sahuarita Town Code, the provisions of this chapter shall be the sole and exclusive procedure for review and approval of a proposed facilities modification which the applicant asserts is subject to review under Section 6409 of the Spectrum Act.

2. In the event that an application includes a proposal to modify an eligible support structure, and the applicant does not assert in the application that the proposal is subject to review under Section 6409 of the Spectrum Act, such proposal shall not be subject to review under this chapter and may be subject to review under other applicable provisions of the Sahuarita Town Code.

B. Nonconforming Structures. This chapter shall not apply to a proposed facility modification to an eligible support structure that is not a legal conforming, or legal nonconforming, structure at the time a complete eligible facilities modification application is filed with the town. To the extent that the nonconforming structures and use provisions of the town code would operate to prohibit or condition approval of a proposed facilities modification application otherwise allowed under this chapter, such provisions are superseded by the provisions of this chapter and shall not apply.

C. Replacement of Eligible Support Structure. This chapter shall not apply to a proposed facility modification to an eligible support structure that will involve replacement of the tower or base station.

D. First Deployment – Base Station. This chapter shall not apply to a proposed facility modification to a structure, other than a tower, that does not, at the time of submittal of the application, already house or support transmission equipment lawfully installed within or upon, or attached to, the structure.

E. Interpretation. Interpretations of this chapter shall be guided by Section 6409 of the Spectrum Act; the FCC Eligible Facilities Request Rules, the FCC’s Report and Order in Acceleration of Broadband Deployment Report and Order; and STC [18.62.010](#) (Purpose).

F. Reservation of Authority. Nothing herein is intended or shall operate to waive or limit the town’s right to enforce, or condition approval on, compliance with generally applicable building, structural, electrical, and other health and safety codes. [Ord. 2016-110 § 1.]



**18.62.040 Substantial change criteria.**

A proposed facilities modification will substantially change the physical dimensions of an eligible support structure if it meets any of the following criteria:

A. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater.

B. Changes in height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height shall be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

C. For towers other than towers in the public right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.

D. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public right-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure.

E. It entails any excavation or deployment outside the current site.

F. It would defeat the concealment elements of the eligible support structure.

G. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in this section. [Ord. 2016-110 § 1.]

**18.62.050 Application procedures.**

A. Submittal Requirements. No eligible facilities modification application shall be deemed complete unless it is accompanied by the applicable completed application forms and review fee, includes the required submittals, and is attested to by the authorized agent submitting the application on behalf of the applicant, certifying the truth and accuracy of the information provided in the application. The application shall include the following submittals, unless waived by the planning and building director:

1. A completed application form;
2. Fees;
3. An assertion that the proposed facilities modification is subject to review under Section 6409 of the Spectrum Act;

4. If the applicant is not the owner or person in control of the eligible support structure and/or site, the application shall also include an attestation that the owner or person in control of the eligible support structure and/or site has consented to the proposed facilities modification. If the eligible support structure is located in a public right-of-way, the applicant must also attest that the applicant has authorization to install, maintain, and operate transmission equipment in, under and above the public right-of-way.
5. A statement from a qualified professional or technician that the modification will be in compliance with FCC radio-frequency emission standards.
6. If the applicant proposes a modification involving an existing tower or base station that was not approved by the approval authority, the application shall also include a copy of the most recent underlying land use approval for siting or modifying the tower or base station proposed to be modified, or other reliable evidence indicating, in the sole opinion of the town, that at the time of submittal of the application, such tower or base station constituted an eligible support structure.
7. If the applicant proposes a modification that will result in an increase in height of the eligible support structure, the application shall also include record drawings, as-built plans, or the equivalent, showing the height of the eligible support structure: a) as originally constructed and granted approval by the town or other applicable local zoning or similar regulatory authority; or b) as of the most recent modification that received town or other local zoning or regulatory approval, prior to the passage of the Spectrum Act; whichever height is greater.
8. If the applicant proposes a modification to an eligible support structure, which structure, or proposed modification of the same, is subject to preexisting restrictions or requirements imposed by a reviewing official or decision-making body pursuant to authority granted under the Sahuarita Town Code, or an ordinance or a municipal code of another local government authority, the application shall also include a copy of the document (e.g., CUP) setting forth such preexisting restrictions or requirements together with a certification that the proposed facilities modification conforms to such restrictions or requirements; provided, that such certification shall have no application to the extent the proposed facilities modification relates solely to an increase in height, increase in width, addition of cabinets, or new excavation, that does not result in a substantial change in the physical dimensions of the eligible support structure.
9. If the applicant proposes a modification to an eligible support structure, which structure, or proposed modification of the same, is subject to preexisting concealment restrictions or requirements, or was constructed with concealment or camouflage elements, the application shall also include a statement from the applicant setting forth the facts and circumstances demonstrating that the proposed modification would not defeat the existing concealment elements of the eligible support structure. If the proposed modification will alter the exterior dimensions or appearance of the eligible support structure, the applicant shall include a detailed visual simulation depicting how the eligible support structure will appear after the proposed modification is complete, and particularly, how concealment or camouflage will be extended with the modification. The visual simulation shall depict to scale the eligible support structure in relation to the trees, landscaping and other structures adjacent to, or in the immediate vicinity of, the eligible support structure.
10. If the applicant proposes a modification that will protrude from the edge of a nontower eligible support structure, the application shall also include record drawings, as-built plans, or the equivalent, showing at a minimum the edge of the eligible support structure at the location of the proposed modification.
11. If the applicant proposes a modification to an eligible support structure that will include any excavation or deployment outside the current site of the tower or base station, would result in a protrusion from the edge of a tower that exceeds an existing protrusion of any transmission equipment attached to a tower, or would protrude from the edge of a nontower eligible support structure, the application shall also include a description of the boundaries of the site together with a scaled drawing depicting the boundaries of the site in relation to the tower or base station proposed to be modified and depicting the proposed location, elevation and dimensions of the new or

replacement transmission equipment. If excavation is proposed, the town may require a survey by a land surveyor licensed in the state of Arizona when, in the judgment of the planning and building director, a survey is reasonably necessary to verify the boundaries of the site.

12. If the applicant proposes a modification to an eligible support structure that includes hardening through structural enhancement, the application shall also include a technical report by a qualified engineer accredited by the state of Arizona, demonstrating that the structural enhancement conforms to applicable code requirements. The town may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the sufficiency and accuracy of the report required in this subsection.

13. If the applicant proposes a modification to a tower, the application shall also include a stamped report by a state of Arizona registered professional engineer demonstrating that the tower with the proposed modifications will comply with applicable structural, electrical and safety codes, including but not limited to allowable wind speed for the applicable zone in which the tower is located and describing the general structural capacity of the tower with the proposed modifications. The town may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the sufficiency and accuracy of the report required in this subsection.

14. If the applicant proposes a modification to a base station, the application shall also include a stamped report by a state of Arizona registered professional engineer demonstrating that the base station, with the proposed modifications, will comply with applicable structural, electrical, and safety codes.

15. If the applicant proposes a modification requiring alteration to the eligible support structure, excavation, installation of new equipment cabinets, or any other activities impacting or altering the land, existing structures, fencing, or landscaping on the site, the application shall also include a detailed site plan and drawings, showing the true north point, a graphic scale, and drawn to an appropriate decimal scale, indicating and depicting:

- a. The location, elevation, and dimensions of the existing eligible support structure;
- b. The location, elevation, and dimensions of the existing transmission equipment;
- c. The location, elevation, and dimensions of the transmission equipment, if any, proposed to be collocated or that will replace existing transmission equipment;
- d. The location, elevation, and dimensions of any proposed new equipment cabinets and the intended use of each;
- e. Any proposed modification to the eligible support structure;
- f. The location of existing structures on the site, including fencing, screening, trees, and other significant site features; and
- g. The location of any areas where excavation is proposed, showing the elevations, depths, and width of the proposed excavation and materials and dimensions of the equipment to be placed in the area excavated.

B. Waiver of Submittal Requirements. The planning and building director may waive any submittal requirement upon determination that the required submittal or part thereof, is not reasonably related to the substantial change criteria. A waiver, to be effective, must be in writing and signed by the planning and building director.

C. When Received. An eligible facilities modification application and any supplemental submittals shall be deemed received by the town upon the date such application or supplemental submittal is filed with the town.

1. Determination of Completeness. The town shall, within 30 days of receipt of the application, review the application for completeness. An application is complete if it includes the applicable review fee(s) and contains all of the applicable submittal requirements set forth in subsection A of this section, unless waived by the planning and building director pursuant to subsection B of this section.

2. Incomplete Application. The town shall notify the applicant within 30 days of receipt of the application that the application is incomplete. Such notice shall clearly and specifically delineate all missing documents or information.

3. Tolling Time Frame for Review. The application review period begins to run when the application is received, and may be tolled when the approval authority determines that the application is incomplete and provides notice as set forth below. The application review period may also be tolled by mutual agreement of the approval authority and applicant. The time frame for review is not tolled by a moratorium on the review of eligible facilities modification applications.

a. To toll the time frame for review for incompleteness, the town must provide written notice to the applicant within 30 days of the date of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to submittals set forth in subsection A of this section and any supplemental information requested by the town that is reasonably related to determining whether the proposed facilities modification will substantially change the physical dimension of an eligible support structure.

b. The time frame for review begins running again when the town is in receipt of applicant's supplemental submission in response to the town's notice of incompleteness.

c. Following a supplemental submission, the town shall have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating the missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection (C)(3). Except as may be otherwise agreed to by the applicant and the town, second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

d. A notice of incompleteness from the town will be deemed received by the applicant upon the earlier of personal services upon the agent, delivery by electronic mail to the agent (if such delivery is authorized for receipt by notice of the agent), or three days from deposit of the notice in the United States mail, postage prepaid, and in an envelope properly addressed to the agent using the address set forth in the application.

4. Modification of Proposed Facilities Modification. In the event that after submittal of the application, or as a result of any subsequent submittals, the applicant significantly modifies the proposed facilities modification described in the initial application, the application as modified will be considered a new application subject to commencement of a new application review period; provided, that the applicant and the town may, in the alternative, enter into a mutually agreeable tolling agreement allowing the town to request additional submittals and additional time that may be reasonably necessary for review of the modified application. [Ord. 2016-110 § 1.]

#### **18.62.060 Review procedures.**

A. Review of Application. The town shall review an eligible facilities modification application to determine if the proposed facilities modification is subject to this chapter, and if so, if the proposed facilities modification will result in a substantial change to the physical dimensions of an eligible support structure.

B. Time Frame for Review. Within 60 days of the date on which the town receives an eligible facilities modification application, less any time period that may be excluded under the tolling provisions of this chapter or a tolling agreement between the applicant and the town, the town shall approve the application unless the town determines

that the application is not subject to this chapter, or the proposed facilities modification will substantially change the physical dimension of an eligible support structure.

C. Approval, Denial. An eligible facilities modification application shall be approved upon determination by the town that the proposed facilities modification is subject to this chapter and that it does not substantially change the physical dimensions of an eligible support structure. An eligible facilities modification application shall be denied upon determination by the town that the proposed facilities modification application is not subject to this chapter or will substantially change the physical dimension of an eligible support structure. A proposed facilities modification will substantially change the physical dimensions of an eligible support structure if it meets any of the substantial change criteria.

D. Deemed Approved Application. An application that has been deemed approved shall be the equivalent of an approved facilities modification approval, except as may be otherwise determined by a court of competent jurisdiction, and shall be subject to generally applicable enforcement and compliance requirements in the same manner as an eligible facilities modification application that has been approved pursuant to this chapter.

E. Denial of Application. A denial of an eligible facilities modification application shall set forth in writing the reasons for the denial and shall be provided to the applicant.

F. Code Requirements. Any eligible facilities modification approved pursuant to this chapter, and any application that has been deemed approved, shall be and is conditioned upon compliance with any generally applicable building, structural, electrical, and safety codes and other laws codifying objective standards reasonably related to health and safety. Violations of any such applicable code or standard shall be deemed to be a violation of the eligible facilities modification or deemed approved application.

G. Term of Eligible Facilities Modification Approval. An eligible facilities modification approval issued pursuant to this chapter, and any deemed approved application, shall be valid for a term consistent with the time period provided for building permits.

H. Remedies. Notwithstanding any other provisions in the town code, no administrative appeal is provided for review of a decision to condition, deny or approve an application. Applicant and the town retain any and all remedies that are available at law or in equity, including by way of example and not limitation those remedies set forth in the FCC Eligible Facilities Request Rules. In the event no other time period is provided at law for bringing an action for a remedy, any action challenging a denial of an application or notice of a deemed approved remedy shall be brought within 30 days following the date of denial or following the date of notification of the deemed approved remedy. [Ord. 2016-110 § 1.]

### **18.62.070 Nonconforming structures.**

A. Applicability. The provisions of this section shall apply to any facilities modification constructed, installed, placed or erected pursuant to an eligible facilities modification approval, or pursuant to a deemed approved remedy, which facilities modification did not conform to substantive zoning and/or development regulations, exclusive of this chapter, in effect at the time the completed eligible modification application was filed.

B. Nonconforming Structure Determination. A facilities modification approval or a facilities modification pursuant to a deemed approved remedy is subject to review by the town as a nonconforming structure upon the following conditions:

1. Final, Nonappealable Decision. A final decision, after any applicable appeal deadlines have expired, in the U.S. District Court or the U.S. Supreme Court determines that portion of Section 6409(a)(1) of the Spectrum Act, [47](#) C.F.R. Part [1](#), Subpart CC, or FCC Report and Order, WT Dockets 13-238, 11-59, 13-32 (adopted October 17, 2014) is

unconstitutional or otherwise determined to be invalid or unenforceable in such a way that the town's otherwise applicable substantive standards are no longer preempted by federal law; and

2. Notice of Nonconforming Structure Determination. The town provides written notice to the applicant that the town has determined that the facilities modification did not conform to zoning and/or development regulations, exclusive of this chapter, in effect at the time the completed eligible facilities modification application was filed and that the facilities modification constitutes a nonconforming structure.

C. Conformance, Administrative Review. Upon receipt of notice of the town's nonconforming structure determination under subsection (B)(2) of this section, applicant shall within one year from the date of the town's notice of nonconformance:

1. Abate the nonconformance by conforming the site to the zoning and development regulations in effect at the time the completed eligible facilities modification application was filed; or
2. Request the town conduct an administrative review of the existing facilities modification.

D. If the applicant elects to seek administrative review pursuant to the foregoing, the town may:

1. Reapprove the existing facilities modification subject to existing code regulations;
2. Require reasonable modifications to the existing facilities modifications; or
3. Terminate the facilities modification and require removal of the facilities modification and return the site to the condition that existed prior to the construction, installation, placement or erection of the facilities modification.

E. Health and Safety Codes. Nothing in this section shall relieve the applicant from compliance with applicable building, structural, electrical and safety codes and with other laws codifying objective standards reasonably related to health and safety.

F. Administrative Appeal. The applicant, or its successors or assigns, may appeal the town's determination of nonconformance to the town's board of adjustment by filing a notice of appeal within 10 working days of the date of the determination of nonconformance. [Ord. 2016-110 § 1.]

## Appendix B: Reasonable Accommodations (Sample)

### Brookhaven, GA Zoning Ordinance

#### DIVISION 11. - REASONABLE ACCOMMODATION

##### Sec. 27-1179. - Purpose.

For the purposes of this division, "reasonable accommodation" means providing an individual with a disability or developers of housing for individuals with a disability, flexibility in the application of zoning regulations (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to housing opportunities. The purpose of this division is to provide a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Americans with Disabilities Act and the Federal Fair Housing Amendments in the application of this zoning ordinance.

##### Sec. 27-1180. - Application filing.

- (a) Applications for reasonable accommodation shall be filed with the community development director.
- (b) The application shall include a detailed explanation of why the modification is reasonably necessary to make the specific housing available to a person with a disability, including information establishing that the applicant is disabled under applicable laws, as well as other information required by the community development director to make the determination. If the project for which the reasonable accommodation request is being made also requires an additional zoning approval, then the applicant shall file the request concurrently with the application for such approval.
- (c) No application filing fees are required in connection with a request for reasonable accommodation.

##### Sec. 27-1181. - Review and approval.

The community development director, in consultation with the city attorney, is authorized to consider and act on requests for reasonable accommodation. The community development director shall issue a written decision in which the request is approved, approved subject to conditions, or denied. In making the decision, the following factors shall be considered:

- (1) Special need created by the disability;
- (2) Potential benefit that can be accomplished by the requested modification;
- (3) Need for the requested modification, including alternatives that may provide an equivalent level of benefit;
- (4) Physical attributes of and any proposed changes to the subject property and structures;
- (5) Potential impact on surrounding uses;
- (6) Whether the requested modification would constitute a fundamental alteration of the zoning regulations, policies or procedures of the city;

(7) Whether the requested modification would impose an undue financial or administrative burden on the city; and

(8) Any other factor that may have a bearing on the request.

Sec. 27-1182. - Notice of decision.

The written decision of the community development director shall be mailed to the applicant and to all owners of record of all properties abutting the property that is the subject of the reasonable accommodation request. All written decisions shall give notice of the right to appeal a decision of the community development director pursuant to article X, division 10. The decision of the community development director constitutes the final decision of the city, unless appealed. Only the applicant and property owners entitled to notice of the written reasonable accommodation determination have a right to appeal the decision.

Sec. 27-1183. - Transfer.

Approved requests for reasonable accommodation are granted to an individual and do not run with the land unless the community development director determines that the modification is physically integrated into the structure and cannot easily be removed or altered to comply with this zoning ordinance or the accommodation is to be used by another individual with a disability.

Sec. 27-1184. - Conditions and guarantees.

Before issuance of any permits relative to an approved reasonable accommodation request, the community development director is authorized to require the applicant to record a covenant acknowledging and agreeing to comply with the terms and conditions imposed.



## Appendix C: Sample Lot Merger Provisions

### Camden County, GA Unified Development Code

#### Sec. 107(d)

**(2) Treatment of nonconforming lots.** Any lot of record existing at the time of the adoption or amendment of this Development Code, may be used subject to the following exceptions and modifications:

**a. Adjoining lots.** When two or more adjoining lots of record with contiguous frontage are in one ownership at any time after the adoption or amendment of this Development Code and such lots, individually, have an area or width that is less than is required by this Development Code, then such contiguous lots shall be considered as a single lot or several lots of the minimum width and area re-quired in the Zoning District in which they are located.

### DeKalb County, GA Zoning Ordinance

#### 8.1.4. Legal nonconforming single-family lots: lot merger requirements.

A. In any zoning district in which single-family dwelling units are allowed, a single-family dwelling unit and allowed accessory structures may be erected on any single nonconforming lot of record so long as such single nonconforming lot of record is not in common ownership with any other contiguous lot or lots. A property owner shall not be permitted to erect a structure on a nonconforming lot of record if he could have used his contiguous land to avoid the nonconformity.

B. Two (2) or more contiguous lots of record that are held in common ownership on the effective date of this section or come into common ownership after the effective date of this section shall be governed by this subsection (B) or subsection (C). If any contiguous lots of record held in common ownership do not meet the requirements established in this Code for street frontage, access requirements, lot width or lot size, then all of the contiguous lots of record held in common ownership shall be considered to be an undivided lot for the purpose of compliance with the provisions of this Code. No portion of the resulting undivided lot shall then be considered a separate lot, a nonconforming lot of record or used or conveyed in a manner which is not in compliance with the existing street frontage, access, lot width or lot area requirements established by this Code and/or any amendments thereto. No division of any hereby merged nonconforming lots of record held in common ownership shall be made which creates a substandard lot. If two (2) or more contiguous nonconforming lots of record are in common ownership and, as merged, the property is compliant for development with a single-family dwelling without violating the provisions of this Code, then none of the former nonconforming lots of record may be considered nonconforming and authorized for single-family development. A property owner shall not be permitted to create a nonconforming lot of record if he could have used his contiguous lots to avoid the nonconformity.

C. Two (2) or more nonconforming contiguous lots of record that are held in common ownership as of the effective date of this section, or that come into common ownership after the effective date of this section shall be governed by the requirements of subsection (B) unless the owner obtains a variance from the DeKalb County Zoning Board of appeals pursuant to the provisions and the criteria set forth in Article 7.

### Sandy Springs, Unified Development Ordinance

#### **Sec. 11.7.4. - Nonconforming Lot of Record**

**A. Defined** A lot that was legally platted and recorded in the deed records of Fulton County that no longer meets the standards of this Development Code.

#### **B. Buildable**

1. A nonconforming lot of record that is inadequate in area or width is considered buildable under this Development Code, provided it meets all of the other remaining standards of the Code, including setbacks. Where relief is necessary to make an existing nonconforming lot of record buildable, a variance may be considered by the Board of Appeals.

2. Where a nonconforming lot of record adjoins another vacant lot of record, it must either:

- a. Be used as a nonconforming lot of record without resorting to a variance of any kind;  
OR
- b. Be combined with the adjacent lot to create a conforming lot.

### South Fulton, GA Zoning Ordinance

**4.3.1 Nonconforming lots uses and structures.** Within the zoning districts established by this Ordinance there may exist lots, structures, and uses of both land and structures which were lawful before this Ordinance was adopted or subsequently amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance as adopted or subsequently amended. Nonconforming lots uses, and structures may continue in their nonconforming status with the following limitations and/or requirements.

**A. Nonconforming lot.** A single, lawful lot-of-record which does not meet the requirements of this Ordinance for area or dimensions, or both, may be used for the buildings and accessory buildings necessary to carry out permitted uses subject to the following provisions:

- 1. Parking space requirements as provided for in article XVIII are met; and
- 2. Such lot does not adjoin another vacant lot(s) or portion of a lot in the same ownership.
- 3. If two or more adjoining lots or portions of lots in single ownership do not meet the requirements established for lot width, frontage or area, the property involved shall be

treated as one lot, and no portion of said lot shall be used or sold in a manner which diminishes compliance with this Ordinance. This paragraph shall not apply to nonconforming lots when 50 percent or more of adjoining lots on the same street are the same size or smaller.

## Appendix D: Sample Plat Exemption Provisions

### Chattahoochee Hills GA

Sec. 26-32. - Exemptions from plat approval.

The following types of land subdivisions, transfers, and sales are specifically exempted from the plat approval requirements of this chapter; provided, however, that such exemptions shall not apply to land development requirements and improvement requirements of this chapter:

- (1) The creation and sale of cemetery plots.
- (2) The sale of lots consistent with previously approved and recorded plats or deeds.
- (3) The creation of leaseholds for space within a multiple-occupancy building or the division of property into leaseholds for commercial, industrial, or institutional use.
- (4) The creation of leaseholds for the agricultural use of property where the use does not involve the construction of a building to be used as a residence or for other purposes not directly related to agricultural use of the land or crops or livestock raised thereon.
- (5) Any division of land to heirs through a judicial estate proceeding, or any division of land pursuant to a judicial partition, or any division of land occurring from the foreclosure of a deed of trust; provided, however, that such exemption shall not require the city to issue permits if the resulting lots or parcels fail to meet any applicable regulations of the local jurisdiction concerning lot size, lot width, and other dimensional requirements.**
- (6) Mortgage lots, as defined by this chapter.
- (7) Establishment of a conservation easement on a property.  
(Ord. No. 15-05-138, § 3.4, 5-5-2015)

### Jackson County, GA

Sec. 1504. - Exemptions from plat approval.

The following types of land subdivisions, transfers, and sales are specifically exempted from the plat approval requirements of this article; provided, however, that such exemptions shall not apply to land development requirements and improvement requirements of this article or compliance with other applicable requirements of this UDC:

- (a) Retracement surveys and easement surveys, as specifically authorized in this article;
- (b) The creation and sale of cemetery plots;
- (c) The sale of lots consistent with previously approved and recorded plats or deeds;
- (d) The creation of leaseholds for space within a multiple-occupancy building or the division of property into leaseholds (but not for sale) for commercial, industrial, or institutional use;
- (e) The creation of leaseholds (but not for sale) for the agricultural use of property where the use does not involve the construction of a building to be used as a residence or for other purposes not directly related to agricultural use of the land or crops or livestock raised thereon.
- (f) Any division of land to heirs through a judicial estate proceeding, or any division of land pursuant to a judicial partition, or any division of land occurring from the foreclosure of a deed of trust; provided, however, that such exemption shall not require the public development department to issue permits if the resulting lots or parcels fail to meet any applicable zoning provisions regarding lot size, lot width, or other dimensional requirements.**

(Ord. No. 17-003 , § 1, 10-2-2017)

### Forsyth County, GA

#### 18-1.5. - Exemptions from plat approval.

The following types of land divisions, transfers, and sales are specifically exempted from the plat approval requirements of this chapter; provided, however, that such exemptions shall not apply to land development requirements of this chapter, and such exemptions shall not require the county to issue permits should the resulting lots or parcels not meet applicable requirements of this Code.

- (a) The creation and sale of cemetery plots.
- (b) The sale of lots consistent with previously approved and recorded plats or deeds.
- (c) The creation of leaseholds for space within a multiple-occupancy building or the division of property into leaseholds for commercial, industrial, or institutional use.
- (d) The creation of leaseholds for the agricultural use of property where the use does not involve the construction of a building to be used as a residence or for other purpose not directly related to agricultural use of the land or crops or livestock raised thereon.
- (e) Any division of land to heirs through a judicial estate proceeding, or any division of land pursuant to a judicial partition, or any division of land occurring from the foreclosure of a deed of trust.**
- (f) Dedication plats prepared for the sole purpose of conveying right-of-way for a public street or highway to Forsyth County, the City of Cumming, or the State of Georgia; provided, however, that such road right-of-way dedication plat shall bear the signature of the director of engineering prior to its recording.

(Amd. of 3-26-2001; Amd. of 2-2-2004)

### Powder Springs GA

#### Sec. 15-72. Exemption from Final Plat Approval.

The following types of land subdivisions, transfers, and sales are specifically exempted from the final plat approval requirements of this article; provided, however, that such exemptions shall not apply to land development requirements and improvement requirements or compliance with other applicable requirements of this development code:

- (a) The creation and sale of cemetery plots.
- (b) The sale of lots consistent with previously approved and recorded plats or deeds.
- (c) The creation of leaseholds for space within a multiple-occupancy building or the division of property into leaseholds (but not for sale) for commercial, industrial, or institutional use.
- (d) The creation of leaseholds (but not for sale) for the agricultural use of property where the use does not involve the construction of a building to be used as a residence or for other purposes not directly related to agricultural use of the land or crops or livestock raised thereon.
- (e) Any division of land to heirs through a judicial estate proceeding, or any division of land pursuant to a judicial partition, or any division of land occurring from the foreclosure of a deed of trust; provided, however, that such exemption shall not require the city to issue permits if the resulting lots or parcels fail to meet any applicable zoning provisions regarding lot size, lot width, or other dimensional requirements.**
- (f) Any other plat entitled to record per state law.**

## Cumming GA

Sec. 109-14. - Exemptions from plat approval.

The following types of land subdivisions, transfers, and sales are specifically exempted from the plat approval requirements of this chapter; provided, however, that such exemptions shall not apply to land development requirements and improvement requirements of this chapter:

- (1) The creation and sale of cemetery plots.
- (2) The sale of lots consistent with previously approved and recorded plats or deeds.
- (3) The creation of leaseholds for space within a multiple-occupancy building or the division of property into leaseholds (but not for sale) for commercial, industrial, or institutional use.
- (4) The creation of leaseholds (but not for sale) for the agricultural use of property where the use does not involve the construction of a building to be used as a residence or for other purposes not directly related to agricultural use of the land or crops or livestock raised thereon.
- (5) **Any division of land to heirs through a judicial estate proceeding, or any division of land pursuant to a judicial partition, or any division of land occurring from the foreclosure of a deed of trust; provided, however, that such exemption shall not require the city to issue permits if the resulting lots or parcels fail to meet any applicable zoning chapter provisions regarding lot size, lot width, and other dimensional requirements.**

(Ord. of 2-18-2003, § 311)

# Appendix H

# Douglas County Unified Development Code Amendments

## Concepts and Proposed Direction

### Contents

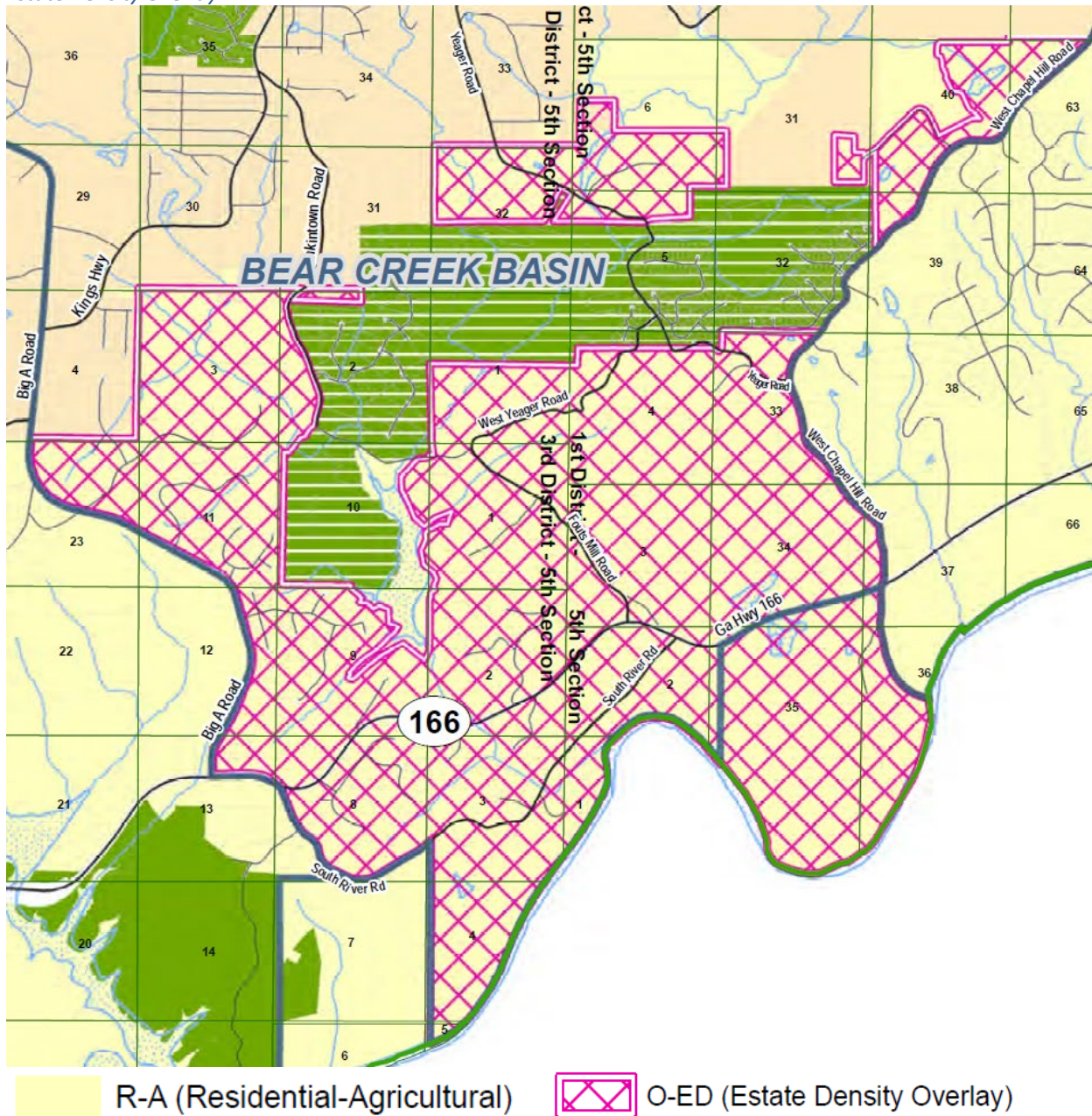
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## O-ED Estate Density Overlay District (Sec. 208 (k))

The Estate Density Overlay (O-ED) district appears to apply solely to R-A (Residential-Agricultural) zoned lands in the south-central portion of county. The overlay has the effect of reducing allowed residential density in underlying R-A zoned area—from one dwelling unit per acre to one dwelling unit per three acres of land area. O-ED zoning does not impose additional use regulations on the underlying R-A zoning.

*Estate Density Overlay*



As a means of simplifying the zoning map and UDC regulations, O-ED overlay should be converted into a R-AE (Residential-Agricultural Estate) base zoning district that bridges the gap between the current AG and R-A districts. Consistent with the standards of the existing overlay, the new R-AE district will have a

with a maximum density limit of one dwelling unit per three acres of land area and retain the O-ED's existing "area requirements" and "treatment of open space" provisions. Any approved PUDs now included within the O-ED boundaries will not be converted to the new base zoning designation.

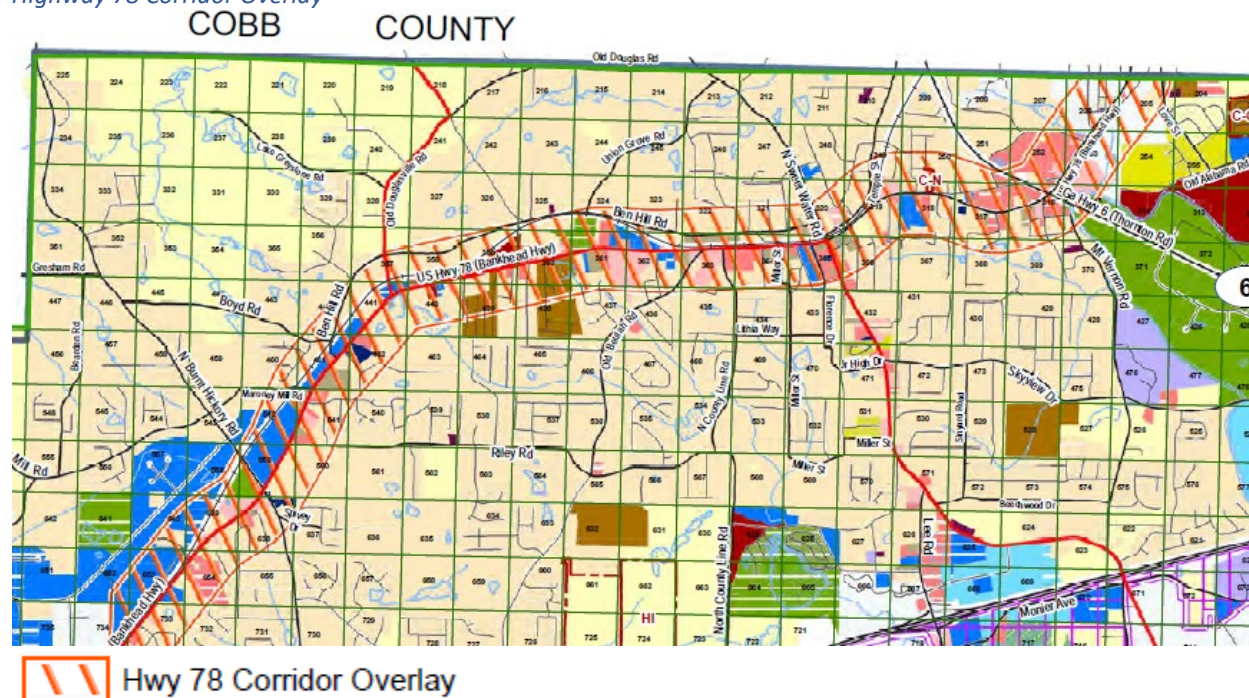
Quality Growth, Village and Corridor Overlays (Secs. 208 (e), 208 (h), 208 (i), 208 (j) and 208 (k))

The existing “Quality Growth,” “Highway 92 Village,” “Post Road Village,” “Highway 78 Corridor” and “Corridor” overlays share similarities but also key differences. It is not clear if the differences reflect the fact that they were written at different times by different authors or if the settings in which the regulations are applied necessitated different regulatory approaches.

A separate, side-by-side comparison table of the applicable overlay regulations has been attached. A review of these regulations suggests that it would be possible to consolidate at least the Highway 92 Village, Post Road Village and Highway 78 corridor overlay regulations into a new Village and Corridor Overlay section that contains both general regulations applying to all village and corridor overlays and separate subdistrict provisions when the regulations of one village or corridor overlay differ from others.

Before deciding on the preferred approach to dealing with all of overlays, it will be necessary to determine in conjunction with ARC staff which, if any, of the existing specific site and building design standards are critical to ensuring context-appropriate design and which could be adequately handled through more generally applicable regulations.

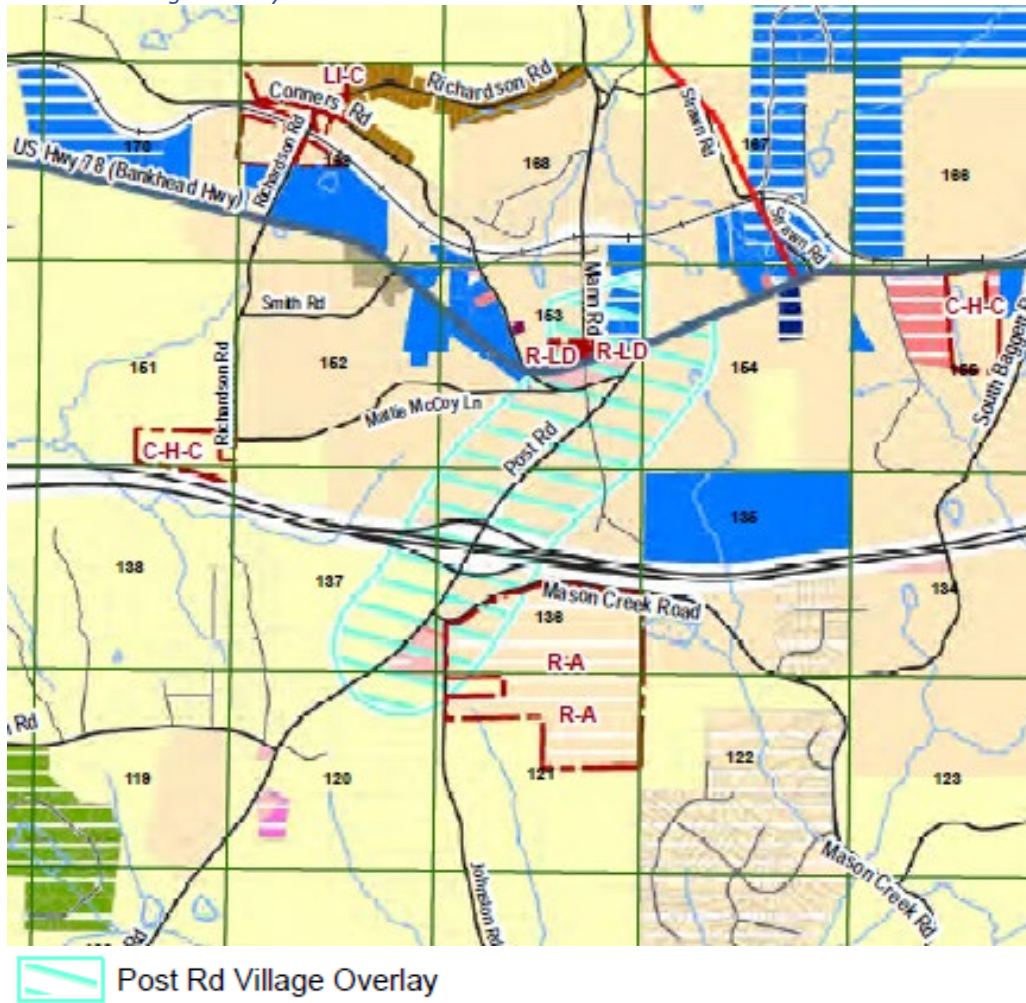
## Highway 78 Corridor Overlay





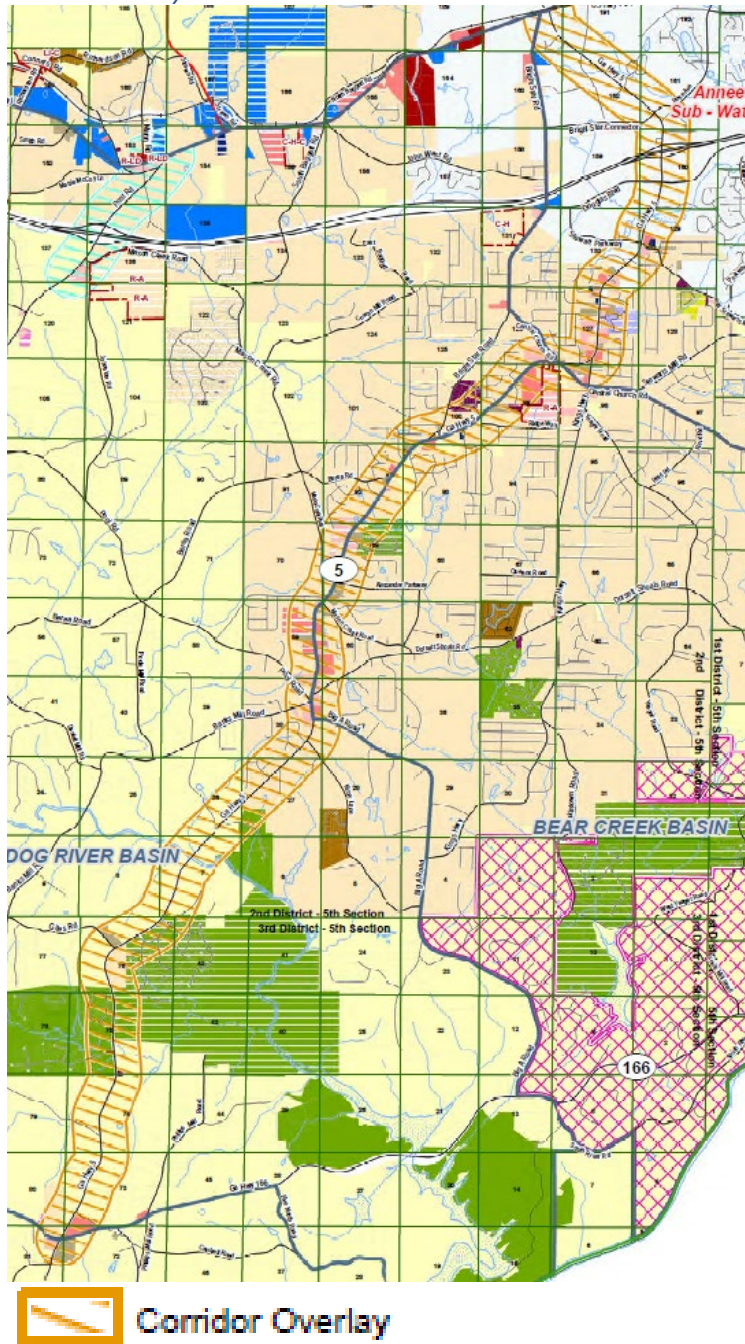


Post Road Village Overlay





### Corridor Overlay



### Planned Unit Developments (Sec. 506)

The existing Planned Unit Development (PUD) district is a “legacy” zoning classification. Previously approved PUDs are governed by the regulations of Sec. 506, but no new PUDs may be established. In order to effectively manage existing PUDs, the regulations in Sec. 506 will need to be retained.

While the regulations of Sec. 506 clearly state that no new PUDs will be approved, the regulations do not expressly address expanding the boundaries of existing PUDs. To provide greater clarity, the opening sentence of Sec. 506 should be amended as follows:

*Projects previously approved as Planned Unit Developments (PUDs) may continue their development under their zoning approval, but no new PUDs or boundary expansions of existing PUDs will be approved under this Development Code. Amendments to the regulations or conditions governing existing PUDs must be processed in accordance with the PUD amendment procedures of Sec. 506(i).*

## Mixed-Use Master Planned Developments (Sec. 507)

See description and recommendation in Sec. 508, below.

## Master Planned Developments (Sec. 508)

The mixed-use master planned and master planned development regulations of Secs. 507 and 508 are very similar, as indicated in the following comparison table. A review of the county zoning map reveals only two approved master planned developments—one mixed-use and one non-mixed-use—both of which are applied to R-A zoned lands. These two zoning/subdivision options should be consolidated into a single set of master planned development regulations modeled after the current mixed-use MPD (master planned development) regulations.

Mixed-Use Master Plan (507)	Master Plan (508)
Yellow highlights identify substantive differences between Secs. 507 and 508	
<b>507 (a) Mixed-Use Master planned developments; where allowed.</b> Not clear which districts (text refers to Table 5.2, but table doesn't specify) <sup>1</sup> , but not O-ED and not within Dog River Watershed Protection Area Special Use approval required. Criteria (in lieu of regular special use criteria) are: a. Overall design layout; b. Infrastructure improvements; and c. Commercial development (if applicable); d. Overall density.	<b>508 (a) Master planned developments; where allowed.</b> May be approved in AG, R-A or R-LD—not O-ED and not within Dog River Watershed Protection Area Special Use approval required. Criteria (in lieu of regular special use criteria) are: a. Overall design layout; b. Infrastructure improvements; and c. Commercial development (if applicable); d. <del>Overall density.</del>
No equivalent section/regulations>>	<b>508 (b) Minimum development site area.</b> 15 acres; 50 acres if commercial uses
<b>507 (b) Development Parameters.</b> At least 60% residential and open space; no more than 40% commercial/office	<b>508 (c) Development Parameters.</b> At least 80% to 95% residential depending on underlying zoning
No equivalent section/regulations>>	<b>508 (d) Maximum number of dwelling units.</b> The total number of dwelling units for all types of housing allowed in a master planned development is determined by the maximum density allowed for the zoning district in which the master planned development is located (as shown on Table 4.1 of Article 4), or as otherwise required by an overlay district applicable to the property, whichever results in the lowest density. The maximum

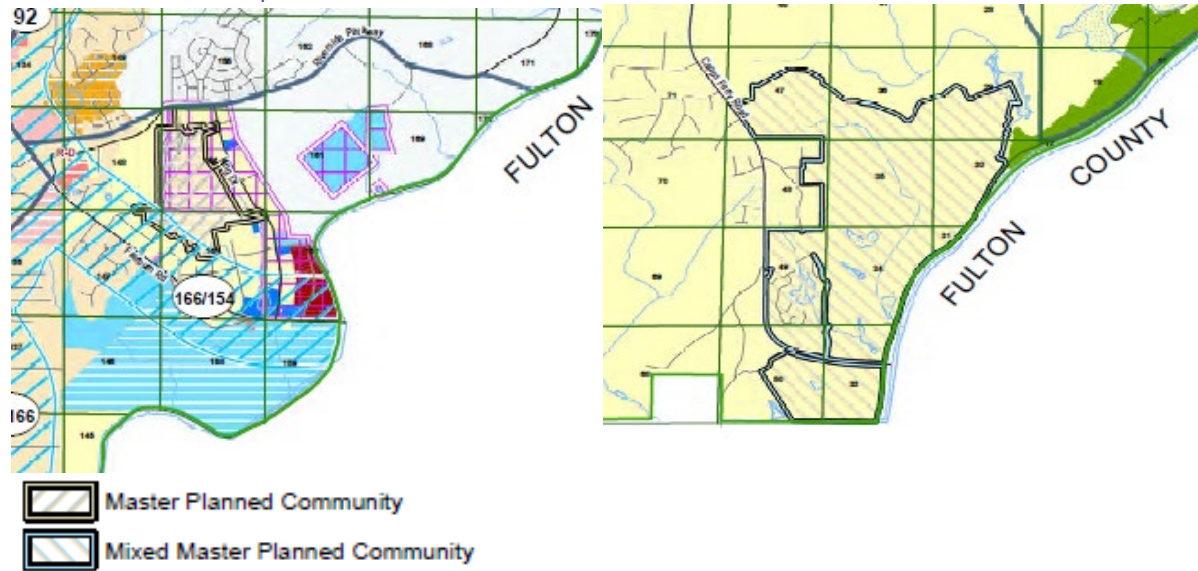
<sup>1</sup> Need to confirm intent of 507 (a)(1) and Table 5.2. Can mixed-use MPDs be approved in any zoning district?

Mixed-Use Master Plan (507)	Master Plan (508)
	density shall be applied to the gross acreage of the entire property, excluding only those areas excluded from maximum density computations under Article 4.
No equivalent section/regulations>>	<p><b>508 (e) Minimum residential dimensional standards.</b></p> <p>(1) AG master planned development. For single-family lots in a master planned development in the AG zoning district, the minimum lot area, width, setbacks, building area, structure height and all other dimensional requirements applicable to the R-A zoning district shall apply.</p> <p>(2) R-A master planned development. For single-family lots in a master planned development in the R-A zoning district, the minimum lot area, width, setbacks, building area, structure height and all other dimensional requirements applicable to the R-LD zoning district shall apply, or as otherwise approved as a Special Use Permit by the Board of Commissioners.</p> <p>(3) R-LD master planned development. For single-family lots in a master planned development in the R-LD zoning district, the minimum lot area, width, setbacks, building area, structure height and all other dimensional requirements applicable to the R-MD zoning district shall apply, or as otherwise approved as a Special Use permit by the Board of Commissioners.</p>
<p><b>507 (c) Common open space.</b> At least 20% of total site must be set aside as OS. Buffers, wetlands and water bodies may not be counted toward more than 25% of the OS requirement</p>	<p><b>508 (f) Common open space.</b> At least 20% of total site must be set aside as OS. Buffers, wetlands and water bodies may not be counted toward more than 50% of the OS requirement</p> <p>(3) Required zoning buffers on the perimeter of the property may be included in the common open space area, provided that such buffer areas may not be counted toward more than 10% of the minimum open space requirement of Sec. 508 (f)(1).</p>
<p><b>507 (d) Residential development standards.</b> (2) Minimum/Maximum floor area within a dwelling unit. a. Every single-family residence must have a minimum of 1,800 square feet of floor area.</p>	<p><b>508 (g) Residential development standards.</b></p>

Mixed-Use Master Plan (507)	Master Plan (508)
<p>b. Every multi-family residence (to include duplexes, townhomes, condominiums and apartments) must have a minimum of 1,000 square feet of floor area and a maximum of two (2) bedrooms.</p> <p>f. All required amenities shall be located interior to the subdivision. No such amenities shall be located immediately adjacent to existing county or state right-of-way or to existing residentially zoned properties. Mixed-use master planned developments shall be serviced with underground utilities (electric power, natural gas, telephone, TV cable, etc.) unless this requirement is waived by the County Engineer due to physical construction constraints.</p>	<p><i>Recreational amenities are the same in Sec. 507 and 508, which are not very different from the regulations that apply to "conventional" subdivisions in Sec. 504(f)</i></p>
No equivalent section/regulations>>	<b>508 (h) Internal orientation required.</b>
No equivalent section/regulations>>	<b>508 (i) Minimum separation from adjoining streets.</b>
<p><b>507 (e) Buffer requirements.</b></p> <p>(1) A permanent 25-foot zoning buffer area shall be established around the perimeter of any mixed-use master planned development where it adjoins an agricultural or residential zoning district. Except for a fence 1 along the property line, no structure of any type shall be permitted in the buffer area.</p>	<p><b>508 (j) Buffer requirements.</b></p> <p>(1) A permanent 50-foot zoning buffer area shall be established around the perimeter of any master planned development where it adjoins an agricultural or residential zoning district. Except for a fence 1 [] along the property line, no structure of any type shall be permitted in the buffer area.</p>
<p><b>507 (f) Ownership Control.</b></p> <p>Same</p>	<p><b>508 (k) Ownership Control.</b></p> <p>Same</p>
<p><b>507 (g) Concept plan; administration.</b></p> <p>(2) Development Text.</p> <p>The development text must designate all development standards including setbacks, lot size, housing type, specific commercial uses, building materials, street width, sidewalks and any other specifications as required by the Planning &amp; Zoning Director.</p>	<p><b>508 (l) Concept plan; administration.</b></p> <p>(1)(b) A master planned development involving only one type of housing and no commercial would present more detail regarding the layout of the development.</p> <p>1. The Concept Plan for a master planned development involving only one type of housing and no commercial shall conform to the requirements for a "concept plan" under the Procedures and Permits Article of this Development Code.</p>



#### Master Planned Developments



### Quality Growth Development District Scope of Regulations (Sec. 509)

The regulations of Sec. 509 include the substantive regulations of the O-QGD (Quality Growth Development Overlay) district. These regulations are addressed as part of the “Quality Growth, Village and Corridor Overlays” section on page 3.

### Conservation Subdivisions (Sec. 511)

The conservation subdivision regulations of Sec. 511 promote open space and natural resource conservation in AG, R-A and R-LD zoning districts by allowing smaller lots than permitted in conventional subdivisions in exchange for setting aside at least 40% of the total area of the subdivision as permanently protected open space. The conservation subdivision regulations are density neutral, meaning that such subdivisions cannot exceed the otherwise applicable maximum density restrictions of the underlying zoning.

The regulations of Sec. 511 are very similar if not identical to many of those that apply to master planned developments under Sec. 508. The two most important differences are that conservation subdivisions are allowed by right, while master planned developments require special use and concept plan approval.

The existing conservation subdivision regulations include two unusual provisions with seemingly little connection to their conservation objective. One requires that all dwelling units “have 100% of the front façade as brick and/or stacked stone, 100% of the side façade shall be brick and rear façades which consist entirely of any combination of brick, and cementitious siding.” The other requires that each dwelling unit include a “2-car garage having no less than a 10-foot by 20-foot area per parking space.” Consideration should be given to eliminating these requirements for conservation subdivisions.

Conservation subdivisions could easily be accommodated under the proposed modified master planned development regulations. In doing so, future conservation subdivisions could either be approved in the

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same manner as other MPDs (i.e., concept plan and special use approval) or the MPD regulations could be modified to allow residential-only conservation subdivisions (min. 40% open space) to be approved in accordance with the UDC's conventional subdivision approval procedures.

## Douglas County Unified Development Code Amendments Concepts and Proposed Direction Outline

### Appendix 1: Side-by-Side Comparison of Quality Growth, Village and Corridor Overlay Regulations

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Regulation	Hwy 92 Village Overlay	Post Road Village Overlay	Hwy 78 Corridor Overlay	Corridor Overlay	Quality Growth Overlay
Uses	<p>1. Permitted uses within the Highway 92 Village Overlay to include the uses in Table 2.5 for all L-I and L-I-R zoned properties with zoning existing as of August 2, 2016. The following uses, and only the following uses, shall be permitted within any development permitted pursuant to this ordinance:</p> <p>All Residential Uses  Administrative &amp;  Professional Offices  Finance, Insurance &amp; Real Estate Services  Daycare Facilities  Personal Care Services  Dry Cleaning &amp; Laundry Services (drop-off stations only)  Formal Wear &amp; Costume Rental  Video Tape &amp; Disc Rental  Home Health Equipment Rental  Bail Bonding Offices  Other Business Services  Private Schools  Arts, Entertainment &amp; Recreation (except spectator sports)  Electronics &amp; Appliance Stores  Nursery &amp; Garden Centers (all materials enclosed &amp; no outdoor storage or display)  Food &amp; Beverage Sales  Health &amp; Personal Care Stores</p>	<p>1. Permitted uses within the Post Road Village Overlay</p> <p>The following uses, and only the following uses, shall be permitted within any development permitted pursuant to this ordinance:</p> <p>Antique shops  Apparel and accessory stores  Appliance sales and repair shops  Bakeries  Bank or financial institutions  Bicycle shops  Books, cards and stationery stores  Barber shops and beauty salons  Carpentry shops  Churches  Clinic (public or private)  Community centers  Cultural facilities  Curio and souvenir shops  Day care facilities (shall have at least 150 square feet of outdoor play area, and at least 35 square feet of indoor space provided for each child. The outdoor play area shall be enclosed by a fence at least four feet high)  Drug stores, pharmacies  Equipment supplies (medical, dental, art)  Florist shops  Garden, landscaping supplies (all materials</p>	<p>All uses allowed in the underlying zoning districts as established by this Code are permitted in the Highway 78 Overlay District with the following exceptions:</p> <p>Asbestos abatement or other remediation services  Automobile garages or repair shops (including auto exhaust repair, automotive body paint, interior repair and maintenance, ) with a Special Use Permit  Automobile parking lots &amp; garages  Automobile storage yards and wrecker services  Billiard parlors  Check cashing services  Construction contractors with outdoor storage  Hazardous waste treatment &amp; disposal  Junkyards, scraps yards, solid waste or recycling transfer stations  Landfills (inert or subtitled)  Manufactures home sales  Mining  Motels with outside entrances  Nude/semi-clothed dancing establishments  Itinerant merchants  Racetracks, amusement &amp; theme parks  Recreational Vehicle sales/service/repair facilities  Septic cleaning &amp; portable toilet services</p>	<p>All those uses listed in Table 2.5 of the Unified Development Code shall be permitted within any development except those uses expressly prohibited pursuant to this ordinance. The following uses are further restricted for this Corridor Overlay:</p> <p>1. Gasoline Stations to include convenience stores with fuel pumps (all buildings and appurtenances are to be located at least 400 feet from any residential property line; all fuel is to be stored underground outside of any public right-of-way.</p> <p>The following uses are <b>prohibited</b> in the Corridor Overlay:</p> <p>1. Automobile repair &amp; maintenance shops  2. Adult video shops/Adult retail shops  3. Billiard parlors  4. Check cash services  5. Drive-in theaters  6. Mini-warehouse facilities (excluding climate controlled storage with one or two primary entrances as an accessory use)  7. Manufactured home sales  8. Motels with outside entrances</p>	<p>The following uses are <b>not allowed</b> in the Quality Growth District:</p> <p>(1) Rooming/boarding houses.  (2) Industrial launderers.  (3) Lumber yards.  (4) Automotive repair and maintenance to include busses and trucks.  (5) Automotive parking lots as principal uses to include busses and trucks.  (6) All automotive parts/accessory/tire stores.  (7) Outdoor storage as a principal use.  (8) Fueling for trucks and busses.</p>

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Regulation	Hwy 92 Village Overlay	Post Road Village Overlay	Hwy 78 Corridor Overlay	Corridor Overlay	Quality Growth Overlay
	Gasoline Stations to include convenience stores with fuel pumps (all buildings and appurtenances are to be located at least 400 feet from any residential property line; all fuel is stored underground outside of any public right-of-way Clothing & Clothing Accessory Stores Sporting Goods, Hobby, Book & Music Stores Florists Office Supplies & Stationery Stores Antique Shops Pet & Pet Supplies Stores Art Dealers Food Services & Drinking Places All Public & Institutional Uses (except crematories as a principal use) Automotive Parts and Accessories Store & Tire Stores (No outside storage and all bays must be located away from Highway 92) Paint & Wallpaper Stores Hardware Stores Landscaping Services - no storage of materials or equipment Locksmith Shops Security System Services Investigation Services Document Prep Services Business Service Centers Credit Bureaus Collection Agencies	enclosed & no outdoor storage or display) Gasoline Stations to include convenience stores with fuel pumps (all buildings and appurtenances are to be located at least 400 feet from any residential property line; all fuel is stored underground outside of any public right-of-way Government buildings Greenhouse and plant nurseries (all materials enclosed & no outdoor storage or display) Grocery, general merchandise stores Hardware, paint and wallpaper stores Health clubs and facilities Hobby, toy and game stores Ice cream parlors Jewelry stores Laundry/dry cleaning facilities (pick-up) Office supplies Office (businesses) Professional offices Parks Pet shops and dog grooming shops Printing, publishing and engraving shops Restaurants Retail stores, common merchandise Schools Shoe repair shops Single-family detached dwelling units	Short-term loan offices Solid waste incinerators Swap meets & flea markets Tattoo parlors Tire retreading & recapping Truck terminals and/or truck stops Using clothing/thrift/consignment stores Used & new tire sales/repair shops Salvage lots/scrap yards	9. Nude/semi-clothed dancing/entertainment establishments 10. Swap meets/Flea markets 11. Pawn shops 12. Recreational vehicle sales/service/repair facilities 13. Short-term loan offices 14. Truck terminals 15. Used tire sale/repair shops 16. New & used automobile/vehicle dealerships/salvage lots/scrap yards	

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	<p>Court Reporting &amp; Stenotype Services</p> <p>Automotive Sales</p> <p>2. <b>Prohibited Uses</b> within the Highway 92 Village Overlay</p> <p>No use which is not specifically enumerated in Article 2, Section 208 (h) (c) (1) above (including, without limitation, the following uses) shall be allowed in the Village Overlay district.</p>	<p>Any property with road frontage on Highway 78 can request L-I zoning</p> <p>2. <b>Prohibited Uses</b> within the Post Road Village Overlay</p> <p>No use which is not specifically enumerated in Article 2, Section 208 (i) (c) (1) above (including, without limitation, the following uses) shall be allowed in the Post Road Village Overlay district:</p> <p>Adult video shops</p> <p>Automobile garages or repair shops</p> <p>Billiard parlors</p> <p>Check cash services</p> <p>Drive-in theaters</p> <p>Farm equipment sales/storage</p> <p>Manufactured home sales</p> <p>Mini-warehouse facilities (excluding climate controlled storage with one or two primary entrances as an accessory use in the Post Road Village Overlay area only)</p> <p>Motels with outside entrances</p> <p>Nude/semi-clothed dancing establishments</p> <p>Itinerant merchants</p> <p>Pawn shops</p> <p>Recreational vehicle sales/service/repair facilities</p> <p>Short-term loan offices</p> <p>Truck terminals</p> <p>Used tire sales/repair shops</p>			

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Regulation	Hwy 92 Village Overlay	Post Road Village Overlay	Hwy 78 Corridor Overlay	Corridor Overlay	Quality Growth Overlay
		New and used automobile/vehicle dealerships/salvage lots/scrap yards			
Basic Site Details	It is the express intent of the governing authority to discourage strip commercial development and enhance pedestrian access along the corridor. Accordingly, the overlay provides for: a) Consolidation of parcels for development to a minimum of seven acres. b) Minimization of curb cuts along the highway by requiring a minimum frontage of 400 feet for assembled parcels. c) Individual parcels along the highway shall have a minimum of seventy five feet of frontage.	It is the express intent of the governing authority to discourage strip commercial development and enhance traffic safety along the highway. Accordingly, the overlay provides for: a) Consolidation of parcels for development to a minimum of seven acres. b) Minimization of curb cuts along the highway by requiring a minimum frontage of 400 feet for assembled parcels. c) Individual parcels along the highway shall have a minimum of seventy five feet of frontage.			
Minimum Dev't Stnds	See Table at End	See Table at End			(1) Bulk & setback requirements. a. Maximum building coverage. Except for one-story warehouse, storage, or distribution buildings which are limited to a maximum building coverage ratio of 45 percent, the ratio of building coverage to the total lot area shall in no case exceed a ratio of 55 percent. b. Floor area ratio. 1. The ratio of total floor area of all buildings on a lot to the total site area (Floor Area Ratio) shall not exceed

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					a ratio of 150 percent (or 1.5 times the total site area).
Streetscape theme	<p>1) Front yard areas shall contain landscaping at least 40 feet in depth along the entire property frontage except where driveways may be required.</p> <p>2) A three-rail fence of appropriate style, vinyl and white in color, shall be required 20 feet from the curb on the right-of-way of the highway. Each column of the fence shall be brick with a cap that is consistent with the color Rosewood brick by Carolina Ceramics.</p> <p>3) A 10' wide sidewalk shall be required and located 20' from the curb of the outside travel lane.</p> <p>4) A double row of overstory trees not less than four inches DBH as indicated in Article 8 shall be planted every 40 feet on center along the entire roadway frontage of the property along either side of the sidewalk.</p> <p>5) Landscaping shall utilize fences, berms, connecting sidewalks, trees and other plantings.</p> <p>6) Pedestrian-scaled lighting placed every 40 feet on center shall be required along one side of the sidewalk.</p>	<p>1) Front yard areas shall contain landscaping at least 40 feet in depth along the entire property frontage except where driveways may be required.</p> <p>2) A three-rail fence of appropriate style, white in color, shall be required within two feet of the margin of the right-of-way of the highway. Each column of the fence shall be brick with a cap.</p> <p>3) An overstory tree not less than four inches DBH as indicated in Article 8 shall be planted every 40 feet on center along the entire roadway frontage of the property within the landscape strip.</p> <p>4) Landscaping shall utilize fences, berms, connecting sidewalks, trees and other plantings.</p>			



Regulation	Hwy 92 Village Overlay	Post Road Village Overlay	Hwy 78 Corridor Overlay	Corridor Overlay	Quality Growth Overlay
Building setbacks	<p>1) 25% of all buildings located along Highway 92 shall be built to the 40' setback line. These buildings <b>should</b> be oriented with windows and main entrances facing the street. Outdoor cafes and seating areas may be counted as primary building frontage.</p> <p>2) All buildings built to the setback line shall provide a 15' space between the building frontage and the sidewalk. The building frontage <b>should</b> be designed to include sidewalk/plaza connections to the main sidewalk that includes landscaping, borders and bicycle parking amenities.</p>				
Utilities	All utilities shall be located underground.	All utilities shall be located underground.		b) All new utility lines shall be located underground.	<p>(3) Utility and service equipment.</p> <p>a. All industry standard grade utilities shall be located underground. All entry fixtures and other service equipment shall be located in side or rear yards and away from high use or high visibility areas. These fixtures shall be adequately screened by masonry walls, imitation-wood vinyl privacy fences with plantings, or plantings. Such fixtures and service equipment shall be screened as per Sec. 509(b)(2).</p> <p>b. All service equipment including but not limited to</p>

Regulation	Hwy 92 Village Overlay	Post Road Village Overlay	Hwy 78 Corridor Overlay	Corridor Overlay	Quality Growth Overlay
					air conditioning units and other utility or mechanical equipment that will be located on a rooftop shall be screened from ground level view behind a parapet wall or other architectural extension, equal in height to the unit requiring screening. Such parapet or extension shall be compatible to, in design, and integrated architecturally to the building. A parapet or extension of up to 8 feet in height will not be included when calculating building height. Ground level view shall be defined as any view of the structure from the property line in any front yard of the property.
Architecture	<p>1) Buildings shall be designed to substantially resemble eighteenth and nineteenth century architectural styles with the exception of single family detached residential developments. Developments shall utilize Georgian or Colonial architecture development themes with symmetrical form and fenestration with triangular pediments at all front facing entry ways.</p> <p>2) Building mass shall be broken up to give the appearance of individual buildings or places of</p>	<p>1) Buildings shall be designed to substantially resemble eighteenth and nineteenth century architectural styles with the exception of single family detached residential developments.</p> <p>2) Building mass shall be broken up to give the appearance of individual buildings or places of</p>	<p>The architectural design standards established herein apply to all commercial development requiring a land disturbance permit. They are intended to achieve a base level of quality for architectural and landscape design that is responsive to its context and contributes to the overall character of the overlay district. The architectural criteria listed below establish minimum design standards for buildings within the overlay district in order to reduce the impacts</p>	<p>a) Architectural design of all non-residential buildings <b>should</b> comply with the following:</p> <p>1) Building facades shall be constructed with brick, stone, stucco and/or glass.</p> <p>2) Metal sided and portable buildings shall be prohibited.</p> <p>3) All non-residential uses shall utilize commercial buildings of new or remodeled construction. No conversion of a residential structure to a commercial building will be allowed.</p> <p>4) All mechanical, HVAC and like systems shall be</p>	

Regulation	Hwy 92 Village Overlay	Post Road Village Overlay	Hwy 78 Corridor Overlay	Corridor Overlay	Quality Growth Overlay
	<p>business, presenting a village appearance.</p> <p>3) Large areas of uninterrupted brickwork shall be broken up through the use of trellises, arcades, blind windows, archways or other patterns. Blank walls shall not occupy more than 50% of a street facing frontage and shall not exceed 20 linear feet without interruption by a window or entry.</p> <p>4) Window areas shall not extend down to the floor line or across the entire frontage of a building's façade. A wall of not less than two feet in height shall separate the floor from the bottom of the window frame or to break up windows along the building's facade.</p> <p>5) All storefronts facing a street shall have windows covering a minimum of 40% and a maximum of 80% of the ground floor linear frontage.</p> <p>6) All buildings built to the street shall have a front entrance that orients to the street and shall be a distinct and prominent element of the architectural design incorporating lighting, change in mass, surface or finish to provide emphasis.</p>	<p>business, presenting a village appearance.</p> <p>3) Large areas of uninterrupted brickwork shall be broken up through the use of trellises, arcades, blind windows, archways or other patterns.</p> <p>4) Window areas shall not extend down to the floor line or across the entire frontage of a building's façade. A wall of not less than two feet in height shall separate the floor from the bottom of the window frame or to break up windows along the building's facade</p>	<p>of commercial development on adjacent properties.</p>	<p>screened from street level view.</p> <p>5) Any accessories provided such as railings, benches, trash receptacles and/or bicycle racks shall complement building design and style.</p> <p>6) Buildings of less than 5,000 square feet of gross floor area shall be designed with pitched roofs with a minimum pitch of 4 to 12.</p> <p>7) Roofing materials for pitched or mansard roofs shall be limited to the following:</p> <ul style="list-style-type: none"> <li>i. Metal standing seam</li> <li>ii. Tile, slate or stone</li> <li>iii. Wood shake shingles</li> <li>iv. Shingles with a slate, tile or metal appearance</li> </ul> <p>b) Architectural design of all commercial/retail buildings <b>should</b> comply with the following additional performance guidelines:</p> <p>1) To lend the appearance of multi-tenant occupancy, facades of buildings shall be varied in depth or parapet height.</p> <p>2) Within planned shopping centers, distinct architectural entry identity for individual tenants' entrances shall be provided suites exceeding 10,000 square feet of leasable area.</p> <p>3) Walls visible from roadways or parking areas</p>	

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	<p>7) All building facades shall have a base, middle &amp; top.</p> <p>i. The base will provide a foundation from the ground to the bottom of windows of not less than 2 feet in height.</p> <p>ii. A clear top with a cornice line or awning located between 12' to 16' above the ground floor elevation is required.</p> <p>iii. Changes in materials, massing, variation in roof lines, awning, gables, recessed entries, etc. are required.</p> <p>iv. No more than 20' of horizontal distance of wall shall be provided without architectural relief of massing or material.</p> <p>8) "Big box" structures (defined as any building greater than 150,000 square feet) shall have no more than 60' of horizontal distance of wall without architectural relief via a façade, massing change of a minimum 30' wide and 8' deep for facades facing streets or primary parking areas.</p>			<p>shall incorporate changes in building material/color or varying edifice detail such as trellises, false windows or recessed panels reminiscent of window, door or colonnade openings, landscaping or storefronts for every 150 linear feet of wall area.</p> <p>4) Roof parapets shall be articulated to provide visual diversity. Parapets shall include articulations or architectural features at least every 100 linear feet. The minimum height of articulations or features shall be 1', and may be provided in height offset or façade projections such as porticoes or towers.</p> <p>5) Building design shall include a minimum 2' high contrasting base, extending along the entire front sides of buildings.</p> <p>6) All restaurants shall incorporate patios or outdoor dining areas to increase pedestrian accessibility.</p> <p>7) Any multi-tenant building or shopping center shall incorporate courtyards to be provided with landscaping and pedestrian access. Design of all courtyards subject to the approval of the Planning &amp;</p>	

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				<p>Zoning Director or his/her designee.</p> <p>8) Prior to issuance of a Site Development Permit for each phase of a project, if any, the developer shall submit architectural elevations in the form of a Plan Book for typical structures for review and approval by the Planning &amp; Zoning Director or his/her designee. At a minimum, the Plan Book shall include allowable building elevations, design criteria for entries, porches, doors, windows, dormers, columns, cornices, roofs, landscaping, fencing and retaining walls; exterior colors and materials and other pertinent information. All structures shall be constructed in accordance with the approved Plan Book and it shall become a binding restriction on all structures within the development and may be amended or supplemented only by approval of the Planning &amp; Zoning Director or his/her designee.</p>	
Building Materials	1) Buildings shall have no less than 80 percent of the non-glass area of all exterior sides faced with brick of a natural color and texture that simulates historic types of brickwork. If a building	1) Buildings shall have no less than 80 percent of the non-glass area of all exterior sides faced with brick of a natural color and texture that simulates historic types of brickwork. If a building	The following design standards, guidelines and enhancements are established to create a sense of architectural consistency throughout the overlay		<p>(2) Building finishes, wall planes and roof planes.</p> <p>a. Prohibited finish materials. Aluminum, steel, vinyl, mirrored or reflective glass, cinderblock, unfinished concrete,</p>

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	<p>has more than four planar areas, 80 percent of any additional sides or areas shall be faced in brick.</p> <p>2) Multipane windows shall be used in individual window openings, rather than large glass sheets.</p> <p>3) Mirrored glass with a reflection greater than 20 percent and glass curtain walls are prohibited.</p> <p>4) Paint colors shall be of traditional, historic types which are generally muted tones such as ivory, beige, white and pastel colors. Colors which are not permitted are bright or vibrant colors of orange, pink, purple, bright green or violet, which are considered to be inconsistent with the district. The exterior color scheme shall be approved by the Planning &amp; Zoning Director.</p>	<p>has more than four planar areas, 80 percent of any additional sides or areas shall be faced in brick.</p> <p>2) Multipane windows shall be used in individual window openings, rather than large glass sheets.</p> <p>3) Mirrored glass with a reflection greater than 20 percent and glass curtain walls are prohibited.</p> <p>4) Paint colors shall be of traditional, historic types which are generally muted tones such as ivory, beige, white and pastel colors. Colors which are not permitted are bright or vibrant colors of orange, pink, purple, bright green or violet, which are considered to be inconsistent with the district. The exterior color scheme shall be approved by the Planning &amp; Zoning Director.</p>	<p>district and to ensure high quality architectural design.</p> <p>1) Exterior building materials on all commercial development shall consist of full front brick and the remaining sides a minimum of 75 (75%) percent per vertical wall plane of brick, natural or pre-cast stone. If multiple establishments are contained within one contiguous structure, the percentage pertains to the entire façade rather than individual façade fronts.</p> <p>2) Accent wall materials on all commercial development shall not exceed twenty-five (25%) percent per vertical wall plane. Accent building materials include, but are not limited to, exterior finish insulation systems, stucco and stacked stone. If multiple establishments are contained within one contiguous structure, the percentage pertains to the entire façade rather than individual façade fronts.</p> <p>3) The principle entry are of a building, or if in a shopping center the largest tenant or a central location of a group of buildings, shall be articulated and <b>should</b> express greater architectural detail than other portions of the building. Entries shall</p>		<p>fiberglass or plastic are prohibited, except architectural detailing and decorative trim of not more than 15% of any one façade.</p> <p>b. Wall planes and roof planes. Any building facing a public street or directly adjacent to a residentially zoned lot shall not have wall planes exceeding 30 feet in length without a change in plane by means such as a vertical recess, projection, change in material or color or pilaster. Changes in roof planes shall occur at locations with changes in wall planes.</p> <p>c. Permitted finish materials for front facing facades.</p> <p>1. Principal materials. All exterior finish materials visible from any public street shall be any of the following:</p> <p>a. Brick or brick face;</p> <p>b. Natural stone including granite, marble, sandstone, field stone or any other natural stone;</p> <p>c. Manufactured stone including imitation field stone, marble terrazzo, and any other manufactured architectural finish stone;</p> <p>d. Clay tile with baked-on enamel finish; or architecturally treated decorative concrete block.</p>

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			<p>include at least one of the following or similar architectural elements:</p> <p>Overhangs</p> <p>Canopies</p> <p>Recesses/projections</p> <p>Columns</p> <p>Arcades</p> <p>Corniced parapets over the door</p> <p>Peaked roof forms</p> <p>Arches</p> <p>Display windows</p> <p>Integral planters or wing walls that incorporate landscaped areas and/or places for sitting</p>		<p>e. Fiber cement/cementitious siding (board or plank)</p> <p>2. Windows and glass doors. All front facades shall have a minimum of:</p> <p>a. Non-residential: 25% glass windows and glass doors on each floor visible from a public street unless directly screened by an adjacent building landscaping screen.</p> <p>b. Residential: 20% glass windows and glass doors on each floor visible from a public street unless directly screened by an adjacent building landscaping screen.</p> <p>d. Side and rear facades. All exterior finish materials for side and rear facades shall be any of the following:</p> <p>1. Brick or brick face;</p> <p>2. Natural stone including granite, marble, sandstone, field stone or any other natural stone;</p> <p>3. Manufactured stone including imitation field stone, marble terrazzo, and any other manufactured architectural finish stone;</p> <p>4. Clay tile with baked-on enamel finish;</p> <p>5. Architecturally treated decorative concrete block;</p> <p>6. Architecturally treated slabs or block either fluted or with exposed aggregate;</p>

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					<p>7. Stucco on late or an imitation stucco material or an acceptable substitute.</p> <p>8. Fiber cement/cementitious siding (board or plank).</p>
Roof lines	<p>1) All buildings shall have a pitched roof with a minimum pitch of four and one-half inches vertical elevations per one foot of horizontal distance, except as otherwise provided herein. This shall include any canopy or roof of gasoline or convenience stores where coverings are placed over fueling areas.</p> <p>2) Commercial building styles without a pitched roof shall have a detailed parapet and cornice, in keeping with eighteenth and nineteenth century architectural styles.</p> <p>3) All roofing materials shall be of a consistent style and pattern. Pitched roofs shall be finished in either architectural or dimensional shingles or standing seam metal roofs.</p>	<p>1) All buildings shall have a pitched roof with a minimum pitch of four and one-half inches vertical elevations per one foot of horizontal distance, except as otherwise provided herein. This shall include any canopy or roof of gasoline or convenience stores where coverings are placed over fueling areas.</p> <p>2) Commercial building styles without a pitched roof shall have a detailed parapet and cornice, in keeping with eighteenth and nineteenth century architectural styles.</p> <p>3) All roofing materials shall be of a consistent style and pattern. Pitched roofs shall be finished in either architectural or dimensional shingles or standing seam metal roofs.</p>	<p>Rooflines on commercial building shall incorporate roof features (extensions and/or projections such as gable, hip, parapet, dormers or others) that achieve visual interest through variation along one-third of the entire horizontal length of the roofline. These features shall conform to the following specifications where applicable:</p> <p>i. The roof pitch of sloped roofs shall be a minimum of 4:12.</p> <p>ii. Roof styles for multi-building complexes shall be compatible and consistent with roof designs for the entire complex.</p>		
Signage	<p>1) Freestanding signs</p> <p>i. All freestanding signs shall be of a monument style and constructed only of brick or stone materials to match or compliment the principal structure or structures located on the site.</p>	<p>1) Freestanding signs</p> <p>i. All freestanding signs shall be of a monument style and constructed only of brick or stone materials to match or complement the principal structure or structures located on the site.</p>	<p>This section established minimum standards to promote and ensure a cohesive and unified identification program with the Highway 78 Overlay District. A detailed sign plan is required to be submitted that addresses and conforms to all provisions set forth in</p>	<p>a) Ground signs shall be limited to monument signs with a maximum height of eight feet. Base and sign structure shall be constructed of materials such as brick, stone and/or stucco consistent with the architecture and exterior materials of the building.</p>	<p>a. Number and size. Except for shopping center lots in commercial zoning districts, only one principal freestanding sign of not more than 60 square feet per street frontage is permitted. Corner lots may use a total of 120 square</p>



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	<p>ii. A monument base shall consist of:</p> <p>a. A solid base or framework, the same width and length of the signs. Said base shall be completely covered in brick or stone facing; or</p> <p>b. Two columns, each not less than two inches square supporting the sign on each side. The total span of said columns shall equal the total width and length of the sign box, and shall be connected at the base by a planter or monument not less than three inches in height.</p> <p>c. All monument signs shall be a maximum of four feet in height except that signs for properties with frontage on Highway 92, the Bomar Road Connector and Lee Road may be a maximum of eight feet in height.</p> <p>d. All monument signs shall be a maximum of 32 square feet of signage copy area per side and 64 square feet of total sign area.</p> <p>iii. If the sign lists multiple tenants the sign shall be of a uniform background, lettering style and color and a maximum of eight feet in height.</p> <p>iv. All monument signs shall have external illumination only.</p>	<p>ii. A monument base shall consist of:</p> <p>a. A solid base or framework, the same width and length of the signs. Said base shall be completely covered in brick or stone facing; or</p> <p>b. Two columns, each not less than two inches square supporting the sign on each side. The total span of said columns shall equal the total width and length of the sign box, and shall be connected at the base by a planter or monument not less than three inches in height.</p> <p>c. All monument signs shall be a maximum of four feet in height except that signs for properties with frontage on Highway 78 may be a maximum of eight feet in height.</p> <p>iii. If the sign lists multiple tenants the sign shall be of a uniform background, lettering style and color and a maximum of eight feet in height.</p> <p>iv. All monument signs shall have external illumination only.</p>	<p>this section. The signage plan shall address sign dimensions, materials, height, color scheme, lighting and location of each sign on the building and on the ground. In addition to Article 7, the following shall apply:</p> <p>a) Freestanding sign structure/base materials shall match the principle building material.</p> <p>b) Wall signs shall not cover architectural features or details, and not extend beyond the roof line or outer edges of the building.</p> <p>c) Where there is more than one sign on a site, signs shall be complementary to each in shape and related components and type of construction materials.</p> <p>d) Signs shall be lit with exterior illumination only.</p>	<p>b) Canopy and awning signs shall be limited to 15 square feet per road frontage. If lighted, lettering shall be individually formed and lighted. No spreader bar signage shall be allowed except as required by the State Fire Marshall.</p> <p>c) Blinking, exposed neon, portable, inflatable and temporary signage shall be prohibited.</p> <p>d) Peddlers shall be prohibited.</p> <p>e) All other signage requirements of the Sign Ordinance of Douglas County shall apply, and there shall be no variances allowed for sign height, or size.</p>	<p>feet with a maximum of 2 signs, one per frontage.</p> <p>b. Materials. All signs shall be composed of wood, stone or other similar materials.</p>

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	<p>v. There shall be no variances allowed for sign height, or size.</p> <p>2) Wall Signs</p> <p>i. Signs with interior illumination are prohibited.</p> <p>ii. No internally illuminated box signs or illuminated canopies are allowed.</p> <p>iii. Open channel letters must use halo effect lighting. Internally illuminated channel letter are prohibited. Open channel letters shall be common colors such as red, yellow, green, blue, brown, white, black or pink. Colors that are not allowed are bright or vibrant colors or purple, bright green, bright red or violet. No signs shall give off light that glares, blinds or has any other such adverse effect on traffic. The light from an illuminated signs shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways. All signs shall be approved by the Planning &amp; Zoning Director.</p> <p>iv. All other specific dimensional requirements for all signage are governed by the Signs Ordinance of Douglas County, GA.</p>	<p>v. There shall be no variances allowed for sign height, or size.</p> <p>2) Wall Signs</p> <p>i. Signs with interior illumination are prohibited.</p> <p>ii. No internally illuminated box signs or illuminated canopies are allowed.</p> <p>iii. Open channel letters shall be common colors such as red, yellow, green, blue, brown, white, black or pink. Colors that are not allowed are bright or vibrant colors or purple, bright green, bright red or violet. No signs shall give off light that glares, blinds or has any other such adverse effect on traffic. The light from an illuminated signs shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways. All signs shall be approved by the Planning &amp; Zoning Director.</p> <p>iv. All other specific dimensional requirements for all signage are governed by the Signs Ordinance of Douglas County, GA.</p>			

Regulation	Hwy 92 Village Overlay	Post Road Village Overlay	Hwy 78 Corridor Overlay	Corridor Overlay	Quality Growth Overlay
	<p>3) The following signs are prohibited:</p> <p>i. Signs involving motion, rotation or sound, other than flags or streamers which are blown by the wind.</p> <p>ii. Automatic changeable copy signs, flashing, blinking, varying, varying light intensity signs or animated signs, except community information signs.</p> <p>iii. Courtesy benches, trash cans and similar devices on which advertising is displayed.</p> <p>iv. Signs attached to any street signs or markers, traffic control signs or devices, or attached to or painted on any pole, post, tree, rock, shrub, plant or other natural object or feature.</p>	<p>3) The following signs are prohibited:</p> <p>i. Signs involving motion, rotation or sound, other than flags or streamers which are blown by the wind.</p> <p>ii. Flashing, blinking, varying, varying light intensity signs or animated signs, except community information signs.</p> <p>iii. Courtesy benches, trash cans and similar devices on which advertising is displayed.</p> <p>iv. Signs attached to any street signs or markers, traffic control signs or devices, or attached to or painted on any pole, post, tree, rock, shrub, plant or other natural object or feature.</p>	<p>e) The following signs are prohibited:</p> <p>1) Signs involving motion, rotation or sound, including flags or streamers which are blown by the wind.</p> <p>2) Flashing, blinking, varying light intensity signs or animated signs, except community information signs.</p> <p>3) Courtesy benches, trash cans and similar devices on which advertising is displayed.</p> <p>4) Signs attached to any street signs or markers, traffic controls signs or devices, or attached to or painted on any pole, post, tree, rock, shrub, plant or other natural object or feature.</p>		
Traffic access requirements	<p>1) Access to Highway 92 must comply with all county and state traffic access requirements. Internal roadways or vehicular connections making developments accessible to each other shall be used to achieve interparcel access and prevent congestion on the highway.</p> <p>2) All commercial development tracts larger than one acre shall be organized into blocks</p>	<p>Access to Post Road must comply with all county and state traffic access requirements. Internal roadways or vehicular connections making developments accessible to each other shall be used to achieve interparcel access and prevent congestion on the highway.</p>	<p>Access to the highway must comply with all county and state traffic access requirements. Internal roadways or vehicular connections making developments accessible to each other shall be used to achieve inter-parcel access and prevent congestion on the highway.</p>	<p>Provide interparcel vehicle access points between all contiguous commercial, office or industrial tracts. This requirement may be waived by the Planning &amp; Zoning Director only if it is demonstrated that an interparcel connection is no feasible due to traffic safety or topographic concerns.</p> <p>c) Sidewalks shall be required adjacent to all public rights-of-way and into and throughout all residential developments.</p>	

Regulation	Hwy 92 Village Overlay	Post Road Village Overlay	Hwy 78 Corridor Overlay	Corridor Overlay	Quality Growth Overlay
	<p>ranging in length from 360' to 600'.</p> <p>3) Each block shall have primary and secondary driveways. Primary driveways shall be those that provide access to adjoining major thoroughfares or connections to Highway 92. Secondary driveways shall be all those streets internal to the block system and providing access to parking areas.</p> <p>4) All secondary driveways shall be:</p> <ul style="list-style-type: none"> <li>i. 60' of right-of-way</li> <li>ii. Two 11' travel lanes</li> <li>iii. 6' landscape buffers/planting strip required on either side of sidewalk with an overstory tree every 40' on center placed on either side of require sidewalk</li> <li>iv. A 5' sidewalk</li> </ul> <p>5) All primary driveways shall be:</p> <ul style="list-style-type: none"> <li>i. 70' of right-of-way</li> <li>ii. Two 11' travel lanes with bike lanes</li> <li>iii. On-street parking</li> <li>iv. 10' sidewalks of with 6' accommodated within the right-of-way and 4' within property setbacks abutting a building edge</li> <li>v. All buildings shall be built to the street to support pedestrian access</li> </ul>			<p>The location of sidewalks shall be reviewed and approved by the Douglas County or Georgia Department of Transportation. The sidewalks shall be a minimum of 4' wide to connect the public right-of-way to the entrance(s) of all buildings.</p> <p>d) Sidewalks shall be constructed with an additional 2' by 8' pad approximately every 300 linear feet to accommodate future pedestrian amenities such as benches, planters and trash containers. All such required amenities shall be decorative, commercial-quality fixtures. Sidewalk design and placement of any of these amenities shall be reviewed and approved by the Douglas County or Georgia Department of Transportation.</p> <p>e) Provide streetlights along all public rights-of-way utilizing decorative light poles/fixtures. Light source shall be high pressure sodium. Street lights shall be staggered 150' on-center along both sides of the roadway. All street lighting shall be subject to review and approval of the Douglas County Department of</p>	

Regulation	Hwy 92 Village Overlay	Post Road Village Overlay	Hwy 78 Corridor Overlay	Corridor Overlay	Quality Growth Overlay
	vi. Any project constructed along the area of the primary driveway labeled Parallel Commercial Street as shown in the approved LCI Plan shall be required to construct the roadway within the limits of the project			Transportation. Where applicable, streetlights shall be placed adjacent to required pedestrian amenity sidewalk pads. f) All light fixtures which are utilized along the right-of-way shall be Cobra Head, fluted (black) and a maximum of 40' in height. g) Provide lighting throughout all parking areas utilizing decorative light poles/fixtures. Light source shall be metal halide, not exceeding an average of 4.5 foot-candles of light output throughout the parking area. Other than pedestrian light fixtures which will be less than 14' tall, light fixtures shall be hooded. Lighting shall be directed to avoid intrusion on adjacent properties and away from adjacent thoroughfares. h) All light fixtures which are utilized for parking areas shall be Box Head, smooth black and a maximum of 50' in height. All light fixtures which are utilized for pedestrian areas shall be Box Head, fluted (black) and a maximum of 14' in height.	
Parking	1) Each development shall utilize the block system to organize internal parking lots and access and must provide access to adjoining parcels. If the adjoining parcel is	1) Each development shall provide not less than two nor more than four parking spaces per 1,000 square feet of gross building floor area	Parking for commercial establishments shall be distributed along not less than two sides of the building exterior. Parking that fronts the main building	a) Freestanding buildings or shopping center developments containing 7,500 gross square feet of space or less shall provide no more than 20% of	

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	<p>undeveloped, stub-outs are required for future connections. Each development shall provide not less than two nor more than six parking spaces per 1,000 square feet of gross building floor area for all uses except residential development.</p> <p>a.) Every fourth row of parking shall have a minimum 15' wide continuous pedestrian corridor consisting of landscaping and a minimum 5' wide walkway dividing the parking row. The walkway shall be either patterned or colored material other than asphalt and may be at grade and a minimum of 5' wide. The remainder of the pedestrian corridor <b>should</b> be a landscaped area planted with ornamental trees every 40' on center at a minimum. The walkway is allowed to meander through the corridor, but in no case shall the walkway be less than 5' wide or closer than 3' to a parking space. If the development has less than 4 rows of parking or an uneven amount of parking rows then the location of the required walkway shall be subject to the approval by the Planning &amp; Zoning Director.</p>	for all uses except residential development.	entrance(s) shall not exceed forty (40%) percent of the parking total.	<p>parking areas in the front of the building(s) and be limited to no more than one double row of parking. No more than 20% of off-street parking areas may be located to the sides of buildings, with the balance of parking located to the rear of the building(s).</p> <p>b) For developments exceeding 7,500 gross square feet, building placement is encouraged to be close to, and oriented toward the public right-of-way with a maximum of 40% parking to the sides and a minimum of 10% of the parking to the rear.</p> <p>c) Decorative, commercial-quality bicycle racks, benches and trash receptacles shall be required for all retail and office developments.</p>	

Regulation	Hwy 92 Village Overlay	Post Road Village Overlay	Hwy 78 Corridor Overlay	Corridor Overlay	Quality Growth Overlay
	<p>b.) One (1) raised parking island shall be provided for every four (4) rows of parking spaces for every 12 parking spaces.</p> <p>c.) Raised islands shall be constructed at the ends of the rows of parking spaces and at other drive intersections. Each island shall be a minimum 200 square feet and no less than 8' wide.</p> <p>d.) At least 10 percent of the parking lot area, including required buffer areas shall be landscaped. One tree per 10 spaces is required.</p> <p>e.) One bicycle parking space is required for every 10 vehicle parking spaces. Bicycle parking spaces shall be high quality "4" type construction and must be located near main building entrances and in areas with good visibility and incorporated whenever possible into building design or street furniture.</p>	<p>a.) One (1) raised parking island shall be provided for every four (4) rows of parking spaces.</p> <p>b.) Raised islands shall be constructed at the ends of the rows of parking spaces and at other drive intersections.</p> <p>c.) At least 10 percent of the parking lot area, including required buffer areas shall be landscaped.</p>			
Buffers and setbacks	The intent of buffers is to provide a year round visual screen such as evergreen trees between adjacent properties and the new development. All buffers and setbacks shall be as required by this ordinance. Any application for a design plan approval submitted to the	The intent of buffers is to provide a year round visual screen such as evergreen trees between adjacent properties and the new development. All buffers and setbacks shall be as required by this ordinance. Any application for a design plan approval submitted to the	The intent of buffers is to provide a year round visual screen such as evergreen trees between adjacent properties and the new development. All buffers and setbacks shall be as required by this ordinance. Any application for a design plan approval submitted to the		

Regulation	Hwy 92 Village Overlay	Post Road Village Overlay	Hwy 78 Corridor Overlay	Corridor Overlay	Quality Growth Overlay
	Planning & Zoning Director or his/her designee shall include a tree survey and landscape plan, with buffers, prepared by a landscape architect.	Planning & Zoning Director or his/her designee shall include a tree survey and landscape plan, with buffers, prepared by a landscape architect.	Planning & Zoning Director or his/her designee shall include a tree survey and landscape plan, with buffers, prepared by a landscape architect.		
Landscaping requirement	<p>1) A landscaped berm of no less than three feet in height or evergreen landscape planting no less than three feet in height at the time of planting shall be provided to screen vehicular parking areas, loading areas and dumpsters from view within the required buffer area per Table 2.3(h).</p> <p>2) Trees shall not be disturbed to any greater extent than absolutely necessary to construct any building or other improvement in the opinion of the County Engineer, Arborist or the Planning &amp; Zoning Director of Douglas County, GA.</p> <p>3) Existing (undisturbed) landforms, trees and other elements such as berms with asymmetrical clumps of plants, trees and shrubs indigenous to the area and region of Georgia shall be provided where possible within landscape areas.</p>	<p>1) A landscaped berm of no less than three feet in height or evergreen landscape planting no less than three feet in height at the time of planting shall be provided to screen vehicular parking areas, loading areas and dumpsters from view from Post Road within the required buffer area per Table 2.3(i).</p> <p>2) Trees shall not be disturbed to any greater extent than absolutely necessary to construct any building or other improvement in the opinion of the County Engineer, Arborist or the Planning &amp; Zoning Director of Douglas County, GA.</p> <p>3) Existing (undisturbed) landforms, trees and other elements such as berms with asymmetrical clumps of plants, trees and shrubs indigenous to the area and region of Georgia shall be provided where possible within landscape areas.</p>	<p>The intent of this section is to require the integration of all landscape improvements with the overall project site requirements. All plant materials shall be used to enhance the existing area, particularly as viewed from an adjacent right-of-way, and to mitigate development impacts. Landscape plans shall be submitted to the Planning &amp; Zoning Department and County Arborist for review. The following is in addition to Article 8 and shall be implemented:</p> <p>a) Plant materials shall be used as accent elements at roadside entryways to provide a definite sense of arrival to commercial properties. Plant materials shall consist of ground cover, herbaceous ornamentals, shrubs and understory and/or overstory trees adjacent to the establishments' monument sign. These materials shall be clustered while maintaining adequate sight distance to and from the entryway. Entryway</p>	<p>a) Provide a minimum 20 tree density units per acre for all non-residential development. Type and size of plantings shall be in compliance with the landscape, buffer and tree ordinance of Douglas County. At least 50% of plantings shall consist of trees three (3) inches in caliper (dbh) or greater.</p> <p>b) Provide landscaped islands throughout all surface parking areas as required by the Landscaping, Buffer and Tree Ordinance of Douglas County.</p> <p>c) Provide a minimum 10' wide landscaped strip between all road right of way and the back of curb abutting off-street paved parking lots. At a minimum, landscaped strips shall be planted in accordance with the requirements of the Landscaping, Buffer and Tree Ordinance of Douglas County.</p> <p>d) Provide non-ornamental shade trees spaced 50' on-center or grouped at 120' on-center along the right-of-way of all</p>	<p>(1) Landscaping requirements.</p> <p>a. Generally. Any multi-family residential, commercial, office, office distribution, or industrial use within the O-QGD, in addition to meeting all requirements and standards of Article 2, Article 8 and Article 9, shall also comply with the landscaping requirements of this section.</p> <p>b. Landscaping requirements. The location and detail of all required landscaping shall be depicted on the site landscaping plan (see the Procedures and Permits Article of this Development Code).</p> <p>1. Minimum required landscaped area. Each site shall have a minimum landscaped area of 25 percent. The calculated landscaped area may include tree islands within required parking areas.</p> <p>2. Frontage landscape strip. A minimum 25-foot wide landscape strip adjacent to the street right-of way shall be provided.</p>



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			<p>plantings shall be compatible with adjacent landscape areas in species selection and provide a cohesive transition between landscape plantings.</p> <p>b) All landscape areas shall provide a design of appropriate character and shall incorporate a minimum of forty (40%) percent evergreen and shrubs. All landscape areas shall also incorporate a minimum of twenty-five (25%) percent native plant material. Such plant material must be indigenous to the Southeastern United States and be approved by the County Arborist.</p> <p>c) A minimum fifteen (15') foot wide landscape strip shall be provided along the proposed right-of-way and reservation line of Highway 78.</p> <p>d) All landscape strips are required to contain a combination of at least two (2) of the following elements to provide a minimum of three levels of scale: vegetative ground cover, herbaceous ornamentals, and low to mid-level shrubs in addition to a combination of large canopy trees. All proposed shrubs <b>should</b> be a minimum of two (2') feet high at the time of planting</p>	<p>roads within the Corridor Overlay area.</p> <p>e) All street trees shall be a minimum of four (4) inch caliper at the time of planting. Street trees shall be planted a minimum of 6' from the back of the curb subject to review and approval of the Douglas County or Georgia Department of Transportation.</p> <p>f) Dumpsters shall be screened from view on all four sides. Screening shall consist of three solid walls of brick, stucco or rock construction at least six' in height, with 100% solid metal or wooden gates. Dumpsters shall be placed in the rear yard and may be located 0' from the property line if the adjoining property is zoned non-residential and 0' from all applicable buffers if the adjoining property is zoned residential.</p> <p>g) Natural vegetation shall remain on the property until issuance of a development permit.</p>	<p>Every 100 feet of linear landscape strip must include a minimum of 3 canopy trees, 3 understory trees, 2 evergreen coniferous trees, and 18 shrubs. Planting standards may be reduced up to 50% with the provision of a 5 feet tall earthen berm running the entire length of the landscape strip.</p> <p>3. Side and rear yard landscaping. Unless otherwise required in Article 8 of the Unified Development Code, all required side and rear yards shall be landscaped in accordance with the requirements of this article.</p> <p>4. Other landscape areas. All land surfaces other than those covered by permitted buildings, structures, paving, or other required site elements shall be landscaped with well-maintained grass, flowers, shrubs, or other suitable plant materials.</p> <p>5. Natural buffers shall be supplemented with native plantings when the natural buffer does not provide a minimum of 80% opacity between the proposed use and the adjacent residential district. These plantings shall include a mixture of canopy trees (50% must be evergreen), understory</p>

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			<p>space every five (5') feet on center. Strips must also include large canopy trees with total caliper measurements equivalent to a minimum of twelve (12) caliper inches per fifty (50) linear feet with a minimum four (4) inch caliper and eight (8) foot height required at time of installation of each tree. Tree placement may be grouped or staggered rather than following a regulated line along the road frontage. Tree shall count towards the tree density requirements as outlined in Article 8.</p> <p>e) A minimum of ten (10') feet of the required fifteen (15') foot landscape strip shall be located behind utility easements so plant material will not be disturbed after installation.</p> <p>f) All parking areas shall be screened from view with evergreen shrubs. Shrubs shall be no less than three (3') feet in height as measured from the top of curb of parking areas. Exemption to this requirement may be requested when the site is significantly below grade level.</p> <p>g) Retaining walls, if necessary, must be faced with brick, stone, cast stone</p>		<p>trees, evergreen coniferous trees and shrubs. Canopy trees shall be no less than 3 inches in caliper and no less than 15 feet in height at the time of planting with a mature height of no less than 25 feet.</p> <p>(2) Screening.</p> <p>a. Generally. Any multi-family residential, commercial, office, office distribution, or industrial use with the O-QGD, in addition to meeting all requirements and standards set forth in this Development Code, shall also comply with the screening requirements of this section.</p> <p>b. Requirements for loading areas, service equipment, outdoor storage areas. All loading areas, outdoor service equipment, and outdoor storage areas, including those for trucks, busses, automobiles stored more than 48 hours, or the storage of any other vehicles or equipment shall be screened from street or adjacent property view by an attractive solid masonry wall finished on the exterior side by the same material used for the façade of the building. Such wall shall be not less than 5 feet in height and no more than 8 feet in height. Specific height, as</p>

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Regulation	Hwy 92 Village Overlay	Post Road Village Overlay	Hwy 78 Corridor Overlay	Corridor Overlay	Quality Growth Overlay
			or split face modular block if visible from the right-of-way.		dictated by all applicable ordinance provisions, shall be determined during the site plan review process. c. Exceptions for loading areas, service equipment and outdoor storage areas. 1. Exceptionally, no screening shall be required to separate adjacent uses which are the same or similar. 2. A portion of the required screening, not to exceed 25 percent, may be substituted in the form of a natural or structural buffer. d. Building landscaping and screening. For any building structure which faces a public street or is directly adjacent to a residentially zoned property, and has less than 25% glazing or openings (doors, windows, and service entries) on the façade facing the public street or residentially zoned property: 1. The lot for such building structure must include a landscape screen between the building structure and the residentially zoned lot in addition to any buffers required by Article 8 of this Development Code. Such screen must be a minimum of 15 feet in width and run the entire length of the subject building façade

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					except where there are breaks for building access. Every 100 feet of linear building landscaping screen must include: 6 canopy trees (3 of which must be evergreen), 2 understory trees, 3 evergreen coniferous trees, and 18 shrubs. Canopy trees shall be no less than 3 inches in caliper and no less than 15 feet in height at the time of planting with a mature height of no less than 25 feet. Understory trees shall be any deciduous or evergreen trees that have the potential to grow to a mature height of less than 40 feet.
Renovations	Renovations to pre-existing non-conforming buildings which require a building permit shall meet all architectural standards of this ordinance.	Renovations to pre-existing non-conforming buildings which require a building permit shall meet all architectural standards of this ordinance.	Renovations to pre-existing non-conforming building which require a building permit shall meet all architectural standards of this ordinance. Deviations from the architectural standards can be approved by the Planning & Zoning Director and/or Development Services Director if they are requested to maintain consistency with existing building materials.		
Exterior Lighting			All lighting for commercial development shall be designed to integrate with the overall development character.		

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			<p>a) Lighting shall be architecturally integrated with the style, material and color of on-site structures.</p> <p>b) Lighting shall be unobtrusive and refrain from adverse impact of adjacent properties and public right-of-ways.</p> <p>c) Exposed neon and fluorescent lighting is not permitted except for open and closed signs.</p> <p>d) For drive-under canopies and pump islands, the luminaries shall be recessed into the canopy ceiling so that that bottom of the luminaries does not extend below the ceiling.</p>		

Regulation	Hwy 92 Village Overlay	Post Road Village Overlay	Hwy 78 Corridor Overlay	Corridor Overlay	Quality Growth Overlay
Outdoor Storage					<p>a. Outdoor storage of merchandise or inventory (other than motor vehicles) may be permitted as outlined in Sec. 305 regarding outdoor storage. Such outdoor storage shall be screened as per Sec. 509(b)(2).</p> <p>b. Outdoor storage of motor vehicles may be permitted only in paved areas shown on the site plan.</p>
Fences and Walls					<p>Materials permitted. Any fences or walls not required for screening under this section shall be composed of stone, decorative metal or decorative block. If located parallel to a street and within 30 feet of that street, these fences or walls shall comply with Article 8 of this Development Code.</p> <p>b. Prohibited materials; exception. Chain link, unfinished concrete or cinderblock, plastic or fiberglass, barbed or razor wire, and wood fences are prohibited. Paint shall not be used as a finish material. Exceptionally, the above prohibited materials may be utilized on a security fence if located inside an approved screening fence, wall, or other screening element as specified above.</p>

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Maintenance					<p>(1) Maintenance. Buildings and site elements shall be well maintained and repaired or replaced in a timely manner should damage or deterioration occur. Any damage or deterioration shall be corrected within 60 days.</p> <p>(2) There shall be no outdoor loudspeaker systems utilized.</p> <p>(3) For lots which include required landscaped yards, setbacks, buffer, or screens, the developer shall submit a maintenance plan as part of project approval, showing proper maintenance and irrigation of landscaped areas, and providing for dead and underperforming plant material to be removed and appropriately replaced.</p>

Res Dev't Stnds					<p>Residential densities for R-TC and R-MF districts in the Sweetwater Master Plan Area only will be 10 units per acre and subject to the following:</p> <p>(1) All developments will include publicly accessible greenspace for a minimum of 10% of the total lot area and will be mixed use master planned developments with the following options:</p> <p>a. For projects greater than 500 feet from the right-of-way of Thornton Road, R-MF of a maximum 50% of units and a minimum 50% of units deed restricted to owner occupied R-TC, R-MD or R-LD, or;</p> <p>b. For projects within 500 feet of the right-of-way of Thornton Road, R-MF of a maximum 80% of square footage and a minimum of 20% of square footage commercial zoning.</p> <p>Residential over retail/commercial uses are allowed as part of a mixed use master planned development.</p> <p>(2) Residential buildings with ground floor units directly facing a public street must front the street and provide direct pedestrian access to the sidewalk at the street.</p> <p>(3) Residential developments shall utilize</p>
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					<p>building techniques and best site design practices to encourage minimal site grading and maintain existing tree coverage.</p> <p>(4) Developers who apply the high performance standards listed below to multi-family (R-MF) and townhome-condominium (R-TC) residential projects in the Quality Growth Development District in the Sweetwater Master Plan Area only will be allowed the following:</p> <p>Utilization of all of the following EarthCraft "high performance" standards in the R-MF and R-TC zoning districts will allow for up to a 50% density bonus for that project for R-MF and R-TC. Utilizing these standards and receiving this density bonus is to be approved prior to any project commencement and any alteration to those standards may result in revocation of density bonus.</p>

Regulation	Hwy 92 Village Overlay	Post Road Village Overlay	Hwy 78 Corridor Overlay	Corridor Overlay	Quality Growth Overlay
High Performance					(1) Provision of bike racks for more than 25% of the dwelling units; (2) Provision of an electric vehicle charging facility; (3) Provide community accessible meeting spaces for tenant use. Areas shall have internet and phone capacity; (4) Provision of a fenced community garden with access to water and a storage area for tools and supplies. The community garden shall be a permanent fixture and identified on all site plans and shall be in addition to other required greenspace; and (5) Installation of Energy Star qualified appliances at the time of purchase.

### Highway 92 Village Overlay Minimum Development Standards

Table 2.3	Project Criteria		Buffers, Berms, Landscape Treatments					
Proposed Use-Type within the Hwy 92 Corridor	Project Minimum Acreage	Project Minimum Frontage	Streetscape Adjacent to Right-of-Way (1)	Adjacent Preexisting or Zoning			Minimum Lot Width	Maximum Building Height
				Single Family	Multi Family	Commercial/Institutional		
Single Family Detached	7	400	40'	10'	75'	75'	60'	40'
Commercial/Institutional	7	400	40'	75'	75'	40'	N/A	40'
Small Tracts under 7 Acres	1	75'	40'	40'	0'	0'	N/A	35'

## Post Road Village Overlay Minimum Development Standards

Table 2.4	Project Criteria		Buffers, Berms, Landscape Treatments					
Proposed Use-Type within the Post Road Village Corridor	Project Minimum Acreage	Project Minimum Frontage	Streetscape Adjacent to Post Road/Other Right-of-Way (1)	Adjacent Preexisting or Zoning			Minimum Lot Width	Maximum Building Height
				Single Family	Multi Family	Commercial/Institutional		
Single Family Detached	7	400	40/10	10'	75'	75'	60'	40'
Commercial/Institutional	7	400	40/10	75'	75'	40'	N/A	40'
Small Tracts under 7 Acres	1	75'	40/10	40'	0'	0'	N/A	35'

## Sec. 208 Overlay districts;~~purpose of each generally.~~

~~As the name implies, overlay districts "over-lay" applicable base zoning district classifications to alter some or all of the base zoning district regulations that apply to particular sites. Overlay zoning districts work to modify or supplement the regulations imposed by base zoning district when necessary to address special situations or promote specific county planning goals. Overlay zoning is intended to be used when the base zoning district applied to an area remains generally appropriate, but when an additional, modified or eliminated requirement could help implement the county's planning goals or address an area-specific planning, design or land use regulation issue. Certain districts are established as overlay districts, meaning that the "base" (or underlying) zoning district remains in place but the overlay adds additional provisions that override specific provisions of the base zoning district. The purpose of each of the overlay districts established in this Development Code is presented in this Section. All applicable regulations of the underlying base zoning district and of this Development Code apply to property in an overlay district unless otherwise expressly stated in the overlay district regulations. When overlay district regulations conflict with regulations that otherwise apply in the underlying base zoning district or with regulations otherwise imposed by this Development Code, the more restrictive regulations govern.~~

### **208 (a) O-ED Estate Density Overlay District.<sup>1</sup>**

~~The O-ED overlay district is established to protect and promote a suitable environment for rural or "large lot suburban" family life, agriculture including the raising of livestock and poultry, and the development of natural resources and other uses requiring extensive areas of land. This overlay district is required to protect the future development of land in accordance with the comprehensive plan of the county as amended. The O-ED overlay district shall place the following restrictions in addition to those in the overlaid districts. The minimum lot size and density requirements of this overlay district shall be met unless greater area is required for a use by the zoning district in which the property is located.~~

#### **~~(1) Permitted uses.~~**

~~All permitted uses that are allowed by this Development Code on a property by the applicable base zoning district are permitted provided they do not conflict with any requirement of this Section.~~

#### **~~(2) District location.~~**

~~The O-ED Overlay District is described as all those portions of Land Lots 1 through 6, 31 through 37, 39, 40 and 63 of the 1st District, 5th Section; Land Lots 1 through 3 and 32 of the 2nd District, 5th Section; and Land Lots 1 through 5, 7 through 13, and 23 of the 3rd District, 5th Section of Douglas County that are within the Bear Creek Watershed Protection District as defined on the Official Zoning Map of Douglas County. This area shall exclude parcel numbers 0006-015-0001, 0006-015-0006, 0006-015-0007, 0006-015-0008, 0006-015-0010, 0007-015-0002, 0007-015-0002, 0040-015-0016, 0041-015-0001 located on the official tax map of Douglas County.~~

#### **~~(3) Zoning districts excluded:~~**

~~The O-ED Overlay District specifically excludes all properties zoned PUD as of the date of the adoption of this Development Code.~~

<sup>1</sup> The O-ED overlay is proposed for elimination. It exists in the Bear Creek Basin only. The area in which the district now applies is largely built out and is subject to environmental regulations that obviate the need for an additional large lot zoning overlay.

**Sec. 208 Overlay districts; purpose of each generally.**  
O O-ED Estate Density Overlay District.

**~~(4) Area requirements:~~**

~~The following requirements shall be met before any permits will be issued. When these requirements conflict with those in the R-A and R-LD zoning districts, as applicable to a particular property, the more restrictive shall apply.~~

**~~a. Minimum lot size, single family dwellings.~~**

~~A single family dwelling shall comply with the following minimum density and lot size requirements:~~

- ~~1. Every lot or subdivision shall achieve an overall density of one dwelling unit per no less than three acres (130,680 square feet) of gross land area.~~
- ~~2. A dwelling unit may be located on a lot containing no less than 43,560 square feet (one acre) of net land area, provided that the minimum density requirement of one dwelling unit per three acres is met for all dwelling units on the property or in the subdivision as a whole.~~
- ~~3. Deviations from the minimum density and lot size requirements of this Subsection may be granted by the Board of Commissioners in cases deemed to constitute a hardship to the property owner or an extraordinary benefit to the public health, safety or general welfare. Deviations shall be considered by the Board of Commissioners upon application of the property owner and following all procedures in conformance with the Procedures and Permits Article of this Development Code as though a zoning map amendment. No deviations will be considered for any financial hardship requests. Deviations may be granted as follows:~~
  - ~~a) As a condition of approval imposed at the time of rezoning of a property; or~~
  - ~~b) Upon appeal to the Board of Commissioners by the property owner.~~

**~~b. Minimum lot size, other uses.~~**

~~Any use other than a single family dwelling shall occupy a property containing no less than 3 acres (130,680 square feet) of gross lot area.~~

**~~c. Minimum buildable lot area.~~**

~~Every property shall provide a single, contiguous buildable area of at least 43,560 square feet (one acre) within the lot exclusive of any land contained within a primary conservation area as defined in the Environmental Protection Article of this Development Code.~~

~~Additional land contained within a property or subdivision in excess of the minimum buildable area for each lot may be located within a primary conservation area.~~

**~~(5) Treatment of open space.~~**

~~Land within a subdivision that is not included within individual building lots shall be set aside as common open space. Such open space and primary and secondary conservation areas shall comply with the following provisions:~~

**~~a. Conservation areas.~~**

~~All primary conservation areas, and all secondary conservation areas designated by the developer for protection, shall be included within a conservation or natural resource easement (as applicable) in accordance with the requirements for such easements contained in the Environmental Protection Article of this Development Code~~

**Sec. 208 Overlay districts; purpose of each generally.**

0 O-ED Estate Density Overlay District.

**~~b. Ownership.~~**

~~All common open space shall be owned by a homeowners' association in accordance with the requirements for such property owners' associations under the Subdivisions and Planned Developments Article of this Development Code.~~

## **208 (e) O-QGD Quality Growth Development Overlay.**

The O-QGD Quality Growth Development Overlay District is established to promote high-quality development in areas of the county that are largely undeveloped but in the path of rapid, substantial residential, commercial, or industrial development that is anticipated will radically change the character of the lands within the District boundaries. This District is designed to encourage high-quality development by establishing restrictions and standards to protect the natural environment, promote optimum development, and so that investment values will be maximized and will not be endangered by unsightly, undesirable, or incompatible developments ~~springing up~~ on adjacent properties ~~in the foreseeable future.~~<sup>1</sup>

~~See the Quality Growth Development District Standards Section of the Subdivisions and Planned Developments Article of this Code for provisions relating to the O-QGD Overlay.~~

### **(1) Applicability**

~~The O-QGD regulations of this section (Sec. 208(e)) apply to Any all multi-family residential, commercial, office, office distribution or industrial uses within the Quality Growth Development (O-QGD) district overlay, in addition to meeting all requirements and standards of this Development Code and of the district within which it is located, shall also comply with the minimum standards and restrictions of this Section.~~

### **(1)(2) Intent.**

The primary goals of the O-QGD overlay district are to provide a positive climate for high-quality investment and development, to provide a sense of place and orientation, to provide an attractive and functional environment, to ensure a harmony of uses and development, and to provide a comfortable, secure, and harmonious developed environment. ~~The O-QGD district overlays other zoning districts so that all lands lying within the O-QGD district also are included within other zoning districts. Each parcel of land within the O-QGD district shall be subject to the provisions, regulations, standards, and restrictions of both the O-QGD district and of the other zoning districts within which it lies. If there is a conflict between the provisions of the underlying zoning district and the provisions of the Quality Growth Development District, the more stringent district provisions shall govern.~~

### **(2)(3) Site design requirements.**

#### **a. Landscaping ~~requirements.~~**

##### **1. Generally.**

Any multi-family residential, commercial, office, office distribution, or industrial use within the O-QGD shall comply with the landscaping requirements of this section in addition to the applicable requirements and standards of Article 2, Article 8 and Article 9.

##### **2. Landscaping requirements.**

The location and detail of all required landscaping shall be depicted on the site landscaping plan (see the Procedures and Permits Article of this Development Code).

##### **a) Minimum required landscaped area.**

Each site shall have a minimum landscaped area of 25 percent. The calculated landscaped area may include tree islands within required parking areas.

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<sup>1</sup> The regulations of LDC Sec. 509 ("Quality growth development district scope of regulations") are proposed to be moved in their entirety to Sec. 208(e), as shown here.

**b) Frontage landscape strip.**

A minimum 25-foot wide landscape strip adjacent to the street right-of way shall be provided. Every 100 feet of linear landscape strip must include a minimum of 3 canopy trees, 3 understory trees, 2 evergreen coniferous trees, and 18 shrubs. Planting standards may be reduced up to 50% with the provision of a 5 feet tall earthen berm running the entire length of the landscape strip.

**c) Side and rear yard landscaping.**

Unless otherwise required in Article 8 of the Unified Development Code, all required side and rear yards shall be landscaped in accordance with the requirements of this article.

**d) Other landscape areas.**

All land surfaces other than those covered by permitted buildings, structures, paving, or other required site elements shall be landscaped with well-maintained grass, flowers, shrubs, or other suitable plant materials.

**e) Natural buffers.**

Natural buffers shall be supplemented with native plantings when ~~the natural existing vegetation on the site buffer~~ does not provide a minimum of 80% opacity between the proposed use and the adjacent residential district. These plantings shall include a mixture of canopy trees (50% must be evergreen), understory trees, evergreen coniferous trees and shrubs. Canopy trees shall be no less than 3 inches in caliper and no less than 15 feet in height at the time of planting with a mature height of no less than 25 feet.

**b. Screening.**

**1. Generally.**

Any multi-family residential, commercial, office, office distribution, or industrial use within the O-QGD shall comply with the screening requirements of this section in addition to all other applicable requirements and standards of this Development Code.

**2. Requirements for loading areas, service equipment, outdoor storage areas.**

All loading areas, outdoor service equipment, and outdoor storage areas, including those for trucks, busses, automobiles stored more than 48 hours, or the storage of any other vehicles or equipment shall be screened from street or adjacent property view by an attractive solid masonry wall finished on the exterior side by the same material used for the façade of the building. Such wall shall be not less than 5 feet in height and no more than 8 feet in height. Specific height, as dictated by all applicable ordinance provisions, shall be determined during the site plan review process.

**3. Exceptions for loading areas, service equipment and outdoor storage areas.**

a) ~~Exceptionally, no screening is required shall be required~~ to separate adjacent uses that are the same or similar.

b) ~~A natural or structural buffer may be substituted for up to A portion of the required screening, not to exceed 25 percent of the required screening, may be substituted in the form of a natural or structural buffer.~~



**4. Building landscaping and screening.**

- a) ~~For any If a~~ building structure ~~which~~ faces a public street or is directly adjacent to a residentially zoned property, and has less than 25% glazing or openings (doors, windows, and service entries) on the façade facing the public street or residentially zoned property, ~~the lot for such building structure must include~~ a landscape screen shall be provided between the building structure and the residentially zoned lot in addition to any buffers required by Article 8 of this Development Code. Such screen must be a minimum of 15 feet in width and run the entire length of the subject building façade except where there are breaks for building access. Every 100 feet of linear building landscaping screen must include: 6 canopy trees (3 of which must be evergreen), 2 understory trees, 3 evergreen coniferous trees, and 18 shrubs. Canopy trees shall be no less than 3 inches in caliper and no less than 15 feet in height at the time of planting with a mature height of no less than 25 feet. Understory trees shall be ~~any~~ deciduous or evergreen trees that ~~have the potential to typically~~ grow to a mature height of less than 40 feet.

**c. Utility and service equipment.**

1. All industry standard grade utilities shall be located underground. All entry fixtures and other service equipment shall be located in side or rear yards ~~and away from outside of~~ high use or high visibility areas. These fixtures shall be adequately screened by masonry walls, imitation-wood vinyl privacy fences with plantings, or plantings. Such fixtures and service equipment shall be screened ~~as per in accordance with~~ Sec. 208 (e)(3)b.
2. All service equipment including but not limited to air conditioning units and other utility or mechanical equipment that will be located on a rooftop shall be screened from ground level view behind a parapet wall or other architectural extension, equal in height to the unit requiring screening. Such parapet or extension shall be compatible to, in design, and integrated architecturally to the building. A parapet or extension of up to 8 feet in height will not be included when calculating building height. Ground level view shall be defined as any view of the structure from the property line in any front yard of the property.

**d. Outdoor storage.**

1. Outdoor storage of merchandise or inventory (other than motor vehicles) may be permitted as outlined in Sec. 305 regarding outdoor storage. Such outdoor storage shall be screened as per Sec. 208 (e)(3)b.
2. Outdoor storage of motor vehicles may be permitted only in paved areas shown on the site plan.

**e. Sign regulations.**

**1. Number and size.**

Except for shopping center lots in commercial zoning districts, only one principal freestanding sign, ~~of not more than exceeding~~ 60 square feet ~~in area, per street frontage~~ is permitted per street frontage. ~~Corner lots may use a total of 120 square feet with a maximum of 2 signs, one per frontage.~~

**2. Materials.**

All signs shall be composed of wood, stone or other similar materials.

**f. Decorative fences & walls.**

**1. Materials permitted.**

Any fences or walls not required for screening under this section shall be composed of stone, decorative metal or decorative block. If located parallel to a street and within 30 feet of that street, these fences or walls shall comply with Article 8 of this Development Code.

**2. Prohibited materials; exception.**

Chain link, unfinished concrete or cinderblock, plastic or fiberglass, barbed or razor wire, and wood fences are prohibited. Paint shall not be used as a finish material. Exceptionally, the above prohibited materials may be utilized on a security fence if located inside an approved screening fence, wall, or other screening element as specified above.

**~~(3)~~(4) Building design requirements.**

**a. Bulk & setback requirements.**

**1. Maximum building coverage.**

Except for one-story warehouse, storage, or distribution buildings which are limited to a maximum building coverage ratio of 45 percent, the ratio of building coverage to the total lot area shall in no case exceed a ratio of 55 percent.

**2. Floor area ratio.**

The ratio of total floor area of all buildings on a lot to the total site area (Floor Area Ratio) shall not exceed a ratio of 150 percent (or 1.5 times the total site area).

**b. Building finishes, wall planes and roof planes.**

**1. Wall planes and roof planes.**

Any building facing a public street or directly adjacent to a residentially zoned lot shall not have wall planes exceeding 30 feet in length without a change in plane by means such as a vertical recess, projection, change in material or color or pilaster. Changes in roof planes shall occur at locations with changes in wall planes.

**2. Prohibited finish materials.**

Aluminum, steel, vinyl, mirrored or reflective glass, cinderblock, unfinished concrete, fiberglass or plastic are prohibited, except architectural detailing and decorative trim of not more than 15% of any one façade.

**3. Permitted finish materials for front-facing facades.**

**a) Principal materials.**

~~All~~e Exterior finish materials visible from any public street shall be any of the following:

- i. Brick or brick face;
- ii. Natural stone including granite, marble, sandstone, field stone or any other natural stone;
- iii. Manufactured stone including imitation field stone, marble terrazzo, and any other manufactured architectural finish stone;
- iv. Clay tile with baked-on enamel finish; or architecturally treated decorative concrete block ~~;~~:- or
- v. Fiber cement/cementitious siding (board or plank) .

**b) Windows and glass doors.**

~~All front facades shall have a minimum of:~~

- i. At least 25% of the street-façade of all nonresidential buildings shall consist of ~~25%~~ glass windows and glass doors on each floor visible from a public street unless directly screened by an adjacent building landscaping screen.
- ii. At least 25% of the street-façade of all Residential buildings shall consist of ~~20%~~ glass windows and glass doors on each floor visible from a public street unless directly screened by an adjacent building landscaping screen.

**4. Permitted finish materials for side and rear facades.**

~~All~~ Exterior finish materials for side and rear facades shall be any of the following:

- a) Brick or brick face;
- b) Natural stone including granite, marble, sandstone, field stone or any other natural stone;
- c) Manufactured stone including imitation field stone, marble terrazzo, and any other manufactured architectural finish stone;
- d) Clay tile with baked-on enamel finish;
- e) Architecturally treated decorative concrete block;
- f) Architecturally treated slabs or block either fluted or with exposed aggregate;
- g) Stucco on late or an imitation stucco material or an acceptable substitute.
- h) Fiber cement/cementitious siding (board or plank).

**(4)(5) Other requirements.**

- a. Buildings and site elements shall be well maintained and repaired or replaced in a timely manner should damage or deterioration occur. Any damage or deterioration shall be corrected within 60 days.
- b. ~~There shall be no~~ Outdoor loudspeaker systems ~~utilized~~ are prohibited.
- c. For lots which include required landscaped yards, setbacks, buffer, or screens, the developer shall submit a maintenance plan as part of project approval, showing proper maintenance and irrigation of landscaped areas, and providing for dead and underperforming plant material to be removed and appropriately replaced.

**(5)(6) Residential development standards.**

Residential densities for R-TC and R-MF zoned property located within the boundaries of the districts in the Sweetwater Master Plan ~~A~~ area shall not exceed only will be 10 dwelling units per acre and shall be subject to the following:

- a. All developments ~~will~~ shall include publicly accessible greenspace for a minimum of 10% of the total lot area and will be mixed use master planned developments with the following options:

1. For projects greater than 500 feet from the right-of-way of Thornton Road, R-MF of a maximum 50% of units and a minimum 50% of units deed restricted to owner occupied R-TC, R-MD or R-LD, or;
2. For projects within 500 feet of the right-of-way of Thornton Road, R-MF of a maximum 80% of square footage and a minimum of 20% of square footage commercial zoning. Residential over retail/commercial uses are allowed as part of a mixed use master planned development.
  - b. Residential buildings with ground floor units directly facing a public street must front the street and provide direct pedestrian access to the sidewalk at the street.
  - c. Residential developments shall utilize building techniques and best site design practices to encourage minimal site grading and maintain existing tree coverage.
  - d. Developers who apply the high performance standards listed below to multi-family (R-MF) and townhome-condominium (R-TC) residential projects in the Quality Growth Development District overlay located in the Sweetwater Master Plan Area only area will be are allowed the following: Utilization of all of the following EarthCraft "high performance" standards in the R-MF and R-TC zoning districts will allow for up to a 50% density bonus for that project for R-MF and R-TC. Utilizing these standards and receiving this density bonus is to be must be approved prior to any project commencement, and any alteration to those standards may result in revocation of density bonus.
    1. Provision of bike racks at least one bicycle indoor, protected bicycle parking space per 3 for more than 25% of the dwelling units;
    2. Provision of at least one an electric vehicle charging facility station per 50 parking spaces;
    3. Provide Provision of community accessible meeting spaces for tenant use. Areas shall have internet and phone capacity;
    4. Provision of a fenced community garden with access to water and a storage area for tools and supplies. The community garden shall be a permanent fixture and identified on all site plans and shall be in addition to other required greenspace; and
    5. Installation of Energy Star qualified rated appliances at the time of purchase.

**(6)(7) Uses.**

The following uses are not allowed prohibited in the Quality Growth District:

- a. Rooming/boarding houses.
- b. Industrial launderers.
- c. Lumber yards.
- d. Automotive repair and maintenance to include busses and trucks.
- e. Automotive parking lots as principal uses to include busses and trucks.
- f. All automotive parts/accessory/tire stores.

- g.** Outdoor storage as a principal use.
- h.** Fueling for trucks and busses.

~~208 (h) — Highway 92 Village Overlay~~

~~208 (i) — Post Road Village Overlay~~

~~208 (j) — Corridor Overlay~~

~~208 (k) — Highway 78 Corridor Overlay~~

~~208 (l)~~**208 (h) O-HC Highway Corridor Overlay**

**(1) Intent**

The O-HC Highway Corridor Overlay district is intended to accommodate and promote high-quality, well-designed development that is in keeping with the existing and desired character of the county's major highway corridor areas. The overlay is further intended to ensure consistency with the Douglas County comprehensive plan and with other adopted plans and policies of the county.

**(2) Boundaries**

The boundaries of the O-HC district are as shown on the county's official zoning map.

**(3) Uses<sup>1</sup>**

Uses are allowed in O-HC district in accordance with the regulations of Sec. 210.

**(4) Transportation and Access**

**a. Driveways and Access**

1. All driveways with direct access onto to state highways, federal highways, or arterial roads must be designed to allow only right-in/right-out turning movements.
2. The driveway access regulations of Sec. 607(d) apply to all land uses within the O-HC district.

**b. Inter-parcel Access**

The inter-parcel access regulations of Sec. 608 apply to all land uses within the O-HC district, except single-family residential.

**c. Blocks**

1. All development on parcels with an area of 3 acres or more must be organized into blocks with a maximum length of no more than 600 feet and a maximum perimeter of no more than 1,600 feet.
2. The resulting block systems must be used to organize internal site driveways and parking lots and provide access to abutting parcels. If the abutting parcels are undeveloped, stub-outs are required for future street connections.

**(5) Streetscape<sup>2</sup>**

A streetscape zone with a minimum depth of 40 feet is required along highway and arterial road frontages. The depth of the streetscape zone is measured from the back of curb or,

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<sup>1</sup> Major change from current corridor and village overlays. See EXHIBIT A for existing use regulations. Per 5-15-2020 discussions with ARC and county staff, a new column will be added to UDC Table 2.5 identifying the uses allowed in the highway corridor overlay.

<sup>2</sup> Streetscape requirements currently apply only in Hwy 92 and 78 overlays.

when no curb exists, from the edge of the pavement. Required streetscape zones must include the following features:

**a. Fence**

A three-rail fence is required within the streetscape zone. The fence must be located at least 20 feet from the back of the curb and be white in color with brick supporting columns.

**b. Sidewalk**

Sidewalks with a minimum width of 5 feet are required within the required streetscape zone. Sidewalks must be located on the side of the fence furthest from the road.

**c. Street Trees**

1. A single row of overstory trees must be provided within the required streetscape zone. Trees must be spaced no more than 40 feet on center.<sup>3</sup>
2. Required overstory trees must have a minimum caliper size of 4 inches at time of planting and may be located on either side of the required sidewalk.

**d. Pedestrian Lighting**

Pedestrian-scaled lighting must be placed every 40 feet on center along one side of the sidewalk within the streetscape zone.

**(6) Building Siting**

The setback regulations of the underlying zoning district apply in the O-HC district except as expressly modified by the regulations of this subsection.

**a. Regulations**

The building siting regulations of Table 208(h)-1 apply to all parcels with frontage on state highways, federal highways, or arterial roads.

**Table 208(h)-1: Building Siting**

<b>Build-to Zone</b> (min setback/max setback, feet)	
Front Street	40/60
Side Street	10/25
<b>Build-to Width (%)</b>	
Front Street	30
Side Streets	20

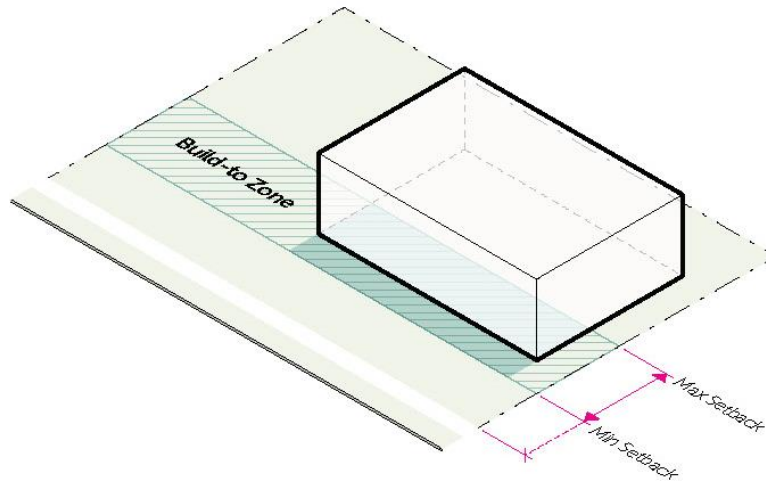
**b. Build-to Zone**

The “build-to-zone” is the area on a parcel between the minimum and maximum setbacks.

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<sup>3</sup> Double-row of overstory trees currently required in Hwy 92 overlay.

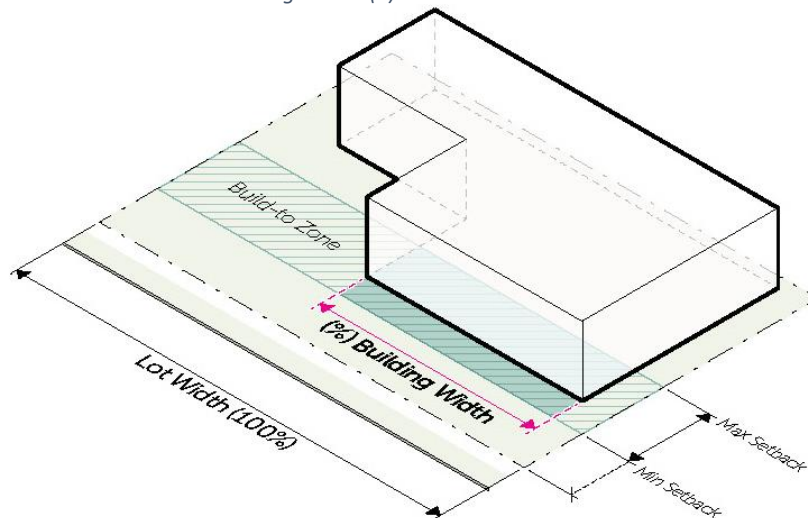
Figure 208(h)-1: Build-to Zone



**c. Build-to Width<sup>4</sup>**

1. The “build-to width” is the minimum cumulative building width that must occupy the build-to zone, based on the width of the parcel. The build-to width is measured as the sum of all principal building facades occupying the build-to zone, divided by the total width of the parcel.
2. Once the minimum build-to width regulation has been met, other portions of the building or additional buildings may be placed outside the build-to zone (beyond the maximum setback). On a corner parcel, the principal building must be placed within the area where the build-to zones of the 2 intersecting streets overlap, and the building facade must be placed on or within the build-to zone for at least 30 feet in both directions.

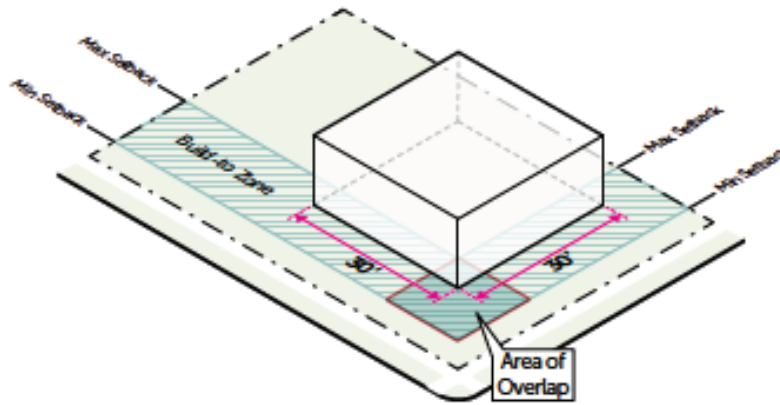
Figure 208(h)-2: Build-to Width



<sup>4</sup> Only Hwy 92 now has BTZ and BTW requirements. Could establish variable BTZs and BTWs for different roadways.



Figure 208(h)-3: "Holding the Corner" on Corner Parcel



3. When the subject property will be developed in phases with multiple buildings, and the initial phase of construction does meet the required build-to width, the zoning administrator is authorized to allow designation of a reserve area along the street frontage for future development to ensure that the project complies with applicable build-to width requirements, subject to the following conditions:
  - a) Parking, water quality facilities, detention/retention facilities, and utilities are not allowed within the reserve area.
  - b) The reserve area must be landscaped.
  - c) Pedestrian access must be provided through the reserve area.

## (7) Building Design

### a. Building Facades

The building façade regulations of Table 208(h)-2 apply to street-facing building facades on principal buildings located on parcels with frontage on state highways, federal highways, or arterial roads

Table 208(h)-2: Building Facades

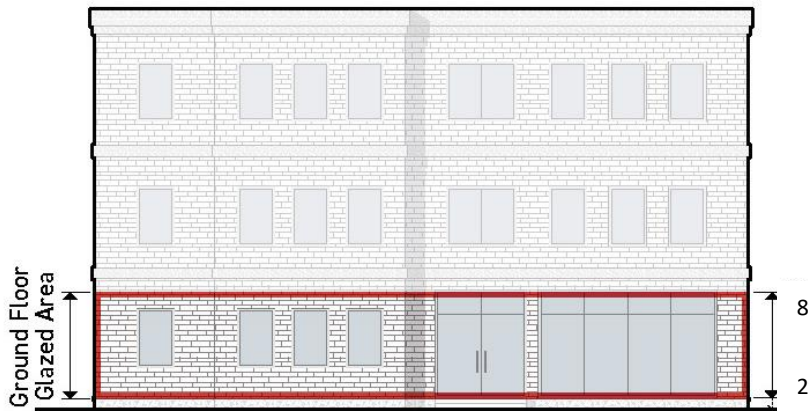
Minimum Ground Story Façade Transparency (%)	
Front Street Façade (by building type/occupancy)	
Multi-unit Residential, Office or industrial	20
Retail, Entertainment, or Commercial Service	35
Side Street Facades (by building type/occupancy)	
Multi-unit Residential, Office or industrial	20
Retail, Entertainment, or Commercial Service	25
Minimum Upper-Story Façade Transparency	
Front Street Façade	15
Side street Façade	15
Maximum Upper-Story Blank Wall Width (feet)	20
Street-facing Building Entrances	
Front Street	Required

Side Street	Not Required
<b>Maximum Distance Between Required Entrances (feet)</b>	175
<b>Building Material Coverage (%)</b>	
Traditional Masonry (Minimum)	30
Synthetic Stucco (Ground-Story Maximum)	60
Synthetic Stucco (Ground-Story Maximum)	75
<b>Building Mass Variation (based on building width)</b>	
50–200 Feet Building Width	Not Required
Over 200 Feet Building Width	Required
<b>Façade Articulation (based on building width)</b>	
50–200 Feet Building Width	Not Required
Over 200 Feet Building Width	Required
<b>Roof Forms</b>	
Allowed Types	Pitched, Flat, Parapet

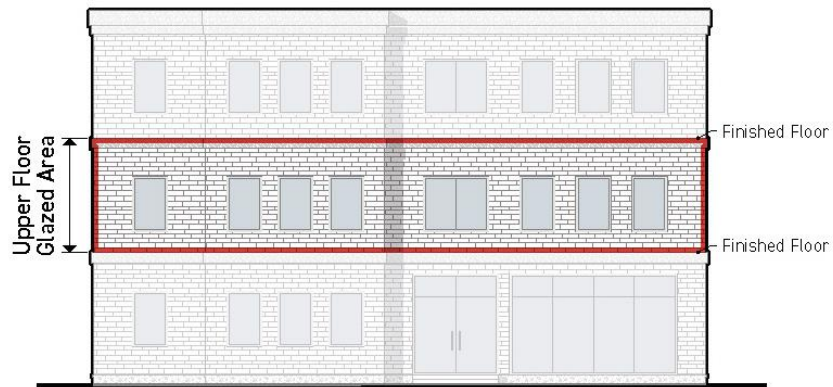
**b. Façade Transparency**

1. Ground-story façade transparency is measured as the total glazed area between 2 feet and 8 feet above finished grade divided by the total facade area between 2 feet and 8 feet above finished grade.

*Figure 208(h)-4: Ground-Story Façade Transparency*



2. Upper-story façade transparency is measured as the total glazed area between the finished floor of each upper building story to the finished floor of the upper building story next above.

*Figure 05.020-4: Upper-Story Facade Transparency*

**c. Upper-Story Blank Wall Width**

Upper-Story blank wall width regulations refer to the maximum linear space allowed between windows on an upper-story building facade. Such regulations are intended to prevent large monotonous wall planes and to generally distribute windows across the width of a building. Upper-story facade transparency is measured as the total glazed area between the finished floor of each upper building story to the finished floor of the upper building story next above.

**d. Street-Facing Building Entrances**

1. Requirements for street-facing building entries promote walkability and provide visual and physical connections to the site. Entrances qualifying as a street-facing entrance must comply with all of the following:
  - a) Provide both ingress and egress access to the first floor of a building (not including basements, parking areas, utility areas, or fire-exit only stairs);
  - b) Be operable for residents or tenants at all times;
  - c) Face the nearest public sidewalk;
  - d) Connect to the public sidewalk with a direct pedestrian connection that is physically separated from vehicular use areas and uninterrupted by parking except where required to cross a drive aisle.
2. On a corner parcel, an entrance angled between 30 to 60 degrees may be provided at the building corner near the street intersection to meet a street-facing entrance requirement for both streets.
3. Maximum building entrance spacing requirements must be met for individual buildings, but do not apply to adjacent or abutting buildings. The maximum distance between entries is measured parallel to the street property line from the edge of door to edge of door and edge of door to edge of building.

**e. Building Materials**

Building material regulations are intended to help ensure that a building's facade design reflects the county's character by incorporating traditional and locally available materials. Material coverage is calculated as the total street-facing facade area clad in the required or regulated material divided by the total street-facing facade area.

**1. Traditional Masonry**

Traditional Masonry building materials include stone and brick. The planning and zoning manager is authorized to approve substitutes for traditional masonry. Examples of alternative materials that can be approved include:

- a) Wood;
- b) Authentic stucco;
- c) Patterned pre-cast concrete;
- d) Detailed concrete;
- e) Cast stone;
- f) Prefabricated brick panels;
- g) Architectural concrete (textured or patterned); and
- h) Fiber cement siding

**2. Synthetic Stucco**

Synthetic Stucco includes External Insulation and Finish System (EIFS) and similar synthetic materials.

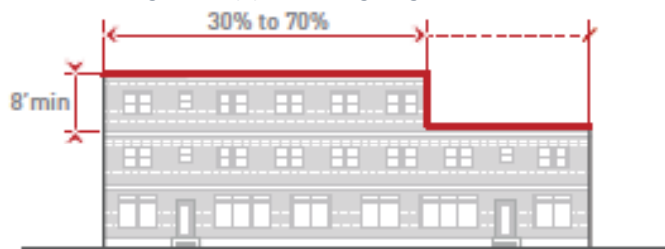
**f. Building Mass Variation**

1. Requirements for variations in building mass are intended to help lend visual interest and human scale to large, monotonous building facades through the use of design features that break a large building mass into different, clearly identifiable elements. Building mass variation requirements apply only to street-facing building facades that exceed 100 feet in length.
2. Multiple building widths using the same mass variation technique may be added together to meet the minimum building width for the mass variation standards.
3. The percentage of building width with mass variation is calculated as the width of the building that incorporates qualifying a mass variation method divided by the total width of the building. Qualifying mass variation methods include:

**a) Height Variation**

At least an 8-foot variation in building height for at least 60 feet of the building's depth or the entire building depth, whichever is less. Such height variation must be at least 30% and no more than 70% of the building's width.

*Figure 208(h)-5: Building Height Variation*



**b) Setback Variation**

At least a 5-foot variation in building setback for at least 30% and no more than 70% of the building's width.

*Figure 208(h)-6: Building Setback Variation*

**c) Upper-Story Stepback**

Stories above the second story set back at least 10 feet from the lower stories of the building for at least 70% of the building's width.

*Figure 208(h)-7: Upper-Story Stepback*

**g. Façade Articulation**

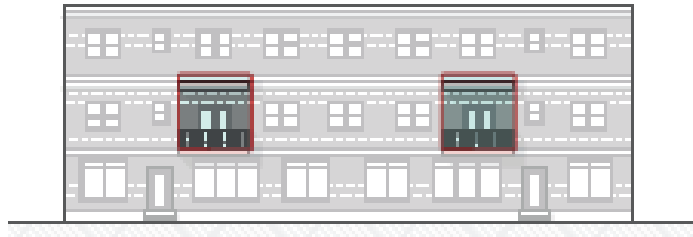
1. Façade articulation requirements are intended to help lend visual interest and a human-scale to otherwise flat and monotonous building facades through the use of design features that “break up” street-facing building facades into smaller visual components.
2. Façade articulation requirements apply only to street-facing building facades of multi-story buildings that exceed 100 feet in length. When façade articulation is required, the applicable building façade must incorporate a qualifying façade articulation method on at least 15% of the façade area (above the ground story).
3. Qualifying façade articulation methods include:

**a) Color or Material Change**

The use of different cladding material or finished colors from the remainder of the façade. Such changes must cover an area that is at least one story in height and at least 6 feet in width.

*Figure 208(h)-8: Articulation Through Color or Material Change***b) Balconies**

The use of recessed or projecting balconies that are at least 4 feet in depth and 6 feet in width. Articulated facade area for a balcony is measured as the height of the floor to which the balcony is attached, multiplied by the width of the balcony.

*Figure 208(h)-9: Articulation with Balconies***c) Design Elements**

Bands on street-facing building facades that express or reveal structural elements of a building by protruding at least 4 inches from the facade plane. Examples include; cornices, columns, struts, lintels, and spandrels.

*Figure 208(h)-10: Articulation Through Use of Design Elements***(8) Roofs**

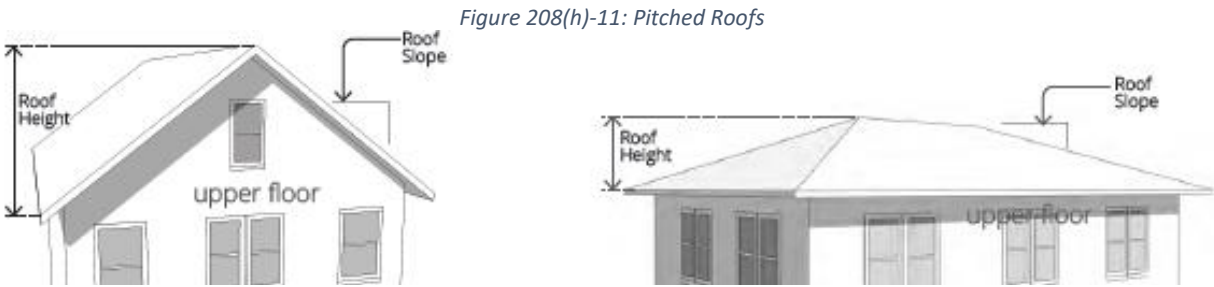
All major components of all principal building roofs must meet the requirements for a permitted roof type. Descriptions of roof types are as follows:

**a. Pitched Roof**

Permitted pitched roof types include only hipped, gabled, and combination hip/gabled. Such roofs must have a minimum 4:12 pitch. Eaves with a minimum depth of 12 inches are required on all pitched roofs. Roofing materials are limited to the following:

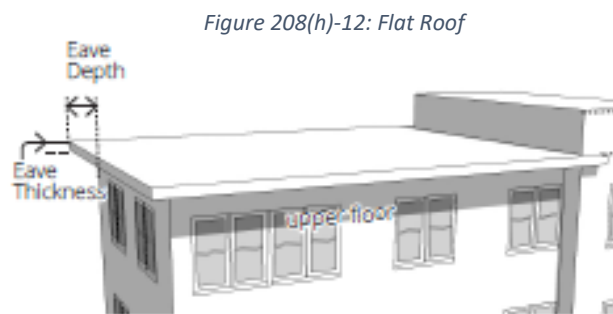
1. Metal standing seam;
2. Tile, slate, or stone;
3. Wood shake shingles; or

4. Shingles with a slate, tile, or metal appearance.



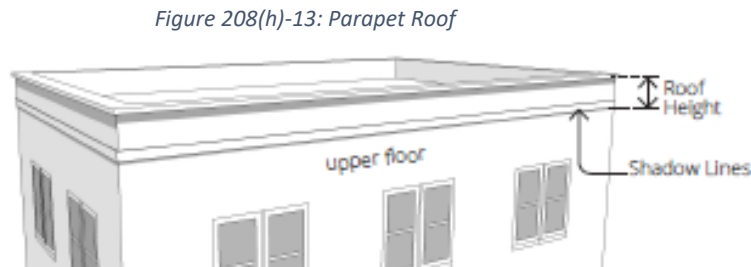
**b. Flat Roof**

Flat roofs are visibly flat with overhanging eaves with a minimum depth of 12 inches and a minimum thickness of 6 inches.



**c. Parapet Roof**

A parapet roof has a low wall projecting above the building's roof along the perimeter of the building. Parapets must be at least feet and no more than 6 feet in height. A horizontal shadow line must define the parapet from the upper stories of the building.



**(9) Signs**

The sign regulations of Article 7 apply in the O-HC district except as expressly modified by the sign regulations of this subsection.<sup>5</sup>

**a. Freestanding Signs**

**1. Types Allowed**

All freestanding signs must be of ground (monument-style) signs.

<sup>5</sup> These regulations have been modeled after Hwy 92 and Post Road and are somewhat more restrictive than currently apply in Hwy 78 and Corridor overlays. They seem generally appropriate countywide.

## 2. Design and Construction

- a) The base and all vertical supporting elements of ground signs must be constructed of brick, stone, or stucco materials to match or compliment the principal building on the site. The base must have a minimum height of at least 3 inches for the entire width of the sign.
- b) Ground signs must have a uniform background, lettering style and color.

## 3. Height

Ground signs on sites occupied by multi-tenant buildings may not exceed 8 feet in height. Ground signs on other sites may not exceed 4 feet in height.

## 4. Area

Ground signs may not exceed 32 square feet in area.

## 5. Illumination

Internal illumination of ground signs is prohibited.

## b. Wall Signs

### 1. Illumination

Internal illumination of wall signs and canopies is prohibited.

### 2. Design and Placement

- a) Open channel letter signs must use halo effect lighting and not use fluorescent or similarly vibrant colors, such as purple, bright green, bright red, or violet.
- b) Wall signs may not cover architectural features or details, and not extend above the roof line or beyond the outer edges of the building.

## c. Prohibited Signs<sup>6</sup>

The following signs are expressly prohibited in the O-HC district:

- 1. Automatic changeable copy signs.
- 2. Courtesy benches, trash cans and similar devices on which advertising is displayed.

## (10) Utilities

All utility lines must be placed underground, unless the requirement is waived by the County Engineer due to physical construction constraints.

(Exterior lighting regulations from Hwy 78 overlay are proposed for deletion; more than adequately covered by regulations of UDC Sec. 1026)

~~All lighting for commercial development shall be designed to integrate with the overall development character.~~

- ~~a) — Lighting shall be architecturally integrated with the style, material and color of on-site structures.~~
- ~~b) — Lighting shall be unobtrusive and refrain from adverse impact of adjacent properties and public right-of-ways.~~
- ~~c) — Exposed neon and fluorescent lighting is not permitted except for open and closed signs.~~
- ~~d) — For drive-under canopies and pump islands, the luminaries shall be recessed into the canopy ceiling so that that bottom of the luminaries does not extend below the ceiling.~~

<sup>6</sup> Some types of signs listed as prohibited in existing overlays are already prohibited by Article 7. Those prohibited sign types have not been repeated here.



~~Buffers and setbacks.~~ (Buffer and setback regulations from Hwy 92, Post Road and Hwy 78 overlays are proposed for deletion; more than adequately covered by regulations of UDC Article)

~~The intent of buffers is to provide a year round visual screen such as evergreen trees between adjacent properties and the new development. All buffers and setbacks shall be as required by this ordinance. Any application for a design plan approval submitted to the Planning & Zoning Director or his/her designee shall include a tree survey and landscape plan, with buffers, prepared by a landscape architect.~~

<b>Buffers, Berms, Landscape Treatments</b>			
<b>Streetscape Adjacent to Hwy 92 or Post Road/Other Right of Way (1)</b>	<b>Adjacent Preexisting or Zoning</b>		
	<b>Single Family</b>	<b>Multi Family</b>	<b>Commercial/Institutional</b>
40/10	10'	75'	75'
40/10	75'	75'	40'
40/10	40'	0'	0'

## EXHIBIT A

### CURRENT USE REGULATIONS IN HIGHWAY AND VILLAGE OVERLAYS<sup>7</sup>

Uses	Overlay				Notes
	92	PR	78	C	
P = permitted   B = permitted only if allowed by base district   X = expressly prohibited   – = not allowed					
GENERAL					
Uses allowed in underlying district unless identified as prohibited (X) in this table	–	–	P	P	
Uses allowed in underlying district for lots zoned L-I and L-I-R as of August 2, 2016	P	–	B	B	
RESIDENTIAL					
Residential Uses, All	P	–	B	B	
Single-family detached dwelling units	P	P	B	B	
PUBLIC AND INSTITUTIONAL					
All Public and Institutional (except crematories as a principal use)	P	–	B	B	
Churches or Place of Worship	–	P	B	B	
Community centers	–	P	B	B	
Cultural facilities	–	P	B	B	
Government buildings	–	P	B	B	
Parks	–	P	B	B	
Schools	–	P	B	B	
Schools, Private	P	–	B	B	
COMMERCIAL AND INDUSTRIAL					
Adult video shops	–	X	B	X	
Antique Shops	P	P	B	B	
Apparel and accessory stores	–	P	B	B	
Appliance sales and repair shops	–	P	B	B	
Art Dealers	P	–	B	B	
Arts, Entertainment & Recreation (Except Spectator Sports)	P	–	B	B	
Asbestos Abatement or Other Remediation Services	–	–	X	B	
Automobile Garages or Repair Shops	–	X	X	X	
Automobile Parking Lots & Garages	–	–	X	B	
Automobile Storage Yards and Wrecker Services	–	–	X	B	
Automotive Parts and Accessories Store & Tire Stores	P	–	X	B	[1]
Automotive Sales	P	X	B	X	
Bail Bonding Offices	P	–	B	B	
Bakeries	–	P	B	B	
Bank or Financial Institutions	–	P	B	B	
Barber Shops and Beauty Salons	–	P	B	B	
Bicycle Shops	–	P	B	B	
Billiard Parlors	–	X	X	X	
Books, Cards and Stationery Stores	–	P	B	B	
Business Service Centers	P	–	B	B	
Business Services	P	–	B	B	
Carpentry Shops	–	P	B	B	
Check Cashing Services	–	X	X	X	
Clinic (Public or Private)	–	P	B	B	
Clothing & Clothing Accessory Stores	P	–	B	B	
Clothing Stores (Used or Consignment)	–	–	X	B	
Collection Agencies	P	–	B	B	

<sup>7</sup> Existing regulations: **Hwy 92** allows base district uses for L-I and L-I-R zoned properties, plus those shown as "P" in table; **Post Rd.** allows only the uses shown as "P" (but also includes a list of prohibited uses, which is slightly confusing); **Hwy 78** and **Corridor** overlays only list prohibited uses, meaning base districts uses are okay.

**EXHIBIT A**  
**CURRENT USE REGULATIONS IN HIGHWAY AND VILLAGE OVERLAYS**

Uses	Overlay				Notes
	92	PR	78	C	
P = permitted   B = permitted only if allowed by base district   X = expressly prohibited   - = not allowed					
Construction Contractors with Outdoor Storage	-	-	X	B	
Court Reporting & Stenotype Services	P	-	B	B	
Credit Bureaus	P	-	B	B	
Curio and Souvenir Shops	-	P	B	B	
Day Care Facilities	-	P	B	B	[2]
Daycare Facilities	P	-	B	B	
Document Prep Services	P	-	B	B	
Drive-In Theaters	-	X	B	X	
Drug Stores, Pharmacies	-	P	B	B	
Dry Cleaning & Laundry Services (Drop-Off Stations Only)	P	-	B	B	
Electronics & Appliance Stores	P	-	B	B	
Equipment Supplies (Medical, Dental, Art)	-	P	B	B	
Farm Equipment Sales/Storage	-	X	B	B	
Finance, Insurance & Real Estate Services	P	-	B	B	
Florists	P	P	B	B	
Food Services & Drinking Places	P	P	B	B	
Formal Wear & Costume Rental	P	-	B	B	
Garden, Landscaping Supplies	-	P	B	B	[3]
Gasoline Stations to Include Convenience Stores with Fuel Pumps	P	P	B	P	[4]
Greenhouse and Plant Nurseries	-	P	B	B	[3]
Grocery, General Merchandise Stores	-	P	B	B	
Hardware, Paint and Wallpaper Stores	P	P	B	B	
Hazardous Waste Treatment & Disposal	-	-	X	B	
Health & Personal Care Stores	P	-	B	B	
Health Clubs and Facilities	-	P	B	B	
Hobby, Toy and Game Stores	-	P	B	B	
Home Health Equipment Rental	P	-	B	B	
Ice Cream Parlors	-	P	B	B	
Investigation Services	P	-	B	B	
Itinerant Merchants	-	X	X	B	
Jewelry Stores	-	P	B	B	
Landfills (Inert or Subtitled)	-	-	X	B	
Landscaping Services - No Storage of Materials or Equipment	P	-	B	B	
Laundry/Dry Cleaning Facilities (Pick-Up)	-	P	B	B	
Locksmith Shops	P	-	B	B	
Manufactured Home Sales	-	X	X	X	
Mining	-	-	X	B	
Mini-Warehouse Facilities	-	X	B	X	[5]
Motels with Outside Entrances	-	X	X	X	
Nude/Semi-Clothed Dancing Establishments	-	X	X	X	
Nursery & Garden Centers	P	-	B	B	[3]
Office (Businesses)	-	P	B	B	
Office Supplies	-	P	B	B	
Office Supplies & Stationery Stores	P	-	B	B	
Offices, Administrative & Professional	P	-	B	B	
Pawn Shops	-	X	B	X	
Personal Care Services	P	-	B	B	
Pet & Pet Supplies Stores	P	-	B	B	
Pet Shops and Dog Grooming Shops	-	P	B	B	
Printing, Publishing and Engraving Shops	-	P	B	B	
Professional Offices	-	P	B	B	
Racetracks, Amusement & Theme Parks	-	-	X	B	
Recreational Vehicle Sales/Service/Repair Facilities	-	X	X	X	
Restaurants	-	P	B	B	

**EXHIBIT A**  
**CURRENT USE REGULATIONS IN HIGHWAY AND VILLAGE OVERLAYS**

Uses	Overlay				Notes
	92	PR	78	C	
P = permitted / B = permitted only if allowed by base district / X = expressly prohibited / - = not allowed					
Retail Stores, Common Merchandise	-	P	B	B	
Salvage, Scrap, or Junk Yards	-	X	X	X	
Security System Services	P	-	B	B	
Septic Cleaning & Portable Toilet Services	-	-	X	B	
Shoe Repair Shops	-	P	B	B	
Short-Term Loan Offices	-	X	X	X	
Solid Waste Incinerators	-	-	X	B	
Solid Waste or Recycling Transfer Stations	-	-	X	B	
Sporting Goods, Hobby, Book & Music Stores	P	-	B	B	
Swap Meets & Flea Markets	-	-	X	X	
Tattoo Parlors	-	-	X	B	
Thrift/Consignment Stores	-	-	X	B	
Tire Retreading & Recapping	-	-	X	B	
Tire Sales/Repair Shops (Used Tires)	X	-	X	X	
Truck Terminals	-	X	B	X	
Truck Terminals and/or Truck Stops	-	-	X	B	
Video Tape & Disc Rental	P	-	B	B	

**Table Notes:**

- [1] No outside storage and all bays must be located away from Highway 92.
- [2] Day care uses must have at least 150 square feet of outdoor play area, and at least 35 square feet of indoor space provided for each child. The outdoor play area must be enclosed by a fence at least 4 feet in height.
- [3] All materials enclosed & no outdoor storage or display.
- [4] All buildings and appurtenances must be located at least 400 feet from any residential property line; all fuel must be stored underground outside of any public right-of-way.
- [5] Climate controlled storage with one or two primary entrances permitted as accessory use in PR subdistrict.

## Sec. 506 - Planned unit developments.

### 506 (a) Purpose and Intent.

The PUD (Planned Unit Development) district is primarily intended to accommodate development that would be difficult or impossible to carry out under conventional zoning districts and otherwise applicable UDC regulations. Different types of PUDs will promote different planning goals. In general, however, all PUDs are intended to result in development that is consistent with the county's adopted plans and greater public benefits than could be achieved under otherwise applicable UDC regulations. The PUD district is intended to permit the planning and development of parcels of land that are suitable in location and character for the uses proposed as unified and integrated developments in accordance with detailed development plans. These plans may supersede the regulations included in Articles 1-15 of the Unified Development Code (UDC) where indicated by these development plans. The PUD district also generally is intended to promote provide a means of accomplishing one or more of the following specific objectives:

- (1) Variety in housing types and sizes to accommodate households of different ages, sizes,, incomes, and lifestyles;
  - (2) Compact, mixed-use development patterns where residential, commercial, employment, civic, and open space areas are located in close proximity to one another;
  - (3) A transportation network designed to accommodate safe and efficient motorized and non-motorized travel;
  - (4) Direct, safe and convenient non-motorized travel routes within the boundaries of the development site, as well as connections to abutting properties;
  - (5) Buildings and other improvements that by their arrangement, massing, architecture, and site design elements establish a high-quality, livable environment;
  - (6) Sustainable development practices;
  - (7) Incorporation of open space amenities and natural resource features into the development design;
  - (8) Low-impact development (LID) and best management practices for managing stormwater; and
  - (9) Flexibility and creativity in responding to changing social, economic and market conditions.
- ~~(1) To provide for development concepts not otherwise allowed within non-PUD zoning districts;~~
- ~~(2) To provide flexibility, unity, and diversity in land planning and development, resulting in convenient and harmonious groupings of uses, structures and common facilities;~~
- ~~(3) To accommodate varied design and layout of housing and other buildings;~~
- ~~(4) To allow appropriate relationships of open spaces to intended uses and structures;~~
- ~~(5) To encourage innovations in quality residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space;~~
- ~~(6) To lessen the burden of traffic on streets and highways; and~~
- ~~(7) To provide a procedure that can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.~~

### 506 (b) Minimum Standards.

- (1) No PUD district may be established without the concurrent approval of the Overall Development Standards (ODS) and an Overall Development Plan (ODP) by the Board of Commissioners, in accordance with the provisions herein. Upon approval, ~~These plans may supersede the regulations included in Articles 1-15 of the Unified Development Code (UDC) where indicated by these development plans.~~
- (2) PUD districts shall have a minimum contiguous area of five acres, except that PUD districts of less than 5 acres may be approved if the subject property has frontage on a major arterial road and will be served by public sewer and water systems. Before submittal of a PUD rezoning application, the applicant must schedule a preapplication meeting with the

planning and zoning manager to review the location, scope, and nature of the proposed project and how it meets the purpose and intent of the PUD district (see Sec. 506(a)).

- (3) PUD districts shall provide a mix of a minimum of two of the following use categories, whether fully private or in partnership with public entities, and/or must contain two or more densities (units per acre) of residential type uses, which shall be accommodated in each building in vertical mixed-use development configuration or horizontally throughout the areas within the proposed development boundary:
  - a. Residential single, and/or multifamily units;
  - b. Commercial offices;
  - c. Retail;
  - d. Hotel/Lodging;
  - e. Light Industrial, warehousing, and/or distribution uses;
  - f. Civic/Convention/Sports uses, or
  - g. Agricultural Uses
- (4) PUDs shall include at least ~~Twenty percent~~ 20% open space, which shall include a town center, community green, park, or other community focal point
- (5) The boundaries of each PUD, upon approval, must be shown on the Zoning Map, shall be in conformance with the adopted Comprehensive Plan, and the approved Overall Development Plan
- (6) Any development standards not expressly defined by the ODP shall be regulated by the development standards as applicable and expressed in Articles 1-15 of the UDC.

### **506 (c) Application of Regulations.**

- (1) **Overall Development Standards (ODS).** Development of the PUD is governed by the ODS that designates the standards of zoning and development for the property. These standards will replace the development standards in the UDC and should include, at a minimum, the following:
  - a. Permitted and prohibited uses;
  - b. Maximum FAR and/or density of units;
  - c. Maximum impervious surface;
  - d. Minimum open space;
  - e. Minimum and Maximum building height;
  - f. Minimum lot size;
  - g. Required Yard setbacks;
  - h. Maximum block length;
  - i. Parking requirements; and
  - j. Building massing.
- (2) **Overall Development Plan (ODP).** Development of the PUD is also governed by the ODP which includes a series of plans and design related documents regulating the development of the property. At a minimum, the ODP shall include the following:
  - a. **Analysis of Existing Conditions.** An analysis of existing site conditions including a boundary survey and topographic map of the site at a minimum 1 inch = 40 feet scale shall include information on all existing manmade and natural features, utilities, all streams and easements, and features to be retained, moved or altered. The existing shape and dimensions of the existing lot to be built upon including the size, measurement and location of any existing buildings or structures on the lot shall be included.

- b. **Overall Master Plan.** A master plan at a minimum 1 inch = 40 feet scale outlining all proposed regulations and calculations which shall include, but not be limited to, information on all proposed improvements including proposed building footprints, doors, densities, parking ratios, open space, height, sidewalks, yards, under~~ground~~ and over-head utilities, internal circulation and parking, landscaping, grading, lighting, drainage, amenities, and similar details, including their respective measurements.
  - c. **Phasing Plan.** Should a PUD be expected to require five years or longer to complete, a phasing plan shall be provided by the applicant that indicates the timeframe for construction and development of different aspects of the PUD.
  - d. **Regulating Plan.** A regulating plan shall be provided with street types and open space for all property within the PUD boundary. The regulating plan shall be keyed to a set of standards developed based on location. This plan should consider how all modes of transportation will be accommodated including pedestrians, bicycles, cars, transit, rideshare, etc. Detailed ~~street~~ cross-sections shall also be included in this plan or as an attachment to this plan.
  - e. **Streetscape and Hardscape Manual.** A streetscape and hardscape manual shall be created that includes specifications for the following: sidewalk clear zones, landscape zones, supplemental zones including details regarding lighting fixtures, on-street parking, street furniture, landscape materials, ~~pubic art~~, and other amenities. A streetscape map shall accompany this manual that identifies ~~appropriate-proposed~~ streetscape and hardscape designs for all streets, plazas, open spaces, ~~locations for public art etc. and similar areas~~ within the plan.
  - f. **Architectural Pattern Book.** An Architectural Pattern Book demonstrating approved building materials, features, exterior finishes, windows, doors, colors, and other items affecting exterior appearance, such as signs, mechanical systems, fencing, etc. The pattern book shall include renderings of proposed buildings.
  - g. **Statement of Intent.** Each ODP shall include a written explanation describing how the proposed development meets the purpose and intent described in Sec. 506(a) and the supplemental review and approval criteria of Sec. 506(c)(6).
- (3) To the extent that the approved ODS and ODP for a PUD contradict the development regulations and this UDO, the approved ODS and ODP for the PUD district governs.
- (4) Due to the mixed-use nature of PUD proposals, design must be determined based upon the context and guidance of the comprehensive plan and specific character area plan area in which the PUD is located, as applicable.
- (5) Any additional information deemed necessary by the Development Department to determine compliance with ordinance standards.
- (6) In making recommendations and decisions on PUD district zoning map amendments, review and decision-making bodies must consider the zoning change considerations of Sec. 1207 and the following:
- a. Whether the proposed PUD is consistent with the comprehensive plan and any other adopted plans for the subject area;
  - b. Whether the Overall Development Standards and Overall Development Plans complies with the PUD regulations of this section (Sec. 506);
  - c. Whether the development will result in public benefits that are equal to or greater than those that would have resulted from development under conventional (non-PUD) zoning regulations; and
  - d. Whether appropriate terms and conditions have been imposed on the approval to protect the interests of surrounding property owners and residents, existing and future residents of the MPD and the general public.

## Sec. 507 - Mixed-use master planned developments.

### 507(a) Legacy Status<sup>1</sup>

- (1) No applications to establish new mixed-use master planned developments or to expand the boundaries of existing mixed-use master planned developments shall be accepted for processing after July 15, 2020, except that any special use application for a mixed-use master planned development that is in process on July 15, 2020 shall continue to be processed and may be approved.
- (3) The special use approval, concept plan, and development plan text govern the use and development of existing, approved mixed-use master planned developments. Amendments to existing mixed-use master planned developments require an amendment of the concept plan and development text by the Board of Commissioners following the special use approval procedures of this UDC.

### ~~507 (a) Mixed-Use Master planned developments; where allowed.~~

- ~~(1) A mixed-use master planned development may be approved in any of the zoning districts shown on Table 5.2 except in the Dog River Watershed Protection Area and the O-ED overlay district. Master planned developments are not allowed within the Dog River Watershed Protection Area or the O-ED overlay district.~~
- ~~(2) All mixed-use master planned developments require Special Use approval by the Board of Commissioners. The criteria to be considered in approving or denying a master planned development, in lieu of the standards for special use consideration in Article 12 (Sec. 1207(b)), are as follows:~~
- ~~a. Overall design layout;~~
  - ~~b. Infrastructure improvements; and~~
  - ~~c. Commercial development (if applicable);~~
  - ~~d. Overall density.~~
- ~~(3) In addition to any conditions of zoning or Special Use Permit approval that may apply to a specific property, the provisions of this Section apply to all master planned developments.~~

### ~~507 (b) Development Parameters.~~

~~The following general conditions apply to mixed-use master planned developments. Larger lots may be required by an overlay district applicable to a particular property.~~

- ~~(1) The proportion and distribution of nonresidential to residential uses in a mixed-use master planned development is determined by the zoning category of the property. The maximum number of dwelling units and the type of commercial development that can be allowed in the master planned development is to be determined by the Board of Commissioners and specified with a required development plan and text. These limitations and the distribution of housing types are shown on Table 5.2.~~

**Table 5.2: Land Use Distribution in a Mixed-Use Master Planned Development**

Use Distribution (Percent of Total Site)	
No less than 60% residential and open space	
No more than 40% commercial or office/institutional	

-

<sup>1</sup> Mixed-use master planned development provisions are proposed for elimination. There is believed to be just one existing master planned development in the county. Moreover, the newly reconstituted PUD provisions can accommodate future master planned developments.



- ~~(2) Commercial structures and uses are to be located and designed as a unified development where feasible. (Residential and commercial uses may either be located in freestanding buildings within a site, or combined together within the same building.)~~
- ~~(3) All mixed-use master planned developments are required to submit a site plan and text which specify all development parameters including setbacks, buffers, zoning categories and other development standards as specified by the Planning & Zoning Director.~~
- ~~(4) All mixed-use master planned developments must provide internal pedestrian access. The type of access such as, sidewalks, bike paths, lanes, will be established during the review period to determine the best way to serve a particular development.~~

### **507 (c) Common open space.**

~~Acreage not utilized for commercial development, residential lots, roadway access and utilities shall be placed in common open space or devoted to recreation amenities. Designated conservation areas required under this Development Code must be included within a conservation easement established in accordance with the conservation and natural resources easements Division of Article 9.~~

- ~~(1) A minimum percent of the gross project site area shall be reserved for common open space, as follows: no less than 20% of the total site must be set aside as open space for conservation, preservation or passive recreational use, such as walking trails and picnicking. Buffers, wetlands and bodies of water shall constitute no more than 25% of the minimum required open space; other Primary Conservation Areas shall not be included in the minimum 20% calculation. Areas classified as Secondary Conservation Areas are to be given preference for inclusion in the minimum required open space. (See the Environmental Protection Article of this Development Code for definitions of conservation areas.)~~
- ~~(2) Additional common open space may be provided for active recreation areas for the proposed development, such as swimming pools, tennis courts, community facilities, etc.~~
- ~~(3) While common open space shall not be required to be contiguous, no individual portion of the open space shall be less than 1 acre in size, nor less than 50 feet wide in its narrowest dimension, except as follows:~~
  - ~~a. The open space area, by the very nature of its designated boundaries, is less than 50 feet in width. Examples include strips of steep slopes and "fingers" of floodplains that extend up drainage swales.~~
  - ~~b. Parkways between road travelways, which must be at least 26 feet in width.~~
  - ~~c. Viewshed buffers intended to screen the view of the subdivision development, which must be at least 200 feet in width unless the topography of the land adequately screens the view of the buildings in the subdivision from the abutting roadway.~~
- ~~(4) No portion of the residential lots shall be credited toward the minimum open space requirements unless the portion is included within the conservation easement. No portion of any street right of way or public or private utility easement shall be credited toward the minimum open space requirements.~~
- ~~(5) The required common open space and any applicable conservation easements shall be platted at the same time that adjacent residential lots are platted, in whole or in phases.~~

### **507 (d) Residential development standards. (Amended 05/03/2016 - TXT-2016-02, § 5)**

- ~~(1) Every residence must be connected to a public water system.~~
- ~~(2) Minimum/Maximum floor area within a dwelling unit:~~
  - ~~a. Every single-family residence must have a minimum of 1,800 square feet of floor area.~~
  - ~~b. Every multi-family residence (to include duplexes, townhomes, condominiums and apartments) must have a minimum of 1,000 square feet of floor area and a maximum of two (2) bedrooms.~~
- ~~(3) Recreation amenity:~~
  - ~~a. Every mixed-use master planned development having any lots less than 2 acres in size and proposed to contain 50 dwelling units or more must include a community recreation amenity to serve the development, based on the number of lots in the development.~~

- b. ~~Unless otherwise established as a condition of zoning approval for the subdivision or exempted by the Board of Commissioners, the recreation amenity shall be as required on the following Table:~~

**Table 5.3: Recreation Amenities—Mixed Use Master Planned Developments**

Amenity Required	Number of Dwellings in the Subdivision		
	50 to 75	76 to 200	201 or more
Active Play Area <sup>1</sup>	Min. 1 acre	Min. 2 acres	Min. 3 acres
Athletic Court <sup>2</sup>	Min. 1 court	Min. 2 courts	Min. 3 courts
Swimming Pool <sup>3,4</sup>		Min. 1,800 sf, 30 × 60	Min. 2,250 sf, 30 × 75
Clubhouse			Min. 2,600 sf

<sup>1</sup>Children's play area including active play equipment.

<sup>2</sup>Any combination of tennis, basketball or volleyball courts.

<sup>3</sup>Pools shall meet or exceed ANSI/NSPI-1 standards for Class B public pools.

<sup>4</sup>In lieu of pools, development may have additional open space (minimum of one (1) acre) or park with community building.

- c. ~~The proposed amenity area(s) and recreation amenities to be provided shall be submitted as part of the preliminary subdivision plan application for project approval as required under Article 12 of this Development Code.~~
- d. ~~All required amenities shall be completed and available for use prior to issuance of final plat approval for the initial phase of the subdivision.~~
- e. ~~Such amenities may not be developed within a Primary Conservation Resource Area.~~
- f. ~~All required amenities shall be located interior to the subdivision. No such amenities shall be located immediately adjacent to existing county or state right-of-way or to existing residentially zoned properties. Mixed-use master planned developments shall be serviced with underground utilities (electric power, natural gas, telephone, TV cable, etc.) unless this requirement is waived by the County Engineer due to physical construction constraints.~~
- (4) ~~Mixed-use master planned developments shall be serviced with underground utilities (electric power, natural gas, telephone, TV cable, etc.) unless the requirement is waived by the County Engineer due to physical construction constraints.~~
- (5) ~~All dwelling units shall have front, side and rear facades which consist entirely of those materials allowed on residential construction as provided for in Article 3, Section 307.~~
- (6) ~~Each dwelling unit must include at least a 2-car garage having no less than a 10-foot by 20-foot area per parking space.~~

## **507 (e) Buffer requirements.**

- (1) ~~A permanent 25-foot zoning buffer area shall be established around the perimeter of any mixed-use master planned development where it adjoins an agricultural or residential zoning district. Except for a fence<sup>1</sup> along the property line, no structure of any type shall be permitted in the buffer area.~~
- (2) ~~Internal zoning buffers as would otherwise be required by the Landscaping, Buffers and Tree Conservation Article of this Code between land use areas within a mixed-use master planned development are waived, subject to conditions of approval for the mixed-use master planned development concept plan.~~

## **507 (f) Ownership Control.**

- (1) ~~All of the land in a mixed-use master planned development initially shall be in single ownership by an individual, a partnership, tenants in common, a corporation or by some other legal entity.~~
- (2) ~~The use of common open space and other common areas shall be governed by an owner's association which shall provide for: all users to have equal access and right of use to all shared facilities; perpetual and continued maintenance of open and shared space; tax liability in the case of default; mandatory membership in the owner's association and its creation is required before any individual properties are sold; the method of assessment for dues and related costs; and where appropriate, party wall maintenance and restoration in the event of damage or destruction.~~

## **507 (g) Concept plan; administration.**

### **~~(1) Concept plan.~~**

- ~~a. Development of a mixed-use master planned development shall be guided by an approved Concept Plan for the overall project. Prior to any land development activity or the issuance of a building permit, the Concept Plan shall have been approved by the Board of Commissioners, and subsequent development must substantially conform to the approved Concept Plan.~~
- ~~b. The level of detail to be shown on a mixed-use master planned development Concept Plan shall reflect the scale of the proposed project. For a mixed-use master planned development, the various areas by housing type and land use category are to be identified and the parameters of development identified for each area.
  - ~~1. The Concept Plan for a mixed-use master planned development must designate the type of development planned for each area. The Concept Plan may but need not illustrate the individual lot lines within each subdivision or the building outlines in each multi-family or nonresidential project, but must conform to the requirements for a development text for these items.~~~~
- ~~c. Every proposed mixed-use master planned development Concept Plan, whether an initial approval or a proposed modification to a previously approved concept plan, shall be accompanied by an impact analysis consistent with the requirements for an "impact analysis" under the Procedures and Permits Article of this Development Code.~~

### **~~(2) Development Text.~~**

~~The development text must designate all development standards including setbacks, lot size, housing type, specific commercial uses, building materials, street width, sidewalks and any other specifications as required by the Planning & Zoning Director.~~

### **~~(3) Site plans and subdivision plats.~~**

~~Approval of individual construction projects within a mixed-use master planned development are to follow the County's normal development and building permitting process, based on site plans or subdivision plats and accompanying engineering drawings as normally required. Each site plan or subdivision plat is to be consistent with the approved Concept Plan for the mixed-use master planned development.~~

### **~~(4) Concept plan updates required.~~**

~~The mixed-use master planned development Concept Plan is to be updated as individual site plans are approved or subdivision plats are recorded. Updating is an administrative process for submission to the Plans Review Coordinator in the Development Services Department, and is intended to provide a record of the master planned development as build-out progresses.~~

### **~~(5) Modifications to the concept plan.~~**

~~Development of each portion of a mixed-use master planned development must substantially conform to the approved Concept Plan and development text. If any site plan or subdivision plat is proposed that does not substantially conform, the Concept Plan and development text must first be modified before the site plan or subdivision plat can be approved. Modifications of the Concept Plan and development text can only be approved by the Board of Commissioners, following the same procedure as the initial approval of the original Concept Plan and development text.~~

*~~(Added 01/06/09—TXT2009-01, § 6)~~*

## Sec. 508 - Master planned developments.<sup>2</sup>

~~(Amended 05/06/2008 - TXT2008-02)~~

### **508(a) Legacy Status**

- (1) No applications to establish new master planned developments or to expand the boundaries of existing master planned developments shall be accepted for processing after July 15, 2020, except that any special use application for a master planned development that is in process on July 15, 2020 shall continue to be processed and may be approved.
- (3) The special use approval, concept plan, and development plan text govern the use and development of existing, approved master planned developments. Amendments to existing master planned developments require an amendment of the concept plan and development text by the Board of Commissioners following the special use approval procedures of this UDC.

### **508 (a) Master planned developments; where allowed.**

- (1) ~~A master planned development may be approved in any of the zoning districts shown on Table 5.4 except in the Dog River Watershed Protection Area and the O-ED overlay district. Master planned developments are not allowed within the Dog River Watershed Protection Area or the O-ED overlay district.~~
- (2) ~~All master planned developments require Special Use approval by the Board of Commissioners. The criteria to be considered in approving or denying a master planned development, in lieu of the standards for special use consideration in Article 12 (Sec. 1207(b)), are as follows:~~
- ~~a. Overall design layout;~~
  - ~~b. Infrastructure improvements; and~~
  - ~~c. Commercial development (if applicable).~~
- (3) ~~In addition to any conditions of zoning or Special Use Permit approval that may apply to a specific property, the provisions of this Section apply to all master planned developments.~~

### **508 (b) Minimum development site area.**

~~A property proposed for master planned development approval must contain at least 15 contiguous acres. If commercial uses are proposed to be included within the master planned development, the site must contain at least 50 acres.~~

### **508 (c) Development Parameters.**

~~The following general conditions apply to master planned developments according to the zoning district of the property. Larger lots may be required by an overlay district applicable to a particular property.~~

- (1) ~~The proportion and distribution of nonresidential to residential uses in a master planned development is determined by the zoning category of the property. The zoning district also determines the maximum number of dwelling units and the type of commercial development that can be allowed in the master planned development. These limitations and the distribution of housing types are shown on Table 5.4.~~

**Table 5.4: Land Use Distribution in a Master Planned Development**

Zoning District	Use Distribution (Percent of Total Site)	Percent of Total Site by Housing Type (including open space)
<hr/>		
AG	No less than 95% residential and open space	95% single-family detached meeting R-A standards
	No more than 5% neighborhood commercial	
<hr/>		

<sup>2</sup> Master planned development provisions are proposed for elimination. There is believed to be just one existing master planned development in the county. Moreover, the newly reconstituted PUD provisions can accommodate future master planned developments.

Sec. 508 - Master planned developments.

Zoning District	Use Distribution (Percent of Total Site)	Percent of Total Site by Housing Type (including open space)
R-A	No less than 95% residential and open space	95% single-family detached meeting R-LD standards
	No more than 5% neighborhood commercial	
<hr/>		
R-A (with Special Use Approval)	No less than 95% residential and open space	95% single-family detached meeting standards approved on the plan and required text by the Board of Commissioners
	No more than 5% commercial meeting standards approved on the plan and required text by the Board of Commissioners	
<hr/>		
R-LD	No less than 90% residential and open space	90% single-family detached meeting R-MD standards
	No more than 10% neighborhood commercial	
<hr/>		
R-LD (with Special Use approval)	No less than 80% residential and open space	80% single-family detached meeting R-MD standards
	No more than 20% community commercial	
<hr/>		

~~(2) When "neighborhood commercial" is allowed, the C-N zoning district provisions shall control development of the commercial area, except as modified by this Section.~~

~~(3) When "community commercial" is allowed, the C-C zoning district provisions shall control development of the commercial area, except as modified by this Section.~~

~~(4) Commercial structures and uses are to be located and designed as a unified development where feasible. As an addition to the C-N and C-C district provisions, residential and commercial uses may either be located in freestanding buildings within a site, or combined together within the same building.~~

~~(5) All master-planned developments that require Special Use Permit approval are required to submit a site plan and text which specify all development parameters including setbacks, buffers, zoning categories and other development standards as specified by the Planning & Zoning Director.~~

~~(6) All master-planned developments must provide internal pedestrian access. The type of access such as, sidewalks, bike paths, lanes, will be established during the review period to determine the best way to serve a particular development.~~

### 508 (d) Maximum number of dwelling units.

The total number of dwelling units for all types of housing allowed in a master-planned development is determined by the maximum density allowed for the zoning district in which the master-planned development is located (as shown on Table 4.1 of Article 4), or as otherwise required by an overlay district applicable to the property, whichever results in the lowest density. The maximum density shall be applied to the gross acreage of the entire property, excluding only those areas excluded from maximum density computations under Article 4.

### 508 (e) Minimum residential dimensional standards.

~~(1) AG master-planned development.~~

~~For single-family lots in a master-planned development in the AG zoning district, the minimum lot area, width, setbacks, building area, structure height and all other dimensional requirements applicable to the R-A zoning district shall apply.~~

~~(2) — R-A master-planned development.~~

~~For single-family lots in a master-planned development in the R-A zoning district, the minimum lot area, width, setbacks, building area, structure height and all other dimensional requirements applicable to the R-LD zoning district shall apply, or as otherwise approved as a Special Use Permit by the Board of Commissioners.~~

~~(3) — R-LD master-planned development.~~

~~For single-family lots in a master-planned development in the R-LD zoning district, the minimum lot area, width, setbacks, building area, structure height and all other dimensional requirements applicable to the R-MD zoning district shall apply, or as otherwise approved as a Special Use permit by the Board of Commissioners.~~

## **508 (f) Common open space.**

~~Acreage not utilized for residential lots, roadway access and utilities shall be placed in common open space or devoted to recreation amenities. Designated conservation areas required under this Development Code must be included within a conservation easement established in accordance with the conservation and natural resources easements Division of Article 9.~~

- ~~(1) — A minimum percent of the gross project site area shall be reserved for common open space, as follows: no less than 20% of the total site must be set aside as open space for conservation, preservation or passive recreational use, such as walking trails and picnicking. Buffers, wetlands and bodies of water shall constitute no more than 50% of the minimum required open space; other Primary Conservation Areas shall not be included in the minimum 20% calculation. Areas classified as Secondary Conservation Areas are to be given preference for inclusion in the minimum required open space. (See the Environmental Protection Article of this Development Code for definitions of conservation areas.)~~
- ~~(2) — Additional common open space may be provided for active recreation areas for the proposed development, such as swimming pools, tennis courts, community facilities, etc.~~
- ~~(3) — Required zoning buffers on the perimeter of the property may be included in the common open space area, provided that such buffer areas may not be counted toward more than 10% of the minimum open space requirement of Sec. 508 (f)(1).~~
- ~~(4) — While common open space shall not be required to be contiguous, no individual portion of the open space shall be less than 1 acre in size, nor less than 50 feet wide in its narrowest dimension, except as follows:
  - ~~a. — The open space area, by the very nature of its designated boundaries, is less than 50 feet in width. Examples include strips of steep slopes and "fingers" of floodplains that extend up drainage swales.~~
  - ~~b. — Parkways between road travelways, which must be at least 26 feet in width.~~
  - ~~c. — Viewshed buffers intended to screen the view of the subdivision development, which must be at least 200 feet in width unless the topography of the land adequately screens the view of the buildings in the subdivision from the abutting roadway.~~~~
- ~~(5) — No portion of the residential lots shall be credited toward the minimum open space requirements unless the portion is included within the conservation easement. No portion of any street right-of-way or public or private utility easement shall be credited toward the minimum open space requirements.~~
- ~~(6) — The required common open space and any applicable conservation easements shall be platted at the same time that adjacent residential lots are platted, in whole or in phases.~~

## **508 (g) Residential development standards.**

~~(Amended 05/03/2016 — TXT-2016-02, § 6)~~

- ~~(1) — Every residence must be connected to a public water system.~~
- ~~(2) — Recreation amenity.
  - ~~a. — Every master planned development having any lots less than 2 acres in size and proposed to contain 50 dwelling units or more must include a community recreation amenity to serve the development, based on the number of lots in the development.~~~~

- b. ~~Unless otherwise established as a condition of zoning approval for the subdivision or exempted by the Board of Commissioners, the recreation amenity shall be as required on the following Table 5.5.~~

**Table 5.5: Recreation Amenities—Master Planned Developments**

Amenity Required	Number of Dwellings in the Subdivision		
	50 to 75	76 to 200	201 or more
Active Play Area <sup>1</sup>	Min. 1 acre	Min. 2 acres	Min. 3 acres
Athletic Court <sup>2</sup>	Min. 1 court	Min. 2 courts	Min. 3 courts
Swimming Pool <sup>3</sup>		Min. 1,800 sf, 30 × 60	Min. 2,250 sf, 30 × 75
Clubhouse			Min. 2,600 sf

<sup>1</sup>Children's play area including active play equipment.

<sup>2</sup>Any combination of tennis, basketball or volleyball courts.

<sup>3</sup>Pools shall meet or exceed ANSI/NSPI-1 standards for Class B public pools.

- c. ~~The proposed amenity area(s) and recreation amenities to be provided shall be submitted as part of the preliminary subdivision plan application for project approval as required under Article 12 of this Development Code.~~
- d. ~~All required amenities shall be completed and available for use prior to issuance of final plat approval for the initial phase of the subdivision.~~
- e. ~~Such amenities may not be developed within a Primary Conservation Resource Area.~~
- (3) ~~Master planned developments shall be serviced with underground utilities (electric power, natural gas, telephone, TV cable, etc.) unless this requirement is waived by the County Engineer due to physical construction constraints.~~
- (4) ~~All dwelling units shall have front, side and rear façades which consist entirely of those materials allowed on residential construction as provided for in Article 3, Section 307.~~
- (5) ~~Each dwelling unit must include at least a 2-car garage having no less than a 10-foot by 20-foot area per parking space.~~

### **508 (h) Internal orientation required.**

~~All single-family residential lots within a master planned development must front upon and gain their access from a street within the subdivision, provided that any lot fronting upon and gaining its access from an existing County street or road shall comply with the dimensional standards of the zoning district within which the master planned development is located.~~

### **508 (i) Minimum separation from adjoining streets.**

~~The single-family residential lots within a subdivision meeting the reduced dimensional standards for a master planned development must be separated from every existing County road or street that adjoins the development by a 50-foot wide zoning buffer or 200-foot building setback.~~

### **508 (j) Buffer requirements.**

- (1) ~~A permanent 50-foot zoning buffer area shall be established around the perimeter of any master planned development where it adjoins an agricultural or residential zoning district. Except for a fence<sup>1,2</sup> along the property line, no structure of any type shall be permitted in the buffer area.~~
- (2) ~~Internal zoning buffers as would otherwise be required by the Landscaping, Buffers and Tree Conservation Article of this Code between land use areas within a master planned development are waived, subject to conditions of approval for the master planned development concept plan.~~

### **508 (k) Ownership Control.**

- (1) ~~All of the land in a master planned development initially shall be in single ownership by an individual, a partnership, tenants in common, a corporation or by some other legal entity.~~
- (2) ~~The use of common open space and other common areas shall be governed by an owner's association which shall provide for: all users to have equal access and right of use to all shared facilities; perpetual and continued~~

~~maintenance of open and shared space; tax liability in the case of default; mandatory membership in the owner's association and its creation is required before any individual properties are sold; the method of assessment for dues and related costs; and where appropriate, party wall maintenance and restoration in the event of damage or destruction.~~

## **508 (I) Concept plan; administration.**

### **~~(1) — Concept plan.~~**

- ~~a. — Development of a master planned development shall be guided by an approved Concept Plan for the overall project. Prior to any land development activity or the issuance of a building permit, the Concept Plan shall have been approved by the Board of Commissioners, and subsequent development must substantially conform to the approved Concept Plan.~~
- ~~b. — The level of detail to be shown on a master planned development Concept Plan shall reflect the scale of the proposed project. For a mixed-use master planned development, the various areas by housing type and land use category are to be identified and the parameters of development identified for each area. A master planned development involving only one type of housing and no commercial would present more detail regarding the layout of the development.~~
  - ~~1. — The Concept Plan for a master planned development involving only one type of housing and no commercial shall conform to the requirements for a "concept plan" under the Procedures and Permits Article of this Development Code.~~
  - ~~2. — The Concept Plan for a mixed-use master planned development must designate the type of development planned for each area. The Concept Plan may but need not illustrate the individual lot lines within each subdivision or the building outlines in each multi-family or nonresidential project, but must otherwise conform to the requirements for a "concept plan" under the Procedures and Permits Article of this Development Code.~~
- ~~c. — Every proposed master planned development Concept Plan, whether an initial approval or a proposed modification to a previously approved concept plan, shall be accompanied by an impact analysis consistent with the requirements for an "impact analysis" under the Procedures and Permits Article of this Development Code.~~

### **~~(2) — Site plans and subdivision plats.~~**

~~Approval of individual construction projects within a master planned development are to follow the County's normal development and building-permitting process, based on site plans or subdivision plats and accompanying engineering drawings as normally required. Each site plan or subdivision plat is to be consistent with the approved Concept Plan for the master planned development.~~

### **~~(3) — Concept plan updates required.~~**

~~The master planned development Concept Plan is to be updated as individual site plans are approved or subdivision plats are recorded. Updating is an administrative process for submission to the Plans Review Coordinator in the Development Services Department, and is intended to provide a record of the master planned development as build-out progresses.~~

### **~~(4) — Modifications to the concept plan.~~**

~~Development of each portion of a master planned development must substantially conform to the approved Concept Plan. If any site plan or subdivision plat is proposed that does not substantially conform, the Concept Plan must first be modified before the site plan or subdivision plat can be approved. Modifications of the Concept Plan can only be approved by the Board of Commissioners, following the same procedure as the initial approval of the original Concept Plan.~~

~~(Amended 01/06/2009 — TXT2009-01, § 6)~~

Footnotes:

~~— () —~~

~~Wooden fencing is not allowed in zoning buffer areas.~~



## **Sec. 511 Conservation Subdivisions.**

*(Amended 08/02/2016 - TXT-2016-04, § 5)*

### **511 (a) Conservation subdivisions; where allowed.**

- (1) Conservation ~~development provisions may be applied to subdivisions are allowed for~~ any single-family detached subdivision in ~~the~~ AG, R-A or R-LD zoning district~~s~~ except in the Dog River Watershed Protection Area and the O-ED overlay district. Conservation subdivisions are not allowed within the Dog River Watershed Protection Area or the O-ED overlay district.
- (2) Conservation subdivisions are reviewed and approved under the same process that applies to conventional subdivisions.
- (3) In addition to any conditions of zoning approval that may apply to a specific property, the provisions of this Section apply to all Conservation subdivisions.

### **511 (b) Maximum number of lots.**

A Conservation subdivision shall not exceed the maximum density of dwelling units per acre allowed for the zoning district in which the Conservation subdivision is located (as shown on Table 4.1 of Article 4), or as otherwise required by an overlay district applicable to the property, whichever results in the lowest density. The maximum density shall be applied to the gross acreage of the entire property, excluding only those areas excluded from maximum density computations under Article 4.

### **511 (c) Minimum dimensional standards.**

#### **(1) AG Conservation subdivision.**

For a Conservation subdivision in the AG zoning district, the minimum lot area, width, setbacks, buildable area, structure height and all other dimensional requirements applicable to the R-A zoning district shall apply.

#### **(2) R-A Conservation subdivision.**

For a Conservation subdivision in the R-A zoning district, the minimum lot area, width, setbacks, buildable area, structure height and all other dimensional requirements applicable to the R-LD zoning district shall apply.

#### **(3) R-LD Conservation subdivision.**

For a Conservation subdivision in the R-LD zoning district, the minimum lot area, width, setbacks, buildable area, structure height and all other dimensional requirements applicable to the R-MD zoning district shall apply.

### **511 (d) Common Conservation.**

Acreage not utilized for residential lots, roadway access and utilities shall be placed in common Conservation or devoted to recreation amenities. Designated conservation areas required under this Development Code must be included within a conservation easement established in accordance with the conservation and natural resources easements Division of Article 9.

**Sec. 511 Conservation Subdivisions.**  
511 (e) Residential development standards.

- (1) A minimum percent of the gross project site area shall be reserved for common Conservation, as follows: no less than 40% of the total site must be set aside as Conservation for conservation, preservation or passive recreational use, such as walking trails and picnicking. Buffers, wetlands, bodies of water and otherwise unbuildable areas shall constitute no more than 50% of the minimum required Conservation.
- (2) Additional common Conservation may be provided for active recreation areas for the proposed development, such as swimming pools, tennis courts, community facilities, etc.
- (3) Required zoning buffers on the perimeter of the property may be included in the common Conservation area, provided that such buffer areas may not be counted toward more than 10% of the minimum Conservation requirement of Sec. ~~501(a)(1)~~ 511 (d)(1).
- (4) While common Conservation shall not be required to be contiguous, no individual portion of the common Conservation shall be less than 1 acre in size, nor less than 50 feet wide in its narrowest dimension, except as follows:
  - a. The Conservation area, by the very nature of its designated boundaries, is less than 50 feet in width. Examples include strips of steep slopes and "fingers" of floodplains that extend up drainage swales.
  - b. Parkways between road travelways, which must be at least 26 feet in width.
  - c. Viewshed buffers intended to screen the view of the subdivision development, which must be at least 200 feet in width unless the topography of the land adequately screens the view of the buildings in the subdivision from the abutting roadway.
- (5) No portion of the residential lots shall be credited toward the minimum Conservation requirements unless the portion is included within the conservation easement. No portion of any street right-of-way or public or private utility easement shall be credited toward the minimum Conservation requirements.
- (6) The required common Conservation and any applicable conservation easements shall be platted at the same time that adjacent residential lots are platted, in whole or in phases.

**511 (e) Residential development standards.**

- (1) **Public Water Supply**  
Every residence must be connected to a public water system.
- (2) **Recreation amenity.**  
Every Conservation subdivision having any lots less than 2 acres in size and proposed to contain 50 dwelling units or more must include a community recreation amenity to serve the development, based on the number of lots in the subdivision as delineated in Article 5, Section 504(f) for Conventional subdivisions unless otherwise established as a condition of zoning approval.
- (3) **Underground Utilities**  
Conservation subdivisions shall be serviced with underground utilities (electric power, natural gas, telephone, TV cable. etc.) unless this requirement is waived by the County Engineer due to physical construction constraints.

**Sec. 511 Conservation Subdivisions.**  
511 (f) Internal orientation required.

- ~~(4) All dwelling units shall have 100% of the front façade as brick and/or stacked stone, 100% of the side façade shall be brick and rear façades which consist entirely of any combination of brick, and cementitious siding.~~
- ~~(5) Each dwelling unit must include at least a 2-car garage having no less than a 10-foot by 20-foot area per parking space.~~

**511 (f) Internal orientation required.**

All lots within a Conservation subdivision must front upon and gain their access from a street within the subdivision, ~~provided that any lot fronting upon and gaining its access from an existing County street or road shall comply with the dimensional standards of the zoning district within which the Conservation subdivision is located.~~

**~~511 (g) Minimum separation from adjoining streets.~~**

~~The lots within the subdivision meeting the reduced dimensional standards for a Conservation development must be separated from every existing County road or street that adjoins the development by a 50-foot wide vegetative zoning buffer approved by the Douglas County Arborist.~~