

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE

WHEREAS, following a public hearing and meeting advertised in accordance with O.C.G.A. §§ 36-66-4 and 50-14-1 *et seq.*, the Douglas County Planning and Zoning Board and Douglas County Board of Commissioners has considered and adopted various amendments to the Unified Development Code.

NOW, THEREFORE BE IT ORDAINED by the Douglas County Board of Commissioners that the Unified Development Code is amended as follows:

SECTION ONE

The text of Section 208 of Article 2 regarding Overlay districts; purpose of each in the Unified Development Code is amended to add a new section 208(k) Highway 78 Corridor Overlay as shown by the underlining of text:

“208 (K) Highway 78 Corridor Overlay

This overlay shall be known as the Highway 78 Corridor Overlay (hereinafter referred to as the “Highway 78 Overlay”), and shall serve to establish minimum standards for site development, exterior architectural design, landscaping, lighting and signage that contribute to the district’s overall character.

a. Objective.

The district’s overall character will be accomplished through enhancement of commercial growth through unity of design and quality architecture and the creation of visual interest through landscape and architectural features. Design standards are intended to ensure coordinated design of building exteriors in order to promote visual congruence, positively impact adjacent properties, and produce buildings that augment the character and appearance of the area. It is the goal of this ordinance to promote freedom of design while establishing a baseline for design compatibility.

b. Boundaries.

There is hereby created the Highway 78 Overlay. Regulations pertain to all parcels or portions of parcels that fall within 1,000 feet of the centerline of Highway 78 from the city limits of Douglasville east of Highway 92 east to the Douglas County/Cobb County line. If a portion of a parcel extends beyond the boundary of the Highway 78 Overlay District, overlay regulations extend to the remaining portion of the parcel(s).

Where land is classified as an overlay district, the regulations governing the development in the overlay district shall apply in addition to the regulations governing development in the underlying base zoning district. In the event of an express conflict between the standards governing a base zoning district and those governing an overlay district, the standards governing the overlay district shall control.

c. Uses.

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:

Asbestos abatement or other remediation services

Automobile garages or repair shops (including auto exhaust repair, automotive body paint, interior repair and maintenance, oil change/lubrication, car washes and emission inspections)

Automobile parking lots & garages

Automobile storage yards and wrecker services

Billiard parlors

Building materials

Check cashing services

Construction contractors with outdoor storage

Construction equipment rental & leasing and/or sales & repair

Drive-in theaters

Farm equipment sales/storage

Freight/trucking (local & long distance and specialized)

Hazardous waste treatment & disposal

Junkyards, scraps yards, solid waste or recycling transfer stations

Landfills (inert or subtitled)

Lumber yards

Manufactures home sales

Mini-warehouse facilities

Mining

Motels with outside entrances

Nude/semi-clothed dancing establishments

Itinerant merchants

Pawn shops

Passenger car rental & leasing

Racetracks, amusement & theme parks

Recreational Vehicle sales/service/repair facilities

Recycling & material recovery facilities

Repair & maintenance service (including shop, home & garden equipment, and appliance repair & maintenance)

Septic cleaning & portable toilet services

Short-term loan offices

Solid waste incinerators

Swap meets & flea markets

Tattoo parlors

Tire retreading & recapping

Truck terminals and/or truck stops

Truck, utility trailer and RV rental & leasing

Using clothing/thrift/consignment stores

Used & new tire sales/repair shops

Used automobile/vehicle dealerships/salvage lots/scrap yards

d. Minimum development standards and development regulations.

1. Landscape.

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 & Zoning Department and County Arborist for review. The following is in addition to Article 8 and shall be implemented:

- 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 plantings shall be compatible with adjacent landscape areas in species selection and provide a cohesive transition between landscape plantings.
- 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.
- c) A minimum fifteen (15') foot wide landscape strip shall be provided along the proposed right-of-way and reservation line of Highway 78.
- 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 should be a minimum of two (2') feet high at the time of planting 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.

- 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.
- 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.
- g) Retaining walls, if necessary, must be faced with brick, stone, cast stone or split face modular block if visible from the right-of-way.

2. Architectural design standards.

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 of commercial development on adjacent properties.

a) Build materials and architectural treatments

The following design standards, guidelines and enhancements are established to create a sense of architectural consistency throughout the overlay district and to ensure high quality architectural design.

- 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.

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.

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 should express greater architectural detail than other portions of the building. Entries shall include at least one of the following or similar architectural elements:

Overhangs

Canopies

Recesses/projections

Columns

Arcades

Corniced parapets over the door

Peaked roof forms

Arches

Display windows

Integral planters or wing walls that incorporate landscaped areas and/or places for sitting

4) Freestanding accessory structures shall have architectural detailing and design elements consistent with the primary buildings of the development complex to provide a cohesive design.

5) 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:

- i. The roof pitch of sloped roofs shall be a minimum of 4:12.
- ii. Roof styles for multi-building complexes shall be compatible and consistent with roof designs for the entire complex.

3. Exterior lighting.

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.

4. Signage.

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 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:

- a) Freestanding sign structure/base materials shall match the principle building material.
- b) Wall signs shall not cover architectural features or details, and not extend beyond the roof line or outer edges of the building.
- 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.
- d) Signs shall be lit with exterior illumination only.
- e) The following signs are prohibited:
 - 1) Signs involving motion, rotation or sound, including flags or streamers which are blown by the wind.

2) Flashing, blinking, varying light intensity signs or animated signs, except community information signs.

3) Courtesy benches, trash cans and similar devices on which advertising is displayed.

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.

5. Traffic access requirements.

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.

6. Parking.

Parking for commercial establishments shall be distributed along not less than two sides of the building exterior. Parking that fronts the main building entrance(s) shall not exceed forty (40%) percent of the parking total.

7. 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 Planning & Zoning Director or his/her designee shall include a tree survey and landscape plan, with buffers, prepared by a landscape architect.

8. Renovations.

Renovations to pre-existing non-conforming building which require a building permit shall meet all architectural standards of this ordinance.

e. Project filing, review and approval procedures.

1. Pre-application conference.

Prior to the formal submittal of a design plan, the developer shall meet with the Planning & Zoning Director for a review of the

location, scope and nature of the proposed project. No preliminary plans, drawings, sketches or concept plans approved informally, in writing or otherwise shall confer any development rights under this ordinance. Only design plans (as defined herein) which are approved as authorized by this ordinance shall confer development rights.

2. Each design plan shall be prepared by an architect, landscape architect, engineer or land surveyor whose state registration is current and valid, or by a professional planner holding a full or associate membership with the American Planners Association. Each design plan shall contain site plan, architectural elevations, landscape plan, and line-of-study drawn to an appropriate scale and shall include the following:
 - a) Name(s) of the proposed development. Name(s), signature(s) and address(es) and the designer(s) of the site plan.
 - b) Date, approximate north arrow and scale.
 - c) The boundary line of the land tract shall be shown on a survey plat prepared and sealed by a registered land surveyor.
 - d) A map to an approximate scale showing the location of the proposed development.
 - e) Contours with a minimum vertical interval of five (5') feet referenced to sea level datum shall be provided for existing topography and proposed elevations.
 - f) The location of existing or proposed platted property lines, streets, buildings, water courses, bridges, water mains, drain pipes and public utility easements, the owners of record of adjoining parcels and the zoning classification(s) of the adjoining property.
 - g) Location, dimensions and treatments of all required buffers, landscaped or planted, including fences, walls, berms and signage.
 - h) Other information required by the Planning & Zoning Director to ensure compliance with the provisions of this ordinance.
 - i) A design outlining the proposed scope of tree preservation.
3. Review and approval.

All applications for design plan approval shall contain a design plan meeting the requirements of this ordinance and shall be

reviewed the Douglas County Development Services Director. No review or approval by the Board of Commissioners or the Planning & Zoning Board will be required. All completed applications meeting the requirements of this ordinance shall be approved by the Development Services Director within 30 days of filing.

f. Implementation.

1. Existing conditions.

It is the desire of the County, its citizens and private property owners cooperating in the creation and adoption of this ordinance to implement it as rapidly as possible and to do so in a fair manner. Existing conditions need no change immediately upon the adoption of this overlay.

2. New development plans.

After the adoption by the Board of Commissioners, this ordinance will apply to all new development plans/new construction plans submitted after the effective date of this ordinance adoption and all those projects that have not received a building permit within one year of adoption of this ordinance. The exterior renovations to a building must comply with the ordinance requirements. The structural aspects of this ordinance will not be triggered by standard maintenance activities not requiring a building permit.

g. Variances.

The Douglas County Planning & Zoning Board has the authority to grant variances from the requirements of this Article in cases where the strict application of this ordinance's regulations would result in unnecessary hardship.

h. Severability.

It is hereby declared to be the intention of the Board of Commissioners of Douglas County that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance be declared unconstitutional or invalid, it shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

i. Relationship to existing zoning.

Nothing contained herein shall be construed to replace or supersede existing zoning classifications of properties within the Highway 78 Corridor. It is, however, the intent of the governing authority to require that all properties developed under this ordinance shall meet all of the requirements outlined herein. It is further the intent of the governing authority that previously zoned properties shall develop using the development standards and regulations outlined in this ordinance.

j. Nonconformities.

This section sets out the provision that protect uses, structures, lots and signs that lawfully existed prior to the adoption of this Overlay or a subsequent amendment, but no longer conform to the new regulations. The primary intent of the treatment of nonconformity is to allow continuation of these uses, structures, lot and signs until the end of their useful life, while encouraging conformance to the new regulations when it becomes reasonable to do so.

1. Nonconforming development, in general.

Lawful nonconforming uses, structures, lots and signs are declared by this Overlay to be incompatible with land uses, structures, lots and signs that conform to the requirements of the Overlay in which the conformity exists. However, such nonconforming development continue under the circumstances presented in this Section for each type of nonconformity.

2. Nonconforming uses.

a) Nonconforming uses, defined.

A nonconforming use is a use or activity that was lawfully established prior to the adoption, revision or amendment of this Overlay, but which, by reason of such adoption, revision or amendment, is no longer a use or activity permitted by right or no longer meets or conforms to the requirements of this Overlay.

b) Continuance of nonconforming uses.

1) To avoid undue hardship, the lawful nonconforming use of any structure or land at the time of the enactment of this Overlay or any subsequent amendment may be

continued even though the use does not conform to the provisions of this Overlay, except that the nonconforming use:

- i. Shall not be changed to another nonconforming use.
- ii. Shall not be extended to occupy a greater area of land.
- iii. Shall not be extended to occupy a greater area of a building or structure unless such additional area of the building or structure existed at the time of the passage or amendment of this Overlay and was clearly designed to house the same use as the nonconforming use occupying the other portion of the building or structure.

c) Re-establishment of a discontinued nonconforming use.

A lawful but nonconforming use of any structure or land shall not be re-established after its removal from the property, or after its discontinuance for three (3) months or more, regardless of the intent of the owner or occupier to resume the nonconforming use. The nonconforming use of a property for occupancy by a manufactured home may not be resumed once the manufactured home is removed from the property.

3. Nonconforming structures.

a) Nonconforming structures, defined.

A nonconforming structure is a structure or building whose size, dimensions, location on a property or other features were lawful prior to the adoption, revision or amendment of this Overlay, but which, by reason of such adoption, revision or amendment, no longer meets or conforms to one or more such requirements of this Overlay.

b) Continuance of nonconforming structures.

1) A nonconforming structure may continue to be occupied and used, except that:

- i. A nonconforming structure shall not be repaired, rebuilt or altered after damage or destruction of 50% or more of its value, unless the structure is an owner-occupied dwelling.
- ii. A nonconforming structure may be repaired, rebuilt or altered to its original configuration after damage or destruction not exceeding 50% of its value, provided that:

- a.) Allowed reconstruction is to begin within one (1) year after the damage or destruction is incurred; and
 - b.) The value shall be computed from the amount the building or structure is appraised for tax purposes by Douglas County.
 - iii. A nonconforming structure shall not be enlarged or altered in any way that increases its nonconformity, but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition.
- 2) The strengthening or restoration to a safe condition of any nonconforming structure or part thereof declared to be unsafe by an official charged with protecting the public safety or health shall be allowed upon order of such official.

k. Glossary.

A buffer is a land area reserved to provide a visual and noise barrier, which is created by the use of planted or natural existing material, alone or in combination with berms, fencing or walls. A buffer shall be located on the outer perimeter of a lot or a parcel, extending from the lot or parcel boundary line and shall be established independently of building setbacks. Building setback requirements shall begin at the portion of the buffer area furthest from the property line such that that buffer area is not included within any area required for building setback.

SECTION TWO

The text of Section 309 of Article 3 regarding Standards for office, commercial and industrial uses in the Unified Development Code is amended to add a new section 309(c) regarding Fencing as shown by the underlining of text and all subsequent sections are hereby renumbered accordingly:

“Wooden and woven-wire fences shall not be used. Vinyl materials that simulate wooden fences in appearance may be used.”

SECTION THREE

The text of Section 309(d) of Article 3 regarding Building exterior guidelines is amended to include the following as shown by the underlining of text and to delete the following as shown by the strikethrough of text:

Type A Material: To consist of ~~fa e~~, brick, granite, stone, marble, ~~terrazzo, concrete panels cast with patterns and textures, wood siding, vinyl siding,~~ cementious stucco accents, fiber-cement siding accents, limestone accents, or insulated window wall panels. Metal siding is prohibited.

SECTION FOUR

The text of Section 312(a) of Article 3 regarding Provisions relating to all accessory uses is amended to include the following as shown by the underlining of text:

“No accessory use or structure shall be allowed on any lot except in relation to an existing principal use on the lot. If the lot is vacant, no accessory building, structure, or use shall be built upon a lot until construction of the principal building has commenced except for lots with a minimum of five (5) acres shall be allowed to construct a barn or similar structure for the storage of equipment related to the maintenance of the property or to house farm animals.”

SECTION FIVE

The text of Section 312(b)(13) of Article 3 regarding Customary accessory uses to a dwelling is amended to include the following as shown by the underlining of text:

“Fences and freestanding walls, subject to the setback and height restrictions in the Lot and Building Standards Article of this Code (but no fence shall contain any barbed wire unless used to confine one or more horses or similar animals and no wooden fences are allowed except on an individual single-family lot as an accessory to a single-family home.”

SECTION SIX

A new Section 507 of Article 5 regarding Mixed-Use Master planned developments in the Unified Development Code is added to include the following as shown by the underlining of text and all other sections are renumbered accordingly:

Mixed-Use Master planned developments.

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 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

(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.

(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--Master Planned Developments

Number of Dwellings in the Subdivision

<u>Amenity Required</u>	<u>50 to 75</u>	<u>76 to 200</u>	<u>201 or more</u>
<u>Active Play Area¹</u>	<u>Min. 1 acre</u>	<u>Min. 2 acres</u>	<u>Min. 3 acres</u>
<u>Athletic Court²</u>	<u>Min. 1 court</u>	<u>Min. 2 courts</u>	<u>Min. 3 courts</u>
<u>Swimming Pool^{3, 4}</u>		<u>Min. 1,800 sf. 30 x 60</u>	<u>Min. 2,250 sf. 30 x 75</u>
<u>Clubhouse</u>			<u>Min. 2,600 sf</u>

¹Children's play area including active play equipment.

²Any combination of tennis, basketball or volleyball courts.

³Pools shall meet or exceed ANSI/NSPI-1 standards for Class B public pools.

⁴In 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 a Certificate of Occupancy on more than 50% of the houses in 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 façades which consist entirely of any combination of brick, stucco or stone finish, shake shingle siding, custom log construction, or painted wood lap or fiber cement siding, or as otherwise approved as a Special Use by the Board of Commissioners.

(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 fence¹ 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.

¹ Wooden fencing is not allowed in zoning buffer areas.

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.

SECTION SEVEN

The text of Section 604 of Article 6 regarding Number of parking spaces required in the Unified Development Code is amended to add a new section 604(a)(2)(c) regarding Minimum number of parking spaces required as shown by the underlining of text and all subsequent sections are hereby renumbered accordingly:

“On all single-family residential lots one-half (1/2) acre or less, parking shall be required to be on a surface treated and hardened with concrete or asphalt to accommodate such vehicles. Any extensions of the parking area shall be contiguous to existing parking that connects to the street. A permit shall be required prior to any construction in order to ensure impervious limits are not exceeded.”

SECTION EIGHT

The text of Section 710 of Article 7 regarding Size of temporary event signs in the Unified Development Code is amended to add a new section 710(c)(4) regarding political signs as shown by the underlining of text and all subsequent sections are hereby renumbered accordingly:

“All political signs shall be a maximum of 4’ x 4’ (16 square feet) in size.”

SECTION NINE

The text of Section 710(d)(3) of Article 7 regarding Location of temporary event signs in the Unified Development Code is amended to include the following as shown by the underlining of text:

“Any temporary event sign within the street right-of-way shall not exceed 3 square feet in sign face area or more than 30-inches (2½ feet) in height except for political signs which may be a maximum of 4’ x 4’ (16 square feet).”

SECTION TEN

The text of Section 1226(b)(2) of Article 12 regarding Building permits is amended to include the following as shown by the underlining of text and to delete the following as shown by the strikethrough of text:

“If the work authorized by a building permit has not begun within 6 months from the date of issuance the permit shall expire. ~~, unless it is renewed under the provisions of the building code.~~ As long as work has commenced under the building permit, it shall be valid for one (1) year, except that if within any 180 day period an inspection has not been performed the building permit shall expire. Two (2) extensions for the building permit for six (6) months each shall be allowed as long as work is continual and an inspection has occurred within each 180 day period.”

SECTION ELEVEN

The text of Section 1307 of Article 13 regarding Process for granting an appeal in the Unified Development Code is amended to add a new section 1307(c) regarding Vesting of

variance as shown by the underlining of text and all subsequent sections are hereby renumbered accordingly:

“After an approval has been granted by the Planning & Zoning Board for a variance, the applicant, agent or property owner has 24 months to vest the variance approval. To vest a variance approve and forego its expiration, the applicant must lawfully initiate the variance. If the applicant, agent or property owner fails to vest the variance, it will expire.”

SECTION TWELVE

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed

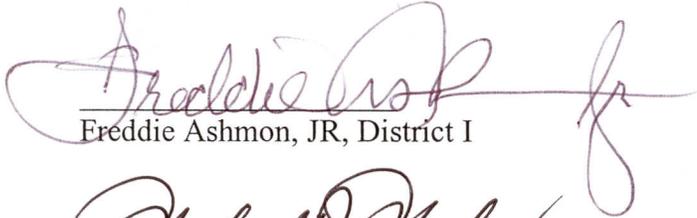
SECTION THIRTEEN

This ordinance shall be effective upon adoption.

SO ORDAINED this 6th day of January, 2009



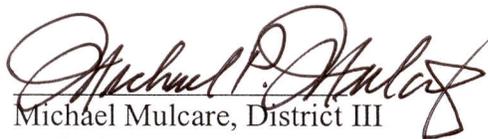
Tom Worthan, Chairman



Freddie Ashmon, JR, District I



Kelly Robinson, District II



Michael Mulcare, District III



David Latham, District IV

Attest:



Mark Teal, Development Services