

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 Article 3, Restrictions on Particular Use, Section 310 (d) Exterior lighting requirements in the Unified Development Code is amended to delete the following as shown by the strikethrough of text and to include the following as shown by the underlining of text:

310 (d) Exterior lighting requirements.

~~All non-residential zoned buildings and property are required to direct all exterior lighting away from residential areas and street rights-of-way. Light structures greater than 30 feet in height shall be reviewed by the Development Services Director.~~ **See Article 10 Section 1026 for lighting requirements.**

SECTION TWO

The text of Article 3, Restrictions on Particular Use, Section 313 (d) (1) in the Unified Development Code is amended to include the following subsection (g) as shown by the underlining of text:

313 (d) Customary accessory uses to office, commercial and industrial uses.

(1)

The following accessory uses are permitted in the office/commercial and industrial zoning districts:

g. Electric Vehicle Charging Stations

Electric vehicle charging stations are allowed as accessory uses on any lot which is zoned and developed for office, commercial, or industrial uses such that they are at least 10' from any property line and not within any required zoning buffer. One parking space must be provided for each charging station on site so that vehicles charging will be out of travel lanes and the flow of traffic.

SECTION THREE

The text of Article 3, Restrictions on Particular Use in the Unified Development Code is amended to include the following new section 352 Mobile Food Vendors as shown by the underlining of text:

Article 3 Sec. 352 - Mobile Food Vendors

352(a) - Definitions.

- (a) Commissary shall mean an approved catering establishment, restaurant, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged or stored.
- (b) Mobile food vendor shall mean a retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food.
- (c) Pushcart shall mean a non-self-propelled vehicle limited to serving commissary prepared or prepackaged food and non-potentially hazardous food, unless the equipment is commercially designed and approved to handle food preparation and service. Pushcarts shall not be required to comply with mobile vehicular safety requirements.
- (d) Temporary food establishment shall mean a retail food establishment, other than a licensed mobile food vendor or pushcart, that is not intended to be permanent and that operates at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration.
- (e) Ice cream truck shall mean a motor vehicle in which ice cream, popsicles, ice sherbets or other frozen desserts of any kind are carried for the purpose of retail sale on the streets of the city.

352(b) - License Required.

- (a) It shall be unlawful for any person to sell, or offer for sale, food of any type from a commissary, mobile retail food establishment, pushcart or temporary food establishment without a license first having been granted under this section.
- (b) An application for a license or a permit hereunder shall be submitted to the Occupational Tax Department setting forth all information required hereunder and in compliance with this ordinance.
- (c) The following information shall be provided with each application for a mobile food vendor permit:
 - (1) Name of the mobile food vendor;
 - (2) Make, model, and license plate number of vending unit;
 - (3) Owner's contact information;
 - (4) Operator's contact information;
 - (5) Type of vendor (street vending unit or sidewalk vending unit);
 - (6) Copy of approved permit from the local Environmental Health Department
 - (7) List of operating locations and times;

- (8) Signatures from property owners indicating consent for the use of their property;
- (9) Signature of applicant indicating agreement to the listed requirements.
- (10) Location of Commissary

352(c) - Prohibited Conduct and Requirements.

- (a) Except for ice cream trucks, no mobile food vendor shall conduct business or operate in the public right-of-way.
- (b) A mobile food vendor shall not operate on any private property without the prior consent of the owner.
- (c) A mobile food vendor shall maintain a one million dollar (\$1,000,000.00) liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in Georgia, protecting the mobile food vendor, the public and the county from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Such insurance shall name the county as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days advanced written notice to the county.
- (d) Except for ice cream trucks, a mobile food vendor shall not make sounds or announcements to call attention to the mobile food vehicle either while traveling on the public rights-of-way or when stationary.
- (e) The license under which a mobile food vendor is operating must be firmly attached and visible on the mobile food vendor or pushcart at all times.
- (f) Any driver of a mobile food vendor motorized vehicle must possess a valid Georgia driver's license.
- (g) Except for ice cream trucks, mobile food vendors are allowed only in commercial and industrial zoning districts.
- (h) Mobile food vendors shall not be located within fifteen (15) feet of any street intersection or pedestrian crosswalk or ten (10) feet of any driveway.
- (i) No sale or offer for sale shall be made by any mobile food vendor between 9:00 p.m. and 6:30 a.m. unless such sale is in conjunction with a county-approved special event or film production permit.
- (j) Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation. Vending structures shall be housed at their commissary location when not vending and overnight. Commissary locations are allowed in the C-G, C-H and LI zoning districts.
- (k) No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a mobile food vendor unless each side of the vehicle is marked, in letters and numbers at least three inches in height, with the name and address of the mobile food vendor licensee.
- (l) The mobile food vendor shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all

licenses required by any other health, organization or governmental organization having jurisdiction over this subject matter.

(m) The following safety regulations shall apply to any and all vehicles operating under this article or used for mobile retail food establishments:

(1) Every vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.

(2) Every vehicle shall be equipped with two rear-vision mirrors, one at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle.

(n) The mobile food vendor may sell food and non-alcoholic beverage items only.

(o) Mobile food vendors are responsible for all waste disposal according to county ordinances.

(p) Mobile food vendors shall not occupy any parking space reserved for persons with disabilities.

352(d) - Indemnity

As part of the permitting process set forth herein, any person or entity receiving a permit set forth herein shall execute an indemnity agreement indemnifying and releasing the Douglas County, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever.

SECTION FOUR

The text of Article 6, Parking and Loading Requirements, Section 607 (f) Lighting of parking areas in the Unified Development Code is amended by deleting it in its entirety as shown by the strikethrough of text:

Article 6, Section 607

607 (f) Lighting of parking areas.

~~(1)~~

~~Any lights used to illuminate a parking area shall be arranged, located or screened to direct light away from any adjoining residential use and shall not cause glare on any abutting property or street. "Shoe box" recessed lighting fixtures or similar non-spill lighting devices shall be utilized for this purpose.~~

~~(2)~~

~~Parking areas shall not be illuminated between the hours of 12:00 midnight and 6:00 A.M. if the uses on the property are not open for business and employees are not on the premises, although temporary activation by motion detectors may be allowed to provide security lighting for periods not to exceed 15 minutes.~~

SECTION FIVE

The text of Article 8, Landscaping, Buffers, and Tree Conservation, Section 804 Landscaping; where required (a) in the Unified Development Code is amended by including the following in the heading as shown by the underlining of text and by deleting subsection (2)(c) in its entirety as shown by the strikethrough of text:

804 (a) Single-family and duplex residential uses.

~~804 (a)(2)(c) All buffers required in Table 8.3 will be in addition to any tree unit requirement of this development code.~~

SECTION SIX

The text of Article 8, Landscaping, Buffers, and Tree Conservation, Section 804 (c) (1) in the Unified Development Code is amended by deleting subsection (1) in its entirety as shown by the strikethrough of text:

804 (c) Specific district or land use requirements.

Landscaping requirements for specific zoning districts or land uses are as follows:

~~(1)~~

~~O-QGD Quality Growth Development District.~~

~~Any multi-family housing, commercial, office, wholesale, distribution, storage and industrial use within the O-QGD district, in addition to meeting all requirements and standards of the district within which it is located, shall also comply with the following minimum standards and restrictions:~~

~~a.~~

~~Landscaping.~~

~~The location and detail of all required landscaping shall be depicted on the site landscaping plan (see the Procedures and Permits Article of this Code).~~

~~1.~~

~~Minimum required landscaped area.~~

~~Each site shall have a minimum landscaped area of twenty percent. The calculated landscaped area may include tree islands within required parking areas.~~

~~2.~~

~~Frontage landscaping strip.~~

~~A minimum 15-foot wide landscaped strip adjacent to the street right-of-way shall be landscaped in accordance with the requirements of this Division.~~

~~3.~~

~~Side and rear yard landscaping.~~

~~Unless otherwise included within a zoning buffer required under Division III of this Article, all required side and rear yards shall be landscaped in accordance with the requirements of this Division.~~

~~4.~~

~~Other landscaping 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 approve by the Development Services Director.~~

~~b.~~

~~Screening.~~

~~1.~~

~~All loading areas, service equipment, and all storage areas including those for trucks, buses, automobiles, 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 facade of the building. One exception shall be the location of such areas adjoining the same or similar area of a common or adjoining property. Such wall shall be not less than 5 feet in height and no more than 8 feet in height. Specific height shall be determined during the site plan review process.~~

~~2.~~

~~A portion of the required screening not to exceed 25 percent may be substituted in the form of a natural or structural zoning buffer if conditions warrant as determined by the Development Services Director.~~

SECTION SEVEN

The text of Article 8, Landscaping, Buffers, and Tree Conservation, Section 810 (c) Trees required in the Unified Development Code is amended to delete the following as shown by the strikethrough of text and to include the following as shown by the underlining of text:

810 (c) Trees required.

The following applies to any parking lot designed or intended to accommodate 5 cars or more.

(1)

Shade trees (deciduous overstory trees) shall be provided within or immediately adjacent to and surrounding the parking lot at a ratio of at least ~~0.4~~ 0.3 tree units for every ~~12~~ 8 parking spaces, or portion thereof. See Table 8. for approved tree species.

- (2) Trees must be placed in or around the parking lot such that every parking space is within ~~50~~ 40 feet of a shade tree. The ~~50-40~~ foot distance is measured from the center of the tree to any point within the parking space.
- (3) New trees shall have a caliper of no less than 2 inches upon planting, and shall be maintained in good condition. Trees that must be removed as a result of disease, damage or death, must be replaced.
- (4) All trees retained or provided under this Section may be counted toward the minimum tree conservation provisions of this Article.

SECTION EIGHT

The text of Article 8, Landscaping, Buffers, and Tree Conservation, Section 813 Zoning buffers; where required in the Unified Development Code is amended to include the following as shown by the underlining of text:

Sec. 813 - Zoning buffers; where required.

813 (a) Nonresidential zoning districts.

- (1) When any commercial, industrial or office zoning district (as identified on Table 2.1) abuts a residential district, a natural zoning buffer 50 feet deep at a line where the two districts abut will be required. 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 trees, evergreen coniferous trees and shrubs. Canopy trees shall be no less than 3" in caliper and no less than 15' in height at the time of planting with a mature height of no less than 25'.
- (2) When a natural zoning buffer is impossible or undesirable, a 50-foot wide structural zoning buffer meeting the requirements of this Division may be allowed by the Director of Development Services

SECTION NINE

The text of Article 10, Project Design and Construction Standards in the Unified Development Code is amended to include the following new section 1026 Outdoor Lighting as shown by the underlining of text:

Sec. 1026 OUTDOOR LIGHTING

The regulations of this division are intended to:

- (1) Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce;
- (2) Curtail and reverse the degradation of the nighttime visual environment and the night sky;
- (3) Preserve the dark night sky for astronomy;
- (4) Minimize glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary;
- (5) Conserve energy and resources to the greatest extent possible; and
- (6) Help protect the natural environment from the damaging effects of night lighting from human-made sources.

1026(a) - Conformance with applicable regulations.

All outdoor lighting devices must comply with the provisions of this division, the building code and the electrical code, required permits and inspections, as applicable.

1026(b) - Prohibited lighting.

The following are expressly prohibited:

- (1) Aerial lasers;
- (2) Searchlight style lights;
- (3) Light sources that exceed 200,000 lumens or intensity in any direction of 2,000,000 candelas or more; and
- (4) Exposed neon lighting.

1026(c) - Exempt lighting.

The following luminaries and lighting systems are expressly exempt from the regulations of this division:

- (1) Underwater lighting used for the illumination of swimming pools and fountains;
- (2) Temporary holiday lighting;

- (3) Lighting required and regulated by the Federal Aviation Administration, or other authorized federal, state or local government agency;
- (4) Emergency lighting used by police, fire, or medical personnel, or at their direction;
- (5) Security lighting controlled and activated by a motion sensor device for a duration of ten minutes or less.

1026(d) - Regulations.

(a) Applicability.

- (1) The regulations of this section apply:
 - a. To all new land uses, new developments and new buildings that require a permit;
 - b. Whenever existing land uses, developments or buildings are expanded by 50 percent or more in terms of additional dwelling units, parking spaces or gross floor area, in which case the entire property must be brought into conformance with these regulations; and
 - c. whenever existing outdoor lighting constituting 75 percent or more of the permitted lumens for the parcel is modified or replaced, no matter the actual amount of lighting already on the site.
- (2) When existing developments or buildings are expanded by less than 50 percent in terms of additional dwelling units, parking spaces or gross floor area and the expansion requires a permit, the applicant must submit a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting on the site must comply with the shielding and lamp type regulations of this division.

(b) General regulations.

- (1) Outdoor lighting fixtures must be full cutoff and placed so as to allow no light above the horizontal as measured at the luminaire, except as herein noted in this section (as in the case of period fixtures, cutoff fixtures may be used) and except as allowed in Article 7 (Sign Regulations).
- (2) Outdoor lighting fixtures must be located, aimed or shielded to minimize glare and stray light trespassing across lot lines and into the public right-of-way.
- (3) Flood or spot lamps must be positioned no higher than 45 degrees above straight down (half-way between the vertical and the horizontal) when the source is visible from any off-site residential property or public roadway.

| <u>At Property Lines Including Rights-of-Way</u> | <u>Maximum Footcandles</u> |
|---|----------------------------|
| <u>At property line abutting a residential or an agricultural use</u> | <u>0.5</u> |
| <u>At property line abutting an office or institutional use</u> | <u>1.0</u> |
| <u>At property line abutting a commercial or industrial use</u> | <u>1.5</u> |

| <u>Off-Street Parking Lots</u> | <u>Minimum Footcandles</u> | <u>Average Footcandles</u> | <u>Maximum Footcandles</u> |
|----------------------------------|----------------------------|----------------------------|----------------------------|
| <u>Residential areas</u> | <u>0.5</u> | <u>2.5</u> | <u>4.0</u> |
| <u>Office-professional areas</u> | <u>1.0</u> | <u>3.5</u> | <u>6.0</u> |
| <u>Commercial areas</u> | <u>2.0</u> | <u>7.0</u> | <u>12.0</u> |
| <u>Industrial areas</u> | <u>1.0</u> | <u>5.0</u> | <u>8.0</u> |

(4) All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as described herein for fully shielded fixtures.

(5) Lighting on sites consisting of multiple uses must conform to the standards of the respective uses.

(6) Illumination levels are measured from any height and orientation of the measuring device at any location along the property line except the lighting of parking lots must be measured at grade with the meter sensor held horizontally at the surface.

(c) Specific uses and activities. This subsection establishes supplemental lighting regulations for specific types of uses and activities. All lighting not directly associated with the special use areas designated below must comply with all other applicable regulations of this division.

(1) Service station canopies and parking garages.

a. All luminaries mounted on or recessed into the lower surface of service station canopies and parking structures must be fully shielded and utilize flat lenses.

b. The total light output of luminaries mounted on the lower surface, or recessed into the lower surface of the canopy, and any lighting within

signage or illuminated panels over the pumps, may not exceed 50 footcandles. The total light output of other illuminated areas of a service station may not exceed 15 footcandles.

- c. Illuminance levels for the interior of parking structures, where interior lighting is visible from outside the structure, must conform to IESNA recommendation RP-20.
 - d. Lights may not be mounted on the top or sides of a canopy, and the sides of the canopy may not be illuminated.
- (2) Security lighting.
- a. Security lighting must be directed towards the targeted area.
 - b. Sensor activated lighting must be located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and the system must be designed and maintained so that lights are not activated by activity off of the subject property.
- (3) Architectural accent lighting.
- a. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art must be located, aimed and shielded so that light is directed only on those features. Such fixtures must be aimed or shielded to minimize light spill into the dark night sky in conformance with the luminaire standards.
 - b. Lighting fixtures may not generate glare, or direct light beyond the facade onto a neighboring property, streets or into the night sky.
- (4) Parking areas.
- a. All lighting fixtures servicing parking lots must be directed downward and not towards buildings or other areas.
 - b. Parking lots must be illuminated to a minimum illumination level of 0.4 footcandles at grade level, and the ratio of the average illumination to the minimum illumination may not exceed 4:1.
 - c. Light poles used in parking lots with 100 parking spaces or less may not exceed 20 feet in height. Light poles used in parking lots with more than 100 parking spaces may not exceed 35 feet in height.

1026(e) - Plans.

- (a) Applicants for any permit for any residential use required by any provision of the ordinances of the county involving outdoor lighting fixtures must submit evidence that the proposed work will comply with the outdoor lighting regulations of this division.
- (1) The submission must include the following information with the application for the required permit:

- a. Description of all proposed outdoor illuminating devices, fixtures, lamps, supports, reflectors. The description may include, but is not limited to catalog cuts and illustrations by manufacturers.
- (b) Applicants for any permit for any commercial use required by any provision of the ordinances of the county involving outdoor lighting fixtures must submit evidence that the proposed work will comply with the outdoor lighting regulations of this division.
 - (1) The submission must include the following information with the application for the required permit:
 - a. Plans indicating the location on the premises of each outdoor illuminating device, both proposed and any already existing on the site.
 - b. Description of all proposed illuminating devices, fixtures, lamps, supports, reflectors. The description may include, but is not limited to catalog cuts and illustrations by manufacturers.
 - c. Photometric data, such as that furnished by manufacturers or similar, showing the angle of cut-off of light emissions.
 - d. Photometric plans must include the maximum and average light layout.
 - (2) The above required plans, descriptions, and data must be complete and accurate so that the Development Services Department is able to readily determine whether the proposal will comply with the requirements of this division.

SECTION TEN

The text of Article 11, Erosion Control and Stormwater Management, Section 1105 (t)(3) Accessory structures and facilities in the Unified Development Code is amended as shown by the strikethrough of text and to include the following as shown by the underlining of text:

1105 (t)(3) Accessory structures and facilities.

Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking lots, recreational facilities, and other similar structures and facilities) which are permitted to be located within the limits of the floodplain shall be constructed of flood-resistant materials and designed and constructed to pass all floodwater in a manner consistent with Section 1105 ~~(t)(5)~~ (s)(6) and be anchored to prevent flotation, collapse or lateral movement of the structure.

SECTION ELEVEN

In accordance with Section 202 of the Unified Development Code, the Board of Commissioners adopts the Official Zoning Map of Douglas County, Georgia, incorporated herein by reference duly signed by the Chairman of the Douglas County Board of Commissioners and signed and sealed by the County Clerk, held by the Clerk of the Planning and Zoning Board in the Planning and Zoning Office.

SECTION TWELVE

The Board of Commissioners approves the re-adoption of the Unified Development Code including all of its 2017 amendments and kept by the Clerk of the Planning and Zoning Board in the Planning Office.

This ordinance shall be effective upon adoption.

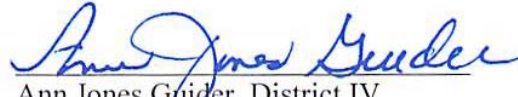
SO ORDAINED this 1st day of August 2017.


Dr. Romona Jackson Jones, Chairman


Henry Mitchell, III, District I


Kelly Robinson, District II


Michael Mulcare, District III


Ann Jones Guider, District IV

Attest:


Tracy Rye, AICP; Planning & Zoning Director