

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(h)(a)(2) of Article 2 regarding Streetscape theme in the Unified Development Code is amended to include the following as shown by the underlining of text:

- 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.***

SECTION TWO

The text of Section 208(h)(c)(1) of Article 2 regarding Permitted uses within the Highway 92 Village Overlay in the Unified Development Code is amended to include the following as shown by the underlining of text:

1. *Permitted uses within the Highway 92 Village Overlay*
The following uses, and only the following uses, shall be permitted within any development permitted pursuant to this ordinance:
 - All Residential Uses*
 - Administrative & Professional Offices*
 - Finance, Insurance & Real Estate Services*
 - Daycare Facilities*
 - Personal Care Services*
 - Dry Cleaning & Laundry Services (drop-off stations only)*
 - Formal Wear & Costume Rental*
 - Video Tape & Disc Rental*
 - Home Health Equipment Rental*
 - Bail Bonding Offices**
 - Other Business Services*
 - Private Schools*
 - Arts, Entertainment & Recreation (except spectator sports)*
 - Electronics & Appliance Stores*

Nursery & Garden Centers (all materials enclosed & no outdoor storage or display)

Food & Beverage Sales

Health & Personal Care Stores

Gasoline Stations (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; and, all fuel dispensing shall be placed away from the right-of-way and to the rear of the building and subject to final approval by the Douglas County Planning & Zoning Director)

Clothing & Clothing Accessory Stores

Sporting Goods, Hobby, Book & Music Stores

Florists

Office Supplies & Stationary 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

Court Reporting & Stenotype Services

SECTION THREE

The text of Section 208(k)(c) of Article 2 regarding Uses in the Unified Development Code 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:

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~~) with a Special Use Permit

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*~~

SECTION FOUR

The text of Section 208(k)(d)(8) of Article 2 regarding Renovations in the Unified Development Code is amended to include the following as shown by the underlining of text:

8. *Renovations.*

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.

SECTION FIVE

The text of Section 208(k)(j)(20)(c) regarding Reestablishment of a discontinued nonconforming use in the Unified Development Code 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:

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)~~ six (6) 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.

SECTION SIX

The text of Table 2.5 of Article 2 regarding List of Principal Uses Allowed by Zoning District in the Unified Development Code is amended to add the following as shown by the underlining of text and to delete the following as shown by the strikethrough of text:

NAICS Code	Principal Uses	A G	RA	RLD	RMD	RD	RTC	RMF	RMH	OIL	OIH	CN	CC	CG	CH	CR	LI	LIR	HI	See Also
53211	Passenger Car Rental and Leasing														■	■	<u>■</u>			
811192	Car Washes														□	□	□			<u>§322</u>
<u>44112</u>	<u>New and Used Auto Brokers – Office Only</u>											<u>■</u>	<u>■</u>	<u>■</u>	<u>■</u>					<u>§321</u>
51339	Monopole Guyed or Lattice Tower	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕											§ 341
51339	Monopole, Guyed or Lattice Tower higher than 150 feet									⊕	⊕			□	□		□	□	□	§ 341

SECTION SEVEN

The text of Section 310(b) of Article 3 regarding Wooden and woven-wire fences in the Unified Development Code is amended to add the following as shown by the underlining of text and to delete the following as shown by the strikethrough of text:

310 (b) *Wooden and woven-wire fences*

~~Wooden and Woven-wire fences shall not be used. Vinyl materials that simulate wooden fences in appearance may be used.~~ All wooden fences shall be maintained in good repair at all times with a painted or stained finish on all sides. Good repair shall be determined by the Development Services Director or his/her designee. (Added 1/06/2009 - TXT2009-01, § 2)

SECTION EIGHT

The text of Section 320 of Article 3 regarding Car, boat and recreational vehicle dealers, sales and service facility in the Unified Development Code is amended to include the following as shown by the underlining of text:

An establishment for sales of new or used automobiles and small trucks less than one ton, boats, motorcycles and recreational vehicles shall meet the requirements of this Section.

- (1) *Where such an establishment is an authorized dealer of new cars, small trucks less than one ton, boats motorcycles and recreational vehicles, a service facility may also be permitted provided such service facility meets the requirements of a general automotive repair establishment and all surfaces where vehicles are stored or displayed for sale and all parking areas shall be paved.*
- (2) *Such establishments that deal in used vehicles only shall not have any service facility on the premises unless approved as a Special Use.*
- (3) **All new and used car dealers can only offer cars for sale on the lot for which the auto dealers license was issued by Douglas County Occupational Tax.**
- (4) **No individual shall offer for sale or advertise for sale any vehicle except in accordance with O.C.G.A. § 40-2-39.1.**

SECTION NINE

The text of Article 3 is amended to include a new Section 321 regarding Car/automobile brokers and a new Section 322 regarding Car washes in the Unified Development Code as shown by the underlining of text with the existing Sections 321 and 322 and all subsequent sections hereby renumbered Section 323 – Section 357 and updating Article 2, Table 2.5 and Article 2, Table 2.6 cross reference information as affected:

Sec. 321 – Car/automobile brokers.

- (1) **No automobile broker shall have any cars, trucks, or recreational vehicles on the lot of the office location.**
- (2) **All automobile brokers are allowed as OFFICE ONLY and no transfer of vehicles or recreational vehicles shall occur at the office location.**

Sec. 322- Car washes.

General Provisions

- (1) **Purpose and intent.**

The purpose of this ordinance is to reduce water consumption from commercial car wash facilities by requiring all new conveyor car washes to install operational recycled water systems.

- (2) **Applicability.**

(a) This ordinance applies to all new conveyor car washes permitted and constructed after August 2, 2011, regardless of the water source.

(b) The provisions of this ordinance do not apply to conveyor commercial car washes that were permitted or constructed before August 2, 2011.

(c) The provisions of this ordinance do not apply to self-service car washes or in-bay car washes.

(3) Commercial car wash recycling requirement.

All new commercial conveyor car washes, permitted and constructed after August 2, 2011, must install operational recycled water systems. A minimum of 50% of water utilized will be recycled.

SECTION TEN

The text of Section 409(b)(2)(a) of Article 4 regarding Private recreational facilities in the Unified Development Code is amended to add the following as shown by the underlining of text:

- (2) *Private recreational facilities.*
- a. *An unenclosed personal recreational facility accompanying a residence on a lot, such as a swimming pool or tennis court, must comply with the same setbacks as required for principal buildings in each zoning district **or as more restrictive in Section 313(b)(10).** Such setbacks apply to the facility itself, but not to any surrounding ground-level patio or deck.*

SECTION ELEVEN

The text of Section 602 of Article 6 regarding Definitions related to parking and loading in the Unified Development Code is amended to add the following as shown by the underlining of text and to delete the following as shown by the strikethrough of text:

*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 ~~13,500~~ **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."*

SECTION TWELVE

The text of Section 702 of Article 7 regarding Definitions of land use categories in the Unified Development Code 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:

Heavy Commercial ~~or Institutional~~: A property zoned C-C, C-G, C-H or C-R and occupied by one or more business establishments that are primarily engaged in the sale of goods; the provision of personal, professional, business, entertainment or other commercial services; the management of a business enterprise; the provision of temporary housing to the traveling public (such as a motel); or any other allowed use; or a vacant property zoned C-C, C-G, C-H or C-R.

This category also includes institutional uses: A property occupied by a nonprofit religious, recreational or philanthropic organization, club or institution.

Institutional: Any property occupied by a non-profit religious, recreational or philanthropic organization, club or institution.

SECTION THIRTEEN

The text of Table 7.1 of Article 7 regarding Permitted Freestanding Signs – By Land Use Category in the Unified Development Code is amended to add the following as shown by the underlining of text and to delete the following as shown by the strikethrough of text:

	Agricultural Property	Single- or Two-Family Residential Property	Multi-Family Property	Office or Neighborhood Commercial Property	Heavy Commercial or Institutional Property	Industrial Property	<u>Institutional Property</u> ³
Principle Freestanding Sign – One Use on Property:							
Max. Number	1 per lot	1 per lot	N/A	1 per street frontage	1 per street frontage	1 per street frontage	<u>1 per street frontage</u>
Maximum sign face or sign structure area ¹	6 square feet	6 square feet		0.5 square foot per linear foot of street frontage	1 square foot per linear foot of street frontage	1 square foot per linear foot of street frontage	<u>1 square foot per linear foot of street frontage</u>
Maximum area of each sign	6 square feet	6 square feet		32 square feet	75 square feet	75 square feet	<u>32 square feet</u>
Maximum height	6 feet	6 feet		8 feet ²	20 feet	20 feet	<u>8 feet</u> ³
Illumination	Not Allowed	Not Allowed		External only	Internal or External	Internal or External	<u>Internal or External</u>

3 Applies to any institutional property located within a Residential zoning district

SECTION FOURTEEN

The text of Section 710(a)(7) of Article 7 regarding Duration in the Unified Development Code is amended to add the following as shown by the underlining of text:

- (7) *Other temporary events. The initiation and termination dates for any temporary event not listed above shall be determined by the Development Services Director for each temporary event. **This section includes crosses or other religious monuments for temporary placement on Institutional Property (as defined in Section 702).***

SECTION FIFTEEN

The text of Section 710(b)(1) of Article 7 regarding Number of temporary event signs in the Unified Development Code is amended to include the following as shown by the underlining of text:

- (1) *Sale or lease of a building or premises. One freestanding sign per street frontage may be placed on a property that is available for sale or lease. For a planned center, one additional building sign may be placed on each tenant space that is available for sale or lease. During construction of a residential or nonresidential subdivision, one additional sign may be placed at each entrance into the subdivision. All Institutional temporary signage, crosses or other religious monuments shall be allowed at the rate of 1 sign per property.*

SECTION SIXTEEN

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

- (6) *All other temporary event signage size and height shall be determined by the Development Services Director and/or the Planning & Zoning Director but in no case shall exceed the maximum allowable size or height listed in Table 7.1 of this article.*

SECTION SEVENTEEN

The text of Section 711(b)(2)(e) A sign permit will not be required for the following listed signs in the Unified Development Code 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:

- e. A temporary event sign placed by an individual property owner in conformance with the provisions of Sec. ~~709~~ 710(e) during the following specific temporary events: the sale or lease of a property, an election, a yard sale, the construction of a building, or a public announcement or a temporary cross or other religious monument on an institutional property, do not require a sign permit.*

SECTION EIGHTEEN

The text of Section 1503 of Article 15 regarding Definitions in the Unified Development Code is amended to include, alphabetically, the following as shown by the underlining of text:

- Conveyor car wash: A commercial car wash where the car moves on a conveyor belt during the wash. The driver of the vehicle can remain in the vehicle or wait outside of the vehicle.*

In-bay automatic car wash: A commercial car wash where the driver pulls into the bay and parks the car. The vehicle remains stationary while a machine moves back and forth over the vehicle to clean it, instead of the vehicle moving through the tunnel.

Recycled water system: A water system that captures and reuses water previously used in wash or rinse cycles.

Self-service car wash: A commercial car wash where the customers wash their cars themselves with spray wands and brushes.

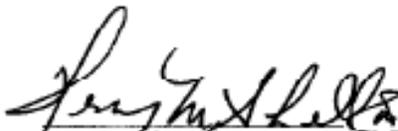
SECTION NINETEEN

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

This ordinance shall be effective upon adoption.

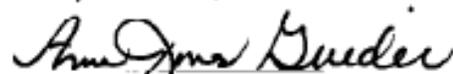
SO ORDAINED this 2nd day of August 2011.


Tom Worthan, Chairman

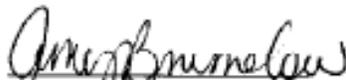

Henry Mitchell, III, District I


Michael Mulcare, District III

OPPOSED
Kelly Robinson, District II


Ann Jones Guider, District IV

Attest:


Amy Brumelow, Planning and Zoning