

## Article 4, Division V – Supplemental Development Standards

### Sec. 4.28 - Minimum lot frontage.

No principal building shall be erected on any lot that does not have immediate frontage on at least one street or road for a distance of not less than 50 feet. However, the required frontage may be 35 ft. on a cul-de-sac or at such length specifically permitted within individual district regulations. Exceptions to this rule are contained in the following paragraphs.

#### **4.28 (a) Townhouse lots.**

A townhouse subdivision lot shall have at least 20 feet of frontage on a public or private street.

#### **4.28 (b) Frontage for large lots.**

Tracts greater than 5 acres in size that are exempt from the subdivision regulations are eligible for building permits, provided they have no less than 25 ft. of frontage on a public street or access via a recorded permanent easement at least twenty-five feet in width.

#### **4.28 (c) Exception.**

The Board of Commissioners may grant an exception to allow one single-family dwelling and related accessory structures on tracts of at least 5 acres that do not comply with the standards above, provided the tract was created prior to 7 March 2000. The owner shall demonstrate to the board that the tract is suitable for dwelling construction and has reasonable vehicular access via frontage or a recorded easement of no less than 25 feet in width.

#### **4.28 (d) Street frontage required.**

Every property must front on a street from which direct access can be gained that has been opened and accepted as a public street, or is a private street meeting public street design and construction standards or as otherwise specifically approved by the Board of Commissioners.

### **Sec. 4.29 - Residential density and lot area.**

#### **4.29 (a) Minimum requirements.**

Every property upon which a residential use will be located shall meet or exceed the requirements shown on the Development Standard Tables of this Article 4 for the zoning district in which the lot is situated. The minimum lot size must be met by each lot in a conventional subdivision.

#### **4.29 (b) Areas excluded from minimum lot computations.**

- (1) Unless specifically noted otherwise, whenever the term "minimum lot area," "minimum lot size," "net lot area" or "net land area" is used in these regulations, whether in reference to minimum lot size for building or development or minimum lot size for making an application to rezone a tract of land or in determining how many dwelling units may be permitted on property zoned for homes, duplexes, apartments, townhouses, a manufactured home park, a subdivision or a master planned development, the minimum lot area or net lot area shall not include any land that is classified as a primary conservation area as defined under the Environmental Protection Article of this Development Code.
- (2) Use of the term "gross lot area," "gross land area" or "total land area" shall include the total area of a lot or property, including any area classified as a primary conservation area as defined under the Environmental Protection Article of this Development Code.
- (3) Those portions of any lot or tract of land that are classified as primary conservation areas shall be protected from environmental damage as required under the Environmental Protection Article

of this Development Code, but shall be excluded from the computation of lot area or gross lot area to meet any minimum requirements for same as set forth in the individual lot development standards of this Article..

**4.29 (c) Maximum density.**

- (1) The maximum density shown on Lot Development Standard Tables Article 4 shall limit the total number of lots in a subdivision, based on the gross area of the property but excluding land excluded from lots under 4.28 (b).
- (2) Subject to the stipulations below, the number of dwelling units permitted on property zoned for apartments, townhouses or planned unit developments may be increased by not more than twenty-five percent by giving credit for up to half as many units within the 100-year floodplain as could be built if the land were not in the floodplain and transferring these units to the buildable portion of the whole tract.

a. Stipulation 1.

Prior to any grading, clearing, earth moving, or the cutting of any trees the developer shall submit one or more plats or scaled drawings of the entire property showing topography, soil types, rock outcroppings, any significant tree groups, any individual trees with a diameter of more than fifteen inches measured three feet above the ground, and any springs, streams, or bodies of water, together with a sketch plan of his proposed development which plan shall be designed to minimize grading and to preserve significant tree groups and large specimen trees as far as feasible.

b. Stipulation 2.

The primary use of the land within the 100-year floodplain shall remain the accommodation of overflow waters and the gradual seepage of said waters into the ground. Filling or paving of land within the floodplain shall be minimized and shall conform to national, state, and county regulations. However, passive or active recreation within the floodplain may be provided for the residents of the development. Picnic tables and grills, hiking or jogging trails, sports fields, or areas for children's play are examples of recreation that is appropriate for floodplain land. Uses must be approved by Douglas County Development Services Department.

c. Stipulation 3.

Within the development as a whole, recreation space shall be provided in the amount of 1) at least two hundred square feet per dwelling unit or 2) eight hundred square feet per acre plus an additional four hundred square feet per acre of floodplain land, whichever is greater. Such space shall be consolidated together in areas of at least five thousand contiguous square feet.

**4.29 (d) Minimum buildable area.**

- (1) Every single-family, duplex or manufactured home lot shall provide a single, contiguous buildable area for each dwelling unit that meets or exceeds the requirement shown on the development standard Table for each district depicted in this Article 4.
- (2) The minimum required buildable area shall exclude any area classified as a primary conservation area as defined in the Environmental Protection Article of this Development Code.
- (3) The buildable area of a lot shall be of a size and shape that will accommodate a residence meeting the minimum floor area required by its zoning district with no variances.

### **Sec. 4.30 - Nonresidential lot area.**

Every property upon which a commercial, industrial or institutional use will be located shall meet or exceed the requirements shown on the lot development standard Tables for each district depicted in this Article 4 for the zoning district in which the lot is situated.

<sup>1</sup> See Section 4.29 (b) for excluded areas.

NOTE: See the Environmental Protection Article for requirements in the Dog River and Bear Creek Watershed Protection Districts.

### **Sec. 4.31 - Minimum lot size on septic tank.**

#### **4.31 (a) Minimum lot size established.**

The minimum lot sizes shown on the development standard Table for each district depicted in this Article 4 for lots with septic tanks establish the minimum lot sizes on a nonresidential property and in a residential subdivision on which the County Health Department will approve an on-site sewage management system. The "non-sewered" figures shown assume that public water is supplied to the lot; minimum lot requirements are larger for lots on individual wells.

#### **4.31 (b) Lot size increases.**

The County Health Department will require larger lot sizes in individual cases based on a variety of factors, such as:

- (1) The following land areas are not considered as a part of a lot when calculating the required minimum lot size: right of ways of roads, easements (such as power line or pipe line) that exclude installation of an on-site sewage management system, land within 50 feet of a lake, river, stream, wetland or other bodies of water, and other areas excluded from lot area under 4.28 (b).
- (2) Lots located in groundwater recharge areas are subject to increase. See the Groundwater Recharge Area Section of the Environmental Protection Article of this Development Code.
- (3) The minimum land areas per dwelling shown on the development standards tables are for the typical size home (3 or 4 Bedroom) with basic appurtenances such as: driveway, minimum number of trees, and water supply line. If larger homes, swimming pools, tennis courts or outbuildings, etc. are proposed to be constructed or if trees would interfere with installation of an on-site sewage management system, the County Health Department will require larger lots to assure useable soil area.
- (4) The County Health Department may also require larger lot sizes when physical factors indicate the need to do so. These factors include, but are not limited to, the availability of sufficient unobstructed land areas for an approved on-site sewage management system and approved replacement system, slope greater than 5%, percolation rates higher than 45 minutes per inch, need for subsurface drainage or adverse topographic features.
- (5) Lots shall be a minimum width of 100 feet or 150 feet measured within the area where an approved on-site sewage management system and replacement system are to be located when served by a public water supply system or non-public water supply system, respectively.
- (6) There must be an unobstructed area on each lot for installation of an approved on-site sewage management system and an area equal in size for a conventional system or larger area, as appropriate, for an approved replacement system; this will include sufficient area for necessary site modifications for installation of both the initial system and a replacement system. All pertinent zoning setbacks and other space requirements must also be met.
- (7) The maximum daily sewage flow for each lot or parcel of land shall not exceed 600 gallons per acre per day (gpac) when served by non-public or individual water supply system or 1,200 gpac

when served by public water supply system. When sewage flows exceed these quantities (600 or 1,200 gpad as indicated) for a given dwelling structure, the minimum lot size or parcel of land shall be increased proportionally following Health Department guidelines.

**Sec. 4.32 - Minimum lot width.**

**4.32 (a) Minimum lot width established.**

- (1) Minimum lot widths are shown on Lot Development Standards for each district and are based on the lot's zoning district and method of sewage disposal. <sup>1</sup> [□](#)
- (2) The minimum lot widths shown on the Lot Development Standards Table for each district are measured at the minimum front setback line for principal buildings as required for each zoning district under this Article..

<sup>1</sup> See each lot development standards table by zone district for minimum lot widths where an on-site sewage management system is located.

**4.32 (b) Lot width increases.**

The lot width required on an individual lot may be wider than the minimum for a variety of reasons, such as:

- (1) A corner lot or other lot with multiple frontages may require an additional width in order to provide an adequate buildable area on the lot.
- (2) A greater lot width at the front minimum building setback line may be required in order to provide adequate lot width where the on-site sewage management system is to be installed, per Section 4.31 (b)(5).
- (3) A greater lot width may result from provision of the minimum lot frontage, depending on lot layout pattern, or to accommodate topographic or other physical conditions.

**Sec. 4.33 - Minimum setbacks; principal buildings.**

All principal buildings on a lot shall be set back from the minimum required right-of-way lines and from the side and rear lot lines bounding the lot no less than the distances shown on Lot Development Standards Tables of this Article. See definition of "principal building setback line" for application of the setback requirements. Prior to any inspections, all property lines immediately adjacent to any proposed structure, shall be staked by a registered land surveyor in order to assure all required setbacks have been met.

*Setback:* The shortest straight-line distance between a street right-of-way or lot line and the nearest point of a structure or building or projection therefrom (excluding roof overhangs of 18 inches or less), measured at 90 degrees to the street or lot line.

**Sec. 4.34 - Minimum setbacks; accessory buildings and structures.**

The following standards apply where more restrictive standards are not otherwise required under other Sections of this Development Code. See particularly the requirements for Accessory Buildings, Uses and Structures in the Restrictions on Particular Uses Article of this Code.

**4.34 (a) Accessory buildings.**

Minimum setbacks for accessory buildings shall be as follows:

- (1) Accessory apartment.

Accessory apartments must be located to the rear of the main home on the lot and must meet the same setbacks as required for principal buildings in each zoning district.

(2) Night watchman residence.

Night watchman residences shall conform to the minimum setback requirements for principal buildings in each zoning district.

(3) All other accessory buildings.

- a. Accessory buildings having a floor area of 144 square feet or less must be at least 5 feet from any property line and may not be located within any front yard (i.e., between the principal building and a street).
- b. Accessory buildings having a floor area greater than 144 square feet must comply with the same setbacks as required for principal buildings in each zoning district.
- c. No detached accessory building may be located in the front yard of a lot unless it is at least 100 feet from the right-of-way.
- d. When an accessory building is attached to the principal building it shall comply with the minimum setback requirements of the principal building to which it is accessory. This shall not apply to unenclosed decks.

**4.34 (b) Accessory structures.** *(Amended 08/02/2011 - TXT-2011-01, § 10; Amended 02/2006)*

Minimum setbacks for accessory structures (excluding buildings but including parking lots) shall be as follows:

(1) Fences and free-standing walls.

- a. In all residential zoning districts, and for single-family detached developments within a planned unit development, a fence or free-standing wall <sup>2</sup> in any front yard area must be set back from the right-of-way line by at least 3 feet. No setback is required along side or rear lot lines.
- b. For all agricultural, office/commercial and industrial districts, there shall be no minimum setback for fences or freestanding walls; provided that any fence or freestanding wall shall not obstruct visibility at street intersections (see the Sight Triangle provisions under the Project Design and Construction Standards Article).

(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.
- b. An unenclosed private recreational facility, such as a swimming pool or tennis court, serving a residential subdivision, townhouse or multi-family development or manufactured home park for the exclusive use of the occupants of the development, must be 100' from any property line of the lot it occupies. In addition, the following minimum setbacks shall be maintained from the peripheral property lines of the development as a whole: no less than 30 feet from any rear or side property line, nor less than 50 feet from any public street line, provided further that such facilities shall not be located within 150 feet of an adjacent single-family dwelling district (R-LD or R-MD). If the facility is located so as to be screened from such a single-family dwelling district by a building in the development or an accessory structure greater in length by a minimum of 20 feet on each side of such facility, the distance of 150 feet shall not be required.

(3) Gasoline pumps and canopies.

For special setback provisions for gasoline pumps and canopies, see Gasoline Stations, Truck Stops and Convenience Stores with Fuel Pumps in the Restrictions on Particular Uses Article of this Code.

(4) Signs.

Unless otherwise specified under the Signs Article of this Code, freestanding signs shall be set back at least 3 feet from a street right-of-way line and 12 feet from the back of a street curb, whichever results in the greater setback, and shall be no closer than 10 feet from any side or rear property line.

(5) All other accessory structures.

Accessory structures not listed above must be at least 15 feet from any street right-of-way and at least 5 feet from any other property line (except driveways that connect to a street or adjoining property)

(6) Accessory structures shall not encroach upon any easement.

**4.34 (c) Stormwater ponds and structures.**

All stormwater ponds and structures shall 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.

**Sec. 4.35 - Minimum floor area within a dwelling unit.**

Minimum building floor area (as defined in this Code) in the agricultural and residential zoning districts shall be as follows:

**4.35 (a) Minimum floor area; AG, R-A, R-LD and R-MD districts.**

The following shall control the minimum building floor area requirements for dwelling units in the AG, R-A, R-LD and R-MD zoning districts:

(1) Minimum building floor area: subdivision lots.

A single-family dwelling unit constructed on a lot created as part of a subdivision shall meet the following minimum building floor area requirements: 1,800 square feet.

(2) Minimum building floor area: individual lot.

A single-family dwelling unit constructed on a lot not created as part of a subdivision shall meet the following minimum building floor area requirement: 1,800 square feet.

(3) Transition provisions for final subdivision plat approvals prior to effective date of this Development Code

The minimum building floor area for a single-family dwelling shall be no less than 1,300 square feet under the following circumstances:

- a. On any lot located within a subdivision that has been recorded as a final subdivision plat prior to the effective date of this Development Code; or
- b. On any lot located within a subdivision that has been granted preliminary subdivision plat approval prior to the effective date of this Development Code, and that is created by recordation of a final subdivision plat within one year after the effective date of this Development Code.

(4) Transition provisions for final subdivision plat approvals after the effective date of this Development Code and prior to August 2, 2005

The minimum building floor area for a single-family dwelling shall be no less than 1,500 square feet under the following circumstances:

- a. On any lot located within a subdivision that has been recorded as a final subdivision plat after the effective date of this Development Code and prior to August 2, 2005; or
  - b. On any lot located within a subdivision that has been granted preliminary subdivision plat approval after the effective date of this Development Code and prior to August 2, 2005, and that is created by recordation of a final subdivision plat within one year after August 2, 2005.
- (5) Minimum heated living space: Subdivision lot bonus. *(Amended 12/2005)*

In the R-A Zoning District, if a minimum house size of 2,500 square feet of heated living space or more is established by recorded and irrevocable covenant upon every lot created as part of a subdivision on public sewer under Article 5 - Subdivision and Master Planned Developments, and such minimum house size is clearly stated as a condition of plat approval, all lots in the subdivision may be reduced in area to no less than ninety percent (90%) of the minimum lot required under Article 4 - Lot and Building Standards. This provision is prohibited for all properties within the Dog River Basin, the Estate Density Overlay and all other estate overlay areas within Douglas County.

- (6) A request for a reduction in the minimum floor area requirements of this Section to no less than 1,300 square feet for any dwelling to be constructed by a nonprofit organization, certified as such under the Code of the U.S. Internal Revenue Service, may be approved by the Director of Development Services as a Special Exception variance in accordance with the Appeals Article of this Development Code.

#### **4.35 (b) Maximum occupancy provisions.**

Occupancy within a dwelling unit is not allowed to exceed the following number of persons, based on the amount of building floor area within the unit:

- (1) For up to 800 square feet of building floor area, no more than 2 persons.
- (2) For each person over 2, at least 75 square feet of additional building floor area shall be provided within the dwelling unit.

#### **Sec. 4.36 – Building and structure heights.**

##### **4.36 (a) Building and structure heights; how measured.**

- (1) Building height.

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.

- (2) Structure height.

The vertical distance to the highest point of a structure (other than a building), as measured from the average grade at the base of the structure or from the average grade directly below a projecting structure.

##### **4.36 (b) Maximum building and structure heights.**

The maximum height of all buildings and structures in each zoning district, except as otherwise provided in this Section, shall be as shown on Table 4.6.

- (1) Exemptions.

The following structures are exempt from the height limitations imposed by this Section, provided that no structure may exceed 200 feet in height from the average finished grade at its base:

- a. Agricultural buildings such as but not limited to barns, silos, windmills, grain elevators, and other farm structures, but not including dwellings.
  - b. Cooling towers, gas holders, or other industrial structures where required as part of the manufacturing process.
- (2) Church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, electric transmission towers, chimneys, smokestacks, conveyors, flag poles, and TV reception antennae.
- (3) Height limitations for fences and freestanding walls.

Fences and freestanding walls (other than retaining walls) cannot be located within any public right-of-way, and may not exceed the following height restrictions:

- a. In the AG and R-A zoning districts, the following shall apply: A fence or freestanding wall may not exceed 8 feet in height.
  - b. In the R-LD and R-MD zoning districts, the following shall apply: A fence or freestanding wall may not exceed 6 feet in height.
  - c. In all zoning districts and developments, fences or freestanding walls shall not obstruct visibility at street intersections (see the Sight Triangle provisions under the Project Design and Construction Standards Article).
- (4) Height limitations for radio, television and telecommunication antennae and towers.

Height limitations for radio, television and telecommunication antennae and towers are contained in the Radio, Television and Telecommunications Section of Article 3.

#### **Sec. 4.37 - Criteria for the use of solar energy equipment.**

##### **4.37 (a) General.**

1. Building-mounted and ground-mounted solar energy systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same property upon compliance with all requirements of this section and as elsewhere specified in this Development Code. Solar energy equipment shall be considered as accessory uses in all zone districts when the energy system is designed for on-premise consumption only, whether grid-tied or off-grid.
2. Solar energy equipment shall be located in the rear portion of a property or on a side or rear-facing roof, or, upon receiving development services approval, in the least visibly obtrusive location where panels would be functional. Solar panels, where visible from the front yard, must be mounted parallel to the roof surface.
3. Solar energy equipment must comply with all setback and height requirements for principal structures for the zoning district in which the property is located.
4. Non-functioning solar energy equipment or systems shall be repaired, replaced or completely removed in their entirety within 3 months of becoming non-functional.
5. All solar panels shall be equipped with a non-reflective finish/coating.
6. All installed equipment must meet applicable safety, power quality and interconnection requirements established by the National Electrical Code, National Electrical Safety Code, Institute of Electrical and Electronics Engineers and Underwriters Laboratories as required by the State of Georgia (O.C.G.A. 46-3-60 et seq.) as well as local electrical and safety codes.
7. Building-integrated systems, as defined by this Development Code, are not considered an accessory use and are not subject to the requirements of this Section.

**4.37 (b) Ground-mounted solar energy equipment.**

1. On residentially-zoned property:
  - a. Solar energy equipment shall be located only in the rear portion of a property unless approved otherwise by the Development Services Director or his designee; for corner parcels, solar equipment shall be located no closer to the side street right-of-way than the minimum setback requirements for principal structures.
  - b. Solar panels shall not cover or occupy more than 50% of the available rear-yard area exclusive of all required setbacks;
  - c. Ground-array solar systems shall have the same minimum setback requirement as for principal structures.
2. On commercial and industrial-zoned properties:
  - a. Solar energy equipment shall be located only in the rear portion of a property or a side portion on a side opposite any side street unless approved otherwise by the Development Services Director or his designee; for corner parcels, solar equipment shall be located no closer to the side street right-of-way than the minimum setback requirements for principal structures.
3. All solar equipment shall be screened from sight from any street, public way or neighboring parcel subject to the approval of the Development Services Director or his designee. The buffers shall be constructed of fencing, hedges/bushes or combinations of these items. Ground-mounted solar energy equipment may not exceed a height of ~~40~~ 15 feet above the ground.
4. Solar energy equipment must be and protected from unauthorized access or tampering by appropriate fencing, plantings, or a combination thereof, as determined by the development services department.
5. All exterior electrical and/or plumbing lines must be placed in a conduit and buried below the surface of the ground.
6. Solar energy equipment shall not block nor overhang any required parking areas, sidewalks or walkways.

**4.37 (c) Roof or wall-mounted solar energy equipment.**

1. It is encouraged that roof-mounted solar energy equipment shall be installed in the plane of the roof (flush-mounted) or made a part of the roof design (capping or framing is compatible with the color of the roof or structure). Mounting brackets shall be permitted if the applicant can demonstrate that the existing pitch of the roof would render the solar energy equipment ineffective or would be impossible.
2. Solar energy equipment shall be located on a rear or side-facing roof as seen from the fronting street, unless the applicant can demonstrate that such installation would be ineffective or is impossible. Solar panels, where visible from the fronting street, must be mounted parallel to the roof surface.
3. Solar energy equipment shall not project vertically above the peak of the roof to which it is attached, or project vertically more than 5 feet above a flat roof. ~~Solar energy equipment shall not overhang any window or lower roofing systems, nor any required parking areas, sidewalks, entrances or walkways.~~
4. All exterior electrical and/or plumbing lines must be painted in a color scheme that matches as closely as reasonably possible the color of the structure and/or the materials adjacent to the lines.

**4.37 (d) Permits required.**

Installation of solar equipment shall be permitted through the building department.

**4.37 (e) Ground-mounted solar power energy system.** (Added 08/02/2016 - TXT-2016-03, § 3)

A ground-mounted solar power energy system or "solar farm" operating as a use-by-right must meet the following standards:

- (1) The maximum number of acres that a solar power energy system or "solar farm" can cover as a use by right is 35 acres outside of the required buffers below. Any acreage coverage in excess of 35 acres requires Special Use approval by the Board of Commissioners.
- (2) Solar power electric generation structures shall not exceed the height of 15 feet.
- (3) Active solar system structures shall be designed to be screened from routine view from public rights-of-way and adjacent properties and must meet the following buffers and setbacks:
  - a. There shall be a dense vegetative buffer to a depth of 50 feet as measured from all rear and side property lines. All vegetative buffers are subject to the regulations for buffers outlined in Article 8 and subject to the approval of the Douglas County Arborist.
  - b. An additional setback of 50 feet is required from the edge of the buffer for a total of 100 feet (buffer of 50 feet plus setback of 50 feet).
  - c. Front setbacks (those adjacent to rights-of-way) are 50 feet from the edge of the right-of-way and shall include a landscape strip of 25 feet immediately adjacent to the right-of-way.
  - d. No solar system site shall be cleared or graded beyond the limits of the scope of the actual project site.
  - e. There shall be no variances for required buffers or required setbacks enumerated in this article.
- (4) Solar power energy systems must be protected from unauthorized access or tampering by appropriate fencing which shall be located immediately around the solar power energy system and screened from view by all required buffers.
- (5) Solar power systems shall not emit unreasonable glare or negatively impact adjacent properties.
- (6) All installed equipment must meet applicable safety, power quality and interconnection requirements established by the National Electrical Code, National Electrical Safety Code, Institute of Electrical and Electronics Engineers and Underwriters Laboratories as required by the State of Georgia as well as local electrical and safety codes.
- (7) If a solar collector ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner or equipment owner shall remove the collector, mount and associated equipment by no later than 90 days after the end of the twelve-month period. Once the equipment is removed, the ground shall be stabilized and replanted in accordance to the requirements of Article 8 of the Unified Development Code and subject to the approval of the Douglas County Arborist.