

Article 5. - Subdivisions and Planned Developments

Sec. 501 - Purpose of Article 5.

This Article sets out the different types of subdivisions and planned developments addressed in this Development Code, the methods for their creation, and standards that apply to each type of subdivision or planned development and to all lands in the Quality Growth Development district. Design and construction standards that all subdivisions, multi-family and nonresidential developments must meet are found in Article 10. Procedures for the approval of a subdivision and other development projects are contained in Article 12.

Sec. 502 - Minor and major subdivisions; defined.

502 (a) Minor subdivision.

A "minor subdivision" is one in which no public improvements (such as new streets, stormwater drainage facilities or public utilities) are to be made. Minor subdivisions are defined as any one of the following:

(1) Recombination.

The sale or exchange of portions of adjoining lots between separate or common owners of adjoining properties, including the recombination of existing lots of record, provided that additional lots are not thereby created, and that all resulting lots are in accordance with the zoning and other provisions of this Development Code, and all other applicable laws and regulations.

(2) Re-subdivision.

The re-subdivision of a lot within a recorded residential subdivision requiring a revised final plat. For the purposes of this minor plat definition, "subdivision" means the final plat including the subject lot as recorded in the office of the Clerk of the Superior Court. (*Amended 03/2006, 04/03/2007 - TXT2007-03*)

(3) Nondevelopment land sales.

The sale of a parcel or tract of land for which no new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required. Any plat for such sale that is filed for recordation by the Clerk of the Superior Court must contain a certification signed and sealed by a licensed surveyor that approval of the plat is not required under the provisions of O.C.G.A. 15-6-67(d), and the plat shall be clearly captioned "The tract or tracts depicted on this plat are not eligible for connection to a sanitary sewer system or for septic tank approval."

(4) ~~Two-lot split~~ Rearrangements, Lot Splits, and Lot Combinations as Minor Subdivisions.

Minor rearrangement or alteration of lot lines or the subdivision of an original tract that creates no more than 2 lots, building sites, or other divisions (including the remaining portion of the original tract) may be made to a recorded subdivision plat or a recorded survey plat subject to administrative review and approval of the County Development Services Director or his designee, provided such minor rearrangement or alteration must front on an existing public road and meet the minimum requirements of the zoning district. Neither lot created under this definition may be further subdivided within 24 months of the split. The Rearrangement, Lot Combination or two-lot split is exempt from the final plat requirements but must meet the following ~~conditions~~ requirements: The property conveyed must be shown on a plat prepared and signed by a professional engineer or land surveyor ~~with~~ displaying the information required under the Procedures and Permits Article of this Development Code. The plat must be

submitted to the planning department for its stamp of approval and the plat must be recorded in the records of the clerk of superior court of Douglas County. *(Amended 03/2005)*

(5) Five-lot split.

The subdivision of an original tract that creates no more than 5 lots, building sites, or other divisions (including the remaining portion of the original tract). Each lot shall front on an existing paved public road and meet the minimum requirements of the zoning district. None of the lots created under this definition may be further subdivided except as a major subdivision.

(6) Large lot subdivision.

The subdivision of an original tract that creates any number of lots that are 5 acres in size or greater (including the remaining portion of the original tract). Any lot created under this exemption, including the remainder of the original tract, may not be further subdivided except as a major subdivision.

(7) Subdivision Exemption.

The subdivision of an original tract that creates any number of lots, whether conforming or not, as a result of a Court-ordered procedure such as the probate of a will or divorce decree or the result of condemnation proceedings.

502 (b) Major subdivision.

A "major subdivision" is any subdivision that does not qualify as a "minor subdivision." A major subdivision commonly involves the construction of a new street or widening of an existing roadway, the provision of stormwater drainage facilities, or the construction or improvement of public utilities, or which otherwise has 6 or more lots (not in a large lot minor subdivision), building sites or other divisions.

Sec. 503 - Subdivision activity.

503 (a) Creation of minor subdivision.

- (1) A "minor subdivision" is the subdivision of an original tract in which each lot has frontage on an existing County street or road, and the subdivision does not require the construction of a new street or the widening of an existing roadway, the provision of stormwater drainage facilities (other than driveway culverts), or the construction or improvement of any public utilities.
- (2) The term "original tract" as used in this Article means the entire tract of land as it existed as a legal lot of record prior to its division as a minor subdivision.

503 (b) Creation of major subdivisions.

Major subdivisions fall into the following categories for the purpose of development regulation:

- (1) Conventional subdivisions, in which the maximum density allowed for the zoning district determines the total number of lots in the subdivision, and all of the lots meet the minimum lot size for the zoning district as shown on Table 4.1 of Article 4. Open space outside of the lots may be created, but is not required.
- (2) Private estate subdivisions, a type of conventional subdivision with minimum 5-acre lots and no more than 4 lots served exclusively by a private road.
- (3) Planned unit developments, approved under the PUD overlay district. Projects previously approved as PUDs may continue their development under their zoning approval, but no new PUDs will be approved under this Development Code.
- (4) Master planned developments, in which the zoning district density limitation controls, but the minimum lot size is reduced in order to create open space and recreational amenities for the

residents. Depending on the zoning district in which a master planned development is located, flexibility in housing types, mixed-use projects and certain commercial uses are allowed.

503 (c) Combining and Re-subdividing Lots RESERVED

~~The combination of lots for tax and other purposes must meet current Code requirements to be re-subdivided. There will be no zoning entitlements or permits issued on lots that do not meet the requirement of the Code. All re-subdivision of lots must follow the subdivision regulations of this Article. Lots created or combined without meeting the requirements of this Article will not be recognized as legal lots. The combination of lots for tax purposes and the re-subdivision of the same lots do not require the approval of the Board of Commissioners.~~

Prior to splitting or combining parcels, all of the following must be in place:

- ~~(1) All delinquent property taxes need to be paid before parcels can be split or combined.~~
- ~~(2) he parcels to be combined must be contiguous (not split by a road) and cannot be separated by another parcel or a public right-of-way.~~
- ~~(3) Title to the parcels must have been obtained on the same deed and therefore be held in exactly the same name.~~
- ~~(4) To combine parcels not previously platted or without a survey described by metes and bounds, the petitioner must have a boundary survey describing the property as one parcel recorded by deed.~~
- ~~(5) If existing tax parcels/lots with a survey(s) are to be combined in their entirety, the combination can occur by deed with reference to each respective survey.~~
- ~~(6) Legal description(s) for the newly created parcel describing the property as one parcel recorded by deed.~~
- ~~(7) Parcels must be located in the same taxing district (Either City or County).~~
- ~~(8) All conditions of the Subdivision and Development Code are met and approved by Planning & Zoning.~~

	Conventional Subdivision 4	Master Planned Development
Districts where allowed	All	AG, R-A & R-LD (except Dog River Watershed Area) with Concept Plan approval by BOC
Max. Number of Lots	Based on minimum lot size minus excluded areas	Density Per Table 4.1 minus excluded areas
Minimum Lot Size per dwelling unit: —Well + Septic Tank: —AG—Rural Agricultural —R-A—Residential Agricultural —All Other R-districts	10 acres 1 ac or per Health Dept. Per Health Dept.	Not allowed Not allowed Not allowed
Public Water + Septic: ² AG—Rural Agricultural R-A—Residential Agricultural	10 acres 1-acre	1-acre 21,780 sf

R-LD—Low Dens Single-Family All Other R-districts	21,780-sf 21,780-sf	21,780-sf Not allowed
Public Sewer: AG—Rural Agricultural R-A—Residential Agricultural R-LD—Low Dens Single-Family R-MD—Medium Dens Single-Family R-D—Duplex R-TC—Townhouse R-MH—Manufactured Homes	10-acres 1-acre 15,000-sf 10,000-sf 10,000-sf 2,400-sf 15,000-sf	1-acre 15,000-sf 10,000-sf Not allowed Not allowed Not allowed Not allowed
Commercial Allowed: AG—Rural Agricultural R-A—Residential Agricultural R-LD—Low Dens Single-Family All Other R-districts³	None None None None	5% C-N 5% C-N 10% C-N⁴ N/A
Open Space⁵	None required	Minimum 20%
Conservation or Natural Resource Easement required (see Article 9)	Primary conservation areas	Primary conservation areas + Secondary conservation areas if designated by developer

503 (d) Conservation easement required.

- (1) All primary conservation areas in a conventional subdivision, open space subdivision or master planned development that are required to be protected by the provisions of this Development Code, shall be permanently protected from further subdivision, development and unauthorized use, by a conservation easement in an open space subdivision or master planned development, or a natural resources easement for conventional subdivisions.
- (2) Land within conservation easements and natural resource easements may be included within the lots in a subdivision, or ownership may be transferred to a homeowners' association or to a nonprofit conservation organization or land trust organized under Georgia law.
- (3) See the Environmental Protection Article of this Code regarding conservation and natural resource easements.

Sec. 504 - Conventional residential subdivisions.

504 (a) Maximum number of lots.

The maximum number of lots (or dwelling units) in a conventional residential subdivision shall be determined by the minimum lot size required for the zoning district where the subdivision is located.

504 (b) Minimum lot size.

In a conventional residential subdivision, the lot area per dwelling unit shown on ~~Table 4.1 of~~ in the Sections of Article 4 establishes the minimum lot size for each lot.

504 (c) Minimum lot width, setbacks.

The lot width and setback requirements of Article 4 apply to each lot in a conventional residential subdivision.

504 (d) Open space optional.

The developer may set aside common open space in a conventional residential subdivision voluntarily, but such open space is not required by this Code. Designated conservation areas required under this Development Code must be included within a natural resources easement, established in accordance with the conservation and natural resources easements Division of Article 9; such conservation areas may be located on the subdivision lots or within common open space.

504 (e) Private estate subdivisions.

Subject to the following conditions, private estate subdivisions shall be allowed as conventional residential subdivisions in Douglas County:

- (1) Single-family dwellings only shall be constructed in each residential subdivision.
- (2) All lots within the platted subdivision must be a minimum of 5 acres, with only one dwelling per lot, and each lot shall have a minimum of 50 foot frontage on a public street or a private street serving the subdivision.

There shall be no greater than 4 lots that front only on the private roadway, and the entire development shall be shown on a plat that must be approved by the Development Services Director and recorded upon the records of the clerk of the superior court of Douglas County. All property to be served by the private roadway shall be subdivided at the time of the approval of the private estate subdivision. Without the approval of the Board of Commissioners and all lot owners within the private estate subdivision, and subject to all provisions of this Development Code, there shall be no further subdivision of any of the lots following the date of the approval of the subdivision. At no time shall the total number of lots that front only on the private roadway in the private estate subdivision exceed 4.

- (3) The private estate subdivision shall meet the requirements of the Project Design and Construction Standards Article of this Development Code as a major subdivision, including the standards for the street upon which each lot in the subdivision fronts, whether public or private.
- (4) If the property is served by a well, all costs incurred in connection therewith shall be borne by the property developer or the individual lot owners. If public water is to be used, all water lines serving the private estate subdivision shall be constructed solely at the expense of the developers of the private estate subdivision, and each residence must have a separate water meter located at or near the intersection of the public right-of-way and the private drive. Separate lines shall be run from the water meters to each residence.
- (5) The developer and/or lot owner shall be responsible for and bear expenses of the placement of an operable fire hydrant at the intersection of the private drive and the public right-of-way to which it intersects; provided, however, that fire hydrants shall not be necessary if the county public water system is a distance of 1000 feet or more from the intersection of the private driveway and the public roadway.
- (6) Each lot with a house shall have its address posted on the house and at its driveway.

- (7) The roadway serving the private estate subdivision shall have placed thereon an identifying road sign that meets the requirements of the Project Design and Construction Standards Article of this Development Code.
- (8) School buses will not enter the subdivision, but shall stop at its entrance to serve eligible students who live in the subdivision.
- (9) Each deed to lots located within private estate subdivisions fronting on a private street shall contain the following recital:

"The property represented by this instrument is located within a private estate subdivision as defined and regulated by the Unified development Code of Douglas County, Georgia, and the record title holder hereof agrees to be bound by the terms and conditions of such regulations with respect to the lots and common roadway located in such subdivision."
- (10) All provisions of this Development Code not inconsistent with this section shall be complied with by the developer and/or lot owners.

504 (f) Residential development standards. (Amended 05/03/2016 - TXT-2016-02, § 4; Amended 09/07/2007 - TXT-2007-07)

- (1) Recreation amenity.
 - a. Every conventional residential subdivision having any lots less than 2 acres in size and proposed to contain 25 dwelling units or more must include a community recreation amenity to serve the development, based on the number of lots in the subdivision.
 - b. Unless otherwise established as a condition of zoning approval for the subdivision or exempted by the Board of Commissioners, the recreation amenity shall be as required on the following Table 5.1: Recreation Amenities—Conventional Residential Subdivisions.

Table 5.1: Recreation Amenities—Conventional Residential Subdivisions

Amenity Required	Number of Dwellings in the Subdivision			
	25 to 50	51 to 100	101 to 200	201 or more
Active Play Area ¹	1 (1 acre)	1 (1 acre)	1 (1 acres)	2 (1 acre each)
Athletic Court ²		1 (1 acre)	1 (3 acres)	2 (1.5 acres each)
Swimming Pool ³			Min. 1,800 sf, 30 x 60 ⁴	Min. 2,250 sf 30 x 75 ⁵
Clubhouse		Min. 1,500 sf	Min. 2,000 sf	Min. 2,600 sf ⁵

¹ Children's play area including active play equipment.

² Any combination of greenspace, pavilion, picnic area, etc.

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

⁴ Pool may be located in the active play area.

⁵ Pool and clubhouse must be located outside of any other required active or passive play area.

All required active and passive areas must be placed within the subdivision to equally serve all residents. If more than one active or passive area is required, each area must be located individually and may not be combined.

- 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 the issuance of final plat approval for the initial phase of the subdivision.
 - e. Such amenities may not be developed within a Primary Conservation Resource Area.
 - f. All required amenities shall be located interior to the subdivision. No such amenities shall be located immediately adjacent to existing county or state right-of-way or to existing residentially zoned properties.
- (2) Lots within the subdivision 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.
 - (3) All dwelling units shall have front, side and rear facades which consist entirely of those materials allowed on residential construction as provided for in Article 3, Section 307.
 - (4) 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~~ two paved off-street parking spaces.

Sec. 505 - Commercial and industrial subdivisions.

(Amended 04/03/2007 - TXT2007-03)

505 (a) Maximum number of lots.

The maximum number of lots in a commercial or industrial subdivision shall be determined by the minimum lot size required for the zoning district where the subdivision is located.

505 (b) Minimum lot size.

In a commercial or industrial subdivision, the lot area shown on the zone district development standards tables in Table 4.2 or Article 4 establishes the minimum development standards for each lot.

505 (c) Minimum lot width, setbacks.

The lot width and setback requirements of Article 4 apply to each lot in a commercial or industrial subdivision.

505 (d) Open space optional.

The developer may set aside common open space in a commercial or industrial subdivision voluntarily, but such open space is not required by this Code. Designated conservation areas required under this Development Code must be included within a natural resources easement, established in accordance with the conservation and natural resources easements Division of Article 9; such conservation areas may be located on the subdivision lots or within common open space.

Sec. 506 - Planned unit developments.

~~Projects previously approved as Planned Unit Developments (PUDs) may continue their development under their zoning approval, but no new PUDs will be approved under this Development Code.~~

506 (a) Purpose of planned unit developments.

1. Purpose

The PUD district is intended to permit the planning and development of parcels of land that are suitable in location and character for the uses proposed as unified and integrated developments in accordance with detailed development plans. These plans may supersede the regulations included in Articles 1-15 of the Unified Development Code (UDC) where indicated by these development plans. The PUD district is intended to provide a means of accomplishing the following specific objectives:

- a. To provide for development concepts not otherwise allowed within non-PUD zoning districts;
- b. To provide flexibility, unity, and diversity in land planning and development, resulting in convenient and harmonious groupings of uses, structures and common facilities;
- c. To accommodate varied design and layout of housing and other buildings;
- d. To allow appropriate relationships of open spaces to intended uses and structures;
- e. To encourage innovations in quality residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space;
- f. To lessen the burden of traffic on streets and highways; and
- g. To provide a procedure that can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.

2. Lot Development Standards

Table 5.06-1

<u>Lot Dimensions</u>	
<u>Minimum Lot Area</u>	<u>5-acres minimum INITIAL development site</u>
<u>Minimum Lot Width</u>	
<u>Minimum Lot Frontage</u>	
<u>Maximum Density</u>	
<u>Minimum Setbacks</u>	
<u>Principal Building</u>	
<u>Front</u>	
<u>Side</u>	
<u>Rear</u>	<u>'</u> <u>-</u>

<u>Accessory Building</u>	
<u>From Principal Structure</u>	
<u>Front</u>	
<u>Side</u>	
<u>Rear</u>	
<u>Maximum Height</u>	
<u>Principal</u>	
<u>Accessory</u>	
<u>Minimum Floor Area</u>	
<u>Impervious Surface Coverage</u>	

A. Minimum Standards.

- (1) No PUD district may be established without the concurrent approval of the Overall Development Standards (ODS) and an Overall Development Plan (ODP) by the Board of Commissioners, in accordance with the provisions herein.
- (2) PUD districts shall have a minimum contiguous area of five acres.
- (3) PUD districts shall provide a mix of a minimum of two of the following use categories, whether fully private or in partnership with public entities, and/or must contain two or more densities (units per acre) of residential type uses, which shall be accommodated in each building in vertical mixed-use development configuration or horizontally throughout the areas within the proposed development boundary:
 - a) Residential single, and/or multifamily units;
 - b) Commercial offices;
 - c) Retail;
 - d) Hotel/Lodging;
 - e) Light Industrial, warehousing, and/or distribution uses;
 - f) Civic/Convention/Sports uses, or
 - g) Agricultural Uses
- (4) Twenty percent open space, which shall include a town center, community green, park, or other community focal point.
- (5) The boundaries of each PUD, upon approval, must be shown on the Zoning Map, shall be in conformance with the adopted Comprehensive Plan, and the approved Overall Development Plan.

(6) Any development standards not expressly defined by the ODP shall be regulated by the development standards as applicable and expressed in Articles 1-15 of the UDC.

B. Application of Regulations.

(1) Overall Development Standards (ODS). Development of the PUD is governed by the ODS that designates the standards of zoning and development for the property. These standards will replace the development standards in the UDC and should include, at a minimum, the following:

- a. Permitted and prohibited uses;
- b. Maximum FAR and/or density of units;
- c. Maximum impervious surface;
- d. Minimum open space;
- e. Minimum and Maximum building height;
- f. Minimum lot size;
- g. Required Yard setbacks;
- h. Maximum block length;
- i. Parking requirements; and
- j. Building massing.

(2) Overall Development Plan (ODP) - Development of the PUD is also governed by the ODP which includes a series of plans and design related documents regulating the development of the property. At a minimum, the ODP shall include the following:

- a. Analysis of Existing Conditions. An analysis of existing site conditions including a boundary survey and topographic map of the site at a minimum 1 inch = 40 feet scale shall include information on all existing manmade and natural features, utilities, all streams and easements, and features to be retained, moved or altered. The existing shape and dimensions of the existing lot to be built upon including the size, measurement and location of any existing buildings or structures on the lot shall be included.
- b. Overall Master Plan. A masterplan at a minimum 1 inch = 40 feet scale outlining all proposed regulations and calculations which shall include, but not be limited to, information on all proposed improvements including proposed building footprints, doors, densities, parking ratios, open space, height, sidewalks, yards, under and over-head utilities, internal circulation and parking, landscaping, grading, lighting, drainage, amenities, and similar details including their respective measurements.
- c. Phasing Plan. Should a PUD be expected to require five years or longer to complete, a phasing plan shall be provided by the applicant that indicates the timeframe for construction and development of different aspects of the PUD.
- d. Regulating Plan. A regulating plan shall be provided with street types and open space for all property within the PUD boundary. The regulating plan shall be keyed to a set of standards developed based on location. This plan should consider how all modes of transportation will be accommodated including pedestrians, bicycles, cars, transit, rideshare, etc. Detailed cross sections shall also be included in this plan or as an attachment to this plan.

e. Streetscape and Hardscape Manual. A streetscape and hardscape manual shall be created that includes specifications for the following: sidewalk clear zones, landscape zones, supplemental zones including details regarding lighting fixtures, on-street parking, street furniture, landscape materials and other amenities. A streetscape map shall accompany this manual that identifies appropriate streetscape and hardscape designs for all streets, plazas, open space, locations for public art etc. within the plan.

f. Architectural Pattern Book. An Architectural Pattern Book demonstrating approved building materials, features, exterior finishes, windows, doors, colors, and other items affecting exterior appearance, such as signs, mechanical systems, fencing, etc. The pattern book shall include renderings of proposed buildings.

(3) To the extent that the approved ODS and ODP for a PUD contradict the development regulations and this UDO, the approved ODS and ODP for the PUD district governs.

(4) Due to the mixed-use nature of PUD proposals, design must be determined based upon the context and guidance of the comprehensive plan and specific character area plan area in which the PUD is located, as applicable.

(5) Any additional information deemed necessary by the Development Department to determine compliance with ordinance standards.

C. PUD Perimeter Compatibility

Land uses developed at the perimeter of the site shall be developed in a manner that is compatible with adjacent off-site land uses or zoning, or a 100-foot wide buffer shall be provided between the uses in the PUD and the perimeter of the site. Compatibility shall be judged on the basis of similar land uses, average lot sizes, setbacks, and other development standards.

~~The purpose of planned unit developments is to encourage the best possible site plans and building arrangements under a unified plan of development rather than under lot-by-lot regulation. The developer benefits from better land utilization, economy in the provision of roads and utilities and flexibility in design. Review of the development plan by Planning & Zoning Commission provides an opportunity to assure that the development will be harmony with the character of the neighborhood in which the development is located.~~

~~The planned residential development is not intended to encourage greater density of the development, but rather to encourage ingenuity and resourcefulness in land planning and to assure the provision of park and recreation land and facilities for the use of the occupants of the development in order to obtain a more desirable environment.~~

506 (b) Types of planned unit development.

~~The following types of planned unit developments are authorized by this ordinance. They are required to have the minimum acreage indicated.~~

~~(1) Planned residential development without shopping facilities — 15 acres.~~

~~(2) Planned residential development with shopping facilities — 50 acres.~~

~~(3) Planned shopping centers — 5 acres.~~

~~(4) Planned industrial parks — 10 acres.~~

~~(5) Planned office development — 5 acres.~~

506 (c) Ownership control.

All of the land in a planned unit development shall be owned initially by an individual, by a corporation or by some other legal entity. Individual properties in a planned unit development may be sold after a final plat has been recorded with the properties subject to private deed covenants that assure the continuance of the planned unit development as originally approved.

506 (d) Standards applying to all planned unit development.

All planned unit development shall meet the following standards and such other requirements as are set forth with respect to each of the 5 permitted types of planned unit developments:

- (1) ~~The development shall be compatible with the topography of the land and shall preserve any unusual topographic or natural features.~~
- (2) ~~The development shall not adversely affect developed or undeveloped neighboring properties.~~
- (3) ~~The development shall utilize design and development features that would not be possible by the application of lot by lot zoning district regulations.~~
- (4) ~~Water, sewerage, highway and school facilities shall be adequate for the proposed development or there shall be a definite proposal for making them so.~~

506 (e) Standards applying to planned residential development.

- (1) ~~Location.~~

~~A planned residential development may be applied for if it meets all of the required standards for planned residential developments.~~

- (2) ~~Minimum acreage required and permitted uses.~~

~~The following are the minimum acreage requirements and uses permitted in planned residential development:~~

- a. ~~A planned residential development with a minimum of fifteen (15) continuous acres may contain one family houses, two family houses, or multifamily houses or a combination of these, plus customary home occupations (see definition) and customary residential accessory buildings and uses.~~
- b. ~~A planned residential development with a minimum of fifty (50) continuous acres may contain one family houses, two family houses, townhouses or multifamily houses, or a combination of these plus customary home occupations and customary residential accessory buildings and uses, together with a limited amount of neighborhood retail uses as determined by the zoning authorities.~~

- (3) ~~Common open space requirements.~~

~~At least 550 square feet per dwelling unit in a planned residential development shall be reserved for open space, parks, other recreation or other public uses.~~

- a. ~~Not more than 50 percent of the land so reserved may lie in a floodplain.~~
- b. ~~The required yards and parking area shall not be credited toward the minimum open space requirements.~~
- c. ~~The amount of required common open space will be automatically reduced as the density of development is reduced and will be automatically increased as the density of development is increased.~~
- d. ~~The required open space shall be developed and landscaped by the developer in accordance with an approved landscaping plan.~~

- (4) ~~General private deed covenants.~~

~~The entire planned residential development shall be included within private deed covenants running with the land to assure the continuance of the planned residential development in accordance with approved plans and development.~~

~~(5) — Minimum lot sizes.~~

~~The minimum lot sizes for single-family houses in the zoning district in which the planned residential development is located may be waived, but each single-family residential structure shall be placed on a separate lot. The minimum lot sizes and individual lot lines for townhouses or multifamily houses in the zoning district in which the planned residential development is located may be waived, as well as the requirement that each structure shall be placed on a separate lot.~~

~~(6) — Yards.~~

~~The yard requirements of the zoning district in which the planned unit development is located may be waived except along the exterior boundaries of the development. Side yards of appropriate width shall be provided, but in no case shall side yard be less than 10 feet in width.~~

~~(7) — Height.~~

~~The height limitations of the zoning district in which the planned unit development is located may be waived.~~

~~(8) — Off-street parking requirements.~~

~~The off-street parking requirements of this zoning ordinance shall be met.~~

~~(9) — Street frontage requirement.~~

~~In a planned residential development, the street frontage requirements for townhouses may be waived.~~

~~(10) — Area requirements for retail sales and services.~~

~~A maximum of 2,400 square feet of floor space for retail sales and services permitted in the NS zoning district are permitted for each 100 dwelling units in a planned residential development, having an area of not less than 100 contiguous acres. There shall be not less than 4 square feet of business lot area for each one square foot of permitted retail sales and service floor area. Land may be reserved for the maximum permitted retail sales and service floor area may be built only as the required ratio of dwelling units has been constructed.~~

~~(11) — Structures for retail sales and service.~~

~~Retail sales and services shall be conducted entirely within a wholly and permanently enclosed building or buildings which shall be of an architectural design compatible with the residential structures within the planned residential development.~~

~~(12) — Relation to residentially developed property lying outside the planned residential development.~~

~~The sides, rear or front of a lot developed for retail sales and services or multifamily dwellings shall neither abut nor lie across the street from property lying outside the planned residential development that is developed with one-family houses.~~

~~(13) — Maximum site coverage.~~

~~Multi-family and condominium development in a PUD shall have a maximum site coverage of 50 percent inclusive of all impervious surfaces.~~

506 (f) Standards applying to planned shopping centers and office development.

~~Within any commercial zoning district a planned shopping center may be permitted if it meets the following conditions:~~

~~(1) Location.~~

~~A planned shopping center or office development shall access and egress only on a arterial, collector street or state highway.~~

~~(2) Minimum acreage.~~

~~The development shall have a minimum area of 5 acres.~~

~~(3) Use regulations.~~

~~Any uses permitted in a commercial or office zoning district may be included.~~

~~(4) Yards.~~

~~The yard requirements of the zoning district in which the development is located may be waived except along the exterior boundaries of the development.~~

~~(5) Height.~~

~~The height limitations of the zoning district in which the shopping center is located shall be observed.~~

~~(6) Off-street parking and loading and unloading requirements.~~

~~Off-street parking and loading and unloading requirements of this zoning ordinance shall be met.~~

506 (g) Standards applying to planned industrial parks.

~~Within any industrial zoning district, a planned industrial park may be permitted if it meets the following conditions:~~

~~(1) Location.~~

~~A planned industrial park shall access and egress only on a major street or state highway.~~

~~(2) Minimum acreage.~~

~~The development shall have a minimum area of 10 acres.~~

~~(3) Minimum lot sizes.~~

~~The minimum lot sizes of the zoning district in which the development is located may be waived.~~

~~(4) Yards.~~

~~The yard requirements of the zoning district in which the development is located may be waived, except along the exterior boundaries of the development.~~

~~(5) Height.~~

~~The height limitations at the discretion of the Development Services board.~~

~~(6) Off-street parking and loading and unloading requirements.~~

~~The off-street parking and loading and unloading requirements of this zoning ordinance shall be met.~~

506 (h) Application Requirements for planned unit developments.

Applications for new PUDs shall not be accepted under this Development Code.

506 (i) Procedures for maintaining a planned unit development.

- (1) ~~The Master Plan and Zoning Text of a previously approved PUD are intended to ensure conformity to the standards for the development approved by the Board of Commissioners. Any substantial changes to the development of the PUD shall be treated as a proposed amendment to the PUD's zoning and must be considered in accordance with the procedures for a zoning change set forth in Article 12 of this Development Code. For purposes of this Section, a substantial change shall be defined as a change in land use, increased density, street access or alignment, public or common areas, building setbacks or zoning buffers. Appeals based on hardship shall be reviewed by the Board of Zoning Appeals.~~
- (2) ~~In approving an amendment to a Planned Unit Development, the Board of Commissioners may impose changes, conditions or restrictions to ensure the development continues to be compatible with the adjoining area. The Board of Commissioners may also require specific design criteria to ensure the development meets minimum standards for the planned growth of the _____ area.~~

Sec. 507 - Mixed-use master planned developments.

507(a) Legacy Status¹

- (1) **No applications to establish new mixed-use master planned developments or to expand the boundaries of existing mixed-use master planned developments shall be accepted for processing after October 6, 2020, except that any special use application for a mixed-use master planned development that is in process on October 6, 2020 shall continue to be processed and may be approved.**
- (3) **The special use approval, concept plan, and development plan text govern the use and development of existing, approved mixed-use master planned developments. Amendments to existing mixed-use master planned developments require an amendment of the concept plan and development text by the Board of Commissioners following the special use approval procedures of this UDC.**

~~507 (a) Mixed-Use Master planned developments; where allowed.~~

- (1) ~~A mixed-use master planned development may be approved in any of the zoning districts shown on Table 5.2 except in the Dog River Watershed Protection Area and the O-ED overlay district. Master planned developments are not allowed within the Dog River Watershed Protection Area or the O-ED overlay district.~~
- (2) ~~All mixed-use master planned developments require Special Use approval by the Board of Commissioners. The criteria to be considered in approving or denying a master planned development, in lieu of the standards for special use consideration in Article 12 (Sec. 1207(b)), are as follows:~~
 - a. ~~Overall design layout;~~
 - b. ~~Infrastructure improvements; and~~
 - c. ~~Commercial development (if applicable);~~
 - d. ~~Overall density.~~
- (3) ~~In addition to any conditions of zoning or Special Use Permit approval that may apply to a specific property, the provisions of this Section apply to all master planned developments.~~

507 (b) Development Parameters.

The following general conditions apply to mixed-use master planned developments. Larger lots may be required by an overlay district applicable to a particular property.

- (1) ~~The proportion and distribution of nonresidential to residential uses in a mixed-use master planned development is determined by the zoning category of the property. The maximum number of dwelling units and the type of commercial development that can be allowed in the master planned development is to be determined by the Board of Commissioners and specified with a required development plan and text. These limitations and the distribution of housing types are shown on Table 5.2.~~

Table 5.2: Land Use Distribution in a Mixed-Use Master Planned Development

Use Distribution (Percent of Total Site)	
No less than 60% residential and open space	
No more than 40% commercial or office/institutional	

- (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 that 50 feet wide in its narrowest dimension, except as follows:~~

- a. ~~The open space area, by the very nature of its designated boundaries, is less than 50 feet in width. Examples include strips of steep slopes and "fingers" of floodplains that extend up drainage swales.~~
 - b. ~~Parkways between road travelways, which must be at least 26 feet in width.~~
 - c. ~~Viewshed buffers intended to screen the view of the subdivision development, which must be at least 200 feet in width unless the topography of the land adequately screens the view of the buildings in the subdivision from the abutting roadway.~~
- (4) ~~No portion of the residential lots shall be credited toward the minimum open space requirements unless the portion is included within the conservation easement. No portion of any street right-of-way or public or private utility easement shall be credited toward the minimum open space requirements.~~
- (5) ~~The required common open space and any applicable conservation easements shall be platted at the same time that adjacent residential lots are platted, in whole or in phases.~~

507 (d) Residential development standards. *(Amended 05/03/2016 – TXT-2016-02, § 5)*

- (1) ~~Every residence must be connected to a public water system.~~
- (2) ~~Minimum/Maximum floor area within a dwelling unit.~~
 - a. ~~Every single family residence must have a minimum of 1,800 square feet of floor area.~~
 - b. ~~Every multi-family residence (to include duplexes, townhomes, condominiums and apartments) must have a minimum of 1,000 square feet of floor area and a maximum of two (2) bedrooms.~~
- (3) ~~Recreation amenity.~~
 - a. ~~Every mixed-use master planned development having any lots less than 2 acres in size and proposed to contain 50 dwelling units or more must include a community recreation amenity to serve the development, based on the number of lots in the development.~~
 - b. ~~Unless otherwise established as a condition of zoning approval for the subdivision or exempted by the Board of Commissioners, the recreation amenity shall be as required on the following Table.~~

Table 5.3: Recreation Amenities—Mixed Use Master Planned Developments

Amenity Required	Number of Dwellings in the Subdivision		
	50 to 75	76 to 200	201 or more
Active Play Area ¹	Min. 1 acre	Min. 2 acres	Min. 3 acres
Athletic Court ²	Min. 1 court	Min. 2 courts	Min. 3 courts
Swimming Pool ^{3,4}		Min. 1,800 sf, 30 x 60	Min. 2,250 sf, 30 x 75
Clubhouse			Min. 2,600 sf

-

~~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 final plat approval for the initial phase of the subdivision.~~

~~e. Such amenities may not be developed within a Primary Conservation Resource Area.~~

~~f. All required amenities shall be located interior to the subdivision. No such amenities shall be located immediately adjacent to existing county or state right-of-way or to existing residentially zoned properties. Mixed-use master planned developments shall be serviced with underground utilities (electric power, natural gas, telephone, TV cable, etc.) unless this requirement is waived by the County Engineer due to physical construction constraints.~~

~~(4) Mixed-use master planned developments shall be serviced with underground utilities (electric power, natural gas, telephone, TV cable, etc.) unless the requirement is waived by the County Engineer due to physical construction constraints.~~

~~(5) All dwelling units shall have front, side and rear facades which consist entirely of those materials allowed on residential construction as provided for in Article 3, Section 307.~~

~~(6) Each dwelling unit must include at least a 2-car garage having no less than a 10-foot by 20-foot area per parking space.~~

507 (e) Buffer requirements.

~~(1) A permanent 25-foot zoning buffer area shall be established around the perimeter of any mixed-use master planned development where it adjoins an agricultural or residential zoning district. Except for a 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.~~

507 (f) Ownership Control.

~~(1) All of the land in a mixed-use master planned development initially shall be in single ownership by an individual, a partnership, tenants in common, a corporation or by some other legal entity.~~

~~(2) The use of common open space and other common areas shall be governed by an owner's association which shall provide for: all users to have equal access and right of use to all shared facilities; perpetual and continued maintenance of open and shared space; tax liability in the case of default; mandatory membership in the owner's association and its creation is required before any individual properties are sold; the method of assessment for dues and related costs; and where appropriate, party wall maintenance and restoration in the event of damage or destruction.~~

507 (g) Concept plan; administration.

~~(1) Concept plan.~~

- a. ~~Development of a mixed-use master planned development shall be guided by an approved Concept Plan for the overall project. Prior to any land development activity or the issuance of a building permit, the Concept Plan shall have been approved by the Board of Commissioners, and subsequent development must substantially conform to the approved Concept Plan.~~
- b. ~~The level of detail to be shown on a mixed-use master planned development Concept Plan shall reflect the scale of the proposed project. For a mixed-use master planned development, the various areas by housing type and land use category are to be identified and the parameters of development identified for each area.~~
 - 1. ~~The Concept Plan for a mixed-use master planned development must designate the type of development planned for each area. The Concept Plan may but need not illustrate the individual lot lines within each subdivision or the building outlines in each multi-family or nonresidential project, but must conform to the requirements for a development text for these items.~~
- c. ~~Every proposed mixed-use master planned development Concept Plan, whether an initial approval or a proposed modification to a previously approved concept plan, shall be accompanied by an impact analysis consistent with the requirements for an "impact analysis" under the Procedures and Permits Article of this Development Code.~~

~~(2) Development Text.~~

~~The development text must designate all development standards including setbacks, lot size, housing type, specific commercial uses, building materials, street width, sidewalks and any other specifications as required by the Planning & Zoning Director.~~

~~(3) Site plans and subdivision plats.~~

~~Approval of individual construction projects within a mixed-use master planned development are to follow the County's normal development and building permitting process, based on site plans or subdivision plats and accompanying engineering drawings as normally required. Each site plan or subdivision plat is to be consistent with the approved Concept Plan for the mixed-use master planned development.~~

~~(4) Concept plan updates required.~~

~~The mixed-use master planned development Concept Plan is to be updated as individual site plans are approved or subdivision plats are recorded. Updating is an administrative process for submission to the Plans Review Coordinator in the Development Services Department, and is intended to provide a record of the master planned development as build-out progresses.~~

~~(5) Modifications to the concept plan.~~

~~Development of each portion of a mixed-use master planned development must substantially conform to the approved Concept Plan and development text. If any site plan or subdivision plat is proposed that does not substantially conform, the Concept Plan and development text must first be modified before the site plan or subdivision plat can be approved. Modifications of the Concept Plan and development text can only be approved by the Board of Commissioners, following the same procedure as the initial approval of the original Concept Plan and development text.~~

~~(Added 01/06/09 - TXT2009-01, § 6)~~

Sec. 508 - Master planned developments.

~~(Amended 05/06/2008 - TXT2008-02)~~

508(a) Legacy Status

(1) No applications to establish new master planned developments or to expand the boundaries of existing master planned developments shall be accepted for processing after October 6, 2020, except that any special use application for a master planned development that is in process on October 6, 2020 shall continue to be processed and may be approved.

(3) The special use approval, concept plan, and development plan text govern the use and development of existing, approved master planned developments. Amendments to existing master planned developments require an amendment of the concept plan and development text by the Board of Commissioners following the special use approval procedures of this UDC.

508 (a) Master planned developments; where allowed.

- (1) A master planned development may be approved in any of the zoning districts shown on Table 5.4 except in the Dog River Watershed Protection Area and the O-ED overlay district. Master planned developments are not allowed within the Dog River Watershed Protection Area or the O-ED overlay district.
- (2) All master planned developments require Special Use approval by the Board of Commissioners. The criteria to be considered in approving or denying a master planned development, in lieu of the standards for special use consideration in Article 12 (Sec. 1207(b)), are as follows:
 - a. Overall design layout;
 - b. Infrastructure improvements; and
 - c. Commercial development (if applicable).
- (3) In addition to any conditions of zoning or Special Use Permit approval that may apply to a specific property, the provisions of this Section apply to all master planned developments.

508 (b) Minimum development site area.

A property proposed for master planned development approval must contain at least 15 contiguous acres. If commercial uses are proposed to be included within the master planned development, the site must contain at least 50 acres.

508 (c) Development Parameters.

The following general conditions apply to master planned developments according to the zoning district of the property. Larger lots may be required by an overlay district applicable to a particular property.

- (1) The proportion and distribution of nonresidential to residential uses in a master planned development is determined by the zoning category of the property. The zoning district also determines the maximum number of dwelling units and the type of commercial development that can be allowed in the master planned development. These limitations and the distribution of housing types are shown on Table 5.4.

Table 5.4: Land Use Distribution in a Master Planned Development

Zoning District	Use Distribution (Percent of Total Site)	Percent of Total Site by Housing Type (including open space)
=====		

AG	No less than 95% residential and open space	95% single-family detached meeting R-A standards
	No more than 5% neighborhood commercial	
=====		
R-A	No less than 95% residential and open space	95% single-family detached meeting R-LD standards
	No more than 5% neighborhood commercial	
=====		
R-A (with Special Use Approval)	No less than 95% residential and open space	95% single-family detached meeting standards approved on the plan and required text by the Board of Commissioners
	No more than 5% commercial meeting standards approved on the plan and required text by the Board of Commissioners	
=====		
R-LD	No less than 90% residential and open space	90% single-family detached meeting R-MD standards
	No more than 10% neighborhood commercial	
=====		
R-LD (with Special Use approval)	No less than 80% residential and open space	80% single-family detached meeting R-MD standards
	No more than 20% community commercial	
=====		

- ~~(2) When "neighborhood commercial" is allowed, the C-N zoning district provisions shall control development of the commercial area, except as modified by this Section.~~
- ~~(3) When "community commercial" is allowed, the C-C zoning district provisions shall control development of the commercial area, except as modified by this Section.~~
- ~~(4) Commercial structures and uses are to be located and designed as a unified development where feasible. As an addition to the C-N and C-C district provisions, residential and commercial uses may either be located in freestanding buildings within a site, or combined together within the same building.~~
- ~~(5) All master planned developments that require Special Use Permit approval are required to submit a site plan and text which specify all development parameters including setbacks, buffers, zoning categories and other development standards as specified by the Planning & Zoning Director.~~
- ~~(6) All master planned developments must provide internal pedestrian access. The type of access such as, sidewalks, bike paths, lanes, will be established during the review period to determine the best way to serve a particular development.~~

508 (d) Maximum number of dwelling units.

The total number of dwelling units for all types of housing allowed in a master planned development is determined by the maximum density allowed for the zoning district in which the master planned development is located (as shown on Table 4.1 of Article 4), or as otherwise required by an overlay district applicable to the property, whichever results in the lowest density. The maximum density shall be applied to the gross acreage of the entire property, excluding only those areas excluded from maximum density computations under Article 4.

508 (e) Minimum residential dimensional standards.

- ~~(1) AG master planned development.~~

~~For single-family lots in a master planned development in the AG zoning district, the minimum lot area, width, setbacks, building area, structure height and all other dimensional requirements applicable to the R-A zoning district shall apply.~~

- ~~(2) R-A master planned development.~~

~~For single-family lots in a master planned development in the R-A zoning district, the minimum lot area, width, setbacks, building area, structure height and all other dimensional requirements applicable to the R-LD zoning district shall apply, or as otherwise approved as a Special Use Permit by the Board of Commissioners.~~

- ~~(3) R-LD master planned development.~~

~~For single-family lots in a master planned development in the R-LD zoning district, the minimum lot area, width, setbacks, building area, structure height and all other dimensional requirements applicable to the R-MD zoning district shall apply, or as otherwise approved as a Special Use permit by the Board of Commissioners.~~

508 (f) Common open space.

~~Acreage not utilized for residential lots, roadway access and utilities shall be placed in common open space or devoted to recreation amenities. Designated conservation areas required under this Development Code must be included within a conservation easement established in accordance with the conservation and natural resources easements Division of Article 9.~~

- (1) ~~A minimum percent of the gross project site area shall be reserved for common open space, as follows: no less than 20% of the total site must be set aside as open space for conservation, preservation or passive recreational use, such as walking trails and picnicking. Buffers, wetlands and bodies of water shall constitute no more than 50% of the minimum required open space; other Primary Conservation Areas shall not be included in the minimum 20% calculation. Areas classified as Secondary Conservation Areas are to be given preference for inclusion in the minimum required open space. (See the Environmental Protection Article of this Development Code for definitions of conservation areas.)~~
- (2) ~~Additional common open space may be provided for active recreation areas for the proposed development, such as swimming pools, tennis courts, community facilities, etc.~~
- (3) ~~Required zoning buffers on the perimeter of the property may be included in the common open space area, provided that such buffer areas may not be counted toward more than 10% of the minimum open space requirement of Sec. 508 (f)(1).~~
- (4) ~~While common open space shall not be required to be contiguous, no individual portion of the open space shall be less than 1 acre in size, nor less than 50 feet wide in its narrowest dimension, except as follows:~~
 - a. ~~The open space area, by the very nature of its designated boundaries, is less than 50 feet in width. Examples include strips of steep slopes and "fingers" of floodplains that extend up drainage swales.~~
 - b. ~~Parkways between road travelways, which must be at least 26 feet in width.~~
 - c. ~~Viewshed buffers intended to screen the view of the subdivision development, which must be at least 200 feet in width unless the topography of the land adequately screens the view of the buildings in the subdivision from the abutting roadway.~~
- (5) ~~No portion of the residential lots shall be credited toward the minimum open space requirements unless the portion is included within the conservation easement. No portion of any street right-of-way or public or private utility easement shall be credited toward the minimum open space requirements.~~
- (6) ~~The required common open space and any applicable conservation easements shall be platted at the same time that adjacent residential lots are platted, in whole or in phases.~~

508 (g) Residential development standards. *(Amended 05/03/2016 - TXT-2016-02, § 6)*

- (1) ~~Every residence must be connected to a public water system.~~
- (2) ~~Recreation amenity.~~
 - a. ~~Every master planned development having any lots less than 2 acres in size and proposed to contain 50 dwelling units or more must include a community recreation amenity to serve the development, based on the number of lots in the development.~~
 - b. ~~Unless otherwise established as a condition of zoning approval for the subdivision or exempted by the Board of Commissioners, the recreation amenity shall be as required on the following Table 5.5.~~

Table 5.5: Recreation Amenities—Master Planned Developments

	Number of Dwellings in the Subdivision		
Amenity Required	50 to 75	76 to 200	201 or more

Active Play Area ¹	Min. 1 acre	Min. 2 acres	Min. 3 acres
Athletic Court ²	Min. 1 court	Min. 2 courts	Min. 3 courts
Swimming Pool ³		Min. 1,800 sf, 30 x 60	Min. 2,250 sf, 30 x 75
Clubhouse			Min. 2,600 sf

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.

~~e. The proposed amenity area(s) and recreation amenities to be provided shall be submitted as part of the preliminary subdivision plan application for project approval as required under Article 12 of this Development Code.~~

~~d. All required amenities shall be completed and available for use prior to issuance of final plat approval for the initial phase of the subdivision.~~

~~e. Such amenities may not be developed within a Primary Conservation Resource Area.~~

~~(3) Master planned developments shall be serviced with underground utilities (electric power, natural gas, telephone, TV cable, etc.) unless this requirement is waived by the County Engineer due to physical construction constraints.~~

~~(4) All dwelling units shall have front, side and rear façades which consist entirely of those materials allowed on residential construction as provided for in Article 3, Section 307.~~

~~(5) Each dwelling unit must include at least a 2-car garage having no less than a 10-foot by 20-foot area per parking space.~~

508 (h) Internal orientation required.

~~All single-family residential lots within a master planned development must front upon and gain their access from a street within the subdivision, provided that any lot fronting upon and gaining its access from an existing County street or road shall comply with the dimensional standards of the zoning district within which the master planned development is located.~~

508 (i) Minimum separation from adjoining streets.

~~The single-family residential lots within a subdivision meeting the reduced dimensional standards for a master planned development must be separated from every existing County road or street that adjoins the development by a 50-foot wide zoning buffer or 200-foot building setback.~~

508 (j) Buffer requirements.

~~(1) A permanent 50-foot zoning buffer area shall be established around the perimeter of any master planned development where it adjoins an agricultural or residential zoning district. Except for a 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 master planned development are waived, subject to conditions of approval for the master planned development concept plan.~~

508 (k) Ownership Control.

- ~~(1) All of the land in a master planned development initially shall be in single ownership by an individual, a partnership, tenants in common, a corporation or by some other legal entity.~~
- ~~(2) The use of common open space and other common areas shall be governed by an owner's association which shall provide for: all users to have equal access and right of use to all shared facilities; perpetual and continued maintenance of open and shared space; tax liability in the case of default; mandatory membership in the owner's association and its creation is required before any individual properties are sold; the method of assessment for dues and related costs; and where appropriate, party wall maintenance and restoration in the event of damage or destruction.~~

508 (l) Concept plan; administration.

- ~~(1) Concept plan.~~
- ~~a. Development of a master planned development shall be guided by an approved Concept Plan for the overall project. Prior to any land development activity or the issuance of a building permit, the Concept Plan shall have been approved by the Board of Commissioners, and subsequent development must substantially conform to the approved Concept Plan.~~
- ~~b. The level of detail to be shown on a master planned development Concept Plan shall reflect the scale of the proposed project. For a mixed-use master planned development, the various areas by housing type and land use category are to be identified and the parameters of development identified for each area. A master planned development involving only one type of housing and no commercial would present more detail regarding the layout of the development.~~
- ~~1. The Concept Plan for a master planned development involving only one type of housing and no commercial shall conform to the requirements for a "concept plan" under the Procedures and Permits Article of this Development Code.~~
- ~~2. The Concept Plan for a mixed-use master planned development must designate the type of development planned for each area. The Concept Plan may but need not illustrate the individual lot lines within each subdivision or the building outlines in each multi-family or nonresidential project, but must otherwise conform to the requirements for a "concept plan" under the Procedures and Permits Article of this Development Code.~~
- ~~c. Every proposed master planned development Concept Plan, whether an initial approval or a proposed modification to a previously approved concept plan, shall be accompanied by an impact analysis consistent with the requirements for an "impact analysis" under the Procedures and Permits Article of this Development Code.~~
- ~~(2) Site plans and subdivision plats.~~
- ~~Approval of individual construction projects within a master planned development are to follow the County's normal development and building permitting process, based on site plans or subdivision plats and accompanying engineering drawings as normally required. Each site plan or subdivision plat is to be consistent with the approved Concept Plan for the master planned development.~~
- ~~(3) Concept plan updates required.~~
- ~~The master planned development Concept Plan is to be updated as individual site plans are approved or subdivision plats are recorded. Updating is an administrative process for~~

~~submission to the Plans Review Coordinator in the Development Services Department, and is intended to provide a record of the master planned development as build-out progresses.~~

~~(4) Modifications to the concept plan.~~

~~Development of each portion of a master planned development must substantially conform to the approved Concept Plan. If any site plan or subdivision plat is proposed that does not substantially conform, the Concept Plan must first be modified before the site plan or subdivision plat can be approved. Modifications of the Concept Plan can only be approved by the Board of Commissioners, following the same procedure as the initial approval of the original Concept Plan.~~

~~(Amended 01/06/2009 – TXT2009-01, § 6)~~

Footnotes:

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~~Wooden fencing is not allowed in zoning buffer areas.~~

Sec. 509 - Quality growth development district scope of regulations.

The O-QGD Quality Growth Development Overlay District is established to promote high-quality development in areas of the county that are largely undeveloped but in the path of rapid, substantial residential, commercial, or industrial development that is anticipated will radically change the character of the lands within the District boundaries. This District is designed to encourage high-quality development by establishing restrictions and standards to protect the natural environment, promote optimum development, and so that investment values will be maximized and will not be endangered by unsightly, undesirable, or incompatible development on adjacent properties in the foreseeable future.

(1) Applicability

The O-QGD regulations of this section apply to all multi-family residential, commercial, office, office distribution or industrial uses within the Quality Growth Development overlay

(2) Intent.

The primary goals of the O-QGD overlay district are to provide a positive climate for high-quality investment and development, to provide a sense of place and orientation, to provide an attractive and functional environment, to ensure a harmony of uses and development, and to provide a comfortable, secure, and harmonious developed environment.

(3) Site design requirements.

a. Landscaping.

1. Generally.

Any multi-family residential, commercial, office, office distribution, or industrial use within the O-QGD shall comply with the landscaping requirements of this section in addition to the applicable requirements and standards of Article 2, Article 8 and Article 9.

2. Landscaping requirements.

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

a) Minimum required landscaped area.

Each site shall have a minimum landscaped area of 25 percent. The calculated landscaped area may include tree islands within required parking areas.

b) Frontage landscape strip.

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

c) Side and rear yard landscaping.

Unless otherwise required in Article 8 of the Unified Development Code, all required side and rear yards shall be landscaped in accordance with the requirements of this article.

d) Other landscape areas.

All land surfaces other than those covered by permitted buildings, structures, paving, or other required site elements shall be landscaped with well-maintained grass, flowers, shrubs, or other suitable plant materials.

e) Natural buffers.

Natural buffers shall be supplemented with native plantings when existing vegetation on the site does not provide a minimum of 80% opacity between the proposed use and the adjacent residential district. These plantings shall include a mixture of canopy trees (50% must be evergreen), understory trees, evergreen coniferous trees and shrubs. Canopy trees shall be no less than 3 inches in caliper and no less than 15 feet in height at the time of planting with a mature height of no less than 25 feet.

b. Screening.

1. Generally.

Any multi-family residential, commercial, office, office distribution, or industrial use within the O-QGD shall comply with the screening requirements of this section in addition to all other applicable requirements and standards of this Development Code.

2. Requirements for loading areas, service equipment, outdoor storage areas.

All loading areas, outdoor service equipment, and outdoor storage areas, including those for trucks, busses, automobiles stored more than 48 hours, or the storage of any other vehicles or equipment shall be screened from street or adjacent property view by an attractive solid masonry wall finished on the exterior side by the same material used for the façade of the building. Such wall shall be not less than 5 feet in height and no more than 8 feet in height. Specific height, as dictated by all applicable ordinance provisions, shall be determined during the site plan review process.

3. Exceptions for loading areas, service equipment and outdoor storage areas.

a) No screening is required to separate adjacent uses that are the same or

similar.

- b) A natural or structural buffer may be substituted for up to 25 percent of the required screening.

4. Building landscaping and screening.

- a) If a building structure faces a public street or is directly adjacent to a residentially zoned property, and has less than 25% glazing or openings (doors, windows, and service entries) on the façade facing the public street or residentially zoned property, a landscape screen shall be provided between the building structure and the residentially zoned lot in addition to any buffers required by Article 8 of this Development Code. Such screen must be a minimum of 15 feet in width and run the entire length of the subject building façade except where there are breaks for building access. Every 100 feet of linear building landscaping screen must include: 6 canopy trees (3 of which must be evergreen), 2 understory trees, 3 evergreen coniferous trees, and 18 shrubs. Canopy trees shall be no less than 3 inches in caliper and no less than 15 feet in height at the time of planting with a mature height of no less than 25 feet. Understory trees shall be deciduous or evergreen trees that typically grow to a mature height of less than 40 feet.

c. Utility and service equipment.

1. All industry standard grade utilities shall be located underground. All entry fixtures and other service equipment shall be located in side or rear yards outside of high use or high visibility areas. These fixtures shall be adequately screened by masonry walls, polymer or composite based material opaque fence or imitation-wood vinyl privacy fences with plantings, or plantings. Such fixtures and service equipment shall be screened in accordance with Sec. 208 (e)(3)b.
2. All service equipment including but not limited to air conditioning units and other utility or mechanical equipment that will be located on a rooftop shall be screened from ground level view behind a parapet wall or other architectural extension, equal in height to the unit requiring screening. Such parapet or extension shall be compatible to, in design, and integrated architecturally to the building. A parapet or extension of up to 8 feet in height will not be included when calculating building height. Ground level view shall be defined as any view of the structure from the property line in any front yard of the property.

d. Outdoor storage.

1. Outdoor storage of merchandise or inventory (other than motor vehicles) may be permitted as outlined in Article 3- Restrictions on Particular Uses regarding outdoor storage. Such outdoor storage shall be screened as per Sec. 509(b)(2). required by this Development Code.
2. Outdoor storage of motor vehicles may be permitted only in paved areas shown on the site plan.

e. Sign regulations.

1. **Number and size.**
Except for shopping center lots in commercial zoning districts, only one principal freestanding sign, not exceeding 60 square feet in area, is permitted per street frontage.
2. **Materials.**

All signs shall be composed of wood, stone or other similar materials.

f. Decorative fences & walls.

1. Materials permitted.

Any fences or walls not required for screening under this section shall be composed of stone, decorative metal or decorative block. If located parallel to a street and within 30 feet of that street, these fences or walls shall comply with Article 8 of this Development Code.

2. Prohibited materials; exception.

Chain link, unfinished concrete or cinderblock, plastic or fiberglass, barbed or razor wire, and wood fences are prohibited. Paint shall not be used as a finish material. Exceptionally, the above prohibited materials may be utilized on a security fence if located inside an approved screening fence, wall, or other screening element as specified above.

(4) Building design requirements.

a. Bulk & setback requirements.

1. Maximum building coverage.

Except for one-story warehouse, storage, or distribution buildings which are limited to a maximum building coverage ratio of 45 percent, the ratio of building coverage to the total lot area shall in no case exceed a ratio of 55 percent.

2. Floor area ratio.

The ratio of total floor area of all buildings on a lot to the total site area (Floor Area Ratio) shall not exceed a ratio of 150 percent (or 1.5 times the total site area).

b. Building finishes, wall planes and roof planes.

1. Wall planes and roof planes.

Any building facing a public street or directly adjacent to a residentially zoned lot shall not have wall planes exceeding 30 feet in length without a change in plane by means such as a vertical recess, projection, change in material or color or pilaster. Changes in roof planes shall occur at locations with changes in wall planes.

2. Prohibited finish materials.

Aluminum, steel, vinyl, mirrored or reflective glass, cinderblock, unfinished concrete, fiberglass or plastic are prohibited, except architectural detailing and decorative trim of not more than 15% of any one façade.

3. Permitted finish materials for front-facing

facades. a) Principal materials.

Exterior finish materials visible from any public street shall be any of the following:

- i. Brick or brick face;
- ii. Natural stone including granite, marble, sandstone, field stone or any other natural stone;
- iii. Manufactured stone including imitation field stone, marble terrazzo, and any other manufactured architectural finish stone;
- iv. Clay tile with baked-on enamel finish; or

architecturally treated decorative concrete block; or

v. Fiber cement/cementitious siding (board or plank)

b) Windows and glass doors.

i. At least 25% of the street-façade of all nonresidential buildings shall consist of glass windows and glass doors on each floor visible from a public street unless directly screened by an adjacent building landscaping screen.

ii. At least 20% of the street-façade of all residential buildings shall consist of glass windows and glass doors on each floor visible from a public street unless directly screened by an adjacent building landscaping screen.

4. Permitted finish materials for side and rear facades.

Exterior finish materials for side and rear facades shall be any of the following:

- a) Brick or brick face;
- b) Natural stone including granite, marble, sandstone, field stone or any other natural stone;
- c) Manufactured stone including imitation field stone, marble terrazzo, and any other manufactured architectural finish stone;
- d) Clay tile with baked-on enamel finish;
- e) Architecturally treated decorative concrete block or pre-form components;
- f) Architecturally treated slabs or block either fluted or with exposed aggregate;
- g) Stucco on lathe or an imitation stucco material or an acceptable substitute;
- h) Fiber cement/cementitious siding (board or plank).

(5) Other requirements.

- a. Buildings and site elements shall be well maintained and repaired or replaced in a timely manner should damage or deterioration occur. Any damage or deterioration shall be corrected within 60 days.
- b. Outdoor loudspeaker systems are prohibited.
- c. For lots which include required landscaped yards, setbacks, buffer, or screens, the developer shall submit a maintenance plan as part of project approval, showing proper maintenance and irrigation of landscaped areas, and providing for dead and underperforming plant material to be removed and appropriately replaced.

(6) Residential development standards.

Residential densities for ~~R-TC and R-MF~~ R-HD zoned property located within the boundaries of the Sweetwater Master Plan area shall not exceed 10 dwelling units per acre and shall be subject to the following:

- 1. All developments shall include publicly accessible greenspace for a minimum of

10% of the total lot area and will be mixed use master planned developments with the following options: For projects greater than 500 feet from the right-of-way of Thornton Road, R-MF of a maximum 50% of units and a minimum 50% of units deed restricted to owner occupied R-TC, R-MD or R-LD, or;

2. For projects within 500 feet of the right-of-way of Thornton Road, R-MF of a maximum 80% of square footage and a minimum of 20% of square footage commercial zoning. Residential over retail/commercial uses are allowed as part of a ~~mixed use master planned development~~ Planned Unit Development.
 - a. Residential buildings with ground floor units directly facing a public street must front the street and provide direct pedestrian access to the sidewalk at the street.
 - b. Residential developments shall utilize building techniques and best site design practices to encourage minimal site grading and maintain existing tree coverage.
 - c. Developers who apply the high performance standards listed below to multi-family (R-MF) and townhome-condominium (R-TC) residential projects in the Quality Growth Development overlay located in the Sweetwater Master Plan area are allowed a 50% density bonus. Utilizing these standards and receiving this density bonus must be approved prior to any project commencement, and any alteration to those standards may result in revocation of density bonus.
 1. Provision at least one bicycle indoor, protected bicycle parking space per 3 dwelling units;
 2. Provision of at least one electric vehicle charging station per 50 parking spaces;
 3. Provision of community accessible meeting spaces for tenant use. ~~Areas~~ Meeting spaces shall have internet and phone capacity;
 4. Provision of a fenced community garden with access to water and a storage area for tools and supplies. The community garden shall be a permanent fixture and identified on all site plans and shall be in addition to other required greenspace;
 5. Transit-oriented provisions for providing community transit access.
 6. Installation of Energy Star qualified appliances at the time of purchase;
 7. Installation of supplemental Solar Photovoltaic Power generation capacity in the amount of 1.2kW per dwelling unit for a minimum of 50% of units proposed.

(7) Uses.

The following uses are prohibited in the Quality Growth District:

- a. Rooming/boarding houses.
- b. Industrial launderers.
- c. Lumber yards.
- d. Automotive repair and maintenance to include busses and trucks.
- e. Automotive parking lots as principal uses to include busses and trucks.
- f. All automotive parts/accessory/tire stores.
- g. Outdoor storage as a principal use.
- h. Fueling for trucks and busses.

~~(Amended 06/20/2017 - TXT-2017-03; 12/18/2012 - TXT-2012-03, § 4; 01/06/2009 - TXT-2009-01, § 6)~~

~~Any multi-family residential, commercial, office, office distribution or industrial use within the Quality Growth Development (O-QGD) district, in addition to meeting all requirements and standards of this Development Code and of the district within which it is located, shall also comply with the minimum standards and restrictions of this Section.~~

509 (a) Intent.

- ~~(1) The O-QGD district overlays other zoning districts so that all lands lying within the O-QGD district also are included within other zoning districts. Each parcel of land within the O-QGD district shall be subject to the provisions, regulations, standards, and restrictions of both the O-QGD district and of the other zoning districts within which it lies. If there is a conflict between the provisions of the underlying zoning district and the provisions of the Quality Growth Development District, the more stringent district provisions shall govern.~~
- ~~(2) The primary goals of the O-QGD overlay district are to provide a positive climate for high quality investment and development, to provide a sense of place and orientation, to provide an attractive and functional environment, to ensure a harmony of uses and development, and to provide a comfortable, secure, and harmonious developed environment.~~

509 (b) Site design requirements.

- ~~(1) Landscaping requirements.
 - ~~a. Generally. Any multi-family residential, commercial, office, office distribution, or industrial use within the O-QGD, in addition to meeting all requirements and standards of Article 2, Article 8 and Article 9, shall also comply with the landscaping requirements of this section.~~
 - ~~b. Landscaping requirements. The location and detail of all required landscaping shall be depicted on the site landscaping plan (see the Procedures and Permits Article of this Development Code).
 - ~~1. Minimum required landscaped area. Each site shall have a minimum landscaped area of 25 percent. The calculated landscaped area may include tree islands within required parking areas.~~
 - ~~2. Frontage landscape strip. A minimum 25-foot wide landscape strip adjacent to the street right-of-way shall be provided. Every 100 feet of linear landscape strip must include a minimum of 3 canopy trees, 3 understory trees, 2 evergreen coniferous trees, and 18 shrubs. Planting standards may be reduced up to 50% with the provision of a 5-foot tall earthen berm running the entire length of the landscape strip.~~
 - ~~3. Side and rear yard landscaping. Unless otherwise required in Article 8 of the Unified Development Code, all required side and rear yards shall be landscaped in accordance with the requirements of this article.~~
 - ~~4. Other landscape areas. All land surfaces other than those covered by permitted buildings, structures, paving, or other required site elements shall be landscaped with well-maintained grass, flowers, shrubs, or other suitable plant materials.~~
 - ~~5. Natural buffers shall be supplemented with native plantings when the natural buffer does not provide a minimum of 80% opacity between the proposed use and the adjacent residential district. These plantings shall include a mixture of canopy trees (50% must be evergreen), understory trees, evergreen coniferous trees and shrubs. Canopy trees shall be no less than 3 inches in caliper and no less than 15 feet in height at the time of planting with a mature height of no less than 25 feet.~~~~~~
- ~~(2) Screening.~~

- a. ~~Generally. Any multi-family residential, commercial, office, office distribution, or industrial use with the O-QGD, in addition to meeting all requirements and standards set forth in this Development Code, shall also comply with the screening requirements of this section.~~
- b. ~~Requirements for loading areas, service equipment, outdoor storage areas. All loading areas, outdoor service equipment, and outdoor storage areas, including those for trucks, busses, automobiles stored more than 48 hours, or the storage of any other vehicles or equipment shall be screened from street or adjacent property view by an attractive solid masonry wall finished on the exterior side by the same material used for the façade of the building. Such wall shall be not less than 5 feet in height and no more than 8 feet in height. Specific height, as dictated by all applicable ordinance provisions, shall be determined during the site plan review process.~~
- c. ~~Exceptions for loading areas, service equipment and outdoor storage areas.~~
 - 1. ~~Exceptionally, no screening shall be required to separate adjacent uses which are the same or similar.~~
 - 2. ~~A portion of the required screening, not to exceed 25 percent, may be substituted in the form of a natural or structural buffer.~~
- d. ~~Building landscaping and screening. For any building structure which faces a public street or is directly adjacent to a residentially zoned property, and has less than 25% glazing or openings (doors, windows, and service entries) on the façade facing the public street or residentially zoned property:~~
 - 1. ~~The lot for such building structure must include a landscape screen between the building structure and the residentially zoned lot in addition to any buffers required by Article 8 of this Development Code. Such screen must be a minimum of 15 feet in width and run the entire length of the subject building façade except where there are breaks for building access. Every 100 feet of linear building landscaping screen must include: 6 canopy trees (3 of which must be evergreen), 2 understory trees, 3 evergreen coniferous trees, and 18 shrubs. Canopy trees shall be no less than 3 inches in caliper and no less than 15 feet in height at the time of planting with a mature height of no less than 25 feet. Understory trees shall be any deciduous or evergreen trees that have the potential to grow to a mature height of less than 40 feet.~~

~~(3) Utility and service equipment.~~

- a. ~~All industry standard grade utilities shall be located underground. All entry fixtures and other service equipment shall be located in side or rear yards and away from high use or high visibility areas. These fixtures shall be adequately screened by masonry walls, imitation wood vinyl privacy fences with plantings, or plantings. Such fixtures and service equipment shall be screened as per Sec. 509(b)(2).~~
- b. ~~All service equipment including but not limited to air conditioning units and other utility or mechanical equipment that will be located on a rooftop shall be screened from ground level view behind a parapet wall or other architectural extension, equal in height to the unit requiring screening. Such parapet or extension shall be compatible to, in design, and integrated architecturally to the building. A parapet or extension of up to 8 feet in height will not be included when calculating building height. Ground level view shall be defined as any view of the structure from the property line in any front yard of the property.~~

~~(4) Outdoor storage.~~

- a. ~~Outdoor storage of merchandise or inventory (other than motor vehicles) may be permitted as outlined in Sec. 305 regarding outdoor storage. Such outdoor storage shall be screened as per Sec. 509(b)(2).~~
- b. ~~Outdoor storage of motor vehicles may be permitted only in paved areas shown on the site plan.~~

~~(5) Sign regulations.~~

- ~~a. Number and size. Except for shopping center lots in commercial zoning districts, only one principal freestanding sign of not more than 60 square feet per street frontage is permitted. Corner lots may use a total of 120 square feet with a maximum of 2 signs, one per frontage.~~
- ~~b. Materials. All signs shall be composed of wood, stone or other similar materials.~~

~~(6) Decorative fences & walls.~~

- ~~a. Materials permitted. Any fences or walls not required for screening under this section shall be composed of stone, decorative metal or decorative block. If located parallel to a street and within 30 feet of that street, these fences or walls shall comply with Article 8 of this Development Code.~~
- ~~b. Prohibited materials; exception. Chain link, unfinished concrete or cinderblock, plastic or fiberglass, barbed or razor wire, and wood fences are prohibited. Paint shall not be used as a finish material. Exceptionally, the above prohibited materials may be utilized on a security fence if located inside an approved screening fence, wall, or other screening element as specified above.~~

509 (c) Building design requirements.

~~(1) Bulk & setback requirements.~~

- ~~a. Maximum building coverage. Except for one-story warehouse, storage, or distribution buildings which are limited to a maximum building coverage ratio of 45 percent, the ratio of building coverage to the total lot area shall in no case exceed a ratio of 55 percent.~~
- ~~b. Floor area ratio.
 - ~~1. The ratio of total floor area of all buildings on a lot to the total site area (Floor Area Ratio) shall not exceed a ratio of 150 percent (or 1.5 times the total site area).~~~~

~~(2) Building finishes, wall planes and roof planes.~~

- ~~a. Prohibited finish materials. Aluminum, steel, vinyl, mirrored or reflective glass, cinderblock, unfinished concrete, fiberglass or plastic are prohibited, except architectural detailing and decorative trim of not more than 15% of any one façade.~~
- ~~b. Wall planes and roof planes. Any building facing a public street or directly adjacent to a residentially zoned lot shall not have wall planes exceeding 30 feet in length without a change in plane by means such as a vertical recess, projection, change in material or color or pilaster. Changes in roof planes shall occur at locations with changes in wall planes.~~
- ~~c. Permitted finish materials for front facing facades.
 - ~~1. Principal materials. All exterior finish materials visible from any public street shall be any of the following:
 - ~~a. Brick or brick face;~~
 - ~~b. Natural stone including granite, marble, sandstone, field stone or any other natural stone;~~
 - ~~c. Manufactured stone including imitation field stone, marble terrazzo, and any other manufactured architectural finish stone;~~
 - ~~d. Clay tile with baked-on enamel finish; or architecturally treated decorative concrete block.~~
 - ~~e. Fiber cement/cementitious siding (board or plank)~~~~
 - ~~2. Windows and glass doors. All front facades shall have a minimum of:~~~~

- a. ~~Non-residential: 25% glass windows and glass doors on each floor visible from a public street unless directly screened by an adjacent building landscaping screen.~~
- b. ~~Residential: 20% glass windows and glass doors on each floor visible from a public street unless directly screened by an adjacent building landscaping screen.~~
- d. ~~Side and rear facades. All exterior finish materials for side and rear facades shall be any of the following:~~
 - 1. ~~Brick or brick face;~~
 - 2. ~~Natural stone including granite, marble, sandstone, field stone or any other natural stone;~~
 - 3. ~~Manufactured stone including imitation field stone, marble terrazzo, and any other manufactured architectural finish stone;~~
 - 4. ~~Clay tile with baked-on enamel finish;~~
 - 5. ~~Architecturally treated decorative concrete block;~~
 - 6. ~~Architecturally treated slabs or block either fluted or with exposed aggregate;~~
 - 7. ~~Stucco on lath or an imitation stucco material or an acceptable substitute.~~
 - 8. ~~Fiber cement/cementitious siding (board or plank).~~

509 (d) Other requirements.

- (1) ~~Maintenance. Buildings and site elements shall be well maintained and repaired or replaced in a timely manner should damage or deterioration occur. Any damage or deterioration shall be corrected within 60 days.~~
- (2) ~~There shall be no outdoor loudspeaker systems utilized.~~
- (3) ~~For lots which include required landscaped yards, setbacks, buffer, or screens, the developer shall submit a maintenance plan as part of project approval, showing proper maintenance and irrigation of landscaped areas, and providing for dead and underperforming plant material to be removed and appropriately replaced.~~

509 (e) Residential development standards.

~~Residential densities for R-TC and R-MF districts in the Sweetwater Master Plan Area only will be 10 units per acre and subject to the following:~~

- (1) ~~All developments will include publicly accessible greenspace for a minimum of 10% of the total lot area and will be mixed use master planned developments with the following options:~~
 - a. ~~For projects greater than 500 feet from the right of way of Thornton Road, R-MF of a maximum 50% of units and a minimum 50% of units deed restricted to owner occupied R-TC, R-MD or R-LD, or;~~
 - b. ~~For projects within 500 feet of the right of way of Thornton Road, R-MF of a maximum 80% of square footage and a minimum of 20% of square footage commercial zoning. Residential over retail/commercial uses are allowed as part of a mixed use master planned development.~~
- (2) ~~Residential buildings with ground floor units directly facing a public street must front the street and provide direct pedestrian access to the sidewalk at the street.~~
- (3) ~~Residential developments shall utilize building techniques and best site design practices to encourage minimal site grading and maintain existing tree coverage.~~

- ~~(4) Developers who apply the high performance standards listed below to multi-family (R-MF) and townhome-condominium (R-TC) residential projects in the Quality Growth Development District in the Sweetwater Master Plan Area only will be allowed the following:~~

~~Utilization of all of the following EarthCraft "high performance" standards in the R-MF and R-TC zoning districts will allow for up to a 50% density bonus for that project for R-MF and R-TC. Utilizing these standards and receiving this density bonus is to be approved prior to any project commencement and any alteration to these standards may result in revocation of density bonus.~~

~~509 (f) High performance standards.~~

- ~~(1) Provision of bike racks for more than 25% of the dwelling units;~~
- ~~(2) Provision of an electric vehicle charging facility;~~
- ~~(3) Provide community accessible meeting spaces for tenant use. Areas shall have internet and phone capacity;~~
- ~~(4) Provision of a fenced community garden with access to water and a storage area for tools and supplies. The community garden shall be a permanent fixture and identified on all site plans and shall be in addition to other required greenspace; and~~
- ~~(5) Installation of Energy Star qualified appliances at the time of purchase.~~

~~509 (g) Uses.~~

~~The following uses are not allowed in the Quality Growth District:~~

- ~~(1) Rooming/boarding houses.~~
- ~~(2) Industrial launderers.~~
- ~~(3) Lumber yards.~~
- ~~(4) Automotive repair and maintenance to include busses and trucks.~~
- ~~(5) Automotive parking lots as principal uses to include busses and trucks.~~
- ~~(6) All automotive parts/accessory/tire stores.~~
- ~~(7) Outdoor storage as a principal use.~~
- ~~(8) Fueling for trucks and busses.~~

~~Sec. 510 - Property owners' association.~~

~~510 (a) Homeowners' association; when required. (Amended 02/03/2015 - TXT-2015-01, § 2; 09/01/2009 - TXT-2009-04, § 1)~~

~~For any residential development composed of individual properties held in fee simple ownership and containing common open space or other lands in common ownership, a Homeowners' Association that provides for building and grounds maintenance and repair, insurance and working capital shall be required.~~

- ~~(1) The open space shall be owned by a nonprofit homeowners' association composed of all of the property owners in the subdivision containing the open space. The homeowners' association shall be formed under the provisions of O.C.G.A. 44-3-220, which is known as the "Georgia Property Owners' Association Act."~~
- ~~(2) Membership in the Homeowners' Association must be mandatory for each property in the development.~~

- ~~(3) Such associations must also include homeowners' declaration and bylaws, including covenants, conditions and regulations applicable to each property in the development.~~
- ~~(4) The declaration and bylaws shall be enforced by the Association or by an Association Management Company designated by them, which shall have the power to compel the payment of membership dues and assessments.~~
- ~~(5) The documents creating the Homeowner's Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of homes in the development. The reserve fund must be equal to no less than one year's expenses reasonably expected for the minimum operations legally required of the Association. In lieu of a reserve fund, documents creating the Homeowner's Association may provide for a contract committing the developer to pay for all reasonable expenses of the Association for the one-year period following transfer of control.~~

~~Prior to that time that control of the Association transfers from the developer to the purchasers of homes in the development, monthly statements of income and expenditures by the Association shall be maintained in the Association's headquarters or office, and made available upon request to any homeowner, prospective homeowner who is a party to a contract to purchase property in the development, or any thereof. Additionally, developers shall cause a financial review by a registered Certified Public Accountant to be performed on the Association's finances one year after approval of the final plat of the subdivision, or the first phase of the subdivision in the case of multiple phases, and again annually after that, for as long as the developer controls the Association, and shall file the report from the financial review in the Development Services office. Also projected annual maintenance costs associated with, including but not limited to, all amenities, common open space, lakes, dams, detention ponds, trails, etc. shall be maintained and made available upon request by any homeowner, prospective homeowner who is a party to a contract to purchase property in the development, or any thereof.~~

- ~~(6) The covenants, conditions and regulations shall, at a minimum, regulate and control the following:~~
- ~~a. Equal access and right of use to all shared facilities;~~
 - ~~b. Perpetual and continued maintenance of open and shared space, specifically including, but not limited to, storm water detention facilities, dams, and lakes;~~
 - ~~c. Tax liability in the case of default;~~
 - ~~d. The method of assessment for dues and related costs;~~
 - ~~e. Where appropriate, party wall maintenance and restoration in the event of damage or destruction;~~
 - ~~f. Animals, including household pets;~~
 - ~~g. Signs;~~
 - ~~h. Exterior items such as fences, lawn ornaments, and landscape areas and zoning buffers;~~
 - ~~i. Building improvements;~~
 - ~~j. Outside storage;~~
 - ~~k. Overnight parking of vehicles;~~
 - ~~l. Decorations and holiday lighting; and~~
 - ~~m. Trash collection containers.~~
- ~~(7) For subdivisions, the Homeowner's Association must be formed and incorporated at the same time the final plat for the subdivision or any portion of the subdivision is first recorded. A copy of~~

~~the proposed Homeowner's Association documents is to be submitted with an application for final subdivision plat approval.~~

- ~~(8) While the developer is in control of the Homeowner's Associations, before said control is turned over to the homeowner's of the subdivision, copies of the homeowner's declaration and bylaws, including covenants, conditions and regulations, shall be displayed in the subdivision's construction office, Homeowner's Association headquarters office, or other common building within the subdivision, and shall be made available to prospective buyers of subdivision lots.~~
- ~~(9) The control of Category I Dams shall not be turned over to the homeowners' of the subdivision until formal acceptance of at least seventy-five percent (75%) of all actual homeowners has been obtained.~~

510 (b) Owners' association.

~~For nonresidential development projects, an association of the property owners that is consistent with the requirements for a homeowners' association will serve in lieu of the requirements of this Section.~~

510 (c) Condominium association. ~~(Amended 02/03/2015 - TXT-2015-01, § 2; 01/06/2009 - TXT2009-01, § 6)~~

~~For condominium projects, incorporation of a Condominium Association consistent with state law will serve in lieu of the requirements of this Section, provided that:~~

- ~~(1) Specific maintenance responsibilities for storm water detention facilities, dams, and lakes are included; Also projected annual maintenance costs associated with, including but not limited to, all amenities, common open space, lakes, dams, detention ponds, trails, etc. shall be maintained and made available upon request by any prospective unit owner who is a party to a contract to purchase unit(s) in the development, or any thereof; and~~
- ~~(2) The documents creating the Condominium Association must provide that an adequate reserve fund for the Association will exist at the time that control of the Association transfers from the developer to the purchasers of units in the development. The reserve fund must contain an amount equal to no less than one year of expenses reasonably expected for the minimum operations legally required of the Association.~~
- ~~(3) The control of Category I Dams shall not be turned over to the Condominium Association until formal acceptance of at least seventy-five percent (75%) of all actual purchasers of units in the development has been obtained.~~

Sec. 511 Conservation Subdivisions.

~~(Amended 08/02/2016 - TXT-2016-04, § 5)~~

511 (a) Conservation subdivisions; where allowed.

- (1) Conservation ~~development provisions may be applied to subdivisions are allowed for~~ any single-family detached subdivision in ~~the~~ AG, R-A or R-LD zoning districts ~~except in the Dog River Watershed Protection Area and the O-ED overlay district.~~ Conservation subdivisions are not allowed within the Dog River Watershed Protection Area or the O-ED overlay district.
- (2) Conservation subdivisions are reviewed and approved under the same process that applies to conventional subdivisions.
- (3) In addition to any conditions of zoning approval that may apply to a specific property, the provisions of this Section apply to all Conservation subdivisions.

511 (b) Maximum number of lots.

A Conservation subdivision shall not exceed the maximum density of dwelling units per acre allowed for the zoning district in which the Conservation subdivision is located (as shown on the Tables within Article 4.1 of Article 4), or as otherwise required by an overlay district applicable to the property, whichever results in the lowest density. The maximum density shall be applied to the gross acreage of the entire property, excluding only those areas excluded from maximum density computations under Article 4.

511 (c) Minimum dimensional standards.

(1) AG Conservation subdivision.

For a Conservation subdivision in the AG zoning district, the minimum lot area, width, setbacks, buildable area, structure height and all other dimensional requirements applicable to the R-A zoning district shall apply.

(2) R-A Conservation subdivision.

For a Conservation subdivision in the R-A zoning district, the minimum lot area, width, setbacks, buildable area, structure height and all other dimensional requirements applicable to the R-LD zoning district shall apply.

(3) R-LD Conservation subdivision.

For a Conservation subdivision in the R-LD zoning district, the minimum lot area, width, setbacks, buildable area, structure height and all other dimensional requirements applicable to the R-MD zoning district shall apply.

511 (d) Common Conservation.

Acreage not utilized for residential lots, roadway access and utilities shall be placed in common Conservation or devoted to recreation amenities. Designated conservation areas required under this Development Code must be included within a conservation easement established in accordance with the conservation and natural resources easements Division of Article 9.

- (1) A minimum percent of the gross project site area shall be reserved for common Conservation, as follows: no less than 40% of the total site must be set aside as Conservation for conservation, preservation or passive recreational use, such as walking trails and picnicking. Buffers, wetlands, bodies of water and otherwise unbuildable areas shall constitute no more than 50% of the minimum required Conservation.
- (2) Additional common Conservation may be provided for active recreation areas for the proposed development, such as swimming pools, tennis courts, community facilities, etc.
- (3) Required zoning buffers on the perimeter of the property may be included in the common Conservation area, provided that such buffer areas may not be counted toward more than 10% of the minimum Conservation requirement of Sec. ~~504 (a)(1)~~ 511 (d)(1).
- (4) While common Conservation shall not be required to be contiguous, no individual portion of the common Conservation shall be less than 1 acre in size, nor less than 50 feet wide in its narrowest dimension, except as follows:
 - a. The Conservation area, by the very nature of its designated boundaries, is less than 50 feet in width. Examples include strips of steep slopes and "fingers" of floodplains that extend up drainage swales.
 - b. Parkways between road travelways, which must be at least 26 feet in width.
 - c. Viewshed buffers intended to screen the view of the subdivision development, which must be at least 200 feet in width unless the topography of the land adequately screens the view of the buildings in the subdivision from the abutting roadway.
- (5) No portion of the residential lots shall be credited toward the minimum Conservation requirements unless the portion is included within the conservation easement. No portion of any street right-of-way or public or private utility easement shall be credited toward the minimum Conservation requirements.
- (6) The required common Conservation and any applicable conservation easements shall be platted at the same time that adjacent residential lots are platted, in whole or in phases.

511 (e) Residential development standards.

- (1) **Public Water Supply**
Every residence must be connected to a public water system.
- (2) **Recreation amenity.**
Every Conservation subdivision having any lots less than 2 acres in size and proposed to contain 50 dwelling units or more must include a community recreation amenity to serve the development, based on the number of lots in the subdivision as delineated in Article 5, Section 504(f) for Conventional subdivisions unless otherwise established as a condition of zoning approval.
- (3) **Underground Utilities**
Conservation subdivisions shall be serviced with underground utilities (electric power, natural gas, telephone, TV cable. etc.) unless this requirement is waived by the County Engineer due to physical construction constraints.
- (4) ~~All dwelling units shall have 100% of the front façade as brick and/or stacked stone, 100% of the side façade shall be brick and rear façades which consist entirely of any combination of brick, and cementitious siding.~~
- (5) ~~Each dwelling unit must include at least a 2-car garage having no less than a~~

~~10-foot by 20-foot area per parking space.~~

511 (f) Internal orientation required.

All lots within a Conservation subdivision must front upon and gain their access from a street within the subdivision, ~~provided that any lot fronting upon and gaining its access from an existing County street or road shall comply with the dimensional standards of the zoning district within which the Conservation subdivision is located.~~

~~**511 (g) Minimum separation from adjoining streets.**~~

~~The lots within the subdivision meeting the reduced dimensional standards for a Conservation development must be separated from every existing County road or street that adjoins the development by a 50-foot wide vegetative zoning buffer approved by the Douglas County Arborist.~~

512 (a) Centralized or clustered mailbox units; where allowed.

This amendment applies to developments where the USPS has determined that individual mail delivery will not be available to a new development.

512 (b) Standards for development.

- (1) Centralized or clustered mailbox units will be in place prior to the approval of the final plat. Centralized or clustered mailbox units shall be developed on individual lot(s) within the subdivision.
- (2) The Homeowner's Association will own and maintain the lot(s) where the mailbox units are located. The lot serving the centralized mailbox units shall not be in a cul-de-sac or at a dead-end. The neighborhood amenities lot can serve as the location for the centralized mailbox units, provided that the amenities are centrally located to equally serve all residents. There may be more than one lot dedicated to the centralized mailbox units.
- (3) All lots dedicated to centralized mailbox units shall be identified on all preliminary and final plats as well as construction plans. Completion of all lots serving centralized mailbox units shall be the responsibility of the developer and/or builders in the subdivision.
- (4) Parking shall be provided on a hardened and treated surface constructed to county standards as provided for in this development code. Access into and out of the lot shall be from a driveway which is subject to the approval of the Douglas County Department of Transportation. On-street parking shall not be allowed at the location of the centralized mailbox units.
- (5) Required parking provided shall be 10% of the number of mailbox units provided on the lot, but not less than two parking spaces. If located in an amenity area, the number of parking spaces serving the centralized mailboxes shall be in addition to the number of required spaces serving the amenity and shall be so designated to serve the mailbox units.
- (6) The lot serving the centralized mailbox units shall not be within less than 500 feet of the entrance to the subdivision.
- (7) Centralized mailbox units shall be at least 3 feet off the edge of the right-of-way or 12 feet from the edge of pavement, whichever is greater.
- (8) Lots serving the centralized mailbox units shall be lighted with pedestrian scale lighting and landscaped so that there is visual screening from adjoining residential properties.
- (9) Centralized mailbox units shall be covered with a decorative roofing structure to provide all weather coverage for individuals picking up mail.