

# UNIFIED DEVELOPMENT CODE DOUGLAS COUNTY, GEORGIA

**Codified through**

**Ordinance No. TXT2009-03, enacted July 7, 2009.**

**(Supplement No. 1)**

## **Article 2. Use of Land and Structures**

### **Sec. 208 Overlay districts; purpose of each.**

Certain districts are established as overlay districts, meaning that the "base" (or underlying) zoning district remains in place but the overlay adds additional provisions that override specific provisions of the base zoning district. The purpose of each of the overlay districts established in this Development Code is presented in this Section.

208 (h) Highway 92 Village Overlay(*Amended 08/05/2008 - TXT2008-04 ;Amended 05/06/2008 - TXT2008-02; Amended 01/02/2007 - TXT2007-01*)

This overlay shall be known as the Highway 92 Village Overlay, and shall serve to encourage developing as one project, tracts of land that are sufficiently large to allow a mixed-use development consisting of uses permitted under this article, and only such permitted uses while maintaining compatibility with the existing areas and creating an attractive, efficient and stable environment. It encourages a mixture of prominently sited office/institutional, commercial establishments, civic or community buildings and housing types to provide a balanced mix of activities and public spaces to support and encourage development as outlined in the Highway 92 LCI Plan.

#### **a. Objectives**

1. The Highway 92 Village Overlay serves as a development standard for Highway 92 from Highway 166 to I-20. This development standard provides for a uniform landscape and design theme along these roads. The specific design and land use policies are a comprehensive plan for the Highway 92 corridor.
2. The Highway 92 Village Overlay calls for a pattern of commercial and office buildings constructed in eighteenth and nineteenth century architectural styles. The regulations recognize and are intended to protect and preserve the established residential areas located to the north and south of the interchange. The incorporation of buffering techniques seeks to assist in the preservation of adjoining residential areas by providing a unique transition zone rather than the traditional descending density theory.
3. The Highway 92 Village Overlay is intended to generate quality development while promoting economic, cultural, open space and safety features to promote the public welfare. This orderly planning system is intended to attract quality development as described in the permitted uses of this ordinance.

#### **b. Boundaries**

There is hereby created the Highway 92 Village Overlay, the boundaries of which shall extend Highway 92 from Highway 166 to I-20 for ¼ mile along either side of Highway 92. The Highway 92 Village Overlay applies to all properties located in this corridor, with the exception of previously approved residential platted subdivisions, deed restricted

residential subdivisions and residential neighborhoods established prior to the adoption of this overlay.

c. Uses (As defined & listed in Table 2.5 of the Douglas County Unified Development Code)

1. Permitted uses within the Highway 92 Village Overlay

The following uses, and only the following uses, shall be permitted within any development permitted pursuant to this ordinance:

All Residential Uses

Administrative & Professional Offices

Finance, Insurance & Real Estate Services

Daycare Facilities

Personal Care Services

Dry Cleaning & Laundry Services (drop-off stations only)

Formal Wear & Costume Rental

Video Tape & Disc Rental

Home Health Equipment Rental

Other Business Services

Private Schools

Arts, Entertainment & Recreation (except spectator sports)

Electronics & Appliance Stores

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

Food & Beverage Sales

Health & Personal Care Stores

Gasoline Stations (all buildings and appurtenances are to be located at least 400 feet from any residential property line; all fuel is stored underground outside of any public right-of-way; and, all fuel dispensing shall be placed away from the right-of-way and to the rear of the building and subject to final approval by the Douglas County Planning & Zoning Director)

Clothing & Clothing Accessory Stores

Sporting Goods, Hobby, Book & Music Stores

Florists

Office Supplies & Stationary Stores

Antique Shops

Pet & Pet Supplies Stores

Art Dealers

Food Services & Drinking Places

All Public & Institutional Uses (except crematories)

Paint & Wallpaper Stores

Hardware Stores

Landscaping Services - no storage of materials or equipment

Locksmith Shops

Security System Services

Investigation Services

Document Prep Services

Business Service Centers

Credit Bureaus

Collection Agencies

Court Reporting & Stenotype Services

2. Prohibited Uses within the Highway 92 Village Overlay

No use which is not specifically enumerated in Article 2, Section 208 (h) (c) (1) above (including, without limitation, the following uses) shall be allowed in the Village Overlay district.

d. Minimum development standards and development regulations for the corridor

1. *Basic site details.* It is the express intent of the governing authority to discourage stop commercial development and enhance pedestrian access along the corridor.

Accordingly, the overlay provides for:

- a) Consolidation of parcels for development to a minimum of seven acres.
- b) Minimization of curb cuts along the highway by requiring a minimum frontage of 400 feet for assembled parcels.
- c) Individual parcels along the highway shall have a minimum of seventy five feet of frontage.

2. *Minimum development standards table.* The following minimum dimensions and requirements shall apply to all permitted uses under the Village Overlay.

TABLE INSET:

Table 2.3	Project Criteria		Buffers, Berms, Landscape Treatments					
Proposed Use-Type within the Corridor	Project Minimum Acreage	Project Minimum Frontage	Streetscape Adjacent to Right-of-Way (1)	Adjacent Preexisting or Zoning			Minimum Lot Width at Building Line	Maximum Building Height
				Single Family	Multi Family	Commercial/ Institutional		
Single Family Detached	7	400	40'	10'	75'	75'	60'	40'
Commercial/Institutional	7	400	40'	75'	75'	40'	N/A	40'
Small Tracts under 7 Acres	1	75'	40'	40'	0'	0'	N/A	35'

3. *Development regulations for the corridor.*

a) Streetscape theme

1) Front yard areas shall contain landscaping at least 40 feet in depth along the entire property frontage except where driveways may be required.

2) A three-rail fence of appropriate style, vinyl and white in color, shall be required 20 feet from the curb on the right-of-way of the highway. Each column of the fence shall be brick with a cap.

3) A 10' wide sidewalk shall be required and located 20' from the curb of the outside travel lane.

4) A double row of overstory trees not less than four inches DBH as indicated in Article 8 shall be planted every 40 feet on center along the entire roadway frontage of the property along either side of the sidewalk.

5) Landscaping shall utilize fences, berms, connecting sidewalks, trees and other plantings.

6) Pedestrian-scaled lighting placed every 40 feet on center shall be required along one side of the sidewalk.

b) Building Setbacks

1) 25% of all buildings located along Highway 92 shall be built to the 40' setback line. These buildings should be oriented with windows and main entrances facing the street. Outdoor cafes and seating areas may be counted as primary building frontage.

2) All buildings built to the setback line shall provide a 15' space between the building frontage and the sidewalk. The building frontage should be designed to include sidewalk/plaza connections to the main sidewalk that includes landscaping, borders and bicycle parking amenities.

c) Utilities

All utilities shall be located underground.

d) Architecture

1) Buildings shall be designed to substantially resemble eighteenth and nineteenth century architectural styles with the exception of single family detached residential developments.

2) Building mass shall be broken up to give the appearance of individual buildings or places of business, presenting a village appearance.

3) Large areas of uninterrupted brickwork shall be broken up through the use of trellises, arcades, blind windows, archways or other patterns. Blank walls shall not occupy more than 50% of a street facing frontage and shall not exceed 20 linear feet without interruption by a window or entry.

4) Window areas shall not extend down to the floor line or across the entire frontage of a building's façade. A wall of not less than two feet in height shall separate the floor from the bottom of the window frame or to break up windows along the building's facade.

5) All storefronts facing a street shall have windows covering a minimum of 40% and a maximum of 80% of the ground floor linear frontage.

6) All buildings built to the street shall have a front entrance that orients to the street and shall be a distinct and prominent element of the architectural design incorporating lighting, change in mass, surface or finish to provide emphasis.

7) All building facades shall have a base, middle & top.

i. The base will provide a foundation from the ground to the bottom of windows of not less than 2 feet in height.

ii. A clear top with a cornice line or awning located between 12' to 16' above the ground floor elevation is required.

iii. Changes in materials, massing, variation in roof lines, awning, gables, recessed entries, etc. are required.

iv. No more than 20' of horizontal distance of wall shall be provided without architectural relief of massing or material.

8) "Big box" structures (defined as any building greater than 150,000 square feet) shall have no more than 60' of horizontal distance of wall without architectural relief via a façade, massing change of a minimum 30' wide and 8' deep for facades facing streets or primary parking areas.

e) Building Materials

1) Buildings shall have no less than 80 percent of the non-glass area of all exterior sides faced with brick of a natural color and texture that simulates historic types of brickwork. If a building has more than four planar areas, 80 percent of any additional sides or areas shall be faced in brick.

2) Multipane windows shall be used in individual window openings, rather than large glass sheets.

3) Mirrored glass with a reflection greater than 20 percent and glass curtain walls are prohibited.

4) Paint colors shall be of traditional, historic types which are generally muted tones such as ivory, beige, white and pastel colors. Colors which are not permitted are bright or vibrant colors of orange, pink, purple, bright green or violet, which are considered to be inconsistent with the district. The exterior color scheme shall be approved by the Planning & Zoning Director.

f) Roof lines

1) All buildings shall have a pitched roof with a minimum pitch of four and one-half inches vertical elevations per one foot of horizontal distance, except as otherwise provided herein. This shall include any canopy or roof of gasoline or convenience stores where coverings are placed over fueling areas.

2) Commercial building styles without a pitched roof shall have a detailed parapet and cornice, in keeping with eighteenth and nineteenth century architectural styles.

3) All roofing materials shall be of a consistent style and pattern. Pitched roofs shall be finished in either architectural or dimensional shingles or standing seam metal roofs.

g) Signage

1) Freestanding signs

i. All freestanding signs shall be of a monument style and constructed only of brick or stone materials to match or compliment the principal structure or structures located on the site.

ii. A monument base shall consist of:

a. A solid base or framework, the same width and length of the signs. Said base shall be completely covered in brick or stone facing; or

b. Two columns, each not less than two inches square supporting the sign on each side. The total span of said columns shall equal the total width and length of the sign box, and shall be connected at the base by a planter or monument not less than three inches in height.

c. All monument signs shall be a maximum of four feet in height.

d. All monument signs shall be a maximum of 32 square feet of signage copy area and 64 square feet of total sign area.

- iii. If the sign lists multiple tenants the sign shall be of a uniform background, lettering style and color and a maximum of eight feet in height.
- iv. All monument signs shall have external illumination only.
- 2) Wall Signs
  - i. Signs with interior illumination are prohibited.
  - ii. No internally illuminated box signs or illuminated canopies are allowed.
  - iii. Open channel letters must use halo effect lighting. Internally illuminated channel letter are prohibited. Open channel letters shall be common colors such as red, yellow, green, blue, brown, white, black or pink. Colors that are not allowed are bright or vibrant colors or purple, bright green, bright red or violet. No signs shall give off light that glares, blinds or has any other such adverse effect on traffic. The light from an illuminated signs shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways. All signs shall be approved by the Planning & Zoning Director.
  - iv. All other specific dimensional requirements for all signage are governed by the Signs Ordinance of Douglas County, GA.
- 3) The following signs are prohibited:
  - i. Signs involving motion, rotation or sound, other than flags or streamers which are blown by the wind.
  - ii. Automatic changeable copy signs, flashing, blinking, varying, varying light intensity signs or animated signs, except community information signs.
  - iii. Courtesy benches, trash cans and similar devices on which advertising is displayed.
  - iv. Signs attached to any street signs or markers, traffic control signs or devices, or attached to or painted on any pole, post, tree, rock, shrub, plant or other natural object or feature.
- h) Traffic access requirements
  - 1) Access to Highway 92 must comply with all county and state traffic access requirements. Internal roadways or vehicular connections making developments accessible to each other shall be used to achieve interparcel access and prevent congestion on the highway.
  - 2) All commercial development tracts larger than one acre shall be organized into blocks ranging in length from 360' to 600'.
  - 3) Each block shall have primary and secondary driveways. Primary driveways shall be those that provide access to adjoining major thoroughfares or connections to Highway 92. Secondary driveways shall be all those streets internal to the block system and providing access to parking areas.
  - 4) All secondary driveways shall be:
    - i. 60' of right-of-way
    - ii. Two 11' travel lanes
    - iii. 6' landscape buffers/planting strip required on either side of sidewalk with an overstory tree every 40' on center placed on either side of require sidewalk
    - iv. A 5' sidewalk
  - 5) All primary driveways shall be:
    - i. 70' of right-of-way
    - ii. Two 11' travel lanes with bike lanes
    - iii. On-street parking

- iv. 10' sidewalks of with 6' accommodated within the right-of-way and 4' within property setbacks abutting a building edge
- v. All buildings shall be built to the street to support pedestrian access
- vi. Any project constructed along the area of the primary driveway labeled Parallel Commercial Street as shown in the approved LCI Plan shall be required to construct the roadway within the limits of the project
- i) Parking
  - 1) Each development shall utilize the block system to organize internal parking lots and access and must provide access to adjoining parcels. If the adjoining parcel is undeveloped, stub-outs are required for future connections. Each development shall provide not less than two nor more than six parking spaces per 1,000 square feet of gross building floor area for all uses except residential development.
  - a.) Every fourth row of parking shall have a minimum 15' wide continuous pedestrian corridor consisting of landscaping and a minimum 5' wide walkway dividing the parking row. The walkway shall be either patterned or colored material other than asphalt and may be at grade and a minimum of 5' wide. The remainder of the pedestrian corridor should be a landscaped area planted with ornamental trees every 40' on center at a minimum. The walkway is allowed to meander through the corridor, but in no case shall the walkway be less than 5' wide or closer than 3' to a parking space. If the development has less than 4 rows of parking or an uneven amount of parking rows then the location of the required walkway shall be subject to the approval by the Planning & Zoning Director.
  - b.) One (1) raised parking island shall be provided for every four (4) rows of parking spaces for every 12 parking spaces.
  - c.) Raised islands shall be constructed at the ends of the rows of parking spaces and at other drive intersections. Each island shall be a minimum 200 square feet and no less than 8' wide.
  - d.) At least 10 percent of the parking lot area, including required buffer areas shall be landscaped. One tree per 10 spaces is required.
  - e.) One bicycle parking space is required for every 10 vehicle parking spaces. Bicycle parking spaces shall be high quality "4" type construction and must be located near main building entrances and in areas with good visibility and incorporated whenever possible into building design or street furniture.
- j) Buffers and setbacks

The intent of buffers is to provide a year round visual screen such as evergreen trees between adjacent properties and the new development. All buffers and setbacks shall be as required by this ordinance. Any application for a design plan approval submitted to the Planning & Zoning Director or his/her designee shall include a tree survey and landscape plan, with buffers, prepared by a landscape architect.
- k) Landscaping requirement
  - 1) A landscaped berm of no less than three feet in height or evergreen landscape planting no less than three feet in height at the time of planting shall be provided to screen vehicular parking areas, loading areas and dumpsters from view within the required buffer area per Table 2.3(h).
  - 2) Trees shall not be disturbed to any greater extent than absolutely necessary to construct any building or other improvement in the opinion of the County Engineer, Arborist or the Planning & Zoning Director of Douglas County, GA.

3) Existing (undisturbed) landforms, trees and other elements such as berms with asymmetrical clumps of plants, trees and shrubs indigenous to the area and region of Georgia shall be provided where possible within landscape areas.

l) Renovations

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

e. Project filing, review and approval procedures

1. *Pre-application conference.* Prior to the formal submittal of a design plan, the developer shall meet with the Planning & Zoning Director for a review of the location, scope and nature of the proposed project. No preliminary plans, drawings, sketches or concept plans approved informally, in writing, or otherwise shall confer any development rights under this ordinance. Only design plans (as defined herein) which are approved as authorized by this ordinance shall confer development rights.

Each design plan shall be prepared by an architect, landscape architect, engineer or land surveyor whose state registration is current and valid, or by a professional planner holding full or associate membership with the American Planners Association. Each design plan shall contain site plan, architectural elevations, landscape plan, and line-of-study drawn to an appropriate scale and shall include the following:

- a) Name: Name(s) of the proposed development. Name(s), signature(s) and address(s) and the designer(s) of the site plan.
  - b) Date: Date, approximate north arrow and scale.
  - c) Boundaries: The boundary line of the land tract shall be shown on a survey plat prepared and sealed by a registered land surveyor.
  - d) Location map: A map to an approximate scale showing the location of the proposed development.
  - e) Contours: Contours with a minimum vertical interval of five feet referenced to sea level datum shall be provided for existing topography and proposed elevations.
  - f) Site analysis: The location of existing or proposed platted property lines, streets, buildings, water courses, bridges, water mains, drain pipes and public utility easements, the owners of record of adjoining parcels and the zoning classification(s) of the adjoining property.
  - g) Buffer areas: Location, dimensions and treatments of all required buffers, landscaped or planted, including fences, walls, berms and signage.
  - h) Other information: Other information required by the Planning & Zoning Director to ensure compliance with the provisions of this ordinance.
  - i) Tree preservation plan: A design outlining the proposed scope of tree preservation.
2. *Review and approval.* All applications for design plan approval shall contain a design plan meeting the requirements of this ordinance and shall be reviewed by the Douglas County Development Services Director. No review or approval by the Board of Commissioners or the Planning & Zoning Board will be required. All completed applications meeting the requirements of this ordinance shall be approved by the Development Services Director within 30 days of filing.

f. Implementation

1. *Existing conditions.* It is the desire of the county, its citizens and private property owners cooperating in the creation and adoption of this ordinance to implement it as



rapidly as possible and to do so in a fair manner. Existing conditions need not change immediately upon the adoption of this overlay.

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

g. *Variances*

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

h. *Severability*

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

i. *Relationship to existing zoning*

Nothing contained herein shall be construed to replace or supersede existing zoning classifications of properties within the Highway 92 corridor. It is, however, the intent of the governing authority to require that all properties developed under this ordinance shall meet all of the requirements outlined herein. It is further the intent of the governing authority that previously zoned properties shall develop using the development standards and regulations outlined in this ordinance.

j. *Glossary*

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

2. *DBH.* Diameter at breast height is a standard measure of tree size, and is a tree trunk diameter measured in inches at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below four and one-half feet, then the trunk is measured at its most narrow point beneath the split.

3. *Service Station.* Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of vehicles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories for cars, vans, and light trucks only.