

ADVERTISED 6/21/06
PUBLIC HEARING 7/10/06
PUBLIC HEARING 9/12/06
ADOPTED 9/12/06

ORDINANCE NO. _____

A RESOLUTION TO AMEND THE ZONING REGULATIONS OF THE CODE OF BANKS COUNTY, GEORGIA, TO PROVIDE FOR AN ARTICLE XX, ENTITLED "PLANNED UNIT DEVELOPMENT DISTRICT" ("PUD"); TO PROVIDE REGULATIONS FOR FLEXIBILITY IN LAND USES; TO PROVIDE REGULATIONS FOR MIX USES; TO PROVIDE FOR VIOLATIONS AND PENALTIES; TO REPEAL CONFLICTING RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, Banks County desires to amend the Zoning Resolution of Banks County, Georgia to provide for a Planned Unit Development District to provide flexibility in the uses and development of property in Banks County, Georgia;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Banks County, Georgia, and it is hereby resolved as follows:

The Zoning Regulations of Banks County, Georgia is hereby amended by adding there to a new Article XX to read as follows:

ARTICLE XX "PLANNED UNIT DEVELOPMENT DISTRICT" ("PUD")

Section 2001. Purpose and Intent.

The Planned Unit Development District is intended to provide flexibility in the application of area, height, bulk, placement, and other zoning controls; provide for mixing a wide variety of residential housing types and arrangements; provide for the mixing of compatible residential, office, commercial and industrial land uses; encourage imaginative and innovative design for the unified development of tracts of land; provide an alternative for more efficient use of land, resulting in smaller networks of utilities and streets, thereby resulting in lower construction and maintenance costs to the public; preserve the natural amenities of the land by encouraging scenic and functional open areas within the development; and to promote land development in proper relation to the surrounding neighborhood; provide a more desirable living environment than would be possible through the strict application of conventional requirements; and to ensure that the design of the building forms are interrelated and architecturally harmonious.

This district is to be utilized as a "floating zone" which shall mean that areas will not be pre-designated as planned unit development districts, but rather each such designation shall result from a specific and separate application for amendment. Planned Unit Development Districts are separate zoning districts and shall follow the same amendment procedures as other districts. Unless otherwise stated in this section, the development standards and the land uses which are presented with the application for amendment shall, if approved, become the standards for the subject property and shall become a part of the zoning regulations.

Any request pertaining to the establishment of a Planned Unit Development District shall be considered an amendment to the zoning regulations and shall be administered and processed in accordance with Section 1103 of the Zoning Ordinance of Banks County, Georgia.

Section 2002. Definitions.

Active Recreational Facilities: Equipment and areas prepared for active use for recreational and leisure purposes, including but not limited to: playground equipment (swing sets and climbing structures); courts for basketball, volleyball, and tennis; leveled, striped fields for football, soccer or multiple purposes; community picnic pavilions (including covered facilities with grills and/or fire rings); community buildings for recreational events and golf courses, excluding clubhouses, developed areas and accessory uses. Trails and bikeways through open spaces shall not be considered active recreational facilities.

Open Space: An area that is permanently set aside through dedication, designation, or reservation and is available to all occupants of a development and that is not used for or occupied by a public right-of-way, driveway, an off-street parking area, a loading space, a refuse storage space, or a building.

Passive Recreational Facilities: Recreational activities and places that generally do not require a developed site. This generally includes such activities as hiking, horseback riding and picnicking, provided that such activities occur in a manner that is consistent with existing natural conditions.

Section 2003. Required Conditions for Planned Unit Development District.

In order to qualify for a Planned Unit Development District zoning classification, a proposed development must first meet each of the following specific requirements:

- a) The minimum site area for a Planned Unit Development District shall be fifty (50) contiguous acres.
- b) Separate land uses, which would not otherwise be permitted to locate within the same zoning district, are proposed for development on a parcel under single or multiple ownership or management.

Section 2004. Permitted Uses and Dimensional Requirements.

Within a Planned Unit Development District, any land use may be permitted if such use or uses can be shown to provide an orderly relation and function to other uses in the development and to existing land uses, as well as with due regard to the comprehensive plan of Banks County. The permitted uses of property located in the Planned Unit Development shall be those which have been specifically proposed by the applicant and approved by the Governing Body as a part of a Planned Unit Development site plan, report, and/or other supporting information.

A Planned Unit Development may depart from strict conformance with the required dimension, area, height, bulk, use and specific content regulations of the County's land use regulations to the extent specified in the PUD application if approved, so long as the PUD provides tangible benefits in the form of provisions of open space, amenities and quality design. The dimensional requirements of property located in the Planned Unit Development shall be those, which have been specifically proposed by the applicant and approved by the Governing Body as a part of a Planned Unit Development site plan, except as provided for in Section 2009 (e).

Section 2005. Site Plan Approval Required.

Applications for rezoning to or development within a Planned Unit Development District shall require a site plan, including, at a minimum, those items enumerated in Section 2008 of these regulations. The Zoning Administrative Officer, Planning Commission and/or County Commission may require, in addition, such other information, studies, plats, plans or architectural elevations deemed necessary to perform an adequate review of the proposed application.

Site plans shall be prepared by a professional engineer, architect, land surveyor, land planner or landscape architect, and his/her seal of registration or professional initials shall be indicated on such plans.

Section 2006. Report and Site Plan Are Minimum Requirements.

The approved development summary report, site plan, and all other information, studies, plats, plans or architectural elevations submitted in the application, or required to be submitted by the Governing Body, shall establish the standards and minimum requirements for the subject

property and shall become the zoning regulations that apply to the subject property, regardless of changes in property ownership. Compliance with the Plans shall be a condition for rezoning to or development within a Planned Unit Development District and the Plans shall be followed.

Section 2007. Development Summary Report Required.

Applications for rezoning to or development within a Planned Unit Development District shall require a written report which explains the type, nature, size, intent and characteristics of the proposed development.

At a minimum, the report shall including the following:

1. A complete listing of every land use proposed within the development, including total acreage and the amount of acreage devoted to each use including open space, as well as residential units by type and density. All uses not specifically included in the report or site plan and approved by the Governing Body are prohibited unless the application is subsequently amended in accordance with applicable procedures.
2. Proposed development standards, including minimum lot sizes, minimum lot widths, minimum lot frontages, minimum floor areas or residential dwelling unit sizes, maximum number of dwelling units, maximum square footage figures for non-residential developments, minimum yards/building setbacks, landscape strips and buffers, height limitations, restrictive covenants, and any other such applicable standard or requirement. The report should also indicate any proposed exceptions or variations from the size, setback, frontage, density or other standards which are required in other conventional zoning districts, along with justification for such proposed exceptions or variations.
3. Time frame of development and provisions for ownership and management of the development.
4. Intended plans for the provision of utilities, including water, sewer, drainage facilities and street lighting. The report should also include the street types and

- right-of-way widths, parking areas, including the number of parking spaces provided and state the criteria used to determine the number of parking spaces required.
5. All streets and common open spaces not proposed for dedication to the public shall have the proposed maintenance and ownership agreements explained in detail.
 6. Applications shall include perspective front, side and rear elevation drawings of representative building types. These drawings shall indicate general architectural characteristics. If the PUD is approved, substantial compliance with the architectural elevations shall be required.
 7. Community Benefit Statement that will address the relative benefits that will accrue to the community as a result of the property being developed under PUD provisions. Specific mention should be made of mix of uses included, open spaces provided, natural features retained and architectural design to be provided. This statement is a developer's opportunity to define why the PUD proposal merits approval and how it will serve the community better than a conventional development.

Section 2008. Site Plan Requirements.

All site plans required by this Article shall, at a minimum, contain the following information:

1. Title of the proposed development and the name, address and telephone number of the property owner.
2. The name, address and telephone number of the architect, engineer or other designer of the proposed development.
3. Scale, date, north arrow, and general location map showing relationship of the site to the surrounding area, streets and/or natural landmarks.
4. Boundaries of the subject property, all existing and proposed streets, including right-of-way and street pavement widths; location of buildings; water courses; parking and loading areas; and other physical characteristics of the property and proposed development.

5. All sidewalks, trails, bikepaths, etc.
6. Building setbacks, buffers, landscape strips, and tree protection zone.
7. Open space areas to be retained.
8. Roadway composition, to include base and surface treatments, including certification from a professional engineer that roadway plans are in accordance with DOT Standards. Roadways shall be built to DOT Standards.

Section 2009. Requirements for Development.

Each proposed development shall meet the following minimum requirements:

- a) A minimum of at least fifteen (15%) percent of the gross area of the site should be retained in open space, not including active or passive recreational areas. Wetland areas will not be considered as open space. Open space is required to be deeded as a separate tract to a Home Owners Association to be maintained by this entity and shall forever remain as open space.
- b) Townhouses and multi-family dwelling units shall not comprise more than thirty (30%) percent of the total dwelling units within the proposed development.
- c) All PUD's are required to have sewer, water and drainage facilities. Sewer is required to be connected to state-approved wastewater treatment facility either private or municipal owned.
- d) Commercial and/or office uses shall comprise at least ten (10%) percent of the total land area.
- e) Minimum setbacks of thirty (30) feet are required on outside boundaries of the development, including front, back and sides.
- f) All utilities must be located underground and all interior roads must have curb and gutter, as well as sidewalks. Sidewalks shall be a minimum width of forty-eight (48) inches plus have an eighteen (18) inch grassed planting strip between the sidewalk and curb.

- g) Within parking areas, at least one (1) tree, reaching a minimum height of 25 feet at maturity, shall be planted or conserved within the interior of the parking lot for each ten (10) parking spaces.

Section 2010. Suggested Site Planning Guidelines.

The following specifications are not regulations, but recommended guidelines to be utilized in preparation of site plans for Planned Unit Developments:

1. Uses within the Planned Unit Development shall be predominantly in accordance with the Banks County Comprehensive Plan.
2. Land uses which have traditionally been viewed as incompatible (e.g. single-family subdivision and a manufacturing plant) should not be proposed in the same Planned Unit Development unless considerable screening and physical separation are provided.
3. For developments that are predominantly residential, commercial and office uses should be scaled so that they primarily serve the occupants of the development.
4. Office, commercial and/or industrial uses should be located adjacent to major thoroughfares or in other areas with suitable access that will not result in traffic through residential areas.
5. Lot sizes, lot widths, unit sizes and other characteristics of residential development within the Planned Unit Development should be similar to those characteristics of adjacent or nearby residential subdivisions or provide a suitable transition from such adjacent uses.
6. Location of land uses should conform substantially with land use plan goals, policies and suggested types of uses. The proposed development should be designed so as to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood.
7. Street lengths, alignments, patterns and other characteristics should conform to county subdivision regulations or standard planning principles. Streets should provide interconnectivity within the development or with adjacent uses. Provisions should be made for multiple ingress and egress access to the

development. Streets should take into consideration the use and safety of pedestrians.

8. Large parking areas are discouraged. Parking should be provided in a variety of ways, including on-street parking, shared parking areas, or parking areas located to the side and/or rear of buildings.
9. Proposed developments should make maximum use of natural features of the land. The development should minimize any adverse impacts on the natural features of the property, including streams, trees, vegetation and terrain.
10. Interest and variety should be sought, by means of street design and changes in and mixtures of building types, heights, facades, setbacks, planting, or size of open space, the design should be harmonious as a whole and not simply from street-to-street.
11. Sites for churches, schools, community or club buildings and similar public or semi-public facilities are encouraged to be provided, where appropriate.
12. Active and/or passive recreational facilities should be provided, especially for developments with residential units.

Section 2011. Revisions to Approved PUD Application.

Any additions in the types of land uses, increases in square footage or density, decreases in lot sizes, changes in the location or dimensions of streets, decreases in dwelling unit floor areas, major alterations in the land use patterns, or other substantial changes which, in the opinion of the Zoning Administrative Officer, result in a development of such intent and character which has not been conceptually approved by the Governing Body shall require additional approval in accordance with procedures established in Section 1103, as for a rezoning. Otherwise minor changes may be approved by the Zoning Administrative Officer prior to issuance of building permits. The violation of any provision of the planned development standards as submitted and approved under the provisions of these regulations shall constitute a violation of the Zoning Resolution of Banks County, Georgia.

Section 2012. Review Standards.

In considering and acting upon applications for rezoning to the Planned Unit Development District, the Planning Commission and the Board of Commissioners may consider and base their recommendation and decision, respectively, on the following information:

1. Conformity to the purpose and intent of the Planned Unit Development District
2. Quality of site design
3. Integration of a variety of land uses, building types and densities
4. Preservation of natural features
5. Compatibility with adjacent land uses
6. Provision and type of open space and the provision of other amenities designed to benefit the general public
7. Conformity with the Banks County Comprehensive Plan
8. Adequacy of utilities and other public works.

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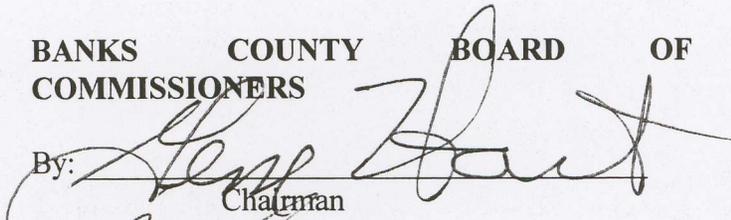
All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

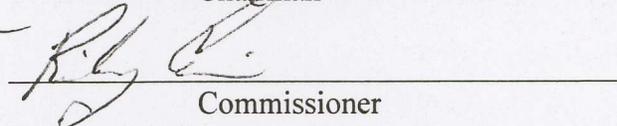
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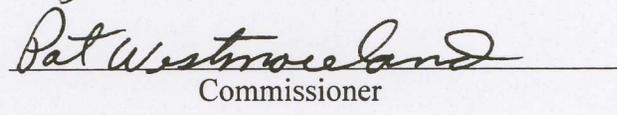
If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

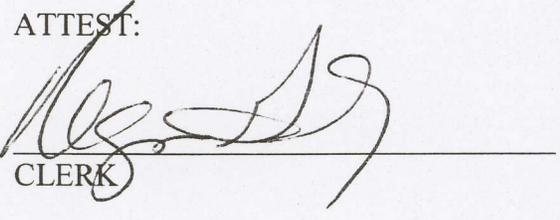
This Resolution is hereby adopted this 12th day of September, 2006, as a part of the Code of Zoning Regulations of Banks County, to become effective upon the 12th day of September, 2006, the public health, safety and general welfare demanding it.

BANKS COUNTY BOARD OF COMMISSIONERS

By: 
Chairman


Commissioner


Commissioner

ATTEST:

CLERK