



DEPARTMENT OF PUBLIC DEVELOPMENT

Planning Division

PROPOSED TEXT AMENDMENT

Staff Report

Planning Commission Public Hearing:	June 24, 2021	6:00pm
Board of Commissioners Public Hearing:	July 19, 2021	6:00pm

Applicant: Jackson County Board of Commissioners

Proposed Change: Planning Staff, Planning Commission and the Board of Commissioners requests to adopt an ordinance to the Unified Development Code, adopted on October 2, 2017, as described in this report.

Explanation of the Request:

Planning Staff has taken a look at single-family detached homes and the associated residential density requirements that are noted throughout the UDC and how they relate to necessary utilities required and lot widths. Below is a summary of changes proposed throughout:

- The UDC has been amended to delete master planned development and to amend open space subdivisions, specifically:
 - Open space subdivisions now require connection to public water and public sanitary sewer
 - Open space subdivisions will no longer be allowed in AR zoning districts
 - Master planned subdivisions will no longer be allowed in any zoning district
- Dimensional requirements have been reviewed and amended, specifically:
 - Maximum gross residential density for single-family detached homes (dwelling units per acre) have been amended to:
 - 0.666 dwelling units per acre in R1, R2 and R3 zoning when well and septic tank are available
 - 1.0 dwelling units per acre in R1, R2 and R3 zoning when public water and septic tank is available
 - 2.0 dwelling units per acre in R1, R2 and R3 zoning when public water and public sanitary sewer is available
 - Minimum lot width for single-family detached homes (feet) has been amended to:
 - 100 feet wide in R1, R2 and R3 zoning when public water and septic tank is available
 - 80 feet wide in R1, R2 and R3 zoning when public water and public sanitary sewer is available

- 60 feet wide would be obtainable in an R3 zoning with an open space subdivision
- If public water and public sanitary sewer is available in the R1, R2 or R3 zoning for a detached single-family home, then there will no longer be a minimum residential lot area for open space subdivisions

Planning Staff Recommendation: Staff recommends that the Planning Commission recommend *approval* of the attached UDC amendment.

Planning Commission Recommendation: The Planning Commission Board heard and considered this request at their public hearing on June 24, 2021. Les Knoblock made a motion to **approve** the text amendment and was seconded by Carson Saville. The text amendment case was **approved** by Les Knoblock, Carson Saville, and Steve Wittry.

JACKSON COUNTY, GEORGIA
AN ORDINANCE
BY THE BOARD OF COMMISSIONERS
OF JACKSON COUNTY

An Ordinance of Jackson County, Georgia Amending the Jackson County Unified Development Code Adopted October 2, 2017, as amended, to amend Article 2, "Zoning Districts," Division II, "Zoning Districts," Tables 2-1 and 2-2 and Section 216, "R-1, Residential, Low-Density Single-Family District," paragraph (a), "Purpose and intent,"; to amend Article 2, "Zoning Districts," Division 3, "Use Definitions," Division I, "Uses," to repeal the definition of "Master planned development"; to amend Article 3, "Specific Use Provisions," Division I, "Uses" to repeal Section 3-084, "Master Planned Development," and amend Section 3-089, "Open Space Subdivision;" to amend Article 3, "Specific Use Provisions," Division II, "Towers and Wireless Telecommunication Facilities," Section 3-213, "Tower and monopole restrictions," paragraph (a); to amend Article 4, "Overlay Districts," Division III, "East and West Jackson Corridor Overlay Districts," Section 438, "Street and streetscape requirements;" to amend Article 8, "Soil Erosion Control, Land Disturbance and Development Permitting," Division IV, "Development Permits," Section 844, "Development plan specifications," paragraph (d), "project name and phase;" to repeal conflicting ordinances; to provide for severability; and to provide for an effective date.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions and regulations; and

WHEREAS, O.C.G.A. Section 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety and welfare of the population of the unincorporated areas of the county; and

WHEREAS, in the interests of the health, safety, and general welfare of the citizens of Jackson County, Georgia, the Board of Commissioners of Jackson County desires to amend the Unified Development Code; and

WHEREAS, appropriate notice and hearing on the amendments contained herein have been carried out according to general and local law.

NOW THEREFORE, be it ordained by the Board of Commissioners of Jackson County, Georgia, as follows:

SECTION 1

The Unified Development Code, Article 2, “Zoning Districts”, Division II, “Zoning Districts,” Table 2-1, “Use Regulations for Zoning Districts,” is amended to delete “master planned development” and to amend “open space subdivision” as follows (note: the remainder of Table 2-1 not shown is unaffected by this amendment):

**Table 2-1
Use Regulations for Zoning Districts**

Miscellaneous, Temporary, Other Uses P = Permitted S = Special Use X = Prohibited	See Also Sec. 3-001	PCFD	A-1	A-2	A-3	AR	R-1	R-2	R-3	MH	NRC	CRC	HRC	LI	GI	HI
Master planned development	3-084	X	X	X	X	X	S	S	S	X	X	X	X	X	X	X
Open space subdivision (requires public sanitary sewer)	3-089	X	X	X	X	P	P	P	P	X	X	X	X	X	X	X

SECTION 2

The Unified Development Code, Article 2, “Zoning Districts”, Division II, “Zoning Districts,” Table 2-2, “Dimensional Requirements for Zoning Districts,” is amended to add maximum gross residential densities, to amend minimum lot area requirements, and to amend minimum lot width requirements for the R-1, R-2, and R-3 zoning districts as follows (note: the remainder of Table 2-2 not shown is unaffected by this amendment):

**Table 2-2
Dimensional Requirements for Zoning Districts**

<u>MAXIMUM GROSS RESIDENTIAL DENSITY (DWELLING UNITS PER ACRE)</u>	<u>PCFD</u>	<u>A-1</u>	<u>A-2*</u>	<u>A-3</u>	<u>AR</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>MH</u>	<u>NRC</u>	<u>CRC</u>	<u>HRC</u>	<u>LI</u>	<u>GI</u>	<u>HI</u>	
Detached single-family home or manufactured home (if permitted in zoning district)																
Well and septic tank	See minimum lot area (acres per lot)					0.666	0.666	0.666	See min. lot area							
Public water and septic tank						1.0	1.0	1.0								
Public water and public sewer						2.0	2.0	2.0								
<u>MINIMUM LOT AREA (ACRES PER LOT)</u>	<u>PCFD</u>	<u>A-1</u>	<u>A-2*</u>	<u>A-3</u>	<u>AR</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>MH</u>	<u>NRC</u>	<u>CRC</u>	<u>HRC</u>	<u>LI</u>	<u>GI</u>	<u>HI</u>	
Detached single-family home or manufactured home (if permitted in zoning district) and all other uses except as specifically provided																
Well and septic tank	10	1.5	8	1.5	1.5	1.5	1.5	1.5	1.5							
Public water and septic tank	10	1.5	8	1.5	1.5	0.75	0.75	0.75	1.5							
Public water and public sewer	10	1.5	8	1.5	1.5	0.585	0.585	0.585	1.5							
Nonresidential uses																
Well and septic tank										1.0	1.0	1.0	1.0	1.0	25	
Public water and septic tank										0.5	0.5	0.5	0.5	0.5	25	

Public water and public sewer										0.23	0.23	0.23	0.46	0.46	0.46
For two-family dwellings (duplexes), see Sec. 3-049. For fee simple townhouses, see Sec. 3-046. For multi-family dwellings, see Sec. 3-047.															
MINIMUM LOT WIDTH (FEET)	PCFD	A-1	A-2	A-3	AR	R-1	R-2	R-3	MH	NRC	CRC	HRC	LI	GI	HI
Detached single-family home or manufactured home (if permitted in zoning district) and all other uses unless specified															
Well and septic tank	200	200	200	200	150	150	150	150	150	150	150	150	150	150	200
Public water and septic tank	200	200	200	200	150	125	125	125	150	100	100	100	100	100	200
Public water and public sewer	200	200	200	200	150	100	100	100	150	50	50	50	50	50	200

SECTION 3

The Unified Development Code, Article 2, “Zoning Districts,” Division II, “Zoning Districts,” Section 216, “R-1, Residential, Low-Density Single-Family District,” paragraph (a), “Purpose and intent,” is amended to read as follows:

“(a) Purpose and intent. The R-1 zoning district is established primarily to provide locations for single-family detached residential uses on individual lots, ~~including subdivisions approved as master planned developments.~~ The R-1 zoning district is intended to be compatible with and implement the suburban and urban character areas described in the comprehensive plan, and it is intended to implement the residential and master-planned mixed use land use categories of the future land use plan as provided in the comprehensive plan.”

SECTION 4

The Unified Development Code, Article 2, “Zoning Districts,” Division 3, “Use Definitions,” is amended to repeal the definition of “Master planned development” which reads as follows:

~~“Master planned development: A development project consisting mostly of residential development, which may be permitted as a special use in one or more zoning districts, where the zoning district density limitation continues to control, but where the minimum lot size may be reduced in exchange for development to higher level standards and the creation of open space and recreational amenities for residents of the development. 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 within a master planned development.”~~

SECTION 5

The Unified Development Code, Article 3, “Specific Use Regulations,” Division I, “Uses,” Section 3-084, “Master planned development” which reads as follows is deleted and shown as “[Reserved]”:

Sec. 3-084. [Reserved] “Master planned development.

- (a) Permissions. ~~A master planned development is permitted in certain zoning districts (see Table 2-1, “other uses”), subject to special use approval.~~

- (b) ~~Minimum area required. A master planned development must contain at least twenty-five (25) contiguous acres under one ownership at the time of application.~~
- (c) ~~Access. The primary access (main entrance) to the master planned development must be from a street classified as a minor collector, major collector, or minor or major arterial, as determined by the Public Development Director.~~
- (d) ~~Use division. Master planned developments shall meet the following requirements for the division of land uses within the master planned development (percent of total site):~~

Zoning District	Open space	Single-family residential	Nonresidential (neighborhood commercial)	Duplex, Townhouse or multi-family residential
R-1	20% minimum	75% minimum	5% maximum	None permitted
R-2	20% minimum	40% minimum	10% maximum	30% maximum
R-3	20% minimum	30% minimum	20% maximum	30% maximum

* Seventy-five percent (75%) of minimum open space must be contiguous and/or continuous.

- (e) ~~Residential density. Minimum lot size may be negotiated and shall be as may be approved by the Board of Commissioners as a part of special use approval; provided, however, that master planned developments shall not exceed the following maximum residential density allowances (dwelling units per acre, measured on the basis of the total site area except for nonresidential uses if permitted):~~

Zoning District	Maximum density (dwelling units per acre) (requires public water and sanitary sewer)
R-1	2.2
R-2	3.5
R-3	8.0

- (f) ~~Minimum lot width. As approved by the Board of Commissioners as a part of special use approval. The concept plan shall specify a minimum for the board's consideration.~~
- (g) ~~Principal building setbacks. As approved by the Board of Commissioners as a part of special use approval. The concept plan shall specify minimums for the Board's consideration, for all uses (which may be different).~~
- (h) ~~Nonresidential use regulations. Unless otherwise approved in the special use application, noncommercial uses in the R-2 zoned master planned development shall be limited to those specified for the Neighborhood Retail Commercial (NRC) district, and noncommercial uses in the R-3 zoned master planned development shall be limited to those specified for the Community Retail Commercial (CRC) district.~~
- (i) ~~Nonresidential intensity. Non-residential development, if permitted, shall not exceed a floor-area ratio of 0.25, for the land area devoted to nonresidential uses.~~

- ~~(j) Internal pedestrian access. All master planned developments must provide internal pedestrian access connected to external access points. The type of access such as sidewalks, bike paths, bike lanes, and/or trails, will be established during the review process.~~
- ~~(k) Open space management. The master planned development shall ensure the proper management of open spaces. Community open space will normally be the responsibility of a homeowner or property owner association unless otherwise proposed by an applicant and approved by the Board of Commissioners.~~
- ~~(l) Review criteria. In addition to standards applicable to special uses generally, the county may use the following standards to determine whether to grant approval of a special use for a master planned development:~~
- ~~1. The uses proposed will not be detrimental to present and potential surrounding uses.~~
 - ~~2. Exceptions from this UDC are warranted by the design and amenities are incorporated into the development plan.~~
 - ~~3. Land surrounding the proposed development can be planned and used in coordination with the proposed development and will be compatible in use.~~
 - ~~4. The proposal is in conformance with the general intent of this UDC and the comprehensive plan.~~
 - ~~5. The proposal incorporates features of exceptional architectural, landscaping, and/or site design, including but not limited to the accommodation of important natural resources and open space, innovative techniques, or building and landscaping standards that meet or exceed the quality development standards.”~~

SECTION 6

The Unified Development Code, Article 3, “Specific Use Regulations,” Division I, “Uses,” Section 3-089, “Open space subdivision” is amended to delete reference to the AR zoning district, to require connection to public water and sanitary sewer and is otherwise amended to read as follows:

“Sec. 3-089. Open space subdivision.

Open space subdivisions shall require connection to public water and public sanitary sewer, shall be limited to the maximum density for detached, single-family homes for the applicable zoning district as specified in Table 2-1, and shall be subject to the following requirements:

MINIMUM RESIDENTIAL LOT AREA (SQUARE FEET PER LOT)	AR	R-1	R-2	R-3
Public water and septic tank	32,670	25,500	25,500	25,500
Public water and public sewer Minimum Residential Lot Area (Square Feet Per Lot)	14,520	14,520 None	14,520 None	8,712 None
MINIMUM LOT WIDTH (FEET)	AR	R-1	R-2	R-3
Public water and septic tank	125	100	100	100
Public water and public sewer Minimum Lot Width (Feet)	90	80	80	60
COVERAGE REQUIREMENTS (% OF LOT)	AR	R-1	R-2	R-3
Maximum building coverage, including principal and accessory buildings and structures (maximum) (% of lot)	35	45	50	50
FRONT SETBACK PRINCIPAL BUILDING (FEET)	AR	R-1	R-2	R-3
Public water and septic tank	30	25	25	25
Public water and public sewer Front Setback Principal Building (Feet)	20	20	20	20
SIDE SETBACK PRINCIPAL BUILDING (FEET)	AR	R-1	R-2	R-3
Public water and septic tank	20	10	10	10
Public water and public sewer Side Setback Principal Building (Feet)	7.5	7.5	7.5	5
REAR SETBACK PRINCIPAL BUILDING (FEET)	AR	R-1	R-2	R-3
Public water and septic tank	40	40	40	40
Public water and public sewer Rear Setback Principal Building (Feet)	30	30	30	30
LANDSCAPED OPEN SPACE	AR	R-1	R-2	R-3
Percentage of total site Minimum landscaped open space (% of total site)	20	20	20	20
* Seventy-five percent (75%) of minimum landscaped open space must be contiguous and/or continuous."				

SECTION 7

The Unified Development Code, Article 3, "Specific Use Provisions," Division II, "Towers and Wireless Telecommunication Facilities," Section 3-213, "Tower and monopole restrictions," paragraph (a) is amended to read as follows:

"(a) No new tower that is regulated by this Division shall be constructed in any AR, R-1, R-2, R-3 zoning district, **or** in the airport overlay district, ~~or in the boundaries of any master planned development as authorized by Sec. 3-084 of this UDC.~~"

SECTION 8

The Unified Development Code, Article 4, "Overlay Districts," Division III, "East and West Jackson Corridor Overlay Districts," Section 438, "Street and streetscape requirements," is amended to delete the asterisk in the table of that section and to remove the asterisk note at the end of the table as follows (the remainder of said section is unaffected by this amendment):

Street and Streetscape Requirements East and West Jackson Corridor Overlay Districts

Requirement	Arterial Street	Collector Street	Local Street	Access Street (private)
Middle lane width*	Per GDOT	14 feet	Not required	Not required

~~* An acceptable alternative for master-planned developments is turn lanes at intersections and on-street parking between intersections.~~

SECTION 9

The Unified Development Code, Article 8, "Soil Erosion Control, Land Disturbance and Development Permitting," Division IV, "Development Permits," Section 844, "Development plan specifications," paragraph (d), "project name and phase," is amended to read as follows:

"(d) Project name and phase. The name of the project shall be indicated. If the project is located within a subdivision, the name of the subdivision, lot, and block number must also be shown. If the development project is part of a phased development ~~or master-planned development~~, identify the unit number, division, phase, or stage of development."

SECTION 10 SEVERABILITY

It is the express intent of the Jackson County Board of Commissioners that this Ordinance be consistent with both federal and State law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 11 CONFLICTING ORDINANCES REPEALED

Any and all Ordinances or parts of Ordinances in conflict herewith shall be, and the same are, hereby repealed to the extent of such conflict.

SECTION 12 EFFECTIVE DATE

This Ordinance shall become effective immediately upon passage.

SO ORDAINED, this ____ day of _____, 2021, the public health, safety, and welfare demanding it.

JACKSON COUNTY BOARD OF COMMISSIONERS:

Tom Crow, Chairman

Jim Hix, Commissioner, District 1

Chas Hardy, Commissioner, District 2

Ralph Richardson, Jr., Commissioner, District 3

Marty Seagraves, Commissioner, District 4

Attest:

Clerk to the Board