

ARTICLE 16. US HIGHWAY 19 & US HIGHWAY 41 OVERLAY DISTRICT

Sec. 1601. Purpose.

It is the purpose and intent of the overlay district regulations to establish additional development standards for public and private land development and building construction activities along the major commercial corridors of Pike County to:

- a. Promote the general health, safety and welfare of the community;
- b. Improve the efficient operation of traffic along US Highway 19 and US Highway 41;
- c. Create a sense of place that is aesthetically appealing and environmentally responsible;
- d. Encourage innovative development projects that set standards for landscaping, community design and aesthetics.
- e. Establish consistent and harmonious design standards for public improvements and private property within the overlay districts so as to unify the distinctive visual quality of the US Highway 19 and US Highway 41 corridors.

The overlay districts provide an additional layer of regulations to the underlying zonings of properties along the major commercial corridors to provide additional controls on development, minimize inappropriate, haphazard and inharmonious improvements and alterations to properties, to secure and maintain additional building setbacks, to secure consistency in performance between public and private developments, and for other purposes.

Sec. 1602. Area of Jurisdiction.

- A. The boundaries of the overlay districts are established to include those properties with frontage on or access via US Highway 19 (Georgia State Route 3) and US Highway 41 (Georgia State Route 7). The boundaries of the US 19 overlay district are contained within a corridor 500 feet from each side of the right-of-way of US Highway 19 from its intersection with the Pike County/Spalding County line to its intersection with the Pike County/Upson County line, less and except portions of US Highway 19 within the municipal limits of Zebulon.
- B. The boundaries of the US Highway 41 overlay district are contained within a corridor 500 feet from each side of the right-of-way of US Highway 41 from its intersection with the Pike County/Spalding County line to its intersection with the Pike County/Lamar County line.
- C. If the 500-foot corridor for either US Highway 41 or US Highway 19 comprises 50% or more of an adjacent parcel's depth, then the entire parcel, inside and outside of the 500-foot corridor limit line, shall be subject to the full requirements of this Ordinance.
- D. Adjacent parcels whose depths exceed the 50% requirement described in the preceding paragraph shall meet the overlay requirements only for the portion of the property that is within the 500 feet corridor limits.

Sec. 1603. Applicability of Regulations.

- A. The standards of the US Highway 19 and US Highway 41 overlay district shall apply to all developments except as follows:
 - 1. Agricultural and single family detached residential uses;
 - 2. Alteration or renovation that involves 50 % or less of the floor area of an existing building provided that no additional alteration or renovation occurs within a 3 year period.
 - 3. Expansions of less than 50 % of the floor area of the existing building, provided the same exterior materials on the existing structure(s) are used or a superior material is approved by the Director of Planning and Development and that no additional expansion, alteration or renovation occurs within a 3 year period.
 - 4. The owner or official designee of an individual development site that by physical features, i.e., topography, buildings, other structures, etc., will prevent new development from being highly visible from the highway may provide evidence in the form of topographic maps, finished floor elevations, maximum height of buildings, photos, balloon tests or other applicable information to the Director of Planning and Development for an administrative exemption approval. Any proposal determined by the Director of Planning and Development to be exempt from the overlay district requirements shall be brought to the attention of the Planning and Zoning Board as an information item. If the Planning and Zoning Board disagrees with the Director of Planning and Development, the Planning and Zoning Board shall by a majority vote forward the matter to the Board of Commissioners for further review.
 - 5. Development approved prior to the adoption of this ordinance provided the property is not rezoned or a change of use occurs. If rezoning or a change of use occurs, the requirements of this ordinance shall take full effect on the parcel or lot to the extent parcel dimensions will allow.
 - 6. Any development with an approved land disturbance permit prior to the adoption of this ordinance.
- B. Public and quasi-public buildings such as schools, libraries, churches, etc., shall be subject to the overlay district requirements.

Sec. 1604. Permitted Uses

Unless otherwise specified or prohibited, permitted uses, accessory uses and special use permits which are allowed in the underlying zoning shall also be allowed in the overlay district. Each new development and land use shall conform to the standards of the overlay district as well as to the standards of the underlying zoning district. In the event of a conflict between the standards of the overlay district and the underlying zoning district, the most restrictive requirement shall prevail.

Sec. 1605. Special Use Permits

- A. The following uses shall be allowed in the overlay districts only if the Board of Commissioners approves a special use permit pursuant to the procedures specified by the Pike County Unified Development Code (UDC):
 - 1. self-storage facility,
 - 2. used car and truck lot,
 - 3. automobile repair and maintenance facility,
 - 4. commercial outdoor recreation,
 - 5. car wash, and
 - 6. outdoor storage.
- B. This section may be modified to add or delete uses only by amendment through the public hearing process prescribed for amendments to the Pike County Unified Development Code (UDC)

Sec. 1606. Prohibited Uses

- A. The following uses are strictly prohibited in the overlay districts:
 - 1. masts,
 - 2. towers,
 - 3. antennas above tree lines,
 - 4. laying or broiler poultry or turkey houses,
 - 5. hog parlors and the like,
 - 6. tattoo parlors,
 - 7. pawnshops
 - 8. junk yards, and
 - 9. adult entertainment establishments.
- B. This section may be modified to add or delete prohibited uses only by amendment through the public hearing process prescribed for amendments to the Pike County Unified Development Code (UDC).

Sec. 1607. Nonconforming Buildings, Structures or Uses of Land

- A. Any lawfully existing building, structure or use of land located within the boundary of an overlay district at the time of adoption of the overlay district shall be deemed to be a nonconforming condition. Any nonconforming building, structure or use of land may continue subject to the following restrictions:
 - 1. If a nonconforming building, structure, or use of land is removed or is made to conform to the standards of the respective overlay district, the condition shall not be permitted to revert to a nonconforming condition.
 - 2. No nonconforming building, structure or use of land shall be allowed to convert to a different nonconforming building, structure or use of land.
- B. No existing building, structure or use of land that was in violation of any applicable code, ordinance or regulation at the time of the adoption of the overlay districts, shall be deemed to be a conforming condition.

Sec. 1608. Application Requirements

All applications for development in the US Highway 19 and US Highway 41 overlay districts shall include a copy of each of the following: a site plan review application form, a site plan, a landscape plan and a narrative description of the project. Architectural renderings or photographs of substantially similar examples of building materials should also be submitted or the applicant may indicate in the narrative a written statement of intent to comply with the building materials and features requirements specified in Section 1615. In addition, the applicant is required to meet with the Director of Planning and Development or designee prior to filing an application to review filing requirements and development standards (pre-application review).

Sec. 1609. Application and Review Fees

Application and review fees shall be in accordance with the current Pike County Fee Schedule, as established by the Board of Commissioners.

Sec. 1610. Site Plan Review Application Form

All applications shall include a complete overlay application form.

Sec. 1611. Site Plan

- A. All applications shall include a site plan prepared by a licensed Georgia registered professional engineer (PE), surveyor (RLS), landscape architect (RLA) or certified planner (AICP). The site plan shall illustrate graphically lot lines and dimensions, street names, zonings of adjacent properties, locations of existing and proposed buildings, required landscape strips and buffers, fences, walls, detention ponds, etc. Development standards and design standards which cannot be illustrated graphically shall be addressed as notes on the site plan.
- B. Site plans shall be drawn at a scale of 1 inch = 50 feet and shall not exceed 24" x 36" in size unless otherwise approved by the Director of Planning and Development.
- C. Applicants shall be required to meet with the Planning Director or designee to review the site plan.
- D. The Director of Planning and Development shall forward the site plan to the Planning and Zoning Board for review. The Planning and Zoning Board shall either approve or reject the site plan. If the site plan is rejected, the Planning and Zoning Board shall forward a written explanation to the property owner/applicant stating the reasons for its decision. If rejected, the property owner/applicant may revise the site plan and resubmit it to the Planning and Zoning Board or appeal the decision of the Planning and Zoning Board to the Pike County Board of Commissioners within thirty (30) days of the Planning and Zoning Board's action. Upon approval of the site plan by the Planning and Zoning Board or Board of Commissioners, the property owner/applicant may apply for a land disturbance or building permit. In granting a site plan approval, the Planning and Zoning Board or the Board of Commissioners may impose such reasonable and additional conditions as may be deemed necessary to protect adjoining or nearby properties or to otherwise promote the public health, safety or welfare.
- E. Site plans shall not be required for interior renovations.

Sec. 1612. Landscape Plan

- A. All applications shall include a landscape plan prepared by a licensed Georgia registered landscape architect (RLA). The landscape plan shall illustrate all required landscape and buffer areas along with materials, sizes and quantities of planting materials. The plan shall be fully implemented prior to the issuance of a Certificate of Occupancy except as may be approved by the Director of Planning & Development due to inclement weather conditions. Delay of the implementation of the landscaping plan shall not exceed a period of 6 months and the property owner/applicant shall be required to post a performance bond in the amount of 110% of the estimated cost of the delayed landscaping improvements.
- B. Landscape plans shall not be required for development solely involving interior renovations.
- C. The minimum standards for landscape strips, landscape islands and buffers shall be as follows:
 - 1. Landscape strips. A landscape strip is an area measured from a property line reserved for the planting of trees, shrubs, grass and/or ground cover except for approved access and utility crossings. Landscape strips shall be designed with at least 60 % coverage in trees and shrubs and no more than 40 % in grass (sod), or ground cover. At the time of planting, trees shall be a minimum of 2" in caliper and not less than 6ft. in height; shrubs shall be a minimum of 3ft. in height (or minimum 3 gallon containers); and ground cover shall be a minimum of 1 ft. in height (or minimum 1 gallon containers). Mature and native vegetation should be preserved in landscape strips. Where applicable, landscape strips shall be designed so as to conform to GDOT sight distance requirements.

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- a. Landscape strips along public rights-of-way. Landscape strips along public rights-of-way shall be measured from the front property line and shall be a minimum of 25 feet wide along the property's entire public street frontage(s) except at points of ingress/egress or within existing easements of various purposes.
 - b. Landscape strips alongside and rear property lines adjacent to nonresidential uses. A minimum 15 foot wide landscape strip shall be provided along the property's side and rear property lines adjacent to nonresidential zonings and/or uses.
 - c. Landscaping in the rights-of-way of US Highway 19 and US Highway 41 shall be subject to the approval of GDOT. Written authorization or denial by GDOT shall be provided to the Department of Planning and Development as an attachment to the required landscape plan.
2. Landscaping in Parking Areas.
 - a. Landscaped islands shall be provided for every 10 parking spaces and at the ends of each row of parking spaces. The landscaped islands shall be a minimum of 10 feet wide and 18 feet in length and shall include a minimum of 1 canopy tree, 2 evergreen shrubs, and ground cover. Trees shall be a minimum of 2" in caliper and not less than 6 feet in height at time of planting. Shrubs shall be a minimum of 3 feet in height (or minimum 3 gallon containers). Ground cover shall be a minimum of 1 foot in height (or minimum 1 gallon containers). The remaining area of landscaping islands shall be planted with additional trees, shrubs, ground cover and/or grass (sod).
 - b. The perimeter of landscaped islands shall be surrounded by a continuous raised concrete or asphalt curb. The width and length of landscaped islands shall be measured from the inside edge of the curb. Trees planted in landscaped islands shall be allowed to grow to maturity and shall not be pruned beyond the requirements of basic maintenance.
 3. Other required landscaping. All land surfaces other than those covered by buildings, other structures, paving, required landscaped areas, buffers and other site features shall be landscaped with well-maintained grass (sod), flowers, shrubs, etc. The location and details of all other landscaped areas, including designated natural areas, shall be depicted on the required landscape plan.
 4. Buffers. A buffer is a natural, undisturbed portion of a lot, except for approved access and utility crossings, which is set aside to achieve a vegetative visual barrier alongside the rear property lines between nonresidential zonings/uses and agricultural and/or residential uses. Buffers should be achieved with existing natural vegetation; however, where vegetation does not exist or buffer area is sparsely vegetated, replanting shall be subject to the approval of the Director of Planning and Development.
 - a. Replanted buffers shall consist of a combination of evergreen trees, evergreen shrubs and deciduous shade trees as follows:
 - (i) A staggered row of evergreen trees a minimum of 6 feet in height at the time of planting; or
 - (ii) A single row of deciduous shade trees at least 2 inches in caliper at breast height at the time of planting which are expected at maturity to reach a height of no less than 30 feet; and
 - (iii) 2 staggered rows of evergreen shrubs, at least 3 feet in height, planted a maximum of 4 feet on center.
 - b. Buffers shall be measured from the property line and provided in the following widths:
 - (i) A minimum 50 foot wide buffer shall be provided along the side and rear property lines of all industrially zoned properties adjacent to agricultural and/or residential (including planned and multi-family) zoned properties;

- (ii) A minimum 25 foot wide buffer shall be provided along the side and rear property lines of all nonresidential zonings/uses (except industrially zoned properties) adjacent to agricultural and/or residential (including planned and multi-family) zoned properties;
- (iii) Buffers shall not be required between nonresidential and residential uses within a planned or multi-family residential development.
- (iv) Although a fence, wall, berm or other visual barrier may be substituted for a natural, vegetative buffer if approved through the variance process detailed in Section 160.16, under no circumstances shall said fence, wall, berm or other visual barrier be termed a "buffer."
- (v) Maintenance of Landscaped Areas and Buffers. All landscaped areas and buffers shall be maintained by the property owner. Should vegetation be removed or die, it shall be the responsibility of the property owner to replace it in accordance with the standards herein subject to the approval of the Director of Planning and Development.

Sec. 1613. Narrative

All applications shall include a narrative description of the proposal's consistency with the development and design standards.

Sec. 1614. Development Standards

A. Ingress/egress.

The number and location of curbcuts along US Highway 19 (State Route 3) and US Highway 41 (State Route 7) shall be as approved by the Georgia Department of Transportation (GDOT). Connectivity between parcels shall be as approved by the Department of Public Works. The Department of Public Works may require stubouts to adjacent properties. Where parking lots and/or driveways are located at distances greater than 50 feet from an adjacent property line, no constructed stubout shall be required however, a perpetual easement for ingress and egress from the driveway/parking lot to the adjacent property line shall be required as a condition of site development permit approval.

B. Underground Utilities.

Utilities shall be underground except those above ground utilities existing on the date of the adoption of this ordinance and any future utilities approved as special use permits by the Pike County Board of Commissioners.

C. Outdoor Lighting.

All outdoor lighting shall be night sky friendly, i.e., lighting shall be directed away from adjoining residential properties. Hooded down-light fixtures shall be used to minimize glare onto adjacent properties or roadways.

D. Storm Water Detention Ponds.

Security fencing shall be provided around all detention ponds visible from and within one 100 feet of an adjacent right-of-way. Said security fencing shall be a minimum of 4 feet in height and designed to appear as wrought or forged iron in black or natural earth tone color. If not visible from an adjacent right-of-way, said security fencing may be black vinyl coated chain link fencing or other material as may be approved by the Director of Planning and Development. Evergreen shrubs, a minimum of 3 feet in height when installed and planted at intervals of 4 feet, shall be provided around the perimeter of detention facilities located within 100 feet of a side or rear property line.

Sec. 1615. Design Standards

A. Front and right-of-way facing walls.

Exterior building materials for front exterior walls (containing the primary building entrance) and any side exterior walls that face the highway and/or adjacent public street shall be as follows:

1. Category "A" materials shall comprise 50 percent or more of the area of each wall and shall be limited to one or a combination of the following: brick, natural stone with weathered, polished, fluted, or broken face, and/or glass. No quarry-faced stone shall be used except in retaining walls. The brick and stone material shall not be painted or defaced in any manner.
2. Category "B" materials may comprise no more than 50 percent of the area of each wall and shall be limited to one or a combination of the following: masonry backed stucco, exterior insulation finish system (EIFS), fiber cement boards, shingles, wood, manmade stone or false brick, and/or surface textured and painted poured in place concrete.
3. Category "C" materials shall be limited to use as trim or accents and may include painted cement block, minimum 22 gauge painted steel, plastic and/or other materials not previously described except that vinyl shall be strictly prohibited.

B. Remaining side and/or rear exterior treatments. Exterior building materials shall be as follows:

1. Any combination of Category A or B materials listed above. As indicated in Section 1608, applicants shall submit either architectural renderings or photographs of substantially similar examples of building materials and/or features or a written statement of intent to comply with these regulations which includes proposed building materials, etc.

C. Speaker Systems.

No outdoor loud speakers or music systems shall be allowed on any property less than 15 acres in area. Building security systems and public warning sirens shall not be considered speaker systems.

D. Loading Docks and Parking Areas for Commercial Vehicles.

All loading docks and parking areas for commercial vehicles shall be located or screened so as to not be visible from adjacent residential properties. Screening shall be in accordance with Section 160.12. No loading dock shall be located in the front of a building.

E. Parking Area and Materials.

To the maximum extent possible, all vehicular parking shall be in rear and side yards and shall be covered with plant mix asphalt or concrete surface and all driveways shall be paved with similar materials. Paving stones and textured treatments may be used in driveways and pedestrian walkways to create variety and visual interest.

F. Outdoor Storage.

Outdoor storage shall be allowed only in side and rear yards and shall be fully screened from adjacent properties by a vegetative buffer in accordance with Section 160.12, masonry walls, or opaque wood fencing. Screening shall be a minimum of two (2) feet higher than the top of the materials being screened and no less than six (6) feet nor more than ten (10) feet in height. Chain-link fencing, with or without slats, shall not be allowed as a screening material.

G. Exterior Equipment/Containers.

All mechanical equipment, above ground tanks, storage facilities, garbage cans, trash containers, palletized trash, recycling containers, or other similar exterior equipment and/or containers shall be located or screened so as to not be visible from adjacent streets and properties. Screening may be accomplished by a vegetative buffer in accordance with Section 1612, masonry wall, or opaque wood fencing.

H. Vacant Buildings.

Vacant buildings and properties shall be maintained to include landscaping, parking areas, building exteriors, signs, etc. Sign structures shall not be left without sign-face materials.

Sec. 1616. Variances

Where the strict application of any provision of the US Highway 19 or US Highway 41 overlay district would result in an exceptional and practical difficulty or undue hardship upon any owner of a specific property, the owner of said property may file a variance request for consideration by the Pike County Planning and Zoning Board in accordance with the provisions of Chapter 156 of the Code of Pike County.

Sec. 1617. Conflicts in Language

Where conflicts in language occur between this and other ordinances of Pike County, the most restrictive standard shall prevail. Where determination of the most restrictive standard is not readily determined, the most recently adopted standard shall prevail.

Sec. 1618. Review

A. Staff review.

1. The Director of Planning and Development or designee shall provide written comments regarding deficiencies of the application to the applicant within fifteen (15) business days of the filing of the complete application. If there are no deficiencies noted by staff, the complete application shall be forwarded to the Planning and Zoning Board for review at the next regularly scheduled monthly meeting. A complete file shall be maintained by the Department of Planning and Development for public inspection.
2. If deficiencies are noted by staff, the applicant shall have the right to amend the application or appeal staff's comments to the Planning and Zoning Board.

B. Planning and Zoning Board review.

1. Review of the application shall be by a quorum of the Planning and Zoning Board at a regularly scheduled monthly meeting. The applicant shall be allowed to present the proposal and the members of the Planning and Zoning Board shall be allowed to ask questions of the applicant.
2. The application review process is public, but a public hearing shall not be required. Questions by citizens should be in writing and submitted to the Chairman of the Planning and Zoning Board no later than the commencement of the meeting. The Chairman may, but is not required, to recognize individuals in attendance with questions. The Chairman may seek answers to questions from the applicant or staff. Each member of the Planning and Zoning Board shall be given ample time to ask questions with final questions to be raised by the Chairman.
3. The Planning and Zoning Board may approve the application as submitted, approve the application as conditioned by the Planning and Zoning Board, table the item until a later, specific date, or deny the application.
4. In making a determination to approve, approve with changes, table or deny an application, the Planning and Zoning Board shall consider the following:
 - a. Does the application meet or exceed the standards of the overlay district?
 - b. Does the application comply with the purpose and intent of the overlay district even if it does not fully comply with all of the standards of the overlay district?
 - c. Are there conditions that need to be added to make the project a more appropriate and economically viable project?
 - d. What are the likely consequences of requiring a specific condition as part of approval, particularly in the absence of prior precedence?

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5. Approval or approval with conditions by the Planning and Zoning Board is intended to be the final action necessary for the applicant to proceed with securing a land disturbance permit or building permit provided all permitting requirements are met.
 6. Tabling of the item may be to a regularly scheduled meeting or to a special called meeting.
 7. Denial of an application is the final action by the Planning and Zoning Board.

Sec. 1619. Appeals

- A. A property owner/applicant or adjacent property owner that wishes to appeal a decision of the Planning and Zoning Board concerning a specific site plan may file an appeal to the Pike County Board of Commissioners. The appeal must be in writing and filed with the Director of Planning and Development within 10 calendar days of the action by the Planning and Zoning Board. The Director of Planning and Development shall place the appeal on the agenda of the next available regularly scheduled meeting of the Board of Commissioners. The decision of the Board of Commissioners shall be final, except as may be determined through legal proceedings of the Superior Court of Pike County.
- B. Upon receipt of a written appeal, the Board of Commissioners should place the item on the agenda of the next regularly scheduled meeting to render a decision on the matter in accordance with the Board's established rules of procedure.
- C. The appeal process is public but a mandatory public hearing shall not be required. The appellant shall be allowed sufficient time, but not more than 10 minutes, to present the details of the application relative to the Planning and Zoning Board's decision to the Board of Commissioners. The Director of Planning & Development shall not speak on behalf of the Planning and Zoning Board but shall instead offer professional opinions as to the validity of the appellant's claims. The Board of Commissioners shall be allowed to ask questions of the appellant, the Planning Director and applicant (if not the appellant).
- D. Although a mandatory public hearing shall not be required, the Chair of the Board of Commissioners may recognize individuals in attendance who have questions and shall seek to secure answers from staff or the applicant. Each member of the Board shall be given ample time to ask questions with final questions to be raised by the Chair.
- E. After due deliberation, a motion shall be made to affirm the original action by the Planning and Zoning Board, modify the original action by specific additional conditions of approval, table the matter to a specific date for further review, or reverse the Planning and Zoning Board's action.
- F. In making a determination to affirm, affirm with modifications, table or reverse the Planning and Zoning Board's approval or denial of a site plan, the Board of Commissioners should consider the matter in light of the following questions:
 1. Was the action by the Planning and Zoning Board consistent with the specific requirements of the overlay district?
 2. Did the action by the Planning and Zoning Board comply with the general intent of the overlay district even if it does not fully comply with the specific requirements of the overlay district?
 3. Are there conditions that need to be added to make the project a more appropriate and economically viable project?
 4. What are the likely consequences of requiring a specific condition as part of approval, particularly in the absence of prior precedence?
- G. Affirmation with or without modifications of a prior approval or reversal of a prior denial, by the Board of Commissioners, shall be the final action necessary for the applicant to proceed with securing a land disturbance permit or building permit, provided the requirements of those processes have been met.

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- H. Reversal of a prior approval or affirmation of a prior denial shall be the final action taken by the Board of Commissioners. Any work in process must immediately cease and desist. Work begun in advance of the conclusion of the County's appeal process is at risk and will not be compensated by the County.

Sec. 1620. Amendments to the Text of Overlay District

Text amendments shall be in accordance with the requirements of Article 4, Section 414 of the Pike County UDC.