

ORDINANCE: Liberty Gateway Overlay District Established

Note to Reader: This ordinance is intended to be used by any local government with jurisdiction over properties located within the Gateway Overlay District.

Liberty Gateway Overlay District.

(a) *General.* There shall be established within (*regulating jurisdiction*), Georgia, a zoning district which is placed over the base zoning system to modify the development guidelines and to achieve a specific purpose for those areas which fall within the boundaries of the district. The Liberty Gateway Overlay District is hereby established, with accompanying design guidelines. All land, buildings and structures within the overlay district shall be regulated by the following separate and distinct regulations:

- (1) The regulations of the underlying, or base, zoning system, meaning the use regulations, special permit uses, height regulations, area regulations, road and transportation requirements, subdivision regulations, and other zoning-related requirements that apply to a parcel by virtue of the zoning classification assigned to that parcel by the City (County); and
 - (2) The additional regulations and design standards set forth in the Liberty Gateway Overlay District, which shall apply to all roads, parcels, buildings, structures, and signs by virtue of their lying within the boundaries of the overlay district.
- In the event of a conflict between these two regulations, this document shall apply.

(b) *Legislative purpose and intent.* U.S. Highway 84 and the surrounding areas serve as a significant gateway into Liberty County and each of her communities. The overall appearance of this area and the efficiency of the transportation network are of the utmost importance to the county as a whole. Therefore, these design guidelines have been developed to provide a resource to address development within this area. The purpose and intent of these guidelines are as follows:

- (1) Preserve and enhance natural, cultural, and historic resources of Liberty County and encourage designs compatible with these goals;
- (2) Develop a gateway to the county to encourage tourism and economic development consistent with Liberty County's vision;
- (3) Promote an attractive view from I-95 which will reflect a positive image of Liberty County to the travelling public;
- (4) Develop an efficient transportation network of interconnected streets and multimodal facilities;
- (5) Preserve and enhance the capacity and safety of regional highways, especially U.S. Highway 84; and to
- (6) Distinguish Liberty County from other exits along Interstate 95.

(c) Establishment of the Liberty Gateway Overlay District. The district is generally described in the Liberty Gateway District Design Guidelines with an Exhibit Map being part of the ordinance showing the overlay district boundaries and are specifically delineated on the Official Zoning Map of (*regulating jurisdiction*), Georgia.

Properties included Tier I and II areas shall include:

- (1) Parcels or any portion of a parcel within 750' from the right of way of the subject corridor.
- (2) For existing lots of record, if more than 30% of the entire parcel is within 750' from the right of way of the subject corridor, then the entire parcel is included within Tier I or Tier II as appropriate.

The boundaries of the Tier I and Tier II areas may be adjusted based upon a natural or manmade feature upon a recommendation by the LCPC and the approval of the governing jurisdiction.

(d) *Effect upon existing land uses.*

- (1) All existing parcels shall be considered to be in compliance with this Section until the parcel is developed, redeveloped, modified, or rehabilitated, at which time all such development, redevelopment or land disturbance shall adhere to the new regulations set forth in the Gateway Sector Overlay District.
- (2) Properties located within the overlay district will retain all of the rights conferred by their existing zoning classifications.
- (3) Nothing in this Section shall preclude a property owner from petitioning the (*regulating jurisdiction*) for an amendment, modification or variance to any zoning classification as otherwise allowed by the jurisdiction's Zoning Ordinance.
- (4) Existing properties which are redeveloped or renovated within this district shall comply if the value of said improvements made to the property within a five-year period is fifty percent or more of the assessed tax value of the property.

(e) *Effect upon existing applications for development.* All applications for development within the Liberty Gateway District prior to *Month Date*, 2008, shall be exempt from the regulations herein. Any application submitted to the LCPC for development or redevelopment on or after *Month Date*, 2008 is subject to the requirements of the Liberty Gateway District.

Single-family residential uses on existing lots of record as of the effective date of this ordinance may be exempted from the requirements of this ordinance upon approval by the governing body.

(f) *Liberty Gateway District Design Review Board.*

- (1) *Creation and composition.* There is hereby created a design board of review (hereinafter referred to as the "board") which shall consist of 5 voting members interested in the quality of growth and development in the Liberty Gateway District. Such board shall include the following members who shall be appointed as such:
 - a. LCPC Executive Director (Chair), Ex-officio member.
 - b. Two qualified design professionals from the fields of planning, architecture, landscape architecture. – One each appointed by the City of Midway City Council and the Liberty County Board of Commissioners.
 - c. Representative of the City of Midway – Appointed by the City of Midway City Council.

d. Representative of the Liberty County– Appointed by Liberty County Board of Commissioners.

e. Building official – City of Midway – Ex-officio non-voting member.

f. Building official – Liberty County – Ex-officio, non-voting member.

(2) *Jurisdiction.* The jurisdiction of the board shall include the area contained within the Liberty Gateway District and those elements of development, redevelopment and other construction or land alteration within the overlay district, as indicated on the official zoning map.

(3) *Decision-making authority.* The board shall provide recommendations on all submittals as required by this ordinance to the Liberty Consolidated Planning Commission (LCPC). The LCPC will communicate all recommendations, along with accompanying plans, to the appropriate governing authority (e.g., Board of Commissioners or Midway City Council). Final actions of approval or disapproval shall be made by the governing authority with jurisdiction over the subject property.

(4) *Independent counsel.* The board shall have the right to seek independent counsel and review.

(5) *Terms of office.* In initial establishment of the board, the City of Midway and Liberty County shall each appoint one member for a one-year term and one member for a two-year term. All subsequent terms shall be for two years. Members shall be eligible for reappointment for an additional term of two years. A member who has served for two successive terms shall not be eligible for reappointment for a period of two years after the termination of his or her second term. The term of a board member may be terminated and a new member appointed in the event the board member fails to attend any three consecutive board meetings. Term limits shall not be in effect for those serving in their official capacity as an employee of the City of Midway, Liberty County, or the LCPC.

(6) *Serve without pay.* Members of the board shall serve without pay.

(7) *Organization.* The board shall elect from its membership a vice-chairman. The office of Chair shall be provided by the Executive Director of the LCPC. No member shall serve for more than two successive terms in the same office.

a. *Chair.* The chair shall preside over the board and shall sign all certificates of appropriateness approved by the board.

b. *Vice-chair.* In the absence or disability of the chair, the vice-chair shall perform the duties of the chair and in so serving shall have the same duties and authorities as the chair.

c. *Secretary.* An LCPC staff member shall serve as secretary to the board and shall maintain the records and minutes of the board.

(8) *Quorum.* Three members of the board shall constitute a quorum.

(9) *Majority required for approval.* All approvals require a majority vote, defined as the majority of the full board, regardless of the number of board members present.

(10) *Rules of procedure.* The board shall adopt rules, not inconsistent with the provisions set forth in this section, for the transaction of its business and consideration of applications. Such rules shall provide for the time and place of regular meetings and for the calling of special meetings. All meetings of the board shall be open to the public; and

a public record shall be kept of the board's resolutions, proceedings and actions.

(11) *Design Review Board staff.* The LCPC staff shall function as staff for the Design Review Board. Applications for development within the Gateway Overlay District will be reviewed for completion before submitting to the board for review.

(12) *Meetings.* The board shall meet as called to review submittals.

(13) *Calendar.* Applications shall be docketed and placed upon the calendar of the board in the order in which they are received. Materials to be reviewed by the Board shall be submitted to the offices of the Liberty Consolidated Planning Commission not less than 10 working days before the scheduled appearance date.

(14) *Action required by the Design Review Board.* The Design Review Board shall take action within 45 days upon the receipt of a complete application. If no action is taken within this time frame, the application shall be forwarded to the LCPC for action.

(g) *Procedural requirements.* Presentations to the Design Review Board must include sufficient technical and illustrative information about the proposed design for the Board to reach an informed conclusion about the project's ability to be completed within the guidelines. Presentations for specific developments should include plan, elevation and section information relating to adjacent and / or opposing properties and block faces in sufficient detail to clearly demonstrate the appropriateness of the proposed designs. Three dimensional representations may be requested illustrating a project from ground level and / or as part of a larger contextual framework.

(1) *Zoning approval.* Master plans as required for submittal at the time of a rezoning application are not required to undergo review and approval under this overlay district to move through the zoning process. However, this provision does not remove the applicability of this ordinance to any property in the Gateway Overlay District prior to the issuance of any development permits.

(2) *Master plan approval.* For developments which also include a subdivision of property, the master plan and plat may proceed through the review process, independent of architectural review. The LCPC may allow final plat approval subject to future action of the board regarding architecture and design plan submittals.

(3) *Site plan approval.* For developments which require review and approval of a building(s), the site plan and building(s) shall be reviewed concurrently.

(4) No building permits shall be issued until the final plat is approved and all other requirements of this ordinance are met.