

**CITY OF GUYTON  
STATE OF GEORGIA**

**ORDINANCE NUMBER 2020-08**

**AN ORDINANCE BY THE MAYOR AND COUNCIL FOR THE CITY OF GUYTON TO AMEND AND RESTATE THE CITY OF GUYTON, GEORGIA ZONING ORDINANCE AND TO AMEND THE OFFICIAL ZONING MAP OF GUYTON, GEORGIA; TO PROVIDE FOR NOTICE; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND FOR OTHER PURPOSES.**

**WHEREAS**, the duly elected governing authority of the City of Guyton, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and

**WHEREAS**, the duly elected governing authority of the City of Guyton, Georgia have the authority to amend the City of Guyton, Georgia Zoning Ordinance and The Official Zoning Map of Guyton, Georgia from time to time and where necessary to maintain adequate regulations; and

**WHEREAS**, the duly elected governing authority of the City of Guyton, Georgia have resolved to amend the City of Guyton, Georgia Zoning Ordinance and The Official Zoning Map of Guyton, Georgia;

**NOW THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF GUYTON, GEORGIA** in a regular meeting assembled and pursuant to lawful authority thereof, as follows:

- Section 1.** That the City of Guyton, Georgia Zoning Ordinance be amended and restated in its entirety to now read as stated on Exhibit A hereto, which is attached hereto, incorporated herein by reference as if set forth verbatim herein, and becomes part of this Ordinance.
- Section 2** That the City of Guyton, Georgia Zoning Ordinance be amended to reflect, adopt, and incorporate the zoning map titled "The Official Zoning Map of Guyton, Georgia", which is accessible to the public for viewing at City of Guyton City Hall, is attached hereto as Exhibit B, is incorporated herein by reference as if set forth verbatim herein, and becomes part of this Ordinance. Upon adoption of this Ordinance, The Official Zoning Map of Guyton, Georgia will be maintained as a public record at City Hall.
- Section 3.** If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.
- Section 4.** This ordinance shall become effective immediately upon its adoption by the City Council.
- Section 5.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020 by the duly elected governing authority of the City of Guyton, Georgia.

**CITY OF GUYTON**

\_\_\_\_\_  
Russ Deen, Mayor

**ATTEST:**

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Tina L. Chadwick, City Clerk

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Mayor Pro Tem Michael Johnson

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Council Member Joseph Lee

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Council Member Hursula Pelote

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Council Member Marshall Reiser

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Bill Sawyer, City Manager

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## ARTICLE ONE

### Title

This ordinance shall be known and may be cited as "The City of Guyton, Georgia Zoning Ordinance."

## ARTICLE TWO

### Enactment, Purpose, Objectives, and Scope of Ordinance

#### Section 201 Enactment

Pursuant to the provisions of the Zoning Procedures Law, as codified in O.C.G.A. § 36-66-1 et seq., and in accordance with the authority granted by the Constitution of the State of Georgia as enacted by the Georgia General Assembly, the governing authority of the City of Guyton, Georgia, hereby ordains and enacts into law the City of Guyton, Georgia Zoning Ordinance. As part of this Ordinance so enacted into law is "The Official Zoning Map of Guyton, Georgia."

#### Section 202 Purpose

To provide for the best use of property promoting the health, safety, morals, convenience, order, prosperity, and general welfare of the people of Guyton.

#### Section 203 Objectives

These regulations are designed to:

- (1) Lessen congestion in the streets;
- (2) Secure safety from fire, panic, and other dangers;
- (3) Promote health and general welfare;
- (4) Provide adequate light and air;
- (5) Prevent overcrowding of the land and urban sprawl;
- (6) Avoid undue concentration of the population;
- (7) Facilitate the adequate provision of transportation, water, sewage, schools, parks, police, fire protection, and other public requirements;
- (8) Sustain the character of the city and its suitability for particular uses;
- (9) Promote desirable living conditions and stability of neighborhoods;
- (10) Protect property from blight and depreciation;
- (11) Secure economy in governmental expenditures;
- (12) Conserve the value of buildings and land;
- (13) Channel the most appropriate use of land and buildings throughout the city; and
- (14) For other purposes.

#### Section 204 Scope

An ordinance of the City of Guyton, Georgia regulating the location, height, bulk, number of stories and size of buildings and other structures; the percentage of lot which may be occupied; the sizes of yards and other open spaces; the density and distribution of population; and the uses of buildings; structures and lands for trade, industry, residence, recreation, conservation, water supply, sanitation, public safety, public activities, preservation of scenic areas, protection against floods, rising waters and erosion, and

other purposes; creating districts for said purposes and establishing the boundaries thereof; defining certain terms used herein; providing for the method of administration, appeal and amendment and duties; providing penalties for violation; and for other purposes.

## **ARTICLE THREE**

### General Provisions

#### Section 301 All Structures Must Conform to Ordinance

No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which the building or land is located.

#### Section 302 Access to Public Street Required

No building shall be constructed or erected upon a lot, or parcel of land, which does not abut upon a public street or permanent easement of access to a public street, which easement shall have a minimum width of twenty-five (25) feet, unless an easement of lesser width was of record prior to the adoption of this ordinance.

#### Section 303 Projects Under Construction Not Affected

Nothing in this ordinance shall be deemed to require any change in the plans, construction, or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this ordinance and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within two (2) years from the date of passage and publication of this ordinance.

#### Section 304 Zoning Designation of Annexed Areas

Any area annexed to the City shall upon such annexation be automatically zoned R-1, Single Family Residential District, and shall be subject to all restrictions applicable in such districts, unless the ordinance annexing such area specifically designates a different land use district and, further, provided that the procedures established for zoning ordinance amendments herein have been followed.

#### Section 305 Public Utilities Allowed in All Districts

Unless otherwise stated by this ordinance, the following public utility uses shall be permitted within easements or dedicated public rights-of-way in any district: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, and any other similar transmission and distribution equipment (but not including distribution centers and substations), provided that the installation thereof shall conform with the rules and regulations of the applicable administrative authorities.

## **ARTICLE FOUR**

### Interpretation of Terms and Definitions

#### Section 401 Interpretation of Terms

For the purpose of this ordinance, the following definitions shall apply:

- (1) Words used in the singular shall include the plural, and the plural shall include the singular;
- (2) Words used in the present tense shall include the future tense and the past tense;
- (3) The word "shall" is mandatory and not discretionary;
- (4) The word "may" is discretionary;
- (5) The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for";
- (6) Words not defined herein shall be construed to have the meaning given by common and ordinary use.

Definitions:

- (1) AIRPORT shall mean those publicly owned airports.
- (2) AIRPORT HAZARD shall mean any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport, or which otherwise is hazardous to such landing or taking off of aircraft.
- (3) ACCESSORY BUILDING. A building customarily incidental and subordinate to the main buildings.
- (4) ACCESSORY USE. A use customarily incidental, appropriate and subordinate to the principal use of land or buildings located upon the same premises.
- (5) ADVERTISING SIGN OR STRUCTURE. Any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone sign or other sign, device, or structure of any character whatsoever, including statuary, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building or structure. The term "placed" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross-section of the structure. Neither directional, warning, nor other signs posted by public officials in the course of their public duties nor merchandise or material being offered for sale, shall be construed as advertising signs for the purpose of this definition.
- (6) ADVERTISING SIGN, OUTDOOR (BILLBOARD). A sign which directs attention to a profession, business, commodity, service, or entertainment other than one conducted, sold, or offered upon the premises where such sign is located, or on the building to which such sign is affixed.
- (7) ALLEY. A minor right-of-way dedicated to public use which affords only a secondary means of vehicular access to the back or side of properties otherwise abutting on a street and which may be used for public utility purposes.
- (8) APARTMENT. A building designed for or occupied by four (4) or more families with separate housekeeping facilities for each family, including apartment houses, apartments and flats, efficiency apartments, and studio apartments, but not including boarding homes, hotels, or motels.
- (9) AUTOMOBILE SALES AND SERVICE GARAGE. Means a building or lot, or both, in or upon which the business of general motor vehicle sales, repair and service is conducted, but excluding a junk or auto wrecking business.
- (10) BOARDING HOUSE. A dwelling other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for two (2) or more persons.



- (11) **BUILDABLE AREA OF LOT.** The buildable area of a lot is the space remaining after the minimum open space requirements of this ordinance have been met.
- (12) **BUILDING.** Any structure having a roof supported by columns or by walls and intended for shelter, housing, or enclosure of persons, animals, or personal property.
- (13) **BUILDING HEIGHT.** The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deck line of a mansard roof, or to the average highest point of roof line.
- (14) **BUILDING OFFICIAL OR BUILDING INSPECTOR.** Any person hired by the City of Guyton or employee or employees of the City of Guyton designated to inspect, determine compliance with, and render decisions concerning the compliance of structures, lots, and construction within the City of Guyton to the ordinances of the City.
- (15) **BUILDING, PRINCIPAL.** A building in which there is conducted the principal use of the lot on which said building is situated (see also accessory building).
- (16) **BUILDING SETBACK LINE.** A line establishing the minimum allowable distance between the front of the structure and the front property right-of-way line when measured perpendicularly thereto. The term "building line", where used in this ordinance, shall be synonymous with the term "building setback line."
- (17) **BUILDING SITE.** A single parcel of land under one ownership, occupied or intended to be occupied by a building or structure.
- (18) **BUSINESS SERVICES.** Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, including employment services, banking, advertising, management and consulting services, and equipment rental.
- (19) **CENTER LINE OF STREET.** The line surveyed and monumented by the City of Guyton or the Georgia Department of Transportation or if a center line has not been surveyed and monumented, it shall be that line running midway between the outside curbs or ditches of the street.
- (20) **CLUB.** Building and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
- (21) **CONDOMINIUM (BUILDING).** A building containing three (3) or more individually owned dwelling units and related, jointly-owned, common areas as defined by the laws of the State of Georgia.
- (22) **CONSTRUCTION.** For the purpose of Section 303, construction begins when a building permit is issued.
- (23) **CURB CUT.** Any interruption or break in the line of a street for the purpose of connecting a driveway to a street, or otherwise to provide vehicular access to abutting property.
- (24) **DAY CARE CENTER OR KINDERGARTEN.** Any place used for the daytime care or education of five (5) or more children under seventeen (17) years of age where the children's parents or guardians are not residents of the premises.

- (25) DWELLING. A building or portion thereof that provides living facilities for one or more families, including one-family, two-family and other multiple-family dwellings, but not including hotels and boarding houses.
- (26) DWELLING, SINGLE FAMILY. A detached building designed exclusively for occupancy by one (1) family.
- (27) DWELLING, MULTIFAMILY. A structure designed for the occupancy of two (2) or more families with separate housekeeping facilities for each family.
- (28) DWELLING UNIT. One or more rooms in a dwelling, apartment, boarding house, hotel or motel, designed primarily for occupancy by one family for living or sleeping purposes.
- (29) FAMILY. One or more persons occupying a dwelling unit, living as a single, nonprofit housekeeping unit, provided that a group of four or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

Notwithstanding the definition in the preceding paragraph, a family shall be deemed to include four or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if said occupants have a disability recognized by the Americans with Disabilities Act, 42 U.S.C. Section 12101 et seq., and the Fair Housing Act, 42 U.S.C. Section 3601 et seq.,. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition, except as would constitute a direct threat to the health and safety of the occupants or other individuals.

- (29) GAS STATION. A structure designated or used for the retail sale or supply of fuel, lubricants, air, water, and other operating commodities of motor vehicles and including the customary spacing and facilities for the installation of such commodities on, or in, such vehicles-but not including space or facilities or the storage, painting, repair, refinishing, body work, or other servicing of motor vehicles.
- (30) HOME BUSINESS OFFICE. An office within a dwelling which is secondary to the use of the structure for dwelling purposes. The office may be for the purposes of service or trade workers who customarily work at various locations, such as electricians, plumbers, appraisers, or individuals who work at home, such as writers or computer programmers. Home business offices are not offices for on-site customer servicing. Customers are prohibited from visiting the office and there may be no signs indicating the presence of such office on the premises.
- (31) HOME OCCUPATION. Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings, provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or sign other than one non-illuminated nameplate not more than two square feet in area attached to the main or accessory building and no mechanical equipment is used or activity is conducted which creates any dust, noise, odor, or electrical disturbance beyond the confines of the lot on which said occupation is conducted.

- (32) HOTEL OR MOTEL. A building or group of buildings under one ownership containing sleeping rooms occupied, intended or designed to be occupied, as the more or less temporary abiding place of persons who are lodged with or without meals for compensation but not including an auto or trailer court or camp, sanitarium, hospital, asylum, orphanage, or building where persons are housed under restraint. Hotel and motel include tourist homes and bed and breakfasts.
- (33) INSTITUTION. A building occupied by a non-profit organization or corporation or a non-profit establishment for public or semi-public use.
- (34) JUNK YARD. An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area for storage, keeping, or abandonment of junk but does not include uses established entirely within enclosed buildings.
- (35) LOADING SPACE, OFF-STREET. Space logically and conveniently located for pickups and deliveries scaled to delivery vehicles expected to be used and accessible to such vehicles.
- (36) LOT. A parcel or plot of land of varying size which is designated as a single unit of property and which is intended to be occupied by one building, or group of buildings, and its accessory buildings and uses as required by this ordinance.
- (a) LOT AREA. The total area included within lot lines.
  - (b) LOT, CORNER. A lot situated at the intersection of two (2) or more streets.
  - (c) LOT COVERAGE. The percentage of lot area covered by principal and accessory buildings and structures.
  - (d) LOT, DOUBLE FRONTAGE. A lot, other than a corner lot, which has frontage on more than one street other than an alley.
  - (e) LOT DEPTH. The mean distance between front and rear lot lines.
  - (f) LOT FRONTAGE. The linear distance a lot or parcel abuts a public street or permanent easement from beginning to end at any one point. For lots that front a street at more than one point, this distance shall not be construed as a cumulative amount.
  - (g) LOT LINES. Lines forming the boundaries of a lot as defined above.
  - (h) LOT WIDTH. Distance between the side boundaries of the lot measured at the front yard setback line.
- (36) LOT OF RECORD. A lot which is part of a subdivision, a plat of which has been legally recorded in the records of the Clerk of Effingham County Superior Court, or a parcel of land, the deed of which has been legally recorded in the same office as of the effective date of this ordinance.
- (37) MANUFACTURED HOUSING. A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. S5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is designed to be used as a place of human habitation with or without a permanent foundation when connected to the required utilities. It is not constructed with a permanent hitch or other device allowing transportation of the unit other than for the purpose of delivery to a

- permanent site, and which does not have wheels or axles permanently attached to its body or frame.
- (38) **MOBILE HOME.** A transportable factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Mobile Homes are not permitted uses in any district.
- (39) **MODULAR HOME.** A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with regulations of the Southern Building Code Congress International (SBCCI). For the purposes of this ordinance, modular home shall be construed to be a single-family dwelling.
- (40) **MANUFACTURED HOUSING PARK.** A parcel of land which is used or intended to be used for the rental or lease of spaces, stands, or manufactured houses and the provision of services for two (2) or more manufactured houses.
- (41) **MANUFACTURED HOUSING SPACE, STAND.** A plot of ground within a manufactured housing park designed for the accommodation of one manufactured house for rent or lease and not to be bought or sold individually.
- (42) **NON-CONFORMING USE.** Any building structure or use of land or building lawfully existing at the effective date of this Ordinance, which does not conform with the provisions of this ordinance or amendments thereto.
- (43) **NURSING HOME.** A home for aged or ill persons in which three (3) or more persons not of the immediate family are provided with food, shelter, and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment.
- (44) **PERSONAL PROPERTY.** Any property which is not real property.
- (45) **PHYSICAL CONSTRUCTION.** Permanent emplacement of structural components.
- (46) **PLANNING AND ZONING COMMISSION ADMINISTRATOR.** Shall be the City Manager or other designee of the City Council.
- (47) **PUBLIC UTILITY.** Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: natural gas, steam, electricity or other energy sources, water, sewage disposal, communication, including cable TV.
- (48) **RIGHT-OF-WAY LINE.** The outside boundaries of a high right-of-way, whether such right-of-way be established by usage, dedication or by the official right-of-way.
- (49) **SIGN.** Means any structure or part thereof or device attached thereto or painted or represented thereon or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark or other representation used as or in the nature of an announcement, advertisement, directory or designation of any person, group, organization, place, commodity, product, service, business, profession, enterprise or industry, which is located upon any land or any building or upon a window. The flag, emblem or other insignia of a nation, governmental unit or educational, charitable or religious group shall not be included within the meaning of this

definition. For the purpose of this chapter, sign types shall be identified as follows:

- (a) BUS STOP BENCH SIGN. Any sign not exceeding 22 square feet printed or fixed on a bench or seat located at a bus stop as designated by the local Area Transit Authority or the applicable Board of Public Education.
- (b) TEMPORARY SIGN. A display, informational sign, banner or other advertisement device with or without a structural frame, not permanently attached to a building, structure or the ground and intended for a limited period of display, including real estate signs, accessory temporary window or display case signs, and decorative displays for holidays or public demonstrations.
- (c) FREESTANDING SIGN. A sign supported by one or more upright poles, columns or braces placed in or upon the ground surface, and not attached to any building or structure.
- (d) ILLUSTRATED SIGN. A sign illuminated directly or indirectly by gas, electricity or other artificial light, including reflective or fluorescent light.
- (e) CANOPY SIGN. A sign attached or applied to or below a canopy, awning or other roof-like structure.
- (f) DOUBLE FACED SIGN. A sign more than one side of which is visible. A "V" sign shall be considered a double-faced sign providing the least angle of intersection does not exceed 90 degrees.
- (g) PORTABLE SIGN. A freestanding sign, with or without wheels, not permanently anchored or secured to either a building or to the ground.
- (h) PROJECTING SIGN. A double-faced sign end-mounted to an exterior wall of a building or structure and which projects out from the wall.
- (i) *ROOF-MOUNTED SIGN* means a sign erected wholly upon or above a roof of any building. Such signs shall not extend above the peak of the roof, nor shall any sign attached to the facade of a building extend more than four feet above the roofline or parapet.
- (j) SIGN-FACED SIGN. A sign only one side of which is visible.
- (k) MARQUEE SIGN. A sign with a changeable message board announcing an attraction or event or other information.
- (l) WALL SIGN. Any sign that is affixed to the wall or printed on the wall of any building. Any sign that is affixed to the face of a building marquee, building awning or building canopy shall be considered a wall sign.
- (50) SPECIAL PERMIT USE. A special permit use is that activity or use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in zoning districts as special permit uses, if specific provision for such special permit uses are made in this zoning ordinance. This is not to be confused with a VARIANCE. A permit for a special permit use runs with the land, i.e., goes with the property, not the property owner.
- (51) STREET. Any public or private thoroughfare which affords the principal means of access to abutting property.

- (52) STREET, INTERSECTING. Any street which joins another street at an angle, whether or not it crosses the other.
- (53) STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling.
- (54) STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground.
- (55) SUBDIVISION. The division of a parcel or tract of land into two or more lots for immediate or future use.
- (56) TOWNHOUSE. A building containing two or more attached, individually owned dwelling units with no related common areas.
- (57) TRAVEL TRAILER. Any single-family structure ordinarily towed by a motor vehicle or self-propelled and being no longer than thirty-six (36) feet, having a water closet toilet.
- (58) YARD. An open space on the same lot with a principal building, unoccupied, and unobstructed by buildings or structures from ground upward, except as otherwise provided in this ordinance.
  - (a) YARD, FRONT. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way and the front line of the building projected to the side lines of the lot.
  - (b) YARD, SIDE. An open, unoccupied space on the same lot with the principal building, situated between the building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.
  - (c) YARD, REAR. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.
- (59) VARIANCE. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure, for size of yards and open spaces and for any rule or regulation herein involving distance, area, height, or any other dimension, to include by way of example but not limited to setback distances for buildings, distances of curb cuts from corners, etc.; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district. This is not to be confused with a SPECIAL PERMIT USE.

## **ARTICLE FIVE**

### Establishment of Land Use Districts and Interpretation of Land Use District Boundaries

#### Section 501    Establishment of Land Use Districts

For the purposes of these regulations, Guyton, Georgia is divided into the following land use districts:

R-1	Single Family Residential
R-2	Low Density Multifamily Residential
R-3	Medium and High Density Multifamily Residential
R-4	Single Family Residential
M-H	Manufactured Housing
R-5	Town House
PD	Planned Development
MU	Mixed Use
C-1	Central Business
C-2	Highway Commercial
C-3	Office - Apartment
I-L	Light Industrial
I-G	General Industrial
I-A	Airport Industrial
CP	Conservation-Preservation
WD	Waste Disposal

#### Section 502 Interpretation of Land Use District Boundaries

When uncertainty exists with respect to boundaries of any land use districts as shown on the official Zoning Map of the City, the following rules shall apply:

- (1) Where district boundaries are indicated as approximately following street or highway center lines, or street or highway right-of-way lines, said boundaries shall be construed as following such lines;
- (2) Where district boundaries are indicated as approximately following lot lines, said boundaries shall be construed as following such lines;
- (3) Where district boundaries are indicated as being approximately parallel to the center lines or right-of-way lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto at the scaled distance indicated on the official Zoning Map;
- (4) All streets, alleys, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, or railroad right-of-way. Where the center line of a street, alley or railroad right-of-way serves as a district boundary the zoning of such street, alley, or railroad right-of-way, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line;
- (5) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (6) It is the policy of the City that all fresh water marsh areas fall within the Conservation-Preservation Land Use District (CP). Where a boundary is indicated as following such fresh water area the boundary line shall be construed as following the actual limits of said fresh water marsh.

### **ARTICLE SIX**

#### Intent of Land Use Districts and Specific Land Use District Regulation

Except as otherwise provided herein, the regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly, and to each class or kind of structure or land.

## Section 601 R-1, Single Family Residential District

### District Intent

This is the most restrictive residential district. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities needed to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the single-family residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

### A. Uses Permitted

The following uses shall be permitted in the R-1, Single Family Residential District:

- (1) Single family residences (must meet the requirements in D below) ;
- (2) Parks or playgrounds;
- (3) Country clubs, golf courses;
- (4) General purpose or gardening, but not the keeping of poultry or non-domestic animals;
- (5) Accessory buildings and structures; and
- (6) Home business offices.

### B. Special Permit Uses

The following uses may be permitted in accordance with the provisions contained in Article Ten, and if additional conditions which may be required are met:

- (1) Public and private schools;
- (2) Public buildings and utilities;
- (3) Churches, synagogues, temples, mosques or other places of worship provided that such use is housed in a permanent structure, and no structure on the lot is closer than 25 feet from any residential property line;
- (4) Day care centers or kindergartens;
- (5) General purpose farm or garden that includes the keeping of poultry or non-domestic animals; and
- (6) Home occupations and Home Business Offices provided that the conditions set forth in in this Ordinance, including within Section 707, are met.

### C. Area Regulation

Unless otherwise specified in this ordinance, uses permitted in R-1, Single Family Residential Districts shall conform to the following requirements:

- (1) Minimum lot area: 10,000 square feet;



- (2) Minimum lot width at building line: 75 feet;
- (3) Minimum front yard setback from street: 25 feet;
- (4) Minimum side yard, setback from street: 25 feet; setback from other property line: 15 feet;
- (5) Minimum rear yard, setback from street: 25 feet; setback from other property line: 15 feet;
- (6) Maximum percentage of lot coverage: 30%;
- (7) Maximum building height: 35 feet.

D. Single-Family Residential Standards

All single-Family Residences, whether site built or manufactured housing, must meet the following standards in the R-1 District:

- (1) All structures including the primary structure and accessory structures shall be constructed with a pitched roof having a pitch of 3 in 12 or greater;
- (2) The roof shall be covered with asphalt composition shingles, 5-V metal roofing, or tile materials. Corrugated metal or plastic panels are prohibited;
- (3) The exterior wall shall be material similar to traditional site-built housing. These materials may include clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, stucco, brick, brick veneer, concrete block, or similar material: but shall not include smooth, ribbed or corrugated metal or plastic panels;
- (4) The minimum horizontal dimension of the structure as installed on the site shall be 24 feet;
- (5) The minimum floor area shall be 1200 square feet;
- (6) All principal structures shall be placed on a permanent foundation. For the purposes of this section, a permanent foundation shall mean a concrete slab, concrete footers, foundation wall, pilings or post construction, which complies with the County Building Code;
- (7) In no case shall wheels, chassis, any undercarriage or transporter unit be left on any structure;
- (8) All units must meet wind-loading requirements of Federal Emergency Management Administrator and the SBCCI Codes.

Section 602 R-2 Residential District

District Intent

This residential district is created to provide low density multifamily residential dwellings, primarily in the form of two and three dwelling unit structures. Single family and other permitted uses allowed in the R-1 district are also permitted. Persons residing in this district are entitled to protection from other types of uses which are detrimental to the residential characteristics of the district. The regulations which apply to this district are designed to encourage the formation and continuance of a stable, healthy living environment for its residents.

A. Uses Permitted

The following uses shall be permitted in the R-2 Residential District:

- (1) Any use permitted in the R-1, Single-Family Residential District, except that single-family residences are not required to meet the standard listed in Section 601(D)(5) of this Ordinance.
- (2) Two-family dwellings (duplex) ;
- (3) Three family dwellings (triplex) ;
- (4) Boarding houses (not to exceed four units); and
- (5) Accessory uses and structures.

**B. Special Permit Uses**

The following uses may be permitted in accordance with the provisions contained in Article Ten, and if additional conditions which may be required are met:

- (1) Any special use permitted in the R-1, Single-Family Residential District; and
- (2) Nursing homes.

**C. Area Regulations**

Unless otherwise specified in this ordinance, uses permitted in R-2 Residential District shall conform to the following requirements:

- (1) Minimum Lot areas:
  - (a) Single family dwellings: 10,000 square feet;
  - (b) Two and three family dwellings: 10,000 square feet for the first two units, 4,000 square feet for each additional unit;
  - (c) Boarding houses: 10,000 square feet for the first three units plus 4,000 square feet for each additional unit.
- (2) Minimum lot width at building line: 70 feet;
- (3) Minimum front yard setback from street: 25 feet;
- (4) Minimum side yard, setback from street: 25 feet; setback from other property line: 10 feet ;
- (5) Minimum rear yard, setback from street: 25 feet; setback from other property line: 15 feet;
- (6) Maximum percentage of lot coverage: 35%;
- (7) Maximum building height: 35 feet;
- (8) Minimum dwelling unit size (heated area):
  - (a) Single family dwellings: 600 square feet;
  - (b) Two and three family dwellings: 600 square feet per unit;
  - (c) Boarding houses: none.

**Section 603 R-3, Medium and High Density Multifamily Residential District**

**District Intent**

To provide for development of condominium dwelling units and medium to high density residential developments. This district's regulations are designed to encourage the formation and continuance of a stable and healthy residential environment while discouraging the encroachment of uses capable of adversely affecting the district's character.

A. Uses Permitted

The following uses shall be permitted in the R-3, Medium and High Density Multifamily Residential District:

- (1) All uses permitted in the R-1, Single Family Residential, and R-2 Residential Districts except that single family residences are not required to meet the standard listed in Section 601(D)(5);
- (2) Multiple family dwellings and apartments;
- (3) Single family condominium dwellings; and
- (4) Accessory uses and structures.

B. Special Permit Use

The following uses may be permitted in accordance with the provisions contained in Article Ten, and if additional conditions which may be required are met:

- (1) Any special use permitted in the R-1, Single Family Residential District or R-2, Low Density Multifamily Residential District.

C. Area Regulations

Unless otherwise specified in this ordinance, uses permitted in the R-3, Medium and High Density Multifamily Residential District shall conform to the following requirements:

- (1) Minimum lot area:
  - (a) Single family detached dwellings: 10,000 square feet;
  - (b) Two and three family dwellings: 10,000 square feet for the first two units and 4,000 square feet for each additional unit;
  - (c) Condominiums and multifamily dwellings of more than three units: 8,000 square feet for the first two units; plus 2,000 square feet for each additional unit;
- (2) Minimum lot width at building line: 16 feet for condominium dwellings; 70 feet for all other uses;
- (3) Minimum front yard setback from street: 25 feet;
- (4) Minimum side yard, setback from street: 25 feet; setback from other property line: 1.0 feet; provided that for condominium dwellings which are not end units and have 0 feet side yards on each side adjoining another unit.
- (5) Minimum rear yard, setback from street: 25 feet; setback from other property line: 15 feet;
- (6) Maximum percentage of lot coverage: 55% for condominiums; 35% for all other permitted uses;
- (7) Maximum building height: 45 feet;
- (8) Minimum dwelling unit size:
  - (a) Single family dwellings, and condominium dwellings: 300 square feet;
  - (b) Two and three family dwellings: 600 square feet per unit;

- (c) Multi-family dwelling of more than three units: 600 square feet for the first six (6) units; 500 square feet per unit in addition to the first twelve (12) units.

## Section 604 R-4 Single Family Residential District

### District Intent

The intent of this district is to provide distinct areas within the city where single family dwellings are allowed by right and single-family manufactured housing are allowed on a special permit use basis. It is intended that R-4 land use districts be limited to those areas of the city where manufactured homes and single-family dwellings have historically existed together but where single-family dwellings are the dominant housing type.

### A. Uses Permitted

The following uses shall be permitted in the R-4, single Family Residential District:

- (1) Single family dwellings; except that single family residences are not required to meet the standard listed in Section 601(D)(5);
- (2) Parks and playgrounds;
- (3) Country clubs and golf courses;
- (4) General purpose farm or garden, but not the keeping of poultry or non-domestic animals;
- (5) Accessory uses and structures; and
- (6) Home business offices.

### B. Special Permit Uses

The following uses may be permitted in accordance with the provisions contained in Article Ten, and if any additional conditions which may be required are met:

- (1) Manufactured houses on individual lots;
- (2) Public and private schools;
- (3) Public buildings and utilities;
- (4) Churches ;
- (5) Day care centers and kindergartens;
- (6) Clubs, lodges, or fraternal organizations;
- (7) General purpose farm or garden that includes the keeping of poultry or non-domestic animals;
- (8) Home occupation.

### C. Area Regulations

Unless otherwise specified in this ordinance, uses permitted in the R-4, Single Family Residential District shall conform to the following requirements:

- (1) Minimum lot area: 10,000 square feet;
- (2) Minimum lot width at the building line: 75 feet;
- (3) Minimum front yard setback from street: 25 feet;
- (4) Minimum side yard, setback from street: 25 feet, setback from other property line: 10 feet;

- (5) Minimum rear yard, setback from street: 25 feet; setback from other property line: 15 feet;
- (6) Maximum percentage of lot coverage: 30%;
- (7) Maximum building height: 35 feet.

#### Section 605 R-5, Townhouse Dwelling District

##### District Intent

To provide for the development of townhouse dwelling units at a medium density so as to provide for the amenities of open space and recreational potentials essential to family living. This district provides a choice of housing types in the community where such dwellings would be compatible with existing development.

##### A. Uses Permitted

The following uses shall be permitted in the R-5, Townhouse Dwelling District:

- (1) All uses permitted in the R-1 Single Family Residential District;
- (2) Townhouse Dwelling; and
- (3) Accessory uses and structures.

##### B. Special Permit Uses

The following uses may be permitted in accordance with the provisions contained in Article Ten, and if additional conditions which may be required are met:

- (1) Any special use permitted in the R-1, Single Family Residential District.

##### C. Area Regulations

Unless otherwise specified in this ordinance, uses permitted in the R-5 Townhouse Dwelling District shall conform with the following requirements:

- (1) Minimum lot area:
  - (a) Single family detached dwellings: 10,000 square feet;
  - (b) Single family townhouses: Not more than 16 townhouses per acre of land, each townhouse development containing at least one acre of land
- (2) Minimum lot width at building line: 16 feet for single family townhouses; 70 feet for all other uses;
- (3) Minimum front yard setback for street: 25 feet;
- (4) Minimum side yard, setback from street: 25 feet; setback from other property line: 10 feet, provided, that townhouse dwellings which are not end units may have 0 feet said yards on each side adjoining another unit;
- (5) Minimum rear yard, setback from street: 25 feet; setback from other property line: 15 feet;
- (6) Maximum percentage of lot coverage: 55% for single family townhouses; 35% for all other permitted uses;
- (7) Maximum building height: 35 feet;
- (8) Minimum dwelling unit size: 800 square feet.

#### Section 606 MH Manufactured Housing District

### District Intent

The intent of this district is to provide sound and healthy residential areas to meet the unique needs of manufactured housing residents; to encourage the consolidation of manufactured housing into parks; to protect manufactured housing residential areas from encroachment by incompatible uses; and to enhance property values in the community by providing distinctive areas for manufactured housing.

#### A. Uses Permitted

The following uses shall be permitted in the MH Manufactured Housing District:

- (1) Manufactured housing parks;
- (2) Single family manufactured housing on individual lots;
- (3) Single family residences;
- (4) Parks and playgrounds;
- (5) Laundromats;
- (6) Accessory uses and structures;
- (7) Home business offices

#### B. Special Permit Uses

The following uses may be permitted in accordance with the provisions contained in Article Ten, and if additional conditions which may be required are met:

- (1) Any special use permitted in the R-1, Single Family Residential District.

#### C. Area Regulations

Unless otherwise specified in this ordinance, uses permitted in the MH Manufactured Housing District shall conform to the following requirements:

- (1) All manufactured housing shall be built in compliance with the National Manufactured Housing Construction and Safety Standard Act of 1974.
- (2)
  - (a) Single family residential and manufactured homes on individual lots must meet the area requirements of R-1, Single Family Residential District;
  - (b) All manufactured houses shall comply with the provisions of (3) (j) below, Additional Requirements;
- (3) Manufactured Housing Parks shall conform to the following requirements:
  - (a) Minimum lot area: four (4) acres;
  - (b) Maximum density is seven (7) manufactured houses per acre;
  - (c) Each manufactured house shall be located on a lot or space having an area of at least 4,000 square feet;
  - (d) Each manufactured house shall be graded and drained so that rain water will not stand in pools or puddles;
  - (e) The minimum distance required for the separation of a manufactured house from any other manufactured home shall be: 20 feet from side to side, 20 feet from side to rear, setback from interior driveways shall be at least 15 feet;

- (f) No manufactured house shall be located closer than 30 feet from street right-of-way lines and not closer than 20 feet from property lines;
- (g) Manufactured housing parks shall have a minimum of 400 square feet of common open space per manufactured house space; however, no manufactured housing park shall have less than 6,000 square feet of total common open space;
- (h) Manufactured housing parks shall have visual buffers such as shrubbery and/or fencing at least six (6) feet in height between the park and adjacent non-manufactured home residential users. Buffer strips shall meet the requirements of Article Eight, Section 802;
- (i) All manufactured house spaces shall abut on interior drive of gravel or similar all-weather surface; interior drives shall be a minimum of twenty (20) feet in width and shall have unobstructed access to a public street; and parking space of gravel or similar all-weather surface for automobiles shall be located on each manufactured house space;
- (j) Additional Requirements:
  - (1) Manufactured House Placement. Manufactured house supports or pillars shall be provided not more than 10 feet on center or less beginning from the front of the manufactured home. Supports or pillars shall be placed upon concrete pads having minimum dimensions of 16" x 16" x 4";
  - (2) Anchoring. All manufactured houses shall be anchored prior to the unit being occupied or used in any other way. The anchoring system shall be designed to resist a minimum wind velocity of ninety-nine (99) miles per hour;
  - (3) Stability. All manufactured houses shall, prior to occupancy or other use, be stabilized in such a way so as to prevent tilting of the unit. No manufactured house shall permanently rest on wheels used to transport it.;
  - (4) All manufactured houses shall, prior to occupancy or other use, complement the appearance of the manufactured house park.

#### Section 607 PD, Planned Development District

##### District Intent

This district is reserved for establishment of shopping centers, planned residential areas, planned industrial developments, and similar types of large-scale compatible use developments. The regulations are designed to permit the greatest latitude possible with respect to internal site planning considerations, and location of these developments within the city in the interest of long-range development. This district encourages innovations in residential and non-residential development so that growing demands for housing and commercial areas may be met by a greater variety in type, design and layout of buildings and by the conservation and more efficient use of open space as well as other natural amenities.

A. Specific Requirements

Specific requirements may be requested by the Planning and Zoning Commission upon review of the planned development prior to acceptance of the plot plan and written report.

B. Amendments to Existing PD Districts

- (1) Any request pertaining to amending a PD District shall be considered an amendment to the Zoning Ordinance and shall be processed in accordance with the regulations set forth in Article Twelve, Amendments.
- (2) All information required in subsection 607(C) and 607(D) shall be submitted to the Planning and Zoning Commission and subsequently forwarded to the City Council with the recommendations of the Planning and Zoning Commission.
- (3) If the amendment is approved by the City Council, all information pertaining to the proposal, presented or agreed to by the applicant shall be deemed conditions of approval. All permits granted in the PD District shall be in conformance with those conditions.
- (4) Before approval of an amended Planned Development District, the City council may require a contract with safeguards satisfactory to the City attorney guaranteeing completion of the development according to the criteria listed herein. Such guarantee may include submission of a performance bond in an amount set by the City Council.

C. Plot Plan for Planned Development

The plot plan drawn to scale (1" equals 100' or 1" equals 50') by a registered civil engineer, registered land surveyor, or registered architect shall show the exact dimensions of the parcel or parcels of land under consideration. The plan shall include the following elements:

- (1) General information items:
  - (a) Name of the development and developers;
  - (b) A north arrow;
  - (c) Date of field survey;
  - (d) Tract boundary lines, dimensions bearings and angles;
  - (e) Reference points to at least two permanent monuments.
- (2) Proposed building sites and sizes.
- (3) Types of uses proposed for buildings and structures.
- (4) All property dimensions.
- (5) Platting and street systems:
  - (a) Proposed reservations or dedications for streets;
  - (b) Means of ingress and egress;
  - (c) Access and circulation arrangements;
  - (d) Off-street parking and loading facilities.
- (6) Means of protecting or screening abutting properties including proposed landscaping.
- (7) Location of proposed reservations, easements, or dedications.
- (8) If requested, two-foot vertical contour intervals.



D. Written Report for Planned Development

A written report shall explain the type, nature, intent and characteristics of the proposed development, and shall include:

- (1) A general description of the proposal;
- (2) A legal description of the site;
- (3) Proposed standards for development including:
  - (a) Restrictions on the use of property;
  - (b) Density, yard, and height requirement;
  - (c) Restrictive covenants;
- (4) Proposed dedication or reservation of land for public use, including streets, easements, parks and school sites;
- (5) Exceptions or variations from the requirements of the Zoning Ordinance if any are being requested;
- (6) Plans for the provision of utilities, including water, sewer and storm drainage facilities;
- (7) Description of percentage of land within the development to be provided for various uses:
  - (a) Residential;
  - (b) Commercial;
  - (c) Industrial;
  - (d) Open space;
  - (e) Utilities;
  - (f) Parking and storage;
  - (g) Others.

E. Permitted Uses

Any use proposed by the developer and considered by the Planning and Zoning Commission and City Council as being compatible with surrounding districts and the intent of the proposed PD District may be permitted. Thereafter, the uses permitted in the district shall be restricted to those proposed, approved, and adopted according to procedures set forth herein.

F. General Design Criteria and Development Standards

- (1) Overall site design should be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes and street patterns, and use relationships.
- (2) Variety in building types, heights, placement on lots and size of open spaces are encouraged if they are conducive to a safe, healthy and aesthetically pleasing living environment.
- (3) The average density for residential dwelling units in a PD District should not exceed those set forth in the R-2 District, although it may be clustered within the PD District.
- (4) A buffer strip with plant cover trees and/or an attractive fence should be provided by the PD District, unless the adjoining use is compatible. For instance, when one family and multi-family dwellings within a PD District are on property adjoining an R-3 District, then no buffer shall be required.

- (5) Within a PD District, the design should include buffers suitable for screening residential areas from commercial or industrial uses when dangers of incompatibility exist.
- (6) The sign and parking regulations of this ordinance should be accepted as minimum standards, and therefore creative improvements are encouraged.
- (7) Shopping centers and other types of planned developments shall not have more than two access points to any one public street, unless unusual circumstances dictate the need for additional access points.
- (8) All access points for a PD District should be located at least 100 feet from the intersection of any street.

#### Section 608 MU, Mixed Use Residential-Commercial District

##### District Intent

This district is intended to provide for appropriate mixed residential and commercial uses which are compatible with residential and limited commercial activities, including apartment or condominium style multi-family housing situated above compatible retail or service commercial uses that are intended to serve such residents and the general public. However, upon the issuance of a special permit the use(s) may also be entirely commercial or light manufacturing, creating more flexibility with respect to access, setbacks, etc., as shown on an approved site plan. To be considered for the MU district, a full and complete application for rezoning shall include a preliminary site plan. Establishing a MU district requires the implementation and adherence to the approved site plan as required by: 1) these regulations; 2) any other applicable regulations or applicable state law; or 3) any conditions resulting from the review process. Once submitted, if there are any material alterations to the site plan, the altered site plan shall be resubmitted for approval.

##### A. Uses Permitted

The following uses shall be permitted in the MU, Mixed Use Residential-Commercial District:

- D. Single-family dwellings, including those with first floor retail or service commercial uses allowed within this Section;
- E. Two-family dwellings, including those with first floor compatible retail or service commercial uses allowed within this Section;
- F. Three-family dwellings, including those with first floor compatible retail or service commercial uses allowed within this Section;
- G. Four-family dwellings, including those with first floor compatible retail or service commercial uses allowed within this Section;
- H. Offices (including home business offices), studios, clinics (other than veterinary);
- I. Barbershops and beauty shops;
- J. Law offices and legal services;
- K. Other professional services: including engineering, finance, real estate, surveying, planning, accounting, office parks, other professional offices;
- L. Business establishments which perform services on the premises including, but not limited to, banks, loan companies, insurance offices and real estate offices
- M. Specialty shops such as antique stores, gift shops, boutiques, art and craft stores, and apothecary shops, provided no such establishment shall occupy more than 2,000 square feet of floor area. Package stores are expressly prohibited.

Except for off-street parking and other authorized outdoor uses, all commercial sales and service activities shall be within completely enclosed buildings; and there shall be no unenclosed displays of merchandise. No wholesaling or jobbing shall be conducted from within the district.

#### B. Special Permit Uses

The following uses may be permitted in accordance with the provisions contained in Article Ten, and if additional conditions which may be required are met:

- A. Parks; playgrounds, stadiums, fields, and community centers;
- B. Bed and Breakfast Inns;
- C. Restaurants, including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits, which are operated in existing

structures with no more than 2,000 square feet of floor space devoted to such use and having no drive-in service;

- D. Outdoor dining at restaurants when any part of such use is located within 1,000 feet of property that is zoned or used as residential property;
- E. Catering establishments, delicatessens and bakeries with wholesale operations;
- F. Veterinary clinics when located in soundproof buildings when located within 300 feet of any residential use;
- G. Farmer's Markets (i.e., a food market at which regional farmers sell their fruits, vegetables, and other farm products directly to consumers);
- H. Commercial or non-commercial greenhouses;
- I. Parking structures and lots;
- J. Structures and uses required for operation of city government or a public utility, except uses involving storage, train yards, warehousing, switching or maintenance shops as a primary source.

No use or manner of operation shall be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television communication, or is otherwise incompatible with the character of the district and its relation to adjoining districts.

C. Area Regulations

Unless otherwise specified in this ordinance, uses permitted in MU, Mixed Use Residential-Commercial Districts shall conform to the following requirements:

K. Minimum lot area:

- a. For dwellings or structures with up to two family units: 7,500 square feet;
- b. For dwellings or structures with more than two family units: 75,000 square feet for these first two unit and 2,000 square feet for each additional family unit;
- c. For all other dwellings or structures: 3,500 square feet;

- L. Minimum lot width at building line: 30 feet;
- M. Minimum front yard setback: none, however pedestrian walkways shall be accessible, and if the parcel is adjacent to a residential district the minimum side yard shall be five (5) feet;
- N. Minimum side yard: none, unless the parcel is adjacent to a residential district in which case the minimum side yard shall be five (5) feet;
- O. Minimum rear yard: none, unless the parcel is adjacent to a residential district in which the minimum rear yard shall be fifteen (15) feet;
- P. Maximum percentage of lot coverage; 75%;
- Q. Maximum Building Height; 45 feet;
- R. Off-street parking and loading requirements as provided by this Ordinance, except where the Planning and Zoning Commission waives such requirements or portion thereof, where it finds that they are unnecessary, excessive, or impractical, given the size of the lot.

#### Section 609 C-1, Central Business District

##### District Intent

The C-1 Central Business District is intended to protect and promote suitable areas for business and commercial uses which benefit from proximity to each other; to encourage the eventual elimination of uses inappropriate to a central business area, and to encourage the intensive development of centralized business center for the City of Guyton.

##### D. Uses Permitted

The following uses shall be permitted in the C-1, Central Business District:

- (1) Generally recognized retail business which supply commodities on the premises and without outdoor display of goods, including, but not limited to, groceries, drugs, clothing, or hardware;
- (2) Personal service establishments which perform services on the premises including, but not limited to, repair shops (radio, television, shoes, upholstery, etc.), and beauty parlors or barber shops;
- (3) Offices available for the transaction of general business but excluding retail and manufacturing uses, including, but not limited to, banks, loan companies, insurance offices and real estate offices;
- (4) Professional services including the following: medical, offices dentists, legal and similar allied professions;
- (5) Public offices such as Post Offices, city administration, museums and similar governmental offices;
- (6) Private clubs, fraternal organizations and lodge hall;
- (7) Restaurants, grills, delicatessens, and similar eating establishments for full service and take-out, but not including "drive-in" types;
- (8) Hotels and boarding houses;
- (9) Accessory uses and structures.

#### E. Special Permit Uses

The following uses may be permitted in accordance with the provisions contained in Article Ten, and if additional conditions which may be required are met:

- (1) Automobile repair shop;
- (2) Convenience Stores;
- (3) Gas station;
- (4) Entertainment Facilities such as movie theaters, game halls, and civic centers;
- (5) Feed and Grain Sale and Storage;
- (6) Hotels;
- (7) Laundromats and dry cleaners;
- (8) Motels;
- (9) Parking lots (private and public) not including those areas required by Article Eight, Off-street Parking and Loading;
- (10) Public and private schools and religious institutions;
- (11) Restaurants with drive thru facility;
- (12) Shopping Centers;
- (13) Small engine repair shop;
- (14) Truck Terminals;
- (15) Vending Machine Structures;
- (16) Waterfront facilities pertaining to traditional fishing, shrimping, and boating activities;
- (17) Wholesale Business such as a warehouse and bulk sales facilities;
- (18) Public utility installations and buildings including water towers, electric transformer stations, and water and sewage pumping stations, provided that no open storage is permitted at the site; the area is fenced in by a wall or fence at least six feet in height, and landscaped strip not less than five (5) feet in width is planted and maintained.

#### F. Area Regulations

Unless otherwise specified in this ordinance, uses permitted in the C-1, Central Business District shall conform to the following requirements:

- (1) Minimum lot area: 4,000 square feet;
- (2) Minimum lot width: 50 feet;
- (3) Minimum front yard setback: 50 feet;
- (4) Minimum side yard: none, unless the parcel is adjacent to a residential district in which case the minimum side yard shall be fifteen (15) feet;
- (5) Minimum rear yard: none, unless the parcel is adjacent to a residential district in which case the minimum rear yard shall be fifteen (15) feet;
- (6) Maximum percentage of lot coverage: 100%;
- (7) Maximum building height: 45 feet;
- (8) Off-street parking and loading requirements as provided in Article Eight.

#### Section 610 C-2 Highway Commercial District

### District Intent

The intent of this district is to provide areas for commercial uses which primarily render a service or cater to the traveling public including tourists, vacationers, truckers, commuters, and local residents. The regulations applying to this district are designed to:

- (1) Encourage the location of high traffic volume uses in an attractive and well-designed manner.
- (2) Ensure adequate and properly designed means of ingress and egress while considering and providing for overall safe and adequate traffic flow on the highways.
- (3) Discourage encroachment by industrial, residential or other uses, which may be incompatible with the specialized character of this district.

#### A. Uses Permitted

The following uses shall be permitted in the C-2, Highway Commercial District:

- (1) All uses permitted in the C-1, Central Business District;
- (2) Retail and wholesale business and service establishments, including shopping centers that conduct business entirely within an enclosed building;
- (3) Commercial recreation facilities including bowling alleys, roller or ice skating rinks, theaters (not including drive-ins) and the like;
- (4) Hotels, tourist homes and motels;
- (5) Transportation terminal;
- (6) Public utility, installation or sub-installation, including water towers, but specifically excluding waste treatment, processing or storage;
- (7) Churches;
- (8) Accessory uses and structures;
- (9) Travel Trailer Parks (which also must comply with the requirements of Section 715 of this Ordinance).

#### B. Special Permit Uses

The following uses may be permitted in accordance with the provisions contained in Article Ten, and if additional conditions which may be required are met:

- (1) Outdoor sales of new or second hand automobiles, manufactured or modular homes, boats, and other such items provided the lot is graded, surfaced and drained for disposal of all surface water; and provided the ingress and egress is provided to the outdoor sales area;
- (2) Drive-in restaurants, provided that outside lighting and advertisement arrangements are directed away from adjoining residential districts (if any); and parking surface areas are separated from adjoining residential districts (if any) by a suitable planting screen, fence, or wall at least six (6) feet in height;
- (3) Mini-warehouse developments provided that no business activities other than the rental of storage units is conducted on the premises; and further provided that all storage on the property shall be kept within an enclosed building;
- (4) Cable television towers/satellite dishes; provided that all adjoining property which is zoned R-1, R-2, R-3, R-4, R-5, MH, PD, or MU under the City of Guyton Zoning Ordinance, be separated from such Towers/satellite dishes by a visual

barrier, with a height of not less than five (5) feet nor more than seven (7) feet. Such barrier shall be opaque and shall prevent the free passageway and obstruct the view between such towers/satellite dishes and all adjoining properties which are zoned R-1, R-2 R-3, R-4, R-5, MH, PD, or MU.

C. Area Regulations

Unless otherwise specified in this ordinance, uses permitted in the C-2, Highway Commercial District, shall conform to the following regulations:

- (1) Minimum lot area: 7,500 square feet;
- (2) Minimum lot width at building line: 75 feet;
- (3) Minimum front yard setbacks from State Route 17, 40 feet; minimum setback from other public
- (4) Rights-of-way: 25 feet;
- (5) Minimum side yard: Setback from property line 7 feet; unless property is adjacent to a residential district where 15 feet is required, 25 feet from street rights-of-way;
- (6) Minimum rear yard setback: 7 feet, unless property is adjacent to a residential district where 15 feet is required;
- (7) Maximum building height: 45 feet.

D. Other Requirements

- (1) Uses permitted in C-2 Districts shall meet the standards set forth in Article Eight pertaining to off-street parking and/or loading requirements.
- (2) Signs permitted in C-2 Zoning Districts, shall meet the requirements set forth in applicable ordinances and regulations.
- (3) Any type of business in a C-2 Zoning District must conduct all its business inside an enclosed building and/or inside an aesthetically pleasing barrier which will shield the business activity from the view of passing motorists and surrounding property owners. No such barrier shall be constructed without the written approval of the Planning and Zoning Commission. All finished products of such repair business shall be kept inside an enclosed building or behind such barrier.

Section 611 C-3, Office-Apartment District

District Intent

The purpose of this district is to provide and protect an environment suitable for a mixture of high-density residential uses in a variety of dwelling types, other than single-family and two-family dwellings; selected office, institutional and commercial uses; and such other uses as may be necessary to, and compatible with, apartment and office surroundings.

A. Uses Permitted

The following uses shall be permitted in the C-3, Office Apartment District:

- (1) Animal care facilities and veterinary offices, including clinics, kennels, and animal hospitals and/or boarding facilities;



- (2) Communications: radio and television broadcasting stations;
- (3) Commercial recreation and entertainment: tennis centers, club facilities;
- (4) Community facilities: assembly halls, civic centers, recreation centers, local government public uses, including schools, libraries, parks, playgrounds and fire stations;
- (5) Dwellings: condominiums, townhouses, apartments;
- (6) Restaurants, excluding drive-in or drive-through fast food facilities;
- (7) Lodging: hotels, motels, boarding houses;
- (8) Religious facilities: churches, synagogues, temples, mosques and other places of public worship;
- (9) Retail trade facilities, incidental and conducted totally within office buildings, institutional uses, motels, hotels and apartments, provided such incidental uses amount to less than ten (10) percent of the buildings' net floor area and further provided that every public entrance to such incidental use shall be from a lobby, hallway or other interior portion of the primary structure, excepting restaurants;
- (10) Personal services: barber and beauty shops, funeral homes, laundry and dry cleaning, and photo studios;
- (11) Medical health services: clinics and pharmacies, hospitals, medical or dental labs, offices of health service practitioners and other health services not elsewhere classified;
- (12) Law offices and legal services;
- (13) Other professional services: engineering, finance, real estate, surveying, planning, accounting, office parks, other professional offices;
- (14) Accessory uses and structures.

B. Special Permit Uses

None.

C. Area Regulations

Unless otherwise specified in this ordinance, uses and buildings permitted in the C-3 district, shall conform to the following regulations:

- (1) Minimum lot area: 7,500 square feet except that dwellings shall be subject to R-3 regulations for minimum lot area;
- (2) Minimum lot width at building line: 75 feet, except that dwellings shall be subject to the R-3 regulations for minimum lot width;
- (3) Minimum front yard setback: 40 feet from State Route 17; 25 feet from other streets;
- (4) Minimum side yard: setback from property line: 15 feet; 25 feet from street; unless the property is adjacent to a residential district where 15 feet is required.
- (5) Minimum rear yard setback: 10 feet;
- (6) Maximum building height: 35 feet;
- (7) Maximum percentage of lot coverage by buildings: 35%, except that dwelling shall be subject to the provisions of the R-3 district.

Section 612 I-L Light Industrial District

This district is established to provide land for light industrial uses which are not significantly objectionable with regard to noise, odor, fumes, etc., to surrounding properties. This district's regulations are designed to provide a compatible environment for uses generally classified as light industrial in nature; to protect and reserve undeveloped areas within the city that are suitable for such light industries; and to discourage encroachment by residential, commercial, or other uses that may adversely affect the industrial character of the district. Lands within this district should be located in relation to the thoroughfare network of the city, as well as rail and air if required, and designed so that uses within the district do not disrupt normal traffic flow patterns within the city. Planned industrial parks are encouraged with this district.

A. Uses Permitted

The following uses shall be permitted in the I-L Light Industrial District, provided that such uses are conducted in such a manner that noxious odors, fumes, dust and similar particles, or noise, are not emitted or detectable beyond the property lines of the lots on which the uses are located:

- (1) Building material sales yards and lumber yards, including the sales of rock, sand, gravel and the like;
- (2) Warehouse and wholesale establishments;
- (3) Public utilities, including buildings, necessary structures, storage yards and other related uses, but specifically excluding waste processing, handling or storage;
- (4) Research or experimental stations and laboratories;
- (5) Radio and/or television station transmission or reception towers;
- (6) Horticultural nurseries;
- (7) Office buildings for business, governmental, professional or other general purposes;
- (8) Repair garages, provided that all business is conducted inside an enclosed building and/or inside an aesthetically pleasing barrier which will shield the business activity from view of passing motorists and surrounding property owners;
- (9) Animal care facilities and veterinary offices, including clinics, kennels, and animal hospitals and/or boarding facilities;
- (10) Transportation terminals;
- (11) Accessory buildings, structures and uses customarily incidental to permitted uses.

B. Special Permit Uses

The following uses may be permitted in accordance with the provisions contained in Article Ten, and if additional conditions which may be required are met:

- (1) Retail businesses or services provided such businesses or services are (1) incidental to a permitted light industrial use and (2) located on the same premises;
- (2) Watchman or caretaker's one or two family dwelling provided that (1) such dwelling is located on the premises of the permitted light-industrial use and (2)

a member of the household is employed by the industry as a watchman or caretaker;

Open yard used for the sale, rental, dismantling and/or storage of new or used salvage and/or junk materials or equipment, provided that: (1) such uses are separated from adjoining properties by a suitable planting screen, fence, or wall at least eight (8) feet in height; and (b) no burning of materials or products will be conducted on the premises.

#### C. Area Regulations

Unless otherwise specified in this ordinance, uses permitted in the I-L, Light Industrial District, shall conform to the following regulations:

- (1) Minimum lot area: 10,000 square feet;
- (2) Minimum lot width at building line: 100 feet;
- (3) Minimum front yard setback from street: 30 feet;
- (4) Minimum side yard setback, from property line or street: 30 feet;
- (5) Minimum rear yard setback from property line: 20 feet; from street: 30 feet;
- (6) Maximum building height: 45 feet.

### Section 613 I-G, General Industrial District

#### District Intent

It is the intent of this district to provide land for those heavy industrial uses that may create nuisances and therefore may not be compatible with uses of other zoning districts. Land within this district is intended for industrial operations which require buildings and open areas for the fabrication, processing, extraction or repair of raw materials or manufactured products.

#### A. Uses Permitted

The following uses shall be permitted in the I-G, General Industrial District:

- (1) All uses permitted within the I-L, Light Industrial District;
- (2) Industrial uses which involve manufacturing, fabrication, processing, assembly, packaging, treatment or storage of heavy materials, products or equipment; but not including junk or salvage operations or uses which may cause the conditions outlined by Section 613(B)(2), Special Permit Uses, and specifically excluding waste handling, treatment or storage;
- (3) Accessory buildings, structures, and other uses customarily incidental to a permitted use.

#### B. Special Permit Uses

The following uses may be permitted in accordance with the provisions contained within Article Ten, and if additional conditions which may be required are met:

- (1) Any special use allowed in the I-L, Light Industrial District;
- (2) Any industrial use that may produce injurious or noxious noise, vibration, smoke, gas, fumes, odor, dust, fire hazard or other objectionable conditions as a result of its operation. Such uses shall be located a minimum of 200 feet from

adjoining property lines and must be in conformance with all applicable rules and regulations administered by the Environmental Protection Division of the Georgia Department of Natural Resources.

C. Area Regulations

Unless otherwise specified in this ordinance, uses permitted in the I-G, General Industrial District, shall conform to the following regulations:

- (1) Minimum lot area: 10,000 square feet;
- (2) Minimum lot width at building line: 200 feet;
- (3) Minimum front yard setback from street: 50 feet;
- (4) Minimum side yard setback from property line: 40 feet; setback from street: 50 feet;
- (5) Minimum rear yard setback from property line: 30 feet; setback from street: 50 feet;
- (6) Maximum building height: 60 feet.

Section 614 I-A Airport-Industrial District

District Intent

The regulations set forth in this section shall be known as the Airport-Industrial District of the City of Guyton for the purpose of promoting the health, safety and general welfare of the inhabitants of Guyton, Georgia, by preventing the creation of hazards to airports located wholly or partially herein, thereby protecting the lives and property of the users of such airports, and of the occupants of land in their vicinity, and preventing the destruction or impairment of the utility of such airport and public investment therein; and to promote and direct the light industrial growth within the Airport-Industrial District.

A. Standards and Airport Zoning Maps

RESERVED

B. Zones

RESERVED

C. Height Limits

RESERVED

D. Use Restrictions

RESERVED

E. Conflicting Regulations

RESERVED

Section 615 CP, Conservation-Preservation District

District Intent

This district is established to preserve and control development within certain historical areas of this city. These regulations are designed to discourage encroachment of uses

capable of destroying the character of the district. These areas are to be governed by the Historical Preservation Ordinance effective for the City of Guyton.

A. Uses Permitted

Reserved.

B. Special Permit Uses

The following uses may be permitted in accordance with the provisions contained in Article Ten and if additional conditions which may be required are met:

- (1) Churches and/or cemeteries.

C. Area Regulations

Unless otherwise specified in this ordinance, uses permitted in the CP, Conservation-Preservation District, shall conform to the following regulations:

- (1) Minimum lot area: one half acre;
- (2) Minimum lot width at building line: 100 feet;
- (3) Minimum front yard setback from street: 50 feet;
- (4) Minimum side yard setback from street: 30 feet; setback from property line: 20 feet;
- (5) Minimum rear yard setback from property line: 20 feet;
- (6) Maximum percentage of lot coverage: 30%;
- (7) Maximum building height: 35 feet.

Section 616 WP, Waste Management District

This district is established to provide land for waste treatment and disposal in locations which meet strict criteria for protection of other city land uses and the environment. The district's regulations are designed to provide a compatible environment for waste processing and treatment facilities so that they will not be encroached upon by other uses or be adversely affected by nearby conflicting land uses. Land designated for Waste Management should be located in relation to the transportation systems it will utilize so that it will not disrupt normal traffic flow patterns within the city. Due to the special nature of waste and the potential health and environmental risks involved, this district will be only designated on the zoning map in response to a specific rezoning request by an applicant.

A. Uses Permitted

Reserved.

B. Special Permit Uses

The following uses may be permitted in accordance with the provisions contained in these ordinances and if additional conditions which may be required are met:

- (1) Medical waste treatment and incineration, hazardous waste processing, sewerage treatment, solid waste processing and recycling services.

### C. Area Regulations

- (1) Minimum lot area: 5 acres.
- (2) There shall be a minimum of a 100-foot wide thick, mature, natural or cultivated landscape buffer established and maintained along all property lines, excluding approved driveways, building sites and drainage facilities as shown on the approved Development Plan.
- (3) As conditions for approval, access to the site shall be controlled and monitored by a responsible agent of the operator.
- (4) The operator shall be responsible for the control and proper disposal of incidental litter by providing fencing or other physical barriers.
- (5) As a condition of approval, the applicant shall develop an emergency plan which will be used should there be an accident or other problem which threatens the health or environment. The applicant shall put in place the necessary equipment; hire the necessary personnel and other requirements of the emergency plan before operation can begin. This plan must be approved by the City council.
- (6) As a condition of approval, the applicant shall develop and have approved by the city council, a closure plan for the facility, which will establish how the facility can be closed without remaining a danger to health, safety or the environment. The applicant shall post a bond or other acceptable security with the city to finance implementation of the closure plan.
- (7) The applicant must show evidence of receiving all necessary State and Federal Approvals before making application for rezoning.
- (8) No Waste Disposal District shall be located within 1,000 feet of a residence.
- (9) No Waste Disposal District shall be located within 1,000 feet of any body of water.
- (10) No Waste Disposal District shall be located so that access is off a private or city road or street.
- (11) No Waste Disposal District shall contain Wetland areas as determined by the Section 404 Army Corps Program.

## **ARTICLE SEVEN**

### Additional Regulations

#### Section 701 Accessory Structures and Uses

In addition to the principal uses which are designated herein as being permitted within the zoning districts established by the ordinance, it is intended that certain uses customarily incidental or accessory to such principal uses shall also be permitted. For the purposes of this ordinance, therefore, each of the following uses is considered to be a customary accessory use, and, as such, may be situated on the same lot with the principal uses or uses to which it serves as an accessory.

#### A. Accessory Structures and Uses for Residences

- (1) Private garages for occupant's automobiles or vehicles. Must be noncommercial usage of garage.

- (2) Parking areas or open storage spaces for motor vehicles belonging to occupants, and provided that this regulation shall not be misconstrued to mean commercial uses are allowed.
- (3) Sheds for the storage of equipment.
- (4) Children's playhouse or play equipment.
- (5) Private kennels, pens or cages for occupant's pets, provided it does not create a nuisance to neighbors.
- (6) Private swimming pool and bathhouse or cabana, provided they are not used for residential purposes.
- (7) Structures designed and used for the purposes of shelter in the event of catastrophes.
- (8) Non-commercial flowers, ornamental shrubs, vegetable gardens or green houses.

**B. Accessory Structures and Uses for Church Buildings**

- (1) Religious education buildings.
- (2) Parsonage, parsonium or parish house, together with any use accessory to a dwelling as listed above.
- (3) Off-street parking area for the use without charge to members and visitors to the church.

**C. Accessory Structures and Uses for Commercial and Industrial Uses**

- (1) Off-street parking or storage area for customers, clients or employee-owned vehicles.
- (2) Completely enclosed building for the storage of supplies, stock or merchandise.
- (3) Light manufacturing and/or repair facility incidental to principal uses, provided that odor, dust, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located, provided such operation is not otherwise specifically prohibited in the district in which the principal uses is located.
- (4) Sheltered roofs, awnings or canopies incidental to retail and commercial use, where such use is permitted, provided that no part shall, in any case, be located any closer than the setback required for principle structures.

**D. Setback and Other Requirements for Accessory Uses and Structures**

In any district, all accessory uses and structures, shall observe all setbacks, yards and other requirements set forth for the district in which they are located.

**Section 702 Buffer Strips.**

Any institutional, commercial, manufactured home park or industrial uses, off-street loading areas or off-street parking areas, for five or more automobiles shall be separated from adjoining residential property by a continuous planted buffer strip or a solid brick, concrete block or stone wall or a uniformly painted board fence. Such buffer strip, if planted, shall be composed of healthy plants which possess growth characteristics of such a nature as to produce a dense, compact planting screen not less than six feet in height, or if wood, stone, block or brick, shall not be less than six feet high.

### Section 703 Curb Cuts and Access Points

Ingress-egress openings in concrete, asphalt, rock or other street curbing provisions, commonly referred to as "curb cuts", as well as other means of vehicular access to and from private property shall be regulated in the zoning districts established by this ordinance in accordance with the following requirements:

- (1) Size and Spacing of Curb Cuts and Other Access Points. In no case shall a curb cut or other access point be less than nine (9) feet nor more than forty (40) feet in length. No two curb cuts or other access points shall be closer than twenty-five (25) feet from each other except in residential zoning districts;
- (2) Location of Curb Cuts and Other Access Points. At street intersections, no curb cuts or other access points shall be located closer than twenty-five (25) feet from the intersecting point of the two street rights-of-way or property lines involved (or such lines extended in case of a rounded corner), whichever is the least restrictive;
- (3) Permits for Access onto State-Owned Highway Rights-of-way. A permit must be obtained from the Georgia Department of Transportation before curb cuts or any other point of access shall be authorized onto state-owned highway rights-of-way from abutting property.

### Section 704 Double Frontage Lots

On lots having frontage on more than one street, but not located on a corner, the minimum front yard setback shall be provided for each street in accordance with the regulations for the Land Use District in which the lot is located.

### Section 705 Exceptions to Front Yard Setback Requirements

The front yard requirements of this ordinance shall not apply to any lot where the average front yard on already built-upon lots located within one hundred (100) feet on each side of such lot and within the zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such a lot may be less than the required setback, but not less than the average of the existing setbacks on the developed lots. However, in no case shall a setback be less than ten (10) feet.

### Section 706 Exceptions to Height Regulations

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, silos, chimneys, smokestacks, conveyors, flag poles, masts and aerals.

### Section 707 Home Occupations and Home Business Offices

Profit-making activities conducted in homes fall into two classes: Home Occupations and Home Business Offices.

#### A. Home Occupation

If permitted in a land use district, a Home Occupation shall comply with the following requirements. It shall be allowed, provided that it:



- (1) Is carried on by a member(s) of the family residing in the dwelling unit only. One employee who is not part of the family is permitted;
- (2) Is conducted entirely within the principal building;
- (3) Utilizes not more than twenty-five (25%) percent of the total floor area of the principal building;
- (4) Produces no alteration or change in the character or exterior, or change in the principal building, from that of a dwelling;
- (5) Involves no sale or offering for sale of any article not produced or assembled by members of the family, or any service not entirely performed by members of the family, residing on the premises;
- (6) Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition;
- (7) Is not visibly evident from the outside of the dwelling except by one non-illuminated sign, two (2) square feet or smaller size.

**B. Home Business Office**

If permitted in a land use district, a Home Business Office must comply with the following requirements:

- (1) There shall be no sign or external indication of the business office;
- (2) No more than one vehicle used in the conduction of the business may be parked at the home location, and signage on this vehicle is limited to the area of the driver and passenger front doors of said vehicle;
- (3) No material, other than office supplies, may be stored on site;
- (4) The office may occupy no more than twenty-five (25%) of the floor area of the principle structure;
- (5) The office must be located in the principle structure;
- (6) Only residents of the dwelling may engage in work at the office;
- (7) Customers shall not visit the office.

**Section 708 Junk Yards**

- (1) All junk yards shall be completely screened from roads or developed areas with a solid fence or wall a minimum of eight (8) feet, maintained in good condition as determined by the governing authority, and painted except for masonry construction, or with suitable plantings (suitable plantings shall be composed of healthy plants which possess growth characteristics of such a nature as to produce a dense, compact planting screen not less than six feet in height, or if wood, stone, block or brick, shall not be less than six feet high).
- (2) No operations shall be conducted which shall cause a general nuisance or endanger the public health.

**Section 709 Nonconforming Uses**

Any use of a building or structure or land existing at the time of the enactment or subsequent amendment of this ordinance or resolution but not in conformity with use regulations of the district in which it is located may be continued with the following limitations. Such use shall not be:

- (1) Changed to another non-conforming use except where it is determined by the City Council that the design, construction, and character of the building is unsuitable for uses permitted in the district in which such nonconforming use is situated. The City Council shall hold a public hearing, as set forth in this ordinance, in order to determine the question of suitability for uses permitted in the district in which such building is located.
- (2) Extended so as to occupy a greater area of land, building or structure, unless first approved by the Planning and Zoning Commission.
- (3) Reestablished after being discontinued for a period of one (1) year.

#### Section 710 Non-Conforming Buildings or Structures

- (1) Should any nonconforming building or structure be destroyed or damaged by any means beyond the control of the owner, it shall be rebuilt or restored within a period of one (1) year or thereafter conform with the space and bulk requirements of this Ordinance, unless a variance from such requirements is obtained pursuant to Article Ten.

#### Section 711 Non-Conforming Use of Land

- (1) No nonconforming use of land shall be moved in whole or in part to any portion of the lot which was not occupied by such use at the effective date of the adoption or amendment of this Ordinance.
- (2) No nonconforming use of land shall be moved in whole or in part to any portion of the lot which was not occupied by such use at the effective date of the adoption or amendment of this Ordinance.
- (3) If any nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

#### Section 712 Non-Conforming Use of Structures

- (1) No existing structure devoted to a nonconforming use shall be enlarged, extended or expanded except in changing the use of the structure to a conforming use.
- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly in existence and arranged or designed for such use at the time of the adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- (3) If any nonconforming use of a structure is superseded by a permitted use, the nonconforming use shall not thereafter be resumed.
- (4) If any nonconforming use of a structure ceases for any reason for a period of more than one (1) year, any subsequent use of such structure shall conform to the regulations specified by this Ordinance for the district in which such structure is located.

#### Section 713 Obstruction to Vision at Road Intersections

In order to minimize accidents at road intersections, the following regulations shall apply in all districts:

- (1) Within the area formed by the rights-of-way lines of intersecting roads and a straight line connecting points on such rights-of-way lines, at a distance of twenty (20) feet from their points of intersection there shall be a clear space with no obstruction to vision between the height of thirty (30) inches and a height of ten (10) feet above the average grade of road as measured at the centerline thereof;
- (2) Requirements of this section shall not be deemed to prohibit any necessary retaining wall;
- (3) Trees shall be permitted in the clear space provided that foliage is cut away within the prescribed height.

#### Section 714 Vision Clearance at Private Drive and Entrances Intersecting with Public Streets

At the intersection of any private drive, entrance or exit, with a public street: no fence, wall, hedge or other planting, or sign forming a material impediment to visibility, over a height of two and one-half (2 ½) feet shall be erected, planted, placed or maintained.

#### Section 715 Travel Trailer Parks.

- (1) TRAVEL TRAILER. Any single-family structure ordinarily towed by a motor vehicle or self-propelled and being no longer than thirty-six (36) feet in length, having a water closet/toilet contained within said structure.
- (2) DENSITY. There shall be allowed no more than eight (8) parking lots per acre with no more than one (1) travel trailer per parking lot.
- (3) REGISTRATION. The travel trailer park shall maintain a registration as required by Georgia State Law and shall not allow a travel trailer to remain longer than one hundred eighty (180) days without re-registering said trailer.
- (4) OWNERSHIP. The travel trailer park owner shall not be allowed to maintain or to park, any travel trailers which he owns, on his trailer park.
- (5) FEES. There shall be a charge in the amount set forth in the Building Permits and Fee Schedule, per parking lot, per year, paid to the City of Guyton, by the trailer park owner.
- (6) SIZE. The travel trailer park shall be no smaller than three (3) acres.
- (7) SETBACK LINES. The travel trailer park's parking lots will be set back ten (10) feet from all property lines.
- (8) ELEVATION. The park shall be graded and constructed so that rain water will not stand in pools or puddles.
- (9) UTILITIES. Each parking lot will have water, sewer and electrical hook up connections.
- (10) BUFFERS. The travel trailer park owner shall establish an aesthetically pleasing fence, hedge row, etc., at least eight (8) feet in height around the perimeter of the trailer park which abuts or adjoins any R-1, R-2, R-3, R-4, R-5, MH, and MU zoned property.
- (11) STREETS AND PARKING SPACES. All parking lots shall abut on interior gravel or similar all-weather surface; interior drives shall be a minimum of twenty (20) feet in width and shall have unobstructed access to a public street; and parking space of gravel or similar all weather surface sufficient that automobiles shall be located on each parking lot space.
- (12) STABILITY. All travel trailers shall, prior to occupancy or other use, be stabilized in such a way as to prevent tilting of the unit.

## Section 716 Travel Trailers, Campers and Recreational Vehicles in Residential Districts

No more than one travel trailer, camper or recreational vehicle may be stored on a residential lot. Such trailer, camper or vehicle may not be occupied, used or connected to water, sewer or electrical utilities in any residential district.

## Section 717 Shopping Centers

Shopping Centers are defined as a group of three or more retail stores or shops under single ownership or management or owned individually as condominium unit. Shopping Centers are special permit uses in C-2 District and shall comply with the requirements of special uses and the following additional standards. The applicant shall submit a site plan containing all the relevant information in order for the Planning and Zoning Commission and City Council to determine that the proposed development meets the requirements of this ordinance.

- (1) There shall be no more than two access points to any one public street. All entrance and exit points shall be located to afford maximum safety to traffic, provide for safe and convenient ingress and egress to and from the site and to minimize conflict with the flow of traffic.
- (2) Any exit driveway shall be so designed so as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of ten feet behind the curb line or edge of shoulder with the height of the eye three and seventy-five hundredths (3.75) feet to the top of an object four and five-tenths (4.5) feet above the pavement.

<u>Allowable Speed</u>	<u>Required Sight Distance</u>
25	160
40	275
45	325
50	350
55	425

- (3) Where a site occupies a corner of two intersecting roads, no driveway entrance or exit shall be located within fifty (50) feet of the point of tangency of the existing or proposed curb radius of that site.
- (4) No part of any driveway shall be located within a minimum of ten (10) feet of a side property line. However, the Planning and Zoning Commission/City Council may permit a driveway serving two or more adjacent sites to be located on or within ten (10) feet of a side property line between adjacent sites.
- (5) If the proposed shopping center is adjacent to another shopping or commercial property, the Commission/Council may require connection of parking areas so as to alleviate use of the public street for traffic movement between properties.
- (6) Driveways shall intersect the road at an angle of as near ninety (90) degrees as site conditions will permit and in no case less than sixty (60) degrees.

- (7) The dimensions of the driveways shall be designed to accommodate adequate volume and character of vehicles anticipated to be attracted daily to the development. The following are the minimum widths:
- |                         |         |
|-------------------------|---------|
| One-way driveways ..... | 15 feet |
| Two-way driveways.....  | 25 feet |
- (8) Any driveway shall be constructed with the surface approved by the Commission/Council. Such surface shall extend to the paved portion of the road and shall extend throughout the area defined by the required driveway dimensions.
- (9) Where a driveway serves right-turning traffic from a parking area providing two hundred (200) or more parking spaces and the road has an average daily traffic volume exceeding seven thousand five hundred (7,500) vehicles, an acceleration lane and a deceleration lane for each connection is required. Each shall be two hundred (200) feet in length and ten (10) feet wide. A minimum thirty-five (35) foot curb return radius shall be used for each.
- (10) Parking shall be provided as required in Article Eight. Parking aisles which provide direct access to individual parking stalls shall be twenty-five (25) feet wide. All parking shall be ninety (90) degrees (perpendicular) from the aisles.
- (a) Parking areas should be designed to focus on major walkways, which should be fenced or marked.
  - (b) Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks should be clearly designed by pavement markings or signs and lighted. Crosswalk surfaces should be raised slightly to be distinguished from driveways, unless drainage problems would result.
- (11) Exterior lighting shall meet the following requirements:
- (a) The style of the light and the light standard shall be consistent with the architectural style of the principal building.
  - (b) The maximum height of freestanding lights shall be no more than twenty-five (25) feet.
  - (c) All sights shall be shielded to restrict the maximum apex angle of the cone of illumination to one hundred fifty (150) degrees.
  - (d) Where lights along property lines will be visible to adjacent residents, the lights should be appropriately shielded.
  - (e) Spotlight-type fixtures attached to buildings are not permitted.
  - (f) The following intensity in foot-candles should be provided:
    - 1. Parking lots: an average of 1.5 foot-candles throughout;
    - 2. Intersections: Three (3) foot-candles;
    - 3. Maximum at property lines: One (1) foot-candle.
- (12) Buffer and landscaping shall be required as follows:
- (a) Buffers or fences, landscaping, berm and mounds used to minimize any adverse impacts or nuisance on the site or from adjacent areas. Buffers are required where a shopping center abuts a residential use or district;
  - (b) Natural plants can be used as buffers, if the existing natural plants are sufficient to block the view of the new shopping center. New plantings can be used if they are of sufficient size and character to substantially block the view of the shopping center from the residential area;

- (c) Landscaping is required for all shopping centers. For each 24 parking spaces, there shall be required adjacent to the parking spaces, three canopy trees, two understory trees and six shrubs;
- (d) Unless otherwise specifically indicated by the Planning and Zoning Commission, all plant materials required shall meet the following minimum size standards:
- |                       |                  |
|-----------------------|------------------|
| Canopy Tree .....     | 2 ½ caliper      |
| Understory tree ..... | 4 feet in height |
| Shrub .....           | 2 feet in height |

## **ARTICLE EIGHT**

### Off-Street Automobile and Vehicle Parking and Loading

#### Section 801 General Intent and Application

It is the intent of these requirements that adequate parking and loading facilities be provided off the street for each use of land within the jurisdiction of this ordinance. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

#### Section 802 Control (via Ownership or Lease)

The control of land upon which the off-street parking is provided shall be the same as the ownership of land on which the principal use is located.

#### Section 803 Size and Access

Each off-street parking space shall have an area of not less than 18 x 10 feet exclusive of access drives or aisles and be in usual shape and condition. There shall be adequate ingress and egress to all parking spaces. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive leading to the parking or loading spaces. Such access drive shall not be less than 10 feet in width.

#### Section 804 Number of Parking Spaces Required

The number of off-street parking spaces required are set forth in the following table. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply:

Uses	Required Parking Spaces
Laundromat	1 each 3 laundry machines
Automobile sales and service garage	1 each 400 sq. ft./floor sp.
Banks/Professional offices	1 each 300 sq. ft./floor sp.
Bowling Alleys	1 each alley
Churches, temples, synagogues, mosques, or other places of worship, funeral homes, schools, public principal buildings, theaters, auditoriums, areas and places of assembly, private clubs, community buildings, social halls and lodges.	1 each 5 seats based on max seating capacity in assembly area, or 1 each 17 classroom seats, whichever is greater

Country Clubs, golf clubs, gun clubs, tennis clubs/organizations designed to provide outdoor sporting or recreational activities.	1 each 5 members
Dwellings -- single family	2 each unit
Dwellings -- multiple family	1 ½ each 200 sq. ft./floor area
Food store, supermarket	1 each 200 sq. ft./floor area
Funeral homes, mortuaries	20 each parlor
Furniture, appliance stores	1 each 200 sq. ft./floor area
Hospitals, sanitariums and nursing homes	1 for each 6 patient beds, plus one for each 2 employees.
Hotels and Motels	1 for each guest room plus 1 for each 3 employees.
Manufacturing, industrial plant, assembly area	1 for ea. 2 employees on research laboratory, bottling plants.
Medical offices	4 for each doctor, plus 1 each 2 employees
Restaurants, beer parlors, night Clubs	1 for ea. 300 sq.ft./floor space
Rooming/boarding houses, dormitories, fraternities, and sororities.	1 for each 2 beds
Service stations	2 for each pump
Wholesale and warehouse concerns	1 for each 2 employees, plus 1 for each company vehicle, plus 1 for each 50 sq. ft. of retail sales or service.

#### Section 805 Location of Off-Street Parking Areas

- (1) The parking spaces for all dwellings shall be located on the same lot as the residence.
- (2) Parking spaces shall be provided on the same lot with the main building of the principal use.
- (3) Two or more principal uses may utilize a common area in order to comply with off-street parking requirements, provided that the number of spaces required for each use is met.
- (4) Portions of the public right-of-way on minor streets may be allowed for maneuvering incidental to parking when determining parking area requirements for individual uses.
- (5) On collector streets, major streets and controlled access highways, parking facilities shall provide space outside the public right-of-way for maneuvering incidental to parking.

#### Section 806 Off-Street Loading and Unloading Requirements

Areas suitable for loading and unloading motor vehicles in off-street locations shall hereafter be required at the time of the initial construction of any building or structure used

or arranged to be used for commercial, industrial, governmental or multi-family residential purposes. Such off-street loading areas shall have access to a public alley or street and shall be provided and maintained in accordance with the following requirements, the computation of which shall not be included in the off-street parking requirements.

- (1) Amount of Area Required for Each Loading Space. Each off-loading and unloading space required by the provisions of this ordinance shall be at least ten (10) feet wide; fifty (50) feet long and fourteen (14) feet high. Such space shall be clear and free of obstructions at all times.
- (2) Location of Off-street Loading Areas. Required off-street loading and unloading areas shall in all cases be located on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be considered as part of the area provided to satisfy off-street parking requirements as listed herein.
- (3) Adequacy of Loading Area. All uses, whether specified in this ordinance or not, shall provide off-street loading areas sufficient for their requirements. Such space shall be adequate so that no vehicle being loaded or unloaded in connection with normal. Operations shall stand in or project into a public street, walk, alley or way.

#### Section 807 Number of Off-Street Loading Spaces

- (1) Retail business uses with from 4,000 to 25,000 square feet in total floor area: One (1) space.
- (2) Wholesale, industrial, governmental and institutional uses, including public assembly places, hospitals and educational institutions shall provide one (1) space for the first 25,000 square feet of total floor area. For anything in excess of 25,000 square feet, such uses shall provide loading spaces according to the following schedule:

Square Feet	Number of Spaces
25,000 - 50,000	2
50,000 - 100,000	3
100,000 - 200,000	4
200,000 - 350,000	5
For each additional 50,000 or fraction thereof	1 additional

- (3) Multi-family residences with less than ten (10) dwelling units: None.
- (4) Multi-family residence with 10 to 30 dwelling units: One (1) space.
- (5) Multi-family residences with more than thirty (30) dwelling units: One (1) space per each thirty (30) dwelling units or fraction thereof.



## ARTICLE NINE

### Signs

#### Section 901 Penalty for Violation of Article

Unless otherwise provided by state law, any person violating any provision of this Article shall, upon conviction, be fined in an amount not exceeding \$1,000.00 or imprisoned for a period not exceeding 90 days, or both, and as an alternative to fine or imprisonment, sentenced upon conviction to labor in a city work gang or on the streets, sidewalks, squares or other public works for a period not exceeding 90 days. Each day any violation of any provision of this Code shall continue shall constitute a separate offense. Each day a violation is committed, or permitted to continue, shall constitute a separate offense.

#### Section 902 Enforcement Actions by Zoning Administrator.

In case any sign, advertising device, or other device covered by this Article is or is proposed to be erected, constructed, altered, converted or used in violation of any provision of this article, the City Zoning Administrator may, in addition to other remedies, and after due notice to the appropriate person, issue a citation for violation of this Code requiring the presence of the violator in the municipal court of the City, or institute injunction or other appropriate action or proceeding to prevent such unlawful erection, construction, alteration, conversion or use or to correct or abate such violation.

#### Section 903 Administration and Enforcement Generally; Issuance of Sign Permit.

##### A. Processing of Sign Permits.

The Building Official shall receive applications for the construction of signs as required by this Article. Such applications shall follow the same forms as required for building permits. The Building Official shall process such sign applications and shall issue permits and assign permit numbers for proposed signs which comply with the requirements of this chapter. The Building Official shall determine code compliance for all signs except for outdoor advertising and separate use signs which must be approved by the Planning and Zoning Commission.

##### B. Sign Permit Required.

Except as specified in this article, it shall be unlawful for any person to post, display, substantially change or erect a sign or advertising device in the City without first having obtained a sign permit. A change in the copy only of a sign or advertising device shall not constitute a substantial change.

##### C. Application for Sign Permit.

Applications for sign permits shall be filed by the sign owner or his/her agent in the office of the Building Official upon forms furnished by such office. The application shall describe and set forth the following:

- 1) The application shall include the type and purpose of the sign as defined in these Ordinances.
- 2) The application shall include the value of the sign.
- 3) The application shall include the street address of the property upon which the subject sign is to be located, and the proposed location of the subject sign on the subject property. In the absence of a street address, a method of location acceptable to the Building Official shall be used.
- 4) The application shall include the square foot area per sign and the aggregate square foot area if there is more than one sign face.
- 5) The application shall include the names and addresses of the owners of the real property upon which the subject sign is to be located.
- 6) The application shall include the written consent of the owner or his agent granting permission for the placement or maintenance of the subject sign.
- 7) The Building Official may require a sketch or print drawn to scale showing pertinent information such as wind pressure requirements and display materials. The Building Official may require additional information on such print or sketch as necessary to ensure compliance with this article.
- 8) The application shall include the name, address, phone number and business license number of the sign contractor.
- 9) All applicants for permits for electrical signs must obtain an electrical permit.

**D. Expiration of Sign Permit.**

A sign permit shall become null and void if the sign for which the permit was issued has not been completed within six months after the date of issuance. No refunds will be made for a permit after the permit is issued. If, later, a sign is desired to be erected at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

**E. Sign Permit Fees.**

No permit shall be issued until the appropriate application has been filed with the Building Official and fees have been paid as established by the City.

**F. Exemptions From Sign Permit Requirement.**

The following signs do not require a sign permit, provided, however, that such signs shall be subject to the general provisions of this article:

- (1) One sign per residential use indicating a resident's name and the street address of the premises.
- (2) One non-illuminated principal use sign, not exceeding three square feet in area, located on a nonresidential principal use, and if freestanding located entirely on private property.
- (3) Traffic or other municipal signs, historic markers, legal notices not exceeding 16 square feet in area, railroad crossing signs, danger signs and such temporary

emergency or non-advertising traffic control guidance signs as may be approved by the City.

- (4) Public service signs not exceeding 32 square feet in sign area and used in connection with political campaigns or a locally sponsored civic, cultural, health, safety or welfare campaign, provided that all such signs shall be removed within 14 days of the conclusion of an event or campaign. Such signs shall be located on private property.
- (5) Names of buildings, date of erection of buildings and commemorative tablets, when cut into any masonry surface and made a permanent and integral part of the building.
- (6) Public information signs not exceeding two square feet in size.
- (7) Bulletin boards.
- (8) One temporary non-illuminated real estate sign for each street frontage advertising only the sale, lease or rental of the premises or property upon which the sign is located, or one non-illuminated sign indicating that a building is open for public inspection. For the residential zoning districts, such signs shall not exceed six square feet in sign area; except where multiuse establishments are involved then such sign may be increased in size to 16 square feet. Such signs shall be placed no closer than five feet from the street right-of-way line or shall be attached to the principal use structure. All such signs shall be removed within seven days after the property has been sold, leased or rented.
- (9) One non-illuminated sign for every 100 feet of frontage when advertising the sale of farm products grown or produced on the premises in any zoning district wherein an agricultural use is permitted or has been permitted as a special permit use; provided that such sign shall not exceed 12 square feet in area and shall be at least 100 feet from the nearest corner of a street, road or highway intersection and at least five feet from the nearest property line.
- (10) Window signs on or within windows relating to the business conducted within or to nonprofit civic or charitable organizations, provided no more than 50 percent of the window space is so utilized.
- (11) Signs in conformance with public traffic sign standards directing traffic movement onto a premises or within a premises, and orientation signs not exceeding two square feet in sign area for each sign when displayed on private property for the purpose of direction or convenience, including signs identifying restrooms, freight entrances and the like. Directional signs on and flat with paved areas are exempt from these standards.

G. Administrative Officer.

This article shall be administered and enforced by the City Building Official or his or her designee.

Section 904 Suspension or Revocation of Sign Permit or Contractor's License.

Violation of any provision of this article will be grounds for terminating the permit granted by the City to the owner of the sign or the license of the person erecting the sign. No permit or license shall be suspended, revoked or cancelled except for due cause as defined in this section and after the permittee or licensee has been granted a public hearing before the City Council. The permittee or licensee will be given ten days' written notice of the time, place and purpose of the hearing, with a statement of the reason for the suspension, revocation or cancelling of such permit or license. For purposes of this section, due cause is defined as the willful or continued violation of the provisions of this article. The termination of the permit or license does not in any way preclude the person alleged to have violated the provisions of this article from being charged with a violation of this chapter or preclude the City from taking any other action authorized by this Code or any other action authorized by law.

#### Section 905 Bond and Insurance for Sign Contractors.

It shall be unlawful for any person to engage in the business of erecting or maintaining signs within the City of Guyton unless and until such person has obtained a business license and a certificate of insurance from an insurance company authorized to do business in the state evidencing that the person has in effect public liability and property damage insurance in the sum of \$25,000.00 for property damage for any one claim and public liability insurance in an amount not less than \$100,000.00 for injuries, including accidental death, to one person. The certificate of insurance shall state that the insurance carrier will notify the City 30 days in advance of any termination.

#### Section 906 Nonconforming Signs.

- a) The City of Guyton finds that nonconforming signs may adversely affect the public health, safety, and welfare. Such signs may adversely affect the aesthetic characteristics of the City and may adversely affect public safety due to the visual impact of said signs on motorists and the structural characteristics of said signs.
- b) Grandfathered Nonconforming Signs.
  - (1) A nonconforming sign that is permanently affixed to the ground or to a building may continue to be used, except that the nonconforming sign:
    - i. Shall not be replaced, except in conformity with the provisions of this article;
    - ii. Shall not be enlarged, altered or rebuilt except in conformance with this article, but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition; and
    - iii. Shall not be replaced, expanded or modified by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards or dismountable material on nonconforming signs shall be permitted.
- c) Damage to Nonconforming Signs.

- (1) Any nonconforming sign shall not be rebuilt, altered or repaired after damage exceeding 50 percent of its replacement cost at the time of destruction. Such sign shall be deemed to be "destroyed." The owner of such sign must apply for a new sign permit in accordance with the permitting procedures in order to rebuild a conforming sign. Application for a new sign permit must be made within 30 days of damage to the sign.
  - (2) Any nonconforming sign may be rebuilt or repaired after damages not exceeding 50 percent of its replacement cost, provided that the nonconformity is not increased in any way.
- d) Whenever the City Manager finds that any nonconforming sign is not maintained in good repair and has not deteriorated more than 50 percent of its replacement value, the City Manager or his/her designee shall notify the owner thereof and order the sign repaired within 14 days.
  - e) If the City Manager finds that the sign has deteriorated more than 50 percent of its replacement cost, or is not repaired within the time specified in the repair notice, the City Manager or his/her designee shall notify the owner of the sign and the owner of the real property within a specified time. Failure to comply shall require the authorization of City Council to use the police authority of this provision to declare the sign a nuisance and to require removal of any sign or advertisement in violation of this provision.
  - f) Temporary Signs to be Removed.  
Any nonconforming sign that is temporary in nature and not permanently affixed to the ground or to a building, such as a streamer or pennant, shall be removed within 60 days of becoming a nonconforming sign.
  - g) Treatment of Illegal Signs.  
Any unsafe, abandoned, or damaged sign is declared a public nuisance, which shall be abated by the owner within 45 days of receiving notice from the City. Any sign that is being rebuilt due to destruction is declared a public nuisance if the sign is not rebuilt within 45 days of receiving a sign permit. Failure to remove such illegal sign shall authorize the City to remove the sign at the expense of the owner or occupant of the property.

#### Section 907 Prohibited Signs.

No sign shall be erected in the City of Guyton that:

- (1) Obstructs the sight distances at an intersection or along a public right-of-way.
- (2) Would tend by its location, color or nature to be confused with or obstruct the view of traffic signs or traffic signals by motorists or pedestrians.
- (3) Uses admonitions such as "Stop," "Go," "Slow," "Danger," etc., which might be confused with traffic direction signs.
- (4) Violates any of the City regulations as to health, required light, safety or air or defined in the building code.

- (5) Displays flashing or intermittent lights or lights of changing degrees of intensity, unless each interval in the cycle is five seconds or more and the sign does not constitute a traffic hazard.
- (6) Has visible moving, revolving or rotating parts or visible mechanical movement of any kind, except for the moveable hands on street clocks, or has other apparent visible movement achieved by electrical, electronics, or mechanical means, except for time-temperature-date signs.

#### Section 908 Exempt Signs.

The following signs are exempt from this article:

- (1) Incidental use signs, with an area of 2 square feet or less.
- (2) Any sign with an area of one square foot or less.
- (3) Directional signs.
- (4) Yard sale signs, provided that no person shall attach in any way posters, notices or advertisements to utility poles, meter posts or trees in or along any street right-of-way within the City. The maximum time limit for all yard sale or home sale signs is ten consecutive days.

#### Section 909 Size

Signs shall be limited in size according to the following regulations:

- (1) Unless otherwise specified, each sign face of any freestanding principal use sign shall not exceed two square feet of sign area per linear foot of frontage occupied by the principal use, or 250 square feet, whichever is less, with each sign having no more than two faces.
- (2) Unless otherwise specified, any signs attached to or written upon a building or structure shall not exceed 40 percent of the building facade of the building on which the signs are attached.

#### Section 910 Number

No more than one freestanding principal use sign and no more than one principal use sign attached to a building is permitted for a single business location, except that business locations served by driveways on different streets may have a freestanding principal use sign on each street. For uses located in a group development, no freestanding sign will be permitted except a directory sign conforming to the requirements of this article.

#### Section 911 Height

Freestanding signs shall not exceed the following heights as measured above ground level:

- (1) In any residential zone: 20 feet.

(2) In any commercial or industrial zone: 25 feet.

#### Section 912 Clearance

Adequate sign clearance shall be provided to ensure that pedestrian and vehicular traffic movements and safety are not adversely affected. Minimum clearance shall not be less than ten feet above pedestrian ways or less than 16 feet above areas utilized by motorized vehicles.

#### Section 913 Setback

No sign shall overhang any public right-of-way or public street.

#### Section 914 Illumination

Illumination devices for signs, such as but not limited to floodlights or spotlights, shall be so placed and so shielded as to prevent the rays or illumination therefrom from being cast into neighboring dwellings and approaching vehicles.

#### Section 915 Resistance to Wind Pressure

Freestanding signs shall be capable of withstanding horizontal wind pressure amounting to 30 pounds per square foot. In assuming or determining the pressure on any sign, the wind shall be assumed to be blowing from the direction which will produce the maximum stress.

#### Section 916 Reserved

Reserved.

#### Section 917 Maintenance

Whenever a sign becomes structurally unsafe or endangers the safety or well-being of the building or the general public, the Zoning Administrator shall order that such sign be brought into compliance with appropriate codes and ordinances or removed. Such order shall be complied with within ten days of the receipt thereof by the person owning or using the sign or the owner of the building or premises on which such unsafe sign is affixed or erected.

#### Section 918 Temporary Portable Signs

##### a) Inspection.

Any temporary portable electric signs shall further require an electrical inspection to ensure a proper connection to a power source. The inspection shall occur upon obtaining the permit.

##### b) Number of Signs.

Only one temporary portable electric sign shall be permitted for each business location, and such sign shall be located in such a manner so as not to interfere with the visual

clearance along any highway, street or road or to interfere with the visual clearance of adjoining properties or businesses.

c) Display Period; Waiting Period Between Permits.

A temporary portable sign shall not be redisplayed at a business location until 60 days has passed since the last permit was issued.

d) Copy Size Requirements.

The copy shall not exceed 20 square feet per sign face. The copy shall be restricted to three lines of uniform sized lettering between eight and four inches in height. The copy shall be securely fastened to the sign face and neatly maintained to appear as initially designed and placed

Section 919 Outdoor Advertising or Separate Use Signs

To preserve and promote the public health, safety, and welfare of the citizens of Guyton, Georgia, to maintain and enhance the visual environment, and to preserve the right of citizens to enjoy Guyton's scenic beauty, to improve pedestrian and traffic safety, and to minimize the possible adverse effect of outdoor advertising or separate use signs on nearby public and private property, the following regulations shall govern the location of such signs within the City of Guyton:

- (1) An outdoor advertising or separate use sign may be located on any property located in commercial or industrial zoning district in addition to any other freestanding sign authorized by this article so long as such sign complies with the pertinent provisions of the City Code.
- (2) Outdoor advertising or separate use signs are allowed on parcels fronting state or federal highways in commercial, industrial, or mixed use districts only. Such signs are limited to 480 square feet in sign area with dimensions not exceeding 12 feet in height or 42 feet in width.
- (3) Outdoor advertising or separate use signs are allowed on parcels adjacent to streets other than state or federal highways in commercial and industrial districts only. Such outdoor advertising or separate use signs are limited to 400 square feet in sign area per face, with dimensions not exceeding 12 feet in height and 25 feet in width.
- (4) Outdoor advertising or separate use signs shall be erected to a height of no more than 50 feet where located adjacent to state and federal highways and no more than 30 feet when located adjacent to other streets.
- (5) All portions of a sign face and support members of any outdoor advertising or separate use sign shall be set back from all buildings, structures, and property lines in compliance with the setback requirements of this Code applicable to the zoning district where the sign is located.
- (6) Only one outdoor advertising or separate use sign shall be allowed per platted lot. No outdoor advertising or separate use sign shall be placed on any residentially zoned lot which contains any freestanding sign. Outdoor advertising or separate use signs shall be no less than 1,000 feet apart, measuring from the two closest points and only one



- sign face shall be allowed to face the same direction per location. This allows back-to-back or "V" formation signs but prohibits two signs side-by-side or over-and-under, facing the same direction. The faces of a sign constructed in the form of a "V" shall not exceed 45 degrees.
- (7) No outdoor advertising or separate use sign or part thereof, shall be erected, used, or operated or maintained:
- Within 150 feet of the nearest edge of the right-of-way of another intersecting right-of-way.
  - Within 200 feet of any church, temple, mosque, place of worship, school, cemetery, or public park.
  - Overhanging a public right-of-way or a private road or drive.
  - Within 100 feet from any residentially zoned area.
- (8) Sign illumination shall not cause beams or rays of light to be directed to a roadway or adjacent properties. Flashing illumination such as, without limitation, flashing, running, or sequential lights are prohibited except as expressly provided herein.
- (9) Outdoor advertising or separate use signs shall be prohibited in areas where no roadway of any kind currently exists. Outdoor advertising or separate use signs shall only be permitted on roadways which are currently functioning as a bona fide roadway and are under the care and control of the Georgia Department of Transportation, Effingham County, Georgia, or under municipal control.
- (10) The following outdoor advertising or separate use signs are expressly prohibited unless specifically stated otherwise in this article:
- Signs employing movement including, but not limited to, changeable copy signs, pennants, flags, banners, streams, propellers, discs, and search lights.
  - Signs that include lights which flash, blink, or turn on and off intermittently, but not including time and temperature signs.
  - Signs employing direct, indirect, internal, flashing, or other illumination with light sources or reflectivity of such brightness that constitute a hazard to ground or air traffic or a nuisance, as determined by the City Manager.
  - Inflatable signs including, but not limited to, balloons.
  - Roof billboards which are erected or painted on a roof or which extend in height above the roof line of the building on which the sign is erected.
  - Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstructs the site distance triangle at any street or highway intersection, or extends into the public right-of-way.
- (11) Extrusions beyond the face of any outdoor advertising or separate use sign, excluding aprons, are prohibited.
- (12) There shall be an initial inspection of outdoor advertising or separate use signs and reinspection every five years.

- (13) Trees may be cut, trimmed, or pruned in locating, erecting, or maintaining any outdoor advertising or separate use sign provided a tree removal permit is issued by the City.
- (14) Outdoor advertising or separate use signs that contain alphanumeric characters, graphics, or symbols defined by a small number of matrix elements using different combinations of light-emitting diodes ("LED's") are prohibited.
- (15) Each outdoor advertising or separate use sign shall have attached thereto a legend identifying the agent or agency responsible for the erection and maintenance of such sign. Such legend shall set forth the permit number issued by the Zoning Administrator for such sign.
- (16) Each outdoor advertising or separate use sign shall constitute a self-supporting structure erected on one pole permanently attached to a concrete foundation. The foundation shall be designed to carry the weight and windload of the sign, in the soil in which it is placed. The sign's pole and supporting apparatus shall be fabricated only from painted or galvanized steel or metal. No portion of the supporting structure for the sign shall be visible above the advertising display area.
- (17) Every outdoor advertising and separate use sign, including its supports, braces, guys, and anchors, shall be maintained in a safe, presentable, and good structural material condition at all times, which includes the repair or replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of said sign. The surrounding premises of each sign shall be maintained in a clean, sanitary, and inoffensive condition, and free and clear of all obnoxious substances, rubbish, and weeds.
- (18) The advertising or copy area shall be replaced periodically to maintain good appearance. When the sign displays no advertising copy, its face shall continue to have a tight, closed, or solid surface concealing the sign's supporting apparatus, and shall be of a uniform color.

## ARTICLE TEN

### Enforcement and Administration

#### Section 1001 Planning and Zoning Director

- A. All provisions of this ordinance shall be enforced and administered by the Planning and Zoning Director(s) or such persons designated by the City Council.
- B. The duties and powers of the Planning and Zoning Director shall be:
  - (1) To receive and check all applications for building and sign permits, certificates of occupancy, and certificates of appropriateness:
    - (a) Prior to issuance of any building permit, the Planning and Zoning Director shall ensure that the building structures or use proposed conforms in all respects to the provisions of this zoning ordinance and other applicable regulations (See Section 1002);
    - (b) Prior to issuance of a certificate of occupancy, the Planning and Zoning Director shall determine that the work completed is in accordance with all

provisions of this zoning ordinance and other applicable regulations (See Section 1003);

- (c) For new developments proposed with the city which meet or exceed the minimum thresholds identified in the Department of Community Appraiser Procedures and Guidelines for the Review of Developments of Regional Impact (DRI), the city will comply with these intergovernmental review procedures. The city shall be allowed up to a maximum of thirty (30) days to complete the review process for large development projects that are likely to create impacts in other local jurisdictions. The city will not take any official action to further any such developments until the DRI review Process is completed or a maximum of thirty (30) days has transpired from the date the completed DRI Request for Review Form was forwarded to the Coastal Regional Commission.
- (2) To require any information necessary to determine the conformity of the application with the regulations of this ordinance and building codes. This information may include:
  - (a) Proposed uses of building, structure, or land;
  - (b) Placement of the building or structure on the lot;
  - (c) Size, dimensions or other characteristics of the building, structure, and the lot itself;
  - (d) Placement, size, and number of signs;
  - (e) Number, size and location of parking and unloading spaces;
  - (f) Any other relevant information under this ordinance (such as access points).
- (3) To inspect premises of applicant's property, building or structure.
- (4) To issue the building permit or certificate of occupancy after compliance with this zoning ordinance and other applicable regulations are established.
- (5) To notify any person responsible for violating the provisions of this ordinance and to order the action necessary to correct the violation. He shall order:
  - (a) Discontinuance of illegal use of land, buildings, or structures;
  - (b) Removal of illegal buildings or structures;
  - (c) Discontinue of any illegal work being done.
- (6) To issue temporary permits provided that the permit includes necessary safeguards for the public safety, health, and welfare. (See Section 1004).
- (7) To inform the applicant of a building permit if his/her proposed use, building or structure is designated as a Special Permit Use and to advise said applicant of the procedure necessary to acquire this permit.

## Section 1002 Building Permit

### A. Building Permit Required

- (1) It shall be unlawful to begin the excavation or filling of any lot for the construction of any building, including accessory buildings, until the Building Official has issued a building permit for such work.
- (2) No building permit for construction, alteration, or demolition of any structure within the Conservation-Preservation District shall be issued unless the applicant has complied with applicable historic preservation ordinances and/or regulations.

#### B. Issuance of a Building Permit

- (1) The applicant shall submit to the Building Official a dimensioned sketch or scale plan indicating the shape, size, and location of all buildings already on the lot. Such sketch or scale plan shall be accompanied by a completed application for building permit, and which completed application shall contain the notation of the Planning and Zoning Commission Administrator that the appropriate fee has been paid to the City by the applicant.
- (2) Applicant shall also state the existing and intended use of all such buildings and structures.
- (3) If the proposed work as set forth in the application conforms to the provisions of this ordinance, the Building Official shall issue the building permit.
- (4) If the building permit is refused, the Building Official shall give the applicant a written explanation of reasons for the refusal.
- (5) Building permits expire if physical construction has not begun within six-months of the initial date of issue.

#### Section 1003 Certificate of Occupancy

##### A. Certificate of Occupancy Required

No land or building hereafter erected or altered in its use shall be used until a Certificate of Occupancy has been granted.

##### B. Issuance of Certificate of Occupancy

- (1) Upon completion of any work for which a building permit has been granted, application shall be made to the Building Official for Certificate of Occupancy.
- (2) Within three business days of Application, the Building Official shall make a final inspection of the property and shall issue the certificate of occupancy if the work conforms to the necessary regulations.
- (3) If the certificate is refused, the Building Official must state such refusal in writing, with the cause.

#### Section 1004 Temporary Permit

The Planning and Zoning Director is authorized to exercise his discretion to grant temporary permits for the uses listed below—upon finding there exists a substantial need for a limited period of time, that the temporary permit is necessary for the owner to enjoy reasonable and substantial property rights, and that the temporary permit will not create an adverse impact on other properties or persons within the vicinity, subject to the applicable conditions for each individual temporary use and provided it is determined such uses will cause no traffic congestion. Any application for a permit for a temporary use not allowed for in this ordinance shall be requested of the City Council. Applications for temporary permits will be made on substantially the same form as shall be available at City Hall, and the action taken on such application shall be noted on the same form. Each application for temporary permit shall be filed with the Planning and Zoning Director and shall have the notation of the Planning and Zoning Director that the appropriate fee has been paid to the city by applicant.

- (1) Carnival or circus, in approved open areas, for a period not to exceed three weeks, and subject to approval by the City Council.
- (2) Religious meeting in a tent or other temporary structure, in an approved open area, for a period not to exceed forty days and forty nights.
- (3) Open lot sale of Christmas trees, in an approved area, for a period not to exceed forty-five days.
- (4) Contractor's office and equipment sheds, for a period of twelve months, provided that such office is placed on the property to which it is appurtenant.

#### Section 1005 Special Permit Uses

The uses listed under the various land use districts (Article Six) as "special permit uses" are so classified because they more intensely dominate the area in which they are located than do other uses, which are called permitted uses. Special permit uses are uses which would not normally be appropriate in a district unless strictly controlled as to size, lot coverage, impact on public services, visibility, traffic and other such characteristics. The following procedure is established to integrate the special permit uses with other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

- (1) When applying for a building permit, the applicant shall be informed by the Planning and Zoning Director that the proposed use is a Special Permit Use. The matter will then be referred to the Planning and Zoning Commission;
- (2) An application for special permit use shall be filed with the Building and Zoning Clerk at least thirty (30) days prior to the next regularly scheduled meeting of the City Planning and Zoning Commission. Such application shall be in substantially the same form as shall be available at City Hall, shall contain all information requested thereon and any other material or information pertinent to the request which the Planning and Zoning Commission may require, and shall contain the notation of the Planning and Zoning Clerk that the appropriate fee has been paid to the City of Guyton.
- (3) Public Hearings, Public Hearing Procedures, and Standards for Special Use Permits
  - (A) Required Public Hearings  
No official action shall be taken on any proposed Special Permit unless one (1) public hearing has been held. The public hearing shall be conducted by the Planning and Zoning Commission.
  - (B) Procedure for Calling a Public Hearing
    1. Prior to scheduling required public hearings, applicants shall complete all submission requirements provided by the Planning and Zoning Director (e.g., forms, fees, deeds, maps, etc.
    2. The Planning and Zoning Director shall then notify the applicant of the date, time, and place of the required public hearing.
    3. At least 16, but not more than 44 days prior to scheduled public hearings, the Planning and Zoning Director shall publish in the newspaper of general circulation, notice of the date, time, place, and purpose of the public hearing.
    4. Not less than 15 days prior to the date of a public hearing, the Planning and Zoning Director shall post in a conspicuous location on the property in

question a sign which shall contain information regarding the proposed Special Permit; specifically, the date, time, place, and purpose of the public hearing.

5. The primary goal of conducting public hearings on a proposed special permit shall be to solicit pertinent factual information which will be beneficial in helping the Planning and Zoning Commission judge the merits of each specific proposed special permit.
  - a. **Notice to Property Owners.** The Planning and Zoning Director shall give notice of the date, time, place, and purpose of public hearings to be held by the Commission on proposed special permits or supplements by mail to the owners of all properties abutting any part of the property variances proposed to be changed. The failure to notify as provided in this section, shall not invalidate any recommendations or action adopted hereunder.
  - b. **Action of Planning and Zoning Commission.** The Planning and Zoning Commission may approve the application as requested, or it may require conditions for approval, or it may deny the application.
  - c. **Denial of Special Permits.** If the decision of the Planning and Zoning Commission is to deny the Special Permit, then the same property may not again be considered for a Special Permit until the expiration of at least six ( 6 ) months immediately following denial of the Special Permit by the Planning and Zoning Commission.
  - d. **Appeals of Decision.** Appeals of the Planning and Zoning Commission decision shall go to the City Council. A written appeal must be submitted to the Planning and Zoning Director within fifteen (15) days of the decision from which appeal is taken.

(C) Procedure for Conducting a Public Hearing

Public hearings on special permits shall be conducted in the same manner as described in Section 1205 for zoning amendments.

(D) Standards for Special Use Permits

A Special Use Permit may be granted by the Planning and Zoning Commission only if the applicant establishes to the satisfaction of the Planning and Zoning Commission that:

1. Neither the proposed use nor the proposed site upon which the use will be located will have significant adverse impact upon the value or quiet possession of surrounding properties greater than would normally occur from generally permitted uses in the zoning district. In reaching a determination on this standard, the Planning and Zoning Commission (or City Council if applicable) shall consider:
  - a. The size of the proposed use compared with the surrounding uses;
  - b. The intensity of the proposed use including amount to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses.
  - c. The potential generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances;

- d. Unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which may tend to aggravate adverse impacts upon surrounding properties;
  - e. The degree to which landscaping, fencing and other design elements have been incorporated to mitigate adverse impacts on surrounding properties.
2. City or other facilities serving the proposed use will not be overburdened or hazards created because of inadequate facilities. In reaching a determination on this standard, the commission shall consider:
    - a. The ability of the traffic to safely move into and out of the site at the proposed location;
    - b. The presence of facilities to assure the safety of pedestrians passing by or through the site;
    - c. The capacity of the street network to accommodate the proposed use;
    - d. The capacity of the sewerage and water supply systems to accommodate the proposed use;
    - e. The capacity of the storm drainage system to accommodate the proposed use;
    - f. The ability of the fire department to provide necessary protection services to the site and development.
  3. The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and floodplain shall not be such that the proposed use when applied on the site will cause undue harm to the environment or to neighboring properties.

(E) Conditions of Special Permit Uses

Upon consideration of the standards listed in section (D) above, the Planning and Zoning Commission and/or the City Council may require such conditions, in addition to those required by other provisions of the Ordinance, as it finds necessary to ensure compliance with those standards and all other applicable requirements of this Ordinance. Violation of any of those conditions shall be a violation of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of landscaping/vegetation, increased setbacks and yards, specified sewage disposal and water supply facilities, hours of operation, operational controls, professional inspection and maintenance, sureties, location of piers, docks, parking and signs, and types of construction.

Section 1006 Variances

The Planning and Zoning Commission may authorize a variance from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zoning district in which the proposed use would be located. In granting a variance, the Planning and Zoning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purpose of this ordinance.

A. Conditions Governing the Granting of a Variance

A variance may be granted by the Planning and Zoning Commission only in the event that all of the following circumstances exist:

- (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from lot size or shape, topography or other circumstances over which the owners of the property since enactment of this ordinance have had no control.
- (2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of property in the same zoning district or vicinity possess.
- (3) The variance would not materially be detrimental to the purposes of this ordinance or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objective of any city plan or policy.
- (4) The variance requested is the minimum variance which would alleviate the hardship.
- (5) The lot in question cannot yield a reasonable return unless the variance is granted.
- (6) The need for a variance is not the result of the action of the owner or previous owner.

B. Public Hearings, Public Hearing Procedures, and Procedures for Taking Action for Variances

(1) Required Public Hearings

No official action shall be taken on any proposed Variance unless a public hearing has been held by the Planning and Zoning Commission. Public Hearings on Variances shall be conducted in the same manner as described in Section 1205 for zoning amendments.

(2) Procedure for Calling a Public Hearing

- a. Prior to scheduling the required public hearings, applicants shall first complete all submission requirements provided by the Planning and Zoning Director (e.g., forms, fees, deeds, maps, etc.). A complete application must be filed (30) thirty days prior to the Planning and Zoning Commission meeting where the application will be heard. The application shall be substantially in the same form as shall be available at City Hall and shall contain the notation of the City Clerk or Finance Director that the appropriate fee has been paid and shall be accompanied by a list of names and addresses of all abutting property owners of the property for which the variance is requested, as shown by the current tax maps and indexes thereof. The failure to notify as provided in this section shall not invalidate any recommendations or actions adopted hereunder.
- b. The Planning and Zoning Director shall then notify the applicant of the date, time, and place of the required public hearing.
- c. At least 16, but not more than 44 days prior to scheduled public hearings, the Planning and Zoning Director shall publish in the newspaper of general circulation, notice of the date, time place, and purpose of the public hearing.



- d. Not less than 15 days prior to the date of a public hearing, the Planning and Zoning Director shall post in a conspicuous location on the property in question a sign which shall contain information regarding the proposed Variance; specifically, the date, time, place, and purpose of the public hearing.
- e. The official action shall not be taken on a proposed variance by the Planning and Zoning Commission until after the required public hearing has been conducted. The commission may conduct more than one hearing if the Commission deems necessary.
- f. The primary goal of conducting public hearings on a proposed variance shall be to solicit pertinent factual information which will be beneficial in helping the Planning and Zoning Commission judge the need of the proposed variance.
  1. **Notice to Property Owners.** The Planning and Zoning Director shall give notice of the date, time, place, and purpose of public hearings to be held by the Planning and Zoning Commission on proposed variances or special permits by mail to the owners of all properties abutting any part of the property proposed to be changed. The failure to notify as provided in this Section shall not invalidate any recommendations or action adopted hereunder.
  2. **Action By Planning and Zoning Commission.** The Planning and Zoning Commission shall render its decision based on the variance criteria in Section 1006(A) above. The Planning and Zoning Commission shall notify the applicant within five days of its decision.
  3. **Time Limit on Permit for Variance.** Authorization of a variance shall be void after one year unless substantial construction has taken place. However, the Planning and Zoning Commission may extend authorization for an additional period not to exceed one year, on request.
  4. **Denial of Variances.** Decisions of the Planning and Zoning Commission may be appealed to the City Council as described in Section 1203 of this ordinance. If the decision of the Planning and Zoning Commission is to deny the Variance, then the same property may not again be considered for a Variance the expiration of at least six (6) months immediately following the defeat of the Variance by the Planning and Zoning Commission.

#### Section 1007 Official Zoning Map Interpretation

The Planning and Zoning Commission shall provide interpretations of the Official Zoning Map. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Official Zoning Map may be made of the Planning and Zoning Commission, and a determination shall be made by the Planning and Zoning Commission. All decisions rendered in this regard by the Planning and Zoning Commission shall be based on criteria set forth in Section 502 of this Ordinance.

#### Section 1008 Penalties

Any person violating any provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than two dollars (\$2.00) and no more than

fifty dollars (\$50.00) for each offense. Each day the violation continues, it constitutes a separate offence and will be treated as such. In case any building, structure, or land used, erected, repaired, converted, or maintained in violation of this ordinance, the building official or any other appropriate authority, or any city resident who would be damaged by such violation, may institute injunction, mandamus, or other appropriate action to prevent the use of the building, structure, or land.

## ARTICLE ELEVEN

### Appeals

#### Section 1101 Administrative Appeals

Appeals of Planning and Zoning Director decisions shall be made to the Planning and Zoning Commission.

#### Section 1102 Appeals of Planning and Zoning Commission Decision

Any appeal from a decision of the Planning and Zoning Commission shall be made to the City Council. Written notice of appeal shall be filed with the Planning and Zoning Director within 15 days of the decision of the Planning and Zoning Commission or such decision shall be final.

#### Section 1103 Powers of the Planning and Zoning Commission

To hear and decide appeals when an error is alleged in any order, requirement, decision, or determination made by the Building and Zoning Inspector, Building Official, or any other individual employee in the enforcement of any section or article adopted in this ordinance.

#### Section 1104 Powers of the City Council

To hear and decide appeals on any action or ruling of the Planning and Zoning Commission pursuant to this Ordinance, so long as any such appeal is filed within 15 days after the Planning and Zoning Commission has rendered its decision. Written notice of appeal shall be filed with the Planning and Zoning Director. If the appeal is not filed within the 15-day period, the decision of the Planning and Zoning Commission shall be final. If the appeal is filed, the City Council shall receive a report and recommendation thereon from the Planning and Zoning Commission and shall hold a public hearing on the appeal.

In exercising the above powers, the City Council may reverse, affirm, or modify the orders or requirements, and to that end shall have the powers of the officer from whom the appeal is taken and may issue the necessary permit. All appeals shall be filed on a form substantially similar to the one available at City Hall. All notices of appeal shall contain a notation thereon by the City Clerk or Financial Director that the appropriate fee has been paid to the City of Guyton.

#### Section 1105 Court Review of City Council Action

Any person(s) severally or jointly aggrieved by any decision of the City Council may make an appeal to the Superior Court. Said appeals to the Superior Court shall be the same as an appeal to the Superior Court from any decision made by the judge of the

Probate Court, except, however, that said appeal must be made to the Court within thirty (30) days after the City Council's decision, otherwise its decision is final. Provided however, that on appeal said case shall be heard by the judge of the superior Court without a jury unless one of the parties files a written demand for a jury trial within thirty (30) days after filing for appeal before the Superior Court.

## ARTICLE TWELVE

### Amendments to the Zoning Ordinances

#### Section 1201 Authority to Amend the Zoning Ordinances

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the City Council by ordinance, may—subject to the procedures provided by law—amend, supplement, or change the regulations, district boundaries, classification of property, or any provision of this ordinance, now or hereafter established by this Ordinance or amendments thereof.

Amendment may be made by City Council on its own motion, on petition or on recommendation of the Planning and Zoning Commission, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission shall submit its report within 30 days after receiving an amendment proposal from City Council for review; otherwise such amendment shall be deemed approved by the Planning and Zoning Commission. Before enacting an amendment to this Ordinance, the City Council shall give public hearing thereon as set forth in this section.

#### Section 1202 Initiation of Amendments

- (1) An amendment may be initiated by the City Council or Planning and Zoning Commission by introduction of a resolution, or by any official, board or other person by presentation of a petition to the Planning and Zoning Commission.
- (2) A map amendment (rezoning) may be initiated by the owner of the property proposed for rezoning by filing an application with the Planning and Zoning Director. The Planning and Zoning Commission or City Council may also initiate such map amendments.

#### Section 1203 Application for Amendments

- (1) The proper form on which to file an application for any amendment (map or text) shall be obtained from the Planning and Zoning Director. The completed application shall be filed with the Planning and Zoning Director at least thirty-two (32) days prior to the Planning and Zoning Commission meeting at which the request will be heard. Such applications shall give the reasons for requesting change of the text or zoning map which would support the purposes of the zoning program.

In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.

Any recommendation purporting to be an application for a map amendment shall be regarded as mere notice of intention to seek an amendment until such time as it is made in the form required. Such application for rezoning shall be in substantially the same form as shall be available at City Hall. Such application shall have attached to it the information required in Paragraph (2) below, and shall have the notation of the Building and Zoning Clerk that the appropriate fee has been paid to the City of Guyton.

- (2) An application for a map amendment (rezoning) shall contain all of the following information and a scaled map, plat, or sketch, which shall be attached to the application forms required. The map, plat or sketch shall show the property referred to in the application and all adjoining lots or parcels of land which are also under the same ownership. (See also section 607 concerning application requirements for PD, Planned Development District rezonings):
  - (a) A legal description of the land by lot, block and subdivision designation, or, if none, by metes and bounds;
  - (b) A plot plan or survey to scale showing existing and proposed structures and uses, access drives, parking, and loading areas, easements, utilities existing zoning and future land use designation and any other supportive documentation required by the Planning and Zoning Commission;
  - (c) The property identification number from the tax records of the County;
  - (d) The present zoning classification and the classification proposed for such land;
  - (e) Payment of fees required to cover administrative costs as set forth in the Schedule of Fees;
  - (f) A list of all adjacent property owners as shown on the tax rolls;
  - (g) Shall state the name, address and signature of the applicant, who must be the owner of the property or the authorized agent or attorney for the owner of the property. If the applicant is the agent of the owner, then the agent shall file, simultaneously with the petition, a notarized letter signed by the owner authorizing the agent to file on his behalf. No application shall be accepted which fails to meet these requirements; and;
  - (h) Any additional information the applicant feels to be pertinent.

#### Section 1204 Site Development Plan

- (1) Applications to rezone property for R-2, R-3, R-5, MH, MU, C-1, C-2, C-3, I-L, I-G, or U-P shall be accompanied by a detailed site development plan prepared by a registered surveyor containing the following elements:
  - (a) Survey plat showing the dimensions of the property to be rezoned;
  - (b) Location and dimension of existing structures, rights-of-ways, marshlands, boundaries, watercourses, and lakes;
  - (c) Location and dimension of proposed development including structures, types of uses, access drives, setbacks, easements, etc.;
  - (d) Location and dimensions of proposed recreational areas and buffer zones, if any;
  - (e) Location and size of water, sewer, and drainage facilities;
  - (f) In the case of residential developments, proposed number of dwelling units and net acres available for building; In the case of commercial and industrial

developments, proposed off-street parking and loading areas, signage, and outdoor lighting.

#### Section 1205 Public Hearings, Public Hearing Procedure, and Rezoning Standards

(1) Required Public Hearings

No official action shall be taken on any proposed zoning amendment unless a public hearing has been held. The public hearing shall be conducted by the Planning and Zoning Commission.

(2) Procedure for Calling a Public Hearing

Prior to scheduling of the required public hearing, applicants shall first complete all submission requirements provided by the Planning and Zoning Director (e. g., forms, deeds, maps, etc.) Incomplete applications shall not be processed. There shall be no amendment made to the application once submitted.

- (a) The Planning and Zoning Director shall then notify the applicant of the date, time, and place of the required public hearing.
- (b) At least 15, but not more than 45, days prior to scheduled public hearings, the Planning and Zoning Director shall publish in the newspaper of general circulation, notice of the date, time, place, and purpose of the public hearing.
- (c) If a zoning amendment is for the rezoning of property, the public notice shall also include: (1) the location of the property; (2) the present zoning classification of the property; and (3) the proposed zoning of the property.
- (d) Not less than 15 days prior to the date of a public hearing, the Planning and Zoning Director shall post in a conspicuous location on the property in question a sign which shall contain information regarding the proposed rezoning (specifically, the date, time, place, and purpose of the public hearing).
- (e) No official action shall be taken on a proposed amendment by the City Council until after the required public hearings have been conducted.
- (f) The primary goal of conducting public hearings on proposed zoning amendments shall be to solicit pertinent factual information which will be beneficial in helping the Planning and Zoning Commission and the City Council judge the merits of each specific proposed amendment.
  1. **Notice to Property Owners.** The Planning and Zoning Commission shall give notice of the date, time, place, and purpose of public hearings to be held by it on proposed amendments or supplements by mail to the owners of all properties abutting any part of the property proposed to be changed. The failure to notify as provided in the Section shall not invalidate any recommendations adopted hereunder.
  2. **Action on Planning and Zoning Commission.** The Planning and Zoning Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to the City Council.
  3. **Action of the City Council.** The City Council shall consider the recommendations of the Planning and Zoning Commission, and vote on the proposed amendment to the text or map of the Zoning Ordinance after the Planning and Zoning Commission's public hearing. If the proposed

amendment is not recommended by the Planning and Zoning Commission, the favorable vote of a majority of the entire membership (3 of 4 members) of the City Council shall be required to make the amendment effective. The applicant and others so requesting shall receive notice of the decision of the City Council through the Planning and Zoning Director.

4. **Conditions of Zoning Amendments.** Upon consideration of the standards listed below, the Planning and Zoning Commission may recommend and the City Council may require such conditions, in addition to those required by other provisions of this Ordinance. Violation of any of those conditions shall be a violation of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of landscaping/vegetation, increased setbacks and yards, specified sewage disposal and water supply facilities, hours of operation, operational controls, professional inspection and maintenance, sureties, location of piers, docks, parking and signs, and types of construction.
5. **Denial of Rezoning.** If the decision of the City Council is to deny the rezoning of property, then the same property may not again be considered for rezoning until the expiration of at least six (6) months immediately following the denial of the rezoning by the City Council.
6. **Action by City to Rezone Property to Original Zoning.** When an amendment (rezoning) has been granted for a parcel of land on request by the owner or his agent and no building permit has been applied for within twelve (12) months of the date of the rezoning, the Planning and Zoning Director will initiate action to rezone the parcel to its original zoning. The procedures in this article shall be followed, except that no fees shall be paid.

(3) Procedure for Conducting a Public Hearing

- (a) All public hearings on zoning amendments shall be chaired by either the Chairman of the Planning and Zoning Commission or the Mayor of Guyton or their designees.
- (b) A secretary shall record the proceedings of the public hearing. If requested by any party, verbatim transcripts of the public hearing can be prepared, but only if requested and purchased in advance by the requesting party.
- (c) The record of the public hearing and all evidence submitted at the public hearing shall be recorded as such and become a permanent part of the particular zoning amendment's file.
- (d) The Chairman of the Planning and Zoning Commission or his or her designee shall preside at the public hearing and shall identify speakers, maintain order, and conduct the public hearing.
- (e) The process to be followed in conducting these hearings shall be as follows:
  1. The presiding officer shall open the hearing by setting the specific zoning amendment being considered at the public hearing.
  2. When there are a large number of individuals wishing to testify at a hearing, the presiding officer may invoke time limits on individual speakers. In such cases, these time limits shall apply to all speakers.

Provided however, that proponents of the application shall have no less than 10 minutes cumulatively to speak in favor of the application, and opponents shall have no less than 10 minutes cumulatively to speak in opposition to the application.

3. The presiding officer shall recognize the individual parties wishing to testify or present evidence and allow them to present this information.
4. Once all parties have concluded their testimony, the presiding officer shall adjourn the public hearing.

(4) Zoning Amendment Criteria

The following factors will be used to determine whether the rezoning is appropriate:

- (a) Whether the rezoning is a logical extension of a zoning boundary which would improve the pattern of uses in the general area;
- (b) Whether the rezoning is an illogical extension of a zoning boundary;
- (c) Whether the rezoning is likely to lead to neighborhood deterioration, the spread of blight, and requests for additional zoning of a similar nature which would expand the problem;
- (d) Whether the rezoning would result in spot zoning or generally be unrelated to either existing zoning or the pattern of development of the area;
- (e) Whether the rezoning would create traffic which would traverse established single-family neighborhoods on minor streets, leading to congestion, noise and traffic hazards;
- (f) Whether the rezoning conforms to the general expectations for population growth and distribution;
- (g) Whether the rezoning would limit options for the acquisitions of future planned public facility sites, roads, open-space, etc.;
- (h) Whether the rezoning would result in major changes in existing levels of public service, and/or fiscal stability;
- (i) Whether the rezoning would achieve short term goals at the expense of long-term development goals;
- (j) Whether the rezoning will adversely affect property values in the adjacent areas;
- (k) Whether the rezoning will have an adverse physical impact on surrounding properties;
- (l) Whether there are substantial reasons why the property cannot be used in accordance with its present zoning classification; and
- (m) Whether the rezoning conforms to policies and recommendations contained in the Guyton and/or Effingham County Comprehensive Plan.

**A negative finding on one or more of these criteria shall not preclude approval of a rezoning.**

## **ARTICLE THIRTEEN**

### Legal Status Provisions

#### Section 1301 Provisions of ordinance Declared to be Minimum Requirements

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of public health, safety, morals, or

general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

#### Section 1302 Severability

Should any section, subsection, or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

#### Section 1303 Conflicting Ordinances Repealed

The provisions of any ordinance or regulations or parts thereof in conflict herewith are hereby repealed.

#### Section 1304 Effective Date

This ordinance as amended shall take effect and be in force on and after the date of approval by the governing authority of the City of Guyton, Georgia.