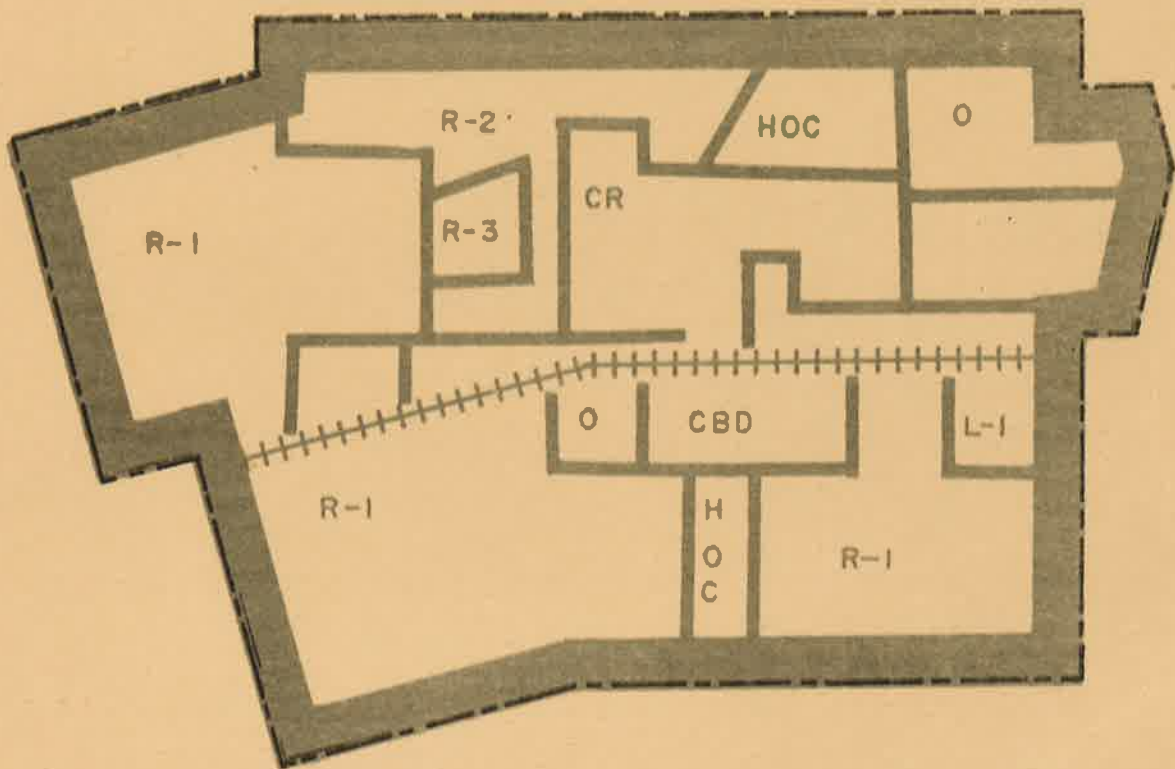


APC 5004

ZONING ORDINANCE



CLAXTON, GEORGIA

Zoning Ordinance
City of Claxton, Georgia

Prepared by

Altamaha Georgia Southern
Area Planning and Development Commission

This document is an updated reprinting of the zoning ordinance, adopted by the Mayor and Council of the City of Claxton on June 17, 1974, as amended through June 5, 1986. In the course of preparing this current document for printing, minor corrections in spelling or punctuation have been made as necessary. These changes are editorial in nature, and in no instance have they resulted in any substantive change in the meaning or intent of the ordinance and amendments as adopted by the Mayor and Council of the City of Claxton.

April, 1987

ZONING ORDINANCE

This is an ordinance dividing the corporate limits of the City of Claxton, Georgia, into various zones. These zones are of such shape and area as deemed best suited to carry out these regulations: regulating the location, height and number of stories of buildings and other structures; regulating the size of yards and other open spaces; regulating the density and distribution of population and the uses of buildings, structures, and land for residential, commercial, industrial and other purposes. The ordinance also describes penalties for the violation; providing for enforcement; Board of Appeals and repealing all regulations, resolutions, orders, ordinances and/or codes in conflict with this ordinance.

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ARTICLE I

SHORT TITLE, EFFECTIVE DATE AND DECLARATION OF LEGISLATIVE INTENT

- Section 100 Short Title and Effective Date. This ordinance shall be effective upon adoption and shall be known, referred to and cited as "The Zoning Ordinance of the City of Claxton, Georgia".
- Section 101 Declaration of Legislative Intent.
- A. Authority. The City Council of Claxton, Georgia in accordance with the authority granted them by the State of Georgia's General Planning Enabling Act of 1957, as amended, hereby ordains, and enacts into law the following Articles and Sections. (Current Authority-- Georgia Constitution of 1983, Article IX, Section II, Paragraph IV.)
- B. Purpose. The zoning regulations and districts as herein set forth have been prepared in accordance with an adopted future land use and major thoroughfare plan for the City to promote the public health, safety, morals and general welfare of the City, to facilitate orderly and harmonious development, and to regulate the density of population and intensity of land use in order to provide for adequate light and air. In addition, this ordinance has been prepared to provide for vehicle off-street parking, to prevent the overcrowding of land, blight, danger and congestion in the circulation of people and the loss of life, health or property from flood or other dangers. The zoning regulations and districts as herein set forth are also employed to protect transportation facilities, public facilities, residential areas, recreation and open space and the natural resources of the City of Claxton, Georgia.
- Section 102 Interpretation. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health and welfare. Where this ordinance imposes a greater restriction upon the building, structures or premises, upon heights of buildings or structures or requires larger open spaces than are imposed or required by any other ordinance, rates, codes, permits, or regulations, or by easements, covenants, deed restrictions or agreements, the provisions of this ordinance shall govern.
- Section 103 Conflict. It is not intended by this ordinance to repeal, abrogate, annul or interfere with any existing ordinance or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this ordinance, provided that where this ordinance imposes greater restriction upon the use of buildings or land, or upon the height and bulk of buildings, or prescribes larger open spaces than are required by the provisions of such ordinance, enactment, rule, regulation or permit, then the provisions of this ordinance shall control.

Section 104 Validity. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or of any part thereof.

Section 105 Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ARTICLE II
DEFINITIONS

Section 200 Interpretations. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this ordinance to have the meanings indicated in this article. The present tense includes the future; the singular number includes the plural, and the plural the singular; the word "building" includes the word "structure" and shall be construed as if followed by the words "or part thereof"; the word "occupy" includes the words "designed or intended to be occupied"; the word "use" includes the words "arranged, designed or intended to be used" and the word "shall" is always intended to be mandatory when capable of such interpretation.

Section 201 Definition of Terms.

1. Accessory Building. A building subordinate to the principal building on the lot and used for purposes customarily incidental to those of the principal building.
2. Accessory Use. A use subordinate to the principal use of land or a building or other structure on a lot and customarily incidental thereto.
3. Agriculture. The cultivating of the soil and the raising and harvesting of the products of the soil, including, but not by way of limitation, nursery, horticulture, forestry and animal husbandry.
4. Alteration. An alteration, as applied to a building, is any change or rearrangement in the structural parts, or any enlargements, whether by extending on any side or by increasing in height or adapting in any way to a different use, or moving from one location or position to another, or in the case of non-conforming use, any structural change which would prolong the life of such use.
5. Building. Any structure having enclosing walls and roof, permanently located on the land.
6. Building, Principal. A building in which is conducted the principal use of the lot on which it is situated.
7. Building Area. The aggregate of the maximum horizontal cross-section areas of all buildings on a lot above the ground level, measured at the greatest outside dimensions, excluding cornices, eaves, gutters or chimneys projecting not more than eighteen (18) inches, bay windows not extending through more than one (1) story and not projecting more than five (5) feet, one (1) open porch projecting not more than ten (10) feet, porte-cochere or car port open on three (3) sides and not more than fourteen (14) feet high and twenty (20) feet in length, steps and balconies.

8. Building Line. The line which establishes the minimum depth of front yard for the particular district as measured from the street line.
9. Dwelling. A building designed for and occupied exclusively for residential purposes, including hotel, rooming house, tourist home, institutional home, residential club, motor court and the like.
 - a. Single-Family Dwelling. A building designed for and occupied exclusively as a dwelling for one family.
 - b. Two-Family Dwelling. A building designed for and occupied exclusively as a dwelling for two families.
 - c. Multiple-Dwelling. A building not a single-family dwelling or a two-family dwelling, designed for and occupied exclusively for dwelling purposes by three or more families living independently of one another, not a row house, but customarily called an apartment house.
10. Dwelling Unit. A building or portion thereof providing complete housekeeping facilities for one family.
 - a. Permanent Dwelling Unit. A building or portion thereof providing complete housekeeping facilities for one family for year round use.
 - b. Temporary Dwelling Unit. A building or portion thereof providing complete or partial housekeeping facilities for one family for seasonal or summer use. Such dwelling units may not be occupied more than 5 months out of any 12.
11. Family. Any number of individuals living together as a single non-profit housekeeping unit and doing their cooking on the premises excluding, however, occupants of a club, fraternity house, lodge, residential club or rooming house.
12. Future Land Use Plan. Maps, charts, and/or descriptive matter officially adopted by the City Council showing recommendations for the most appropriate use of land and for the most desirable density of population.
13. Garage.
 - a. Garage, Private. An accessory building or part of a principal building used for the storage of motor vehicles owned and used by the owner or tenant of the premises, and for the storage of not more than two (2) vehicles owned and used by persons other than the owner or tenant of the premises. Not more than two (2) commercial vehicles or trucks may be stored in a private garage.
 - b. Garage, Public. A building, other than a private or storage garage, one (1) or more stories in height, used solely for the commercial storage, service or repair of motor vehicles.

c. Garage, Storage. A building, not a private or public garage, one (1) story in height, used solely for the storage of motor vehicles (other than trucks), but not for the sale, service or repair thereof nor for the sale of fuel, accessories or supplies.

14. Gasoline Service Station. Any area of land, including structures thereon, or any building or part thereof, that is used for the sale of gasoline or other motor vehicle fuel or accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles but which shall not include painting or body and fender repairs.

15. Height of Building. A building's vertical measurement from the mean level of the ground surrounding the building to a point mid-way between the highest and lowest points on the roof.

16. Home Occupation. As occupation for gain or support conducted only by members of a family residing on the premises and conducted entirely within the dwelling, providing that no article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises.

17. Hotel. A building used for the purpose of furnishing for compensation more or less temporary lodging to the public, with or without meals, and having lodging accommodations for ten (10) or more persons.

18. Junk Yard. A lot, land or structure, or part thereof, used primarily for the collection, storage and sale of wastepaper, rags, scrap metal or discarded material, or for the collection, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

19. Loading Space. A space, accessible from a street or way, in a building or on a lot, for the temporary use of vehicles, while loading or unloading merchandise or materials.

20. Lot. A parcel of land which is occupied, or is to be occupied by one principal building or other structure or use, together with any accessory buildings or structures or uses customarily incidental to such principal building or other structure or use, and any such open spaces as are arranged or designed to be used in connection with such principal buildings or other structures or use, such open spaces and the area and dimensions of such lot being not less than the minimum required by this ordinance.

21. Lot Area. The total horizontal area of the lot lying within the lot lines, provided that no area of land lying within any street line shall be deemed a portion of any lot area. The area of any lot abutting a street shall be measured to the street line only.

22. Lot Line. A property boundary line of any lot held in single or joint ownership, except that in the case of any lot abutting a street, the lot line for such portion of the lot as abuts the street shall be

deemed to be the same as the street line and shall not be the center line of the street, or any other line within the street line even though such may be the property boundary line.

23. Motor Court or Motel. A building and/or a group of two or more detached or semi detached buildings, containing rooms or apartments having separate ground floor entrances provided directly or closely in connection with automobile parking or storage space serving such rooms or apartments, which building or group of buildings is designed, intended or used principally for the providing of sleeping accommodations for automobile travelers and is suitable for occupancy at all seasons of the year.

24. Mobile Home. A manufactured, transportable, single family dwelling unit, suitable for year-round occupancy and containing water supply, waste disposal and electrical conveniences designed for attachment to outside systems. A mobile home is designed so that it is or may be mounted on wheels and used as a conveyance on highways and streets.

25. Mobile Home Park. A contiguous parcel of land which has been developed and is licensed for the placement of mobile homes.

26. Non-conforming. A building or other structure, use or lot, which by reason of design, size or use, does not conform with the requirements of the district, or districts, in which it is located.

27. Parking Space. A reasonably level space, available for the parking of one (1) motor vehicle, not less than ten (10) feet wide and having an area of not less than two hundred (200) square feet exclusive of passageways or other means of circulation or access.

28. Parking Space, All-Weather. A parking space surfaced to whatever extent necessary to permit reasonable use under all conditions of weather.

29. Performance Standards. Measures and standards by which the suitability of a proposed use can be measured by the extent of its external effect.

30. Public Utilities Facilities. A building or structure and its equipment, used for the transmission and exchange of telephone, radio-telephone, gas, power, sewer and water facilities, provided, however that in a residential district these shall not include public business facilities, storage of materials, trucks or repair facilities or housing of repair crews.

31. Rooming House, See Tourist Home. A dwelling, not a single-family or two-family dwelling, apartment house or hotel, providing lodging, with or without meals, and having lodging accommodations for less than ten guests.

32. Sign. A structure, building wall or other outdoor surface, or any device used for visual communication which is used for the purpose

of bringing the subject thereof to the attention of the public, or to display, identify and publicize the name and product or service of any person.

33. Street. A right-of-way publicly or privately owned, serving as a means of vehicular and pedestrian travel, furnishing access to abutting properties and space for sewers and public utilities.

34. Street Line. The dividing line between a lot and the outside boundary or ultimate right-of-way line of a public street, road or highway legally opened or officially platted or between a lot and a privately owned street, road or way over which the owners or tenants of two or more lots each held in single and separate ownership have the right-of-way.

35. Structure. Any form or arrangement of building material involving necessity of providing proper support, bracing, tying, anchoring or other protection against the forces of the elements.

36. Tourist Home. A dwelling in which sleeping accommodations for less than ten persons are provided for compensation.

37. Trailer Park. Any land used or designated to be used as parking space for more than one house trailer.

38. Trailer House. Any vehicle used for living or sleeping purposes.

39. Variance. Permission or approval granted by the Board of Appeals constituting a modification of, or a deviation from the exact provisions of this ordinance as applied to the use of a specific piece of property or portion of the same.

40. Yard. An open, unoccupied space on the same lot with a building or other structure or use, open and unobstructed from the ground to the sky, except for public utility lines or facilities.

a. Front Yard. A yard extending the full width of the lot along the front street line as defined and extending in depth from the front street line to the nearest point of any structure on the lot.

b. Rear Yard. A yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point of any structure on the lot.

c. Side Yard. A yard extending the full depth of the lot along a side lot line and extending in width from such side lot line to the nearest point of any structure on the lot.

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ARTICLE III
ZONING DISTRICTS

Section 300 Classes of Districts. For the purpose of this ordinance, the City of Claxton is hereby divided into nine districts which shall be designated as follows:

- R-1 Low Density (Residential) Districts
- R-2 Medium Density (Residential) Districts
- R-3 High Density (Residential) Districts
- CBD Central Business District
- CR Commercial Retail Districts
- O Office Districts
- HOC Highway Oriented Commercial Districts
- L-I Light Industrial Districts
- H-I Heavy Industrial Districts

Section 301 Zoning Map. The location and boundaries of such districts shall be as shown on the map attached to and hereby made a part of this ordinance, which shall be designated "Zoning Map of the City of Claxton, Georgia". The said map and all the notations, references and other data thereon shall be as much a part of this ordinance as if fully described herein.

Section 302 District Boundaries. The boundaries between districts are, unless otherwise indicated, either the center lines of streets, lanes, watercourses, rights-of-way of power lines and other public utilities or such lines extended or lines parallel thereto. Where the boundaries of a single district are indicated as including directly opposite sides of a street, lane, lake or watercourse, or right-of-way of a power line of other public utility, for any portion of its length, the district so indicated shall be construed to apply to the entire bed of such street, lane, lake or water course, or right-of-way of such portion of its length. Where uncertainty exists as to the location of any said boundaries as shown on the zoning map, the following rules shall apply:

- A. Where a district boundary is indicated as approximately following the center line of a street, lane, lake or watercourse, or right-of-way of a power line or other public utility, such center line shall be construed to be such boundary.
- B. Where a district boundary is indicated as approximately following a lot line or other property line, such lot line shall be construed to be such boundary.
- C. Where a district boundary divides a lot or runs through undivided property, the location of such boundary, unless otherwise specified by figures on the zoning map, shall be determined by the use of the scale appearing on said map.
- D. Where figures are shown on the zoning map between a street and a district boundary, they shall indicate that the district

boundary runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless specified. Where scaled distances do not agree with such figures, the figures shall control.

Section 303 Federal and State Owned Property. Whenever federal or state owned property is included in one or more zoning districts, it shall be subject to the provisions of this ordinance only insofar as permitted by the constitution and laws of the United States of America and of the State of Georgia.

ARTICLE IV

R-1 LOW DENSITY RESIDENTIAL DISTRICT

Section 400 Declaration of Legislative Intent. It is hereby declared to be the intent of this article with respect to R-1 Residential Districts to establish reasonable standards of performance and selection of uses permitted therein, in order to maintain and protect the desirable benefits which single-family detached residential uses have throughout the community.

In an R-1 Residential District the following regulations shall apply:

Section 401 Use Regulations. A building may be erected, altered or used, and a lot may be used or occupied for any of the following purposes and no other.

- A. Single-family detached dwelling units, excluding mobile homes.
- B. Agriculture and forestry, excluding the raising of livestock.
- C. Nursery, greenhouse, and non-commercial recreational use.
- D. Educational, religious or philanthropic use, excluding correctional or penal institutions.
- E. Hospital, sanatorium, convalescent home.
- F. Public utility facility.
- G. Animal hospital, kennel, provided there is a minimum lot size of two (2) acres.
- H. Municipal, county, state or federal use.
- I. Accessory use on the same lot with and customarily incidental to any permitted use.

Section 402 Height Regulations. The maximum height of buildings and other structures erected or enlarged in this district shall be:

- A. For any dwelling, thirty-five (35) feet and not to exceed three (3) stories.
- B. For any building accessory to any dwelling fifteen (15) feet and not exceeding one (1) story.

Section 403 Area, Width and Yard Regulations.

- A. Lot Area. A lot area of not less than fifteen thousand (15,000) square feet per dwelling unit, the lot having a minimum width of one hundred (100) feet at the building line shall be provided for every building hereafter erected, altered or used in whole or in part as a

dwelling, provided that in the case of a lot held in single and separate ownership, at the effective date of this ordinance, having an area of less than fifteen thousand (15,000) square feet, or a width less than one hundred (100) feet, a dwelling may be built thereon when authorized as a variance.

B. Front Yard. There shall be a front yard the depth of which shall be at least forty (40) feet provided that a lot held in single and separate ownership not in conformance with the provisions of this section may be granted a variance by the Board of Appeals. In the case of a corner lot, a front yard shall be required on each street on which the lot abuts; provided that any corner lot in single and separate ownership not in conformance with the provisions of this section may be granted a variance by the Board of Appeals.

C. Side Yards. In the case of a single-family dwelling, there shall be two side yards, one on each side of the building, together having an aggregate width of not less than thirty (30) feet, but neither having a width of less than fifteen (15) feet, provided that in the case of a lot held in single and separate ownership not in conformance with the provisions of this section may be granted a variance by the Board of Appeals, and except that an accessory use structure may be erected provided it is not closer than ten (10) feet to the side property line.

D. Rear Yard. There shall be a rear yard, the depth of which shall be at least thirty (30) feet, provided that in the case of a lot held in single and separate ownership not in conformance with the provisions of this section may be granted a variance by the Board of Appeals, and except that an accessory use structure may be erected within the rear yard not closer than five (5) feet to the rear property line, and except that on a corner lot an accessory use structure may not be erected closer than ten (10) feet to the rear property line.

E. Building Coverage. The building area shall not exceed twenty (20) percent of the lot area.

ARTICLE V

R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

- Section 500 Declaration of Legislative Intent. In expansion of the declaration of intent contained in Article I, Section 101 of this ordinance, it is hereby declared to be the intent of this article with respect to R-2 Residential Districts to establish reasonable standards of performance and selection of permitted uses therein, in order to maintain and protect the desirable benefits which single, twin and duplex residential uses have throughout the community.
- Section 501 Use Regulations. A building may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other.
- A. Single family detached dwelling.
 - B. Two family--twins.
 - C. Two family--duplexes.
 - D. Mobile Home Parks.
 - E. Any use permitted in the R-1 District.
 - F. Accessory use on the same lot with and customarily incidental to any permitted use.
 - G. Permitted uses when authorized as a special exception under the provisions of Article XVI.
 - 1. Conversions of single family dwellings to multiple family use in accordance with the regulations of Article XX.
- Section 502 Height Regulations. The maximum height of buildings and other structures erected or enlarged in this district shall be:
- A. For any dwelling, thirty-five (35) feet, and not to exceed three (3) stories.
 - B. For any building accessory to any dwelling, fifteen (15) feet and not exceeding one (1) story.
- Section 503 Area, Width and Yard Regulations.
- A. Single Family Detached Dwelling.
 - 1. Minimum Lot Area and Width. A lot area of not less than ten thousand (10,000) square feet and a lot width of not less than eighty (80) feet at the building line shall be provided for every building or other structure erected or used for any use permitted in this district.

2. Front Yard. There shall be a front yard on each lot which shall not be less than twenty-five (25) feet in depth from the street line.

3. Side Yards.

a. On each interior lot there shall be two (2) side yards, each having a width of not less than ten (10) feet.

b. On each corner lot there shall be two (2) side yards, the side yard abutting the street having a width of not less than twenty-five (25) feet from the street line, and the side yard not abutting a street having a width of not less than ten (10) feet.

4. Rear Yard. There shall be a rear yard in each lot the depth of which shall not be less than twenty-five (25) feet, except that an accessory use structure may be erected within the rear yard not closer than five (5) feet to the rear property line, and except that on a corner lot an accessory use structure within twenty-five (25) feet of the street line may be erected provided it is not closer than ten (10) feet to the rear property line.

5. Building Coverage. Not more than twenty-five (25) percent of the area of any lot shall be occupied by buildings.

B. Two-Family--Twin Dwelling.

1. Minimum Lot Area and Width. A lot area of not less than fifteen thousand (15,000) square feet per two-family twin dwelling and a lot width of not less than one hundred (100) feet at the building line shall be provided.

2. Front Yard. There shall be a front yard on each lot which shall not be less than twenty-five (25) feet in depth.

3. Side Yards.

a. On each interior lot there shall be two (2) side yards, each having a width of not less than ten (10) feet.

b. On each corner lot there shall be two (2) side yards, the side yard abutting the street having a width of not less than twenty-five (25) feet from the street line, and the side yard not abutting the street having a width of not less than ten (10) feet.

4. Rear Yard. There shall be a rear yard on each lot the depth of which shall not be less than twenty-five (25) feet, except that an accessory use structure may be erected within the rear yard not closer to the rear property line than five (5) feet, and except that on a corner lot an accessory use structure within twenty-five (25) feet of the street line may be erected provided it is not closer to the rear property line than ten (10) feet.

5. Building Coverage. Not more than twenty-five (25) percent of the area of any two-family-twin building lot may be occupied by buildings.

C. Two-Family--Duplex Dwelling.

1. Minimum Lot Area and Width. A lot area of not less than fifteen thousand (15,000) square feet per two-family duplex dwelling and a lot width of not less than one hundred (100) feet at the building line shall be provided.

2. Front Yard. There shall be a front yard on each lot which shall not be less than twenty-five (25) feet in depth.

3. Side Yards.

a. On each interior lot there shall be two (2) side yards each having a width of not less than twenty (20) feet.

b. On each corner lot there shall be a side yard abutting the street having a width of not less than twenty-five (25) feet from the street line, and the side yard not abutting the street having a width of not less than twenty (20) feet.

4. Rear Yard. There shall be a rear yard on each lot the depth of which shall not be less than twenty-five (25) feet, except that an accessory use structure may be erected within the rear yard not closer to the rear property line than five (5) feet, and except that on a corner lot an accessory use structure within twenty-five (25) feet of the street line may be erected provided that it is not closer to the rear property line than ten (10) feet.

5. Building Coverage. Not more than twenty-five (25) percent of the area of any two-family duplex building lot may be occupied by buildings.

Section 504 Utilities. Public water and a public sewer system shall be required.

Section 505 Off-Street Parking. Two (2) all-weather off-street parking spaces shall be provided for each dwelling unit.

Section 506 Open Space. In order to provide playground area and open space when practicable and upon the approval of the Board of Appeals the developers may reduce the lot area by ten (10) percent.

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ARTICLE VI

R-3 HIGH DENSITY RESIDENTIAL DISTRICT

- Section 600 Declaration of Legislative Intent. The purpose of establishing High Density Residential Districts shall be to encourage the logical and timely development of land for apartment and other high density residential purposes in accordance with the objectives, policies, and proposals of the future land use plan; to permit a variety of housing; to assure the suitable design of apartments in order to protect the surrounding environment of adjacent and nearby neighborhoods; and to insure that the proposed development will constitute a residential environment of sustained desirability and stability and not produce a volume of traffic in excess of the capacity for which access streets are designed.
- Section 601 Use Regulations. A building may be erected or used, and a lot may be used or occupied for the following purposes, and no other, provided that the requirements of the following sections are met.
- A. Apartment house or group of apartment houses which constitute a single operating or proprietary unit.
 - B. Any use permitted in an R-2 district.
 - C. Playgrounds, parks, tot lots, and other public or semi-public non-commercial recreational facilities as well as open spaces.
 - D. Accessory uses customarily incidental to the above uses.
 - E. Permitted uses when authorized as a special exception under the provisions of Article XVI.
 - 1. Conversions of single family dwellings to multiple family use in accordance with the regulations of Article XX.
- Section 602 Height Regulations. The maximum height of buildings and other structures erected or enlarged in this district shall be:
- A. For any dwelling, thirty-five (35) feet, and not to exceed three (3) stories.
 - B. For any buildings accessory to any dwelling, fifteen (15) feet and not exceeding one (1) story.
- Section 603 Area, Width and Yard Regulations.
- A. The lot area, lot width, yard requirements and buildings coverage requirements for single family detached dwellings, two-family--twins and two-family--duplexes shall be the same as required in the R-2 Medium Density Residential District, Article V.

B. Apartment Building.

1. Building Coverage. No more than fifteen (15) percent of the lot area shall be occupied by a building or buildings.
2. Dwelling Units per Acre. There shall be no more than eight (8) dwellings units per developable acre.
3. Front Yards. There shall be a front yard on each lot which shall be not less than fifty (50) feet in depth.
4. Side and Rear Yards. No building shall be located closer than fifty (50) feet of a side or rear property line adjacent to a residential district, or within twenty-five (25) feet of any property line.
5. Distance between Buildings. The distance at the closest point, between any two (2) buildings of a group of apartments shall not be less than forty (40) feet.
6. Paving. All areas provided for use by vehicles and all pedestrian walks shall be constructed in accordance with city specifications. All drives and parking areas shall be curbed.
7. Access. Provisions shall be made for safe and efficient ingress and egress to and from vehicle streets and highways serving the apartments without undue congestion to or interference with normal traffic flow.
8. Utilities. No development shall be permitted unless public water supply and sanitary sewerage is supplied.
9. Plan. The proposed development shall be constructed in accordance with an overall plan and shall be designed as a unified architectural unit with appropriate landscaping.
10. Recreation. The developer shall be encouraged to give consideration to the provision of community areas, laundry facilities, playground and tot lots and other services necessary for the comfort and convenience of apartment residents.
11. Parking. Two (2) all weather off-street parking spaces shall be provided for each dwelling unit.

ARTICLE VII

CBD CENTRAL BUSINESS DISTRICT

Section 700 Declaration of Legislative Intent. It shall be the purpose of the CBD District to provide for the orderly development of a major business and commerce area of the City of Claxton in accordance with the objectives, policies and proposals of the future land use plan of the City. The development of this District shall be directed as to the plans and redevelopment proposals heretofore shown in the future land use plan and studies which may subsequently follow. The logical and timely development of land for business purposes is herein a stated purpose of this District. The District proposes to permit a uniformity of design to ensure the orderly arrangement of buildings, land uses and parking areas, and all construction hereafter proposed for this area shall be related to this objective. The architectural and design arrangement of buildings are encouraged to conform to the general character and plans of the Central Business District.

Section 701 Use Regulations. A building may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes and no other.

- A. Retail establishment for the sale of dry goods, variety and general merchandise, clothing, food, drugs, furnishings, or other household supplies, sale and repair of jewelry, watches, clocks, optical goods or musical, professional or scientific instruments.
- B. Business or professional office, studio, bank, savings and loan association, financial institution, municipal use excluding dump, telephone central office, telegraph or other public utility office, passenger station or public transportation, institutional uses.
- C. Office buildings.
- D. Restaurant, tearoom, retail bakery, confectionary or ice cream shop, or other places serving food or beverages.
- E. Florist shop.
- F. Personal service shop, including tailor, barber, beauty salon, shoe repair, dressmaking or similar shop.
- G. Indoor theater or other place of indoor amusement or recreation.
- H. Newspaper publishing, job printing.
- I. Hotel or motel.
- J. Parking lot, not to include automobile junk yard.
- K. The following uses when authorized as a special exception:

1. Any use of the same general character as any of the uses hereinbefore specifically permitted without requirement of a special exception.
2. Laundry or dry cleaning establishment.

L. Signs subject to the provisions of Article XIII.

M. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses.

Section 702

Height Regulations. The maximum height of any building or other structure erected or used in this District shall be forty (40) feet except that the height of any such other building or structure may be increased to a maximum of sixty-five (65) feet when approved by the Board of Appeals. Said Board of Appeals shall make a finding that any excess height over forty (40) feet will not be detrimental to the light, air, privacy or architectural scheme of any other structure or use currently existing or anticipated, provided that for every foot of height in excess of forty (40) feet there shall be added to each yard requirement one (1) corresponding foot of width or depth.

Section 703

Area and Yard Regulations.

A. Lot Area. A lot area of not less than one thousand five hundred (1,500) square feet shall be provided for every building hereafter erected.

B. Building Area. For every lot used in whole or in part for commercial purposes, not more than eighty (80) percent of the area may be occupied by buildings.

C. Front Yard. There shall be a front yard on each street on which a lot abuts which shall be not less than fifteen (15) feet in depth.

D. Side Yards. Side yards shall be deemed optional but where side yards are provided for a building, each such side yard shall be not less than five (5) feet in width. On a lot the interior side lot line of which abuts a Residential District, the side yard abutting such district shall have a width of not less than that required in this adjoining District.

E. Rear Yard. There shall be a rear yard on each lot which shall be not less than twenty (20) feet in depth.

F. Other Requirements. A site plan and architectural drawings are required prior to issuance of a building permit. The Planning Commission shall review these plans and drawings and submit their findings and recommendations to the building inspector and City Council prior to the issuance of the building permit. The drawings shall keep in mind the integrity and harmony of the Central Business District as designated in the future land use plan and other related studies.

ARTICLE VIII

O PROFESSIONAL AND BUSINESS OFFICE DISTRICT

Section 800 In an O District; the following regulations shall apply.

Section 801 Use Regulations. A building may be erected, altered or used, and a lot may be used or occupied for any of the following purposes and no other.

- A. Professional or business offices.
- B. Agencies, studios, schools.
- C. Social or fraternal lodge or club.
- D. Financial institutions, undertaking establishments.
- E. Municipal, county, state or federal use.
- F. Public utility facilities.
- G. Permitted uses when authorized as a special exception under the provisions of Article XVI.

- 1. Retail establishments, which are found to be complimentary to the surrounding uses as permitted in this District.

The above uses shall be permitted only when performed entirely within an enclosed building. All uses shall meet the off-street parking requirements of Article XIV, and the sign requirements of Article XIII.

Section 802 Height, Area, Width and Yard Regulations. Minimum regulations for building heights, lot area, yards, building line and building coverage shall be in conformity with the requirements of the adjoining residential zone, provided that in the case of two or more surrounding zones the lot area, yard size and setback distances of the least restrictive residential zone shall apply.

Section 803 Accessory Dwelling Units. A single permanent dwelling unit as an accessory use to the permitted office operation may be allowed provided that an additional five thousand (5,000) square feet of lot area is added to the minimum requirements of Section 802 of this Article, and provided that such dwelling unit shall be occupied by owners or employees of the premises and the immediate families of such owners and employees.

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ARTICLE IX

CR COMMERCIAL RETAIL DISTRICT

- Section 900 In a CR District, the following regulations shall apply.
- Section 901 Use Regulations. A building may be erected, altered or used, and a lot may be used or occupied, for any of the following purposes and no other.
- A. Any use specifically permitted in a CBD District.
- Section 902 Height Regulations. The maximum height of any building or other structure erected or used in this District shall be thirty-five (35) feet except that the height of any such other building or structure may be increased to a maximum of fifty (50) feet when approved by the Board of Appeals. Said Board shall make a finding that any excess height over thirty-five (35) feet will not be detrimental to the light, air, privacy or architectural scheme of any other structure or use currently existing or anticipated, provided that for every foot in height in excess of thirty-five (35) feet there shall be added to each yard requirement one (1) corresponding foot of width or depth.
- Section 903 Area Regulations, Store Area, and Lot Area.
- A. Lot Area. A lot area of not less than five (5) acres shall be provided for a planned center. A lot area of not less than twenty thousand (20,000) square feet shall be provided for every individual store in a Commercial Retail District.
- B. Building Area. For every lot used in whole or in part for commercial purposes, not more than eighty-five (85) percent of the area may be occupied by buildings.
- C. Front Yard. There shall be a front yard on each street on which a lot abuts which shall not be less than fifteen (15) feet in depth.
- D. Side Yards. Side yards shall be deemed optional, but where side yards are provided for a building, each side yard shall not be less than five (5) feet in width. On a lot the interior side lot line of which abuts a residential district, the side yard abutting such district shall have a width not less than that required in such adjoining district.
- Section 904 Development Requirements.
- A. Provision shall be made for safe and efficient ingress and egress to and from public roads serving the district without undue congestion to or interference with normal traffic flow.

B. Lighting facilities shall be arranged in a manner which will protect the roadway and neighboring properties from unreasonable direct glare or hazardous interference of any kind.

C. Parking. Adequate off-street parking areas shall be provided in accordance with Article XIV.

ARTICLE X

HOC HIGHWAY ORIENTED COMMERCIAL DISTRICT

Section 1000 Declaration of Legislative Intent. The HOC Highway Oriented Commercial District is established as a district in which the principal use of land is for establishments offering accommodations, supplies or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusements and service establishments which, although serving the entire community and its trading area, do not and should not be encouraged to locate in the retail commercial or non-retail commercial districts. The HOC Highway Oriented Commercial Districts ordinarily will be located along roads designated in the Major Thoroughfare Plan as major highways. For the HOC District, the specific intent of this section is:

- A. To encourage the logical and timely development of land for HOC purposes in accordance with the objectives, policies and proposals of the future land use plan, the location of the HOC District shall be in accordance with the said city plan.
- B. To encourage the construction of, and the continued use of land for commercial, service and amusement uses serving both local and long distance travelers.
- C. To provide for orderly development and concentration of such uses within the HOC District as designated in the future land use plan.
- D. To provide appropriate space, and in particular, sufficient depth from the street, to satisfy the needs of modern commercial development where access is entirely dependent on the automobile.
- E. To encourage the development of the district with such uses and in such a manner as to minimize traffic hazards and interference from highway-oriented businesses.

Section 1001 Use Regulations. In an HOC Highway Oriented Commercial District, a building or combination of buildings may be erected or used, and a lot area may be used or occupied for any of the following purposes, and no other:

- A. Services to traveling public: service stations, diners, restaurants, taverns, ice cream stands, motels, inns, souvenir shops.
- B. Commercial recreation: bowling alleys, skating rinks, theaters, amusement parks, golf driving ranges, drive-in theaters.
- C. Automotive and allied sales and services: service stations and repair shops, used car and truck sales, automotive parts and accessories, new car and truck sales, boat and marine sales, trailer and mobile home sales, heavy equipment and/or farm implement sales, bicycle shops.

D. Miscellaneous sales: heating and plumbing shops, building material sales, monument sales, nurseries, greenhouses, garden stores, fruit and/or vegetable and/or produce structures, furniture and appliance stores, farm supply and feed stores.

E. Accessory use customarily incidental to any of the above uses.

F. Any use of the same general character as any of the above permitted uses, when authorized as a special exception by the Board of Appeals, provided that such use shall be permitted subject to such reasonable restrictions as the Board of Appeals may determine, and further provided that no trade or business shall be permitted which is either noxious or hazardous.

G. Signs when erected and maintained in accordance with Article XIII of this ordinance.

Section 1002 Area Regulations.

A. The proposed district shall be unified and contiguous in shape; the creation of odd shaped areas which exclude nonconforming uses is to be avoided.

B. Minimum District Area and Depth From Road. Not less than one (1) acre and a depth of fifty (50) feet as measured from the street line, shall be provided for every area to be classified as an HOC District. One use shall be allowed for every one hundred (100) feet of road frontage as measured along the major highway only.

C. Building Area. No more than thirty (30) percent of the lot area shall be occupied by buildings.

D. Building Setback From Street Line. There shall be a minimum setback of one hundred (100) feet from the street line. This distance may be reduced to forty (40) feet if no front of structure parking is contemplated, however, in any case a unified setback for the entire HOC District is encouraged.

E. Setback from District and Property Lines. There shall be a setback of fifty (50) feet from any district line and twenty-five (25) feet from any property lines.

F. Distance Between Buildings. The horizontal distance measured in feet, at the closest point between any two (2) buildings, shall not be less than the height of the taller building, measured in feet.

G. Parking Ratio. Adequate off-street parking shall be provided for each lot or property. No on-street parking will be permitted on any street abutting the district. Parking areas shall be so placed so as not to interfere with any service area and shall not be less than twenty (20) feet from the street line, or district boundary line. All pertinent sections of the Off-Street parking provisions shall be enforceable.

The parking ratio shall be computed on the ground floor coverage of the lot or property in question. The arrangement of parking shall provide for the ultimate development of a contiguous and unified parking area and shall provide direct access to adjacent lots or properties provided they are also zoned for HOC use.

- Section 1003 Height Regulations. The maximum height of any building or structure erected or enlarged in this district shall be twenty-five (25) feet except that the height of any such other building or other structure may be increased to a maximum of forty (40) feet when approved by the Board of Appeals provided that for every foot of height in excess of twenty-five (25) feet there shall be added to each yard requirement one (1) corresponding foot of width or depth.
- Section 1004 Development Requirements. The general plan for new Highway Oriented Commercial Districts shall include evidence and facts showing that it has considered and made provision for, and the development shall be executed in accordance with the following essential conditions:
- A. It shall consist of a harmonious selection of uses (see Section 1001) and grouping of buildings, service and parking areas, circulation and open spaces, planned and designed as an integrated unit (or to facilitate the ultimate creation of an integrated unit) in such a manner as to constitute a safe, efficient and convenient highway oriented commercial district.
 - B. The proposed development or lot shall be constructed in accordance with an over-all plan and shall be designed as a unified architectural unit with appropriate landscaping.
 - C. Adequate areas shall be provided for loading and unloading of delivery trucks and other vehicles; servicing by refuse collection, fuel, fire and other vehicles, automobile accessways, and pedestrian walks. All areas provided for use by vehicles and all pedestrian walks shall be constructed in accordance with City specifications. Service areas shall be screened from view from any abutting roadway and from within the parking area.
 - D. Provision shall be made for safe and efficient ingress and egress to and from public highways serving the district without undue congestion to or interference with normal traffic flow.
 - E. Access Barrier. Each lot or center with its buildings, other structures, and parking and loading areas, shall be physically separated from each adjoining highway or street by a curb or other suitable barrier including a landscaped buffer strip against unchanneled motor vehicle ingress or egress. Such a barrier shall be located at the edge of the street line unless suitable curbs and gutters are provided within the highway or street right-of-way. Except for the accessways permitted below, such barrier shall be continuous for the entire length of any lot line adjoining a street or highway.

F. Accessways. All permanent points of vehicular access to and from the public streets shall be located not less than two hundred (200) feet from the intersection of any public street lines; except that access may be permitted to a minor or secondary street within not less than one hundred (100) feet of its intersection with the major highway.

All accessways shall comply with the following requirements:

1. Width of Accessway. The width of any accessway leading to or from a street or highway shall not exceed thirty-six (36) feet nor be less than fifteen (15) feet in width at the right-of-way.

The alignment of accessways and curb return dimensions shall be determined through architectural and site approval.

2. Spacing of Accessways. In HOC Districts no part of any accessway shall be nearer than twenty (20) feet to any other accessway on the same lot, nor shall any part of an accessway be nearer than ten (10) feet to any side or rear property line at its intersection with a street line. Insofar as practicable, the use of common accessways by two or more permitted uses shall be encouraged in order to reduce the number and closeness of access points along highways.

3. Marginal Access Drives (or Service Streets). A twenty (20) foot wide marginal access drive may be required so as to reduce the number of accessways and improve vehicular circulation within the HOC District. This drive would be located adjacent to the landscaped buffer area and extend parallel to the street line of the major highway. Access to this facility from the parking areas of the commercial establishments shall be so located as to facilitate traffic movement between the major highway (or intersecting road), the marginal access drive, and the parking area.

Prior to granting of approval of a development plan, the City shall ensure that adequate legal provisions are considered concerning the use and ownership of, and responsibility for the marginal access drives.

G. Parking areas shall be located and designed so as to facilitate the interchange of vehicular movement between the major highway, the marginal access drive, and the parking area as well as from one parking area to another provided the second lot is located on adjacent HOC District zoned land. HOC uses which do not require patron parking facilities in the normal sense (such as service stations, and drive-in theaters) are encouraged to locate at the extremities of the district so as to insure the continuity of the parking facilities.

H. No on-street parking is allowed on any public highway, road, or street upon which an HOC District abuts.

I. Lighting facilities shall be arranged in a manner which will protect the highway and neighboring properties from unreasonable direct glare or hazardous interference of any kind.

J. The HOC District shall be permanently screened from adjoining and contiguous residential districts by a wall, fence, evergreen hedge and/or other suitable enclosure of minimum height five (5) feet and maximum height seven (7) feet, placed at least ten (10) feet inside the HOC District property line. The area between such enclosure and the property line shall be landscaped to form a permanent screening area. The Board of Appeals may waive the requirement for a screening enclosure and/or screening area if equivalent screening is provided by existing parks, parkways, recreational areas, or by topography or other natural conditions.

K. A landscaped screened planting area shall be provided along street frontage occupied by a HOC District at least ten (10) feet in depth and must be located between the street line and a line parallel to the ten (10) feet inside the HOC District property line. The purpose of this screening is to facilitate vehicular movement by reducing distraction. Landscaping for industrial lots within HOC Districts shall be as deemed appropriate by the Board of Appeals.

L. No facility permitted in an HOC District shall be erected or used that is not adequately served with both sanitary sewers and public water unless authorized as a special exception and upon submission of satisfactory evidence to the fact that sanitary sewers and public water supply are not feasible in the particular location in question. Such evidence may include, but shall not be limited to a specific recommendation from the City Engineer, local Health Officer, official representative of the State Health Department and/or Sewer Authority.

M. For the purpose of calculating the minimum area, lot dimensions and yard requirements established by this section, an HOC District cannot lie on two sides of a public street or alley. Any area designated as being an HOC District and lying on both sides of a public street shall be deemed to be two HOC Districts, and all minimum requirements shall be met by buildings on each side of said public street as separate districts.

N. The City Council may prescribe particular requirements or any further reasonable conditions deemed appropriate with respect to the suitability of the HOC District.

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ARTICLE XI

L-I LIGHT INDUSTRIAL DISTRICT

Section 1100 Use Regulations. The specific uses, permitted in this district, shall be the erection, construction, alteration or use of buildings for the following uses and no other.

- A. Any individual use not specifically excluded, which meets the provisions of Section 1101 to 1111 inclusive of this article.
- B. Agriculture
- C. Dwelling quarters for watchmen and caretakers employed on the premises shall be permitted in connection with any industrial establishments.
- D. The following uses shall not be permitted:

- Abattoir
- Acetylene gas manufacture and/or storage
- Acid manufacture (Hydrochloric, nitric, picric, sulphuric, sulphurous, carbolic)
- Ammonia, bleaching powder or chlorine manufacture
- Ammunition manufacture and/or storage
- Arsenal
- Asphalt manufacture or refining
- Blast furnace
- Bone distillation
- Celluloid manufacture
- Cement, lime, gypsum, or Plaster of Paris manufacture
- Coal distillation
- Coke ovens
- Creosote treatment or manufacture
- Dead animal and offal reduction
- Distillation of bones, coal, petroleum, refuse, grain, or wood (except in the manufacture of gas or alcohol)
- Distillation of tar
- Explosives, fireworks and gunpowder manufacture or storage
- Fat rendering
- Fertilizer manufacture
- Forge plant
- Hog farm
- Incineration, reduction, storage, or dumping of slaughterhouse refuse, rancid fats, garbage, dead animals or offal
- Oilcloth or linoleum manufacture
- Ore reduction
- Petroleum or kerosene refining, distillation or derivation of by-products and/or storage
- Potash works
- Power forge (riveting, hammering, punching, chipping, drawing, rolling or tumbling of iron, steel, brass, or copper, except as

a necessary incident of manufacture of which these processes form a minor part, and which are carried on without objectionable noise outside the plant)

- Rolling mill
- Steel furnace, blooming or rolling mill
- Stock yards
- Tar manufacture

Section 1101 Smoke Control.

- A. No smoke shall be emitted from any chimney or other source as a visible grey greater than No. 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines.
- B. Smoke of a shade not darker than No. 2 on the Ringlemann Chart may be emitted for not more than four minutes in any thirty (30) minutes.
- C. These provisions, applicable to visible grey smoke, shall also apply to visible smoke of a different color, but with an equivalent apparent opacity.

Section 1102 Control of Dust and Dirt, Fly Ash, and Fumes, Vapors and Gases

- A. No emission shall be made which can cause any damage to health to animals or vegetation or other forms of property, or which can cause any excessive soiling at any point.
- B. No emission of liquid or solid particles from any chimney or otherwise shall exceed 0.3 grains per cubic foot of the covering gas at any point.
- C. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of five hundred (500) degrees F. and fifty (50) percent excess air.

Section 1103 Control Noise. At no point on the boundary of a Residence or Business District shall the sound pressure level of any operation exceed the described levels in the designated octave bands shown below for the districts indicated.

SOUND LEVELS

Octave Band in Cycles per second	Along Residential District Boundaries - Maximum Permitted Sound level in Decibels	At any other point on the Lot Boundary - Maximum Permitted Sound level in Decibels
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	62	59
600 to 1200	46	53
1200 to 2400	40	47
2400 to 4800	34	41
Above 4800	32	39

- Section 1104 Control of Odors. There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at lot boundary lines. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system shall fail. There is hereby established as a guide in determining such quantities of offensive odors Table III (Odor Thresholds) in Chapter 5 "Air Pollution Abatement Manual" copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C.
- Section 1105 Control of Glare or Heat. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot line.
- Section 1107 Control of Radioactivity or Electrical Disturbances. There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property of the creator of such disturbances.
- Section 1108 Outdoor Storage and Waste Disposal.
- A. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground; provided however, that tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
 - B. All outdoor storage facilities for fuel, raw materials and products and all fuel; and all raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties.
 - C. No materials or wastes shall be deposited upon a lot in such form or manner that may be transferred off the lot by natural cause or forces.
 - D. All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.
- Section 1109 Electric, Diesel, Gas or Other Power. Every use requiring power shall be so operated that the service lines, substation, etc., shall conform to the most acceptable safety requirements, shall be so constructed, installed, etc. to be an integral part of the architectural features of the plant, or if visible from abutting residential properties shall be concealed by coniferous planting.
- Section 1110 Industrial Waste or Sewage. No use shall be conducted in such a way as to discharge any treated or untreated sewage or industrial waste for treatment and disposal except as shall be approved by sanitary engineers or other qualified persons employed by the City at the expense of the owner of the premises.

- Section 1111 Provision and Use of Water. All water requirements shall be stated in the application. Water shall be supplied from wells only after approved or accepted geologic study furnished by the applicant and certification by a professional geologist that the underground water supply and levels will not be appreciably altered in such a way as to endanger the water level and supply for other properties.
- Section 1112 Area, Width and Yard Regulations.
- A. Lot Area and Width. No individual lot shall be less than eighty thousand (80,000) square feet with a minimum width of two hundred (200) feet at the building line.
- B. Front Yard. The required minimum front yard shall be fifty (50) feet in depth measured from the street line.
- C. Side Yards. There shall be two (2) side yards each of which shall not be less than thirty (30) feet in width, subject to exception hereinafter set forth in Section 1113.
- D. Rear Yards. The required minimum depth of a rear yard shall be thirty (30) feet, subject to exception hereinafter set forth in Section 1113.
- Section 1113 Exceptions for Side and Rear Yards. In no case shall any building or structure be erected closer than two hundred (200) feet to any residential district nor any parking area closer than one hundred (100) feet to any residential district. The first one hundred (100) feet from the property line shall be devoted to buffer areas to be maintained as green areas covered by well maintained lawns, evergreens and suitable tree and shrub plantings.
- Section 1114 Height Restrictions. The maximum height of any building or structure erected or enlarged in this district shall be thirty-five (35) feet except that the height of any such other building or other structure may be increased to a maximum of sixty-five (65) feet or such increased height as may be warranted when approved by the Board of Appeals for such structures as water towers, chimneys, stacks, radio antennae and transmission towers provided that for every foot of height in excess of thirty-five (35) feet there shall be added to each yard requirement one (1) foot.
- Section 1115 Floor Area Ratio. The total floor area of principal and accessory buildings shall not exceed forty (40) percent of the lot area.
- Section 1116 Parking. One (1) parking space for every two (2) employees shall be provided.

ARTICLE XII

H-I HEAVY INDUSTRIAL DISTRICT

- Section 1200 Use Regulations. A building may be erected or used, and a lot may be used or occupied, for any industrial use, provided that such use shall not create any danger to health or safety in the surrounding area.
- Section 1201 Minimum Lot Area, Width and Yard Requirements.
- A. Minimum Lot Area and Width. A lot area of not less than eighty thousand (80,000) square feet and a lot width of not less than two hundred (200) feet at the building line shall be provided for every building or other structure erected or used for any use permitted in this district.
- B. Front Yard. The required minimum depth of the front yard shall be fifty (50) feet measured from the street line.
- C. Side Yards. There shall be two (2) side yards each of which shall not be less than thirty (30) feet in width, subject to the exception detailed in paragraph E, Section 1201 hereinafter set forth.
- D. Rear yard. The required minimum depth of the rear yard shall be thirty (30) feet, subject to the exception detailed in paragraph E, Section 1201, hereinafter set forth.
- E. Exceptions to Side and Rear Yards. In no case shall any building or structure erected or used in an H-I District be located closer than two hundred (200) feet to any residential district nor any parking area be closer than one hundred (100) feet to any residential district. The remaining one hundred (100) feet shall be devoted entirely to grass, shrubs, evergreens and other suitable plantings.
- Section 1202 Height Regulations. No building shall exceed forty (40) feet in height unless authorized as a special exception by the Board of Appeals, in which case, for every foot of height in excess of forty (40) feet there shall be added to each yard requirement one (1) corresponding foot of width or depth.

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ARTICLE XIII

SIGNS

Section 1300 No sign may be erected or maintained other than signs of the character, size, and construction expressly authorized by this and other ordinances and regulations of the City relating to the erection, alteration or maintenance of signs and similar devices.

Section 1301 Signs in Residential Districts.

A. One (1) sign for each family residing on the premises, indicating the name of the owner or occupant or pertaining to a permitted accessory use, provided that the said sign is not larger than ten (10) inches by eighteen (18) inches.

B. Signs of schools, colleges, churches, hospitals, sanitariums or other institutions of a similar nature relating exclusively to the institutions erecting the same, may be erected and maintained; provided that the size of any such sign is not in excess of twenty (20) square feet and not more than two (2) such signs are placed on a property held in single and separate ownership, unless such property fronts upon more than one (1) street, in which event not more than two (2) such signs may be erected on each frontage. No two (2) signs shall be less than twenty-five (25) feet apart.

C. Signs advertising the sale or rental of the premises upon which they are erected, when erected by the owner or by a broker or other like person, interested in the sale or rental of such premises, may be erected and maintained provided that:

1. The size of any such sign is not in excess of six (6) square feet, and

2. Not more than two (2) such signs are placed upon any property held in single and separate ownership, unless such property fronts upon more than one (1) street, in which event not more than two (2) such signs may be erected on each frontage. No two (2) signs shall be less than twenty-five (25) feet apart.

D. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer or other like person interested therein, may be erected and maintained, provided that (a) the size of any such sign is not in excess of twenty (20) square feet, and (b) not more than two (2) such signs are placed upon any property held in single and separate ownership, unless such property fronts upon more than one (1) street, in which event not more than two (2) such signs may be erected on each frontage. No two (2) signs shall be less than twenty-five (25) feet apart.

E. Signs indicating the location and direction of premises available for or in process of development but not erected upon such premises,

and having inscribed thereon the name of the owner, developer, builder or agent, may be erected and maintained; provided that the size of any such sign is not in excess of twenty-four (24) square feet, and not more than one (1) such sign is erected on each five hundred (500) square feet of street frontage.

F. Signs bearing the words "Sold" or "Rented", or words of similar import, with the name of the person effecting the sale or rental, may be erected and maintained, subject to the conditions specified in paragraph C of this section.

G. Signs of mechanics, painters and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected; provided that the size of any such sign is not in excess of twelve (12) square feet and such signs are removed promptly upon completion of the work; and provided further, that not more than one (1) such sign may be erected or maintained by each such mechanic, painter or artisan on the premises on which such work is being performed.

H. Signs advertising that furnishings or other equipment have been installed or placed on the premises may be erected and maintained provided that the area of such sign shall not exceed six (6) square feet, and any such sign shall be located on the same lot as the organization or estate.

I. Signs indicating the name of a particular organization or estate may be erected and maintained provided that the area of any such sign shall not exceed six (6) square feet, and any such sign shall be located on the same lot as the organization or estate.

J. Signs prohibiting or otherwise controlling trespassing upon particular premises, or indicating the private nature of a road, driveway or premises may be erected and maintained, provided that the area of any such sign shall not exceed two (2) square feet.

K. Signs, which exist at the time this ordinance becomes effective and are maintained in connection with a business then existing and lawfully conducted, may be maintained or repaired, or replaced with signs similar in size and character, but may not be enlarged or otherwise substantially altered.

L. Professional or accessory use signs.

Section 1302

Signs Permitted in all Commercial and Industrial Districts. In these districts, signs of the character, size and construction authorized for residential districts in Section 1301 of this article may be erected and maintained; and, in addition thereto, signs advertising the maintenance and conduct of a business of the kind authorized for such district, or the sale, purchase, rental or use of the commodities, articles or facilities in connection with or as an incident to the conduct of such business, or the sale or rental of the business or of the premises on which the business is conducted, may be erected and maintained

on such premises, but not otherwise, provided, that no sign hereafter erected under the terms of this section shall, unless authorized as a variance exceed forty (40) square feet in area or ten (10) feet in length or height.

- Section 1303 In addition to the other requirements of this article, every sign authorized herein must be constructed of durable materials, kept in good condition and repair and not allowed to become dilapidated, and shall not be so constructed or placed as to constitute a traffic hazard. Unless specifically authorized by other ordinances or regulations of the City, the construction, erection or maintenance of any signs within the lines of public highways is hereby prohibited.
- Section 1304 A. No sign shall be erected or maintained on which any word, symbol or design is displayed by means of electric lights which flash or blink or are otherwise illuminated intermittently.
- B. No portable signs, except residential signs and construction signs discussed elsewhere in the Article, shall be placed within the boundaries of the City of Claxton unless the user of the sign obtains from the proper official a temporary permit authorizing the use and placement of said sign. The permit shall only be valid for a reasonable period of time as determined by the proper official after considering the purposes and needs of the person or entity requesting the permit.
- Section 1305 No projecting or swinging signs shall be permitted.
- Section 1306 No billboards shall be permitted.
- Section 1307 No sign shall be placed in such a position as to endanger traffic on a street by obscuring a clear view or by confusion with official street signs or signals, by virtue of position or color.
- Section 1308 No sign shall be erected or replaced without first obtaining a permit from the Building Inspector of the City and the Traffic Coordinator.

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ARTICLE XIV

OFF-STREET PARKING AND LOADING

Section 1400 Required Off-Street Parking Facilities. Not less than one (1) off-street parking space with proper access from a street or alley shall be provided on any lot on which a main building is hereafter erected, and the following types of uses shall provide additional off-street parking space as indicated, which parking space shall have proper access from a street or alley and shall be located on or near the lot on which such use is situated.

The provisions of this article are superceded by detailed and specific requirements in the land use district articles, where such requirements have been articulated.

A. For any of the following uses, the required parking spaces shall be paved and shall be located on the same lot therewith or on land adjacent thereto:

1. Multiple dwelling: Two (2) parking spaces for every house-keeping unit.
2. Apartments: Two (2) parking spaces for every rental unit.
3. Church, school, theater, public auditorium, assembly or meeting room, or other similar place of public or private assembly; One (1) parking space for every three (3) seats provided for public assembly.
4. Hospital, convalescent home or sanitarium: One (1) parking space for every four (4) beds.
5. Community center, library, museum or other similar places: One (1) parking space for every eight hundred (800) square feet of floor area in public use.
6. Institutional home: One (1) parking space for every ten (10) occupants.

B. For any of the following uses, required parking spaces shall be paved and such parking spaces shall be located on the same lot therewith.

1. Retail store or shop: One (1) parking space for every one hundred (100) square feet of store sales floor space.
2. Department store or supermarket: One (1) parking space for every fifty (50) square feet of store sales floor space.
3. Indoor theater: One (1) parking space for every four (4) seats.

4. Hotel, tourist home, motel or automobile court: One (1) parking space for each rental unit.

5. Restaurant, cafe or tearoom: One (1) parking space for every fifty (50) square feet of floor space devoted to patron use.

6. Laboratory, office building or any industrial establishment: One (1) parking space for every two (2) employees.

7. Other commercial buildings: One (1) parking space for every one thousand (1,000) square feet of floor area, or fraction thereof, consistent with the requirements set forth for comparable establishments.

Section 1401 Design Requirements for Commercial and Industrial Parking Lots.
All parking lots in commercial and industrial districts shall be operated and maintained in accordance with all of the following conditions:

- A. They shall not be used for the sale, repair or dismantling of any vehicles, equipment, materials or supplies.
- B. They shall be properly graded for drainage; surfaced with concrete, asphaltic concrete, asphalt, oil or any dust-free surfacing and maintained in good condition, free of weeds, dust, trash or debris.
- C. They shall be provided with entrances and exits so located as to minimize traffic congestion and the effect of headlight glare.
- D. They shall be provided with wheel or bumper guards so located and arranged that no part of any parked vehicles will extend beyond the boundaries of the parking lot.
- E. Lighting facilities shall be so arranged that they neither unreasonably nor unnecessarily disturb occupants of adjacent residential properties nor interfere with traffic by either location or glare.

Section 1402 Reduction of Facilities. Off-street parking facilities existing at the effective date of this ordinance shall not subsequently be reduced to an amount less than required hereunder for a similar new building or new use. Off-street parking facilities provided to comply with the provisions of this ordinance shall not subsequently be reduced below the requirements of this ordinance.

Section 1403 Required Off-street Loading and Unloading Facilities. In addition to required off-street parking spaces, the foregoing uses shall be provided with adequate off-street loading space.

ARTICLE XV
ADMINISTRATION

Section 1500 The provisions of this ordinance shall be enforced by the Building Inspector who shall also be the Zoning Officer, with the aid of the Police Department and other city agencies.

Section 1501 Duties and Powers. It shall be the duty of the Building Inspector and he shall have power to:

A. Require that the application for a building permit and the accompanying plot plan shall contain all the information necessary to enable him to ascertain whether the proposed building complies with provisions of this ordinance.

B. Keep a permanent record of all plans and application for permits, and all permits issued with notations as to special conditions attached thereto. All records should be open for public inspection and shall be the property of the City.

C. Require that no building permit shall be issued until the Building Inspector has certified that the proposed building, alteration or use complies with all the provisions of this ordinance.

D. Conduct inspections and surveys to determine compliance or non-compliance with the terms of this ordinance. In carrying out such surveys, the Building Inspector or his representative may enter upon any land or buildings.

E. Make written orders requiring compliance with the provisions of this ordinance to be served personally or by registered mail.

F. Maintain a map showing the current zoning classification of all land.

G. Maintain a map and register showing the registration, identity, location and type of all nonconforming uses.

H. Participate in all proceedings before the Board of Appeals, present facts and information to assist the Board in reaching a decision, resist and oppose any deviations from standard provisions of this ordinance and have decisions of the Board reviewed in a court of proper jurisdiction when, in the judgment of the Building Inspector, such review is desirable.

Section 1502 The Building Inspector shall have authority to issue permits only for construction and uses which are in accordance with the ordinance. It shall be unlawful for any person to commence work for the erection or alteration of any building until a building permit has been duly issued therefor. Permits for construction and uses which are a special exception to such general requirements shall be issued by the Building

Inspector only upon order of the Board of Appeals. The Building Inspector shall issue no permits for the construction or use of any land or buildings unless it also conforms to the requirements of all other zoning ordinances.

Section 1503 Permits. No building shall be constructed or altered, or the use of any building and/or land changed, until a permit has been secured from the Building Inspector. Upon completion of the work authorized by any permit, the applicant for the permit shall notify the Building Inspector of such completion. No permit shall be considered as complete or as permanently effective until the Building Inspector has noted on the permit that the work has been inspected and approved as being in conformity with the provisions of this ordinance.

Section 1504 Application for Permits. All applications for permits shall be made in writing by the owner or tenants or authorized agent and shall be filed with the Building Inspector. The application:

A. Shall include a statement as to the proposed use of the building and/or land.

B. Shall be accompanied by working plans drawn to scale, showing the location of the building in relation to property and road lines.

C. Shall give the name and address of the surveyor or other person competent to give such location and to stake the road lines.

Section 1505 If the applicant desires the Board of Appeals to grant a variance, then in addition the application shall set forth the nature of the variance and shall state briefly the reasons why such variance should be granted.

Section 1506 Appeals. An appeal from the decision of the Building Inspector shall be taken within thirty (30) days.

Section 1507 Fees. The applicant for a permit shall, at the time of application, pay to the Building Inspector for the use of the city, a fee in accordance with a fee schedule adopted by ordinance of the City Council upon the enactment of this ordinance or as such schedule may be amended by ordinance of the City Council.

ARTICLE XVI

BOARD OF APPEALS

Section 1600 Appointment. The Board of Appeals shall consist of not less than three or more than five members appointed by the City Council as provided by law.

Section 1601 Power and Duties. The Board of Appeals shall have the following powers:

- A. To hear and decide appeals, where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance.
- B. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.
- C. To authorize upon appeal in specific cases such variance from the terms of the ordinance, as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will in an individual case, result in unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship on a finding by the Board of Appeals that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography, and
2. The application of the ordinance to this particular piece of property would create an unnecessary hardship, and
3. Such conditions are peculiar to the particular piece of property involved, and
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the ordinance provided however, that no variance may be granted for a use of land or building or structure that is prohibited by the ordinance.

In exercising the above powers, the Board of Appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

Section 1602 Standards for Board of Appeals Actions. In any instance where the Board of Appeals is required to consider an exception or variance in the zoning ordinance or map in accordance with the provisions

of this ordinance, the Board shall, among other things:

A. Assure itself that the proposed change is consistent with the spirit, purpose and intent of the zoning ordinance and consider the effect upon the public interest of granting or denying the application.

B. Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the general character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.

C. Determine that the proposed change will serve the best interests of the City, the convenience of the community where applicable and the public welfare.

D. Consider the unnecessary hardship which will or may be inflicted upon the applicant by denial of this application.

E. Consider the presence or absence in the neighborhood of conditions or uses which are the same or similar in character to the condition or use for which the applicant seeks approval.

F. Consider the effect of the proposed change upon the logical, efficient and economical extension of public services and facilities such as public water, sewers, police and fire protection and public schools, and assure adequate arrangements for sanitation in specific instances.

G. Safeguard the development of highway frontage insofar as possible so as to limit the total number of access points and encourage the frontage of buildings on parallel marginal roads or on roads perpendicular to the highway.

H. Consider the suitability of the proposed location of an industrial or commercial use with respect to probable effects upon highway traffic, and assure adequate access arrangements in order to protect major highways from undue congestion and hazard.

I. Ascertain the adequacy of sanitation and public safety provisions, where applicable, and require a certificate of adequacy of sewage and water facilities from the Department of Health of the county in any case required herein or deemed advisable.

J. Impose such conditions, in addition to those required, as are necessary to assure that the general purpose and intent of the zoning ordinance is complied with, which conditions may include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, and the minimizing of noxious, offensive or hazardous elements.

Section 1603

Rules of Procedures. The Board of Appeals shall make rules as to the manner of filing appeals or applications for special exceptions or for variance from the terms of this ordinance.

A. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

B. Whenever a person shall take an appeal to the Board of Appeals, he shall obtain the appropriate form therefor from the Building Inspector. It shall be the duty of the said person to complete the appeal form in its entirety; which form is then to be submitted to the City together with the appropriate fees.

C. In addition, a list of names and addresses of the owner, if he or his residence is known, or the occupier of every lot in the same street within five hundred (500) feet of the lot or building in question and of every lot not on the same street within one hundred and fifty (150) feet of said lot or building, shall be submitted with the appeal form; provided, however, that failure to provide such list of names provided by this paragraph shall not invalidate any action taken by the Board of Appeals.

Section 1604 Meetings. Meetings of the Board shall be held at the call of the chairman and at such times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record.

Section 1605 Advisory Opinion. In the exercise of the powers vested in it by this ordinance, the Board of Appeals may, in its discretion, refer to any other agency of the city, county or state for an advisory opinion on any matter properly before it with respect to which it believes that such advisory opinion would be helpful to it in reaching its own determination.

Section 1606 Notice of Hearings. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

Section 1607 Expiration of Special Exceptions and Variances. Unless otherwise specified by the Board of Appeals, a special exception or variance shall expire if the applicant fails to obtain a building permit thereunder within six (6) months from the date of authorization thereof.

Section 1608 Fees. A charge or fee of _____ shall be paid by each applicant upon the filing of an application with the Board of Appeals for a special exception or variance from the terms of this ordinance. The charge or fee shall be paid in advance to the secretary of the City Council and shall be used to defray the necessary expenses of the Board of Appeals. If the applicant desires a stenographic record of the proceedings before the Board of Appeals, he shall so indicate upon his application and shall forward therewith an additional fee of fifty (\$50.00) dollars which shall be applied against the cost of such service, the balance being returned if the charge for stenographic record is less than the deposit and an additional billing being made if the charge is greater in amount.

Section 1609 Appeals from Decisions of Board of Appeals. Any person or persons separately or jointly aggrieved by any decision of the Board of Appeals, may take an appeal to the Superior Court. Said appeal to the Superior Court shall be the same as an appeal to the Superior Court from any decision made by the Court of the Ordinary and as specified in Chapter 6-2 of the Code of Georgia (Title V, Chapter 3, Code of Georgia of 1981) except, however, that said appeal may be filed within thirty (30) days from the date of the decision of the Board of Appeals, and upon failure to file said appeal within thirty (30) days the said decision of the Board of Appeals shall be 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 from the filing of the appeal.

ARTICLE XVII

VIOLATIONS, FINES, REMEDIES AND CHARGES

- Section 1700 Violations. It shall be the duty of the Building Inspector to take cognizance of violation of this ordinance. He shall investigate each violation which comes to his attention whether by observation or by communication. He shall order in writing the correction of such conditions as are found to be in violation of this ordinance. Failure to secure a zoning or use permit or Board of Appeals certificate when required, previous to erection, construction or alteration to a building, or change in use of land or building as in this ordinance provided, shall be a violation of this ordinance.
- Section 1701 Fines and Charges. For any and every violation of the provisions of this ordinance, the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any other person, who knowingly commits, takes part or assists in any such violation, or who maintains any building or premises in which any such violation shall exist, shall be liable on conviction thereof to a fine not exceeding twenty-five (\$25.00) dollars for each and every offense and, whenever such person shall have been notified by the Building Inspector, or by service of warrant in a prosecution, or in any other way, that he is committing such violation of this ordinance, each day that he shall continue such violation after such notification shall constitute a separate offense punishable by a like fine, provided that the total fine shall not exceed five hundred (\$500) dollars. Such fines shall be collected by the institution of summary proceedings before a Magistrate or Justice of the Peace, a resident of the City in the manner that such fines are now by law collected.
- Section 1702 Remedies. In case any building, sign or other structure is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, sign, structure or land is used; or any hedge, tree shrub or other growth is maintained, in violation of this ordinance or of any regulations made pursuant hereto, in addition to other remedies provided by law, any appropriate action or proceeding, whether by legal process or otherwise, may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct business or use in or about such premises.

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ARTICLE XVIII

AMENDMENTS

- Section 1800 Amendment by Governing Body. The City Council may from time to time amend, supplement, change, modify or repeal this ordinance, including the zoning map, by proceeding in the following manner, and as otherwise required by law. In amending the Zoning Map or regulations, the City Council shall use the "Standards for Zoning Decisions" adopted by the City.
- Section 1801 Amendment Procedure. The City Council by resolution adopted at a regular or special meeting shall fix the time and place of a public hearing on the proposed amendment which shall be conducted in accordance with the City's adopted "Policies and Procedures for the Call and Conduct of Zoning Public Hearings", and at least fifteen (15) but not more than forty-five (45) days prior to the public hearing, shall cause notice thereof to be given as follows:
- A. By publishing a notice thereof in one (1) newspaper of general circulation in the city. This notice shall state the date, time, place, and purpose of such hearing, and the location, present zoning classification, and proposed zoning classification of any particular property involved.
 - B. By mailing a notice to every resident or resident association registered for the purpose. In addition, notice shall be sent to all property owners within five hundred (500) feet if only a particular property is involved.
 - C. By requiring the applicant at his expense to erect a sign upon the property in question. This sign shall be placed in a conspicuous location, as the zoning officer may direct, at least 15 days prior to the public hearing. The required sign shall be at least nine (9) square feet in size and shall contain a message composed of black letters at least three (3) inches high upon a white background which shall read as follows:

PUBLIC HEARING NOTICE

ZONING CHANGE

A Public Hearing will be held at City Hall at (time) (a.m. or p.m.) on (date), (year), to consider the rezoning of this property from (present zoning classification) to (requested zoning classification).

- Section 1802 Application for Amendment. Every application for amendment of the zoning ordinance shall first be presented to the zoning officer, and shall contain the following:
- A. Applicant's name and address and his representative, and the interest of every person represented in the application.
 - B. A plan showing the extent of the area to be rezoned, streets

bounding and intersecting the area, the land use and zone classification of abutting districts and photographs of the area to be rezoned and abutting areas.

C. A statement of the circumstances in the proposed district and the abutting districts and any other factors on which the applicant relies as reasons for supporting the proposed rezoning. The applicant's statement should address issues identified in the city's adopted "Standards for Zoning Decisions."

D. The approximate time schedule for the beginning and completion of development in the area.

E. A site plan to scale, indicating the locations of structures, uses, area for off-street parking and loading.

Section 1803 Amendment by Citizen's Petitions. Whenever the owners of fifty (50) percent or more of the frontage in any district shall present to the City Council a petition duly signed and acknowledged, requesting an amendment, supplement, change, modification or repeal of the regulations prescribed or of the zoning map, including such district, it shall be the duty of the City Council to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed in Section 1801, herein.

Section 1804 Referral to Planning Commission. All proposed amendments before adoption shall be referred to the City Planning Commission at least thirty (30) days prior to the public hearing required by Section 1801, for its recommendation and report which shall not be binding. The Planning Commission shall use the City's adopted "Standards for Zoning Decisions", as appropriate, as the basis of its recommendation and report.

Section 1805 Citizens Protest Against Amendments. In case of a protest against such amendment, change, modification or repeal, signed by the owners of twenty (20) percent or more, either of the area or the lots included in such proposed changes or of those immediately adjacent in the rear thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite lots, such amendment, supplement, change or modification shall not become effective except by the favorable vote of two-thirds (2/3) of all members of City Council authorized to vote thereon.

Section 1806 Limit on Consideration of Amendments. Upon defeat of an application for a change in zoning, the City Council may not consider the property in question for rezoning amendment until at least six (6) months has elapsed.

ARTICLE XIX

NON-CONFORMING USES

- Section 1900 Land. Any land, the existing lawful use of which at the time of passage of this ordinance does not conform with the regulations of the district in which it is located shall have such use considered as a non-conforming use, which may continue on such land but shall be subject to all the other pertinent regulations covering non-conforming uses.
- Section 1901 Buildings. Any lawful building or the lawful use of any building existing at the time of the passage of this ordinance that does not conform to use, height, location, size or bulk, with the regulations of the district in which it is located shall be considered a non-conforming building or use and may continue such use in its present location, but shall be subject to all other pertinent regulations covering non-conforming uses.
- Section 1902 Buildings Under Construction. A building for which a valid zoning permit has been issued and/or is actually under construction to the extent of completion of footings may be completed as a non-conforming use. Buildings not under actual construction at the time of passage of this ordinance shall be built in conformity with its requirements.
- Section 1903 Change of Use. A non-conforming building or use shall be considered as such unless and until it complies with the regulations of the district in which it is located. Such use shall not be changed to a use designated for a district having less restrictive regulations.
- Section 1904 Discontinued Use. A non-conforming use, when discontinued, may be resumed at any time within one (1) year from such discontinuance, but not thereafter. The resumption may be of the same class of use but shall not be resumed as a non-conforming use of a lower class.
- Section 1905 Extension. Any lawful non-conforming use of a portion of a building may be extended throughout the building or any building of which a lawful non-conforming use is made may be extended upon the lot occupied by such building and held in single and separate ownership on the effective date of this ordinance, or such lawful non-conforming use may be continued in any new building erected upon the lot or tract held in single and separate ownership on the effective date of this ordinance and further, such lawful non-conforming use may be continued on adjoining lots only as a variance provided, in all such cases, that any structure, alteration, extension or addition shall conform with all the height, area, width, yard and coverage requirements for the district in which it is located.
- Section 1906 Change or Resumption of Non-conforming Uses. The Board of Appeals shall have discretion to determine in accordance with the provisions of this ordinance what resumption or change of non-conforming use is of the same class of use and permissible.

- Section 1907 Building Destroyed by Fire, Explosion, Accident or Calamity. A non-conforming building which has been damaged or destroyed by fire, explosion, accident or calamity (as contrasted to deterioration due to time or neglect) may be reconstructed and used for the same non-conforming use, provided that: (1) the reconstructed building shall not exceed in height, area and volume the building destroyed, unless it meets the provisions of Section 1905; (2) building reconstruction shall be started (within) one (1) year from the date the building was destroyed and shall be carried on without interruption.
- Section 1908 Building Condemned. A non-conforming building which has been legally condemned shall not be rebuilt or used except in accordance with the provisions of this ordinance.
- Section 1909 Temporary Non-conforming Use. A temporary non-conforming use, which will benefit the public health or welfare or promote proper development of a district in conformity with the intent of this ordinance, may be permitted for a period of not more than one (1) month, on the approval of the Board of Appeals, but any such use to be permitted for a longer period shall require a public hearing thereon, after which a Board of Appeals Certificate may be issued for a period not exceeding one (1) year in any case.
- Section 1910 Non-conforming Signs. Any sign, signboard, billboard or advertising device existing at the time of the passing of this ordinance that does not conform in use, location, height or size with the regulations of the district in which it is located, shall be considered a non-conforming use and may continue in such use in its present location for a period of two (2) years from the date of the passage of this ordinance but not after. The continuation of such non-conforming use after the expiration of two (2) years shall be a violation of this ordinance.
- Section 1911 Abatement of Certain Non-conforming Uses. All non-conforming uses of land shall be discontinued and all non-conforming buildings or structures shall be torn down or otherwise made to conform within ten (10) years of the adoption of this ordinance for junk yards, commercial animal or stock yards and lumber yards not on the same lot with a plant, sales facility or a factory. This section shall not be deemed to repeal or modify any existing ordinance restricting junk yards or prohibiting other nuisances.

ARTICLE XX
GENERAL PROVISIONS

- Section 2000 Effect of Private Covenants. Nothing herein contained shall be construed to render inoperative any enforceable restriction established by covenants running with the land, and which restrictions are not prohibited by or not contrary to the regulations herein established.
- Section 2001 Lots of Record. A lot which is of record on the city plan or of record title upon a plan or separately described in a deed or recorded in the office for the Recording of Deeds of Evans County and which is in single and separate ownership at the time of the enactment of this ordinance and where such owner does not own adjoining land or lots and where it is not financially feasible to acquire adjoining land or lots from other owners, such lot may be used for a use permitted in the district in which it is located upon a finding by the Board of Appeals that the lot size is reasonably close to the minimum and maximum regulations required under this article and that owners of lots within three hundred (300) feet thereof, after twenty (20) days notice and hearing, do not object or will not be adversely affected thereby.
- Section 2002 Reduction of Lot Area. No lot shall be so reduced that the area of the lot or the dimensions of the required open spaces shall be less than herein prescribed by this ordinance.
- Section 2003 Modification of Front Yard Requirements. Where an unimproved lot of record is situated on the same street frontage with two (2) improved lots or one (1) unimproved and one (1) improved lot, the front yard requirement for the district may be modified so that the front yard shall be an average of the existing and as required front yard.
- Section 2004 Vision Clearance at Corners, Curb Cuts, and Railroad Crossings. Notwithstanding any part of this ordinance or any permit granted or any variance granted by the Board of Appeals, no type of structure, vehicle, tree, plant, vegetation, sign or fence, or any type of obstacle or any portion thereof shall be placed or retained in such a manner which would create a traffic hazard or would obstruct the vision clearance of corners, curb cuts, or railroad crossing in any zone.
- Section 2005 Unsightly or Unsanitary Storage. No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open and no weeds shall be allowed to go uncut within any zones when the same may be construed to be a menace to public health and safety by the appropriate Health Department, or to have a depressing influence upon property values in the area.
- Section 2006 Accessory Uses. Accessory uses authorized in this ordinance shall include, but not by way of limitation, the following:
- A. Uses Accessory to Agriculture: Greenhouses, roadside stand for sale of products produced on the premises; barn; preparation of products

produced on the premises for use and the disposal thereof by marketing or otherwise.

B. Uses Accessory to Dwellings:

1. Private garage, private parking space, private stables, barn, shelter for pets.
2. Private greenhouses.
3. Living quarters for household employees, caretakers or watchmen.
4. Professional office or studio of a doctor, dentist, healer, teacher, artist, architect, landscape architect, musician, lawyer, engineer, magistrate or practitioner of a similar character, or rooms for the home occupations listed below, provided that office, studio or rooms are located in a dwelling in which the practitioner resides, or in a building accessory thereto, and provided further that no goods are publicly displayed on the premises. The following home occupations shall be allowed:
 - a. Custom dressmaking, millinery, tailoring, sewing of fabric for custom apparel and custom home furnishing.
 - b. Foster family care.
 - c. Any office in which chattels or goods, wares or merchandise are not commercially created, exchanged or sold.
 - d. Tutoring.
 - e. Fine arts studio in which are created only individual works of art.

C. Uses Accessory to Non-commercial Recreational Use: Customary recreational, refreshment and service uses and buildings in any non-commercial recreational area.

Uses authorized in this ordinance as accessory to a dwelling shall not be deemed to include a business, hospital clinic, animal hospital, barber shop, beauty parlor, other personal service shop, tearoom, hotel or any similar use.

Section 2007 Public Utilities. The provisions of this ordinance shall not be so construed as to limit or interfere with the installation, operation and maintenance of public utility structures or facilities in existence at the time of passage of this ordinance, or which may hereafter be located within public easements or rights-of-way designated for such purposes.

Section 2008 Projections into Required Yards. No building and no part of a building shall be erected within or shall project into any required yard in any

district, except that:

A. An unenclosed porch, not more than fourteen (14) feet in height, may be erected to extend into a required front or rear yard a distance of not more than ten (10) feet, provided that in no case shall it extend into such front or rear yard more than one-half (1/2) the required depth of the yard.

B. A terrace, platform or landing place, not covered by a roof, canopy or trellis, which does not extend above the level of the first floor of the building, may be erected to extend into a required yard a distance of not more than twelve (12) feet provided that it shall not extend into such yard more than forty (40) percent of the required depth or width of the yard.

C. A porte-cochere or carport may be erected over a driveway in a required side yard, provided that such structure is:

1. Not more than fourteen (14) feet in height and twenty (20) feet in length.

2. Entirely open on at least three (3) sides, exclusive of the necessary supporting columns and customary architectural features.

3. At least three (3) feet from the side lot line.

D. A buttress, chimney, cornice, pier or pilaster of a building may project not more than eighteen (18) inches into a required yard.

E. Open, unenclosed fire escapes, steps, bay windows and balconies may project not more than three (3) feet into a required yard.

Section 2009

Conversion of Residential Structures. The Board of Appeals may allow as a special exception the conversion of a single family dwelling or other building into a dwelling for two or more families subject to the following requirements:

A. A petition in favor of such exception is filed with the Board of Appeals signed by the owners of sixty (60) percent, or more, of the frontage on the same street within one thousand (1,000) feet of the designated lot.

B. Each dwelling unit shall not have less than seven hundred (700) square feet of floor area, plus an additional one hundred (100) square feet of floor area for each additional bedroom in excess of one (1).

C. The lot area per family is not reduced thereby to an amount less than seventy-five (75) percent to that required by this ordinance for the district in which the designated lot is located.

D. Fire escapes and outside stairways shall, when practicable be located to the rear of the building. Outside stairways shall be enclosed.

A metal fire escape shall be provided for each floor above the second, leading to the ground. Each unit shall have two (2) means of egress, both of which shall terminate in a public way or a court space leading to a public way.

E. The Board of Appeals shall specify the maximum number of families permitted to occupy such buildings and may prescribe such further conditions and restrictions as the Board of Appeals may consider appropriate.

F. The off-street parking requirements of this ordinance shall be met.

G. The conversion shall be authorized only for a large dwelling with relatively little economic usefulness as a conforming use.

H. The structure shall be located within the boundaries of the R-2 or R-3 Residential Districts and no other.

APPENDICES

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APPENDIX I
STANDARDS FOR
ZONING DECISIONS

In order to conform to the Zoning Procedures Law of the State of Georgia (Title 36, Chapter 66 of the Official Code of Georgia Annotated), the following standards will be considered as appropriate and as relevant to a particular zoning decision by the Planning Commission and the City Council when adopting, changing, or amending zoning ordinance or the zoning map.

1. Assure that the proposed change is reasonable and consistent with the spirit, purpose, and intent of the zoning ordinance.
2. Consider the changes in community characteristics which may take place because of the proposed change, and consider the consistency with and effect of the change on current public growth and development policies and plans.
3. Consider the relative effectiveness or ineffectiveness of the present wording or districting of the ordinance, and whether a justification for change exists because of special reasons or a change in conditions.
4. Consider the effect upon the public interest of granting or denying the proposed change, and determine that the change will serve the best interests of the City, as compared to any hardship imposed upon the individual property owner.
5. Consider the existing land use pattern, and specifically the presence or absence in the adjacent and surrounding area of conditions and uses which are the same or similar in character to any proposed change or use, and the possible creation of an isolated district unrelated to adjacent districts.
6. Determine that the proposed change will not substantially injure or detract from the use or value of neighboring property, or from the general character of adjacent and nearby property in the surrounding area.
7. Consider the unique characteristics of the property involved, and whether the property to be affected by the zoning proposal has some reasonable economic use as currently zoned or whether there are substantial reasons why the property cannot be used in accordance with existing zoning.
8. Consider the effect of the proposed change upon the logical, efficient, and economical extensions of public services and facilities, or possible overtaxing or burdening of existing public services or facilities, including but not limited to utilities, streets, schools, and public safety services, and also the associated costs to the local government in providing, improving, increasing, or maintaining such facilities and services.

9. Consider the impact of the change with respect to probable effects upon highway traffic and safety, and especially access near intersections.

10. Consider the impact of the proposed change upon the environment, including but not limited to drainage, soil erosion and sedimentation, flooding, noise, air quality, and water quality and quantity.

11. Determine that the zoning proposal will permit suitable use or uses in view of the subject property's physical characteristics, the use and development of adjacent and nearby properties, existing zoning patterns, existing or proposed public facilities or services, environmental impacts, and current public growth and development policies and plans of the City.

12. Consider whether the change is designed to correct an improper situation, or would merely result in the granting of special privileges not available to adjacent or surrounding properties.

13. Consider any other factors relevant to balancing the City's interests in promoting and protecting the public health, safety, morality, or general welfare against a right to unrestricted use of property.

APPENDIX II

POLICIES AND PROCEDURES FOR THE CALL AND CONDUCT OF ZONING PUBLIC HEARINGS

In order to conform to the Zoning Procedures Law of the State of Georgia (Title 36, Chapter 66 of the Official Code of Georgia Annotated), the following policies and procedures shall govern the call and conduct of all zoning public hearings in the City.

1. In accordance with the provisions of the Zoning Ordinance of the City, the City Council shall fix the time and place of a public hearing on any proposed adoption, change, or amendment to the zoning ordinance or the zoning map.
2. All required zoning hearings shall be properly advertised and have proper notice according to Georgia Law and the Zoning Ordinance of the City.
3. All such hearings shall be open to the general public, and no person shall be excluded for any reason other than grossly disruptive or offensive actions.
4. The purpose of holding a zoning public hearing is to listen to the views of the citizens of the community, and then evaluate the entire matter at a later time or official meeting. No cross-examination or prolonged argumentative questioning of the hearing body shall be permitted. Decorum and order shall prevail.
5. Before any requests for amendments or zoning changes may be considered, the Clerk shall verify and announce publicly for the record that:
 - A. All necessary submission requirements as established in the Zoning Ordinance have been met.
 - B. All requirements under Georgia Law for advertising and posting of a sign on the property proposed for rezoning, if appropriate, including any time limitations, have been met.
6. The Chair shall announce publicly the convening of the hearing on each amendment or change, identifying specifically, if appropriate, the property proposed for rezoning and stating the present zoning classification and the proposed zoning classification.
7. Any citizen and all parties in interest shall be given opportunity to be heard, provided that oral presentations for each side of the issue shall be limited to 30 minutes, and those persons wishing to make oral presentations have signed a hearing register with their

name, address and affiliation or standing, and indicated which side of the issue they wish to address. The Chair shall have the authority to place more specific time limits on individual oral presenters (as a class), so long as each side is given its full amount of allotted time, or to extend the allotted time of the public hearing to one hour for each side, if warranted.

8. Submission of written comments and supporting data shall be allowed, in addition to or as a supplement to oral presentation, without affecting time limits on oral presentation. To be accepted and entered into the record, these comments must be clearly identified as to the issue concerned, and carry the name, address, and affiliation of the respondent. The receipt and acceptance of written comments shall be read into the record by the Chair or the Chair's designee.

9. Those persons wishing to make oral or written presentations before the hearing body should be aware that the hearing body is attempting to make an objective decision, based on the adopted "Standards for Zoning Decisions" of the City and is interested only in factual presentations and information which can be supported and which is accurately and carefully presented. The Chair may declare out of order any presenter making emotional arguments or extraneous statements not germane to the issue. Only presentations and information relevant to issues raised in the City's adopted "Standards for Zoning Decisions" shall be considered germane.

10. Only members of the hearing body may question a person making a presentation during the hearing. In order for a person in attendance to speak, the Chair must first recognize that person.

11. The order of procedure for each hearing shall be as outlined below.

A. After convening and identifying the public hearing, the Chair will request the register for that hearing and briefly recite the procedures in effect, including any specific time limits.

B. Presentations, if desired, by the proponents of the proposed zoning change or amendment.

C. Questions by members of the hearing body of the proponents.

D. Presentations, if desired, by the opponents of the proposed zoning change or amendment.

E. Questions by members of the hearing body of the opponents.

F. Upon conclusion of the presentations and questions, the Chair will thank all for their interest and attendance, assure that all views and the entire matter will be given careful consideration, and shall close that hearing.

12. The Chair will then announce the time and place of the meeting of the governing body which will have the proposed change on the agenda for official action.

13. Any other scheduled public hearing on another amendment or change shall then be convened, utilizing the same procedures.

14. Only normal minutes shall be maintained for any zoning public hearing as a matter of course. However, upon receipt of written request from an affected party or parties at least one week prior to the scheduled public hearing the City shall have a transcript prepared, provided that the entire cost of preparation shall be borne by the affected party or parties making such request. Agreement to this by the party or parties making such a request must be provided to the City in writing before preparations for such a transcript will be undertaken.