

## Chapter 62 ZONING<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 62-1. Legislative intent of chapter.

- (a) *Authority.* The city council in accordance with the authority now granted them by article 9, section 2, paragraph 4 of the state's constitution of 1983, and in accordance with O.C.G.A. § 36-66-2 et seq., as amended, hereby ordains, and enacts into law the articles and sections of this chapter.
- (b) *Purpose.* The zoning regulations and districts as herein set forth have been prepared in accordance with land use plans 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 chapter 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.

(Res. No. 24-10, att., 9-19-2023)

#### Sec. 62-2. Interpretation of chapter provisions.

In interpreting and applying the provisions of this chapter, they shall be held to the minimum requirements for the promotion of the public safety, health and welfare. Where this chapter imposes a greater restriction upon the building, structures or premises, upon heights of buildings or structures or requires larger open spaces than are

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<sup>1</sup>Editor's note(s)—Res. No. 24-10, att., adopted Sept. 19, 2023, repealed the former Ch. 62, §§ 62-1—62-5, 62-41—62-64, 62-81—62-91, 62-111—62-122, 62-141—62-151, 62-181—62-184, 62-211—62-214, 62-241—62-245, 62-261—62-264, 62-291—62-293, 62-300—62-302, 62-311—62-313, 62-331—62-333, 62-351—62-354, 62-371—62-374, 62-391—62-404, 62-431—62-433, 62-451—62-454, 62-491—62-503, 62-531—62-535, 62-571—62-577, 62-601—62-604, 62-651—62-658, and enacted a Ch. 62 as set out herein. The former Ch. 62 pertained to similar subject matter and derived from Ord. of 2-7-1997, §§ 101—104, 300—303, 400—403, 500—502, 600—603, 700—702, 800-802, 900—902, 1000—1003, 1100—1103, 1200—1213, 1300—1302, 1400—1403, 1500—1505, 1600—1603, 1700—1704, 1800—1807, 1900—1910, 2100—2102, 2200—2211, 2300—2310, 2400—2412, art. II; Ord. No. 07-09, adopted June 5, 2007; Res. No. 09-02, adopted Feb. 3, 2009; Res. No. 09-24, adopted March 3, 2009; Res. No. 11-11, adopted Oct. 5, 2010; Res. No. 11-15, adopted March 10, 2011; Res. No. 14-05, adopted Sept. 3, 2013; Res. No. 17-03, adopted Sept. 13, 2016; Res. No. 17-29, adopted April 4, 2017; Res. No. 17-30, adopted June 6, 2017; Res. No. 19-02, adopted Oct. 2, 2018; Res. No. 19-14, adopted March 5, 2019; Res. No. 19-19, adopted May 7, 2019; and Res. No. 21-07, adopted Oct. 6, 2020.

Cross reference(s)—Buildings and building regulations, ch. 10; community development, ch. 18; environment, ch. 22; floods, ch. 26; streets, sidewalks and other public places, ch. 42; subdivisions, ch. 46.

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imposed or required by any other ordinance, rates, codes, permits or regulations, or by easements, covenants, deed restrictions or agreements, the provisions of this chapter shall govern.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-3. Conflict with chapter provisions.**

It is not intended by this chapter to repeal, abrogate, annul or interfere with any existing ordinance or enactment, or with any rule, regulations or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this chapter, provided that where this chapter imposes greater restrictions 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 chapter shall control.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-4. Validity of chapter provisions.**

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

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-5. Definitions.**

- (a) *Generally.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory use or building* means a use or building, located on the same lot as the principal building, which is clearly incidental and secondary to permitted use or building and which does not change the character of such use or building, including, but not limited to, private garages, living quarters for servants, bath houses, greenhouses, tool sheds, storage buildings, animal shelters.

*Alley* means a public thoroughfare which affords only a secondary means of access to abutting property, and not intended for general traffic circulations.

*Alterations* means any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

*Animated sign.* A sign that utilizes moving structural elements, flashing or sequential lights, lighting elements, or other automated methods to create movement, the appearance of movement, or other special effects. Signs meeting the definition of and regulations governing changeable copy [signs] and traffic control devices and warning signs meeting the standards of the Manual of Uniform Traffic Control Devices are not considered animated signs.

*Billboard* means any notice of advertisement, pictorial or otherwise, with an area of 300 or more square feet, as well as all those used as an outdoor display for the purpose of making anything known, the origin or place of sale of which is not on the lot with such display, except that governmental notices shall be considered to be billboards.

*Board* means the zoning board of appeals. The city's planning commission shall serve as the zoning board and zoning board of appeals.

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*Boarding house* means a building where for compensation lodging and/or meals are provided for not more than three persons.

*Buffer strip* means a piece of land, varying in length and width, lying between two incompatible uses of land and containing open space, plantings, trees, a wall, fence or other suitable enclosures which provide property screening.

*Building* means any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building.

*Building height* means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

*Building inspector* means the building inspector of the city as designated by the city manager.

*Building line* means a line formed by the face of the building, and for the purposes of this chapter, a minimum building line is the same as a front setback line.

*Building, main or principal,* means a building in which is conducted the principal use of the lot on which it is situated.

*Building setback line* means a line establishing the minimum allowable distance between the main or front wall of the building and the street right-of-way line when measured perpendicularly thereto. Covered porches, whether enclosed or not, shall be considered as a part of the building and shall not project into the required yard.

*Business sign* means an attached or freestanding structure on which is announced the business use of the premises and/or the name of the operator of the business.

*Centerline* means a line of a street surveyed and monumented by the city council or a line midway between the outside curbs or ditches of the street.

*Club* means a building or facility owned or operated by a nonprofit corporation, association or persons for civic, educational or religious purposes, but specifically excluding any rendering of continuing service customarily carried on as a business.

*Day care center* means any place operated by a person, society, agency, corporation, institution, or group wherein are received for pay for group care, for fewer than 24 hours per day, without transfer of legal custody, 19 or more children under 18 years of age, and which is required to be licensed or commissioned by the State of Georgia department regulating the use of day care centers.

*Day care home, family* means a private residence operated by any person who receives therein for pay for supervision and care, fewer than 24 hours per day, without transfer of legal custody, a maximum of six children to include any children considered normal residents of said dwelling, under 18 years of age.

*Day care home, group* means any place operated by any person(s), partnership, association or corporation wherein are received for pay for group care not less than seven nor more than 18 children under 18 years of age for less than 24 hours per day without transfer of legal custody and which is required to be licensed or commissioned by the State of Georgia department regulating the use of group day care homes.

*Dwelling, multiple-family,* means a building or portion thereof, designed for occupancy by three or more families living independently of each other.

*Dwelling, one-family,* means a building designed exclusively for occupancy by one family.

*Dwelling, two-family,* means a building designed exclusively for occupancy by two families independent of each other, such as a duplex dwelling unit.

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*Dwelling unit* means a building, or a portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

*Family* means one or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this chapter.

*Flood hazard area* means an area designated by the Federal Emergency Management Agency or any succeeding agency where in a flood hazard may exist. Persons contemplating development in such areas shall consult current flood hazard insurance directives for further information.

*Floor area* means total gross area on all floors as measured to the outside surfaces of exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors and opened porches, balconies and terraces.

*Floor space* means floor area of all floors, as measured from the inside surfaces of the walls enclosing the part of a building occupied by a single occupant or shared by a distinct group of occupants, excluding therefrom common halls, stairwells, sanitary facilities and storage and other areas to which patrons do not have regular access.

*Front lot line* means a line dividing a lot from any public highway, except a limited or controlled access highway to which the lot has no access.

*Garage* means a fully enclosed building for the storage of motor vehicles, not including buildings in which fuel is sold or repair or other services performed.

*Gas station* means a place where motor vehicle fuels are sold at retail.

*Height* means the vertical distance from the highest point on a structure, excepting any chimney or antenna on a building, to the average ground level of the grade where the walls or other structural elements intersect the ground.

*Home occupation* means a use conducted entirely within an enclosed dwelling, employing only the inhabitants thereof, which is clearly incidental and secondary to residential occupancy and does not change the character thereof. Specifically excluded is the storage and display of merchandise not produced by such home occupations, any activity involving any building alterations, window display, construction features, equipment, machinery or outdoor storage, any of which is visible from off the lot on which located. Such activity shall be confined to no more than 25 percent of the floor area of the residence, and shall not cause the generation of other than normal noise, pedestrian and vehicular traffic. One professional sign not over 200 square inches in area may be displayed.

*Hotel* means a structure designed, used or offered for residential occupancy for any period less than one month, including tourist homes and motels but not including hospitals or nursing homes.

*Industrialized building (modular building)* means any structure or component thereof, excepting a manufactured home, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly on a building site and which has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof, and which bears the insignia of approval of the state department of community affairs in accordance with the Georgia Industrialized Buildings Act of 1982, as amended. Industrialized or modular buildings or other such closed-construction structures which have not been approved by the state department of community affairs are deemed to be of inadequate construction by definition, and shall not be issued building or occupancy permits for authorized uses within the city. Industrialized buildings qualifying as a single-family dwelling shall be allowed in all residential districts, and shall be regulated uniformly with other housing constructed on site, subject to the same housing standards, requirements, and limitations set forth in this chapter.

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*Laundromat* means a place where patrons wash, dry or dry clean clothing and other fabrics in machines operated by the patron.

*LED sign* means any sign or portion thereof that utilize light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind whether conventional (using discrete LEDs), surface mounted (OLED), light emitting polymer (LEP), organic electro polymer (OEP), or any other similar technology.

*Loading space* means an off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

*Lot* means the contiguous land in the same ownership which is not divided by any public highway or alley, including any part thereof subject to any easement for any purpose other than a public highway or alley, but excluding any part thereof severed from another lot where the severance creates any nonconformity of use or structure.

*Lot area* means the area of land within the boundary of a lot, excluding any part under water, and, in addition, the area of land bounded by any front lot line.

*Lot depth* means the mean horizontal distance between front and rear lot line.

*Lot lines* means the lines bounding a lot as follows:

- (1) *Front lot line* means, in the case of an interior lot, that line separating said lot from the street. In the case of a corner lot, or double frontage lot, the term "front lot line" shall mean that line separating said lot from either street.
- (2) *Rear lot line* means that lot line opposite the front lot line. In case of a lot pointed at the rear, the rear lot line shall be an imaginary line not less than ten feet in length and parallel to the front lot line, that when measured from a point farthest from the front lot line shall lie wholly within the lot.
- (3) *Side lot line* means any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

*Lot of record* means a lot which is part of a subdivision, a plat of which has been recorded in the land records at the county courthouse.

*Lot width* means the distance between side lot lines measured at the building line.

*Major street* means a street designed as a major thoroughfare on the major thoroughfare plan of the city.

*Manufactured home (mobile home, trailer)* means any structure originally constructed to be transportable in one or more sections and built upon a frame or chassis which was designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to required utilities. Any such structure must adhere to the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, and must bear the insignia of approval of the U.S. Department of Housing and Urban Development (HUD) and shall not include unapproved modifications or additions which do not meet locally adopted construction or construction-related codes. A manufactured home shall be construed to remain a manufactured home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. This definition shall not include travel trailers or recreational vehicles when such vehicles are not used for permanent or semi-permanent living or sleeping quarters. Manufactured homes are not designed and shall not be used for purposes other than single-family dwellings within the city.

*Manufactured home, mobile home or trailer park* means any lot, tract or parcel of land used, maintained or intended to be used, leased or rented for occupancy by two or more manufactured or mobile homes together with

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accessory structures provided in connection therewith. This definition shall not include manufactured or mobile home sales lots on which unoccupied manufactured or mobile homes are parked for the purpose of inspection and sale.

**Modular home means a factory-fabricated single-family dwelling that is constructed in one (1) or more sections and complies with the definition of industrialized building.**

*Non-conforming building* means a building or portion thereof, existing at the effective date of the ordinance from which this chapter is derived, or amendments hereto, and that does not conform to the height, area or yard regulations for the district in which it is located.

*Non-conforming use* means a use which lawfully occupied a building or land at the effective date of the ordinance from which this chapter is derived, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

*Nursing home* means a structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital or mental health center.

*Off-street parking lot* means a facility, other than for single-family dwellings, providing vehicular parking spaces along with adequate drives and aisles for maneuvering, to provide access for entrance and exit for the parking of more than three vehicles.

*Parking space* means an area of definite length and width; said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

*Personal care home* means a facility intended to provide living quarters and limited services for individuals who require social, medical, and/or mental health services in a community-based residential setting. Homes must be operated under a program authorized or directed by the State of Georgia department regulating personal care homes.

*Personal care home, family* means a group home serving six or fewer residents (including any live-in or overnight staff), and located in a building that closely resembles a single-family dwelling.

*Personal care home, group* means a group home serving fewer than 15 residents (including any live-in or overnight staff), and located in a building that may resemble a multifamily dwelling structure.

*Planning commission* means the planning commission of the city.

*Public utility* means any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telegraph, transportation of water.

*Restaurant* means a lot on which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grilles, cafes, taverns, nightclubs, drive-ins and any fast food establishment permitting consumption on the premises.

*Sanatorium* means an institution for rest and recuperation (as of convalescents); an establishment for the treatment of the chronically ill.

*Setback* means the distance required to obtain the front, side or rear yard open space provisions of this chapter.

*Sign* means any outdoor sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform, any part of the advertising or information contents.

*Sign walker(s)* means individual(s) carrying promotional signs along sidewalks in front of the business they are promoting.

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*Single-family dwelling* means a structure, except a mobile home, designed or used for residential occupancy by one family.

*Special exception* (applied to a function of the planning commission) means allowing the granting of an exception to a provision of the chapter rather than a variance. The term "exception" is usually preceded by the modifying term, "special." This implies that within the framework of the chapter an unusual circumstance is anticipated and special provisions are set forth in the text which state that, when certain things happen, an exception can occur. Illustrative of this is the fact that a residential zone would probably be the best place for the location of a private school. The chapter text can anticipate this and establish the fact that a private school can be permitted as a special exception by the planning commission. The planning commission of appeals then has the responsibility of investigating the matter and making certain that the requirements set forth in the chapter are met. The term "exception" or "special exception" shall apply to a change in the "use" of property pursuant to provisions of division 2, article II of this chapter.

*Spot zoning* means the awarding of a use classification to an isolated parcel of land which would be detrimental or incompatible with the existing zoning use of the surrounding area.

*Story* means that portion of a building comprised between a floor and the floor or roof next above. The first floor of a two-story or multi-story building shall be deemed the story that has no floor immediately below it that is designed for living quarters or for human occupancy. Those stories above the first floor shall be numbered consecutively.

*Street* means a dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

*Structure* means anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.

*Town house* means a single-family dwelling constructed adjacent and connected to other single-family dwellings separated by a common firewall.

*Use* means the purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

*Variance* means a modification of the literal provisions of the chapter granted when strict enforcement of the chapter would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted, a departure from the provisions of a zoning ordinance relating to setbacks, side yards, frontage requirements, and lot size, but not involving the actual use of structures.

Comment: The hardship variance is granted because strict enforcement of the chapter as it applies to a specific lot would work an undue hardship and present practical difficulties. It is usually granted to decrease the dimension requirements, and the applicant generally must demonstrate the hardship is peculiar to his property and not to other properties in the zone. The city council must find that the variance can be granted without any adverse impact on the public good (the negative criteria).

*Yard* means the open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter and as follows:

- (1) *Front yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
- (2) *Rear yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
- (3) *Side yard* means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the main building.

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(b) *Rules of construction.*

- (1) Terms used in the present tense include the future tense.
- (2) Terms used in the singular number include the plural, and terms used in the plural number include the singular.
- (3) The term "person" includes a firm, association, organization, partnership, corporation, political governing body, trust and company as well as an individual.
- (4) The term "lot" includes the terms "plot" and "parcel."
- (5) The term "building" includes the term "structure."
- (6) The term "shall" is mandatory, not directory.
- (7) The terms "used" or "occupied" as applied to any land or building shall be construed to include the terms "intended, arranged or designed to be used or occupied."
- (8) The term "planning commission" shall refer to the planning commission of the city.
- (9) The terms "city council" or "council" shall refer to the city council of Glennville.
- (10) The terms "map," "zoning map" or "Glennville zoning map" shall mean the official zoning map of the city.
- (11) The term "constructed" shall mean to form by putting together parts.

(Res. No. 24-10, att., 9-19-2023)

Cross reference(s)—Definitions generally, § 1-2.

**Secs. 62-6—62-40. Reserved.**

## ***ARTICLE II. ADMINISTRATION AND ENFORCEMENT***

### ***DIVISION 1. GENERALLY***

**Sec. 62-41. Violations.**

It shall be the duty of the building inspector or city manager's designee to take cognizance of violations of this chapter. 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 chapter. Failure to secure permits when required, previous to erection, construction or alteration to a building, or change in use of land or building as provided in this chapter, shall be a violation of that chapter.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-42. Fines and charges.**

For any and every violations of the provisions of this chapter, 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

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or shall exist, and the owner, general agent, 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 violations shall exist, shall be liable on conviction thereof to the provisions of section 1-11, and, whenever such person shall have been notified by the building inspector or the city manager's designee, or by service or warrant in a prosecution, or in any other manner that he is committing such violation of this chapter, each day that he shall continue such violation after such notification shall constitute a separate offense punishable by a like fine. Such fines shall be collected by the institution of summary proceedings before a court.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-43. 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 chapter 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.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-44. Building inspector.**

- (a) *Enforcement of chapter.* The provisions of this chapter shall be enforced by the building inspector or the city manager's designee, who shall also be the zoning officer, with the aid of the police department and other city agencies.
- (b) *Duties and powers.* It shall be the duty of the building inspector or the city manager's designee and he shall have power to:
  - (1) 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 chapter.
  - (2) Require that an application for approval of placement of any manufactured or mobile home anywhere in the city be made on a form or forms developed for that purpose, and shall be submitted for review and approval in accordance with this chapter. This application shall include all information necessary to make determinations as to conformity with the provisions and standards of this chapter as applicable to each such structure, including photographs or rendering of the front and side of the manufactured or mobile home, exterior finish, roof, skirting, or any other information deemed necessary to make determinations required by this chapter.
  - (3) 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 shall be open for public inspection and shall be the property of the city.
  - (4) Require that no building permit, or approval for placement of a manufactured or mobile home, shall be issued until the building inspector or the city manager's designee has certified that the proposed building, alteration, placement or use complies with all the provisions of this chapter.

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- (5) Conduct inspections and surveys to determine compliance or noncompliance with the terms of this chapter. In carrying out such surveys, the building inspector or the city manager's designee or his representative may enter upon any land or buildings.
  - (6) Make written orders requiring compliance with the provisions of this chapter to be served personally or by registered mail.
  - (7) Temporarily approve, temporarily approve with conditions, or deny an application for placement of a manufactured or mobile home within ten days of receipt of the application and all requested and required supporting materials. Such determinations of temporary approval, temporary conditional approval or denial with specified conditions and reasons shall be made in writing, and the applicant served personally or by registered mail within five working days after such decision is made. If an application for placement of a manufactured or mobile home is denied in writing by the building inspector or the city manager's designee with specific reasons, the applicant may revise and resubmit his application and begin the process again as a new application. The applicant may also appeal such a decision of the building inspector or the city manager's designee to the planning commission as specified in division 2 of this article. If an application for placement of a manufactured or mobile home is temporarily approved, or temporarily approved with conditions, this decision shall automatically be referred to the planning commission for review and recommendation as specified in division 2 of this article. In no event, may any manufactured or mobile home be placed in the city until the entire planning commission process has taken place as specified in division 2 of this article, the city council has issued final approval of the application for placement, and the building inspector or the city manager's designee has issued the certificate of occupancy.
  - (8) Maintain a map showing the current zoning classification of all land.
  - (9) Maintain a map and register showing the registration, identity, location and type of all nonconforming uses.
  - (10) Participate in all proceedings before the planning commission, present facts and information to assist the board in reaching a decision, resist and oppose any deviations from standard provisions of this chapter and have decisions of the board reviewed in a court of proper jurisdiction when, in the judgment of the building inspector, or the city manager's designee, such review is desirable.
  - (11) The building inspector or the city manager's designee shall have authority to issue permits only for construction, placement of manufactured homes and uses which are in accordance with the chapter. It shall be unlawful for any person to commence work for the erection or alteration of any building, or place a manufactured home in the city, until a building or placement permit has been duly issued therefor. Permits for construction, placement of manufactured and mobile homes, and uses which are a special exception to such general requirements shall be issued by the building inspector or the city manager's designee only upon completion of the planning commission process and official action by city council. The building inspector or the city manager's designee shall issue no permits for the construction or use of any land or buildings, or placement of manufactured homes, unless it also conforms to the requirements of all other ordinances.

(Res. No. 24-10, att., 9-19-2023)

Cross reference(s)—Buildings and building regulations, Ch. 10.

### **Sec. 62-45. Building or placement permits.**

No building shall be constructed or altered, or the use of any building and/or land changed, or a manufactured or mobile home placed in the city, until a permit has been secured from the building inspector or

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the city manager's designee. Any building or placement permit issued shall become invalid unless the work or action authorized by it shall have commenced within six months of its date of issue.

(Res. No. 24-10, att., 9-19-2023)

Cross reference(s)—Buildings and building regulations, Ch. 10.

### **Sec. 62-46. Certificate of occupancy.**

Upon completion of construction activity requiring a building permit, or upon completion of placement of a manufactured home in accordance with provisions of the chapter and placement permit, the owner, tenant or authorized agent shall obtain a certificate of occupancy. It shall be unlawful to use or occupy, or allow the use or occupancy, of any building, manufactured home, or premises without first obtaining a certificate of occupancy for said building, manufactured home or lands. The building inspector or the city manager's designee shall be responsible for issuance or non-issuance of the certificate of occupancy, and shall inspect and approve all work for conformity with the provisions of this chapter and any building or placement permit before issuing the certificate of occupancy.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-47. Application for permits.**

All applications for building permits, placement permits and certificates of occupancy shall be made in writing by the owner or tenants or authorized agent, on such form or forms developed for that purpose or purposes, and shall be filed with the building inspector or the city manager's designee. The applications shall include all information and supporting materials necessary to make determinations as to conformity with the provisions and standards of this chapter including, but not limited to, those specified in section 62-44(b)(2) and the following:

- (1) Shall include a statement as to the proposed use of the building and/or land.
- (2) Shall be accompanied by working plans drawn to scale, showing the location of the building in relation to property and road lines.
- (3) Shall give the name and address of the surveyor or other person competent to give such location and to state the road lines.

In addition the building inspector or the city manager's designee may require certified "as-built" site plans or other information necessary to determine chapter and permit compliance before issuing a certificate of occupancy.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-48. Variance.**

If the applicant desires the planning commission to grant a variance, then in addition, the application shall be set forth the nature of the variance and shall state briefly the reasons why such variance shall be granted.

(Res. No. 24-10, att., 9-19-2023)

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**Sec. 62-49. Appeals.**

An appeal from the decision of the building inspector or the city manager's designee shall be taken within 30 days.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-50. Fees.**

The applicant for a permit or certificate of occupancy shall, at the time of application, pay to the building inspector or the city manager's designee for the use of the city, a fee in accordance with a fee schedule adopted by the city council.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-51. Effect of private covenants.**

Nothing herein contained shall be construed to render inoperative any enforceable restrictions established by covenants running with the land, and which restrictions are not prohibited by or not contrary to the regulations herein established.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-52. 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 the county and which is in single and separate ownership at the time of the enactment of the ordinance from which this chapter is derived 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 planning commission that the lot size is reasonably close to the minimum and maximum regulations required under this article and that owners of lots within 300 feet thereof, after 20 days' notice and hearing, do not object or will not be adversely affected thereby.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-53. 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 chapter.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-54. Modification of front yard requirements.**

Where an unimproved lot of record is situated on the same street frontage with two improved lots or one unimproved and one improved lot, the front yard requirement for that district may be modified so that the front yard shall be an average of the existing and as required front yard.

(Res. No. 24-10, att., 9-19-2023)

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### **Sec. 62-55. Vision clearance at corners, curb cuts, and railroad crossings.**

Notwithstanding any part of this chapter or any permit granted or any variance granted by the planning commission, 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.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-56. 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.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-57. Accessory uses.**

Accessory uses authorized in this chapter shall include, but not by way of limitation, the following:

- (1) Uses accessory to agriculture: Greenhouses, a roadside stand for the sale of products produced on the premises for use and the disposal thereof by marketing or otherwise.
- (2) Uses accessory to dwellings:
  - a. Private garage, private parking space, private stables, barn, shelter for pets.
  - b. Private greenhouses.
  - c. Living quarters for household employees, caretakers or watchmen.
  - d. 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:
    1. Custom dressmaking, millinery, tailoring, sewing of fabric for custom apparel and custom home furnishing.
    2. Foster family care.
    3. Any office in which chattels or goods, wares or merchandise are not commercially created, exchanged or sold.
    4. Tutoring.
    5. Fine arts studio in which are created only individual works of art.
- (3) 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 chapter 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, team room, hotel or similar use.

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(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-58. Public utilities.**

The provisions of this chapter shall not be constructed to limit or interfere with the installation, operation and maintenance of public utility structures or facilities in existence at the time of passage of the ordinance from which this chapter is derived, or which may hereafter be located within public easements or rights-of-way designated for such purposes.

(Res. No. 24-10, att., 9-19-2023)

Cross reference(s)—Utilities, Ch. 58.

**Sec. 62-59. Projections into required yard setbacks.**

No building and no part of a building shall be erected within or shall project into any required yard setback in any district, except that:

- (1) 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 setback a distance of not more than 12 feet, provided that it shall not extend into such yard more than 40 percent of the required depth or width of the yard.
- (2) A porte-cochere (carport) may be erected over a driveway in a required side yard setback, provided that such structure is:
  - a. Not more than 14 feet in height and 20 feet in length.
  - b. Entirely open on at least three sides, exclusive of the necessary supporting columns and customary architectural features.
  - c. At least five feet from the side lot line.
- (3) A buttress, chimney, cornice, pier or pilaster of a building may project not more than 18 inches into a required yard setback.
- (4) Open, unenclosed fire escapes, steps, bay windows and balconies may project not more than three feet into a required yard setback.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-60. Conversion of residential structures.**

The planning commission 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:

- (1) Each dwelling unit shall have not less than 700 square feet of floor area, plus an additional 100 square feet of floor area for each additional bedroom in excess of one.
- (2) The lot area per family is not reduced thereby to an amount less than 75 percent of that required by this chapter for the district in which the designated lot is located.
- (3) Fire escape 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

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second, leading to the ground. Each unit shall have two means of egress, both of which shall terminate in a public way or a court space leading to a public way.

- (4) The planning commission shall specify the maximum number of families permitted to occupy such buildings and may prescribe such further conditions and restrictions as the planning commission may consider appropriate.
- (5) The off-street parking requirements of this chapter shall be met.
- (6) The conversion shall be authorized only for a large dwelling with relatively little economic usefulness as a conforming use.
- (7) The structure shall be located within the boundaries of the R-2 or R-3 residential district and no other.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-61. Occupancy of dwelling units.**

Each dwelling unit shall contain not less than one habitable living room, one bedroom, one kitchen/dining room and one bathroom, subject to the following requirements;

- (1) Each dwelling unit shall have a habitable living room of not less than 120 square feet of open floor area, if occupied by five or less occupants. If occupied by six or more occupants, the habitable living room shall contain not less than 150 square feet of open floor area.
- (2) Each bedroom shall contain not less than 90 square feet of floor space when occupied by one person. Each bedroom occupied by more than one person shall contain not less than 50 square feet per occupant per bedroom.
- (3) Each dwelling unit occupied by five or fewer occupants shall contain not less than 80 square feet of dining/kitchen area. Each dwelling unit occupied by six or more occupants shall contain not less than 100 square feet of dining/kitchen area.
- (4) Each dwelling unit shall contain at least one bathroom that meets all national, state, and local electrical codes and plumbing codes.
- (5) Living rooms, dining/kitchen rooms and bathrooms shall not be considered as bedrooms and/or sleeping areas.

(Ord. No. 24-21, § 1, 2-6-2024)

### **Sec. 62-62. Annexation-deannexation.**

In the event of changes in the city limits removing territory from the city, district boundaries shall be construed as moving with the city limits. In the event of annexation of new areas to the city, such areas shall be considered to be in the R-1A district until otherwise classified.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-63. Administrative standards.**

Whenever, in the course of administration and enforcement of this chapter it is necessary or desirable to make any administrative decision, then, unless other standards are in this chapter provided, the decision shall be made so that the result will not be contrary to the spirit and purpose of this chapter.

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(Supp. No. 17, Update 2)

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(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-64. Spot zoning.**

Spot zoning of an isolated parcel of land is prohibited unless deemed necessary under special circumstances to include historical value, environmental importance, or scenic value.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-65. Conflicting Ordinances and Provisions**

Whenever the provisions of this ordinance impose more restrictive standards than are required in or under any other ordinance, regulation, rule or law, the provisions of this ordinance shall govern. Whenever the provisions of any other ordinance, regulation, rule, statute, or law require more restrictive standards than are required by this ordinance, the provisions of such ordinance, regulation, rule, statute or law shall govern.

**Secs. 62-65~~6~~—62-80. Reserved.**

*DIVISION 2. PLANNING COMMISSION*

**Sec. 62-81. Appointment.**

The city planning commission shall function as and be the board of appeals.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-82. Powers and duties.**

The city planning commission shall have the following powers:

- (1) 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 chapter.
- (2) To hear and decide special exceptions to the terms of the chapter, upon which such board is required to pass under this chapter.
- (3) To authorize upon appeal in specific cases such variance from the terms of the chapter, as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the chapter will in an individual case, result in unnecessary hardship, so that the spirit of the chapter 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 planning commission that:
  - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
  - b. The application of the chapter to this particular piece of property would create an unnecessary hardship.
  - c. Such conditions are peculiar to the particular piece of property involved.

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(Supp. No. 17, Update 2)

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- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the chapter; provided, however, that no variance may be granted or a use of land or building or structure that is prohibited by the chapter.

In exercising the above powers, the planning commission may, in conformity with the provisions of this chapter, 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.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-83. Standard for action.**

In any instance where the planning commission is required to consider an exception or variance in the chapter or map, or placement of a manufactured or mobile home, in accordance with the provisions of this chapter, the board shall, among other things:

- (1) Assure itself that the proposed change is consistent with the spirit, purpose and intent of the chapter and consider the effect upon the public interest of granting or denying the application.
- (2) 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.
- (3) Determine that the proposed change will serve the best interests of the city, the convenience of the community, where applicable, and the public welfare.
- (4) Consider the unnecessary hardship which will or may be inflicted upon the applicant by denial of his application.
- (5) 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.
- (6) 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.
- (7) Safeguard the development of highway frontage as far as possible 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.
- (8) Consider the suitability of the proposed location of an industrial or commercial use with respect to probable effects upon highway traffic, and ensure adequate access arrangements in order to protect major highways from undue congestion and hazard.
- (9) Ascertain the adequacy of sanitation and public safety provisions, where applicable, and require a certificate of adequacy of sewage and water facilities from the county department of health in any case required herein or deemed advisable.
- (10) Impose such conditions, in addition to those required, as are necessary to assure that the general purpose and intent of this chapter 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.

(Res. No. 24-10, att., 9-19-2023)

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### **Sec. 62-84. Rules and procedures.**

The planning commission shall make rules as to the manner of filing appeals or applications for special exceptions or for a variance from the terms of this chapter.

- (1) 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 planning commission after the notice of appeal shall be 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 planning commission or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- (2) Whenever a person shall take an appeal to the planning commission, he shall obtain the appropriate form from the building inspector or the city manager's designee. It shall be the duty of the said person to complete the appeal form in its entirety, the form is then to be submitted to the city, together with the appropriate fees.
- (3) 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 500 feet of the lot or building in question and of every lot not on the same street within 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 subsection shall not invalidate any action taken by the planning commission.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-85. Meetings.**

Meetings of the board shall be held at the call of the chair and at such times as the board may determine. The chair, or in his absence the acting chair, 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 and record of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-86. Advisory opinion.**

In the exercise of the powers vested in it by this chapter, the planning commission 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.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-87. Notice of hearings.**

- (a) The planning commission 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 appeal in person or by agent or by attorney.
- (b) The planning commission shall give at least 15 days notice of any required public hearing in the following manner:

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(Supp. No. 17, Update 2)

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- (1) By publishing a notice thereof in one newspaper of general circulation in the city.
  - (2) By mailing a notice to those persons identified as owners or occupiers under section 62-84 by the person seeking relief from the planning commission.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-88. Expiration of special exceptions and variances.**

Unless otherwise specified by the city council, a special exception or variance shall expire if the applicant fails to obtain a building permit thereunder within six months from the date of authorization thereof.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-89. Fees.**

A charge or fee on file in the City of Glennville clerk's office shall be paid by each applicant upon the filing of an application with the planning commission for a special exception or variance from the terms of this chapter. The charge or fee shall be paid in advance to the city clerk and shall be used to defray the necessary expenses of the planning commission.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-90. Actions required.**

All appeals, requests for special exemptions and variances shall first be referred to the planning commission for action. If the planning commission fails to take action within 30 days of the public hearing required under section 62-117, the matter shall be referred to the city council for final determination as if the planning commission had recommended approval.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-91. Actions advisory.**

Any decision, recommendation or other action of the planning commission shall be considered advisory in nature, and shall be referred to the city council for final determination within a reasonable time period. Actions of the planning commission shall not be binding upon the city council, except that a favorable vote of two-thirds of all members of the city council authorized to vote thereon shall be required to override any action proposed by the planning commission. However, the city council may by simple majority vote to impose any additional or more stringent safeguards or special conditions before granting any appeal, special exemption or variance, so long as such safeguards or special conditions are reasonable and designed to protect the public health, safety or welfare.

(Res. No. 24-10, att., 9-19-2023)

### **Secs. 62-92—62-110. Reserved.**

## *DIVISION 3. ORDINANCE AMENDMENTS AND ZONING CHANGES POLICIES, PROCEDURES AND STANDARDS*

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### **Sec. 62-111. Generally.**

The city council may from time to time amend, supplement or change by ordinance, the boundaries of the use districts or zones established on the comprehensive zoning map or the regulations set forth in this chapter. Any proposed amendment, supplement or change shall first be submitted to the planning commission for its recommendation.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-112. Amendments.**

This chapter, including the comprehensive zoning map, may be amended by the city council on its own motion, on petition of an owner of property or on recommendation of the planning commission, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the planning commission for review and recommendation. Before enacting an amendment to this chapter, the city council shall give public notice and hold a public hearing thereon as set forth in this article.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-113. Procedures for amendment.**

Any person or persons, other than the city council or planning commission, desiring to submit a petition requesting a change in zoning shall file such petition with a plat of the subject property attached thereto, together with a payment in the amount on file in the clerk's office to cover administrative and advertising costs, with the building inspector or the city manager's designee. Such petition shall be signed by the petitioner who must be the owner of the property and shall state the name, address and telephone number of the petitioner, the present zoning classification of the property; the proposed classification of the property; the reasons for requesting the proposed change in zoning; the amount of any gift or campaign contribution made by the petitioner, or by any person who has a financial interest in the petitioner if the petitioner is a partnership, corporation or other business entity, to the mayor, any member of the city council or planning commission during the three years immediately preceding the filing of such petition, and said petition shall be accompanied by such disclosure as is required by O.C.G.A. § 36-67A-1 et seq., if any. When a petition is filed, the building inspector or the city manager's designee shall forthwith deliver copies of such petition to the members of the planning commission and the city manager.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-114. Public hearing notification.**

The building inspector or the city manager's designee shall then prepare and cause to be published at least once in the legal organ, a newspaper of general circulation within the territorial boundaries of the city and its official organ, a notice of the public hearings which will be held by the planning commission and city council, stating the time, place and purpose of such hearings, the location of the property and name of the owner thereof, the present zoning classification of the property, and the proposed zoning classification of the property. The publication of said notice shall be published at least 15 days and no more than 45 days prior to the date of the hearings. Public hearings shall also be held by the planning commission on proposed amendments to this chapter initiated by the city council or by the planning commission, and notice of such hearings shall be published as hereinbefore provided for notices of hearings on petitions of owners for rezoning. Such notices shall state the time, place and purpose of such hearings and, if rezoning of property is proposed, shall also state the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property.

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(Supp. No. 17, Update 2)

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(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-115. Sign requirements for public hearings.**

Upon the filing of a petition for a change in zoning, and not less than 15 days prior to the date of the hearing thereon before the planning commission, the building inspector or the city manager's designee shall, cause to be erected in a conspicuous location on the subject property a sign. The required sign shall be at least nine square feet (three feet x three feet) in size and shall contain a message composed of black letters three feet high upon a white background which shall read as follows:

PUBLIC HEARING NOTICE  
ZONE CHANGE

A public hearing will be held at the city hall on		
Date Year	at	Time (p.m. or a.m.)
By the planning commission then at		
Time (p.m. or a.m.)		on
Date	Year	
By the city council to consider the rezoning of this property		
from Present Zone	to	Requested Zone
As provided for in the city revised zoning ordinance		

_____	
City of Glennville	

PUBLIC HEARING NOTICE  
ZONING VARIANCE

A public hearing will be held at the city hall		
Date Year	at	Time (a.m. or p.m.)
to consider the zone variance of this property as provided for in the city revised zoning ordinance.		
Present zone _____.		

\_\_\_\_\_  
City of Glennville

PUBLIC HEARING NOTICE  
ZONING SPECIAL EXCEPTION

A public hearing will be held at the city hall		
Date Year	at	Time (a.m. or p.m.)
to consider the zoning special exception of this property as provided for in the city revised zoning ordinance.		
Present zone _____.		

City of Glennville

All signs, whether erected by a petitioner or by the city, shall be located to provide adequate exposure to the public, and after the hearing before the planning commission, the sign shall be maintained on the subject property by the party responsible for its erection until the city council has taken final action on the proposed rezoning.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-116. Notification to property owners within 500 feet.**

When any rezoning proceeding is initiated, the building inspector or the city manager's designee shall notify all persons owning property within a radius of 500 feet of the subject property by first class United States mail or personal delivery of the time, place and purpose of the hearing before the planning commission; provided, however, that the failure of the building inspector or the city manager's designee, through oversight, omission or lack of information, to give such notice to such a property owner shall not invalidate any action or recommendation of the planning commission, or any zoning decision of the city council in such proceeding, it being the intention of this section to notify, insofar as reasonably possible, those persons substantially interested in the proposed change in zoning classification that a public hearing is pending. Depositing such notices in the United States mail in properly addressed envelopes with adequate postage affixed or personal delivery at least 15 days prior to the date of the hearing of which notice is given shall be deemed full compliance with the requirements of this section.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-117. Planning commission meeting procedures.**

- (a) The hearings before the planning commission shall be public hearings as aforesaid, and be conducted as hereinafter provided.
- (b) At the commencement of the hearing, the presiding officer shall give a brief explanation of the matter under consideration and the issue or issues to be determined. Following such explanation, the petitioner and proponents of the petition seeking a change in zoning, or the proponents of any other proposed amendment to this chapter, as the case may be, shall be afforded the first opportunity to present their case and evidence to the planning commission. After this presentment, all parties in opposition shall be afforded an opportunity to present their opposition and evidence, and, after all parties have been so heard by the planning commission, the planning commission may, but shall not be required to permit one person to summarize the evidence and arguments of the proponents, and one person to summarize the evidence and arguments of the parties in opposition, limiting the time for the presentation of such summaries to the extent the planning commission chair deems appropriate. After all parties have been heard and such summaries, if any, have been completed, the planning commission chair shall close the floor to open debate and further evidence, and once the floor is closed to open debate and further evidence, and deliberation has begun by the planning commission on the issue before it, no further evidence may be presented on arguments made

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either for or against the proposed rezoning or other amendments to this chapter being considered without the expressed consent of the planning commission. Thereafter, the planning commission shall begin deliberations and shall take into consideration all evidence properly before it and all pertinent standards and factors set forth in this chapter.

- (c) When a decision has been reached the planning commission shall make its written report on the proposed change in zoning or other amendment to this chapter to the city council, reporting the vote of each member of the planning commission thereon. If such report is not made within 30 days after the public hearing, the petition for rezoning or other amendment to this chapter shall be deemed to have been recommended for approval. Such reports of the planning commission shall be filed with the secretary of the city council who shall, upon the date said report is received, post a copy thereof as a regular notice at the place for posting such notices in city hall and forward a copy thereof to the petitioner for rezoning, if any, at the address shown in the petition for such rezoning. A copy of said report shall also be delivered to the building inspector or city manager's designee. Should a petitioner fail to comply with any requirements of this chapter pertaining to the petition prior to the time said public hearing is held, the petition shall for said reason be denied by the planning commission without inquiring into its merits. If the petitioner desires to further pursue the matter of rezoning the property in question, the petitioner must file a new petition requesting a change in the zoning of the property in question; pay an additional sum on file in the clerk's office to cover administrative and advertising costs; and comply with all requirements of this chapter pertaining to a petition for rezoning, whereupon the planning commission shall proceed to hear said petition on its merits.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-118. City council meeting procedures.**

The hearings before the city council shall be public hearings as aforesaid and all discussions and deliberations shall be conducted in open meeting provided, however, that nothing contained herein shall prohibit the city council from going into executive session for the purpose of discussing legal questions arising due to the matter under consideration with the city attorney in an attorney-client relationship. At the commencement of the hearing, the presiding officer whether the mayor or the mayor pro tem, or someone designated by the presiding officer, shall give a brief explanation of the matter under consideration and the issue or issues to be determined. Following such explanation, the petitioner and proponents of the petition seeking a change in zoning, or the proponents of any other proposed amendment to this chapter, as the case may be, shall be afforded the first opportunity to present their case and evidence to the city council. After this presentment, all parties in opposition shall be afforded an opportunity to present their opposition and evidence, and, after all parties have been so heard by the city council, the city council may, but shall not be required to permit one person to summarize the evidence and arguments of the proponents, and one person to summarize the evidence and arguments of the parties in opposition, limiting the time for the presentation of such summaries to the extent the presiding officer deems appropriate. After all parties have been heard and such summaries, if any, have been completed, the city council shall close the floor to open debate and further evidence, whereupon the city council shall consider the issue to be determined and the evidence and arguments presented to it during the hearing, and make its decision by open ballot. Once deliberation begins by the city council on the issue before it, no further evidence may be presented or arguments made either for or against the proposed rezoning or other amendments to this chapter being considered without the express consent of the city council. Since one of the functions of the planning commission is to consider and plan for the long-range development of the city, the city council shall give great weight to the recommendations of the planning commission. However, such recommendations have advisory effect only and the city council shall not be bound by such recommendations. If the decision of the city council (with a two-thirds majority) results in a rezoning of property or any other amendment to the chapter, such amendment shall be adopted by ordinance.

(Res. No. 24-10, att., 9-19-2023)

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## **Sec. 62-119. Standards and factors to be considered in making zoning decisions.**

The city council recognizes that the proper discharge of its zoning powers requires the consideration and balancing of the public interest in protecting and promoting the public health, safety, morality and general welfare against the right to unrestricted use of property. To ensure a proper balancing of the aforesaid interests, the planning commission in considering amendments to the chapter and applications to rezone property for the purpose of making recommendations to the city council, and the planning commission in considering or making any zoning decision including, but not limited to, decisions concerning amendments to the chapter and application to rezone property, shall consider the following standards and factors:

- (1) The existing land use pattern and existing uses and zoning of nearby property.
- (2) Whether existing boundaries of use districts or zones are illogically drawn in relation to existing conditions affecting the property.
- (3) Whether changed or changing conditions make the passage of the proposed zoning appropriate.
- (4) Whether the zoning proposal will permit a use that is suitable in view of the location of the subject property and the development of adjacent and nearby properties.
- (5) The suitability of the subject property for this purpose of the zoning.
- (6) Whether the request is a logical extension of use district or zone boundary which would improve the pattern of uses in the general area.
- (7) The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.
- (8) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- (9) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby properties.
- (10) The extent to which property values are diminished by the particular zoning restrictions and the extent to which any such diminution promotes the health, safety, morals and general welfare of the city.
- (11) The population density pattern and the possible increase in the use of, or the overloading of public facilities including, but not limited to, water and sewer systems, and streets.
- (12) The cost to the local government in providing, improving, increasing or maintaining water service, sewer service, streets and public safety measures.
- (13) Whether the request requires a major change in existing levels of public service which cannot feasibly be financed by the local government.
- (14) Accessibility of public transportation to the property.
- (15) Whether the zoning proposal is in conformity with the policy and intent of any then existing land use plan.
- (16) Whether the property is likely to be used for the use requested.
- (17) The aesthetic effect of existing and future use of the property as it is related to the surrounding area.
- (18) Impact on the environment including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality, water quality and quantity.
- (19) Whether there exists a substantial need for the restrictions imposed or contemplated upon the use of the property which affects the public health, morals, safety or welfare of the city.

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- (20) The relative gain to the public, as compared to the hardship imposed upon the individual property owner, and the relative loss to the public, as compared to the benefit gained by the individual property owner.
  - (21) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
  - (22) Any other factors relevant to the balancing of the public interest in protecting and promoting the public health, safety, morality and general welfare against the right to unrestricted use of property.

The planning commission shall also consider such of the foregoing standards and factors as may be relevant to consideration of any issue before it on appeal.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-120. Miscellaneous policies and procedures.**

- (a) Any attorney at law who intends to participate in any public hearing before the planning commission, the city council or the planning commission as attorney for any person shall, prior to the hearing, provide the person who will preside at such hearing with a written statement setting forth the names of the clients who he will represent during the hearing and the reason each client is interested in the issue to be determined at the hearing. Thereafter, the clients of such attorney shall be bound by statements, stipulations and arguments made in their behalf by such attorney, and their oral participation in the hearing shall be limited to giving testimony when questioned by their attorney involved in the hearing, or by a member of the city council.
- (b) During any public hearing held by the planning commission, the city council or the planning commission under the provisions of this chapter, the building inspector or city manager's designee may appear in his capacity and provide such information, and make such comments and observations concerning the matter under consideration as may be appropriate or relevant.
- (c) It is recognized that it is incumbent upon the members of the planning commission, the mayor and other members of the city council and the planning commission to remain impartial and consider every issue that comes before them impartially and without favor or affection to anyone. It is also recognized that it is imperative, in order that the planning commission, and the city council be free from suspicion of prejudice or partiality, that interested parties refrain from approaching any member thereof privately, and the only legitimate want for anyone to influence or persuade the planning commission, the city council or the planning commission in making a decision on an issue under consideration is to present his opinions, arguments and evidence at the public hearings required to be held. Shall any person interested, either directly or indirectly, in a decision to be made by one of the boards or the city council on any zoning matter pending before them or which may come before it at some later date, attempt to discuss the merits of the issue to be determined with any other board member, or the mayor or members of the city council, or otherwise communicate or attempt to communicate with any board member or member of the city council either directly, in an effort to influence such member's vote on the issue when it comes before the body of which he is a member for determination, such board member or member of the city council shall immediately apprise such person of the impropriety of his conduct and decline to discuss such issue with such person in any way. It shall be unlawful for such person to persist in the effort to discuss the issue or otherwise communicate with the board member or member of the city council concerning the same, and any person so persisting shall be punished as provided by this Code.

(Res. No. 24-10, att., 9-19-2023)

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**Sec. 62-121. Limits 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 months has elapsed.

(Res. No. 24-10, att., 9-19-2023)

**Secs. 62-122—62-140. Reserved.**

*DIVISION 4. NON-CONFORMING USES<sup>2</sup>*

**Sec. 62-141. Land.**

Any land, the existing lawful use of which at the time of passage of the ordinance from which this chapter is derived 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 other pertinent regulations covering non-conforming uses.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-142. Buildings.**

Any lawful building or the lawful use of any building existing at the time of the passage of the ordinance from which this chapter is derived that does not conform in 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 in its present location, but shall subject to all other pertinent regulations covering non-conforming uses.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-143. Buildings under construction.**

A building for which a valid building 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 the ordinance from which this chapter is derived shall be built in conformity with its requirements.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-144. 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.

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<sup>2</sup>Cross reference(s)—Buildings and building regulations, Ch. 10.

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(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-145. Discontinued use.**

A non-conforming use, when discontinued, may be resumed at any time within one 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 lower class.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-146. Extension.**

Any lawful non-conforming use of a portion of a 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 the ordinance and further, 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 the ordinance from which this chapter is derived and further, such lawful non-conforming use may be continued on adjoining lots 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.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-147. Change or resumption of non-conforming uses.**

The planning commission shall have discretion to determine, in accordance with the provisions of this chapter, what resumption to a change of a non-conforming use is of the same class and use and is permissible.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-148. 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 not be rebuilt, altered or repaired after damage exceeding 50 percent of its replacement cost at the time of destruction except in conformity with this chapter.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-149. 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 chapter.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-150. 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 chapter, may be permitted for a period of not more than one month, on the approval of the planning commission, but any such use to be permitted for a longer period

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shall require a public hearing thereon, after which a planning commission certificate may be issued for a period not exceeding one year in any case.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-151. Non-conforming signs.**

Any sign, signboard, billboard or advertising device existing at the time of the passage of the ordinance from which this chapter is derived 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 five years from the date of the passage of the ordinance from which this chapter is derived, but not after. The continuation of such non-conforming use after the expiration of five years shall be a violation of this chapter.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-152. Substandard Lots of Record**

Where the owner of a lot at the time of the adoption of this provision does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may nonetheless be used as a building site provided that said lot requirements are not reduced below the minimum specified in this Ordinance by more than twenty percent (20%). If, however, the owner of two (2) or more adjoining lots with insufficient land dimensions, decides to build on or sell off these lots, he must first combine said lots to comply with the dimensional requirements of the Ordinance. Any lot requiring dimensional waivers below the twenty percent (20%) minimum set forth in this section may be approved by the Planning Commission and City Council upon application and process as a variance, provided that further decreased dimensional requirements shall conform as closely as possible to the required dimensions.

(Res. No. XX-XX, att., XX-XX-2024)

**Sec. 62-153. Replacement of non-conforming manufactured homes or non-conforming modular homes**

A manufactured home or modular home for which a valid permit has been issued at the time of the adoption of revised provision in Sec.62-XX may be replaced with another manufactured home or modular home, provided that the housing standards of Section. 62-264 are met.

(Res. No. XX-XX, att.,XX-XX-2024)

**Secs. 62-152~~4~~—62-180. Reserved.**

**ARTICLE III. DISTRICTS AND DISTRICT REGULATIONS**

**DIVISION 1. GENERALLY**

**Sec. 62-181. Classes of districts.**

For the purpose of this chapter, the city is divided into 12 districts which shall be designated as follows:

R-1A single-family residential district—low density

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R-1B single-family residential district—low density R-1C single-family detached residential

R-2 single-family and two-family residential district—medium density

R-3 multifamily residential district—high density

R-3A high density limited multifamily residential district OR office residential district

C-1 central business district

C-2 commercial/office district

C-3 highway oriented commercial district LI light industrial district

AG agricultural district

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-182. Zoning map.**

The location and boundaries of such districts shall be as shown on the "Zoning Map of the City of Glennville, Georgia" of file in the clerk's office. The official map and all the notations, references and other data thereon shall be as much a part of this section as if fully described herein. The official zoning map shall be hung in city hall and shall be available for inspection by the general public.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-183. District boundaries.**

The boundaries between districts are, unless otherwise indicated, either the centerlines 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 or 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 watercourse, or right-of-way of such power line, railroad or other public utility, lying within 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:

- (1) Where a district boundary is indicated approximately following the centerline of a street, lane, lake or watercourse, or right-of-way of a power line or other public utility, such centerline shall be construed to be such boundary.
- (2) Where a district boundary is indicated as approximately following a lot line or other property line, such lot lines shall be construed to be such boundary.
- (3) 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.
- (4) Where figures are shown on the zoning map between a street and a district boundary, these 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 otherwise specified. Where scaled distances do not agree within such figures, the figures shall control.

(Res. No. 24-10, att., 9-19-2023)

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**Sec. 62-184. Federal-owned and state-owned property.**

Whenever federal-owned or state-owned property is included in one or more zoning districts, it shall be subject to the provisions of this chapter only insofar as permitted by the constitution and laws of the United States of America and the state.

(Res. No. 24-10, att., 9-19-2023)

**Secs. 62-185—62-210. Reserved.**

*DIVISION 2. R-1A LOW DENSITY RESIDENTIAL DISTRICT*

**Sec. 62-211. Declaration of legislative intent.**

It is the intent of this division with respect to R-1A residential districts to establish reasonable standards of performance and selection of uses permitted therein, in order to maintain and protect the desirable benefits of single-family detached residential uses have through the community. In an R-1A residential district the following regulations of this district shall apply.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-212. Use regulations.**

A building in the R-1A district may be erected, altered, used or occupied for any of the following purposes and no other:

- (1) Single-family detached dwelling units, excluding manufactured homes and ~~or mobile modular~~ modular homes, provided that the housing standards of section 62-214 are met.
- (2) Nursery, greenhouse, and non-commercial recreational use including tot lots, playgrounds and ball fields.
- (3) Educational and philanthropic use, excluding correctional or penal institutions.
- (4) Hospitals.
- (5) Churches, provided that:
  - a. They are located on a major or collector street.
  - b. The buildings are placed not less than 50 feet from any property line.
  - c. There is a planted buffer strip at least ten feet wide along the side and rear property lines.
- (6) Public utility facility if essential for the service to the zoning district in which it is proposed to be located, provided that:
  - a. The structures are placed not less than 50 feet from any property line.
  - b. No vehicles or equipment are stored on the premises.
  - c. There is a planted buffer strip at least ten feet wide.
  - d. City-owned lift stations and well houses shall not be subject to setback limitations.

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- (7) A cemetery, provided that the parcel devoted to such purpose shall contain not less than ten acres.
  - (8) Municipal, county, state or federal use, excluding sanitary landfills and storage yards.
  - (9) Nursery schools, day nurseries and child care centers (not including dormitories); provided, however, that for each child cared for, there shall be provided and maintained a minimum of 150 square feet of outdoor play area. Such play space shall have a total minimum area of not less than 5,000 square feet and shall be screened from any adjoining lot in any residential district.
  - (10) Accessory uses on the same lot with and customarily incidental to any permitted use.
  - (11) Home occupations as defined herein and described in section 62-147, but including a beauty parlor or barber shop limited to only one chair.
  - (12) Church bulletin boards not exceeding 12 square feet in area.
  - (13) Agriculture, but not including the commercial raising of livestock or poultry.
  - (14) Signs when erected and maintained in accordance with article VI of this chapter.
  - (15) Temporary placement of a manufactured or mobile home, including a single-wide, when authorized as a special exception for a disaster-related hardship by the planning commission and the city council in accordance with division 2, article II of this chapter, and provided that the following conditions are also met:
    - a. A special exception may be granted to allow temporary placement of a manufactured or mobile home in the event a natural disaster, such as fire, wind or flooding, does such damage to an existing home that it is rendered uninhabitable for a period of time.
    - b. The special exception would only be for the period of time to allow the property owner to restore the dwelling to a livable condition or make other arrangements.
    - c. In no event, may the period of time allowed for the special exception exceed three years, or restoration of the original dwelling, whichever comes first.
    - d. The manufactured or mobile home allowed as a temporary placement under the special exception shall be removed no later than three months after expiration of the special exception as determined above.
    - e. The manufactured or mobile home allowed as a temporary placement as a special exception may only be occupied by the property owner.
    - f. Mobility of the manufactured or mobile home shall be maintained.
    - g. This special exception shall not apply to new construction on an empty lot.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-213. Dimensional requirements.**

Regulations as to the area, yard, and height requirements of the R-1A district are outlined in Table 1 at the end of this article.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-214. Housing standards.**

Dwelling units in the R-1A district shall comply with the following minimum standards:

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- (1) The structure shall be of such size so that each dwelling unit shall be a minimum of 20 feet in width and a minimum of 40 feet in length.
  - (2) The roof shall have a minimum two to 12 pitch and shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass tiles, metal, slate or built-up gravel materials.
  - (3) The exterior siding material shall consist of wood, masonry, concrete, stucco, masonite, metal or vinyl lap, or other materials of like appearance.
  - (4) The structure must be attached to a permanent foundation in accordance with the building codes of the city.
  - (5) The area beneath the structure shall be enclosed with a facing of brick, stucco, concrete, stone, metal, vinyl, wood, or like materials approved by the building inspector or the city manager's designee.
  - (6) Each exterior door must have compatible steps, porches or landings adjacent to the threshold, and these steps, porches or landings shall be constructed in accordance with the building codes of the city.
  - (7) The structure shall be connected with an approved water source, sewage disposal system, and electrical service as required, inspected, and approved by the city.
  - (8) The structure shall be oriented on the lot so that its front faces a street, and is similarly oriented as adjacent structures.
  - (9) In addition to the above standards, the structure must be of such like size, materials, and general appearance as to be compatible and harmonious with adjacent structures and the neighborhood.

(Res. No. 24-10, att., 9-19-2023)

**Secs. 62-215—62-240. Reserved.**

*DIVISION 3. R-1B LOW DENSITY RESIDENTIAL DISTRICT*

**Sec. 62-241. Declaration of legislative intent.**

It is the intent of this division with respect to R-1B 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-1B residential district the uses of this division shall be permitted.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-242. Use regulations.**

A building in the R-1B district may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

- (1) Any use permitted in the R-1A residential district, subject to the housing standards of section 62-214.
- (2) Signs when erected and maintained in accordance with article VI of this chapter.

(Res. No. 24-10, att., 9-19-2023)

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**Sec. 62-243. Dimensional requirements.**

Regulations as to area, yard, and height requirements for the R-1B district are outlined in Table 1 at the end of this article.

(Res. No. 24-10, att., 9-19-2023)

*DIVISION 3A. R-1C LOW-MEDIUM DENSITY RESIDENTIAL DISTRICT*

**Sec. 62-244. Declaration of legislative intent.**

It is the intent of this division with respect to R-1C 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-1C residential district the uses of this division shall be permitted.

- (1) Any use permitted in the R-1B residential district, subject to the housing standards of section 62-214.
- (2) Signs when erected and maintained in accordance with article VI, of this chapter.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-245. Use regulations.**

A building in the R-1C district may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

- (1) Any use permitted in the R-1B residential district, subject to the housing standards of section 62-214.
- (2) Signs when erected and maintained in accordance with article VI of this chapter.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-246. Dimensional requirements.**

Regulations as to area, yard, and height requirements for R-1C district are outlined in Table 1 at the end of this article.

(Res. No. 24-10, att., 9-19-2023)

**Secs. 62-247—62-260. Reserved.**

*DIVISION 4. R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT*

**Sec. 62-261. Declaration of legislative intent.**

It is the intent of this division with respect to the R-2 residential districts to establish reasonable standards of performance and selection of uses permitted therein, in order to maintain and protect the desirable benefits

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which single-family and two-family residential uses have throughout the community. In an R-2 residential district, the uses of this division shall be permitted.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-262. Use regulations.**

A building in the R-2 district may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

- (1) Any use permitted in the R-1C residential district, provided that the housing standards of section 62-264 are met.
- (2) Two-family dwelling units, provided that the housing standards of section 62-264 are met.
- ~~(3) A manufactured home on an individual lot, provided that the housing standards of section 62-264 are met.~~
- (4) Signs when erected and maintained in accordance with article VI of this chapter.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-263. Dimensional requirements.**

Regulations as to area, yard, and height requirements for the R-2 district are outlined in Table 1 at the end of this article.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-264. Housing standards.**

Dwelling units in the R-2 district shall comply with the following minimum standards:

- (1) The structure shall be of such size so that each dwelling unit shall be a minimum of 20 feet in width and a minimum of 40 feet in length.
- (2) The roof shall have a minimum two to 12 pitch and shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass tiles, metal, slate or built-up gravel materials.
- (3) The exterior siding material shall consist of wood, masonry, concrete, stucco, Masonite, metal or vinyl lap, or other materials of like appearance.
- (4) The structure must be attached to a permanent foundation in accordance with the manufacturer's requirements and those of the building codes of the city.
- (5) The structure must not have any attached means of transporting, such as axles, wheels, pulling tongues or hitches.
- (6) The area beneath the structure shall be enclosed with a facing of brick, stucco, concrete, stone, metal, vinyl, wood or like materials approved by the building inspector or the city manager's designee.
- (7) Each exterior door must have compatible steps, porches or landings adjacent to the threshold, and these steps, porches or landings shall be constructed in accordance with the building codes of the city.
- (8) The structure shall be connected with an approved water source, sewage disposal system, and electrical service as required, inspected, and approved by the city.

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- (9) The structure shall be oriented on the lot so that its front faces a street and is similarly oriented as adjacent structures.
  - (10) In addition to the above standards, the structure must be of such like size, materials and general appearance as to be compatible and harmonious with adjacent structures and the neighborhood.

(Res. No. 24-10, att., 9-19-2023)

**Secs. 62-265—62-290. Reserved.**

*DIVISION 5. R-3 HIGH DENSITY MULTIFAMILY RESIDENTIAL DISTRICT*

**Sec. 62-291. Declaration of legislative intent.**

It is the intent of this division with respect to R-3 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-family, two-family and multifamily residential uses have throughout the community; and to ensure that proposed development will constitute a residential environment and sustained desirability and stability and not produce a volume of traffic in excess of the capacity for which access streets are designed.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-292. Use regulations.**

A building in the R-3 district 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 this section are met:

- (1) Multifamily or apartment building or buildings which constitute a single operating or proprietary unit.
- (2) Any use permitted in an R-2 district, subject to the housing standards of section 62-264.

~~(3) Mobile home parks pursuant to article IV of this chapter.~~

~~(4)~~(3) Accessory uses customarily incidental to the above uses.

~~(5)~~(4) Governmental buildings, health clinics and hospital.

~~(6)~~(5) Fraternal organizations and clubs not operated for profit, provided that:

- a. They are located on a major or collector street.
- b. The buildings are placed not less than 50 feet from any property line.
- c. There is a planted buffer strip at least ten feet wide along the side and rear lot lines.

~~(7)~~(6) Funeral parlors.

~~(8)~~(7) Signs when erected and maintained in accordance with article VI of this chapter.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-293. Dimensional requirements.**

Regulations as to area, yard, and height requirements of the R-3 district are outlined in Table 1 at the end of this article, except the following additional requirements shall apply to multifamily or apartment uses:

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(Supp. No. 17, Update 2)

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- (1) *Dwelling units per acre.* There shall be no more than ten dwelling units per developable acre.
  - (2) *Front yard.* There shall be a front yard on each lot which shall be not less than 30 feet in depth.
  - (3) *Side and rear yards.* No building shall be located closer than 30 feet of a side or rear property line adjacent to a less dense residential district, or within 25 feet of any property line.
  - (4) *Distance between buildings.* The distance, at the closest point, between any two buildings of a group of apartments shall not be less than ten feet.
  - (5) *Paving.* All areas provided for use by vehicles and all pedestrian walks shall be constructed in accordance with city specifications. All drivers and parking areas shall be curbed.
  - (6) *Access.* Provision shall be made for safe and efficient ingress and egress to and from streets and highways to service the apartments without undue congestion to or interference with normal traffic flow.
  - (7) *Utilities.* No development shall be permitted unless public water supply and sanitary sewage is supplied.
  - (8) *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.
  - (9) *Recreation.* The developer shall provide community areas, playgrounds, and other services necessary for the comfort and convenience of apartment residents.

(Res. No. 24-10, att., 9-19-2023)

**Secs. 62-294—62-299. Reserved.**

***DIVISION 5A. R-3A HIGH DENSITY LIMITED MULTIFAMILY RESIDENTIAL DISTRICT.***

**Sec. 62-300. Declaration of legislative intent.**

It is the intent of this division with respect to R-3A residential districts to establish reasonable standards of performance and selection of permitted uses therein, in order to maintain and protect the desirable benefits of multifamily residential uses have throughout the community; and to ensure that proposed development will constitute a residential environment and sustained desirability and stability and not produce a volume of traffic in excess of the capacity for which access streets are designed.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-301. Use regulations.**

A building in the R-3A district 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 this section are met:

- (1) Multifamily or apartment building or buildings which constitute a single operating or proprietary unit.
- (2) Accessory uses customarily incidental to the above uses.
- (3) Signs when erected and maintained in accordance with article VI of this chapter.
- (4) **A manufactured home or modular home on an individual lot, provided that the housing standards of section 62-264 are met.**

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(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-302. Housing standards.**

Dwelling units in the R-3A district shall comply with the following minimum standards:

- (1) The structure shall be of such size so that each dwelling unit shall be a minimum of 20 feet in width and a minimum of 40 feet in length.
- (2) The roof shall have a minimum two to 12 pitch and shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass tiles, metal, slate or built-up gravel materials.
- (3) The exterior siding material shall consist of wood, masonry, concrete, stucco, Masonite, metal or vinyl lap, or other materials of like appearance.
- (4) The structure must be attached to a permanent foundation in accordance with the manufacturer's requirements and those of the building codes of the city.
- (5) The structure must not have any attached means of transporting, such as axles, wheels, pulling tongues or hitches.
- (6) The area beneath the structure shall be enclosed with a facing of brick, stucco, concrete, stone, metal, vinyl, wood or like materials approved by the building inspector or the city manager's designee.
- (7) Each exterior door must have compatible steps, porches or landings adjacent to the threshold, and these steps, porches or landings shall be constructed in accordance with the building codes of the city.
- (8) The structure shall be connected with an approved water source, sewage disposal system, and electrical service as required, inspected, and approved by the city.
- (9) The structure shall be oriented on the lot so that its front faces a street and is similarly oriented as adjacent structures.
- (10) In addition to the above standards, the structure must be of such like size, materials and general appearance as to be compatible and harmonious with adjacent structures and the neighborhood.

(Res. No. 24-10, att., X-XX-2024)

### **Sec. 62-302~~3~~. Dimensional requirements.**

Regulations as to area, yard, and height requirements of the R-3A district are outlined in Table 1 at the end of this article, except the following additional requirements shall apply to multifamily or apartment uses:

- (1) *Dwelling units per acre.* There shall be no more than ten dwelling units per developable acre.
- (2) *Front yard.* There shall be a front yard on each lot which shall be not less than 25 feet in depth.
- (3) *Side and rear yards.* No building shall be located closer than 30 feet of a side or rear property line adjacent to a single-family residential district, or within 20 feet of any property line.
- (4) *Distance between buildings.* The distance, at the closest point, between any two buildings of a group of apartments shall not be less than ten feet.

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- (5) *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.
  - (6) *Access.* Provision shall be made for safe and efficient ingress and egress to and from streets and highways to serve the apartments without undue congestion to or interference with normal traffic flow.
  - (7) *Utilities.* No development shall be permitted unless public water supply and sanitary sewage is supplied.
  - (8) *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.
  - (9) *Recreation.* The developer shall provide community areas, playgrounds, and other services necessary for the comfort and convenience of apartment residents.

(Res. No. 24-10, att., 9-19-2023)

**Secs. 62-3034—62-310. Reserved.**

*DIVISION 6. OR OFFICE RESIDENTIAL DISTRICT*

**Sec. 62-311. Declaration of legislative intent.**

The legislative intent of this OR district is to provide for a mixture of restricted type office and business development with existing residential development, to protect existing residences, and to provide for their orderly development. A primary purpose of this OR district is to provide a buffer and transition between purely business and purely residential uses.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-312. Use regulations.**

A building in the OR district may be erected, altered or used, and a lot may be used or occupied for any of the following purposes and no other:

- (1) Reserved.
- (2) Professional or business offices.
- (3) Family day care homes.
- (4) Agencies, studios, schools.
- (5) Social or fraternal lodge or club.
- (6) Financial institutions.
- (7) Municipal, county, state or federal buildings.
- (8) Public utility facilities.
- (9) Restaurants, catering establishments, and bed and breakfast inns utilizing rehabilitated existing dwellings.

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- (10) Customary accessory uses and structures, when located on the same lot as the main structure and clearly incidental to the principal use, excluding open storage.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-313. Height, area, width and yard regulations.**

Minimum regulations for building heights, lot area, yards, building line and building coverage in the OR district 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. Off-street parking shall be provided as required in article V of this chapter.

(Res. No. 24-10, att., 9-19-2023)

### **Secs. 62-314—62-330. Reserved.**

## *DIVISION 7. C-1 CENTRAL BUSINESS DISTRICT*

### **Sec. 62-331. Declaration of legislative intent.**

The purpose of the C-1 central business district is to provide for the orderly development of a major business and commerce area of the city in accordance with the objectives, policies and proposals of the future land use plan of the city. The development of this C-1 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 purpose is herein a stated purpose of this C-1 district. The C-1 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.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-332. Use regulations.**

A building may be erected, altered or used and a lot may be used or occupied in the C-1 district for any of the following purposes and no other:

- (1) Retail establishments 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.
- (2) Business or professional office, studio, bank, savings and loan association, financial institution, municipal use excluding a dump.
- (3) Office buildings.
- (4) Restaurant, tea room, retail bakery, confectionery or ice cream shop, or other places serving food or beverages.
- (5) Florist shop.
- (6) Personal service shop, including tailor, barber, beauty salon, shoe repair, dressmaking or similar shop.

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(Supp. No. 17, Update 2)

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- (7) Indoor theater or other place of indoor amusement or recreation.
  - (8) Newspaper publishing, job printing.
  - (9) Hotel or motel.
  - (10) Parking lot, not to include automobile junkyard.
  - (11) The following uses when authorized as a special exception:
    - a. Any use of the same general character as any of the uses hereinbefore specifically permitted without requirements of a special exception.
    - b. Laundry or dry cleaning establishments.
  - (12) Signs subject to the provisions of article VI of this chapter.
  - (13) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses.
  - (14) Public utility structures.
  - (15) Churches.
  - (16) Wholesale and storage businesses excluding building materials yard.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-333. Dimensional requirements.**

Regulations as to height and yard requirements for the C-1 district are outlined in Table 1 at the end of this article.

(Res. No. 24-10, att., 9-19-2023)

### **Secs. 62-334—62-350. Reserved.**

## *DIVISION 8. C-2 COMMERCIAL/OFFICE DISTRICT*

### **Sec. 62-351. Declaration of legislative intent.**

The purpose of the C-2 district is to establish and preserve areas for those commercial facilities which were especially useful in close proximity to residential areas while minimizing the undesirable impact of such uses on the surrounding neighborhood.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-352. Use regulations.**

A building may be erected, altered or used, and a lot may be used or occupied in the C-2 district, for any of the following purposes and no other:

- (1) Any use specifically permitted in a C-1 district.
- (2) Funeral parlors.
- (3) Veterinarian hospitals and kennels.

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- (4) Bus terminals.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-353. Dimensional requirements.**

Regulations as to area, yard, and height requirements for the C-2 district are outlined in Table 1 at the end of this article, except, on a side yard which abuts a residential district, the side yard abutting such district shall have a width of no less than that required in such adjoining district.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-354. Development requirements.**

- (a) Provision shall be made for safe and efficient ingress and egress to and from public roads serving the C-2 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 in the C-2 district from unreasonable direct glare or hazardous interference of any kind.
- (c) Parking: Adequate off-street parking shall be provided in the C-2 district in accordance with article V of this chapter.

(Res. No. 24-10, att., 9-19-2023)

### **Secs. 62-355—62-370. Reserved.**

## *DIVISION 9. C-3 HIGHWAY ORIENTED COMMERCIAL DISTRICT*

### **Sec. 62-371. Declaration of legislative intent.**

The C-3 highway oriented commercial district is 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 shall not be encouraged to locate in the retail commercial or non-retail commercial districts. The C-3 highway oriented commercial districts ordinarily will be located along roads designed in the major thoroughfare plan as major highways. For the C-3 district, the specific intent of this section is:

- (1) To encourage the logical and timely development of land for purposes in accordance with the objectives, policies and proposals of the future land use plan, the location of the C-3 district shall be in accordance with the city plan.
- (2) To encourage the construction of, and the continued use of land for commercial, service and amusement uses serving both local and long distance travelers.
- (3) To provide for orderly development and concentration of such uses within the C-3 district as designated in the future land use plan.
- (4) 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.

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- (5) 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.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-372. Use regulations.**

In a C-3 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:

- (1) Services to traveling public: service stations, diners, restaurants, taverns, ice cream stands, motels, inns, souvenir shops.
- (2) Commercial recreation: bowling alleys, skating rinks, theaters, amusement parks, golf driving ranges, drive-in theaters.
- (3) 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.
- (4) 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.
- (5) Accessory use customarily incidental to any of the above uses.
- (6) Family day care home.
- (7) Any use of the same general character as any of the above permitted uses, when authorized as a special exception by the planning commission, provided that such use shall be permitted, subject to such reasonable restrictions as the planning commission may determine, and further provided that no trade or business shall be permitted which is either noxious or hazardous.
- (8) Signs when erected and maintained in accordance with article VI of this chapter.
- (9) Newspaper and printing agencies.
- (10) Radio stations and transmission towers.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-373. Area regulations.**

Regulations for the C-3 district as to area, yard and height requirements are outlined in Table 1 at the end of this article, except:

- (1) *Minimum district area and depth from road.* Depth of 100 feet as measured from the street line, shall be provided for every area to be classified as a C-3 district. One use shall be allowed for every 100 feet of road frontage as measured along the major highway only.
- (2) *Building setback from street line.* The minimum setback may be reduced to 40 feet if no front of structure parking is contemplated; however, in any case a unified setback for the entire C-3 district is encouraged.
- (3) *Setback from district.* There shall be a setback of 50 feet from any C-3 district line.

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(Supp. No. 17, Update 2)

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- (4) *Distance between buildings.* The horizontal distance measured in feet, at the closest point between any two buildings in the C-3 district, shall not be less than the height of the taller building, measured in feet.
  - (5) *Parking ratio.* Adequate off-street parking shall be provided for each lot or property in the C-3 district. No on-street parking will be permitted on any street abutting the C-3 district. Parking areas shall be so placed so as not to interfere with any service area and shall not be less than 20 feet from the street line or district boundary line. All pertinent sections of the off-street parking provisions of article V of this chapter shall be enforceable.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-374. Development requirements.**

The general plan for new C-3 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:

- (1) *Generally.* It shall consist of a harmonious selection of uses (see section 62-372) 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.
- (2) *Unified architectural unit.* The proposed development or lot shall be constructed in accordance with an overall plan and shall be designed as a unified architectural unit with appropriate landscaping.
- (3) *Loading and unloading areas.* Adequate areas shall be provided for loading and unloading of delivery trucks and other vehicles, service 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 state highway department specifications. Service areas shall be screened from view from any abutting roadway and from within the parking area.
- (4) *Ingress and egress.* 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.
- (5) *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 landscape 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.
- (6) *Accessways.* All permanent points of vehicular access to and from the public streets shall be located not less than 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 100 feet of its intersection with the major highway. All accessways shall comply with the following requirements:
  - a. *Width.* The width of any accessway leading to or from a street or highway shall not exceed 36 feet nor be less than 15 feet in width at the right-of-way. The alignment of accessways and curb dimensions shall be determined through architectural and site approval.
  - b. *Spacing.* In C-3 districts no parts of any accessway shall be nearer than 20 feet to any other accessway on the same lot, nor shall any part of an accessway be nearer than ten feet to any side or rear property line at its intersection with a street line. Insofar as practicable, the use of

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common accessways by two or more permitted uses shall be encouraged in order to reduce the number on closeness of access points along highways.

- c. *Marginal access drives (or service streets).* A 20-foot wide marginal access drive may be required to reduce the number of accessways and improve vehicular circulations within the C-3 district. This drive would be located adjacent to the landscaped buffer area and extended parallel to the street line of the major highway. Access to this facility from the parking areas of the commercial establishments shall be located 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, ownership and responsibility of the marginal access drives.
- (7) *Parking areas.* Parking areas shall be located and designed 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 C-3 district zoned land, C-3 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 to ensure the continuity of the parking facilities.
- (8) *On-street parking.* No on-street parking is allowed on any public highway, road or street upon which a C-3 district abuts.
- (9) *Lighting.* 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. All lights shall face downward.
- (10) *Screening.* The C-3 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 feet and maximum height seven feet, placed at least two feet inside the C-3 district property line. The area between such enclosure and the property line shall be landscaped to form a permanent screening area. The planning commission 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.
- (11) *Water and sewer.* No facility permitted in a C-3 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 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.
- (12) *No split district.* For the purpose of calculating the minimum area, lot dimensions and yard requirements established by this section, a C-3 district cannot lie on two sides of a public street or alley. Any area designated as being a C-3 district and lying on both sides of a public street shall be deemed to be two C-3 districts, and all minimum requirements shall be met by buildings on each side of said public street as separate districts.
- (13) *Drainage.* The development plan shall include provisions for handling surface water drainage compatible with the topography of the lot and surrounding development. The development shall contain adequate stormwater management facilities to accommodate on-site the runoff that would be generated by a 25-year storm event. The building inspector or the city manager's designee may request assistance from the county soil conservation district, or the city engineer in evaluating the applicant's proposed measures to comply with this requirement. Any costs associated with this evaluation assistance shall be paid by the applicant. All drainage improvements shall tie into any available or natural drainageways along the adjoining public streets. Post-development flows shall not exceed

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predevelopment flows for the two to 25-year storm events. The 50-year storm shall pass through the detention facility with one foot of freeboard and the 100-year storm shall pass through the detention facility without over topping. The SCS method shall be utilized for detention design. The rational method may be utilized for pipe design.

(Res. No. 24-10, att., 9-19-2023)

**Secs. 62-375—62-390. Reserved.**

*DIVISION 10. LI LIGHT INDUSTRIAL DISTRICTS*

**Sec. 62-391. Declaration of legislative intent.**

The legislative intent of the LI light industrial district is to establish and preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of uses.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-392. Use regulations.**

The specific uses, permitted in this LI district, shall be the erection, construction, alternation or use of buildings for the following uses and no other:

- (1) Any individual use not specifically excluded, which meets the provisions of this division.
- (2) Agriculture.
- (3) Agricultural equipment sale and repair,
- (4) Agricultural sales,
- (5) Baking establishments.
- (6) Bottling and distributing plants.
- (7) Wholesale and storage business, including material.
- (8) Commercial use customarily associated with industrial district.
- (9) Signs erected and maintained according to article VI of this chapter.
- (10) Dwelling quarters for watchmen and caretakers employed on the premises shall be permitted in connection with any industrial establishments.
- (11) The following uses shall not be permitted unless proof is shown that the use meets the performance standards identified in this division:

Abattoir

Acetylene gas manufacture and/or storage

Acid manufacture (hydrochloric, nitric, picric, sulphuric, sulphaneous, carbolic)

Ammonia, bleaching power or chlorine manufacture

Ammunition manufacture and/or storage

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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)  
Distillation of tar  
Explosives, fireworks and gunpowder manufacture or storage  
Fat rendering  
Fertilizer manufacture  
Forge plant  
Hog farm  
Incineration, reduction, storage or dumping of slaughter-house refuse, rancid fats, garbage, dead animal or offal  
Oilcloth or linoleum manufacture  
Ore reduction  
Petroleum or kerosene refining, distillation or derivation of byproducts 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 or 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

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-393. Air quality control.**

- (a) No person owning, leasing or controlling the operation of any air contaminant sources in the LI district shall willfully, negligently or through failure to provide necessary precautions, cause, permit or allow emission from said air contamination source or sources of such quantities of air contamination as will cause, or tend to cause, by themselves or in conjunction with other air contaminants, a condition of air pollution.

- (b) Release of air contaminant(s) including particulate matter, dust, fumes, gas, mist, smoke, vapor or any combination thereof in the LI district shall be governed by chapter 391-3-1, "Rules and Regulations for Air Quality Control," environmental protection division, state department of natural resources; however, in cases where the aforementioned regulations are in conflict with ordinances the regulations allowing the least emission of air contaminants to the atmosphere shall prevail.

(Res. No. 24-10, att., 9-19-2023)

Cross reference(s)—Air quality, § 22-31 et seq.

**Sec. 62-394. Control of dust and dirt, fly ash, fumes, vapors and gases.**

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

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-395. Control of noise.**

At no point in the LI district on the boundary of a residential or commercial district shall the sound pressure level of any operation exceed the described levels in the octave bands shown as follows for the districts indicated:

SOUND LEVELS

Octave Bank 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 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
Above 4,800	32	39

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-396. Control of odors.**

There shall be no emission of odorous gases or other odorous matter in the LI district 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 established as a guide to determining such quantities of offensive odors Table 111 (Odor

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Thresholds) in chapter "5 "Air Pollution Abatement Manual," copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-397. Control of glare or heat.**

Any operation producing intense glare or heat in the LI district 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 lines.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-398. Control of vibration.**

No vibration which is discernible to the human sense of feeling shall be perceptible without instruments at any point beyond the lot line of an LI district.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-399. Control of radioactivity or electrical disturbances.**

There shall be no activities which emit dangerous or harmful radioactivity in the LI district. 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.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-400. Outdoor storage and waste disposal.**

- (a) No flammable or explosive liquids, solid, or gases shall be stored in bulk in the LI district above the 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 in the LI district 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 the LI district in such form or manner that may be transferred off the lot by natural causes 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 in the LI district shall be stored outdoors only in closed containers.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-401. Electric, diesel, gas or other power.**

Every use requiring power in the LI district 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

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of the architectural features of the plant, or if visible from abutting residential properties shall be concealed by coniferous planting.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-402. Industrial waste or sewage.**

No use in the LI district shall be conducted in such a way as to discharge any treated or untreated sewage or industrial waste and disposal except as shall be provided by sanitary engineers or other qualified persons employed by the city at the expense of the owner of the premises.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-403. Provision and use of water.**

All water requirements for the LI district shall be stated in the application. The water supply and quality shall comply with the requirements established within chapter 270-5-15, "Rules and Regulations for Water Supply Quality" and chapter 391-3-6, "Rules and Regulations for Water Quality Contract," as published by the environmental protection division of the state department of natural resources.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-404. Dimensional requirements.**

Regulations for the LI district as to area, yard and height requirements are outlined in Table 1 at the end of this article, except:

- (1) Minimum front yard setback may be reduced to 20 feet if no front of structure-parking is contemplated.
- (2) In no case shall any building or structure be erected closer than 100 feet to any residential district.
- (3) The maximum height may be increased to 50 feet when approved by the planning commission provided that for every foot of height in excess of 40 feet there shall be added to each yard requirement one foot.

(Res. No. 24-10, att., 9-19-2023)

**Secs. 62-405—62-430. Reserved.**

*DIVISION 11. AG AGRICULTURAL DISTRICT*

**Sec. 62-431. Declaration of legislative intent.**

The purpose and intent of the AG agricultural district is to encourage the preservation of a broad range of agricultural pursuits and their accessory operations in the city while providing a climate to protect open space, watersheds, other natural areas and to permit a variety of activities which require non-urban locations but which do not operate to the detriment of adjoining lands devoted to rural, agricultural, or residential purposes.

(Res. No. 24-10, att., 9-19-2023)

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## Sec. 62-432. Use regulations.

In an AG agricultural district, no building, structure or land and water use shall be permitted except for one or more of the following uses:

- (1) General farming activities including, but not limited to, agriculture, dairying, forestry, greenhouses, groves, horticulture, livestock raising, nurseries, pisciculture, poultry and egg production, mushroom raising and crop raising.
- (2) Such accessory uses that are customary and incidental to principal agriculture use including, but not limited to:
  - a. Stands for the sale of products which are raised on the premises provided:
    1. The stand not exceed 300 square feet of gross floor area; and
    2. The stand and any parking area be located off any right-of-way.
  - b. Uses such as nut packing and grading plants, corrals, equipment storage sheds, forage or other drying facilities, syrup mills, and the like.

But excluding the manufacture and retail sale of products.
- (3) Single-family detached dwelling on a minimum lot area of five acres.
- (4) Any accessory use on the same lot with and customarily incidental to any permitted residential use.
- (5) Tenant dwellings consisting of one self-contained dwelling unit for each 25 acres in addition to the area required for the principal residence.
- (6) Public and private utility facilities.
- (7) Cemeteries, provided that the parcel devoted to this shall not contain less than ten acres.
- (8) Municipal, county, state or federal use, including sanitary landfills and storage yards.
- (9) Churches and related places of worship.
- (10) Animal hospitals and/or kennels.
- (11) Public and/or private recreational facilities.
- (12) Commercial sales and services enterprises providing products and services of an agricultural nature only such as feed and grain or seed and fertilizer stores and the like.
- ~~(13) Manufactured or mobile home residence on a minimum lot area of five acres, subject to the following requirements:
  - a. Additions or adjuncts to the mobile home shall be considered as construction or alteration subject to the building codes of the city and the permitting and other requirements of this chapter.
  - b. Tie down requirements as outlined under section 62-496 must be observed.~~
- (14) Signs when erected and maintained in accordance with article VI of this chapter.

(Res. No. 24-10, att., 9-19-2023)

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**Sec. 62-433. Dimensional requirements.**

Regulations as to height and yard requirements for the AG district are outlined in Table 1 at the end of this article except: All agricultural processing and accessory uses in the AG district requiring a height greater than 35 feet shall be permitted, provided that the minimum yard setbacks above are met in addition to a three-foot setback for each foot above 35 feet.

(Res. No. 24-10, att., 9-19-2023)

**Secs. 62-434—62-450. Reserved.**

*DIVISION 12. RESERVED<sup>3</sup>*

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<sup>3</sup>Editor's note(s)—Res. No. 24-10, att., adopted Sept. 19, 2023, repealed Div. 12, §§ 62-451—62-454, which pertained to PUD Planned Unit Development District and derived from Ord. of 2-7-1997, §§ 1400—1403; Ord. No. 07-09, adopted June 5, 2007; and Res. No. 09-02, adopted Feb. 3, 2009.

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**Secs. 62-451—62-490. Reserved.**

TABLE 1  
DIMENSIONAL REQUIREMENTS BY DISTRICT

District	Minimum Lot Size			Minimum Front Yard Setback (Feet)	Minimum Side Yard Width (Feet)	Minimum Rear Yard Depth (Feet)	Maximum Height (Feet) <sup>1</sup>	Maximum Lot Coverage Percentage
	Total Area in Square Feet	Square Feet Per Family	Lot Width in Feet**					
R-1A*	21,780(0.5ac)	21,780	100	35	15	30	35	20
R-1B*	15,000	15,000	75	30	10	25	35	25
R-1C*	10,000	8,000	60	25	10	20	35	30
R-2*	8,000	4,000	50	25	10	20	35	30
R-3*, R-3A*	6,000	3,000	50	25	10	20	35	35
OR*	Based on Adjacent Residential District Standards							
C-1(CBD)*	20,000 sq. ft. per individual store or office							100
C-2*	20,000 sq. ft. per individual store or office			50	10	25	35	85
C-3*	43,560		100	60	10	25	35	30
LI*				40	10	25	35	30
AG*	5 acres		300	100	50 each	100	35	20

\* See appropriate section for special exceptions.

\*\* Lot width at building line.

<sup>1</sup> Accessory buildings in R-1A, R-1B, R-2, R-3 and R-3A districts shall not exceed 15 feet.

(Ord. of 2-7-1997, § 1403; Ord. No. 07-09, 6-5-2007; Res. No. 09-02, 2-3-2009; Res. No. 24-10, att., 9-19-2023)

## ~~ARTICLE IV. MOBILE OR MANUFACTURED HOME PARKS<sup>4</sup>~~

### ~~Sec. 62-491. Declaration of legislative intent.~~

~~The legislative intent of this article is to provide areas for development of manufactured home parks designated and located to provide safe and sanitary living conditions for park occupants.~~

~~{Res. No. 24-10, att., 9-19-2023}~~

### ~~Sec. 62-492. Use regulations.~~

~~Two or more manufactured homes shall be permitted in manufactured home parks.~~

~~{Res. No. 24-10, att., 9-19-2023}~~

### ~~Sec. 62-493. Area requirements.~~

~~Each mobile home shall be located on a lot having an area of at least 6,000 square feet. The mobile home park shall not be less than three acres in size, and each mobile home lot shall have a minimum width and frontage of 40 feet on a street within a mobile home park.~~

~~{Res. No. 24-10, att., 9-19-2023}~~

### ~~Sec. 62-494. Yard requirements.~~

~~No mobile home lots shall have direct access to a publicly dedicated street. All mobile home lots shall have access to an interior roadway which is no less than 30 feet in width. Such roadway shall have unobstructed access to a public street or highway. There shall be at least 20 feet between mobile homes.~~

~~{Res. No. 24-10, att., 9-19-2023}~~

### ~~Sec. 62-495. General requirements.~~

~~(a) *Drainage.* The mobile home park shall contain adequate stormwater management facilities to accommodate on-site the runoff that would be generated by a 25-year storm event. The building inspector or the city manager's designee may request assistance from the county soil conservation district, or the city engineer in evaluating the applicant's proposed measures to comply with this requirement. Any costs associated with this evaluation assistance shall be paid by the applicant. All drainage improvements shall tie into any available or natural drainageways along the adjoining public streets. Post-development flows shall not exceed predevelopment flows for the two to 25-year storm events. The 50-year storm shall pass through the detention facility with one foot of freeboard and the 100-year storm shall pass through the detention facility~~

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<sup>4</sup>~~Cross-reference(s) — Subdivisions, Ch. 46.~~

without over topping. The SCS method shall be utilized for detention design. The Rational method may be used for pipe design.

- (b) ~~Utilities.~~ All utility wires, pipes and tanks shall be underground, except that oil tanks used as part of a central distribution system may be above the ground if fully screened from view by a wood or masonry wall or fence. Each mobile home shall be provided with municipal water and sewerage.
- (c) ~~Refuse collection facilities.~~ Each mobile home park shall provide refuse containers, compatible with mechanical lifting devices on city collection trucks, having a capacity of one cubic yard for each four mobile homes, so located that no mobile home is farther than 150 feet from such a container. All refuse containers shall be located on concrete stands, abutting and level with a driveway, which shall be surrounded except on the driveway side by a wood or masonry fence or wall at least six feet high.
- (d) ~~Street widths.~~ The minimum street widths in mobile home parks shall be as follows:

On-Street Parking	Traffic	Width (feet)
No parking on street	1-way	16
	2-way	20
Parallel parking one side	1-way	24
	2-way	28
Parallel parking both sides	1-way	30

- (e) ~~Open space.~~ Each mobile home park shall contain one or more recreation areas totaling at least 100 square feet per mobile home, provided that no recreation area shall contain less than 2,500 square feet. No mobile home shall be more than 500 feet distant from a recreation area. Streets, driveways, parking areas and buildings are not to be included in calculating the size of recreation areas.
- (f) ~~Buffer strip.~~ A greenbelt, at least 20 feet in width, shall be located along all boundaries of each mobile home park, except where it is crossed by driveways.

~~(Res. No. 24 10, att., 9 19 2023)~~

## **Sec. 62-496. Anchoring and support systems.**

- (a) Each mobile home shall have provisions for support and anchoring systems, which when properly designed and installed, will resist overturning and lateral movement of the mobile home.
- (b) The provisions made for anchoring systems shall be based on the following design criteria for single-wide mobile homes:
  - (1) The minimum number of ties shall be in accordance with Table 2 at the end of this article.
  - (2) Ties shall be as evenly spaced as practicable along the length of the mobile home with not more than eight feet open-end spacing on each end.
  - (3) When continuous straps are provided as vertical ties, such ties shall be positioned at rafters and studs. Where a vertical tie and diagonal tie are located at the same place, both ties may be connected to a single ground anchor, provided that the anchor used is capable of carrying both loadings.
  - (4) Add-on sections of expandable mobile homes shall have provisions for vertical ties at the exposed ends.
- (c) Double-wide mobile homes require only the diagonal ties specified in Table 2 at the end of this article. These shall be placed along the outer side walls.

- (d) Protection shall be provided at sharp corners where the anchoring system requires the use of external cables or straps. Protection shall also be provided to minimize damage to roofing or siding by the cable or straps.
- (e) Anchoring equipment shall be capable of resisting an allowable working load equal to or exceeding 3,150 pounds and shall be capable of withstanding a 50 percent overload (4,725 pounds total) without failure of either the anchoring equipment or the attachment point on the mobile home.
- (f) Anchoring exposed to weathering shall have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot of surface coated.
- (g) The provisions of this section shall be followed except when the support and anchoring systems are designed by a registered professional engineer or architect, in which the circumstances described in subsections (b)(1) and (c) of this section are not applicable.

Table 2  
NUMBER OF TIES REQUIRED PER SIDE OF SINGLE-WIDE AND DOUBLE-WIDE<sup>1</sup> MOBILE HOMES

Length of Mobile Home <sup>2</sup> (1)	Number of Vertical Ties (2)	Number of Diagonal Ties <sup>3</sup> (3)
32 to 40	2	4
41 to 46	2	4
47 to 49	2	5
50 to 54	3	5
55 to 58	3	5
59 to 64	3	6
65 to 70	3	6
71 to 73	3	7
74 to 84	4	7

<sup>1</sup> Double-wide mobile homes require only the diagonal tie specified in column 3, and these shall be placed along the outer sidewalls.

<sup>2</sup> Length of the mobile home length excluding the drawbar.

<sup>3</sup> Diagonal ties in this method shall deviate at least 40 degrees from a vertical direction.

Source: Federal Register "Federal Mobile Homes-Construction and Safety Standards," Vol. 40, No. 123.

(Res. No. 24-10, att., 9-19-2023)

## **ARTICLE IV-A. MANUFACTURED HOMES**

### **Sec. 62-497. State law references.**

The Uniform Standards Code for Manufactured Homes Act, O.C.G.A. § 8-2-130 et seq.; registration and licensing of dealers, manufactures and persons transporting mobile homes, O.C.G.A. § 40-2-37; ad valorem taxation of mobile homes, O.C.G.A. § 48-5-440; licenses for installers of manufactured homes, O.C.G.A. § 8-2-164; compliance with manufactured homes installation instructions, O.C.G.A. § 8-2-165; penalty for violation, O.C.G.A. § 8-2-166.

(Res. No. 24-10, att., 9-19-2023)

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## **Sec. 62-498. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Building official* means one or more persons, officers or officials or his/her authorized representative, whom the city manager has appointed to administer and enforce, individually or collectively, the building code, subdivision, manufactured home, and zoning ordinances.

*City* means City of Glennville.

*Code enforcement department* means the department which includes the building and zoning departments.

*Manufactured housing* means a factory built, single family structure, manufactured under the authority of 42 U.S.C. 5401, the National Manufactured Mobile Home Construction and Safety Standards Act, manufactured after June 15, 1976, is transportable in one or more sections is built on a permanent chassis, and is designed to be use as a place of human habitation, with or without, a permanent foundation when connected to the required utilities. It is not constructed with a permanent hitch or other device allowing transportation of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

*Mayor and council* means City of Glennville Mayor and Council Members.

*Mobile home* means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

*Modular home* means a structure which is factory fabricated transportable building consisting of units designed to be incorporated at a building site in a permanent foundation into a permanent structure to be used for residential purposes and which bears a deal of compliance with regulations of the Southern Building Code Congress International, the Georgia Industrialized Building Act or National Manufactured Housing Construction Act or the National Manufactured Housing Construction Act as amended. For purposes of this article, a modular home shall be construed to be a single-family dwelling.

*Permit* means a written permit of certification issued by the Code Enforcement Office permitting a manufactured home to be located on a parcel of land.

*Person* means any individual, firm, trust, partnership, public or private association, or corporation.

*Pre-owned manufactured home* means any manufactured home that has been previously utilized.

(Res. No. 24-10, att., 9-19-2023)

## **Sec. 62-499. Liability.**

This chapter shall not be construed as imposing upon the municipal or state authority any liability or responsibility for damages to any person or property caused by any defect in any piping or appliance, or by installation thereof. Nor shall any city employee thereof be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder.

(Res. No. 24-10, att., 9-19-2023)

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## **Sec. 62-500. Violation and penalties.**

- (a) The building official shall in writing order all further work stopped when by reason of defective or illegal work, a provision or requirement of this chapter is being violated. The building official may require suspension of all work until the condition in violation has been corrected.
- (b) Any person who shall violate any provision, requirement, term or condition of this chapter shall be subject to punishment as provided in section 1-11 of the Code of Ordinances.
- (c) Any violation of any provisions, requirement, term or condition of this chapter shall constitute a nuisance; and any person aggrieved thereby may abate the same, or the same may be abated as a public nuisance.

(Res. No. 24-10, att., 9-19-2023)

## **Sec. 62-501. Permit requirements.**

- (a) *Exemption of units held for resale.* If the owner of a manufactured home is using or intends to use such manufactured home for the purpose of resale only, then such manufactured home shall be exempt from obtaining a permit provided the manufactured home is placed on property permitted for manufactured home sales and service.
- (b) *Prerequisites to locating or occupying manufactured home.*
  - (1) No person shall initially locate or relocate any manufactured home within the city limits of the city without having made such application and obtained such permit.
  - (2) Once the permit has been acquired, only a hauler registered with the Georgia Department of Motor Vehicle Safety can locate or relocate a manufactured home, modular home or mobile home within the city limits of city.
  - (3) No person shall occupy any manufactured home as a residence unless a permit has been issued as required by this section.
  - (4) Installers of manufactured homes are responsible for complying with all local requirements and assuring that a permit has been obtained prior to the installation of any manufactured home.
  - (5) Manufactured homes are not permitted to be used as storage buildings. Manufactured homes are not to be stored or abandoned on the property for more than 60 days, except in a location that is in the manufactured home sales businesses.
- (c) *Pre-owned manufactured homes.*
  - (1) No manufactured home, modular home, mobile home or covered travel trailer shall be admitted to, or placed within the City of Glennville unless it can be demonstrated that it meets the requirements of the U.S. Department of Housing and Urban Development (HUD) and is constructed in conformance with the Federal Manufactured Home Construction and Safety Standard which came into effect on June 15, 1976 and bears an insignia issued by HUD certifying such conformance. Manufactured homes, modular homes or mobile homes that were constructed before July 1976 or do not meet or exceed the HUD construction and safety standards in effect at the time of construction may not be located within the City of Glennville as of the effective date of October 5, 2010. Those in place prior to this date may remain in their existing location until condemned, or declared to be out of compliance with any ordinance.
  - (2) Applications for pre-owned manufactured homes not located in the city limits of the city shall be given a copy of the required safety and aesthetic standards subsection 62.501(d) and provide to the code

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enforcement office photographs that show these standards have been met prior to issuing a permit. Once the manufactured home has been brought into the city, an inspection shall be made to ensure the manufactured home meets these standards at the installation inspection. If the manufactured home does not meet these standards according to the building inspector or the city manager's designee, power will not be approved until the standards have been met.

- (d) *Safety and aesthetic standards for pre-owned manufactured homes.*
- (1) *Exterior walls.* The exterior shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to the occupied spaces. The exterior siding shall be free of rot and rust and must be uniform in appearance.
  - (2) *Roofs.* Roofs shall be structurally sound and have no obvious defects which might admit rain or cause moisture to collect on the interior portions of the structure. The roof shall be free of rot and rust and must be uniform in appearance.
  - (3) *Windows, doors, and frames.* Every window, door and frame shall be kept in sound condition, good repair and weathertight. Every bedroom shall have at least one window that can be opened, facing directly to the outdoors. All glazing materials shall be maintained free from cracks and holes.
  - (4) *Plumbing facilities and fixtures.* The owner of the occupied structure or a designated agent shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with the HUD Code.
  - (5) *Sanitary facilities.* Every residential unit shall contain a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition.
  - (6) *Steps and landings.* Every residential unit shall be equipped with a permanent landing (minimum five feet x five feet) and steps with hand rails at main entrance.
  - (7) *Underpinning.* Every residential unit must have underpinning installed within 30 days after electrical power has been approved.
  - (8) *Anchoring and support systems.* Anchoring and support systems shall be in accordance with section 62-496.
- (e) *Permit fee.* A fee as set forth in the schedule of fees for the issuance of each permit will be paid by the owner of a manufactured home to the city when issued.
- (f) *Issuance of permit.*
- (1) All permits issued under the terms of this division shall indicate the date issued. Any permits issued hereunder shall be valid only for the specified manufactured home and for the location of such manufactured home as indicated on the permit.
  - (2) Nothing contained in this section shall be so construed as to relieve any person from the responsibility of obtaining a relocation permit each time such person moves or relocates a manufactured home.
  - (3) Permits shall be valid for 90 days.

(Res. No. 24-10, att., 9-19-2023)

## **Sec. 62-502. Inspections.**

- (a) The building inspection office is charged with inspecting manufactured homes to ensure compliance with local and state guidelines. Inspections shall include but not be limited to the following:
- (1) Safety and aesthetic inspection shall be performed on pre-owned manufactured homes.
  - (2) Site inspection shall be performed on each site prior to placement of the manufactured home.

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(Supp. No. 17, Update 2)

- (3) Installation inspection shall be performed before the power company has connected service to the home.
- (4) Skirting inspection shall be performed 30 days after the installation inspection to assure that skirting, landings and handrails are in place.
- (b) To the extent possible, inspections will be scheduled within 48 hours of notification that the manufactured home has been installed is ready for inspection excluding Saturday, Sunday and city-observed holidays.
- (c) Upon completion of the installation inspection, and if the manufactured home is in compliance with this chapter, the code enforcement office shall notify the power company to connect the electrical service to the home.
- (d) No manufactured home shall be occupied prior to the installation inspection being done and approved.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-503. Required decals.**

All manufactured homes, modular homes, or mobile homes located in the city, exclusive of those on a sales or manufacturer's lot, shall be affixed with a current decal issued by the Tattnall County Tax Commissioner. Said decal shall be visible from the nearest road. Decals provided for each calendar year shall expire on December 31 of that year. After January 1 of each year and upon payment of all taxes due on the manufactured home, a decal for the new year will be provided for attachment to the home. The following is an excerpt from Tattnall County Manufactured, Mobile Home and Modular Home Ordinance number 05-04-04 dated April 4, 2005. This ordinance is maintained and enforced by Tattnall County, Georgia.

"Mobile home tax bills not paid by the due date of May 1st shall have a 10% penalty (Minimum \$5.00) added beginning the day after the due date. Interest at a rate of 1% per month shall begin the day after the due date. Failure to purchase a decal by the due date is a misdemeanor and could result in a fine from \$25.00 to \$200.00. Failure to display a decal is a misdemeanor and could result in a fine of \$25.00. Moving or transporting a mobile home without a current decal is a misdemeanor with a minimum fine of \$200.00 and a maximum fine of \$1,000.00."

(Res. No. 24-10, att., 9-19-2023)

**Secs. 62-504—62-530. Reserved.**

***ARTICLE V. OFF-STREET PARKING AND LOADING<sup>5</sup>***

**Sec. 62-531. Required off-street parking facilities.**

- (a) Except with respect to lots in district C-1, there shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided shall be shown in the following list:

Use	Spaces Required
Single-family and two-family dwellings	2 per dwelling unit

<sup>5</sup>Cross reference(s)—Traffic and vehicles, Ch. 54.

Rooming house, fraternities, sororities, dormitories, convalescent homes	1.4 per each bed
Hotels	1.1 per room in addition to spaces required for restaurant facilities
Apartments and townhouses	2 per dwelling unit plus 1 visitor space per every 10 units
Mobile home subdivisions and parks	2 per mobile home
Churches, theaters, facilities for spectator sports, auditoriums, concert halls	1 for each 4 seats
Barber shops and beauty parlors	2 plus 1.5 per chair
Bowling alleys	5 per lane in addition to spaces required for restaurant facilities
Fast food take-out establishments and drive-in restaurants	0.10 times floor area in square feet
Restaurants (except drive-ins)	1 space per every 2.5 seats plus 1 space per employee on largest shift
Furniture, appliance, household equipment, carpet and hardware stores, repair shops including shoe repair, contractor's showrooms, museums and galleries	1 per 800 square feet of floor area
Funeral parlors	1 per every 4 seats in chapel
Gas stations	1 per pump plus 2 per lift (in addition to stopping places adjacent to pumps)
Laundromats	1 per every 1000 square feet of customer service area
Doctor's and dentists' offices	1 per 300 square feet and 1 per doctor or dentist
Banks	1 per 300 square feet of floor space
Warehouses	1 per 500 square feet of floor space

(b) For uses not specifically listed in subsection (a) of this section, the requirements listed as follows are applicable:

Use	Spaces Required
Retail stores and service establishments	1 per 250 square feet of floor space and outdoor sales space
Offices	1 per 300 square feet of floor space
Other commercial and industrial uses	0.75 times maximum number of employees on premises at any one time.

(c) Where calculation in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall be a required space.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-532. Miscellaneous off-street parking rules.**

The following rules shall be observed:

- (1) In districts R-1A, R-1B, R-2, and R-3, R-3A required off-street parking shall be provided on the lot on which is located the use to which the parking pertains. In other districts, such parking may be provided either on the same lot or on another lot in a residential district but only where the lot on which the parking spaces are located and the lot on which the use requiring them is located are not separated by more than 300 feet at their closest points, measured along a street.
- (2) Where off-street parking is located on a lot other than the lot occupied by the use which required it, site plan approval for both lots is required.
- (3) The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles, is prohibited.
- (4) The following minimum design standards shall be observed in laying out off-street parking facilities:

Parking Angle	Stall Width	Aisle Width	Parking Stall Length	Curb to Curb
0 degrees to 15 degrees	9 ft.	12 ft.	23 ft.	30 ft.
16 degrees to 37 degrees	10 ft.	11 ft.	19 ft.	47 ft.
38 degrees to 57 degrees	10 ft.	13 ft.	19 ft.	54 ft.
58 degrees to 74 degrees	10 ft.	18 ft.	19 ft.	61 ft.
75 degrees to 90 degrees	10 ft.	24 ft.	19 ft.	63 ft.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-533. 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:

- (1) They shall not be used for the sale, repair or dismantling of any vehicles, equipment, materials or supplies.
- (2) 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.
- (3) They shall be provided with entrances and exits located to minimize traffic congestion and the effect of headlight glare.
- (4) They shall be provided with wheel or bumper guards located and arranged that no part of any parked vehicles will extend beyond the boundaries of the parking lot.
- (5) Lighting facilities shall be arranged that they neither unreasonably nor unnecessarily disturb occupants of adjacent residential properties nor interfere with traffic by either location or glare.

(Res. No. 24-10, att., 9-19-2023)

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**Sec. 62-534. Reduction of facilities.**

Off-street parking facilities existing at the effective date of the ordinance from which this article is derived 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 chapter shall not subsequently be reduced below the requirements of this chapter.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-535. Required off-street loading spaces.**

Loading spaces required under this article shall be at least 50 feet long and 12 feet wide. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least 10,000 square feet and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least 20,000 square feet, shall be provided with an off-street loading space. An additional off-street loading space shall be required for lots used for commercial or industrial purposes where the floor area of all buildings exceeds 100,000 square feet.

(Res. No. 24-10, att., 9-19-2023)

**Secs. 62-536—62-570. Reserved.**

***ARTICLE VI. SIGNS AND BILLBOARDS<sup>6</sup>***

**Sec. 62-571. Conformance with article provisions required.**

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

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-572. Permitted signs.**

The following signs may be erected, and maintained subsequent to section 62-573:

- (1) One 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 such sign is not larger than 200 square inches.
- (2) 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, however, that the side of any such sign is not in excess of 20 square feet and not more than two such signs are placed on a property held in single and separate ownership, unless such property fronts upon more than one street, in which event not more than two such signs may be erected on each frontage. No two signs shall be less than 25 feet apart.

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<sup>6</sup>State law reference(s)—State department of transportation control of signs on public roads generally, O.C.G.A. § 32-6-50 et seq.; outdoor advertising generally, O.C.G.A. § 36-6-70 et seq.

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- (3) All temporary signs, provided that:
    - a. The size of any such sign is not in excess of 32 square feet; and
    - b. Not more than two such signs are placed upon any property held in single and separate ownership, unless such property fronts upon more than one street, in which event not more than two such signs may be erected on each frontage. No two signs shall be less than 25 feet apart.Such signs must be removed promptly upon completion of the work.
  - (4) 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 square feet, and any such sign shall be located on the same lot as the organization or estate but precluding signs designated within chapter 46, subdivisions.
  - (5) All businesses or commercial signs must be located on the same lot to which it refers, provided that the total sign area on any one street frontage of any property in single and separate ownership.
  - (6) 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 square feet.
  - (7) Signs which exist at the time the ordinance from which this article is derived becomes effective and are maintained in connection with a business then existing and lawfully conducted, may be maintained, repaired or replaced with signs similar in size and character, but may not be enlarged or otherwise substantially altered.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-573. Provisions applicable to commercial, institutional or industrial development signs.**

The provisions of this article apply to all properties zoned and intended for commercial, institutional, and industrial use.

- (1) *Freestanding signs.* Freestanding signs may consist of either stanchion signs or monument signs.
  - a. *Stanchion signs.*
    1. *Number.* Stanchion signs shall be limited to one sign per parcel per street frontage. Where a parcel has frontage on more than one street, one stanchion sign shall be allowed on each frontage.
    2. *Height.* Stanchion signs shall be erected to a height of no more than 18 feet in C-1 district, 25 feet in C-2 district, and 35 feet in C-3 and industrial districts.
    3. *Sign area.*
      - i. Stanchion signs shall not exceed 64 square feet in sign area for signs fronting Highway US 301.
      - ii. Stanchion signs for all other areas shall not exceed 35 square feet in sign area.
  - b. *Monument signs.* Monument signs may be erected in lieu of stanchion signs at the option of the sign owner. Monument signs shall not exceed eight feet in height and 60 square feet in sign area.
- (2) *Building signs.*

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- a. Building signs may include a combination of wall, canopy, projecting, and awning signs. Building signs shall be limited to two signs per street frontage per building. Window signs must be mounted inside of windows or made of a material suitable for outdoor use.
  - b. The aggregate sign area of all building signs shall be no more than ten percent of the total store frontage and not to exceed 160 square feet.
  - c. Wall signs shall not project more than six inches from the surface upon which they are mounted.
  - d. Awning signs shall not project above the parapet wall and shall not project beyond the building face by more than six feet.
  - e. Projecting signs shall be supported by overhead supports and shall leave a minimum of eight feet of clearance over any sidewalk or walkway.
- (3) *Drive-through windows.* In addition to any other freestanding signs authorized, if such property contains a business premises where materials are delivered at a drive-through delivery point other than on the front side of the building, then one additional freestanding sign per delivery point shall be allowed to be located on the property.
  - (4) *Downtown business district signs.* All signs in the downtown business district must conform as per chapter 42, section 42-222, signage. The downtown business district is designated as Barnard Street between Veterans Boulevard and Tillman Streets.
  - (5) *Sign walker(s).* Individual(s) carrying signs for business promotional purposes on public sidewalks must obtain a permit from the city. Signs may only contain information on the business they are promoting and shall be free of any lewd, racist or derogatory materials or images. Sign walkers shall not impede or prevent pedestrians from using the sidewalk.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-574. General sign restrictions.**

It shall be unlawful for any person to erect, place or maintain any sign, signal, or device which meets the following:

- (1) Obsolete or left abandoned.
- (2) Not structurally safe, clean, and in good repair.
- (3) Signs attached to, drawn, or painted upon trees, rocks, or other natural features.
- (4) Signs emitting or utilizing any manner of any sound.
- (5) If illuminated, signs containing, including or illuminated by any flashing, intermittent, or moving lights except those contained in allowable changeable copy signs.
- (6) If illuminated, the illumination is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with the operation of any motor vehicle.
- (7) If illuminated, the illumination is such that it interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal.
- (8) Signs located so as to obscure, or otherwise interfere with the effectiveness of any official traffic sign, signal or device.

- (9) Signs located so as to obscure, or otherwise interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
- (10) Roof signs.
- (11) Signs advertising an activity that is illegal under state or federal laws or regulations.
- (12) Signs placed on any utility pole.
- (13) Billboards located less than 2,500 feet from another billboard.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-575. Changeable copy signs and electronic message center signs.**

- (a) Changeable copy signs and electronic message center signs are permitted as an integral part of any permanent signs which meet all other requirements of this article and further subject to the following restrictions:
  - (1) The changeable copy of electronic message center portion of the sign shall not exceed 50 percent of the overall display surface area of the sign.
  - (2) The total display area of any sign containing changeable copy panels shall not exceed the size limitation imposed elsewhere in this article.
  - (3) Changeable copy signs and electronic message center signs will only be allowed as part of the original construction and erection of a sign which complies with specifications required by this article or as part of a significant structural alteration to an existing sign.
  - (4) Electronic message center signs may only display static images lasting for at least eight seconds before transitioning to another static image. Transitions [from] one static image to the [next] may utilize frame effects so long animation and flashing is prohibited.
  - (5) All electronic message center signs shall come equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with natural ambient light conditions.
  - (6) No electronic message center sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area, measured as follows:

Area of Sign (square feet)	Measurement Distance (feet)
10	32
15	39
20	45
25	50
30	55
35	59

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-576. Removal of signage.**

Upon discontinuance of a business, all building and related signage on property relating to business shall be removed within 30 days of business closure.

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(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-577. Penalty for violation of article.**

If any person is convicted of violating this article, they shall be subject to penalties as outlined in section 1-11.

(Res. No. 24-10, att., 9-19-2023)

**Secs. 62-578—62-600. Reserved.**

**ARTICLE VII. NURSING HOMES, PERSONAL CARE HOMES AND DAY CARE  
HOMES/CENTERS**

**Sec. 62-601. Categories; definitions.**

- (a) *Day care center.* Any place operated by a person, society, agency, corporation, institution, or group wherein are received for pay for group care, for fewer than 24 hours per day, without transfer of legal custody, 19 or more children under 18 years of age, and which is required to be licensed or commissioned by the State of Georgia department regulating the use of day care centers.
- (b) *Day care home, family.* A private residence operated by any person who receives therein for pay for supervision and care, fewer than 24 hours per day, without transfer of legal custody, a maximum of six children to include any children considered normal residents of said dwelling, under 18 years of age.
- (c) *Day care home, group.* Any place operated by any person(s), partnership, association or corporation wherein are received for pay for group care not less than seven nor more than 18 children under 18 years of age for less than 24 hours per day without transfer of legal custody and which is required to be licensed or commissioned by the State of Georgia department regulating the use of group day care homes.
- (d) *Nursing home* means a structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants but not including a hospital or mental health center.
- (e) *Personal care home.* A facility intended to provide living quarters and limited services for individuals who require social, medical, and/or mental health services in a community-based residential setting. Homes must be operated under a program authorized or directed by the State of Georgia department regulating personal care homes.
  - (1) *Personal care home, family.* A group home serving six or fewer residents (including any live-in or overnight staff), and located in a building that closely resembles a single-family dwelling.
  - (2) *Personal care home, group.* A group home serving fewer than 15 residents (including any live-in or overnight staff), and located in a building that may resemble a multifamily dwelling structure.

(Res. No. 24-10, att., 9-19-2023)

Cross reference(s)—Definitions generally, § 62-5.

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**Sec. 62-602. Zones allowed.**

- (a) Day care center; day care home, group; nursing homes; personal care home, family; personal care home, group. All of the above are allowed only in commercial zones 1, 2 and 3.
- (b) Day care home, family may be allowed in all zones, provided the applicant has complied with section 62-603(a), (b) and (c).

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-603. Rules and regulations.**

- (a) Any applicant for a day care center, day care home, group; nursing home or personal care home shall submit an application to the planning commission for approval of that commission and the city council, setting forth a location and intended use of the site, names of all property owners and existing land uses within 300 feet, and any other material or information pertinent to the applicant's request which the planning commission may require.
- (b) All applicants, including family day care home applicants, shall file a copy of their certificate of registration or state license with the city clerk prior to obtaining a business license, or otherwise beginning operation of their home or center.
- (c) All day care center; day care home, family; day care home, group; nursing homes; personal care home, family and group homes must meet and comply with all state rules and regulations, according to the State Department of Human Resources, Chapters 290-2-1, 290-2-2, and 290-2-3 and all state and local fire codes.
- (d) Before approving any application or request, the planning commission and city council shall be satisfied that the following standards have been met:
  - (1) The intended use shall create no unsafe conditions for picking up or dropping off children or adults.
  - (2) The outdoor area or play area shall be enclosed with a wall or fence at least four feet high.
  - (3) All day care homes, family shall have a minimum of 35 square feet per child of usable space within the building/home.
  - (4) The use does not adversely affect neighborhood public health, safety, welfare, morals, order, comfort, appearance, convenience, prosperity, value or general welfare.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-604. Registration fees.**

Day care centers/homes/group and personal care homes shall cover registration expenses incurred as set by the mayor and council.

(Res. No. 24-10, att., 9-19-2023)

**Secs. 62-605—62-650. Reserved.**

***ARTICLE VIII. RESIDENTIAL FENCING***

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### **Sec. 62-651. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Dig permit* means service required by the State of Georgia to identify and locate all underground utility and communications lines.

*Fence layout* means a drawing that indicate the planed layout and dimensions of fencing in reference to property lines.

*Fence permit* means a permit required and issued by the city for authorization of fencing.

*Ingress* means the act of entering properties, buildings, etc.

*Property lines* means the surveyed connecting corner points of a particular parcel of property.

*Utility easements* means those easement areas granted by the property owners for placement of underground utilities.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-652. Dig permits.**

Dig permits are required prior to any construction that requires digging or excavation. This service is provided free of charge by the State of Georgia.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-653. Fence permits.**

Fencing permits are required prior to constructing of fencing. Fencing applications are available on-line or at city hall.

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-654. Fencing materials.**

Fencing materials authorized are wood, chain-link, wrought iron or vinyl. Any other materials not specified must be approved by the code enforcement officer. Farm-type cattle fencing or barbwire fencing materials are not authorized in residential areas (these materials may be used for fencing for vegetable gardens located in rear of residential properties).

(Res. No. 24-10, att., 9-19-2023)

### **Sec. 62-655. Utility easements.**

Fencing construction in areas where utility easements are granted is not authorized that prohibits ingress as required for repairs of underground utilities.

(Res. No. 24-10, att., 9-19-2023)

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**Sec. 62-656. Corner lots.**

On a corner lot in any residential district, no fence, wall or obstruction to vision more than three feet in height shall be placed or maintained within the triangular area formed by the intersection street right-of-way lines and a straight line connecting points on side streets lines, each of which is 25 feet distant from the point of intersection.

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-657. Ingress.**

All properties enclosed by fencing must provide means of ingress (gate, minimum 36 inches wide for chain-link fencing; 48 inches wide for wood fencing).

(Res. No. 24-10, att., 9-19-2023)

**Sec. 62-658. Penalty for violation of article.**

If any person is convicted of violating this article, they shall be subject to penalties as outlined in section 1-11.

(Res. No. 24-10, att., 9-19-2023)

**Secs. 62-659—62-700. Reserved.**