

**ZONING ORDINANCE**

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## **ARTICLE I. AUTHORITY AND JURISDICTION**

### **Section 1 - 1. Authority**

An Ordinance in pursuance of the authority by the Georgia State Constitution 1976, Article IX, Section IV, Paragraph II, Subparagraph 15, or Code Annotated Section 2, 61-12(15) (sic).

### **Section 1 - 2. Jurisdiction**

The provisions of this Ordinance shall govern all land, buildings, and structures within the City of East Dublin.

### **Section 1 - 3. Compatibility**

All structures erected in any zone, shall be of compatible nature to existing structures.

## **ARTICLE II. SHORT TITLE AND PURPOSE**

### **Section 2 - 1. Short Title**

This Ordinance shall be known as the “Zoning Ordinance of the City of East Dublin, Georgia.”

### **Section 2 - 2. Purpose**

The purpose of this Ordinance shall be to promote the proper location, height, bulk, number of stories and size of buildings and other structures, the sizes of yards, courts, and other open spaces, the density and distribution of population, and the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, sanitation, protection against floods, public activities and other purposes so as to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to promote desirable living conditions and the sustained stability of neighborhoods; to protect property against blight and depreciation; to secure economy in governmental expenditures; to conserve the value of buildings and to encourage the most appropriate use of land, buildings, and structures throughout the City of East Dublin, Georgia, and for other purposes.

## **ARTICLE III. DEFINITION OF WORDS OR TERMS**

### **Section 3 - 1. Interpretation of Certain Terms and Words**

Except where specifically defined otherwise in this Ordinance, all words or terms used in this Ordinance shall carry their customary dictionary definition. Words or terms used in the present tense include the future tense. Words or terms used in the singular term include the plural, and words or terms used in the plural include the singular.

- 1.1. The word “shall” is always mandatory; the word “may” is permissive.
- 1.2. The word “person” includes a firm, company, partnership, association, public or private authority, commission, trust, or corporation, as well as an individual.
- 1.3. The word “lot” includes the words “plot” or “parcel”.
- 1.4. The word “built” or “constructed” includes the words “erected”, “altered”, “rebuilt”, and “repaired”.
- 1.5. The word “used” or “occupied”, as applied to any land or building, shall be construed to include the words “intended”, “arranged”, or “designed” to be used or occupied.
- 1.6. The word “map” or zoning map refers to the official “Zoning Map of East Dublin, Georgia.”
- 1.7. The word “City” refers to the “City of East Dublin, Georgia.

### **Section 3 - 2. Advertising Structure**

Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed.

### **Section 3 - 3. Alley**

A narrow service-way dedicated to public use providing a secondary public means of access to abutting properties and not intended for general traffic circulation.

### **Section 3 - 4. Alteration of Building**

Any change in the supporting members of a building (such as bearing walls, columns, girders) except such a change as may be required for its safety; and any addition to a

building; any change in use from that of one district classification to another; or of a building from one location to another.

### **Section 3 - 5. Animal Clinic**

An establishment where small animals of the size and species of dogs, cats, and the like, are given short-term medical or surgical treatment with only short-term boarding, as is essential and necessary as to effectuate a cure.

### **Section 3 - 6. Apartment**

A room or group of rooms providing complete living quarters for occupancy by one family and which is part of a residential building designed for occupancy by two or more families.

### **Section 3 - 7. Apartment Building**

A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other.

### **Section 3 - 8. Automobile Service Station**

A building or premise where products necessary for automobile maintenance are sold, provided there is no storage of junk automobiles for the purpose of sale of their parts as replacement items or as scrap metal.

### **Section 3 - 9. Boarding or Rooming House**

Any dwelling in which three (3) or more persons either individually or as families are housed for payment with or without meals.

### **Section 3 - 10. Buffer Strips**

A space developed or improved with a fence or wall which may be required in certain locations to reduce the conflicting or adverse effects or different uses abutting each other.

### **Section 3 - 11. Buildable Area**

The portion of a lot remaining after required setbacks have been provided.

### **Section 3 - 12. Building**

A structure which is completely enclosed by a roof and by exterior walls and intended for shelter, housing, or enclosure of persons, animals, or property of any kind.

### **Section 3 - 13. Building Height**

The vertical distance from the average finished grade to the highest point of the building. The height of a wall is the vertical distance from the grade to the average level of the top of the wall, including any dormers or gables on the wall.

### **Section 3 - 14. Building Inspector**

The person or persons appointed by the Council and charged with the duty of enforcing the provisions of this Ordinance.

### **Section 3 - 15. Building, Principal**

A building in which the main or principal use of the lot on which it is situated is conducted.

### **Section 3 - 16. Building Site**

“Building Site” means (a) the ground area of one lot or, (b) the ground area of two or more lots when used in combination for a building or group of buildings, together with all open spaces required by this ordinance.

### **Section 3 - 17. Business or Commerce**

The purchase, sale or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management of office building, offices, recreational or amusement enterprises; or the maintenance and use of offices, structures, and premises by professions and trade rendering services.

### **Section 3 - 18. Center-line of a Street**

The center-line of a street is the line surveyed and monumented by the governing body as such, or if a center-line has not been surveyed and monumented, it shall be that line midway between the outside curbs or ditches of the street.

### **Section 3 - 19. Clinic**

A clinic is an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one person or a group of person practicing any form of healing or health services to individuals whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any other profession the practice of which is lawful.

### **Section 3 - 20. Court**

A required open, unoccupied space on the same lot and fully enclosed on at least (3) three adjacent sides by walls in any building. Any other area facing for its full required width on a street, or any other required open space is not a court. An inner court is any other required court. Vegetation may be planted in a court.

### **Section 3 - 21. Club**

Buildings and facilities owned and operated by a corporation or association of persons for social or recreational purposes but not operated primarily for profit or to render a service which is customarily conducted as a business.

### **Section 3 - 22. Comprehensive Development Plan**

The various maps, charts, and descriptive and explanatory material and all textual matter approved by the East Dublin Planning Commission and City Council for guiding and shaping the growth of East Dublin.

### **Section 3 - 23. Curb Cut**

The providing of ingress and/or egress between property and an abutting public street.

### **Section 3 - 24. Drainage**

A system of natural or artificial drains that insure the groundwater or rain water is properly drained so as not to create pools or areas of water in buildable areas, lots or public right-of-ways.

### **Section 3 - 25. Drive-In Restaurant**

Any place or premises used for sale, dispensing or serving of food, refreshments, or non-alcoholic beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

### **Section 3 - 26. Duplex**

A building arranged, intended or designed to be occupied by two (2) or more families living independently of each door.

### **Section 3 - 27. Dwelling**

A building designed and used exclusively for permanent living quarters for one or more families.

### **Section 3 - 28. Dwelling, Single-Family**

A building designed for or occupied exclusively by one family; also, Dwelling, One-Family.

### **Section 3 - 29. Dwelling, Two (2) Family**

A building designed for or occupied exclusively by two (2) families, with separate housekeeping or cooking facilities for each family.

**Section 3 - 30. Family**

One or more persons living together as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

**Section 3 - 31. Farm**

Any plot or tract of land consisting of at least three acres devoted to agricultural purposes.

**Section 3 - 32. Floor Area, Gross**

The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of walls, excluding basement areas, porches, carports, and garages.

**Section 3 - 33. Garage, apartment**

An accessory building, not a part of or attached to the main building, a portion of which contains living quarters and space for at least one automobile.

**Section 3 - 34. Garage, private**

An accessory building or portion of the principal building, used for storage of automobiles of the occupants of the principal building; a carport is a private garage.

**Section 3 - 35. Garage, public**

A garage other than a private garage, available to the public, operated for gain and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other vehicles.

**Section 3 - 36. Garage, storage**

A building or operation thereof designed or used exclusively for the storage or parking of automobiles. Services other than storage at such storage garage shall be limited to refueling, washing, waxing and polishing.

**Section 3 - 37. Governing Authority**

Refers to the Mayor and City Council of East Dublin, Georgia

**Section 3 - 38. Home Occupation**

An occupation for gain or support conducted only by members of a family residing on

the premises, and conducted entirely within the dwelling, provided that no article is sold or offered for sale except such as may be provided by members of the immediate family residing on the premises.

### **Section 3 - 39. Hospital**

Any institution receiving in-patients, or a public institution receiving out-patients, and authorized under Georgia Law to render medical, surgical, and/or obstetrical care. The term "hospital" shall include a sanitarium for the treatment and care of senile psychotics or drug addicts, but shall not include office facilities for the private practice of medicine or dentistry.

### **Section 3 - 40. Hotel or Motel**

A building or other structure used or maintained and advertised as or held out to the public to be a place where sleeping accommodations are supplied for compensation, catering primarily to transient guests in which ten (10) or more rooms are provided for the accommodation of such guests, and having or not having one (1) or more dining rooms, restaurants, or cafes where meals are served to transient or other guests; such sleeping accommodations and dining rooms, restaurants, and cafes, if existing, being conducted in the same building or accessory buildings.

### **Section 3 - 41. Institutions**

Any building or group of buildings used for public or private educational, religious, civic or other similar purposes, usually on a non-profit basis.

### **Section 3 - 42. Junk Yard**

An open area where waste, used or secondhand materials are bought, sold, exchanged, salvaged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, cloths, paper, rags, plumbing or electrical fixtures or appliances, tires, batteries, bottles, glass, automobiles, and auto parts, (this does not include used car lots, or the temporary storage of wrecked vehicles awaiting insurance adjustments.)

### **Section 3 - 43. Kennel**

A place where four or more adult dogs or cats are kept, whether by owners of the dogs and cats or by persons providing facilities and care, whether or not for compensation. An adult dog or cat is an animal of either sex, altered or unaltered, that has reached the age of four months.

### **Section 3 - 44. Laundromat, (self-service laundry)**

A business rendering a retail service by renting to the individual customer the temporary

use of stationary equipment for the self-service of washing, drying, and otherwise processing of laundry and dry-cleaning with such equipment to be serviced and its use and operation supervised by the management.

### **Section 3 - 45. Living Area, Dwelling Unit**

A space within the confines of the structure which is completely enclosed by masonry, wood or glass and is habitable the year round. Garages, carports and utility rooms are excluded from the living area.

### **Section 3 - 46. Lot or Plat**

A lot or parcel of land occupied or intended to be occupied by a principal building or use and any accessory building uses customarily incidental to it. A "Lot of Record" is a parcel of land the dimensions of which are shown on a map on file with the Clerk of Superior Court of Laurens County, Georgia, or in common use by county officials, and which actually exists as so shown. All lots shall front on and have ingress and egress by means of a public or private street, road or highway.

### **Section 3 - 47. Lot Depth**

The distance between the front and rear lot lines.

### **Section 3 - 48. Lot Frontage**

The front of a lot shall be construed to be the portion nearest the street. On corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

- 48.1. Corner lot means a lot located at the intersection of at least two (2) streets.
- 48.2. Interior lot means a lot, other than a corner lot, which has frontage on only one (1) street.
- 48.3. Through lot means a lot, other than a corner lot, which has frontage on more than one (1) street.

### **Section 3 - 49. Lot Width**

The distance between the side lot lines measured at the front of the building.

### **Section 3 - 50. Mobile Home**

A transportable structure, equipped or used for residential purposes, constructed to be towed on its own chassis and suitable for a year-round occupancy, connected to a water supply, waste disposal system and electrical system similar to immobile housing. It can consist of one or more units separately towable but designed to be joined into one integral



unit at the site with requirements for only incidental utility hookups, excluding motorized homes.

### **Section 3 - 51. Mobile Home Park**

A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for residential use for gain, including land, buildings, and facilities used by the occupants of mobile homes on such property. See section 9 - 4.

### **Section 3 - 52. Module or Manufactured Building**

A transportable structure, used for residential purposes, which may be towed on a chassis but shall not be built on a chassis, and shall be connected to a water supply, waste disposal system and electrical system. It may consist of two (2) or more units separately towable but shall be connected into one integral immobile unit at the site and shall be placed on a permanent foundation.

### **Section 3 - 53. Motel (motor court)**

A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers, and providing for accessory off-street parking facilities and having individual unit entrances, opening to the outside. The term "motel" includes buildings designated as auto courts, tourists courts, motor lodges and similar name.

### **Section 3 - 54. Nonconforming Use**

The use of a building, structure, or land existing at the time of enactment of this ordinance, and which does not conform to the use regulations of the district in which it is situated.

### **Section 3 - 55. Nursing (convalescent) Home**

A home for aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept or provided for with food and shelter or care for compensation; but more including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

### **Section 3 - 56. Parking Space, Off-Street**

For the purpose of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley. For

purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are animated, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the city.

### **Section 3 - 57. Planning Commission**

The term “Planning Commission” refers to the East Dublin Planning Commission.

### **Section 3 - 58. Principal Use**

The principal purpose for which a lot or the main building thereon is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained.

### **Section 3 - 59. Professional Office Building**

A building constructed for or remodeled for use as office space for professions including, but not limited to, medical, dental, legal, forestry, surveying, financial, architectural, accounting, engineering, real estate or insurance.

### **Section 3 - 60. Public Street**

Right-of-Way dedicated to the City or owned by the City for public street purposes.

### **Section 3 - 61. Set-Back**

The shortest distance between the street right-of-way line and the principal building or structure on a lot.

### **Section 3 - 62. Shopping Center**

Two or more commercial establishments planned and managed as a single unit with off-street parking and loading facilities provided on the property.

### **Section 3 - 63. Signs**

Any device designed to inform or attract the attention of persons by the display of characters, letters, illuminations or any ornamentations.

### **Section 3 - 64. Story**

The vertical distance of a building included between the surface of any floor and the surface of the next floor above it, or, if there be no floor above it, then the space between such floor and ceiling next above it, provided that a cellar shall not be considered a story. Attic space is construed as one-half (1/2) story.

### **Section 3 - 65. Street**

A public thoroughfare which affords the principal means of access to abutting property. This includes avenues, roads, lanes, drives or other means of ingress or egress regardless of the terms used to designate them.

**Section 3 - 66. Major Street**

A street having an eighty (80) foot right of way and/or designated as a Georgia State Highway or a County Road.

**Section 3 - 67. Minor Street**

A street deeded to the City of East Dublin, Georgia, having less than eighty (80) foot of right of way.

**Section 3 - 68. Street Grade**

The established grade of the front street or other higher street upon which the lot abuts at the mid-point of the frontage of the lot thereon. If there is no established grade, the Building Inspector shall approve the ultimate grade to be established by the owner.

**Section 3 - 69. Structure**

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.

**Section 3 - 70. Structural Alterations**

Any change in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in roof or exterior lines.

**Section 3 - 71. Subdivisions**

The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development for purposes other than agricultural. It includes re-subdivision and when appropriate to the context, related to the process of subdividing or to the land or territory subdivided.

**Section 3 - 72. Trailer Park, Travel**

Any portion or parcel of land designed to accommodate one or more travel trailers or recreation vehicles to be used for living or sleeping purposes, including any land, building, structure, or facility used by the occupants of such units on such property.

**Section 3 - 73. Trailer, Camping - Recreation Vehicle**

A vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation uses, which is identified on the unit by the manufacturer as a “camper”, “travel” trailer, recreation vehicle, or motor home, and is not more than eight feet in body width.

### **Section 3 - 74. Variance**

Variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where a literal enforcement of the ordinance would result in an unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure of size of yards and open spaces.

### **Section 3 - 75. Yard**

A required open space located on the same lot as the principal building, unoccupied and unobstructed except for accessory uses and for shrubs, fences, etc.

- 75.1. Front yard is an open space situated between the front building line and the front line extending in full width of the lot.
- 75.2. Rear yard is an open space situated between the rear building line and the rear lot line extending the full width of the lot line.
- 75.3. Side yard is an open space situated between the side of the building line and the side lot line extending the full width of the lot.

## **ARTICLE IV. PROVISIONS FOR THE OFFICIAL ZONING MAP - ESTABLISHMENT OF DISTRICTS**

### **Section 4 - 1. Official Zoning Map**

The City of East Dublin is hereby divided into zones as shown on the Official Zoning Map, which is declared to be a part of the Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk and bearing the seal of the city under the following words: “ This is to certify that this is the Official Zoning Map referred to in the East Dublin Zoning Ordinance,” together with date of adoption of this Ordinance and/or map.

### **Section 4 - 2. Amendment of Official Zoning Map**

If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map such changes shall be marked on the Official Zoning Map by the Building Inspector promptly after the amendment has been approved by the City Council.

### **Section 4 - 3. Replacement of Official Zoning Map**

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature and number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map, which shall supersede the prior map. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk and bearing the seal of the city under the following words: “This is to verify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted the date of \_\_\_\_\_, as part of the East Dublin, Georgia, Zoning Ordinance.”

Unless the previous Official Map has been lost, or totally destroyed, said previous map or any significant (significant) remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment.

### **Section 4 - 4. Interpretation of Boundaries**

Where uncertainty exists with respect to the boundaries of any zoning district as shown on the zoning map, the following rules shall apply:

- a. Unless otherwise indicated, district boundaries shall follow lot lines; center lines of streets, highways, alleys, or railroads, and center lines of streams, reservoirs, or other water bodies.
- b. Where district boundaries are indicated as approximately following the corporate limit, such corporate limit line shall be construed to be such boundary.
- c. Where district boundaries are in doubt, interpretation will be made by the Planning Commission from the Official Zoning Map at its scale.

**Section 4 - 5. Establishment of Zoning Districts**

For the purpose of this Ordinance, the City of East Dublin is hereby divided into the following zoning districts:

- A-1 Agricultural
- R-1 Low - Density Residential
- R-1A Low - Density Residential
- R-2 Medium - Density Residential
- R-3 High - Density Residential
- R-4 Mobile Home Residential
- R-5 Multi - Family Residential
- B-1 Central Business
- B-2 General Commercial
- B-3 Neighborhood Business
- M-1 Light Manufacturing
- M-2 Heavy Manufacturing

**Section 4 - 6. Annexed Territory Classification**

All territory which may hereafter be annexed to the city shall be classified in the R - 1A Low - Density Residential District until otherwise changed through regular amendment procedures or unless a different classification is called for in the annexation ordinance.

## **ARTICLE V. USE PROVISIONS FOR RESIDENTIAL DISTRICTS**

### **Section 5 - 1. A - 1 Agricultural District**

The purpose of A - 1 District is to provide single-family residential areas with minimum lot sizes of three (3) acres and also permitting limited rural agricultural uses.

Uses Permitted:

- 1.1. One family dwelling of no less than 800 square feet of living area.
- 1.2. Horticultural or general farming, truck gardens, cultivation of field crops, orchards, groves or nurseries for growing propagation plants, trees and shrubs, including use of heavy cultivating machinery or irrigating machinery provided:
  - A. Structures for sale or processing of agricultural or nursery products shall not contain a floor area or lot or ground coverage greater than two hundred (200) square feet for each acre of land in the premises in agricultural production. Normal farm accessory buildings such as barns or sheds, shall be exempted from this limitation.
- 1.3. Dairy farming, the keeping or raising for sale of fish, birds, or poultry and domestic farm animals, large or small, and including structures for processing and sale of products raised on the premises, provided:
  - A. Any hog-raising operation shall be located at least two thousand (2000) feet from any residential district.
  - B. Buildings for commercial poultry raising shall be located at least two thousand (2000) feet from any residential district.
  - C. Commercial slaughtering or processing of animals or poultry shall not be conducted on the premises.
- 1.4. Animal Clinics

- 1.5. Boarding and breeding kennels, provided:
  - A. That any buildings or structures for keeping of animals shall be located at least two thousand (2000) feet from any residential district.
- 1.6. Commercial Greenhouses
- 1.7. Private Stable or Commercial Stables, provided:
  - A. A stable is considered to be a private stable unless it consists of three or more stalls for the keeping of animals. Any building or structure consisting of three or more stalls for the keeping of animals shall be considered a commercial stable and must be located at least two thousand (2000) feet from any residential district.
- 1.8. Signs not more than four (4) square feet in area advertising the sale of animals or products produced on premises or the sale or rental of the property on which they are located.
- 1.9. Cemeteries
- 1.10. Public Utility Structures

**Section 5 - 2. R - 1 Low-Density Residential District**

Within any R - 1 Low-Density Residential District, the following uses are permitted:

- 2.1. One - family dwellings of no less than 1200 square feet of living space.
- 2.2. Churches, provided that:
  - A. They are located on a major street.
  - B. The buildings are placed not less than fifty feet from any property line;
  - C. There is a planted buffer strip at least five feet wide along the side and rear property line.

**Section 5 - 3. R - 1A Low - Density Residential District**



Within any R - 1A Low-Density Residential District, the following uses are permitted:

- 3.1. One-family dwellings of no less than 1500 square feet of living space.
- 3.2. Customary accessory buildings and structures, including private garages and non-commercial greenhouses and workshops, provided they are located in the rear yard and not closer than five (5) feet to any lot line.
- 3.3. Signs not more than four (4) square feet in area advertising the sale or rental of the property on which they are located.

**Section 5 - 4. R - 2 Medium - Density Residential District**

Within an R - 2 Medium-Density Residential District, the following uses are permitted:

- 4.1. One-family dwellings of no less than 1000 square feet of living area.
- 4.2. Customary accessory buildings and structures, including private garages and non-commercial greenhouses, and workshops, provided they are located in the rear yard and not closer than five (5) feet to any lot line.
- 4.3. Signs not more than four (4) square feet in area advertising the sale or rental of the property on which they are located.
- 4.4. Hospitals and clinics for the treatment of human ailments, provided :
  - A. They are located on a major street.
  - B. The buildings are placed not less than fifty (50) feet from any property line.
  - C. That there is a planted buffer strip not less than five feet wide along the side and rear property lines.
- 4.5. Churches
- 4.6. Nursing homes
- 4.7. Public and private schools offering general education courses.
- 4.8. Public and semi-public recreation facilities and grounds.
- 4.9. Electric transformers or gas regulators stations if essential for service to the zoning district in which it is proposed they be located, provided:

- A. The structures are placed not less than fifty (50) feet from the property line.
- B. The structures are enclosed by a woven wire fence at least eight (8) feet high.
- C. No vehicles or equipment are stored on the premises.
- D. The lot is suitably landscaped, including a planted buffer strip at least ten (10) feet wide along the side and rear property lines.

**Section 5 - 5. R - 3 High - Density Residential District**

Within an R-3 High Density Residential District the following uses are permitted.

- 5.1. One-family dwellings of no less than eight hundred (800) square feet of living area.
- 5.2. Two-family dwellings provided that no dwelling unit therein contains less than eight hundred (800) square feet of living area.
- 5.3. Customary accessory buildings and structures, including private garages and non-commercial greenhouses and workshops, provided they are located in the rear yard and not closer than five (5) feet to any lot line.
- 5.4. Signs not more than four (4) square feet in area advertising the sale or rental of the property on which they are located.
- 5.5. Boarding and rooming houses.
- 5.6. Professional Offices.
- 5.7. Municipal, county, state or federal buildings or land uses, except cemeteries.

**Section 5 - 6. R - 4 Mobile Home Residential District**

Within a R-4 Mobile Home Residential District the following uses are permitted:

- 6.1. Mobile home parks. (See Section 9-4)
- 6.2. Accessory uses or buildings customarily incidental to any of the above uses, providing that accessory buildings that are not part of the main structure shall be located in the rear

yard not less than ten (10) feet from the main building nor less than five (5) feet from any side or rear yard.

- 6.3. Signs not more than four (4) square feet in area advertising the sale or rental of the property on which they are located.
- 6.4. Swimming pools may be located within the buildable area of any tract or parcel of land used for multiple family dwelling purposes. A commercial, mobile home park or apartment complex swimming pool shall not be located closer than fifty (50) feet of a property line and shall be enclosed with an eight (8) foot fence.

### **Section 5 - 7. R - 5 Multi-Family Residential District**

Within a R-5 Multiple-Family Residential District the following uses are permitted:

- 7.1. Multiple-family dwellings of three (3) units or more providing that no dwelling unit herein contains no less than eight hundred (800) square feet of floor living area; the total ground area of all structures does not exceed thirty five per cent (35%) of said lot area; and minimum widths of twenty (20) feet are maintained for side yards with a buffer.
- 7.2. Customary accessory buildings and structures, including private garages and non-commercial greenhouses and workshops, provided they are located in the rear yard and not closer than five (5) feet to any lot line.
- 7.3. Signs not more than four (4) square feet in area advertising the sale or rental of the property on which they are located.
- 7.4. Swimming pools may be located within the buildable area of any tract or parcel of land used for multiple family dwelling purposes. A commercial, mobile home park or apartment complex swimming pool shall not be located closer than fifty (50) feet of a property line and shall be enclosed with an eight (8) foot fence.

## **ARTICLE VI. USE PROVISIONS FOR BUSINESS AND MANUFACTURING DISTRICTS**

### **Section 6 - 1. B - 1 Central Business District**

The purpose of this district shall be to enhance and protect shopping facilities in the central business district of East Dublin, Georgia. Within the B-1 District permitted uses are shown on Chart in Section 6-6.

### **Section 6 - 2. B - 2 General Commercial District**

The purpose of the General Commercial District is to provide for those business activities which are larger users of space than commercial uses serving the central business district and to provide for those business activities which cater to the needs of highway business areas. Within the B-2 General Commercial District permitted uses are shown on Chart in Section 6-6.

### **Section 6 - 3. B - 3 Neighborhood Business**

The purpose of the Neighborhood Business is to provide an area for those businesses that cater to the need of individual neighborhoods and do not create the business of a central or general commercial business district. Only businesses that do not create a heavy continuous traffic flow that would prove disruptive to a residential neighborhood may be allowed in this district. Within the B-3 district permitted uses are shown on Chart in Section 6-6.

### **Section 6 - 4. M - 1 Light Manufacturing District**

The purpose of this district shall be to provide and protect areas or those manufacturing uses which do not create excessive noise, odor, smoke, dust and which do not possess other objectionable characteristics which might be detrimental to surrounding neighborhoods, or to the other uses permitted in the district. Within the M-1 Light Manufacturing District permitted uses are shown on Chart in Section 6-6.

### **Section 6 - 5. M - 2 Heavy Manufacturing District**

The purpose of the Heavy Manufacturing District is to provide a location for those manufacturing operations and processes which are not considered nuisances but which

have objectionable characteristics that are not injurious to the health, safety and general welfare of the public. Within the M-2 Heavy Manufacturing District permitted uses are shown on Chart in Section 6-6.

**Section 6 - 6. Chart of Permitted Uses**

Within the Business and Manufacturing Zoning Districts as indicated on the “Zoning Map of East Dublin, Georgia,” no building, structure or land shall be constructed, erected, altered or used except as indicated in the following schedules:

- 6.1. Uses Permitted By Right. Uses permitted as a matter of right are indicated on the following schedule by the letter “X” in the appropriate column.

<b><u>USES</u></b>	<b><u>B-1</u></b>	<b><u>B-2</u></b>	<b><u>B-3</u></b>	<b><u>M-1</u></b>	<b><u>M-2</u></b>
1. Accessory Building or Uses	X	X	X	X	X
2. Acid Storage & Manufacturing				X	X
3. Advertising Display Mfg.				X	X
4. Advertising Sales	X	X	X		
5. Ambulance Service or Rescue Squad	X	X			
6. Amusement Park		X			
7. Amusement or Recreational, Outside		X			
8. Amusement or Recreational, Inside	X	X			
9. Animal Hospital or Commercial Kennels		X			
10. Antique Shop	X	X	X		
11. Appliance Store or Repair	X	X			
12. Armories		X		X	
13. Art Studio	X	X	X		
14. Athletic Club	X	X			
15. Auditorium, Assembly Hall	X	X			
16. Automobile Parking Lot or Garage	X	X		X	X
17. Auto-Truck Sales or Parts Sales	X	X			
18. Auto Body Repair Shop		X			

19. Bait Sales	X	X	X		
20. Baked Goods	X	X			
21. Banks, Financial Institutions	X	X			
<b><u>USES</u></b>	<b><u>B-1</u></b>	<b><u>B-2</u></b>	<b><u>B-3</u></b>	<b><u>M-1</u></b>	<b><u>M-2</u></b>
22. Bar, Lounge, Tavern	X	X			
23. Barber Shop	X	X	X		
24. Beauty Shop	X	X	X		
25. Beer and Wine	X	X			
26. Bottled Gas, Storage and Dist.		X		X	
27. Bottling Plant				X	
28. Bowling Alley	X	X			
29. Broadcasting Studio (Radio, TV)		X			
30. Builders Equipment or Material	X	X			
31. Bus Terminal	X	X			
32. Business Schools		X			
33. Café, Restaurant, Supper Club	X	X			
34. Campground, Private - Public		X			
35. Canning Plant				X	X
36. Carnival, Rodeo, Horse Show or Athletic Event, Tent Revival, Community Fair or Other Event of Interest to the Public; not to exceed thirty (30) days.		X			
37. Carpet and Rug Sales, Storage	X	X			
38. Clinic, Public - Private	X	X			

39. Clothing and Dry Goods Stores	X	X
40. Clubs or Lodges - Private	X	X

<b><u>USES</u></b>	<b><u>B-1</u></b>	<b><u>B-2</u></b>	<b><u>B-3</u></b>	<b><u>M-1</u></b>	<b><u>M-2</u></b>
41. Contractor Equipment - Material Storage		X		X	
42. Cosmetic & Pharmaceutical Products - Mfg.				X	X
43. Curio and Souvenir Shop	X	X	X		
44. Dance School or Studio	X	X	X		
45. Department Store	X	X			
46. Disposal Plant, Sewerage					X
47. Drive - In Restaurant	X	X			
48. Drive - In Theater		X			
49. Driving Range, Golf		X			
50. Drug Stores	X	X			
51. Dry Cleaning Plant, Pick-Up Station	X	X			
52. Electric, Power Yards, Sub-Station				X	X
53. Electrical Repair (Commercial)	X	X		X	
54. Experimental Laboratory				X	X
55. Fabrication Shop, Wood and/or Fabric		X		X	
56. Farm Equipment, Sales and Service	X	X			
57. Farmers Market		X			
58. Feed, Grain or Fertilizer, Wholesaling And Storage		X		X	



59. Feed, Seed and Insecticides and Fertilizer, Retail Sales	X	X			
60. Fish-Meat, Wholesale, Cure, Storing		X		X	
<b><u>USES</u></b>	<b><u>B-1</u></b>	<b><u>B-2</u></b>	<b><u>B-3</u></b>	<b><u>M-1</u></b>	<b><u>M-2</u></b>
61. Florist, Greenhouse, Nursery; Retail And Wholesale	X	X	X		
62. Food Manufacturing				X	X
63. Food Stores including retail bakeries meat markets, dairy products, confectioner shops, and stores of similar nature	X	X			
64. Freezer Locker Service		X			
65. Freight Express Office	X	X			
66. Frozen Food, Cold Storage Locker		X			
67. Funeral Home	X	X			
68. Furniture, Upholstery Shop	X	X			
69. Furniture Store, Retail	X	X			
70. Garage, Repair or Public Storage	X	X			
71. Gasoline, Petroleum Bulk Plant (Storage and Refining)				X	X
72. Gasoline, Service Station	X	X			
73. Glass Sales and Storage	X	X			
74. Golf Course		X			
75. Go-Kart, Motor-Bike Track		X			
76. Grocery, Fruit, or Vegetable Market	X	X			
77. Hardware, Appliance or Electrical Store	X	X			

78. Home Furnishings and Hardware	X	X			
79. Hospital and Care Home				X	
<b><u>USES</u></b>	<b><u>B-1</u></b>	<b><u>B-2</u></b>	<b><u>B-3</u></b>	<b><u>M-1</u></b>	<b><u>M-2</u></b>
80. Hotel	X	X			
81. Ice, Manufacturing, Sales			X	X	
82. Imported Goods, Warehouse Sales			X	X	
83. Impounds - Settling Ponds					X
84. Jewelry Store	X	X			
85. Junk and Salvage Yard			X	X	
86. Junk Yard or Auto Grave Yard (See Section 9-5)			X	X	
87. Kennel			X		
88. Laboratory, research commercial				X	
89. Launderette or Washeteria	X	X			
90. Library	X	X			
91. Liquor Store	X	X			
92. Locksmith, Gunsmith	X	X			
93. Lumber Yard, Coal Storage Yard			X	X	
94. Machine Shop, Metal Fabrication			X	X	
95. Manufacturing, Heavy				X	X
96. Manufacturing, Light			X	X	
97. Medical, Dental or Similar Clinic	X	X			
98. Mining, Quarry-Equipment, Storage				X	

99. Mobile Office (See Section 8-12)	X	X		X	X
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<b><u>USES</u></b>	<b><u>B-1</u></b>	<b><u>B-2</u></b>	<b><u>B-3</u></b>	<b><u>M-1</u></b>	<b><u>M-2</u></b>
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100. Mobile Office, Temporary (See Section 9.6)	X	X		X	X
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101. Manufactured Home Sales Lot	X	X			
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102. Motel	X	X			
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103. Music Teaching Studio	X	X			
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104. Newspaper or Magazine Publishing and Distribution		X		X	
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105. Nursery Schools, Kindergarten	X	X	X		
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106. Office Equipment Sales and Service	X	X			
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107. Tanks, for fuel, oil or other non-flammable element				X	X
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108. Parking Lot, Commercial	X	X			
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109. Paving, Temporary Batch Plant				X	X
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110. Pawn Shop	X	X			
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111. Personal Service Shop, such as barber shops, beauty shops, shoe repair, laundry pickup stations, watch repair and services of a similar nature	X	X			
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112. Pest Control	X	X			
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113. Photography Studio	X	X	X		
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114. Pipelines				X	X
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115. Police, Sheriff, Highway Patrol Office	X	X			
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116. Printing, Phot-Engraving, Book Binding,	X	X	X		
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## Blueprinting

<b><u>USES</u></b>	<b><u>B-1</u></b>	<b><u>B-2</u></b>	<b><u>B-3</u></b>	<b><u>M-1</u></b>	<b><u>M-2</u></b>
117. Professional Offices	X	X	X		
118. Public Building	X	X			
119. Public Utilities Plant and Public Services Structures				X	X
120. Radio and Television Towers				X	X
121. Radio-TV Transmit; Station Studio		X		X	
122. Railroad Spur Tracks				X	X
123. Railroad Passenger Station	X	X			
124. Railroad Freight Station	X	X		X	X
125. Real Estate Office	X	X	X		
126. Restaurant, Supper Club, Café and Food catering business	X	X			
127. Retail Auto Parts and Tire Stores	X	X			
128. Retail Candy and Ice Cream Stores	X	X			
129. Retail Store	X	X			
130. Sawmill, Lumber Yard				X	X
131. School, Commercial		X			
132. Septic Tank, Manufacturing				X	X
133. Septic Tank Services	X	X			
134. Service Station, Automobile (See Section 9-8)	X	X			

135. Sheet Metal Products		X		X	X
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<u>USES</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>M-1</u>	<u>M-2</u>
136. Shell Homes Display Yards	X	X		X	
137. Signs		X		X	
138. Silos				X	
139. Skating Rink Roller and Ice	X	X			
140. Small Motor Repair Shops	X	X			
141. Specialty Shops	X	X			
142. Storage Warehouse		X		X	X
143. Swimming Pool, Public		X			
144. Tailor	X	X			
145. Taxi Station	X	X			
146. Taxidermist	X	X	X		
147. Telephone, Tower, Substation				X	X
148. Temporary Building for Storage of Materials (See Section 9-6)	X	X		X	X
149. Theatre	X	X			
150. Truck Terminal		X		X	
151. Upholstery Shop	X	X			
152. Vending Machine Distributor		X		X	
153. Warehousing, not related to sales on the premises		X		X	X
154. Welding Shop		X		X	X



## ARTICLE VII. LOT SPECIFICATIONS

### Section 7-1 Chart of Lot Specifications

DISTRICT	AREA IN SQ. FEET	SQ.FEET 1 FAMILY	WIDTH IN FT.	MIN.SIZE OF DWELLING UNIT (SQ.FT.)	MAJOR STREETS	ALL OTHER STREETS	MIN. SIDE YD. IN FT.	MIN. REAR YD. IN FT.	MAX. HTG. IN FT.	MAX. LOT COV. PER CENTER
A-1	3 acres	3 acres	150	800	35	30	25	35	35	20%
R-1	15,000	15,000	100	1200	35	30	25	35	35	25%
R-1A	15,000	15,000	100	1500	35	30	25	35	35	25%
R-2	15,000	15,000	100	1000	35	30	25	35	35	25%
R-3	7,500	7,500	75	800	30	25	10	20	35	35%
One Family Duplex	10,000		100	800	30	25	10	20	35	35%
R-4	7,000	7,000	100	700	30	25	10	20	35	35%
Mobile Home Park										
R-5	15,000 (3 Units)	5,000	100	700	30	25	10	20	35	35%
Each Additional Unit		3,000								
B-1	5,000	5,000	50		25	10	0*	**	50	
B-2	7,500	7,500	75		30	15	10	**	35	
B-3	15,000	15,000	100	800	35	30	10*	20**	35	25%
M-1	5,000	5,000	50		25	20	15*	**	40	
M-2	7,500	7,500	75		30	15	20	**	50	

\* No intervening side yard is required if two (2) adjoining buildings use a common wall.

\*\* When commercial or industrial use abuts an R-District, a ten (10) foot yard and buffer shall be provided.

\*\*\* Fences four (4) foot and lower may be located from the edge of the street to the face of the building. From the face of the building away from or parallel to the street any height fence may be use.



## **ARTICLE VIII. GENERAL PROVISIONS**

### **Section 8 - 1. Interpretation and Application**

In interpreting and applying this ordinance, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of the ordinance. Except as hereinafter provided, this ordinance shall not be deemed to interfere with, abrogate, annul or otherwise affect in any manner whatsoever any easements, covenants, or other agreements between parties. Whenever the provisions of this ordinance impose greater restrictions upon the use of land or buildings, or upon the height of buildings, or require a larger percentage of lot to be left unoccupied than the provisions of other resolutions, rules, regulations, permits or any other easements, covenants or other agreements between parties, the provisions of this ordinance shall govern.

### **Section 8 - 2. Zoning Affects all Land and Buildings**

No buildings, structure, or land shall be used or occupied; and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless in conformity with this ordinance.

### **Section 8 - 3. Every Use Must Be Upon a Lot**

No building or structure may be erected or use established unless upon a lot as defined by this ordinance except as provided in Section 10-4 and Section 11-1.

### **Section 8 - 4. Only One Principal Building Per Lot**

Except as herein provided (See Section 9-2) there shall be no more than one principal building, structure, or use upon any lot other than lots within M-1 or M-2 districts.

### **Section 8 - 5. Open Space Not be Encroached Upon**

No open space shall be encroached upon or reduced in any manner except in conformity to the yard, setback, off-street parking spaces, and such other regulations required by this ordinance for the district in which such building is located. Shrubbery, driveways, retaining walls, fences, curbs, and planted buffer strips shall be construed not to be encroachments of yards. (See Section 8-19)

### **Section 8 - 6. Required Open Space May Not Be Used By Another Building**

No part of any yard, other open space, or off-street parking or loading space required about or in connection with any building, structure, or use by this ordinance shall be considered to be part of a required yard, or other open space, or off-street parking or loading space for any other building, structure, or use except as provided in Section 12-6.

**Section 8 - 7. Reduction of Yards or Lot Area**

Except as provided in Section 10-1, no lot existing at the time of passage of this ordinance shall be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless said reduction or division is necessary to provide land that is needed and accepted for public use.

**Section 8 - 8. Encroachment on Public Right-of-Way**

No building, structure, service area, or required off-street parking and loading facilities, except driveways, shall be permitted to encroach on public rights-of-way.

**Section 8 - 9. Accessory Buildings or Uses on Residential Lots**

Accessory buildings may be erected in any required yard except a front yard, provided that in no instance shall such a building be placed nearer to a property line than one-half (1/2) the required side or rear side yard specified for the principal building for the district in which it is located.

In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on said streets in the same block or adjacent blocks.

**Section 8 - 10. Accessory Buildings or Uses on Non-Residential Lots**

Accessory buildings or uses on non-residential lots shall comply with front, side and rear yard requirements established for the zoning district in which such accessory buildings or uses are located.

**Section 8 -11. Storage of Recreation Vehicle, Travel Trailer or Camper**

One recreation vehicle, travel trailer or camper as defined in Section 3-72 may be stored on a residential lot provided it is locked and unoccupied.

**Section 8 - 12. Mobile Office**

A mobile home with a minimum of eight hundred (800) square feet of floor area exclusive of additions may be converted and used as an office provided that it shall not also be used as a family dwelling; said mobile home must be underpinned and closed in from the floor level to the ground on all sides with a permanent type metal or masonry material. This can only be used for a period of six (6) months.

**Section 8 - 13. Every Lot Shall Abut a Street**

No building shall be erected on a lot which does not abut for at least fifty (50) feet on a public street.

#### **Section 8 - 14. Lots with Multiple Frontage**

In the case of a corner lot, side yard setback requirements from the property line shall be equal to seventy-five (75) percent of that required for the front yard setback for the district. On a corner lot where the main entrance into a residence is facing a side yard, it shall be permissible for purposes of this ordinance to construe the residence to be fronting on the street other than that street which said entrance faces, and side and rear yard requirements may be provided accordingly. If a building is constructed on a through lot having frontage of two (2) roads not at an intersection, a setback from each road shall be provided equal to the front yard requirement for the district in which the lot is located.

#### **Section 8 - 15. Buffer Required**

Wherever screening is required by this ordinance, a durable masonry wall, or fence of sufficient capacity to provide a visual blind designed to be compatible with the character of adjoining properties, shall be provided. Such fences and walls shall be at least six (6) feet in height measured from the ground along the common lot line of the adjoining properties.

#### **Section 8 - 16. Intersection Visibility and Corner Setback**

In all zones, except on corners where a traffic light or a 4-way stop is existing and operating 24 hours daily, no solid construction, hedge, bushes, or other obstruction to a clear view which extends over three (3) feet in height shall be permitted at any corner of intersecting street where either or both of the streets are less than sixty (60) feet in width. Exceptions shall be made for utility poles, lighting standards, traffic and street signs and trees, the branches of which are kept trimmed to a height of six (6) feet above the street level.

#### **Section 8 - 17. Zoning to Apply When Lot is Divided by District Boundary Line**

In the event that a district boundary line on the zoning map divides a lot or record held in one ownership on the date of passage of this ordinance, each part of the lot so divided shall be used in conformity with the regulations established by this ordinance, for the district in which each such parcel is located; except, however, that if the property owner of such a lot, other than a through lot, so desires, he may extend a use allowed on the greater portion of said lot thirty-five (35) feet beyond the district boundary line in accordance with setbacks and yard requirements of the district into which he is encroaching.

#### **Section 8 - 18. Required Buffers in Different Districts**

In a B-1, B-2, M-1, M-2 or mobile home park district, where a lot abuts any A-1, R-1, R-2, R-3 or R-5 residential district, a five (5) foot wide buffer shall be provided with screening as specified in Section 8 - 15. Off-street parking associated with such uses shall be governed by this same provision.

### **Section 8 - 19. Permitted Encroachments of Yards and Setbacks**

Architectural features such as cornices, eaves, steps, gutters and fire escapes may project not more than four (4) feet beyond any required setback line, except where such projections would obstruct driveways which are or may be used for access for service and/or emergency vehicles.

### **Section 8 -20. Uses Prohibited**

If either a use or class of use is not specifically indicated as being permitted in a district as a matter of right, then such use, class of use, or structures for such uses, shall be prohibited in such district.

### **Section 8 - 21. Swimming Pool (Commercial)**

A commercial, mobile home park or apartment complex swimming pool shall not be located closer than fifty (50) feet of a property line and shall be enclosed with an eight (8) foot fence.

### **Section 8 -22. Swimming Pool (Residential)**

A residential swimming pool shall not be located closer than the required side or rear yard setback specified for the principal building for the district in which it is located and shall be enclosed with a four (4) foot fence.

### **Section 8 - 23. Right of Business Maintenance**

Heavy manufacturing plants in M-2 Districts shall have the right to engage in any activity necessary to maintain and expand that industry and shall have the right to engage in any activity to comply with any mandated state or federal legislation or agency. These rights shall exist for M-2, heavy manufacturing plants, even though specific rights may not be expressly indicated. The rights for activities and fixtures to maintain business and plant maintenance and/or to comply with state and federal regulations shall not be interpreted so as to grant these rights to activities or fixtures that are not necessary for maintenance of heavy manufacturing plants and shall not permit other businesses to locate in M-2 Districts, solely because they engage in similar activities as an independent supplier to said heavy industries. These rights shall exist for contractors that are engaged in such activities for heavy industries on said industries' property.

### **Section 8 - 24. Building Permits**

No person shall initiate new use of any land or to erect or construct any structure, except by authority of a permit issued by the Building Inspector.

**Section 8 - 25. Moving of Structures**

No structure shall be moved in or into any zone from other locations or other lots unless they meet the Southern Building Code and comply with the regulations of the zone into which moved, and approved by the Board of Zoning Appeals.

**Section 8 - 26. Buildings Above Street Grade**

All foundations for buildings shall be at least six (6) inches above the highest street grade, so there shall be proper drainage.

**Section 8 - 27. Proper Drainage for Lots and Buildings**

No lot or building shall be altered, built or constructed unless proper drainage is insured. The Building Inspector shall approve all drainage plans before altering, building or constructing any lot or building.

## **ARTICLE IX. SPECIAL PROVISIONS FOR CERTAIN USES**

### **Section 9 - 1. Home Occupations**

A home occupation as defined by this ordinance shall be permitted in Districts A-1, R-2, R-3, R-4, and R-5 and governed by the following requirements.

- 1.1. Only residents of the dwelling may be engaged in the home occupation.
- 1.2. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.
- 1.3. Only one (1) point of business sign, not exceeding two (2) square feet in size, motionless, non-lighted and attached to the principal building, shall be permitted and no advertising signs shall be permitted.
- 1.4. Use of the building for this purpose shall not exceed twenty-five percent (25%) of one floor of the principal building.
- 1.5. No internal or external alterations inconsistent with the residential use of the building shall be permitted.
- 1.6. The occupation shall not constitute a nuisance in the neighborhood.
- 1.7. No accessory buildings or outside storage shall be used in connection with the occupation.
- 1.8. Instruction in music and similar subjects shall be limited to two (2) students at a time.
- 1.9. Vehicles used primarily as passenger vehicles only shall be permitted in connection with conduct of the customary home occupation.
- 1.10. No more than three (3) non-transient guests may be boarded at any one time as a customary home occupation.
- 1.11. The following and similar uses shall be considered home occupations: addressing service, art instruction, beauty shop (with no more than one (1) operator),

dentist, doctor, drafting, dressmaking, insurance agent, manufacturing agent, tax consultant.

## **Section 9 - 2. Group Development Projects**

Any group of buildings devoted to the same use and intended to be operated under one management (housing, commercial, industrial, educational, medical, religious, civic) known herein as a group development project, may be permitted, provided it shall meet the following requirements:

- 2.1. Minimum Lot Size - The minimum lot size shall be two (2) acres
- 2.2. Street Access - Any building established as a part of a group development project which cannot properly be served by emergency or service vehicles from an abutting street shall be made accessible to such vehicles by a paved driveway having a roadbed width of not less than twenty (20) feet, exclusive of parking spaces.
- 2.3. Separation of Buildings - All residential buildings established as a part of a group development project shall comply with this zoning ordinance.
- 2.4. Setback Requirements - All buildings and structures established as a part of a group development project shall comply with this zoning ordinance.
- 2.5. Buffer - If the project lies within or abuts upon a residential district, there shall be a buffer along the rear and side lot lines abutting any residential property.
- 2.6. Plans Submitted - A plot plan and description of the project shall be presented to the Planning Commission for review and recommendation and submitted by the Planning Commission to the Mayor and Council for approval or non-approval.
- 2.7. Landscaping Features - The existing landscaping features shall be retained whenever possible and the property adjacent to the area in the plan shall not be adversely affected.

- 2.8. Conforms to Standards - No building permits or certificate of occupancy shall be issued unless the proposed construction conforms to the standards set forth in the approved group development plan.

### **Section 9- 3. Mobile Homes**

A mobile home is permitted in a Mobile Home Park and within a R-4 District as a matter of right when the following requirements are met:

- A. The mobile home shall meet the Federal Mobile Home Construction and Safety Standards, set forth by the United States Department of Housing and Urban Development, and the minimum Plumbing and Electrical Standards of the city.
- B. Mobile homes shall be inspected and permitted by the Building Inspector before it can be placed or erected on any lot.
- C. No more than one (1) mobile home shall be allowed per lot except within a legally existing and permitted mobile home park and in no case shall a mobile home be placed on a lot occupied by any other principal building.
- D. All mobile homes shall be connected to public water and sewer systems if available or the Building Inspector and the Laurens County Health Department shall approve private water and/or sewer systems prior to permitting of the mobile home.
- E. Mobile homes shall be occupied by only one family.

### **Section 9 - 4. Mobile Home Park**

A mobile home park is permitted within a R-4 District as a matter of right when the following requirements and minimums are met:

- A. The minimum size shall be five (5) acres or more and be located on a well-drained site.
- B. The mobile home shall meet the Federal Mobile Home Construction and Safety Standards set forth by the United States Department of Housing and Urban Development, and the minimum Plumbing and Electrical Standards of the city.



- C. Mobile homes shall be inspected and permitted by the Building Inspector before it can be placed or erected on any lot.
- D. All mobile homes shall be connected to public water and sewer systems if available or the Building Inspector and the Laurens County Health Department shall approve private water and/or sewer systems prior to permitting of the mobile home.
- E. Mobile home lots shall be provided, consisting of a minimum of three thousand (3000) square feet, thirty (30) feet wide and clearly defined for single wide mobile homes and a minimum of four thousand (4000) square feet, forty (40) feet wide and clearly defined for double-wide mobile homes.
- F. Mobile home parks shall provide seventy five hundred (7500) square feet for five (5) acres and one thousand (1000) square feet for each additional acre of continuous open space set aside for recreation, playground, and etc.
- G. Mobile homes shall be placed on each lot so that there shall be at least fifteen (15) feet clearance between mobile homes.
- H. There shall be an area of not less than four thousand (4000) square feet set aside for an out-building which will contain services needed by mobile home park residences.
- I. All mobile home lots shall abut upon a paved surface driveway not less than twenty (20) feet in width which shall have unobstructed access to a street.
- J. All driveways within the park shall be lighted to provide safe, convenient access to all parts of the park during night hours.

#### **Section 9 - 4. 1. Minimum Number of Spaces**

Minimum number of spaces completed and ready for occupancy before first occupancy is permitted shall be ten (10) spaces.

### **Section 9 - 5. Junk Yard or Auto Grave Yard**

A junk yard or auto grave yard shall not be located within eight hundred (800) feet of a major or secondary street or if within five hundred (500) feet of a public right-of-way, an eight (8) foot high solid fence or wall shall be erected to screen the storage yard from view from all sides.

### **Section 9 - 6. Temporary Mobile Office or Storage Building**

A temporary mobile office or storage building is allowed in conjunction with construction of a building or structure on a lot where construction is taking place or on an adjacent lot, such temporary uses to be terminated upon completion of construction.

### **Section 9 - 7. Nursery Schools - Kindergarten**

Nursery schools and kindergartens are allowed provided:

- 7.1. Off street loading and unloading spaces shall be supplied.
- 7.2. At least one hundred (100) feet of outdoor play area shall be supplied for each child accommodated.
- 7.3. The entire play area shall be enclosed by a fence having a minimum height of four (4) feet and constructed in such a manner that maximum safety to the children is ensured.

### **Section 9 - 8. Service Station, Automobile**

Service station, automobile, are permitted provided that major auto repair shall not be permitted, nor shall there be outside storage of materials or equipment other than merchandise offered for sale.

## **ARTICLE X. EXCEPTIONS AND MODIFICATIONS**

### **Section 10 - 1. Permitted Modification of Setback Requirement**

When a building or structure is proposed on a lot and when on either or both lots which adjoin such lot at the street right-of-way line there exists a principal building which does not conform to the setback requirements of this ordinance, the required setback for such building or structure shall be as follows: (1) where only one said adjoining lot contains a principal building with a non-conforming setback, the setback shall be the computed average of (a) the normal setback requirement with (b) the non-conforming setback, or (2) where both adjoining lots contain a principal building each with a non-conforming setback, the minimum setback shall be the computed average of the two non-conforming setbacks, or (3) reconstruction or modification of existing non-conforming structures shall be authorized utilizing the original setback.

### **Section 10 - 2. Modification of Side Yard Requirements**

When a lot of record has a width less than the frontage required in the district in which it is located, and said lot cannot be increased in width as provided in Section 8-17, then the Board of Zoning Appeals shall be authorized to grant a variance to reduce the side yard requirements for such a lot provided, however, that there shall be not less than an eight (8) foot side yard.

### **Section 10 - 3. Structures Permitted Above the Height Limits**

The height limits of this Ordinance shall not apply to a church spire, belfry, cupola, dome, or ornamental tower not intended for human occupancy, monument, water tower, observation tower, transmission tower, chimney, smoke stack, conveyor, flag pole, radio or television tower, mast or aerial, parapet wall not extending more than four (4) feet above the roof line of the building, and necessary mechanical appurtenances including silos, storage tanks, and process structures necessary for normal operation of industries in M-2 Districts.

### **Section 10 - 4. Substandard Lots of Record**

Any lot or record existing at the time of the adoption of this ordinance, which has an area or a width which is less than required by this ordinance, shall be subject to the following exceptions and modification:

- 4.1. Adjoining Lots. When two (2) or more adjoining lots with continuous frontage are in one ownership at any time after the adoption of this ordinance and such lots individually are less than the minimum square footage and/or have less than the minimum width required in the district in which they are located, then such group of lots shall be considered

as a single lot or in which located, provided, however, that when such combination of lots would create a single lot having a width and area required by this ordinance, then such lot may be divided into two (2) lots of equal width and equal area and said lots used as conforming lots.

- 4.2. Lot Not Meeting Minimum Lot Size Requirements. Any district in which single-family dwellings are permitted, any lot of record existing at the time of the adoption of this ordinance may be used as a building site for a single-family dwelling or other use permitted in that zone; provided, however, that the same yard, set-back, open-space, and other dimensional requirements are met that would be required for a standard lot.

#### **Section 10 - 5. Side and Rear Yards Not Required Next to Railroad**

Within any non-residential district, side yards and rear yards shall not be required adjacent to railroad rights-of-way.

## **ARTICLE XI. NONCONFORMANCES**

### **Section 11 - 1. Nonconforming Lots**

Any lot for which a plat or legal description has been recorded in the Office of the Clerk of Superior Court of Laurens County at the time of passage of this original ordinance which fails to comply with the dimensional requirements for the District in which it is located may if vacant be used for any of the uses permitted a conforming use, may have the structure improved, enlarged, or extended; provided that in either case:

- A. Minimum requirements of the District for front, side and rear yard, height, and floor area shall be complied with,
- B. The lot be used for duplexes or multi-family dwellings when allowed within the district only if the lot meets the minimum lot area requirements for those uses in the District, and,
- C. The requirements of Section 10-4 are met.

### **Section 11 - 2. Nonconforming Open Uses of Land**

Nonconforming uses consisting of lots used for storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter under this Ordinance in the District in which it is located, shall be governed by the following restrictions in addition to the other requirements in this ordinance.

- A. When a nonconforming open use of land shall not be changed to a nonconforming use, it shall not thereafter be used for any nonconforming use,
- B. Nonconforming open uses of land shall not be changed to any but conforming uses,
- C. A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming,
- D. When any nonconforming open use of land is discontinued for a period in excess of six (6) months, any future use of the land shall be limited to those uses permitted in that District under the provisions of this ordinance. Vacancy and/or non-use of the land, regardless of the

intent of the owner or tenant, shall constitute discontinuance under this provision.

### **Section 11 - 3. Nonconforming Uses of Structures**

Nonconforming uses consisting of structures used, at the time of passage of this ordinance, for purposes not permitted in the District in which they are located shall in addition to the other requirements of this Ordinance be governed by the following restrictions:

- A. An existing nonconforming use of a structure may not be changed to another nonconforming use,
- B. A nonconforming use of a structure shall not be extended, enlarged, or repaired to the extent of more than forty (40) percent of its replacement cost, except in conformity with the regulations of this ordinance.
- C. When any nonconforming use of a structure is discontinued for a period in excess of six (6) months, any future use of the structure shall be limited to those uses permitted in the zoning of the surrounding district. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

### **Section 11 - 4. Nonconforming Signs**

Nonconforming signs shall be allowed to continue as follows:

- A) A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, painted boards, or demountable material or nonconforming signs shall be permitted.
- B) Minor repairs and maintenance of nonconforming signs such as repainting, electrical repairs, neon tubing repairs shall be permitted. However, no structural repairs or changes in the size or shape of a sign shall be permitted except to make the sign comply with the requirements of this ordinance.
- C) New point of business signs related to legally established nonconforming uses may be erected provided they comply with the sign regulations applicable to the use in the most restrictive district in which the use is permitted.

**Section 11 - 5. Reconstruction of Nonconforming Structures**

No nonconforming structures that are damaged in any way to the extent of more than thirty (30) percent of its replacement cost shall be repaired, except in conformity with the regulations of this Ordinance.

**Section 11 - 6. Discontinuance of Nonconforming Uses**

All nonconforming uses of land shall be discontinued within a period of one (1) year following the adoption of this ordinance. All nonconforming buildings used by reasons of restriction on area, lot coverage or other requirements concerning the building shall be discontinued within a period of ten (10) years following the adoption of this ordinance.

**Section 11 - 7. Issuance of Citation**

The Building Inspector shall issue citations to nonconforming land uses and nonconforming building uses. Upon the issuance of a citation, the nonconforming land use or nonconforming building use shall be discontinued within the applicable limits described in Section 11-6.

## **ARTICLE XII. OFF STREET PARKING AND SERVICE REQUIREMENTS**

### **Section 12 - 1. Scope of Provisions**

Except as provided in this section, no application for a building permit shall be approved unless there is included with the plan for such building improvements, or use, or plot plan showing the required space reserved for off-street parking and service purposes. Occupancy shall not be allowed unless the required off-street parking and service facilities have been provided in accordance with those shown on the approved plan.

### **Section 12 - 2. Parking Spaces May Not Be Reduced**

Off-street parking spaces shall not be reduced below the minimum required number for the use or facility to which they are assigned.

### **Section 12 - 3. Drainage, Construction and Maintenance**

All off-street parking, loading, and service area shall be drained so as to prevent damage to abutting properties and/or public streets and shall be constructed of materials which will assure a surface resistance to erosion. All such areas shall be at all times maintained at the expense of the owners thereof, in a clean, orderly, and dust-free condition.

### **Section 12 - 4. Separation from Walkways, Sidewalks, and Streets**

All off-street parking, loading, and service area shall be separated from walkways, sidewalks, and streets by curbing or other suitable protective device.

### **Section 12 - 5. Parking Area Design**

Parking stalls shall have a minimum width of eight and one-half (8 ½) feet and length of twenty (20) feet. There shall be provided adequate interior driveways to connect each parking space with a public right-of-way. Interior driveways shall be at least twenty-four (24) feet wide where used with ninety (90) degree angle parking, at least eighteen (18) feet wide where used with sixty (60) degree angle parking, at least twelve (12) feet wide where used with forty-five (45) degree parking, and at least twelve (12) feet wide where used with parallel parking, or where there is no parking, interior driveways shall be at least ten (10) feet wide for one-way traffic movement and at least twenty (20) feet wide for two-way traffic movement.

### **Section 12 - 6. Joint Parking Facilities**

Two (2) or more neighboring uses, of the same or different types may provide joint facilities, provided that the number of off-street parking spaces are not less than the sum of the individual requirements.



## **Section 12 - 7. Pavement Markings and Signs**

Each off-street parking space shall be clearly marked, and pavement directional arrow or signs be provided wherever necessary. Markers, directional arrows and signs shall be properly maintained so as to ensure their maximum efficiency.

## **Section 12 - 8. Number of Parking Spaces**

In order to assure a proper and uniform development of public parking areas throughout the area of jurisdiction of this ordinance, to relieve traffic congestion on the streets, and to minimize any detrimental effects on adjacent properties, off-street parking space shall be provided and maintained as called for in the following schedule. For any use or class of use not mentioned in this schedule, the requirements shall be the same as a similar use as mentioned herein. Parking requirements for additions to existing uses shall be based only upon the new addition even if the existing use is deficient.

- |      |  |  |
|------|--|--|
| 8.1. | Apartment and Multi-family dwelling.                               | One and one-half (1 ½) spaces for each dwelling unit.  |
| 8.2. | Auditorium, stadium assembly hall, gymnasium, theatre, church      | (a) One (1) space per four (4) fixed seats in largest assembly room or area or (b) One (1) space for each forty (40) square feet of floor area available for the accommodation of movable seats; or (c) One (1) space per each one hundred fifty (150) square feet of gross floor area, whichever is greatest. |
| 8.3. | Automobile Fueling Stations  | One (1) space (in addition to service area) for each pump and grease rack and one (1) space for each two (2) employees during period of greatest employment but not less than four (4) spaces.   |
| 8.4. | Automobile sales and repair, service stations and auto washeterias | Same as 8.3 above plus one (1) space for each five hundred (500) square feet of gross floor area of the shop or washeteria.  |
| 8.5. | Bowling Alley  | Four (4) spaces per alley plus requirements for any other use associated with the establishment such as a restaurant, etc.   |

- 8.6. Club or Lodge  
One (1) space for each two (2) employees plus one (1) space for each two hundred (200) square feet of gross floor area within the main assembly area plus additional spaces for other uses permitted within the premises.
- 8.7. Combined Uses  
Parking spaces shall be the total of the spaces required for each separate use established by this schedule.
- 8.8. Dance School  
One (1) space for each employee plus one space per one hundred fifty (150) square feet of gross floor area plus safe and convenient loading and unloading of students.
- 8.9. Fraternity or Sorority  
One (1) parking space for each two (2) residents and one (1) space for each two (2) employees.
- 8.10. Golf Course  
Two (2) spaces for each hole and one (1) space for each two (2) employees plus requirements for any other use associated with the golf course.
- 8.11. High Schools, Trade Schools  
Colleges, and Universities  
One (1) space for each two (2) teachers, employees, and administrative personnel plus safe and convenient loading of students plus five (5) spaces for each classroom.
- 8.12. Hospital or Care Home  
One (1) space for each three (3) beds plus one (1) space for each two (2) employees (nurses, attendants, etc.) plus one (1) space for each staff or visiting doctor.
- 8.13. Hotel  
One (1) space for each guest room, suite, or unit plus one (1) space for each two (2) employees.

8.14. Indoor and Outdoor	(a) One (1) space for each one hundred Recreational areas fifty (150) square feet of gross floor, (commercial) YMCA building, ground area or combination and similar uses devoted to such use; or (b) One (1) space per each four (4) seats or facilities available for patron use; whichever is greater.
8.15. Industrial or Manufacturing	Two (2) spaces for each three (3) establishment or warehouse employees on shift of greatest employment, plus one (1) space for each vehicle used directly in the conduct of the business.
8.16. Kindergarten and Nursery School	One (1) space for each employee plus safe and convenient loading of students.
8.17. Motel	One (1) space for each unit plus one (1) space for each two (2) employees.
8.18. Office, professional building, or similar use	One (1) space for each two hundred (200) square feet of the gross floor area, plus one (1) space for each employee.
8.19. One two-family dwelling	One (1) space per each unit (residential driveways will satisfy this need)
8.20. Personal Service Establishment	One (1) space for each two hundred (200) square feet of gross floor area, plus one (1) space for each employee.
8.21. Restaurant or place dispensing food, drink or refreshments	One (1) space for each three (3) seats plus one (1) space for each two (2) employees on shift of greatest employment.
8.22. School, Elementary	One (1) space for each teacher, one (1) space for each two (2) employees and administrative personnel, and

		one (1) for each classroom, plus safe and convenient loading and unloading of students.
8.23.	Shopping Center	One (1) space for every two hundred (200) square feet gross floor area.
8.24.	Swimming Pool	One (1) space for each two hundred (200) feet of water surface area plus requirements for additional uses in association with the establishment such as a restaurant, etc.
8.25.	Mobile Home Park	One and one-half (1 ½) spaces for each manufactured home stall plus one (1) space for each two (2) employees.
8.26.	Retail stores of all types not mentioned otherwise	One (1) space per two hundred (200) square feet of gross floor area.
8.27.	Wholesale Establishment	One (1) space for each employee plus sufficient spaces to accommodate vehicles used in the conduct of the business.

**Section 12 - 9. Minimum Number of Loading Spaces Required**

Industrial, wholesale, and retail operations shall provide loading space as follows:

- 9.1. Spaces Appropriate to Functions. Off street loading spaces shall be provided as appropriate to the functions and scope of operation of individual or groups of buildings and uses.
- 9.2. Design of Loading Spaces. Off street loading spaces shall be designed and constructed so that all maneuvering to park and unpark vehicles for loading and unloading can take place entirely within the property lines of the premises. Loading spaces shall be provided so as not to interfere with the free normal movement of vehicles and pedestrians on public rights-of-way.
- 9.3. Ingress and Egress. Ingress and egress to off street loading spaces shall conform to driveway entrance regulations of the City of East Dublin.

## **Section 12 - 10. Curb Cut Requirements**

Within any District where the lowering or cutting away of curbs for purposes of ingress and egress is required, such curb cut shall be subject to the following provisions:

- 10.1. No more than two (2) combined entrances and exits shall be allowed any parcel of property, the frontage of which is less than two hundred (200) feet on any one street. Additional entrances or exits for parcels of property having a frontage in excess of two hundred (200) feet shall be permitted after showing of actual requirements of convenience and necessity and approval of the Planning Commission. Where frontage is fifty (50) feet or less, only one (1) combined entrance-exit shall be permitted.
- 10.2. At street intersections, no curb cut shall be located within twenty-five (25) feet of the intersection to two (2) curb lines or such lines extended, or within fifteen (15) feet of the intersection of two (2) property lines or such lines extended, whichever is least restrictive.
- 10.3. The distance between any two curbs cut on the same side of the street shall be not less than ten (10) feet. Said distance shall be measured between the points of tangency of the curb return radii and the established curb line of the abutting street.
- 10.4. All driveways shall be constructed so as to be at least five (5) feet from any property lines, except that a curb return may become tangent to a curb line at a point where said property line extended intersects said curb line.
- 10.5. The maximum width of any curb cut including curb returns shall not exceed fifteen (15) feet.

**ARTICLE XIII. SIGN AND BILLBOARD REGULATIONS**

**See Chapter 16 of the City Code of Ordinances**

## **ARTICLE XIV. ADMINISTRATION, ENFORCEMENT AND PENALTIES**

### **Section 14 - 1. Zoning Enforcement Officer**

The Building Inspector, appointed by the Council and confirmed by the Mayor shall administer and enforce this Ordinance. The Building Inspector shall keep records of all and any permits, the certificates of occupancy issued, and all submitted Subdivision Plats, with notations of all special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of his office and shall be made as a public record. He shall have the authority to make inspections of the buildings and land necessary to carry out his duties in the enforcement of this ordinance.

### **Section 14 - 2. Building Permit Required**

A building permit, or a sign permit in case of a sign, issued by the Building Inspector, is required in advance of the initiation of construction, erection, moving or alteration of any building or structure or sign. No building permit or sign permit shall be issued except in conformity with the provisions of this ordinance.

### **Section 14 - 3. Application for Building Permit**

All applications for building permits shall be accompanied by a plat or plan in duplicate, drawn to scale showing the actual dimensions of the lot to be built upon; the size of the building to be erected; the location of the building on the lot; the size and location of the lot; the number of dwelling units the building is designed to accommodate; the setback lines of buildings on adjoining lots and such other information as may be essential for determining whether the provisions of this ordinance are being observed.

- 3.1. The applicant for a building permit shall submit a certificate with his application which certifies that the lot which he proposes to develop is a lot of record. When the lot in question does not meet the lot width and lot area requirements of this ordinance, then the applicant shall certify that such lot was a lot of record prior to the adoption of this ordinance or is a lot which has been created through governmental taking of property.
- 3.2. Any building permit shall become void if the work involved has not begun within six (6) months after the date of issuance of the permit, or if the work or development authorized by such permit is suspended or abandoned for a period of six (6) months after the work or development is commenced; provided that extensions of time for periods not exceeding six (6) months each may be allowed in writing by the Building Inspector.
- 3.3. Building permits issued by the Zoning Administrator will identify buildings by assigning a street identification number. House street numbers of residential, commercial, and industrial buildings will display

street identification numbers of at least three (3) inches in height, that are visible from the facing street.

#### **Section 14 - 4. Sign Permits**

The Building Inspector shall receive applications for the construction of signs, as required by this ordinance. Such applications shall follow the same forms as required by this ordinance. Such applications shall follow the same forms as required for building permits, and shall contain information required by this Ordinance in East Dublin, Georgia. The Building Inspector shall process such sign applications and shall issue sign permits and sign permit numbers for proposed signs which comply with the requirements of this ordinance.

#### **Section 14 - 5. Certificate of Occupancy**

Certificate of occupancy shall be issued by the Building Inspector in accordance with the following provisions:

- 5.1. Certificate of Occupancy. Certificate of occupancy issued by the Building Inspector is required in advance of occupancy or use of:
  - A) A building hereafter erected.
  - B) A building hereafter altered so as to affect height, the side, front or rear yard.
  - C) Any building or premises where a change in the type of occupancy or use will occur.
- 5.2. Issuance of Certificate of Occupancy. Upon payment of any required fees, the Building Inspector shall sign and issue a certificate if the proposed use of land or building as stated on the certificate of occupancy is signed thereto by the owner or his appointed agent and is found to conform to the applicable provisions of this ordinance, and if the building, as finally constructed, complies with the sketch or plan submitted and approved for the building permit. One (1) copy of all certificates of occupancy issued which contain a statement of the intended use of the applicable property, floor loads, and other pertinent information, signed by the owner or his agent shall be kept on file in the office of the Building Inspector.
- 5.3. Denial of Certificate of Occupancy. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms with the applicable provisions of the building code and complies with the sketches or plans submitted for obtaining the building permit.



#### **Section 14 - 6. Penalties for Violation**

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty five (25) dollars or more than one hundred (100) dollars for each offense. Each day such violation continues shall constitute a separate offense.

#### **Section 14 - 7. Remedies**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this ordinance, the Building Inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to prevent the violation of this ordinance, the Building Inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to prevent the violation in the case of such buildings, structure or land.

#### **Section 14 - 8. Interpretation**

The Planning Commission shall provide an interpretation on all provisions of this Ordinance.

## **ARTICLE XV. BOARD OF APPEALS**

### **Section 15 - 1. Establishment**

A Board of Zoning Appeals is hereby established. It shall consist of five (5) members, each of whom are citizens of the City, and who shall serve without pay, but may be reimbursed for expenses incurred in the course of their duties. They shall be appointed by the Mayor for overlapping terms of three (3) years. In the initial appointment, one (1) member shall be appointed for one (1) year, two (2) members for two (2) years, and two (2) members for three (3) years. In each case, succeeding appointments shall be made for a term of three (3) years. Members of the Board of Zoning Appeals may be removed from office by the Mayor and Council for cause upon written notice, and after a public hearing. Any vacancy shall be filled by the Mayor for the expired term.

### **Section 15 - 2. Proceeding**

The Board of Zoning Appeals shall elect a Chairperson and a Vice-Chairperson, each whom shall serve for one (1) year or until they are re-elected or a successor is elected. The Board shall adopt rules of procedure for the conduct of its meetings. The Secretary, appointed by the Board, shall keep minutes of the proceedings of meetings including all transactions, actions, examinations, votes, abstentions (abstentions), and copies of the minutes of all meetings shall, at all times, be filed in the office of the City Administrator and be part of the public record. The Chairperson and the Vice-Chairperson shall have the power to administer oaths, and cause to have issued subpoenas to compel the attendance of witnesses.

### **Section 15 - 3. Appeals, Hearings, Notices**

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer or department of the city affected by any decision of the Building Inspector.

- A) Such appeals shall be taken not more than thirty (30) days after the decision appealed from is made by filing with the Building Inspector and with the City Clerk a notice of appeal, specifying the grounds thereof. Forms adequate for stating such appeals shall be made available by the Building Inspector. Following an appeal of his decision, the Building Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
- B) The Board of Zoning Appeals shall set a reasonable time for the hearing of an appeal. Written public notice including posting of such notice at the City Hall and publishing such notice in a newspaper of general circulation shall be given at least three (3) days prior to the date of hearing. Any party if interested may appear in person, by agent, or by attorney.

#### **Section 15 - 4. Stays of Proceeding**

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

#### **Section 15 - 5. Presentation of Evidence**

The appellant, and any public agency or private individual shall be entitled to present evidence on matters before the Board of Zoning Appeals and the Board of Zoning Appeals may request technical service, advice, data or factual evidence from the Planning Commission for assistance in reaching decisions.

#### **Section 15 - 6. Powers and Duties of the Board of Zoning Appeals**

The Board of Zoning Appeals shall have the following powers and duties:

- A) Administrative review: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector in the enforcement of this Ordinance.
- B) Conditions governing variance applications - Procedures: To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing (owing) to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:
  - a) A written application for a variance is submitted, demonstrating:
    - 1. That special condition (s) and circumstances exist which are particular to the land, structure, or building involved and which are not applicable to other land, structures or building in the same district;
    - 2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance;

3. That the special condition and circumstances do not result from the actions of the applicant; and;
  4. That granting the variance request will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district shall be considered grounds for the issuance of a variance.
- b) Notice of the public hearing is required.
  - c) The public hearing shall be held, at which any party may appear in person or by agent or by attorney.
  - d) The Board of Appeals shall make findings that all requirements have been met by the applicant for a variance.
  - e) The Board of Appeals shall further make a finding that the reasons set forth in the application justify granting the variance, and that the variance is the minimum variance that will make possible reasonable use of the land, building, or structure.
  - f) The Board of Appeals shall further make findings that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conforming within this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 14 - 6 of this Ordinance.

Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

- C) Special Exceptions: Applications and procedures. To hear and decide special exceptions to the terms of this ordinance upon which such board is required to pass under such ordinance.

### **Section 15 - 7. Decision of the Board of Zoning Appeals**

In exercising the above powers, the Board of Zoning Appeals may in conformity with the provisions of this ordinance, reverse, or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as sought to be made, and to that end shall have the powers of the Building Inspector from whom the appeal is taken. The

concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector, or to decide in favor of the application upon any matter upon which it is required to pass under this ordinance or to the effect any variation of this ordinance.

**Section 15 - 8. Appeals from the Board of Zoning Appeals**

Any person or persons, or any board, taxpayer, department, or bureau of the city aggrieved by any decision of the Board of Zoning Appeals may seek review by a court of record of such decision, in the manner provided by the laws of this state.

## **ARTICLE XVI. AMENDMENT**

### **Section 16 - 1. General Conditions**

These regulations including the Zoning Map may be amended by the Mayor and Council: (1) on its own motion (2) on petition (3) 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. A public hearing shall be held on any such amendment before becoming effective.

### **Section 16 - 2. Application for Amendment**

- 2.1. General: Applications for amendment of this ordinance may be in the form of proposals for amendment of the text of this ordinance or proposals for amendment of the Zoning Map.
- 2.2. Fee: Application forms for rezoning request shall be obtained from the Building Inspector and the complete form shall be submitted to the Building Inspector with one hundred dollar (\$100.00) fee to cover administrative cost.
- 2.3. Signature of Applicant Required: All applications shall be signed by the applicant, notarized and state his name and address. Applicant shall be the property owner or his authorized agent.
- 2.4. Application for Text Amendment: In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.
- 2.5. Application for Zoning Map Amendment: An application for a zoning map amendment shall include the following information:
  - A) The area in which the lot proposed to be reclassified is located and the street number, if any, or if none, the location with respect to the nearby public streets in common use; and
  - B) A plat of the lot in question, or a description by metes and bounds, bearings, and distances of the lot, or if the boundaries conform to the lot boundaries within a subdivision for which a plat is recorded in the land records of the county then the lot, block, and subdivision designations with appropriate plat references; and,
  - C) The present zoning classification and the classification proposed for such lot; and,

- D) The type and size of structure (s) to be constructed and the specific use of the structure; and,
- E) The name and address of the owners of the land; and,
- F) The area of the land proposed to be reclassified stated in square feet if less than one (1) acre; and,
- G) The application number, date of application, and action taken on all prior applications filed for the reclassification of the whole part of the land proposed to be reclassified.

### **Section 16 - 3. Referral to Planning Commission**

Within ten (10) days after acceptance of any application for amendment, the Building Inspector shall transmit two (2) copies thereof to the Planning Commission for its review and recommendation. The Planning Commission shall have a thirty (30) day period within which to submit its report to the Mayor and Council. If the Planning Commission fails to submit a report within a thirty (30) day period, it shall be deemed to have approved the requested change or departure.

### **Section 16 - 4. Hearing Procedure**

- 4.1. Public Hearing Called. Before taking action on proposed amendment, the Mayor and Council shall hold a public hearing thereon. At least fifteen (15) days' notice shall be posted at the City Hall and published in a newspaper of general circulation in the city. Such notice shall state a text amendment or in the case of a map amendment, the location of the property, its area, name of owner and the proposed change shall be stated.
- 4.2. Notice of Interested Parties. The Building Inspector shall send by mail, a notice of the date, time and place of hearing to the applicant and the Planning Commission Chairman.

### **Section 16 - 5. Posting of Property**

- 5.1. Erection of Sign. The Building Inspector shall post in a conspicuous place on the property to be rezoned within ten (10) days after acceptance of the filing of any application for change in zoning, one sign which shall not be less than nine (9) square feet in area and shall contain information as to the proposed change, date, place and time of public hearing. No such public hearing shall take place until said sign has been posted for at least fifteen (15) days.

**Section 16 - 6 Frequency of Applications**

Any application for a zoning amendment which is denied by the Mayor and Council shall not be reconsidered for one (1) year after said denial.

**Section 16 - 7. Public Inspection**

All application files shall be placed in the custody of the Building Inspector and shall be open to the public inspector during regular office hours.



## **ARTICLE XVII. LEGAL STATUS PROVISIONS**

### **Section 17 - 1. Conflicting with other Laws**

Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted statutes, rules, regulations, and/or ordinances, the more restrictive, or that imposing higher standards shall prevail.

### **Section 17 - 2. Repeal of Conflicting Ordinances (Severability)**

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

### **Section 17 - 3. Repeal of Conflicting Ordinances**

All ordinances and parts of ordinances in conflict herewith are repealed.

### **Section 17 - 4. Effective Date**

This ordinance became effective and in force from and after the twelfth day of November, 1984 and was updated with said changes becoming effective on the eleventh day of March, 2002.

## **STEPS FOR APPLYING FOR RE-ZONING**

Application must include the following information:

- 1) \$100.00 Re-zoning fee
- 2) Plat of land stating address and size
- 3) Legal description
- 4) Type & size of building to be constructed
- 5) Purpose for re-zoning
- 6) Must be signed and notarized by owner or legal agent