

City of Guyton, Georgia
CITY COUNCIL PUBLIC HEARING
April 13, 2021 at 6:00 P.M.



C.D. Dean, Jr., Public Safety Complex
GUYTON GYMNASIUM
505 Magnolia Street
Guyton, GA 31312

AGENDA

- 1. Call to Order**
- 2. New Business**
 - a. Open Planning and Zoning Committee Public Hearing
 - b. Discussion regarding Ordinance Number 2021-01 – Fence Ordinance
 - c. Discussion regarding Ordinance Number 2021-02 – An Ordinance to Amend the Zoning Ordinance of the City of Guyton, Georgia, As Amended; To Increase the Minimum Lot Area for the R-1 Zoning District from 10,000 Square Feet to 21,780 Square Feet
 - d. Discussion regarding Ordinance Number 2021-03 – An Ordinance to Amend the Subdivision Regulations of the City of Guyton, Georgia, As Amended to Provide for Increased Bonding Periods
- 8. Consideration to Adjourn this City Council Public Hearing**

**CITY OF GUYTON
STATE OF GEORGIA**

ORDINANCE NO. 2021-01

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF GUYTON, GEORGIA, AS AMENDED TO PROVIDE FOR STANDARDS FOR FENCES AND WALLS; TO PROVIDE FOR SEVERABILITY; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; AND TO PROVIDE AN EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF GUYTON, GEORGIA IN A CALLED MEETING ASSEMBLED AND PURSUANT TO LAWFUL AUTHORITY THEREOF, AS FOLLOWS:

SECTION 1. That the City of Guyton, Georgia Zoning Ordinance, as amended, be amended to add Section 718 – Fence and Wall Specifications, which is attached as Exhibit A hereto, incorporated herein by reference as if set forth verbatim herein, and becomes part of this Ordinance.

SECTION 2. If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 3. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. This Ordinance shall become effective immediately upon the date of adoption by the City Council.

APPROVED AND ADOPTED this __ day of _____, 2021 by the duly elected governing authority of the City of Guyton, Georgia.

CITY OF GUYTON

Russ Deen, Mayor

Attest:

Approved as to form:

Jenna Tidwell, Interim City Clerk

Benjamin M. Perkins, Esq., City Attorney

Mayor Pro Tem Michael Johnson

Council Member Joseph Lee

Council Member Hursula Pelote

Council Member Marshall Reiser

Mike Eskew, Interim City Manager

March 9, 2021
First Reading

Second Reading and Adopted

EXHIBIT A

- 1) *Permitting.* A permit shall be required to construct a fence or wall within the corporate boundaries of the City of Guyton. City Staff shall be responsible for issuing fence and wall permits. To receive a fence or wall permit, the proposed fence or wall shall conform to the provisions stated herein
- 2) *Visibility; Obstruction of public rights-of-way.* Fences, walls, gates, and vegetative materials used in association therewith shall not obstruct a public right-of-way, the minimum sight distance requirements which are specified in the City of Guyton Subdivision Regulations (Article 7), nor violate the Vision Clearance provisions of the Zoning Ordinance (Sec. 714).
- 3) *Maintenance of required landscape areas.* Landscape areas or strips required pursuant to this section shall be maintained in a well-manicured and visually attractive manner.
- 4) *General fencing standards.* The following standards shall apply to all fences and walls:
 - a. *Visible from public right-of-way.* In all zoning districts, wire fencing materials, except chain link fencing, shall not be constructed, installed, or maintained if the fence would be visible from a public right-of-way. This provision shall not preclude the use of chain link fencing as a security fence around stormwater facilities or recreational facilities.
 - b. *Fences along all property lines.* Walls and fences constructed along all property lines shall be constructed with a finished side toward the neighboring property.
 - c. *Minimum landscape requirements.* A minimum three-foot landscape strip shall be provided between a fence or wall and a public right-of-way.
 - d. *Height.* Except upon approval by City Council or otherwise provided in this Section or elsewhere in the Code of Ordinances of the City of Guyton, Georgia, fences and walls shall not exceed a height of eight feet from grade. (See the City of Guyton, Georgia Zoning Ordinance at Sections 607(F)(4); 610(B)(2); 612(B)(2); 702; 708(1); and 715(10)). Column and ornament heights are permitted to exceed the maximum fence/wall height by up to eighteen inches.
 - e. *Setback.* All fences and walls shall be set back a minimum of three feet from any public right-of-way.
- 5) *Residential fencing standards.* The following standards shall apply to all fences and walls constructed, installed, or maintained at all properties for which the use is primarily residential.
 - a. *Barbed wire.* Barbed wire shall not be permitted.
 - b. *Front yard specifications.* Fencing along front yards shall be as follows:
 - i. Fences shall consist of more than 35% open voids, as viewed on a horizontal plane.
 - ii. Fences shall not exceed a height of four feet from grade.

- c. *Side, corner, and rear yard specifications.* Fencing along side, corner, and rear yards shall be as follows:
 - i. Along sides and rear of a lot, fencing material can be of any type.
 - ii. Fences shall not exceed a height of six feet from grade.
 - iii. If a side, corner, or rear lot line borders a public right-of-way, subsection 5(b) shall apply.

- 6) *Variances.* Variances from the requirements of this section may be granted by City Council upon the filing of a proper application with the Planning and Zoning Commission and a payment of an application fee of \$50.00. A variance may be granted by the Planning and Zoning Commission only in the event that the circumstances listed in the City of Guyton, Georgia Zoning Ordinance, Section 1006, Subsections (A)(1) through (4), and Subsection A(6), exist.

**CITY OF GUYTON
STATE OF GEORGIA**

ORDINANCE NO. 2021-02

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF GUYTON, GEORGIA, AS AMENDED; TO INCREASE THE MINIMUM LOT AREA FOR THE R-1 ZONING DISTRICT FROM 10,000 SQUARE FEET TO 21,780 SQUARE FEET; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE AN EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF GUYTON, GEORGIA IN A CALLED MEETING ASSEMBLED AND PURSUANT TO LAWFUL AUTHORITY THEREOF, AS FOLLOWS:

SECTION 1. The text of Section 601(C)(1) of Zoning Ordinance of the City of Guyton, Georgia, as amended, is hereby deleted in its entirety and shall now read, "Minimum lot area: 21,780 square feet;"

SECTION 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance, or of the Zoning Ordinance of the City of Guyton, Georgia.

SECTION 4. This ordinance shall become effective upon the date of adoption.

SO ORDAINED AND RESOLVED, this __ day of _____, 2021.

CITY OF GUYTON

Russ Deen, Mayor

Attest:

Approved as to form:

Jenna Tidwell, Interim City Clerk

Benjamin M. Perkins, Esq., City Attorney

Mayor Pro Tem Michael Johnson

Council Member Joseph Lee

Council Member Hursula Pelote

Council Member Marshall Reiser

Mike Eskew, Interim City Manager

March 9, 2021
First Reading

Second Reading and Adopted

CITY OF GUYTON
STATE OF GEORGIA

ORDINANCE NO. 2021-03

AN ORDINANCE TO AMEND THE SUBDIVISION REGULATIONS OF THE CITY OF GUYTON, GEORGIA, AS AMENDED TO PROVIDE FOR INCREASED BONDING PERIODS; TO PROVIDE FOR SEVERABILITY; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; AND TO PROVIDE AN EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF GUYTON, GEORGIA IN A CALLED MEETING ASSEMBLED AND PURSUANT TO LAWFUL AUTHORITY THEREOF, AS FOLLOWS:

SECTION 1. The fifth paragraph of Section 4.2.4(b)(i) of the City of Guyton, Georgia Subdivision Regulations is hereby amended to now provide as follows:

All required improvements must be completed before the approval of the final plat. The maintenance bond, letter of credit (LOC), escrow account, or certified check will be held by the City for a period of not less than ~~12-24~~ months after final plat approval to assure the maintenance of the subdivision development. At the end of the ~~12-24~~ months, the developer shall request an inspection, and if no faults or failures have developed, the City Council shall release the bond, LOC, escrow, or check. Maintenance bonds, LOCs, escrows, or checks shall remain in force until released by the City Council after due inspection of said improvements and shall not automatically expire at the end of ~~12-24~~ months from the date of final plat approval.

SECTION 2. Section 6.4(a) of the City of Guyton Subdivision Regulations is hereby amended to now provide as follows:

In order to assure the maintenance of required improvements and installations after the approval of a final plat, the City Council may accept a commitment of the subdivider to maintain said improvements, for a time specified by the Planning and Zoning Commission, or security in the form of an irrevocable letter of credit, maintenance bond, escrow account, or certified check, in an amount established by the Planning and Zoning Commission as sufficient to pay all costs of maintaining said improvements and for a time established by the Planning and Zoning Commission, which shall be at least 24 months.

SECTION 3. Section 6.5.2(1) of the City of Guyton Subdivision Regulations is hereby amended to now provide as follows:

Any street constructed after the date of this ordinance must be constructed to City standards. The subdivider may request the dedication of new streets after such roads or streets have been utilized for a period of one year or more after the date of the approval of the final plat by the City Council. The City Council may accept a road or street prior to this date if a performance bond or letter of credit is posted for ~~one year~~ 24 months to ensure the condition of the street in the amount of 150 percent of the cost of the street. The City Council may also request a letter of credit or performance bond upon acceptance of the street if deemed necessary based on the condition of the street.

SECTION 4. If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 5. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 6. This Ordinance shall become effective immediately upon the date of adoption by the City Council.

APPROVED AND ADOPTED this __ day of _____, 2021 by the duly elected governing authority of the City of Guyton, Georgia.

CITY OF GUYTON

Russ Deen, Mayor

Attest:

Approved as to form:

Jenna Tidwell, Interim City Clerk

Benjamin M. Perkins, Esq., City Attorney

Mayor Pro Tem Michael Johnson

Council Member Joseph Lee

Council Member Hursula Pelote

Council Member Marshall Reiser

Mike Eskew, Interim City Manager

March 9, 2021
First Reading

Second Reading and Adopted

CITY OF GUYTON
STATE OF GEORGIA

Resolution # 2021-02

A RESOLUTION APPOINTING SAMUEL J. DEROCCO IV AS THE PROSECUTING ATTORNEY FOR THE MUNICIPAL COURT OF THE CITY OF GUYTON, GEORGIA, PURSUANT TO THE OFFICIAL CODE OF GEORGIA ANNOTATED, SECTION 15-18-91(b), AND SECTION 3.12 OF THE CHARTER OF THE CITY OF GUYTON; ACCEPTING THE RESIGNATION OF THE PRIOR PROSECUTING ATTORNEY IN SUCH COURT; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Guyton, Georgia appoints the Prosecuting Attorney of the Municipal Court of the City of Guyton, Georgia; and

WHEREAS, the current Prosecuting Attorney, Duff B. Ayers, notified the City of his resignation to be effective on or before April 30, 2021; and

WHEREAS, pursuant to O.C.G.A. § 15-18-91(a), the governing authority of the City is authorized to create the office of Prosecuting Attorney of the Municipal Court of the City of Guyton by resolution.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE GOVERNING AUTHORITY OF THE CITY OF GUYTON, GEORGIA IN A REGULAR MEETING ASSEMBLED ON APRIL 13, 2021 AND PURSUANT TO LAWFUL AUTHORITY THEREOF, AS FOLLOWS:

SECTION 1: The City Attorney, under Section 3.12 of the Charter of the City may act as the “prosecuting officer” of the Municipal Court of the City of Guyton, Georgia.

SECTION 2: The governing authority of the City is authorized to appoint the Prosecuting Attorney for the Municipal Court for the City of Guyton, Georgia, or assistant Prosecuting Attorney, as might be required from time to time.

SECTION 3: The governing authority of the City hereby accepts the resignation of Duff B. Ayers as Prosecuting Attorney of the Municipal Court of the City of Guyton.

SECTION 4: The governing authority of the City hereby appoints Samuel J. DeRocco IV as the Prosecuting Attorney for the Municipal Court of Guyton.

SECTION 5: The governing authority of the City hereby ratifies and confirms the office of Prosecuting Attorney of the Municipal Court of the City of Guyton, Georgia.

SECTION 6: All actions that have been taken by the persons acting in the positions of the Office of the Prosecuting Attorney for the Municipal Court of the City of Guyton to date as authorized by the Mayor and City Council are hereby ratified.

SECTION 7: Within thirty (30) days of the effective date of this Resolution, the Municipal Court Clerk shall notify the Prosecuting Attorneys' Council of the State of Georgia of this appointment as required under Georgia law and give any and all other notices as are appropriate under the circumstances.

SECTION 8: This Resolution shall become effective immediately upon its adoption.

SO RESOLVED, this 13th day of April, 2021.

CITY OF GUYTON

Russ Deen, Mayor

Attest:

Jenna Tidwell, Interim City Clerk

Mayor Pro Tem Michael Johnson

Council Member Joseph Lee

Council Member Hursula Pelote

Council Member Marshall Reiser

Mike Eskew, Interim City Manager