

City of Guyton, Georgia



**CITY COUNCIL MEETING
October 13, 2020 at 7:00 p.m.**

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

AGENDA

- 1. Call to Order**
- 2. Moment of Repose for Those Who Practice Some Other Faith**
- 3. Invocation**
- 4. Pledge of Allegiance**
- 5. Consideration to approve the Agenda**
- 6. Consideration to approve Minutes of Meetings**
 - a. Tuesday, September 1, 2020 at 6:00 p.m. – City Council Workshop
 - b. Tuesday, September 8, 2020 at 7:00 p.m. – City Council Meeting
- 7. Reports from Staff or Committees**

City Manager – Bill Sawyer
Historical Commission – Pearl Boynes
Police Department – Chief James Breletic
Public Works - EOM
Fire Department- Chief Clint Hodges
- 8. Public Comments (will be limited to Agenda Items only)**
- 9. New Business**
 - a. Consideration to Adopt Ordinance Number 2020-08 – The City of Guyton to Amend and Restate the Zoning Ordinance and to Amend the Official Zoning Map of Guyton, Georgia
 - b. Consideration to Adopt Ordinance Number 2020-09 – The City of Guyton to Amend and Restate the Building Regulations
 - c. Consideration to Adopt Ordinance Number 2020-10 – The City of Guyton to Amend

- and Restate the Subdivision Regulations
- d. Consideration to Adopt Ordinance Number 2020-14 – An Ordinance for a Mask Mandate Due to COVID-19
 - e. Consideration to Approve the City Manager to Pay Off Contract Number: 9910000753-00004 – E-One International FT - \$36,669.03
 - f. Consideration to Approve the City Manager to Pay Off Contract Number: 9910000753-00005 – 2006 Pumping Engine - \$52,771.18
 - g. Consideration to Approve the City Manager to Pay Off Contract Number: 9910000753-00006 – Edmunds Software - \$52,193.66
 - h. Consideration to Authorize the City Manager to Transfer Money from the Fire Fund ending in 8213 in the Amount of \$120,483.30 and to Transfer Money from the Checking Account ending in 0568 in the Amount of \$80,098.82 into the General Fund
 - i. Consideration to Approve the Wastewater Treatment Update/Soil Study

9. General Government

Discussion regarding waiving the online payment fees for customers paying utility bills online – The City is waiving the fees now

Discussion regarding Events

10. Dates to Remember

Early Voting – October 12, 2020 – October 30, 2020

Saturday, October 24, 2020 at 8:00 a.m., 8th Annual Superhero Run

Tuesday, October 27, 2020 at 7:00 p.m., Planning and Zoning Committee Meeting, C.D. Dean, Jr., Public Safety Complex, Leisure Services Room, 505 Magnolia Street, Guyton, GA 31312

Tuesday, November 3, 2020 City Council Workshop at 6:00 p.m. located at the C.D. Dean, Jr., Public Safety Complex, Guyton Gymnasium, 505 Magnolia Street, Guyton, GA 31312

Tuesday, November 10, 2020 at 7:00 p.m., City Council Meeting, located at the C.D. Dean, Jr., Public Safety Complex, Guyton Gymnasium, 505 Magnolia Street, Guyton, GA 31312

Wednesday, November 11, 2020 - City Hall will be closed for Veterans Day

- 11. Consideration to move from the Regular Meeting into an Executive Session**
- 12. Consideration to take any action needed arising from Executive Session**
- 13. Public Comments (will be limited to Agenda Items only)**
- 14. Consideration to Adjourn this meeting**



City of Guyton
City Council Workshop
September 1, 2020 – 6:00 p.m.

MINUTES OF WORKSHOP

Call to Order

The September 1, 2020 City of Guyton City Council Meeting was called to order by Mayor Russ Deen at approximately 6:00 p.m. Mayor Russ Deen, Joseph Lee, Council Member Hursula Pelote and Council Member T. Marshall Reiser were present at this meeting. Mayor Pro Tem Michael Johnson, Sr. joined the Workshop around 6:30 p.m.

TOPICS FOR DISCUSSION

a. Workshop format

Mayor Deen discussed having a City Workshop and this workshop is an open discussion. The City will have a Workshop the first Tuesday of every month.

b. Planning and Zoning Ordinances

The City is in the process of updating its City Ordinances.

c. CDBG Project

East Guyton Drainage – City Manager Bill Sawyer stated that this is a Community Development Block Grant. This is a \$750,000 Application. This is a 5-year plan.

Housing Rehabilitation – Repair homes at no charge to the homeowners. Sawyer must go home to home and provide a Survey. Reiser asked when the timeline is. Sawyer stated we will not know until April 2021. This is a 1-million-dollar project.

d. SPLOST Projects

Sawyer discussed the SPLOST projects. We have 4 Million dollars in SPLOST Funds

Crossgate Flooding and Drainage

Guardrails – Need to provide safety for our roads where there is a drop off

Roundabout Light - We have a Contractor to fix this light

Lawn Mower - We have purchased a Lawn Mower

Gymnasium – Replace Windows – The City needs to have a large room to be able to host events

e. Sanitation

Sawyer explained that they have met with Waste Management about 1 week ago. This is a month to month contract. The City has negotiated a good Contract. The City is going to bid our Waster Services out. The City has extra trash cans at City Hall.

f. September Emergency Ordinance

Mayor Deen discussed the new Emergency Order. This is an Ordinance from the Georgia Municipal Association. Reiser asked about Section 2 of the new Ordinance. Businesses can opt out of the required face mask by posting on sign on their front door. A discussion was had by Council regarding wearing masks. Emergency Orders via the City Charter only last 30 days.

g. TSPLOST Projects

Mayor Deen discussed the TSPOLST Projects that were included in the Agenda Packet. Vote yes on TSPLOST if you want to see the projects happen. A discussion was had about taxes.

h. Census

Mayor Deen explained that we are in the final month to fill out your Census. 6 out of 10 houses in Guyton are filling out their Census. Pelote said that she would willing to help with completing your Census.

i. City Hall Operations

Sawyer explained that City Hall will be back to normal operations and to the public as of September 8th.

j. City Newsletter

Mayor Deen explained the City Newsletter that the City started in September. City Clerk Tina Chadwick explained the Newsletter and timelines and ideas. Put Newsletters in the Post Office.

k. Open Discussion

Reiser stated that having these Workshops is what they heard at GMA and thinks it is a great idea to get the citizens involved.

Dates to Remember

- a. Planning and Zoning Committee Public Hearing will be held on Tuesday, September 8, 2020 at 6:00 p.m. in the Leisure Services Room located at 505 Magnolia Street, Guyton, GA.

- b. City Council Meeting will be held on Tuesday, September 8, 2020 at 7:00 p.m. at the C.D. Dean, Jr., Public Safety Complex, City Hall Gymnasium located at 505 Magnolia Street, Guyton, GA 31312.
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Consideration to Adjourn this Workshop

Reiser made a motion to adjourn the Regular Meeting at approximately 7:00 p.m. Lee seconded the motion. **Motion passed unanimously.**

Russ Deen, Mayor

Tina Chadwick, City Clerk



City of Guyton
City Council Meeting
September 8, 2020 – 7:00 p.m.

MINUTES OF MEETING

Call to Order

The September 8, 2020 City of Guyton City Council Meeting was called to order by Mayor Russ Deen at approximately 7:00 p.m. Mayor Russ Deen, Mayor Pro Tem Michael Johnson, Sr., Council Member Joseph Lee, Council Member Hursula Pelote and Council Member T. Marshall Reiser were present at this meeting.

Other Staff Present – City Manager Bill Sawyer, Interim Assistant City Attorney David “Bobo” Mullens and City Clerk Tina Chadwick were present.

Moment of Repose for Those Who Practice Some Other Faith

Deen asked all present to take a brief repose for those who practice some other faith.

Invocation

Pastor Lon Harden gave the invocation.

Pledge of Allegiance

The Pledge of Allegiance was led by Deen

Consideration to approve the Amended Agenda

Johnson made a motion to approve the Amended Agenda as presented. Pelote seconded the motion. **Motion passed unanimously.**

Consideration to approve Minutes of Meetings

Johnson made a motion to approve the minutes from the August 11, 2020 Public Hearing at 6:00 p.m. – Notice of Property Tax Increase/Millage Rate and August 11, 2020 City Council Meeting at 7:00 p.m. Pelote seconded the motion. **Motion passed unanimously.**

Reports from Staff

City Manager – Bill Sawyer - Met with EPD regarding the Spray Application Field. The City has met with Sanitation Companies. The City has met with two Developers. Sawyer gave the Council an update on the City's Account Balances. Reiser reported that the Audit is nearly done.

Historical Commission – Pearl Boynes – Boynes spoke about purchasing a Brick for the Memorial Garden.

Police Department - Chief Breletic – 496 Calls, 10 Incident Reports, 3 Accident Reports, 25 Supplementals, 2 Cases with Warrants Pending and 12 Citations.

Fire Department – Chief Clint Hodges – 391 Calls for Service and 27 Calls within the City Limits.

Health Department – Darrell O'Neal – O'Neal shared Data regarding the Guyton Zip Code regarding the Pandemic. O'Neal states that you want to have 100 exposures for every 100,000 people or less. O'Neal states that the difference between COVID-19 and the Flu is that there is not a vaccine and there are no therapeutics for COVID-19.

Public Comments (will be limited to Agenda Items only)

No Public Comments

NEW BUSINESS

Consideration to Adopt Ordinance Number 2020-08 – The City of Guyton to Amend and Restate the Zoning Ordinance and to Amend the Official Zoning Map of Guyton, Georgia

Pelote made a motion to Table Ordinance Number 2020-08 – The City of Guyton to Amend and Restate the Zoning Ordinance and to Amend the Official Zoning Map of Guyton, Georgia. Reiser seconded the Motion. **Motion passed unanimously.**

Consideration to Adopt Ordinance Number 2020-09 - The City of Guyton to Amend and Restate the Building Regulations

Pelote made a Motion to Table Ordinance Number 2020-09 – The City of Guyton to Amend and Restate the Building Regulations. Reiser seconded the Motion. **Motion passed unanimously.**

Consideration to Adopt Ordinance Number 2020-10 – The City of Guyton to Amend and Restate the Subdivision Regulations

Pelote made a motion to Table Ordinance Number 2020-10 – The City of Guyton to Amend and Restate the Subdivision Regulations. Reiser seconded the Motion. **Motion passed unanimously.**

Consideration to Adopt Ordinance Number 2020-12 – A Declaration of a State of Emergency Due to COVID-19; an Ordinance Taking Immediate Emergency Matters

Deen explained the new Ordinance and removing Item F - Businesses could put up signage stating if they required a consumer to wear a mask. Deen stated that this is the Ordinance put forth by GMA. Reiser explains the difference between this Ordinance and the last is that it allows a Business that does not consent to wearing face coverings and that they are opting out of this Ordinance. Reiser states that it helps our businesses to help enforce this and to work with the City. Johnson agrees that it will help our businesses help us by posting signage and by not hurting the businesses.

Reiser made a Motion to Adopt Ordinance Number 2020-12 – A Declaration of a State of Emergency Due to COVID-19; an Ordinance Taking Immediate Emergency Matters. Johnson seconded the Motion. **Motion passed unanimously.**

Consideration to Adopt Resolution Number R2020-06 – A Resolution by the Mayor and Council Members of the City of Guyton, Georgia to Authorize Submission of a FY 2021 Community Development Block Grant (CDBG) application to the Georgia Department of Community Affairs (DCA) for Funding under Title 1 of the Housing and Community Development Act of 1974, as Amended

Sawyer states that he needs unanimous consent from the Council before being able to move forward with this Application. Sawyer states that is a Million Dollar Grant Project in East Guyton. Sawyer explains that there are drainage issues that need to be repaired and houses need to be restored

Johnson made a Motion to Adopt Resolution Number R2020-06 – A Resolution by the Mayor and Council Members of the City of Guyton, Georgia to Authorize Submission of a FY 2021 Community Block Grant (CDBG) application to the Georgia Department of Community Affairs (DCA) for Funding under Title 1 of the Housing and Community Development Act of 1974, as Amended. Lee seconded the Motion. **Motion passed unanimously.**

Consideration to Adopt Resolution Number R2020-07 – Fair Housing Resolution

Sawyer states that this Resolution states that the City is inclusive and whoever applies in that target area the City would not discriminate based on race.

Lee made a Motion to Adopt Resolution Number R2020-07 – Fair Housing Resolution. Pelote seconded the Motion. **Motion passed unanimously.**

Consideration to Approve SPLOST Project – Crossgate Subdivision

Sawyer states that this is a Subdivisions that had issues long before I got here. This is going to be a twofold issue. One is a SPLOST Project and the other is a T-SPLOST Project. Sawyer would like unanimous consent to start the bid process.

Johnson made a Motion to Approve SPLOST Project – Crossgate Subdivision. Pelote seconded the Motion. **Motion passed unanimously.**

Consideration to Approve SPLOST Project – Guardrails

Sawyer states that in East Guyton that Mr. Johnson and Mr. Lee have given some guidance as to some roads and the unsafe conditions of these roads and that these roads need guardrails.

Johnson made a Motion to Approve SPLOST Project – Guardrails. Lee seconded the Motion. **Motion passed unanimously.**

Consideration to Approve SPLOST Project – Roundabout Light

Sawyer states that on December 8, 2019 there was an accident that knocked down one of our lights in the Roundabout. This is a State Contract. SPLOST Project is \$7,118.

Pelote made a Motion to Approve SPLOST Project – Roundabout Light. Johnson seconded the Motion. **Motion passed unanimously.**

Consideration to Approve SPLOST Project - City of Guyton Gym

Sawyer asks for unanimous consent for him to bid out this SPLOST Project.

Reiser made a Motion to Approve SPLOST Project – City of Guyton Gym. Pelote seconded the Motion. **Motion passed unanimously.**

Consideration to Approve CDBG Project – East Guyton Drainage

Sawyer states that if the City would lump the East Guyton Drainage issue with the Housing Rehabilitation Project it would be a Million Dollar Project.

Johnson made a Motion to Approve CDBG Project – East Guyton Drainage and Housing Rehabilitation. Lee seconded the Motion. **Motion passed unanimously.**

General Government

City Hall is to resume normal business hours and is open to the public beginning Tuesday, September 8, 2020. Temperature checks will take place when you walk in the door at City Hall and you are required to wear a face mask when entering City Hall.

Dates to Remember

Tuesday, September 22, 2020 Planning and Zoning Committee Meeting at 7:00 p.m. located at the C.D. Dean, Jr., Public Safety Complex, Guyton Gymnasium, 505 Magnolia Street, Guyton, GA 31312

Tuesday, October 6, 2020 City Council Workshop at 6:00 p.m. located at the C.D. Dean, Jr., Public Safety Complex, Guyton Gymnasium, 505 Magnolia Street, Guyton, GA 31312

Consideration to move from the Regular Meeting into an Executive Session reference personnel and litigation

Lee made a Motion to move from the Regular Meeting into an Executive Session reference personnel and litigation at 7:47 p.m. Reiser seconded the Motion. **Motion passed unanimously.**

Consideration to take any action needed arising from Executive Session

No Action was taken.

Public Comments (will be limited to Agenda Items only)

No Public Comments

Consideration to Adjourn this Meeting

Johnson made a motion to adjourn the Regular Meeting at approximately 9:22 p.m. Reiser seconded the motion. **Motion passed unanimously.**

Russ Deen, Mayor

Tina Chadwick, City Clerk

**CITY OF GUYTON
STATE OF GEORGIA**

ORDINANCE NUMBER 2020-08

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

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

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

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

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

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

APPROVED AND ADOPTED this ____ day of _____, 2020 by the duly elected governing authority of the City of Guyton, Georgia.

CITY OF GUYTON

Russ Deen, Mayor

ATTEST:

Tina L. Chadwick, City Clerk

Mayor Pro Tem Michael Johnson

Council Member Joseph Lee

Council Member Hursula Pelote

Council Member Marshall Reiser

Bill Sawyer, City Manager

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ARTICLE ONE

Title

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

ARTICLE TWO

Enactment, Purpose, Objectives, and Scope of Ordinance

Section 201 Enactment

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

Section 202 Purpose

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

Section 203 Objectives

These regulations are designed to:

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

Section 204 Scope

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

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

ARTICLE THREE

General Provisions

Section 301 All Structures Must Conform to Ordinance

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

Section 302 Access to Public Street Required

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

Section 303 Projects Under Construction Not Affected

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

Section 304 Zoning Designation of Annexed Areas

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

Section 305 Public Utilities Allowed in All Districts

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

ARTICLE FOUR

Interpretation of Terms and Definitions

Section 401 Interpretation of Terms

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

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

Definitions:

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

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

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

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

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

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

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

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

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

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

ARTICLE FIVE

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

Section 501 Establishment of Land Use Districts

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

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

Section 502 Interpretation of Land Use District Boundaries

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

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

ARTICLE SIX

Intent of Land Use Districts and Specific Land Use District Regulation

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

Section 601 R-1, Single Family Residential District

District Intent

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

A. Uses Permitted

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

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

B. Special Permit Uses

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

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

C. Area Regulation

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

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

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

D. Single-Family Residential Standards

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

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

Section 602 R-2 Residential District

District Intent

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

A. Uses Permitted

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

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

B. Special Permit Uses

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

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

C. Area Regulations

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

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

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

District Intent

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

A. Uses Permitted

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

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

B. Special Permit Use

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

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

C. Area Regulations

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

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

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

Section 604 R-4 Single Family Residential District

District Intent

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

A. Uses Permitted

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

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

B. Special Permit Uses

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

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

C. Area Regulations

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

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

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

Section 605 R-5, Townhouse Dwelling District

District Intent

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

A. Uses Permitted

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

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

B. Special Permit Uses

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

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

C. Area Regulations

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

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

Section 606 MH Manufactured Housing District

District Intent

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

A. Uses Permitted

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

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

B. Special Permit Uses

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

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

C. Area Regulations

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

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

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

Section 607 PD, Planned Development District

District Intent

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

A. Specific Requirements

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

B. Amendments to Existing PD Districts

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

C. Plot Plan for Planned Development

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

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

D. Written Report for Planned Development

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

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

E. Permitted Uses

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

F. General Design Criteria and Development Standards

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

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

Section 608 MU, Mixed Use Residential-Commercial District

District Intent

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

A. Uses Permitted

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

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

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

B. Special Permit Uses

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

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

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

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

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

C. Area Regulations

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

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

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

Section 609 C-1, Central Business District

District Intent

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

D. Uses Permitted

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

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

E. Special Permit Uses

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

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

F. Area Regulations

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

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

Section 610 C-2 Highway Commercial District

District Intent

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

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

A. Uses Permitted

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

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

B. Special Permit Uses

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

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

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

C. Area Regulations

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

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

D. Other Requirements

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

Section 611 C-3, Office-Apartment District

District Intent

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

A. Uses Permitted

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

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

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

B. Special Permit Uses

None.

C. Area Regulations

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

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

Section 612 I-L Light Industrial District

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

A. Uses Permitted

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

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

B. Special Permit Uses

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

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

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

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

C. Area Regulations

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

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

Section 613 I-G, General Industrial District

District Intent

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

A. Uses Permitted

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

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

B. Special Permit Uses

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

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

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

C. Area Regulations

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

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

Section 614 I-A Airport-Industrial District

District Intent

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

A. Standards and Airport Zoning Maps

RESERVED

B. Zones

RESERVED

C. Height Limits

RESERVED

D. Use Restrictions

RESERVED

E. Conflicting Regulations

RESERVED

Section 615 CP, Conservation-Preservation District

District Intent

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

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

A. Uses Permitted

Reserved.

B. Special Permit Uses

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

- (1) Churches and/or cemeteries.

C. Area Regulations

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

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

Section 616 WP, Waste Management District

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

A. Uses Permitted

Reserved.

B. Special Permit Uses

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

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

C. Area Regulations

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

ARTICLE SEVEN

Additional Regulations

Section 701 Accessory Structures and Uses

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

A. Accessory Structures and Uses for Residences

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

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

B. Accessory Structures and Uses for Church Buildings

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

C. Accessory Structures and Uses for Commercial and Industrial Uses

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

D. Setback and Other Requirements for Accessory Uses and Structures

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

Section 702 Buffer Strips.

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

Section 703 Curb Cuts and Access Points

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

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

Section 704 Double Frontage Lots

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

Section 705 Exceptions to Front Yard Setback Requirements

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

Section 706 Exceptions to Height Regulations

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

Section 707 Home Occupations and Home Business Offices

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

A. Home Occupation

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

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

B. Home Business Office

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

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

Section 708 Junk Yards

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

Section 709 Nonconforming Uses

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

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

Section 710 Non-Conforming Buildings or Structures

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

Section 711 Non-Conforming Use of Land

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

Section 712 Non-Conforming Use of Structures

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

Section 713 Obstruction to Vision at Road Intersections

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

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

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

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

Section 715 Travel Trailer Parks.

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

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

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

Section 717 Shopping Centers

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

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

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

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

- (7) The dimensions of the driveways shall be designed to accommodate adequate volume and character of vehicles anticipated to be attracted daily to the development. The following are the minimum widths:
- One-way driveways15 feet
 - Two-way driveways.....25 feet
- (8) Any driveway shall be constructed with the surface approved by the Commission/Council. Such surface shall extend to the paved portion of the road and shall extend throughout the area defined by the required driveway dimensions.
- (9) Where a driveway serves right-turning traffic from a parking area providing two hundred (200) or more parking spaces and the road has an average daily traffic volume exceeding seven thousand five hundred (7,500) vehicles, an acceleration lane and a deceleration lane for each connection is required. Each shall be two hundred (200) feet in length and ten (10) feet wide. A minimum thirty-five (35) foot curb return radius shall be used for each.
- (10) Parking shall be provided as required in Article Eight. Parking aisles which provide direct access to individual parking stalls shall be twenty-five (25) feet wide. All parking shall be ninety (90) degrees (perpendicular) from the aisles.
- (a) Parking areas should be designed to focus on major walkways, which should be fenced or marked.
 - (b) Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks should be clearly designed by pavement markings or signs and lighted. Crosswalk surfaces should be raised slightly to be distinguished from driveways, unless drainage problems would result.
- (11) Exterior lighting shall meet the following requirements:
- (a) The style of the light and the light standard shall be consistent with the architectural style of the principal building.
 - (b) The maximum height of freestanding lights shall be no more than twenty-five (25) feet.
 - (c) All sights shall be shielded to restrict the maximum apex angle of the cone of illumination to one hundred fifty (150) degrees.
 - (d) Where lights along property lines will be visible to adjacent residents, the lights should be appropriately shielded.
 - (e) Spotlight-type fixtures attached to buildings are not permitted.
 - (f) The following intensity in foot-candles should be provided:
 - 1. Parking lots: an average of 1.5 foot-candles throughout;
 - 2. Intersections: Three (3) foot-candles;
 - 3. Maximum at property lines: One (1) foot-candle.
- (12) Buffer and landscaping shall be required as follows:
- (a) Buffers or fences, landscaping, berm and mounds used to minimize any adverse impacts or nuisance on the site or from adjacent areas. Buffers are required where a shopping center abuts a residential use or district;
 - (b) Natural plants can be used as buffers, if the existing natural plants are sufficient to block the view of the new shopping center. New plantings can be used if they are of sufficient size and character to substantially block the view of the shopping center from the residential area;

- (c) Landscaping is required for all shopping centers. For each 24 parking spaces, there shall be required adjacent to the parking spaces, three canopy trees, two understory trees and six shrubs;
- (d) Unless otherwise specifically indicated by the Planning and Zoning Commission, all plant materials required shall meet the following minimum size standards:
 - Canopy Tree2 ½ caliper
 - Understory tree4 feet in height
 - Shrub.....2 feet in height

ARTICLE EIGHT

Off-Street Automobile and Vehicle Parking and Loading

Section 801 General Intent and Application

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

Section 802 Control (via Ownership or Lease)

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

Section 803 Size and Access

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

Section 804 Number of Parking Spaces Required

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

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

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

Section 805 Location of Off-Street Parking Areas

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

Section 806 Off-Street Loading and Unloading Requirements

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

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

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

Section 807 Number of Off-Street Loading Spaces

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

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

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

ARTICLE NINE

Signs

Section 901 Penalty for Violation of Article

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

Section 902 Enforcement Actions by Zoning Administrator.

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

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

A. Processing of Sign Permits.

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

B. Sign Permit Required.

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

C. Application for Sign Permit.

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

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

D. Expiration of Sign Permit.

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

E. Sign Permit Fees.

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

F. Exemptions From Sign Permit Requirement.

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

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

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

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

G. Administrative Officer.

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

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

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

Section 905 Bond and Insurance for Sign Contractors.

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

Section 906 Nonconforming Signs.

a) The City of Guyton finds that nonconforming signs may adversely affect the public health, safety, and welfare. Such signs may adversely affect the aesthetic characteristics of the City and may adversely affect public safety due to the visual impact of said signs on motorists and the structural characteristics of said signs.

b) Grandfathered Nonconforming Signs.

(1) A nonconforming sign that is permanently affixed to the ground or to a building may continue to be used, except that the nonconforming sign:

- i. Shall not be replaced, except in conformity with the provisions of this article;
- ii. Shall not be enlarged, altered or rebuilt except in conformance with this article, but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition; and
- iii. Shall not be replaced, expanded or modified by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards or dismountable material on nonconforming signs shall be permitted.

c) Damage to Nonconforming Signs.

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

Section 907 Prohibited Signs.

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

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

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

Section 908 Exempt Signs.

The following signs are exempt from this article:

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

Section 909 Size

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

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

Section 910 Number

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

Section 911 Height

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

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

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

Section 912 Clearance

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

Section 913 Setback

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

Section 914 Illumination

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

Section 915 Resistance to Wind Pressure

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

Section 916 Reserved

Reserved.

Section 917 Maintenance

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

Section 918 Temporary Portable Signs

a) Inspection.

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

b) Number of Signs.

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

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

c) Display Period; Waiting Period Between Permits.

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

d) Copy Size Requirements.

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

Section 919 Outdoor Advertising or Separate Use Signs

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

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

sign face shall be allowed to face the same direction per location. This allows back-to-back or "V" formation signs but prohibits two signs side-by-side or over-and-under, facing the same direction. The faces of a sign constructed in the form of a "V" shall not exceed 45 degrees.

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

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

ARTICLE TEN

Enforcement and Administration

Section 1001 Planning and Zoning Director

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

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

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

Section 1002 Building Permit

A. Building Permit Required

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

B. Issuance of a Building Permit

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

Section 1003 Certificate of Occupancy

A. Certificate of Occupancy Required

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

B. Issuance of Certificate of Occupancy

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

Section 1004 Temporary Permit

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

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

Section 1005 Special Permit Uses

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

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

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

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

(C) Procedure for Conducting a Public Hearing

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

(D) Standards for Special Use Permits

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

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

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

(E) Conditions of Special Permit Uses

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

Section 1006 Variances

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

A. Conditions Governing the Granting of a Variance

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

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

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

(1) Required Public Hearings

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

(2) Procedure for Calling a Public Hearing

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

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

Section 1007 Official Zoning Map Interpretation

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

Section 1008 Penalties

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

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

ARTICLE ELEVEN

Appeals

Section 1101 Administrative Appeals

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

Section 1102 Appeals of Planning and Zoning Commission Decision

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

Section 1103 Powers of the Planning and Zoning Commission

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

Section 1104 Powers of the City Council

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

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

Section 1105 Court Review of City Council Action

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

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

ARTICLE TWELVE

Amendments to the Zoning Ordinances

Section 1201 Authority to Amend the Zoning Ordinances

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

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

Section 1202 Initiation of Amendments

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

Section 1203 Application for Amendments

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

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

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

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

Section 1204 Site Development Plan

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

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

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

(1) Required Public Hearings

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

(2) Procedure for Calling a Public Hearing

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

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

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

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

(3) Procedure for Conducting a Public Hearing

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

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

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

(4) Zoning Amendment Criteria

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

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

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

ARTICLE THIRTEEN

Legal Status Provisions

Section 1301 Provisions of ordinance Declared to be Minimum Requirements

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

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

Section 1302 Severability

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

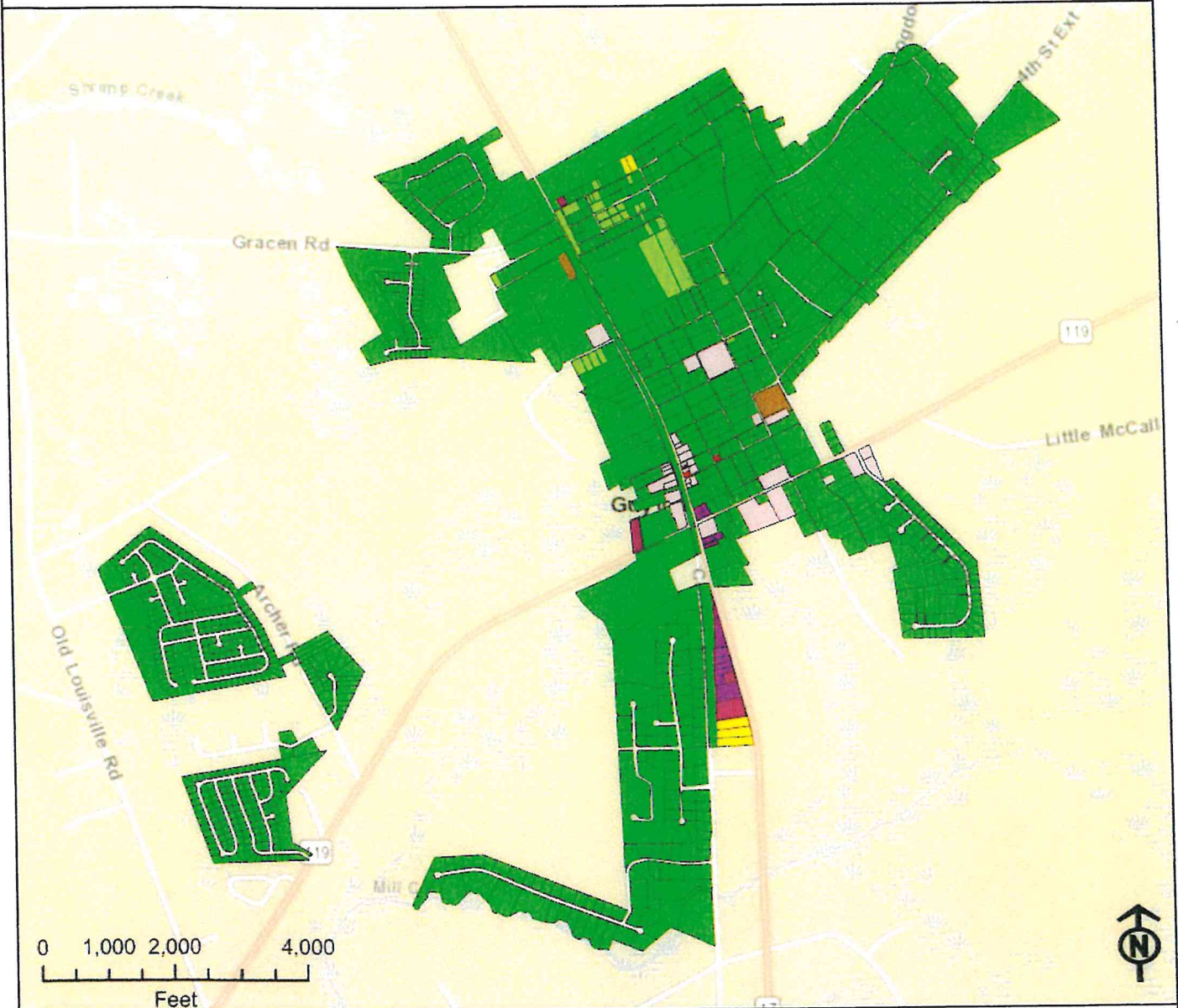
Section 1303 Conflicting Ordinances Repealed

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

Section 1304 Effective Date

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

THE OFFICIAL ZONING MAP OF GUYTON, GEORGIA



OFFICIAL ZONING

- R-1 - Single Family Residential (1,329)
- R-2 - Low Density Multifamily Residential (9)
- R-4 - Single Family Residential (29)
- M-H - Manufactured Housing (5)
- M-U - Mixed Use District (2)
- C-1 - Central Business (32)
- C-2 - Highway Commercial (12)
- C-3 - Office - Apartment (4)
- I-G - General Industrial (2)



DRAWN BY: G. HINES

Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Coordinate System: NAD 1983 StatePlane Georgia East FIPS 1001 Feet

Mayor: Russ Deen

Date

City Clerk: Tina Chadwick

Date

Exhibit "B"

**CITY OF GUYTON
STATE OF GEORGIA**

ORDINANCE NUMBER 2020-09

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

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

WHEREAS, the duly elected governing authority of the City of Guyton, Georgia have the authority to amend the City of Guyton, Georgia Building Regulations from time to time and where necessary to maintain adequate regulations;

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

- Section 1.** That the City of Guyton, Georgia Building Regulations be amended and restated in its entirety to now read as stated on Exhibit A hereto, which is attached hereto, incorporated herein by reference as if set forth verbatim herein, and becomes part of this Ordinance.
- Section 2** If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.
- Section 3.** This ordinance shall become effective immediately upon its adoption by the City Council.
- Section 4.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

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

CITY OF GUYTON

Russ Deen, Mayor

ATTEST:

Tina L. Chadwick, City Clerk

Mayor Pro Tem Michael Johnson

Council Member Joseph Lee

Council Member Hursula Pelote

Council Member Marshall Reiser

Bill Sawyer, City Manager

CITY OF GUYTON, GEORGIA BUILDING REGULATIONS

ARTICLE I. - IN GENERAL

1.1 – These Articles and Sections are an adoption and continuation of Georgia Minimum Standard Codes, O.C.G.A. § 8-2-21; statewide application of minimum standard codes, codes requiring adoption by municipality or county, O.C.G.A. § 8-2-25; enforcement of codes, O.C.G.A. § 8-2-26; providing of fire escapes by building owners, O.C.G.A. § 8-2-50; access to and use of public facilities by physically handicapped persons, O.C.G.A. § 30-3-1 et seq.; authority to repair, close or demolish unfit buildings or structures, O.C.G.A. § 41-2-7.

1.2 - Penalty.

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

1.3 - Reserved.

ARTICLE II. - TECHNICAL CODES

DIVISION 1. - GENERALLY

2.1 - Violations and penalties.

Any person or agent who shall violate a provision of this article, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be punished as provided in section 1-2.

2.2 - Mandatory state codes adopted.

The standards enumerated in O.C.G.A. § 8-2-20(9)(B)(i)(I) through (9)(B)(i)(VIII), which standards have mandatory statewide application pursuant to O.C.G.A. § 8-2-25(a), are hereby adopted and shall be enforced in accordance with the procedures set forth in this Chapter. The Codes provided in this Section shall mean the current edition of such Codes as approved by the State Board of Community Affairs, including any new edition of any such Code as provided in O.C.G.A. § 8-2-23(b); and provided, further, that any such Code may hereafter be amended or revised as provided in O.C.G.A. § 8-2-23(a). All references to "State Minimum Standard Codes" shall include the Georgia State amendments promulgated

by the Board of Community Affairs and any local amendments approved by said State Board.

2.3 - Reserved.

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

Subdivision I. - In General

2.4 - Purpose.

The purpose of this division is to provide for the administration and enforcement of division 1 of this article. All of the codes and standards heretofore adopted shall be referred to as the "technical codes," as may be adopted by the State or the City.

2.5 - Code Remedial.

- a) *Generally.* The standards adopted in this article are hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health, and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.
- b) *Quality control.* Quality control of materials and workmanship is not within the purview of this article except as it relates to the purposes stated herein.
- c) *Permitting and inspection.* The inspection or permitting of any building, system or plan, under the requirements of this article, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. Neither the City, nor any employee thereof, shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

2.6 - Scope.

- a) *Referenced standards.* Standards referenced in the text of the technical codes shall be considered an integral part of the codes. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.
- b) *Maintenance.* All buildings, structures, electrical, gas, mechanical and plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards, which are required by the technical codes when constructed, altered, or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings, structures, electrical, gas, mechanical and plumbing systems.

2.7 - Special historic buildings.

The provisions of the technical codes relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within fire districts.

2.8 - Reserved.

Subdivision II. - Powers and Duties of Building Official

2.9 - Enforcement of technical codes.

The Building Official is hereby authorized and directed to enforce the provisions of the technical codes; is hereby given the authority to issue citations for violations of this Chapter and the technical codes; is hereby authorized to issue subpoenas; and is authorized to render interpretations of the technical codes which are consistent with their spirit and purpose.

2.10 - Right of entry.

- a) Whenever necessary to make an inspection to enforce any of the provisions of the technical codes, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the Building Official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by the technical codes; provided, that if such building or premises is occupied, he or she shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.
- b) When the Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to this subdivision.

2.11 - Stop work orders.

Upon notice from the Building Official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the technical codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or his agent, or to the person doing

the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work.

2.12 - Revocation of permits.

- a) *Misrepresentation of application.* The Building Official may revoke a permit or approval, issued under the provisions of the technical codes, in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.
- b) *Violation of code provisions.* The Building Official may revoke a permit upon his determination that the construction, erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of the technical codes.

2.13 - Unsafe buildings or systems.

All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with ordinance or state law.

2.14 - Requirements not covered by codes.

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by the technical codes, shall be determined by the Building Official.

2.15 - Alternative materials and methods.

The provisions of the technical codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them; provided, any such alternate has been reviewed by the Building Official. The Building Official shall approve any such alternate; provided, the Building Official finds that the alternate, for the purpose intended, is at least the equivalent of that prescribed in the technical codes, in quality, strength, effectiveness, fire resistance, durability and safety. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

2.16 - Reserved.

Subdivision III. - Permits, Inspections and Certificates

2.17 - Permit application.

- a) *When required.* Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit for that work.
- b) *Exceptions.* Permits shall not be required for the following mechanical work:
 - (1) Any portable heating appliance;
 - (2) Any portable ventilation equipment;
 - (3) Any portable cooling unit;
 - (4) Any steam or hot or chilled water piping within any heating or cooling equipment regulated by the state minimum mechanical code;
 - (5) Replacement of any part which does not alter its approval or make it unsafe;
 - (6) Any portable evaporative cooler; or
 - (7) Any self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 watts) or less.
- c) *State license required.* Applications for permits may only be made by, and will only be issued to, an individual holding a valid state license authorizing such person to do such work, if such a license is required by state law, or to an individual performing work on a single-family dwelling or farm owned and occupied by the individual applicant; provided, however, all work pursuant to such permit must be in conformity with all provisions of the technical codes and this article.
- d) *Joint responsibility.* It shall be the joint responsibility of the owner and contractor to see that a permit is obtained before any work is commenced.
- e) *Work authorized.* A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work; provided, the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.
- f) *Minor repairs.* Ordinary minor repairs may be made with the approval of the Building Official without a permit; provided, that such repairs shall not violate any of the provisions of the technical codes.
- g) *Information required.* Each application for a permit, with the required fee, shall be filed with the Building Official on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his or her authorized agent; or, if subsection (c) of this section applies, then the application must be signed by the licensed contractor or individual owner-

occupant. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the Building Official.

- h) *Time limitations.* An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than nine days each may be allowed by the Building Official for the application; provided, the extension is requested in writing and justifiable cause is demonstrated.

2.18 - Drawings and specifications.

- a) *Requirements.* When required by the Building Official, two or more copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.
- b) *Additional data.* The Building Official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the Building Official, to be prepared by an architect or engineer, shall be affixed with their official seal.
- c) *Design professional.* The design professional shall be an architect or engineer legally registered under the laws of the state regulating the practice of architecture or engineering and shall affix his official seal to such drawings, specifications and accompanying data, for the following:
 - (1) All group A, E and I occupancies;
 - (2) Buildings and structures three stories or more; and
 - (3) Buildings and structures 5,000 square feet (465 m²) or more in area.

For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered.

- d) *Structural and fire resistance integrity.* Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistant wall, floor or partition will be made for electrical, gas, mechanical, plumbing and communication conduits, pipes and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistant floors intersect the exterior walls.

- e) *Site drawings.* Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The Building Official may require a boundary line survey prepared by a qualified surveyor.
- f) *Hazardous occupancies.* The Building Official may require the following:
 - (1) *General site plan.* A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent accessways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.
 - (2) *Building floor plan.* A building floor plan drawn to a legible scale which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire-rated assemblies with their hourly rating, location of liquidtight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.

2.19 - Examination of documents.

- a) *Plan review.* The Building Official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the technical codes and all other pertinent laws or ordinances.
- b) *Affidavits.* The Building Official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that plans conform to the laws as to egress, type of construction and general arrangement and if accompanied by drawings showing the structural design, and by a statement that the plans and design conform to the requirements of the building code as to strength, stresses, strains, loads and stability. The Building Official may without any examination or inspection accept such affidavit; provided, the architect or engineer who made such affidavit agrees to submit to the Building Official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the Building Official relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of the technical codes and other pertinent laws or ordinances.

2.20 - Issuing permits.

- a) *Action on permits.* The building official shall act upon an application for a permit without unreasonable or unnecessary delay. If the Building Official is satisfied that the work

described in an application for a permit and the contract documents filed therewith conform to the requirements of the technical codes and other pertinent laws and ordinances, he shall issue a permit to the applicant.

- b) *Refusal to issue permit.* If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, the Building Official shall not issue a permit, but shall return the contract documents to the applicant with his/her refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.
- c) *Special foundation permit.* When application for a permit to erect or enlarge a building has been filed and pending issuance of such permit, the Building Official may, at his/her discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at his/her own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required in order to meet provisions of the technical codes.
- d) *Public right-of-way.* A permit shall not be given by the Building Official for the construction of any building, or for the alteration of any building where such building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant presents to the Building Official a plat or survey certified by a state-registered land surveyor, or other evidence acceptable to the Building Official, showing the location of applicable street rights-of-way and building setback lines; and it shall be the duty of the Building Official to see that the street lines are not encroached upon except as provided for in the state minimum international building code.

2.21 - Contractor responsibilities.

It shall be the duty of every contractor who shall make contracts for the installation or repairs of buildings, structures, electrical, gas, mechanical or plumbing systems, for which a permit is required, to comply with state or local rules and regulations concerning licensing.

2.22 - Conditions of the permit.

- a) *Permit intent.* A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans, construction, or violations of the technical codes. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be in writing by the Building Official.
- b) *Permit issued on basis of an affidavit.* Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under

conditions which, in the opinion of the Building Official, are hazardous or complex, the Building Official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the Building Official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are approved by the Building Official.

- c) *Plans.* When the Building Official issues a permit, he shall endorse in writing or by stamp both sets of plans, "Reviewed for Code Compliance." One set of drawings so reviewed shall be retained by the Building Official and the other set shall be returned to the applicant. The permitted drawings shall be kept at the site of work and shall be open to inspection by the Building Official or his/her authorized representative.

2.23 - Fees.

- a) *Prescribed fees.* A permit shall not be issued until the fees as prescribed in subsection (d) of this section have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical or gas systems, has been paid.
- b) *Work commencing before permit issuance.* Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits, shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees.
- c) *Accounting.* The Building Official shall keep a permanent and accurate account of all permit fees and other monies collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.
- d) *Schedule of permit fees.* On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing an application, in accordance with the schedule of fees and charges established by the City Council or Planning and Zoning Commission and on file in the office of the City Clerk.
- e) *Building permit valuations.* If, in the opinion of the Building Official, the valuation of the building alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor.

2.24 - Inspections.

- a) *Existing buildings inspections.* Before issuing a permit, the Building Official may examine or cause to be examined any building, electrical, gas, mechanical or plumbing system for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He shall inspect all buildings,

structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the technical codes.

- b) *Manufacturers and fabricators.* When deemed necessary by the Building Official he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.
- c) *Inspection service.* The Building Official may make, or cause to be made, the inspections required by this section. He/she may accept reports of inspectors of recognized inspection services; provided, that after investigation he/she is satisfied as to their qualifications and reliability. A certificate called for by any provision of the technical codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.
- d) *Inspections prior to issuance of certificate of occupancy or completion.* The Building Official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.
- e) *Posting of permit.* Work requiring a permit shall not commence until the permit holder or his agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the Building Official or his/her representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the certificate of occupancy or completion is issued by the Building Official.
- f) *Required inspections.* The Building Official upon notification from the permit holder or his agent shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical codes:
 - (1) *Building.*
 - a. *Foundation inspection.* To be made after trenches are excavated and forms erected.
 - b. *Frame inspection.* To be made after the roof, all framing, fire blocking and bracing is in place, all wiring concealed, and all pipes, chimneys, ducts and vents are complete.
 - c. *Final inspection.* To be made after the building is completed and ready for occupancy.
 - (2) *Electrical.*
 - a. *Underground inspection.* To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.

- b. *Rough-in inspection.* To be made after the roof, framing, fire blocking and bracing is in place and prior to the installation of wall or ceiling membranes.
 - c. *Final inspection.* To be made after the building is complete, all required electrical fixtures are in place and properly connected, and the structure is ready for occupancy.
- (3) *Plumbing.*
- a. *Underground inspection.* To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place. This inspection shall require a pressure test.
 - b. *Rough-in inspection.* To be made after the roof, framing, fire blocking and bracing is in place and all soil, waste and vent piping is complete, and prior to installation of wall or ceiling membranes. This inspection shall require a pressure test.
 - c. *Final inspection.* To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.
- (4) *Mechanical.*
- a. *Underground inspection.* To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
 - b. *Rough-in inspection.* To be made after the roof, framing, fire blocking and bracing is in place, and all ducting and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
 - c. *Final inspection.* To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.
- (5) *Gas.*
- a. *Rough piping inspection.* To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
 - b. *Final piping inspection.* To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
 - c. *Final inspection.* To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this Code, and to ensure that the installation and construction of the gas system is in accordance with reviewed plans.

- g) *Written release.* Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the Building Official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.
- h) *Reinforcing steel and structural frames.* Reinforcing steel or structural frame work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the Building Official.
- i) *Plaster fire protection.* In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the Building Official after all lathing and backing is in place. Plaster shall not be applied until the release from the Building Official has been received.

2.25 Certificates.

- a) *Certificate of occupancy.*
 - (1) *Building occupancy.* A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the Building Official has issued a certificate of occupancy. Such certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the Building Official.
 - (2) *Issuing certificate of occupancy.* Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the technical codes, reviewed plans and specifications and after the final inspection, the Building Official shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the technical codes.
 - (3) *Temporary/partial occupancy.* A temporary/partial certificate of occupancy may be issued for a portion of a building that may safely be occupied prior to final completion of the building.
 - (4) *Existing building certificate of occupancy.* A certificate of occupancy for any existing building may be obtained by applying to the Building Official and supplying the information and data necessary to determine compliance with the technical codes for the occupancy intended. Where necessary, in the opinion of the Building Official, two sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the technical codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy shall be issued.
- b) *Certificate of completion.* Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a certificate of completion may be issued. This certificate is proof that a structure or system is complete and for certain types of

permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a certificate of occupancy.

c) *Service utilities.*

(1) *Connection of service utilities.* No person or other entity (including public utility companies) shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by the technical codes for which a permit is required, until released by the Building Official and a certificate of occupancy or completion is issued.

(2) *Temporary connection.* The Building Official may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary certificate of occupancy.

(3) *Authority to disconnect service utilities.* The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the technical codes, in case of an emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

2.26 - Posting floor loads.

a) *Occupancy.* An existing or new building shall not be occupied for any purpose that will cause the floors thereof to be loaded beyond their safe capacity. The Building Official may permit occupancy of a building for mercantile, commercial or industrial purposes, by specific business, when he is satisfied that such capacity will not thereby be exceeded.

b) *Storage and factory-industrial occupancies.* It shall be the responsibility of the owner, agent, proprietor or occupant of group S and group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the City.

c) *Signs required.* In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the Building Official on the plan, shall be marked on plates or approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building.

2.27 - Tests.

The Building Official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his/her agent, by an approved testing laboratory or other approved agency.

2.28 - Reserved.

Subdivision IV. - Appeals

2.29 - Appeals.

Appeals from any decision of the Building Official may be taken by any person aggrieved by the decision of the Building Official. Such appeal shall be to the Planning and Zoning Commission pursuant to Section 1103 of the City of Guyton, Georgia Zoning Ordinance. Any decision by the Building Official or by the Planning and Zoning Commission denying a request to place, construct or modify a telecommunications facility shall be in writing and supported by substantial evidence in a written record.

2.30 - Reserved.

ARTICLE III. - USE OF LOW FLOW PLUMBING DEVICES

3.1 - Definitions.

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

Commercial means any type of building other than residential.

Construction means the erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.

Residential means any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

3.2 - New construction restrictions.

- a) No construction may be initiated within the City for any residential building of any type which:
- (1) Employs a gravity-tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of 1.6 gallons of water per flush;
 - (2) Employs a showerhead that allows a flow of more than an average of 2.5 gallons of water per minute at 60 pounds per square inch of pressure;
 - (3) Employs a urinal that uses more than an average of 1.0 gallons of water per flush;

- (4) Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than 2.0 gallons of water per minute; or
 - (5) Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than 2.5 gallons of water per minute.
- b) There shall be no construction initiated within the City for any commercial building of any type that does not meet the requirements of subsections (a)(1) through (5) of this section.

3.3 - Repair or renovation restrictions.

The requirements of Section 3.2 shall apply to any residential construction initiated after April 1, 1992, and to any commercial construction initiated after July 1, 1992, which involves the repair or renovation of or addition to any existing building when such repair or renovation of or addition to such existing building includes replacement of toilets or showers or both.

3.4 - Exemptions.

- a) New construction and the repair or renovation of an existing building shall be exempt from the requirements of Section 3.2 and Section 3.3 when:
- (1) The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets or showerheads within such existing buildings;
 - (2) When such plumbing or sewage system within such existing building, because of its capacity, design, or installation would not function if the toilets, faucets or showerheads required by this article were installed;
 - (3) Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or
 - (4) Units to be installed are:
 - a. Specifically designed for use by persons with disabilities;
 - b. Specifically designed to withstand unusual abuse or installation in a penal institution; or
 - c. Toilets for juveniles.
- b) The owner, or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subsection (a)(2), (a)(3), or (a)(4) of this section shall obtain the exemption by applying at the office of the Building Official for the City.

3.5 - Enforcement; penalty.

- (a) This article shall be enforced by the office of the Building Official of the City. Citations for violations may be issued by the Building Official of the City.
- (b) Any person or other entity violating this article shall be punished as provided in Section 1.2.

3.6. - Reserved.

ARTICLE IV. - BUILDING NUMBERS

4.1 – Number of houses and principal buildings.

It shall be the duty of the owners and occupants of every house and principal building in the City to have placed thereon, in a place visible from the street figures exhibiting the numbered address of the house or building. The figures shall be mounted or raised, be at least four inches high, and have a color distinctive from that of the house or building exterior on which they are to be placed. Any person, firm, or corporation who/which fails to so number any house or principal building occupied by him/her/it after receiving notice to do so from the City Manager or his/her designee shall be fined \$10.00 for each day during or on which a failure to so number continues.

**CITY OF GUYTON
STATE OF GEORGIA**

ORDINANCE NUMBER 2020-10

AN ORDINANCE BY THE MAYOR AND COUNCIL FOR THE CITY OF GUYTON TO AMEND AND RESTATE THE CITY OF GUYTON, GEORGIA SUBDIVISION REGULATIONS; TO PROVIDE FOR NOTICE; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

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

WHEREAS, the duly elected governing authority of the City of Guyton, Georgia have the authority to amend the City of Guyton, Georgia Subdivision Regulations from time to time and where necessary to maintain adequate regulations;

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

- Section 1.** That the City of Guyton, Georgia Subdivision Regulations be amended and restated in its entirety to now read as stated on Exhibit A hereto, which is attached hereto, incorporated herein by reference as if set forth verbatim herein, and becomes part of this Ordinance.
- Section 2** If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.
- Section 3.** This ordinance shall become effective immediately upon its adoption by the City Council.
- Section 4.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

APPROVED AND ADOPTED this ____ day of _____, 2020 by the duly elected governing authority of the City of Guyton, Georgia.

CITY OF GUYTON

Russ Deen, Mayor

ATTEST:

Tina L. Chadwick, City Clerk

Mayor Pro Tem Michael Johnson

Council Member Joseph Lee

Council Member Hursula Pelote

Council Member Marshall Reiser

Bill Sawyer, City Manager

CITY OF GUYTON, GEORGIA SUBDIVISION REGULATIONS

ARTICLE I. - AUTHORITY AND JURISDICTION

1.1 - Authority.

The Constitution of the State of Georgia, including but not limited to article 9, section 2, paragraph 4, and article 9, section 2, paragraph 3, as well as authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. § 36-70-3 et. seq. and O.C.G.A. § 36-66-1 et. seq., and the City of Guyton Charter, grant authority to the City of Guyton, Georgia to regulate and enact the following Articles and Sections related to subdivisions and land development. The governing body may grant variances from these regulations pursuant to the provisions of section 9.1.

1.2 - Jurisdiction.

These regulations shall apply to all that area within the corporate limits of the City of Guyton.

ARTICLE II. - PURPOSE AND SHORT TITLE

2.1 - Purpose.

The public health, safety, economy, good order, appearance, convenience, morals, and general welfare require the harmonious, orderly, and progressive development of land within the City of Guyton, Georgia. In furtherance of the general intent of this ordinance, the regulation of land subdivision is authorized for the following purposes, among others:

- (a) To protect and provide for the public health, safety, and general welfare of the City;
- (b) To encourage the development of economically sound and stable municipalities and counties;
- (c) To protect the character and the social and economic stability of all parts of the City and to encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities, to assure proper urban form, to protect environmentally critical areas and areas premature for urban development.
- (d) To assure the timely provision of required streets, utilities, and other facilities and services to new land developments;
- (e) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
- (f) To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development.

- (g) To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes and including the use of average density in providing for minimum width of and area of lots, while preserving the density of development as established in the zoning ordinance; and
- (h) To assure, in general, the wise and timely development of new areas, in harmony with the comprehensive plan of the municipalities and the county.

2.2 - Short title.

This ordinance shall be known as and may be cited as the "City of Guyton Subdivision Regulations."

ARTICLE III. - RULES AND DEFINITIONS

3.1 - Rules.

In the construction of these regulations, the rules and definitions contained in this section shall be observed and applied, except when the content clearly indicates otherwise:

- (a) Words used in the present tense shall include the future, and the words used in the singular number shall include the plural number, and the plural the singular.
- (b) The word "shall" is mandatory and not discretionary.
- (c) The word "may" is permissive.

3.2 - Definitions.

3.2.1 Accessory building. A secondary residence, garage, or other building or structure subordinated to and not forming an integral part of the main or principal building on a lot or parcel but pertaining to the use of the main building.

3.2.2 Alley. A narrow thoroughfare dedicated or used for public passageway up to 20 feet in width, which usually abuts the rear of the premises, or upon which service entrances or buildings abut, and is not generally used as a thoroughfare by both pedestrians and vehicles, is not used for general traffic, and is not otherwise officially designated as a street. A way which affords only a secondary means of access to abutting property.

3.2.3 Buildable area. That portion of any lot which may be used or built upon in accordance with the regulations governing the given zoning district within which the particular lot is located, once the various front, side, and rear yard requirements required for the district have been subtracted from the total lot area.

3.2.4 Building. A building is any structure having a roof entirely separated from any other structure by space or by walls, having no communicating doors or windows or any similar opening, and being erected for the purpose of providing support or shelter for persons, animals, things, or property of any kind, and having a foundation to which it is anchored.

3.2.5 Building line. A line delineating the minimum allowable distance between the street right-of-way and nearest extreme projection of a building (including all areas covered by any vertical projections to the ground or overhang, walls, roof, or any other part of the structure).

3.2.6 *Building site.* The ground area of a building or buildings together with all open spaces surrounded by said building or buildings.

3.2.7 *Building official or inspector.* Any person hired by the local governing authority to inspect, determine compliance with, and render minor decisions concerning the compliance of structures and lots within the City of Guyton, to the ordinances of the City.

3.2.8 *Certified survey.* A survey, sketch, plat, map, or other exhibit is said to be certified when a written statement regarding its accuracy or conformity to specified standards is signed by the specified professional engineers, registered surveyor, architect, or other legally recognized person.

3.2.9 *Community water system.* A series of water lines providing water to two or more lots, either by a private well or public groundwater or surface water system. Community water systems shall conform to the rules of the Georgia Environmental Protection Division Safe Drinking Water Standards.

3.2.10 *Density.* The number of units or buildings per acre, or the number of people per unit, building, acre, or mile, the quantity of people, structures, or units within a specified area.

3.2.11 *Easement.* A grant to the general public, a corporation, or a certain person of a strip or a parcel of land for use for a specific purpose. No construction of any kind is permitted in or upon easements except that required in connection with the designated use.

3.2.12 *Engineer.* Any person having an acceptable degree from a recognized institution of higher learning who is capable of determining the correct manner in which to construct roads, streets, highways, water, and sewerage systems, drainage system, structures, or other technical related areas. The person to be a municipal engineer must be recognized by the State of Georgia as one.

3.2.13 *Family.* One person or a group of two or more persons, living together and interrelated by bond or consanguinity, marriage, or legal adoption, occupying a dwelling unit as a single-family unit, with a single set of kitchen facilities.

3.2.14 *Flood prone areas.* The land that is usually flooded whenever a rise in the water level of a creek, stream, river, or other body of water is experienced. That land adjacent to a creek, stream, river, channel, canal, or other body of water that is designated as a floodplain or flood profile area by a governmental agency.

3.2.15 *Group development.* A development comprising two or more principal structures, whether in single, condominium, or diverse ownership built on a single lot, tract, or parcel of land and designed for occupancy by separate families, firms, businesses, or other enterprise. Such development generally contains parcels or tracts of land in common and such land is controlled and maintained through a property owner's association or similar group.

3.2.16 *Governing authority.* The Mayor and Council of the City of Guyton ("CITY COUNCIL").

3.2.17 *Lot.* Parcel of land shown on a recorded plat or on the official city zoning maps, or any piece of land described by a legally recorded deed.

3.2.18 *Lot area.* The total area of the lot including easements.

3.2.19 *Lot, corner.* Any lot situated at the junction of and abutting on two or more intersections or intercepting streets or public highways. If the angle or intersection of the direction lines of two highways is more than 135 degrees, the lot fronting on said intersection is not a corner lot.

3.2.20 *Lot, double frontage.* A lot having frontage and access on two or more public streets. A corner lot shall not be considered as having double frontage.

3.2.21 *Lot, interior.* Any lot which is not a corner lot that has frontage only on one street other than an alley.

3.2.22 *Lot lines, front.* In the case of a lot abutting upon only one street, the front lot line is the line separating such lot from such street. In the case of a corner lot, that part of the lot having the narrowest frontage on any street shall be considered the front lot line. In the case of any other lot, one such line shall be elected to be the front lot line for the purpose of this ordinance, provided it is so designated by the building plans which meet the approval of the building inspector.

3.2.23 *Lot lines, rear.* The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, or any odd-shaped lot, the rear lot line shall be determined by the building inspector.

3.2.24 *Lot lines, side.* A side lot line is any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot, or lots, is an interior side lot line.

3.2.25 *Lot, reverse frontage.* A lot having frontage on two or more public streets, the access of which is restricted to one street.

3.2.26 *Major subdivision.* All subdivisions not classified as minor subdivision, including but not limited to subdivisions of four or more lots, or any size subdivision requiring any new street or extension or improvement of the local government facilities or the creation of any public improvements.

3.2.27 *Minor subdivision.* Any subdivision containing not more than three lots fronting on an existing public or private street, not involving any new street or road, or the extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the zoning ordinance or these regulations. Two or more minor subdivisions divided from one original parcel under common ownership constitutes a major subdivision, unless one year or more has passed since the recording of the final plat of the first subdivision.

3.2.28 *Metes and bounds description.* A method of property description whereby properties are described by means of their direction and distances from an easily identifiable location or point.

3.2.29 *Reserved.*

3.2.30 *Planning and Zoning Commission (the "Commission").* A body of people appointed by the local governing authority of the City of Guyton whose responsibilities include the guidance of growth and development within the City of Guyton and interpretation of the various City regulatory ordinances. The Commission reviews proposed amendments to zoning

ordinances and regulations, site plans and plat applications, and also makes recommendations to the City Council regarding the current and future development of the City of Guyton.

3.2.31 Plat. A map showing the features of a proposed subdivision (lot split, metes and bounds description). This plat would show the entire tract, and the lot which is to be subdivided, the adjacent properties and owners, roads, or streets, and all necessary bearings and distances for the proposed split.

3.2.32 Plat, final. The map, plan, or record of a subdivision, and any accompanying materials, as described in article V.

3.2.33 Plan, preliminary. A map showing the salient features of a proposed subdivision, including topographical data, as defined in section 5.2 of these regulations submitted to the Planning and Zoning Commission for purposes of preliminary consideration.

Plan, sketch. A rough plan of a proposed subdivision or development as defined in section 5.1 of these regulations.

3.2.34 Principal building. The building situated on, or to be placed nearest the front property line and the use of which conforms to the primary use permitted by the zoning classification of the district in which it is located.

3.2.35 Private access road. Any unpaved street otherwise constructed to City standards which is not dedicated to or accepted by the City and which is privately owned, operated and maintained.

3.2.36 Private street. Any paved street constructed to City standards and which is not dedicated to or accepted by the City and which is privately owned, operated and maintained and whose use is restricted by signage or by a gate, barrier, or other device intended to exclude the general public, or where such street is identified as "private" on a recorded subdivision plat.

3.2.37 Public use. Use of any land, water, or buildings by a municipality, public body, or board, commission, or authority, county, state, or federal government, or any agency thereof for a public service or purpose.

3.2.38 Regulatory flood. A flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur in a particular stream. The regulatory flood generally has a frequency of approximately 100 years determined from an analysis of floods on a particular stream and other streams in the same general region.

3.2.39 Residential. The term "residential" or "residence" is applied herein to lot, plot, parcel, tract, area, or piece of land and or any building used exclusively for family dwelling purposes or intended to be so used, including concomitant uses specified herein.

3.2.40 Reserve strip. A strip of land adjacent to a public street or similar right-of-way which has been reserved for the purpose of controlling access to the public way.

3.2.41 Right-of-way line. The outside boundaries of a highway right-of-way, whether such right-of-way be established by usage, dedication, or by the official right-of-way.

3.2.42 Setback. The minimum horizontal distance between the right-of-way line, rear, or side lines of the lot, and the front, rear, or side lines of the building. When two or more lots under

one ownership are used, the exterior property line so grouped shall be used in determining offsets.

3.2.43 *Site*. An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed.

3.2.44 *Street*. A public right-of-way affording primary access to abutting property. For the purposes of these regulations, the term shall also mean avenue, boulevard, road, lane, and other public ways.

3.2.45 *Street, arterial*. A street of exceptional continuity that is intended to carry the greater portion of through traffic from one area of the City to another.

3.2.46 *Street, collector*. Those streets which are neither local streets nor arterial streets. Their location and design are such that they are: of exceptional continuity; serve as routes passing through residential areas; serve as means of moving traffic from local streets and feeding it into arterial streets.

3.2.47 *Street, cul-de-sac*. A short local street having but one end open for vehicular traffic, the opposite end being terminated with a permanent turnaround.

3.2.48 *Street, dead end*. A street not intersecting with other streets at both ends, and distinguished from a cul-de-sac by not being terminated by a vehicular turnaround.

3.2.49 *Street, local*. Streets which provide only access to adjacent properties and by nature of their layout do not serve vehicles passing through the area with neither origin nor destination within the area.

3.2.50 *Street, marginal access*. A minor service street which parallels and is immediately adjacent to an arterial street (frontage road).

3.2.51 *Street, width*. The shortest distance between the lines delineating the right-of-way of a street.

3.2.52 *Street plug*. A segment of land at the terminus or adjacent to an existing or proposed street, created for the intention of connecting an existing or proposed road with adjacent property. The width of a street plug shall be determined by the right-of-way of the existing or proposed road.

3.2.53 *Surveyor*. A person who determines or delineates the form, extent, position, distance, or shape of a tract of land by taking linear and angular measurements, and by applying the principles of geometry and trigonometry.

3.2.54 *Structure*. Anything constructed or erected, the use of which requires rigid location on the ground or attachment to something having a permanent location on the ground, provided, however, that utility poles, fences, and walls (other than building walls) shall not be considered to be structures.

3.2.55 *Subdivider*. Any person, firm, or corporation who divides for sale, rent, or lease or develops any land deemed to be a subdivision as herein defined.

3.2.56 *Subdivision*. Subdivision means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a

change in existing streets, and includes resubdivision and, where appropriate, also includes the process of subdividing of the land or area subdivided; provided, however, that the following exemptions are included within this definition only for the purpose of requiring that the Planning and Zoning Commission be informed and have record of such subdivisions:

(1) Exemptions:

- (a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority.

Plats of such exemption shall be received as information by the planning official, who shall indicate such fact on the plats.

Subdivision, Major. See Major subdivision.

Subdivision, Minor. See Minor subdivision.

- (b) The immediate transfer of property necessitated by death of the property owner to the said property owner's legal heirs, provided that the smallest parcel meets the minimum standards for the zoning district wherein that property is located and minimum sixty (60) foot access easement is available to serve a cumulative total of not more than three (3) parcels that do not abut a public road.
- (c) The transfer of property between family members within the third (3rd) degree of consanguinity, provided that the smallest parcel meets the minimum standards for the zoning district where the property is located and a minimum sixty (60) foot access easement is available to serve a cumulative total of not more than three (3) parcels that do not abut a public road.

Plats of such exemptions shall be received as information by the Guyton City Zoning Administrator, who shall indicate such fact on the plats.

(2) Conditional exemptions:

In order to provide property owners with an expeditious manner for subdividing a portion of a tract of land, conditional exemptions from the provisions of this ordinance are authorized and may be granted by the Guyton City Zoning Administrator, provided such requests for conditional exemptions comply with the following:

- (a) The division of land into two (2) parcels when the smallest parcel meets the minimum standards for the zoning district where that property is located and, when divided for residential purposes, meets health department requirements, and where no new street is involved; provided that the same tract cannot be divided using this conditional exemption more than one (1) time in any twelve (12) month period beginning on the date of recording.
- (b) Plats requesting conditional exemption will be received by the Guyton City Clerk for review by the Guyton City Zoning Administrator. Plats meeting the requirements stated above can be approved by the City Zoning Administrator who shall indicate such fact on the plats. If, in the determination of the City Zoning Administrator, a plat requesting

conditional exemption does not comply with the above requirements, or other factors peculiar to the individual circumstance of the property in question, the City Zoning Administrator is required to deny the conditional exemption and forward the plat, upon payment of the required application fee for subdivisions by the applicant, to the City Planning and Zoning Commission for processing as a subdivision.

- (3) For the limited purposes of processing exemptions and processing and granting conditional exemptions as provided herein, the Guyton City Zoning Administrator as contemplated herein shall be the City Manager, City Clerk of the City of Guyton, or other designee of the City Council.

3.2.57 Use. The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

3.2.58 Waterfront. Any site shall be considered as waterfront property provided any or all of its lot lines abut on or are contiguous to any body of water including creek, canal, river, or any other body of water natural or artificial, including marshland, not including a swimming pool, whether said lot line is front, rear, or side.

3.2.59 Wetlands. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. As generally indicated on U.S. Fish and Wildlife Service National Wetland Inventory maps as generalized wetlands, but as specifically delineated by the U.S. Army Corps of Engineers. Generalized wetlands cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended.

3.2.60 Yard. An open space on the same lot with a building lying between the building and nearest lot or street line.

3.2.61 Yard, front. That area of open space to the front of the platted lot, the area immediately adjacent to the street side of the lot. If streets bound on two sides of the lot, the narrower portion fronting on a street shall be declared the front. See Lot lines, front.

3.2.62 Yard, rear. That area of open space that is opposite the area delineated as the front. That area of greatest distance from the street. See Lot lines, rear.

3.2.63 Yard, side. That area of open space that is immediately adjacent to the side lot lines. See Lot lines, side.

3.2.64 Zoning ordinance. An officially adopted ordinance that regulates the manner, type, size, and/or use to which a piece of property may be placed.

ARTICLE IV. - PROCEDURE FOR PLAT APPROVAL

4.1 - General procedure.

4.1.1. Classification of subdivisions. Before any land is subdivided the owner of the property proposed to be subdivided, or the authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures. The procedure for review and approval of a subdivision plat consists of the following sequential steps:

- (a) *Major subdivision.*
 - 1. Sketch plan
 - 2. Preliminary plan
 - 3. Final plat
- (b) *Minor subdivision.*
 - 1. Required items
 - 2. Final plat

Review and approval of preliminary plan for a major subdivision shall be completed prior to making any street improvement, installing any utilities or selling any lots. Final plat approval for a major or minor subdivision shall be completed prior to the sale of any lots in the proposed subdivision and subsequent to required improvements.

Time frames for action by the Planning and Zoning Commission or City Council on a sketch plan, preliminary plan or final plat are based on the complete application of the required information for each stage. The professional staff of the planning and engineering department shall determine the completeness of an application as specified in these regulations and by the appropriate submittal forms as adopted by the City Council. Failure for the Planning and Zoning Commission or City Council to act on an incomplete application shall not constitute a violation of this or any other ordinance of the City.

4.2 - Review procedure.

The following procedure shall be followed in the submission, review, and action upon all subdivision plats:

4.2.1 Sketch plan review procedures for major subdivisions.

- (a) *Pre-application meeting.* Before preparing the sketch plan for a subdivision, the applicant is strongly encouraged to schedule a meeting with the planning staff to discuss the procedure for approval and the requirements as to general layout of streets, required improvements, and similar matters. A subdivider must submit a sketch plan of the entire contiguous tract prior to the filing of a preliminary plan for all or a portion of the tract to be developed.

Included with the sketch plan should be a sketch map that shows the subdivision in relation to the surrounding area. The purpose of the sketch plan is to assist the subdivider prior to extensive site planning necessary for the preparation of the preliminary plan, and to enable him or her to become familiar with the regulations affecting the land to be subdivided.

- (b) *Application procedure and requirements.* Prior to subdividing land and after meeting with the planning staff, application for approval of a sketch plan shall be submitted to the professional staff of the planning and engineering department at least 19 days prior to the regularly scheduled meeting date of the Planning and Zoning Commission. The application shall:
 - 1. Be made on forms available at the planning and engineering office;

2. Include all contiguous holdings of the owner with an indication of the portion proposed to be subdivided;
 3. Be accompanied by one copy of the sketch plan no larger than 11 inches × 17 inches or ten copies if larger than 11 inches × 17 inches as described in these regulations and complying in all respects with these regulations; and,
 4. The application shall include an address and telephone number of a local agent who shall be authorized to receive all notices required by these regulations.
- (c) *Classification and approval procedure.* The planning staff shall determine whether the sketch plan constitutes a minor or major subdivision and notify the applicant of the classification within 19 days from the date that the sketch plan is submitted to the planning staff. If a parcel has a structure currently on the property at the time of the submittal, then the planning staff may, in his or her discretion, exempt the developed lot from counting as a lot in the subdivision for the purpose of classification as a major or minor subdivision.

The sketch plan for a major subdivision shall then be placed on the next available regular meeting agenda of the Planning and Zoning Commission for formal approval, disapproval or conditional approval of the sketch plan. The Planning and Zoning Commission shall review the sketch plan and shall recommend approval, denial, or approval subject to modifications at the meeting at which it is presented. Pertinent comments and recommendations shall be recorded in the minutes of the Planning and Zoning Commission meeting. The Planning and Zoning Commission shall certify its recommendation to the City Council, who shall consider the recommendation of the Planning and Zoning Commission and vote on the proposed sketch plan.

1. *Major subdivision sketch plan.*

- a. Approval shall be granted only if the sketch plan complies with all applicable laws governing the subdivision of land in the City of Guyton. Subsequent to approval or conditional approval by the City Council, the planning staff shall issue a notice to proceed to the applicant. The notice to proceed shall include, as appropriate, recommended changes in the sketch plan to be incorporated into the preliminary plan to assist the applicant in obtaining preliminary plan approval.
 - i. Upon approval, the sketch plan may be forwarded to the City engineer or designee, adjoining counties or municipalities, school board, or any other agency as deemed necessary. Such reviewers shall have ten business days to submit comments to the Planning and Zoning Commission.
- b. The applicant shall have one year from the date that the sketch plan is approved by the City Council to submit a preliminary plan, after which time a new sketch plan must be submitted for approval.

4.2.2 *Preliminary plan procedures for major subdivisions.*

- (a) *Application procedure.* Application for preliminary approval of a subdivision plat shall be submitted to the planning and engineering department. The application shall not be accepted until sketch plan approval has been granted. The application shall:

1. Be made on forms available at the planning and engineering office;
2. Include all contiguous holdings of the owner with an indication of the portion proposed to be subdivided;
3. The plat of the subdivision, construction drawings, hydrology reports, water/sewer calculations, land disturbing activity permit application and any other pertinent information shall be submitted as required by the planning and engineering department, as defined by section 5.2 of these regulations."
4. Any preliminary plan submitted to the planning and engineering department shall contain the individual's name and address of the subdivider (or his designee) to whom notice comments may be sent.

Additional copies of the plat and supplemental information may be requested by the professional staff. The above-mentioned copies shall be distributed as required by section 5.2.4 of these regulations and additionally as deemed necessary by the planning and engineering department. The person or agency to which a copy of the preliminary plan is directed shall indicate any desired changes or comments on the preliminary plan and submit said changes or comments to the planning and engineering department prior to the formal approval of the preliminary plan.

- (b) *Approval procedure.* The preliminary plan shall be reviewed and approved by the departments as specified in section 5.2.4 of these regulations. The planning and engineering department, or designee, shall act on the preliminary plan within 90 days after formal submission, and, if recommending approval shall indicate in writing, stating the conditions of such approval, if any, or if recommending disapproval, shall express in writing its disapproval and its reasons therefore. Failure of the planning and engineering department, or designee, to act within 90 days after formal submission of the preliminary plan shall be deemed to constitute a recommendation of approval, and certificate to that effect shall be issued by said staff on demand; provided, however, that the subdivider may waive this requirement and consent in writing to the extension of such period.

Failure of a subdivider to initiate any development within six months from the approval of the preliminary plan will require resubmission of a preliminary plan to the planning and engineering department for approval unless an extension is requested by the subdivider and approved by the City Council.

Approval of a preliminary subdivision plan shall not constitute approval of the final subdivision plat. Preliminary approval shall constitute approval of the proposed widths and alignments of streets and the dimensions and shapes of lots subject to the final approval of the public works director or other designee of the City Council. Application for approval of the final (record) plat will be considered only after the requirements for final plat approval as specified herein have been fulfilled and after all other specified conditions have been met. Upon approval of the preliminary subdivision plan by the professional staff, the subdivider may proceed to comply with the other requirements of these regulations, construction of the subdivision, and the preparation of the final subdivision plat. Construction shall follow the plans as submitted and approved by the City Council or their designee. A professional engineer licensed in the State of Georgia shall provide construction supervision.

4.2.3 Required information for minor subdivisions.

(a) Plat submittal procedure.

1. A plat by a land surveyor registered in the State of Georgia with the appropriate signature blocks for the zoning administrator and the health department, and a digital file geographically referenced to Georgia State Plane Coordinate System in a format as specified by the City Council or their designee, as further described on attachments to the final plat checklist and submittal form;
2. Include all contiguous holdings by the owner with an indication of the portion proposed to be subdivided;
3. Show all necessary easements; and
4. The application shall include the information specified in section 5.3 of these regulations.

4.2.4 Final plat review procedures.

(a) Application procedure.

- (i) Application for final approval of a major subdivision plat shall be submitted to the planning and engineering department. The application shall:
 1. Be made on forms available at the planning and engineering office;
 2. Include all contiguous holdings of the owner with an indication of the portion proposed to be subdivided;
 3. After completion of the final drawings of all or part of the area as shown on the approved preliminary plan, the subdivider shall submit to the planning and engineering staff documents as required by the planning and engineering department, as defined by the document "City of Guyton Final Plat Checklist and Submittal Form" prepared in accordance with the provisions of these regulations along with the required certificates executed by the appropriate officials;
 4. Comply in all respects with the sketch plan and preliminary plan, as approved;
 5. Be accompanied by all formal irrevocable offers of dedication to the public, if required, of all streets, utilities, parks, easements, and other government uses, in a form approved by the City attorney;
 6. Be accompanied by a maintenance bond, letter of credit, escrow account, or certified check, which is available to the City to cover any necessary repair of streets, utilities, parks, easements, etc. The maintenance security shall be for a minimum of ten percent of the total construction cost of such improvements. The City engineer may require a higher percentage (or an additional amount) when circumstances warrant, subject to the approval of the City Council.
 7. Be accompanied by the subdivision improvement agreement and security, if required, in a form satisfactory to the City attorney; and
 8. Be accompanied by the water and sewer agreement, if required, in a form satisfactory to the City attorney.

The subdivider shall provide one complete set of construction plans as record drawings (as-built) on Mylar film, three sets on paper, and a digital copy geographically referenced to Georgia State Plane Coordinate System in a format as specified by the City Council or their designee, as further described on the final plat checklist and submittal form and attachments thereto. Each sheet of the construction record drawings shall bear the stamp and signature of the professional engineer licensed in the State of Georgia who shall certify that the project has been constructed in accordance with the approved drawings. Inspection of the subdivision development shall be performed by the staff of the planning and engineering department, or designee, and all improvements required by this ordinance must be finished before the final plat application is deemed complete. Additional copies of the final plat and supplemental information may be requested. The above-mentioned copies shall be distributed as required by this ordinance and as deemed necessary by the planning and engineering staff. The person or agency to which a copy of the final plat is directed shall indicate any desired changes or comments, or its approval on the plat and shall submit it to the planning and engineering staff.

- (ii) Application for final approval of a minor subdivision plat shall be submitted to the planning and engineering department. The application shall include the information specified in section 5.3 of these regulations.

(b) *Approval procedure.*

- (i) For a major subdivision, the final plat shall be placed on the agenda of the next meeting of the City Council once the application is deemed complete by the planning and engineering staff, and following review and approval from the departments as specified in section 5.2.4 of these regulations. The applicant may petition to have an item placed on the agenda of the next meeting of the City Council prior to such approvals by submitting a written request to the planning and engineering department, specifying the reason for the request. Such requests shall be heard by the City Council and added to the City Council agenda upon unanimous approval. The City Council shall act on the final plat within 60 days after formal submission. Failure to act within that time period shall be deemed to constitute final approval, and a certificate to that effect shall be issued upon demand; provided, however, that the subdivider may waive this requirement and consent in writing to the extension of such period.

Upon the approval of the final plat by the City Council, the original Mylar shall be stamped with the appropriate certificate of the City Council. At least three prints shall then be made of the original, two to be kept on file with the planning and engineering department and one to accompany the original which shall be recorded in the office of the clerk of the Superior Court of Effingham County. Approval of the final plat shall be deemed to constitute or affect an acceptance by the City of the dedication of any street or other ground shown upon the plat that is intended to become public domain.

In the event a final plat is disapproved, the subdivider shall be notified in writing, by certified mail, of the grounds for such disapproval. In no case shall a final plat be disapproved that:

- (a) Meets the requirements of a final plat as set forth in these regulations;
- (b) Conforms to an approved preliminary plan; and
- (c) Has all the required improvements installed and approved.

A subdivider who fails to initiate any development associated with the subdivision within 18 months from the approval of the preliminary plan shall be required to resubmit the preliminary plan to the planning and engineering department for approval. Any additional requirements placed upon the plan that were not placed upon the plan when it was first submitted shall be implemented in the final plan. All applicable fees shall be payable upon resubmission of the plat.

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 months after final plat approval to assure the maintenance of the subdivision development. At the end of the 12 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 months from the date of final plat approval.

Where faults or failures develop and the subdivider is willing to make repairs at his cost, the City may allow him or her to do so. If the subdivider is not willing, the City may draw on any maintenance security given by the subdivider to ensure the maintenance of said improvements. The subdivider shall reimburse the City for all costs incurred by the City in maintaining said improvements, plus 100 percent of such costs as an administrative expense. In the event the amount of the letter of credit or other security is not sufficient to cover the total amount due the City, the subdivider shall immediately pay the balance due to the City.

- (ii) For a minor subdivision, the final plat may be approved by the zoning administrator once the application is deemed complete by the planning and engineering staff, and following review and approval from the departments as specified in section 5.3.1 of these regulations. Upon review of a plat that complies with all of the requirements of the minor subdivision regulations including but not limited to zoning district, lot size, access, and frontage requirements, the original Mylar shall be signed by the zoning administrator. At least three prints shall then be made of the original, two to be kept on file with the planning and engineering department and one to accompany the original which shall be recorded in the office of the clerk of the Superior Court of Effingham County.

The zoning administrator shall act on the plat within 30 days after formal submission. If approved, the plat shall be signed in the appropriate signature block. If recommending disapproval, an explanation in writing shall be attached to the

plat. Failure of the zoning administrator to act within 30 days after formal submission of the required information shall be deemed to constitute approval; provided, however, that the subdivider may waive this requirement and consent in writing to the extension of such period.

4.3 - Reserved.

4.4 - Federal Housing Administration approval.

In the event the subdivider plans to secure approval of his or her subdivision by the Federal Housing Administration, it is suggested that such approval be secured after submission and approval of a preliminary plan by the City Council.

4.5 - Approval of subdivision in flood prone area.

No portion of a subdivision shall be approved which is subject to inundation by a flood of 100 years frequency or less, which fails to conform to the following restrictions:

4.5.1 Standards for flood prone area uses. All subdivisions must be designed to minimize flood damage; all public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located, elevated, and constructed to minimize or eliminate flood damage; adequate drainage must be provided to reduce exposure to flood hazards; water supply systems and/or sanitary sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters; on-site waste disposal systems must be located so as to avoid impairment of water supply systems and/or sanitary sewage systems or contamination from them during flooding. The following additional standards shall also apply to flood prone areas:

4.5.1.1 Fill.

- (1) Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.
- (2) Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover, or bulk-heading.
- (3) No fill is allowed in marshlands.
- (4) No fill is allowed in wetlands without the necessary 404 permit(s) from the U.S. Army Corps of Engineers.

4.5.1.2 Structures (temporary or permanent).

- (1) All structures shall be designed consistent with all federal flood insurance standards.
- (2) Structures shall have low flood damage potential.
- (3) The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.

- (a) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
 - (b) So far as practicable, structures shall be placed approximately on the same flood flow lines as those adjoining structures.
- (4) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures and/or restriction of bridge openings and other narrow sections of the stream or river;
 - (5) Service facilities such as electrical and heating equipment shall be constructed at or above the regulatory flood protection elevation for the particular area or shall be flood-proofed.

4.5.1.3 Storage of material and equipment.

- (1) The storage or processing of materials that are, in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
- (2) Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation or readily removable from the area within the time available after flood warning.

4.6 - Phased developments.

4.6.1 An applicant may submit a general master plan of a phased development for review and comment from the Planning and Zoning Commission pertaining to general layout, number of lots, etc. Such application may serve as the sketch plan for the development if said submittal conforms to the requirements of a sketch plan as defined by these regulations.

4.6.2 Phased preliminary plan. The preliminary plan may be phased upon meeting the following conditions:

- (a) Fifty percent of the value of the recreational amenities shall be provided in the first phase and all recreational amenities shall be provided when two-thirds of the units are finished.
- (b) Master plans for the entire development for drainage, water, and sewer shall be submitted for review and approval prior to or concurrent with the approval of the preliminary plans for the first phase of the development. Drainage plans shall be based on anticipated post-development conditions and shall be designed in accordance with applicable ordinances and those standards set forth in the Effingham County Stormwater Management Local Design Manual.
- (c) The drainage structures for the entire development shall be in place prior to the signing of the final plat for the first phase. This requirement may be waived at the discretion of the City engineer or other designee if the drainage for subsequent phases is not linked or otherwise reliant on the drainage structure(s) of earlier phases.

4.6.3 Phased final plat. The final plat may be submitted in phases as construction is completed and all requirements are met.

ARTICLE V. - PLAN AND PLAT REQUIREMENTS

5.1 - Sketch plan.

An applicant must submit a sketch plan of the entire contiguous tract prior to the filing of a preliminary plan of the portion to be developed. If a sketch plan is not presented for the entire property, the property directly adjacent to the contiguous tract and under the same ownership not included in the sketch plan may not be subdivided for 24 months following the approval of the final plat of the original contiguous property.

The purpose of a sketch plan is to provide both the applicant and the City an opportunity to review the proposed development before significant financial resources have been invested. Therefore, the sketch plan does not require the certification of an engineer, surveyor, or other professional. Existing features, including water bodies, wetlands, and flood zone limits, are required to be surveyed for the sketch plan.

If an applicant chooses to utilize professional resources (engineer, surveyor, etc.) in preparation of the sketch plan, this shall in no way obligate the City to approve such plans based on the expenditure of time or resources premature to sketch plan approval.

5.1.1 Scale. The sketch plan shall be drawn at a scale of not less than 100 feet to one inch.

5.1.2 Vicinity map. The sketch plan shall include a vicinity map at a scale of approximately one inch equals one mile showing the relationship of the proposed subdivision to surrounding development.

5.1.3 Other requirements. The sketch plan shall show:

- (1) Proposed name of subdivision.
- (2) Name, address, and telephone number of petitioner and architect, surveyor, engineer, or designer.
- (3) Location of natural and/or manmade water bodies, if present.
- (4) Location of jurisdictional wetlands, if present.
- (5) If septic systems are to be used for wastewater treatment then a soil survey is required.
- (6) Extent of 100-year flood zone, if present.
- (7) Date of preparation.
- (8) Total acreage in the tract to be subdivided.
- (9) Existing and proposed uses of land throughout the subdivision.
- (10) Other existing features, including buildings, easements, utilities, etc.
- (11) Approximate topography.
- (12) Approximate location and width of all streets, lots, detention structures, and other permanent features, excluding utilities.
- (13) Zoning classification, owners name, and existing uses of adjacent property.
- (14) Any additional information as specified by the City of Guyton Sketch Plan Review Checklist, as adopted by the City Council.

5.1.4 *Subdivision of part of property.* The subdivider shall submit a sketch plan of his entire tract even though his present plans call for the actual development of only a part of the property.

(Ord. of 4-18-06)

5.2 - Preliminary plan for major subdivisions.

The preliminary plan shall be drawn to a scale of not less than one inch equals 100 feet, meet the minimum standards of design set forth in these regulations, and shall include the following information and any additional information as specified by the "the City of Guyton Preliminary Plan and Subdivision Plan Review Checklists," as adopted by the City Council:

5.2.1 *General conditions.*

- (1) Full name of subdivision.
- (2) Name, address, and telephone number of petitioner and architect, surveyor, engineer, and designer.
- (3) All names and addresses of all property owners of the site.
- (4) All names and addresses of all deed record owners of the land adjacent to the site.
- (5) Graphic scale, north point, and date. The north point shall be identified as magnetic, true, or grid north.
- (6) Vicinity map at a scale of not less than one inch equals one mile showing the relationship of the subdivision to the surrounding area.
- (7) Acreage to be subdivided.
- (8) Proper identification of the boundaries of the tract to be subdivided with all bearings and distances indicated. The boundary survey shall be to such a degree of accuracy that the error of closure is not greater than 1:7500.

5.2.2 *Existing conditions.*

- (1) Topography by contours at vertical intervals of one foot and a certificate from an authorized engineer stating that the drainage from the property is adequate and will not adversely affect adjacent property owners.
- (2) Zoning district classification of land to be subdivided and adjoining land.
- (3) In case of resubdivision, a copy of the existing plat with proposed resubdivisions superimposed thereon.
- (4) Location of natural features such as streams, lakes, swamps, wetlands, and land subject to flood based on a 100-year flood frequency on the property to be subdivided. Determination of the presence or absence of natural features shall be made by a professional qualified to delineate wetlands. Subdivisions of three lots or less may follow the procedure for minor subdivisions as determined by section 5.3(2) of these regulations.
 - a. Wetlands delineation shall be conducted and signed by a professional qualified to conduct such delineation. If the applicant is in the process of jurisdictional determination from the U.S. Army Corps of Engineers at the time of the plan

submittal, all wetlands shall be indicated on the plan until such time as the Corps determines such wetlands are non-jurisdictional.

- b. If no wetlands exist on the property, such statement shall be indicated on the plan and signed by a professional qualified to make such determination.
- (5) Location of existing adjoining property lines and existing buildings on the property to be subdivided.
- (6) Location and right-of-way of streets, roads, railroads, and utility lines either on or adjacent to the property to be subdivided. Specify whether utility lines are in easements or right-of-way and show location of poles or towers.
- (7) Size and location of existing sewers, water mains, drains, culverts, or other underground facilities within the street or within the right-of-way of streets or roads adjoining the tract. Grades and invert elevations of sewers shall be shown.
- (8) The acreage of each drainage area affecting the proposed subdivision.
- (9) All elevations shall refer to mean sea level datum (if available) where public water and/or public sewers are to be installed.
- (10) Location of city limits lines and county lines, if applicable.

5.2.3 Proposed conditions.

- (1) Layout of streets, roads, alleys, and public crosswalks, with widths, road names, or designations, grades, and cross-sections.
- (2) Profile of proposed streets showing natural and finished grades.
- (3) Detailed layout of all lots, including building setback lines, scaled dimensions on lots, lot and block numbers, and utility easements with width, and use.
- (4) Construction drawings of sanitary sewers (if applicable) with grade, pipe size, location of manholes, points of discharge, soil map, and wells as specified by the public works department or other designee of the City Council. The soil map shall be submitted as part of the construction drawings and shall bear the seal and signature of the soil scientist who prepared the report.
- (5) Construction drawings and hydraulic calculations of proposed storm drainage system including storm sewer pipe, inlets, catch basins, etc. Storm sewer shall be sized in accordance with applicable ordinances and the Effingham County Stormwater Management Local Design Manual.
- (6) Plans of all drainage provisions, retaining walls, cribbage, planting, anti-erosion devices, or other protective devices to be constructed together with a map showing the drainage area of land tributary to the site and estimated runoff of the area served by any drains.
- (7) Construction drawings of water supply system with pipe sizes and location of hydrants and valves.
- (8) Designation of all land (if any) to be reserved or dedicated for public use.

- (9) Designation of proposed use of all lots to be used for other than single-family residential (if any).
- (10) Proposed major contour changes in areas where substantial cut and/or fill is to be done.
- (11) A timing schedule indicating the anticipated starting and completion dates of the development and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.
- (12) Total number of lots, total acreage, and total length of new streets.
- (13) Any additional information as specified by the City of Guyton Sketch Plan Review Checklist, as adopted by the City Council.

5.2.4 Review and approval. The preliminary plan shall be reviewed and approved by the professional staff of the Planning and Zoning Commission only after review and approval by the following:

- (a) The City of Guyton and/or the Georgia Environmental Protection Division shall review the water supply and sewage disposal facilities to be provided on all preliminary plans. In addition, the City of Guyton shall make determinations in all matters concerning the public health, as specified herein. Such determinations and recommendations shall be forwarded to the Planning and Zoning Commission in writing.
- (b) The public works official or other designee of the City Council shall review the preliminary plan for conformity of its proposed streets with adopted design standards and existing and proposed public street improvements.
- (c) The public works official, City engineer or other designee of the City Council shall review all construction plans for conformance with City standards, regulations, policies, and good engineering practices. Review shall include: paving, soils, water systems, wastewater systems, drainage systems, stormwater management systems, sidewalks, street lighting, buffers, landscaping, subdivision entrances and curb cuts, neighborhood grading and drainage plans, design considerations, hydraulic design, and all other reports and certifications as required for a complete submission.
- (d) The coastal soil and water conservation district shall review the preliminary plan and make comments and determinations regarding slopes and soil erosion, drainage and water runoff, floodplain areas, and other related areas. The conservationist shall forward in writing to the Planning and Zoning Commission comments and/or recommendations and approval or disapproval.
- (e) If the project requires a wetlands permit or jurisdictional determination from the U.S. Army Corps of Engineers, the subdivider shall provide documentation of such permit or determination. If the permit application is still pending from the Corps of Engineers, a copy of the permit application shall accompany the preliminary plan application.

5.3 - Required information for minor subdivision.

Required information shall be submitted at a scale of not less than one inch equals 100 feet, meet the minimum standards of design set forth in these regulations, and shall include the

following information and any additional information as specified or adopted by the City Council:

- (1) Topography by contours at vertical intervals of one foot and a certificate from an authorized engineer stating that the drainage from the property is adequate and will not adversely affect adjacent property owners.
- (2) Location of natural features such as streams, lakes, swamps, wetlands, and land subject to flood based on a 100-year flood frequency on the property to be subdivided. Determination of the presence or absence of natural features shall be made by a qualified professional. Delineation of wetlands is not required for a minor subdivision if the National Wetlands Inventory (NWI) map does not indicate generalized wetlands are present in the developable area of the property.
 - a. Wetlands delineation shall be conducted and signed by a professional qualified to conduct such delineation. If the applicant is in the process of jurisdictional determination from the U.S. Army Corps of Engineers at the time of the plan submittal, all wetlands shall be indicated on the plan until such time as the Corps determines such wetlands are non-jurisdictional.
 - b. If no wetlands exist on the property, such statement shall be indicated on the plan and signed by a professional qualified to make such determination.

5.3.1 Review and approval. The required information shall be reviewed and approved by the planning staff only after review and approval by the following:

- (a) The public works official, City engineer or other designee of the City Council shall review all plans for conformance with City standards, regulations, policies, and good engineering practices. Review shall include: drainage systems, stormwater management systems, curb cuts, neighborhood grading and drainage plans, design considerations, hydraulic design, and all other reports and certifications as required for a complete submission.
- (b) The coastal soil and water conservation district shall review land disturbing activity permit application and make comments and determinations regarding slopes and soil erosion, drainage and water runoff, floodplain areas, and other related areas. The conservationist shall forward in writing to the planning director comments and/or recommendations and approval or disapproval.
- (c) If the project requires a wetlands permit or jurisdictional determination from the U.S. Army Corps of Engineers, the subdivider shall provide documentation of such permit or determination. If the permit application is still pending from the Corps of Engineers, a copy of the permit application shall accompany the preliminary plan application.

5.4 - Final plat.

If the final plat is drawn in two or more sections, each section shall be accompanied by a key map showing the location of the several sections. The final plat shall contain the following specific information and any additional information as specified by the "the City of Guyton Final Plat Checklist," as adopted by the City Council:

- (1) Name of owner of record.

- (2) Name of subdivision, date, north arrow, and graphic scale.
- (3) Name, registration number, and seal of registered surveyor or civil engineer.
- (4) Name of city and/or county or counties in which subdivision is located and location map.
- (5) Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement, boundary line, and building line whether curved or straight. This shall include the radius, point of tangency, and other data for curved property lines and curved streets, to an appropriate accuracy and in conformance with good surveying practice.
- (6) Names of owners of record of all adjoining land and all property boundaries, water courses, streets, easements, utilities, and other such improvements, which cross or form any boundary line of the tract being subdivided.
- (7) Exact boundaries and original property lines within the tract of land being subdivided shown with bearings and distances.
- (8) The magnetic declination from magnetic north to true north for the date of the survey.
- (9) Street and alley names.
- (10) Location, widths, and purposes of rights-of-way or easements.
- (11) Accurate description of the location of all monuments and markers.
- (12) The final plat must conform to the requirements of the Georgia Plat Act.
- (13) The following signed certificate from the design professional engineer:

"I hereby certify that the streets, drainage system, sewer system, and water system in the Subdivision known as _____ shown on the Plat dated _____ prepared by _____ have (has) been installed in accordance with the preliminary plan (Construction Drawings) approved (Date)."

- (14) The following signed certificates shall appear on the final plat which is submitted to the City Council by the subdivider.

- (a) *Certificate of approval for recording.* (To be placed on an original of the approved final plat and returned to the subdivider for recording.)

The subdivision plat known as _____ has been found to comply with the City of Guyton, Georgia Subdivision Regulations and was approved by the Council of the City of Guyton, Georgia for recording in the office of the Clerk of Superior Court of Effingham County, Georgia (date):

_____ Mayor of the Council of the City of Guyton, Georgia,

_____ Clerk of the Guyton City Council.

- (b) *Certificate of accuracy.*

I hereby certify that this Plat is a true, correct, and accurate survey as required by City of Guyton Subdivision Regulations; and was prepared from an actual survey

of the property made under my supervision, and that monuments shown have been located and placed to the specifications set forth in said regulations.

(c) *Certificate of ownership and dedication—Individuals.*

It is hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby dedicate all streets, alleys, walks, parks, and other sites to public or private use as noted.

(d) *Certificate of ownership and dedication—Corporation.*

It is hereby certify that a corporation duly organized and existing under the laws of the State of Georgia by, (principles authorized to sign the certificate) is the owner of the property shown and described thereon, and that all streets, alleys, walks, parks, and other sites shown hereon, are dedicated to public or private use as noted.

5.4.1 Final plat approval. The final plat shall be approved by the City Council after review and approval by the following:

- (a) City board of health engineer or equivalent;
- (b) City public works director or equivalent;
- (c) City planning official or equivalent.

5.4.2 Permanent reference points. Prior to the approval of the final plat, all of the subdivision's permanent reference points shall [have] been placed in accordance with the following requirements:

5.4.2.1 Subdivision corner tie.

- (1) At least one corner of the subdivision shall be designated by course and distance (tie) from a readily discernible reference marker. If a corner is within 2,000 feet of a U.S. Coast and Geodetic Station, U.S. Geological Survey, or Georgia Grid System coordinated monument, then this corner shall be marked with a monument so designated by computed X and Y coordinates which shall appear on the map with a statement identifying this station or monument to an accuracy of 1:10,000. When such a monument or station is not available, the tie shall designate a reference marker and the X and Y coordinates shall be obtained using sub-meter Global Positioning System (GPS) technology. All subdivision surveys shall be tied to the target coordinate system.
- (2) The target coordinate system is Georgia State Plane, East Zone, North American Datum (NAD) 1983. All survey tie monuments shall reference this coordinate system.

5.4.2.2 Monuments.

- (1) Monuments shall be located in the ground at all angles in the boundaries of the subdivision; at the intersection of the lines of streets with boundaries of the plat and at the intersection of alleys with the boundaries of the subdivision; at all points of curvature, points of tangency, points of reverse curvature, and angle points in the side lines of streets and alleys; and at all angles of an intermediate transverse line.

- (2) It is not intended or required that monuments be placed within the traveled portion of a street to marker angles in the boundary of the subdivision if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
- (3) All required monuments shall be placed flush with the ground where practicable.
- (4) If the required location of monument is in an inaccessible place, or where the location of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby, provided that the precise location thereof be clearly indicated on the plat and referenced to the true point.
- (5) All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
- (6) If a point required to be monumented is on bedrock outcropping, a steel rod, at least one-half inch in diameter, shall be drilled and grouted into solid rock to a depth of at least eight inches.

5.4.2.3 Property markers. A steel or wrought iron pipe or the equivalent not less than one-half inches in diameter and at least 30 inches in length shall be set at all corners, except those located by monuments.

5.4.2.4 Accuracy. Land surveys shall be at an accuracy of at least 1:7500.

ARTICLE VI. - REQUIRED IMPROVEMENTS

6.1 - Number of lots vs. improvement standards.

| Subdivision Type | Number of Lots | Required Improvements |
|--------------------|----------------|--|
| Minor subdivision | 3 or less | Drainage study and storm drainage system, if needed Street signs Site grading for adequate drainage |
| Major subdivisions | 4 or more | Paved streets Street signs Street lights (Requirement may be waived by the City Council) Community water supply and system (if required by EPD or Health Department) Fire protection (if community water system required) Appropriate sewerage system Sidewalks (Requirement may be waived by the City Council) Storm drainage system |

6.2 - Required improvements.

A well-designed subdivision means little to a prospective lot buyer until he can see actual physical transformation of raw land into lots with all necessary improvements provided. Likewise, a well-designed subdivision is not an asset to the community until the necessary improvements have been installed. In order that prospective lot purchasers may get useable products and new subdivisions may be an asset rather than a liability to the community, the subdivider shall install and/or pay for the improvements required by these regulations necessary to serve his subdivision prior to the approval of the final plat.

6.2.1 Natural gas. When gas lines are located in a street right-of-way, where possible, such lines shall be located outside the portion of the street to be surfaced to prevent having to cut into the paved surface to serve abutting properties.

6.2.2 Water supply. If a water system is installed in a subdivision, water mains, valves, and fire hydrants shall be installed according to plans approved by and in accordance with the rules and administrative regulations of the City. When the water main is located in the street surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot before the street is surfaced. Major subdivisions and phased development shall provide a water supply master plan for the entire development.

6.2.3 Sanitary sewerage. If sanitary sewer is installed in a subdivision, sanitary sewers shall be installed to the plans and specifications approved by and in accordance with the rules and administrative regulations of the public works department or other designee of the City Council. When the sewer line is located in a street right-of-way and it will be necessary to cut into the street surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the street. Major subdivisions and phased developments shall provide a sewer master plan for the entire development.

6.2.4 Sewage disposal systems. Prior to the construction of any community sewerage disposal system such as private septic tanks, an oxidation pond, or other facility, the location, size, plans, and specifications of such a facility shall be approved by and be in accordance with the rules and administrative regulations of the Planning and Zoning Commission and the public works department or other designee of the City Council. Major subdivisions and phased developments shall provide a sewer master plan for the entire development.

6.2.5 Curbs and gutters. If concrete curbs or paved valley-type gutters are required, they shall be installed in accordance with plans and specifications approved by the public works department or other designee of the City Council.

6.2.6 Street grading and surfacing. Street grading, base preparation, and surfacing shall be carried out by the subdivider according to plans and specifications approved by the public works department or other designee of the City Council and meeting the specifications and requirements of the City of Guyton. The subdivider shall provide a written guarantee to the city public works guaranteeing the construction of all new roads within a subdivision for one year following the construction of said roads.

6.2.7 Storm drainage. An adequate drainage system that is compliant with applicable ordinances and the Effingham County Stormwater Management Local Design Manual, to include necessary open ditches, pipes, culverts, storm sewers, intersectional drains, drop inlets, bridges,

and other necessary appurtenances shall be installed by the subdivider according to plans and specifications approved by the public works department or other designee of the City Council.

- (a) A storm drainage plan shall be prepared for the entire site proposed for subdivision based on anticipated post-development conditions.
- (b) Retention/detention facilities shall be provided to maintain a post-development runoff rate equal to or less than the pre-development runoff rate with adequate emergency overflow structure to discharge the 100-year storm event without overtopping.
- (c) Drainage structures, including ponds and ditches, shall be placed within an easement. The easement shall be of adequate width to allow for the access of maintenance equipment, with a minimum width of 12 feet on one side of the structure.
- (d) Percolation through swales or other pervious surfaces is preferred to direct discharge of stormwater. Swales cannot intersect driveways.
- (e) Maintaining the existing tree canopy and other existing vegetation is encouraged and may be included in calculations of runoff rates and retention/detention facilities.

6.2.8 Street names and traffic control signs. The location and design of street name signs and traffic control signs shall be approved by the public works department or other designee of City Council in accordance with rules and regulations adopted by the City Council and the Georgia Department of Transportation. The developer shall pay for the cost of such signs.

All street name and traffic control signs must meet minimum retroreflectivity requirements as stated in the current Manual on Uniform Traffic Control Devices (MUTCD) in addition to all other MUTCD standards for sign size and location.

The developer may either purchase signs from the City or must prove that signs purchased elsewhere meet the above standards.

6.2.9 Street lights and poles. Installation of street lights and poles shall be carried out by the subdivider and be approved by the appropriate electric power company. This requirement may be waived by the City Council for residential subdivisions of lots five acres or more.

6.2.10 Topsoil. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six inches of cover on the lots and at least four inches of cover between sidewalks and curbs, and shall be stabilized by seeding or planting. The excavation and treatment of overburden during construction shall be inspected by the soil and water conservationist.

6.2.11 Major subdivision access. In a major subdivision, access to lots not fronting on existing City roads must be provided by the developer with a minimum 60-foot right-of-way. Additional right-of-way above the 60-foot minimum may be recommended by the Planning and Zoning Commission and required by the City Council if: [(1)] streets within a subdivision will eventually provide access to adjoining property; or (2) the City engineer determines that, due to cut and fill requirements or location of utilities, additional right-of-way is needed above the minimum. Preparation and maintenance of the access road will be the responsibility of the developer until accepted by the City of Guyton for maintenance.

6.2.12 Minor subdivision access or subdivision of three lots or less. Lots in a minor subdivision or subdivision of three lots or less shall be served by a public street. The City Council may allow a private access road with the following conditions:

1. A private unpaved road with a minimum easement of 60 feet in width may serve no more than three lots, including the remaining tract, in a single-family residential zoning district.
2. The subject property may not have been rezoned subsequent to the adoption of this revision.
3. The land to be divided existed as a lot of record on the effective date of these regulations and has not been subdivided since the effective date of these regulations.
4. It is unlikely, because of existing development, natural features, or other conditions, that the private road will be extended or otherwise connect with an existing or future street or serve other adjacent properties.
5. One of the lots within the subdivision abuts on a public street. This lot shall be included as one of the three lots. This requirement may be waived if the parcel to be subdivided is currently served by a private road at the time of the adoption of these regulations.
6. The private access road shall intersect with an existing public street.
7. Lots served by a private access road may not be re-subdivided unless the private road is upgraded to city street standards.
8. The plat of each lot served by a private easement shall state the following: "This lot is served by a private road, not to be maintained by the City of Guyton nor accepted as a public road unless such road, at the property owner's expense, is brought in compliance with City standards as specified by the City of Guyton, including, but not limited to, paving. This lot may not be re-subdivided until said road, at the subdivider's expense, is brought into compliance with City road standards to be accepted as a public road by the City Council." This statement shall also be recorded in a covenant to be recorded in the deed of each lot.

6.2.13 Access to state and federal highways. If a road can be provided for lots, then a road shall be required, rather than permitting the stripping of lots along the road frontage with individual and direct access to the roadway.

6.2.14 Speed limits. Unless otherwise provided herein or by ordinance, the speed limit in all subdivisions shall be 25 miles per hour. The location of speed limit signs shall be approved by the public works director. The subdivider shall reimburse the City of Guyton for the cost of erecting speed limit signs throughout the subdivision as deemed necessary for public safety.

6.2.15 Utilities. All utilities shall be underground.

6.3 - Final plat revisions.

If it should become necessary to revise a final plat due to a dimensional error, a revised plat shall be submitted to the clerk of the superior court for final recording after the planning staff has approved and signed the revised plat.

6.4 - Letters of credit.

- (a) 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.
- (b) In all cases in which a subdivider posts any form of security for the maintenance of subdivision improvements after the approval of a final plat, said subdivider shall pay to the City a nonrefundable administrative fee in the amount set forth in the applicable Building Permits and Fee Schedule.

6.5 - Dedications.

The City Council shall not improve, grade, pave, or light any street or authorize the laying of water mains, sewer connections, or other public facilities or utilities in any street within the territorial jurisdiction of the city unless such street has been accepted or opened as, or shall otherwise have received the legal status of, a public street.

6.5.1 Acceptance of existing roads and streets. Any street existing at the date of these regulations that is a private road or street may be presented by the owners to the City Council for acceptance as a public street, provided the street meets the following conditions:

1. Constructed to City standards and in good condition according to such standards. Dirt roads shall be paved at the owner's expense;
2. Drainage complies with the applicable ordinances and the Effingham County Stormwater Management Local Design Manual;
3. The street and drainage have been inspected and approved by public works or other designee of the City Council; and,
4. Existing right-of-way is adequate for maintenance by the City Council.

The City Council or their designee reserves the right to request information as needed to be provided at the applicant's request to determine the condition of the road and drainage, including, but not limited to borings and elevations. The City Council may require improvements as needed prior to the acceptance of any roads or streets.

6.5.2 Acceptance of new roads and streets.

1. 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 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 or credit or performance bond upon acceptance of the street if deemed necessary based on the condition of the street.
2. Any road which is initially constructed as a private road may be presented to the City Council for dedication if such road meets all City standards. The road must be paved at

the applicant's expense prior to acceptance by the City Council. Such road must meet all requirements as detailed in section 6.5.1 of this article.

6.6 - Resubdivision.

Any lot in a residential zoning district that is ten acres or less and that was previously approved by City Council as part of a subdivision of four or more lots and recorded in the office of the superior court clerk cannot be resubdivided except with the approval of City Council, after giving consideration to the following factors:

Whether the size of the proposed lots is compatible with the size of the lots created by the previously approved subdivision,

Whether the intended use of the property as previously subdivided has been frustrated by changing economic conditions, by the exercise of eminent domain, or other circumstances,

Whether the proposed resubdivision will adversely affect the values of other property within the previously platted subdivision in which the property is located, and

Whether the proposed resubdivision is compatible with the purposes of the City of Guyton subdivision regulations.

Parcels that are zoned as commercial and industrial would be exempt from these regulations.

ARTICLE VII. - DESIGN STANDARDS

The following design standards shall be considered minimum requirements in the platting of all subdivisions:

7.1 - Streets and roads.

7.1.1 Conformity to existing maps or plans. The location and width of all proposed streets shall be in conformity with official plans and maps and with existing amended plans of the Planning and Zoning Commission.

7.1.2 Continuation of adjoining street system. The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing major streets shall be extended.

7.1.3 Access to adjacent properties. Proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround shall be provided, unless prevented by topography, other physical conditions, or unless in the opinion of the Planning and Zoning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous for future development of adjacent tracts. Where future extension of streets is desirable, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turnaround upon approval by the Planning and Zoning Commission and City Council. Street plugs may be required to preserve the objectives of street extensions.

7.1.4 Street names. Proposed streets which are obviously in alignment with other existing and named streets shall bear the assigned name of the existing streets. In no case shall the name of the proposed streets duplicate or be phonetically similar to existing street names, irrespective

of the use of suffix, street, avenue, boulevard, drive, place, court, etc. It shall be unlawful for any person in laying out any new street or road to name such street or road on any plat, by marking, or in any deed or instrument, without first getting approval of the Planning and Zoning Commission.

7.1.5 Local streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.

7.1.6 Trees. As many trees as possible shall remain on the site during the initial clearing and grading and all healthy trees, as determined by an arborist or other tree professional, having a trunk diameter of six inches or more, measured four feet above the ground, shall remain unless they lie within a planned public right-of-way, within a planned building site, or within the necessary paved areas surrounding or adjacent to the primary structure.

7.1.7 Railroads and highways (freeways, expressways). Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- (a) In residential districts, a buffer strip not less than 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be so designated on the plat: "This strip is reserved for the planting of trees and shrubs by the owner. The placement of structures hereon is prohibited."
- (b) In districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance there from to ensure suitable depth for commercial or industrial sites.
- (c) All other streets which are parallel to the railroad, when intersecting a street which crosses the railroad at grade, shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

7.1.8 Reserved strips and street plugs. Reserved strips parallel to a new street shall be prohibited. Street plugs at the terminus of a street or adjacent to a street shall be created to control access onto any street which terminates upon any undeveloped land through which the street might logically extend. In such cases, the street shall be provided to within one foot of the boundary line of the tract with the remaining one foot being dedicated to the City as a part of said street. This dedication will be automatic and without further action by the City. The connection to existing streets via street plugs shall be the responsibility of the developer of the adjoining property.

7.1.9 Street jogs. Street jogs with centerline offsets of less than 200 feet shall be prohibited.

7.1.10 Right angle intersection. Street intersections shall be as nearly at right angles as practicable.

7.1.11 Cul-de-sac. A minor street not to extend more than 800 feet in length and provided with a turnaround. Design standards shall be as follows:

- (a) *Paved cul-de-sac.*

- [i. Reserved.]
 - ii. Roadway diameter of at least 80 feet
 - iii. Right-of-way diameter of at least 100 feet. Temporary dead-end streets shall be provided with a turnaround having a radius of at least 30 feet.
- (b) *Vegetated islands in a cul-de-sac permitted.*
- i. Internal turning radius of at least 20 feet.
 - ii. Paved lane of 18 feet.
 - iii. Vegetation may be landscaped or natural and shall remain the responsibility of the subdivider or neighborhood association for maintenance.
 - iv. The vegetated central space may be used as part of a swale system to accept stormwater runoff.

When potential future connections to adjacent properties exist, cul-de-sacs may be utilized as a temporary turnaround. When used for this purpose, it is preferred that the center of the cul-de-sac is a vegetated island. At the time of extension, the cul-de-sac will then become a traffic calming measure for the street.

7.1.12 Alleys. Service alleys or drives may be required in multiple dwelling, commercial, and industrial developments and shall have a minimum surface treatment width of 15 feet. Alleys may be utilized in residential developments. Required right-of-way, surface condition, and cart way width shall be determined during the sketch plan stage.

7.1.13 Street right-of-way widths. Minimum street right-of-way widths shall be as follows:

Curb and gutter:

| (a) Local Street | Pavement Width | Right-of-Way |
|---|----------------|--------------|
| 2 lane, no parking | 22' | 60' |
| 2 lane, one side parking | 28' | 60' |
| 2 lane with parking | 36' | 60' |
| (b) Collector Street | | |
| 2 lane with left turn lane | 40' | 80' |
| 2 lane with left turn and service lanes | 56' | 80' |
| 4 lane | 54' | 80' |

| | | | |
|-----|--|-----|------|
| | 4 lane with service lanes | 78' | 90' |
| (c) | Arterial Street | | |
| | 4 lane | 56' | 80' |
| | 4 lane with service lanes | 74' | 100' |
| | 4 lane with left turn lane | 68' | 90' |
| | 4 lane with left turn lane and service lanes | 86' | 110' |
| | Shoulder (figure) | | |

| (a) | Local | Pavement | Shoulder | Ditch | Right-of-Way |
|-----|----------------------------|----------|----------|---------|--------------|
| | 2 lane | 22' | 4' | 12'-16' | 60' |
| (b) | Collector or Arterial | | | | |
| | 2 lane | 24' | 10' | 18' | 80' |
| | 4 lane | 48' | 10' | 18' | 104' |
| | 4 lane with left turn lane | 62' | 10' | 18' | 118' |

Notes:

- (1) Pavement widths shown do not provide for on-street parking unless indicated. Service lanes are intended only for loading and unloading of passengers and goods and for disabled vehicles and not for the storage of vehicles.
- (2) Right-of-way (henceforth referred to as R/W) width listed is for only that portion of the typical section between the limits indicated. Sloping rights of additional R/W will be required for cut and fill slopes outside these limits; these future slope areas beyond indicated R/W limits should also be kept clear of development until slopes have been constructed.

- (3) Private roads, serving no more than three lots, may have a driving surface of 18 feet with a private easement of 60 feet. Shoulder and ditch requirements will be determined on a case-by-case basis. Property owners are responsible for ensuring that the surface of the road is maintained at all times in an adequate condition for emergency vehicles.

7.1.14 *Sight distance for vertical curves.* Where vertical curves are used, the minimum sight distance shall be as follows:

| | Design Speed (MPH) | Minimum Curve Radii | Minimum Stopping Sight Distance |
|-----------|--------------------|---------------------|---------------------------------|
| Local | 25 MPH | 275 feet | 200 feet |
| Collector | 35 MPH | 350 feet | 240 feet |
| Arterial | 40 MPH | 500 feet | 275 feet |

7.1.15 *Horizontal curves.* Where a deflection angle of more than ten degrees occurs in the alignment of a marginal access or minor street or road, a curve of reasonable radius shall be introduced. A curve shall be introduced at any change in direction of a collector, industrial, or commercial service street or major thoroughfare. On major thoroughfares the centerline radius of curvature shall be determined by the state department of transportation or city or county engineer. On collector, industrial, or commercial service streets, the centerline radius of curvature shall not be less than 350 feet. On minor streets, the centerline radius of curvature shall not be less than 150 feet unless the topography of the land to be subdivided makes this impractical.

7.1.16 *Street grades.* Grades on major thoroughfares shall be established by the state department of transportation or city engineer(s). Grades on collector streets shall not exceed eight percent unless topographic conditions make this impractical. Grades on minor residential streets shall not exceed 15 percent, unless topographic conditions make this impractical. All streets shall have a minimum grade of not less than one-half of one percent.

7.1.17 *Street improvements necessary.* No major subdivision served by an existing dirt road shall be permitted, unless the developer upgrades the road to City standards at his or her cost or through a cost-share arrangement with the City. Minor subdivisions may be permitted as served by an existing dirt road with approval from the City Council, as specified in section 6.2.12.

7.1.18 *Private access roads and private streets.*

- (1) A notation shall be placed on all plats for any subdivision in which a private street or road is utilized for access stating that all maintenance of the right-of-way or easement, including drainage and road surface, shall be the responsibility of the abutting property owners only.

- (2) The developer of any subdivision in which a private street or road is established shall provide the City Council with a maintenance agreement, consisting of covenants running with title to all lots served by such private street or road, indicating that the owners of such lots agree to assume the financial and legal responsibility for maintenance and operation of any such private street or road established.
- (3) The developer shall notify the initial purchasers of lots served by a private street or road, in writing, that the responsibility of maintenance and operation of the private street or road and private drainage features such as canals, ditches and swales, shall remain with such lot owners. Failure to notify each such lot purchasers shall constitute violation of this chapter.
- (4) A private street or road may be dedicated to and accepted by the City for public street purposes, provided such private street or road meets the minimum design and construction standards for the City.
- (5) All governmental entities shall have right of entry to and right of passage on any private street for the purposes of providing necessary public services to the residents or owners or areas serve by such private streets or roads.
- (6) *Development standards for private streets.*
 - i. All private streets shall conform to the design and construction standards for City streets.
 - ii. A registered civil engineer shall prepare all design, grading, drainage and construction plans for all private streets.
- (7) *Development standards for private roads.*
 - i. Private roads may be unpaved but shall be designed based on City standards and sound engineering practices.
 - ii. A registered civil engineer shall prepare all design, grading, drainage and construction plans for all private roads.
 - iii. The access easement shall not be less than 60 feet.
 - iv. The driving surface of the private road shall not be less than 18 feet.

7.1.19 Municipal Acceptance of Dedicated Streets and Rights-of-Way.

- (a) *Municipal acceptance of streets and rights-of-way constructed by private parties.* Streets and rights-of-way constructed by private parties may be accepted by the City if all provisions of Section 7.1.18 and other relevant provisions of these Regulations have been met, and the developer(s) or owner of such streets and rights-of-way elects to dedicate them to the City.
- (b) *Annexed areas.* Streets previously accepted by the City of Guyton and traversing areas annexed into the City shall be accepted by the City.
- (c) *Streets and rights-of-way placed in service prior to the adoption of this Section.* Streets and rights-of-way built and placed into service prior to the adoption of this Section, may be accepted by the City, provided that (i) appropriate core tests are conducted as to the

street or right-of way, and (ii) the samples derived from such core tests meet the criteria set forth by the City Engineer. Alternatively, construction logs, certified by the owner of such streets and indicating adherence to the aforementioned standards, shall be acceptable in lieu of core test results.

(1) *Responsibility for testing.* The cost of any testing required under this subsection shall be borne by the developer or owner of the streets or rights-of-way proposed for acceptance.

(d) *Procedures.* Any such proposed street and/or right-of-way dedications shall be made by deed with appropriate plat references. City Council shall accept any dedications of a street or right-of-way by resolution, identifying such streets and/or rights-of-way for which the City elects to accept dedication. A certified copy of this resolution shall be attached to both the deed of dedication and acceptance and the final plat depicting such streets and/or rights-of-way."

7.2 - Easements.

7.2.1 Utility easements. Utility easements having a minimum width of 15 feet shall be provided as required for utility lines and underground mains and cables.

7.2.2 Pedestrian ways. When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs, to pass through oddly-shaped or unusually long blocks, or to provide access to schools, parks, or other public areas.

7.3 - Blocks.

Block lengths and widths shall be as follows:

7.3.1 Lengths. Block lengths shall not exceed 800 feet nor be less than 400 feet.

7.3.2 Along existing streets. When a parcel with a minimum frontage of 1,200 feet along an existing road is subdivided, an entrance to the property shall be provided at a maximum distance of every 800 feet. If a road is not necessary for the currently proposed development, then an easement shall be left to provide for future development. This requirement may be waived or modified for development along a state highway when acceleration/deceleration lanes are required by the Georgia Department of Transportation for each entrance and the development is not projected to generate enough traffic to justify the expense to the developer.

7.4 - Lots.

Residential lots shall meet the minimum lot width, depth, and area requirements of this and other ordinances.

7.4.1 Orientation of lot lines. Side lot lines shall be substantially at right angles or radial to street lines.

7.4.2 Lots abutting public streets. Each lot shall abut upon a dedicated public street unless all conditions of section 6.2.12 are met.

7.4.3 With public water and public sewer.

(a) *Minimum area:* Determined by zoning district.

(b) *Minimum width*: Determined by zoning district.

(c) *Minimum depth*: Determined by zoning district.

7.4.4 Without public water and sewer.

(a) *Minimum area*: 43,560 square feet for a single housing unit, subject to the approval of the Effingham County Health Department. The Effingham County Health department shall have notified the City Council and the developer of its approval. Such notification shall include identification of individual lots by number.

(b) *Minimum width*: Determined by zoning district.

(c) *Minimum depth*: Determined by zoning district.

7.4.5 With public water but not public sewer.

(a) *Minimum area*: 21,780 square feet for a single housing unit, subject to the approval of the Effingham County Health Department. The Effingham County Health Department shall have notified the City Council and the developer of its approval. Such notification shall include identification of individual lots by number.

(b) *Minimum width*: Determined by zoning district.

(c) *Minimum depth*: Determined by zoning district.

7.4.6 Setback lines. Determined by zoning district.

7.4.7 Building setback lines. A building line meeting the front yard setback requirements of this ordinance shall be established on all lots.

7.5 - General suitability.

7.5.1 Soils. The Planning and Zoning Commission shall not approve a subdivision where the soil conditions have been determined not suitable for development purposes of the kind proposed.

7.5.2 Flooding. Flood prone areas shall be designed consistent with all flood insurance regulations.

7.6 - Benchmarks.

At least two benchmarks shall be established within a subdivision. Such benchmarks shall be at opposite corners of the property being subdivided. For subdivisions consisting of more than 15 lots, there shall be provided one additional benchmark for every 100 additional lots or fraction thereof.

ARTICLE VIII. - PLANNED DEVELOPMENTS

8.1 - Planned developments.

In order to prevent creation of traffic hazards and insure the provision of off-street parking and the provision of necessary utilities, plans for planned developments such as Manufactured Housing Parks, apartment complexes, and commercial complexes where the site is not subdivided into lots and public streets, but is retained in one ownership, shall be submitted to the Planning and Zoning Commission for review and approval. In addition, any planned development as referenced in the zoning ordinance shall conform to not only these regulations, but also all requirements stated in the zoning ordinance under planned development. Such plans shall show the following information:

8.1.1 Scale. A plat of the property drawn to a scale of at least 100 feet to one inch.

8.1.2 Location. The location of the parcel of land with respect to adjacent rights-of-way.

8.1.3 Buildings. The shape, dimensions, and location of all buildings, existing and proposed, on said parcel.

8.1.4 Nature of use. The nature (commercial, industrial, etc.) of the proposed uses of the buildings and/or land.

8.1.5 Utilities. The location and dimensions of all water, sewer, utilities and easements.

8.1.5 Topography. Topography of the site by contours at vertical intervals of not more than two feet.

8.1.6 Parking. The location and dimensions of off-street parking and loading space and the means of ingress and egress to and from such space.

8.1.7 Drainage. The location and size of all proposed utilities and storm drainage facilities in compliance with the City of Guyton Sketch Plan Review Checklist, as adopted by the city council

8.1.8 Other information. Such other information as the Planning and Zoning Commission may deem necessary because of the physical characteristics peculiar to the particular development.

8.1.9 Enforcement of group development requirements. No building permits shall be issued and no connection to a public water system or public sewer system shall be made until the plans for the planned development have been approved by the City Council and so noted on prints of the development plan.

8.2 - Experimental developments.

8.2.1 Intent. It is not the intent of these regulations to freeze new developments into any single type of design. It is, however, the intent of these regulations to insure that all new developments shall contribute to the building of economically sound and desirable living areas within the community with all necessary services and facilities.

8.2.2 Authority to modify standards. In order to provide the subdivider with maximum flexibility in the design and character of new residential developments, the City Council is hereby authorized to modify the standards and requirements but not the intent of these regulations in the case of a plan for an experimental subdivision or planned neighborhood unit,

which, in the judgment of the City Council, provides adequate public spaces for circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provision as will assure conformity to and achievement of the comprehensive development plan.

8.2.3 Maintenance of spirit of regulations. Any development or subdivision approved under this section shall maintain the objectives, purposes, and intent of these regulations.

8.2.4 Types of developments. Experimental developments may include, but are not limited to, the following:

- (a) Planned developments as defined in article VIII of these regulations and any so designated within the City of Guyton, Georgia Zoning Ordinance.
- (b) Conservation design subdivisions.

ARTICLE IX. - VARIANCES

9.1 - General.

When, due to a particular hardship experienced by an owner of a tract of land such as inadequate size, shape, drainage, etc., it is impractical for a developer to comply with these regulations, the City Council may vary such requirements provided the intent and purpose of these regulations are not violated. The City Council shall not grant such variances unless it finds based on the evidence presented to it in each specific case that:

- a. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property, and;
- b. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property, and;
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out, and;
- d. The relief sought will not in any manner vary the provisions of the zoning ordinance or comprehensive plan, except that those documents may be amended in the manner prescribed by law.

9.2 - Conditions.

In approving variances, the City Council may require such conditions as will, in its judgment, secure substantially the purposes described in section 2.1.

9.3 - Procedures.

A petition for a variance shall be submitted in writing by the subdivider at the time when the preliminary plan is filed for the consideration of the Planning and Zoning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. Such variance requests, and the reasons for granting or denying them, shall be entered into the minutes of the City Council.

ARTICLE X. - APPLICATION OF REGULATIONS

10.1 - Filing and recording.

No plat of a subdivision within the City shall be filed or recorded by the county clerk of the Superior Court until the final plat shall have been submitted to and approved by the City Council and such approval entered in writing on the final plat by the planning official.

10.2 - Improvements—Streets.

The governing authority may locate and construct or may accept any other street provided that the ordinance, resolution, or other measure for such approval be first submitted to the Planning and Zoning Commission for its approval or disapproval as provided for in the procedure on plats and, upon approval, any such street shall have the status of an approved street as fully as though it had been originally shown on a subdivision plat approved by the Planning and Zoning Commission.

10.3 - Street names.

No street or road shall hereafter be named on a plat or in a deed or other instrument without approval by the Planning and Zoning Commission.

The Planning and Zoning Commission may, after reasonable notice in a newspaper having general circulation in the City of Guyton, recommend to the governing authority, a change in the name of any street or road in City of Guyton: (a) when there is duplication of names or other conditions which tend to confuse the public, (b) when it is found that a change may simplify marking or identification of streets, or (c) upon any other good and just reason that may appear to the Planning and Zoning Commission. After reasonable opportunity for a public hearing and approval of the name change, the governing authority shall issue its certificate designating the change, which shall be recorded with the clerk of court, and the name shall thereafter be the legal name of the street or road.

10.4 - Schedule of filing fees.

The subdivider shall pay to the City of Guyton at the time a plat is submitted a sum as set forth in the schedule of fees and charges on file in the office of the City Clerk.

ARTICLE XI. - VIOLATIONS AND PENALTIES

11.1 - Filing or recording.

The filing or recording of a final plat of a subdivision without the approval of the City Council as required by these regulations, or the filing and recording of any sketch plan or preliminary plan as a record plat is hereby declared a misdemeanor and, upon conviction, is punishable as provided by:

- a. A fine not less than \$100.00 and not exceeding \$1,000.00, which fine shall not, except as otherwise provided by applicable law or ordinance, be subject to suspension, stay, or probation;

- b. A period of confinement or not fewer than one day nor more than 12 months, which period or confinement may, at the sole discretion of the judge, be suspended, stayed, or probated, in such place of confinement as may be designated by the judge;
- c. Community service for a period of time not fewer than ten hours and not exceeding 200 hours; or
- d. Any combination of fine, confinement, or community service as provided herein and designated by the judge.

11.2 - Recording Official.

The Clerk of Superior Court shall not accept, file, or record any sketch plan or any preliminary plan as a record plat; nor accept, file, or record any final plat that has not been approved by the City Council as shown by the signature of the planning official. Should any public official violate the provisions of this section, he or she shall, in each instance, be subject to the same penalty or penalties outlined in Section 11.1 and the governing authority shall have such rights and remedies as to enforcement or collection as are provided by law and may enjoin any violations hereof.

11.3 - Transfer of lots in unapproved subdivisions.

The owner or agent of the owner of any land to be subdivided within the City of Guyton who transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat or subdivision of such land before such final plat has been approved by the City Council and recorded in the office of the clerk of the court in and for the City shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in the discretion of the court; and the description of metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from these penalties. The City may enjoin such transfer or sale or agreement by appropriate action.

11.4 - Erection of buildings.

Any building erected in violation of these regulations shall be deemed an unlawful structure, and the building official or the City of Guyton attorney or other official designated by the City Council may bring appropriate action to enjoin such erection or cause it to be vacated or removed.

11.5 - Street names.

It shall be unlawful for any person in laying out any new street or road to name such street or road on any plat, by any marking, or in any deed or instrument without first obtaining the approval of the Planning and Zoning Commission. Any person violating this provision shall be guilty of a misdemeanor and, upon conviction, shall be punished in the discretion of the court.

11.6 - Penalties.

The owner or agent of the owner of any land to be subdivided within the City of Guyton who transfers or sells or agrees to sell or negotiate to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land before such plat has been approved by the City Council, and recorded in the office of the clerk of the superior court in Effingham County, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from such penalties.

ARTICLE XII. - LEGAL STATUS PROVISIONS

12.1 - Interpretation.

The regulations expressed in this document shall be considered as the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience, and welfare of the general public.

12.2 - Conflict with other laws, ordinances, or regulations.

These regulations are not intended to interfere with or annul any other statute or local ordinance or regulation. Where any provision of these regulations imposes restrictions or requirements different from those imposed by this or any other rule or regulation, the provision that is more restrictive or imposes higher standards shall control.

12.3 - Severability.

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

12.4 - Repeal of conflicting ordinances.

Upon adoption of these regulations according to law, any of the City of Guyton, Georgia Subdivision Regulations previously existing are hereby repealed, except as to those sections expressly retained in these regulations.

12.5 - Amendments.

The Planning and Zoning Commission shall hold a public hearing on any amendment to these regulations prior to its adoption, notice of which shall be given not less than 15 nor more than 45 days prior to the hearing date. The notice of hearing shall be made in a newspaper having general circulation in the area of jurisdiction.

The Planning and Zoning Commission shall certify its recommendation as to the proposed amendment to the City Council. If the Planning and Zoning Commission fails to hold a hearing or to certify its recommendation as to the proposed amendment within forty-five (45) days of its submission, such amendment shall be deemed recommended by the Planning and Zoning Commission. The City Council shall consider the recommendation of the Planning and Zoning Commission and vote on the proposed amendment.

12.6 - Effective date.

These regulations shall take effect on and after the date of approval by the governing authority of the City of Guyton, Georgia.

**CITY OF GUYTON
STATE OF GEORGIA**

ORDINANCE NUMBER 2020-14

AN ORDINANCE FOR A MASK MANDATE DUE TO COVID19

WHEREAS, a significant number of Georgia residents are at risk of serious health complications, including death, from COVID-19;

WHEREAS, a large number of persons with serious infections can compromise the ability of the healthcare system to deliver necessary care to the public;

WHEREAS, individuals diagnosed with COVID-19 may experience long-term health effects following recovery from acute COVID-19 symptoms;

WHEREAS, the following actions related to requiring facial coverings in public are necessary and appropriate to balance the public's interest in not being unduly burdened with the compelling public interest of providing for the health, safety and welfare of the residents of the City;

WHEREAS, the goal of this Ordinance is to increase the usage of facial coverings and masks and not revenue generation; and

THEREFORE, 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.

For purposes of describing the circumstances which warrant the adoption of this Ordinance, the governing authority of the City of Guyton, Georgia, hereby adopts and makes the findings included in the "WHEREAS" clauses as findings of fact.

SECTION 2.

- (a) The provisions of this Ordinance shall only be enforced when the prevalence of confirmed cases of COVID-19 in Effingham County over the previous fourteen (14) days is equal to or greater than one hundred (100) cases per one hundred thousand (100,000) people according to the Georgia Department of Public Health.
- (b) For purposes of this Ordinance, the following terms are hereby defined as follows:
 - (1) *Entity* means any private business, establishment, corporation, non-profit corporation, or organization, including the curtilage thereof.
 - (2) *Facial covering or mask* means a device to cover the nose and mouth of a person and impedes the spread of saliva, respiratory droplets, or other fluids during

speaking, coughing, sneezing or other intentional or involuntary action. Medical grade masks are not required; coverings may be fashioned as advised by the CDC and from other suitable fabrics. The mask must cover the mouth and nose of the wearer.

- (3) *Polling place* means the room provided in each precinct for voting at a primary or election.
 - (4) *Public place* means any place other than a personal vehicle, residential property, or an entity including the curtilage thereof.
- (c) Except as otherwise provided in this Ordinance all persons in an entity or a public place shall wear a facial covering or mask over the mouth and nose at all times where other physical distancing measure may be difficult to maintain from non-cohabitating persons. In all locations where facial coverings or masks are not required to be worn pursuant to this Ordinance, they are strongly encouraged to be worn.
- (d) Facial coverings or masks are not required in the following circumstances:
- (1) In personal vehicles or upon residential property;
 - (2) When a person is alone in enclosed spaces or only with other household members;
 - (3) When the individual has a religious objection to wearing a facial covering or mask;
 - (4) While drinking or eating;
 - (5) When a licensed healthcare provider has determined that wearing a facial covering or mask causes or aggravates a health condition for the individual or when such person has a bona fide medical reason for not wearing a facial covering or mask;
 - (6) When wearing a facial covering or mask would prevent the receipt of personal services or performing work in the course of employment;
 - (7) When complying with the directions of a law enforcement officer or for the purposes of verifying a person's identity, such as when purchasing alcohol, tobacco, or prescription drugs or when engaging in a financial transaction;
 - (8) Children under the age of ten (10) years;
 - (9) When the individual is having difficulty donning or removing a face mask or face covering without assistance;
 - (10) At any polling place and no individual shall be denied ingress or egress to or from a polling place for failure to wear a facial covering or mask; and
 - (11) When outdoors and maintaining social distancing from anyone other than individuals with whom they cohabitate.

- (e) Violations of this Section 2 may be enforced by a notice of ordinance violation issued by any police officer, code enforcement officer, or other authorized law enforcement official, as provided below:
- (1) A person who fails to comply with paragraph (c) of Section 2 of this Ordinance shall be first given a warning and an opportunity to put on a facial covering or mask, leave the entity, or comply with one of the exceptions in paragraph (d) of Section 2.
 - (2) If the person violating this Ordinance refuses or fails to comply with this Ordinance after being given a warning pursuant to subparagraph (1) of this paragraph then such person may be subject to a civil penalty of not more than \$25.00 on the first offense and not more than \$50.00 on the second and any subsequent offenses.
 - (3) A notice of violation may be served by delivery into the hands of the suspected violator or by other reasonable process for serving notice of ordinance violations used by the City.
 - (4) Violations of this ordinance shall not be enforced against any entity and shall not be taken against any owner, director, officer, or agent of an entity for the failure of their customers to comply with this ordinance.
 - (5) Notwithstanding the foregoing, every effort shall be made to bring an individual into voluntary compliance with the terms of this Ordinance prior to issuance of any notice of violation, including providing complimentary masks, explaining the importance of wearing facial coverings during this pandemic, and issuing verbal and written warnings.
- (f) (1) Every entity subject to this Ordinance which does not consent to enforcement of this Ordinance upon its property shall post a clearly legible sign in one inch or larger font at all public entrances of such entity stating the following: "This location does not consent to enforcement of any local face covering requirement upon this property."
- (2) If an entity does not post the signage described in subparagraph (1) of this paragraph it shall be conclusively presumed to have consented to enforcement of this Ordinance on its property and failures by individuals to wear facial coverings or masks as required by this ordinance shall be determined to be violations and enforced as contemplated in paragraph (e).

SECTION 3.

Should any provision, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court of competent jurisdiction, the remaining provisions, paragraphs, sentences, or words of this Ordinance shall remain in full force and effect.

SECTION 4.

Should any ordinance or part thereof be found to conflict with this ordinance or the provisions thereof, then those sections contained herein shall be deemed controlling.

SO ORDAINED AND RESOLVED, this 13th day of October, 2020.

CITY OF GUYTON

Russ Deen, Mayor

Attest:

Approved as to form:

Tina L. Chadwick, 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

Bill Sawyer, City Manager