

Chapter 110 - ZONING

FOOTNOTE(S):

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Editor's note— The city zoning ordinance adopted Sept. 12, 1994, and all amendments thereto, have been included within the Code at the direction of an ordinance adopted March 10, 1997.

Cross reference— Development authority, § 2-146 et seq.; planning commission, § 2-211 et seq.; advertising, ch. 6; alcoholic beverages, ch. 10; buildings and building regulations, ch. 18; businesses, ch. 22; historic preservation commission, § 62-61 et seq.; solid waste, ch. 78; streets, sidewalks and other public places, ch. 82; subdivisions, ch. 86; utilities, ch. 98. ([Back](#))

State Law reference— Authority to adopt plans and exercise the power of zoning, Ga. Const. art. 9, sec. 2, par. 4; The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; local government zoning powers, O.C.G.A. § 36-66-2; conflicts of interest in zoning actions, O.C.G.A. § 36-67A-1 et seq.; coordinated and comprehensive planning by counties and municipalities, O.C.G.A. § 36-70-1 et seq.; effect of zoning laws on covenants running with the land, O.C.G.A. § 44-5-60. ([Back](#))

ARTICLE I. - IN GENERAL

Sec. 110-1. - Title.

This chapter shall be known and may be cited as the "City of St. Marys, Georgia Zoning Ordinance".
(Ord. of 9-12-94, art. 1)

Sec. 110-2. - Enactment, purpose, objectives, and scope of chapter.

- (a) *Enactment.* In accordance with the authority granted by the Constitution of the State of Georgia, as enacted by the Georgia General Assembly and ratified by general election, the City Council of St. Marys, Georgia, does hereby ordain and enact into law the City of St. Marys Zoning Ordinance. As part of this ordinance so enacted into law is the "Official Zoning Map of St. Marys, Georgia".
- (b) *Purpose.* [The purpose of this chapter is] to provide for the best use of property promoting the health, safety, morale, convenience, order, prosperity, and general welfare of the people of St. Marys.
- (c) *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;
 - (6) Avoid undue concentration of the land;
 - (7) Facilitate the adequate provision of transportation, water, sewage, schools, parks, 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

(13) Channel the most appropriate use of land and buildings throughout the city.

(d) *Scope.* [The scope of this chapter is as follows:]

An ordinance of the City of St. Marys, 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.

(e) *Planning commission's power to adopt design guidelines.* The planning commission shall have the flexibility to adopt design guidelines for any zone without amendment to the ordinance from which this section derives.

(Ord. of 9-12-94, §§ 201—204; Ord. of 5-24-10, § 1)

Sec. 110-3. - All structures must conform to chapter.

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.

(Ord. of 9-12-94, § 301)

Sec. 110-4. - 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 25 feet, unless an easement of lesser width was of record prior to the adoption of this chapter.

(Ord. of 9-12-94, § 302)

Sec. 110-5. - Projects under construction not affected.

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

(Ord. of 9-12-94, § 303)

Sec. 110-6. - 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 by article VII have been followed.

(Ord. of 9-12-94, § 304)

Sec. 110-7. - Public utilities allowed in all districts.

Unless otherwise stated by this chapter, 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.

(Ord. of 9-12-94, § 305)

Sec. 110-8. - Interpretation of terms; definitions.

(a) *Interpretation of terms.* For the purpose of this chapter, 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.

(b) *Definitions.*

Accessory building. A building customarily incidental and subordinate to the main buildings.

Accessory use. A use customarily incidental, appropriate and subordinate to the principal use of land or buildings located upon the same premises.

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.

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.

Airport. Publicly owned airports.

Airport hazard. Any structure or tree or use of land which obstructs the air space 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.

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.

Apartment. A building designed for or occupied by four 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.

Boardinghouse. A dwelling other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for two or more persons.

Buildable area of lot. The buildable area of a lot is the space remaining after the minimum open space requirements of this chapter have been met.

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.

Building line. The line, established by law, beyond which the building shall not extend, except as specifically provided by law.

Building height. The vertical distance measured from the mean finished ground level adjoining the building to the highest point of the roof. For structures to be constructed within the floodplain, the mean finished ground level shall be measured from the elevation of the designated 100-year flood, as identified on the current flood insurance rate map, to the top of the highest point of the roof. For structures to be constructed outside or above the 100-year floodplain, as identified on the current flood insurance rate map, the mean finished ground level shall be measured from the elevation of the existing ground area proposed for the structure (taken at the geometric center of the proposed structure) to the highest point of the roof.

Building official. The employee or employees of the City of St. Marys, or their duly authorized representative, given the responsibility for building inspection and construction permitting.

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*.)

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 chapter, shall be synonymous with the term "building setback line".

Building site. A single parcel of land under one ownership, occupied or intended to be occupied by a building or structure.

Centerline of street. The line surveyed and monumented by the City of St. Marys or the Georgia Department of Transportation or if a centerline has not been surveyed and monumented, it shall be that line running midway between the outside curbs or ditches of the street.

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.

Condominium (building). A building containing three or more individually owned dwelling units and related, jointly-owned, common areas as defined by the laws of the State of Georgia.

Construction. For the purpose of section 110-5, construction begins when a building permit is issued.

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.

Day care center or kindergarten. Any place used for the daytime care or education of five or more children under 17 years of age where the children's parents or guardians are not residents of the premises.

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 boardinghouses.

Dwelling, multifamily. A structure designed for the occupancy of two or more families with separate housekeeping facilities for each family.

Dwelling, single-family. A detached building designed exclusively for occupancy by one family.

Dwelling unit. One or more rooms in a dwelling, apartment, boardinghouse, hotel or motel, designed primarily for occupancy by one family for living or sleeping purposes.

Fair market value. The value of property or structures, shall mean, as determined by the tax assessor, either: (a) before the improvement was started; or (b) if the structure has been damaged and is being restored, before the damage occurred.

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 are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. 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.

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.

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 nonilluminated 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.

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.

Institution. A building occupied by a nonprofit organization or corporation or a nonprofit establishment for public or semi-public use.

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.

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.

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 chapter.

- (1) *Lot area.* The total area included within lot lines.
- (2) *Lot, corner.* A lot situated at the intersection of two or more streets.
- (3) *Lot coverage.* The percentage of lot area covered by principal and accessory buildings and structures.
- (4) *Lot, double frontage.* A lot, other than a corner lot, which has frontage on more than one street other than an alley.

- (5) *Lot depth.* The mean distance between front and rear lot lines.
- (6) *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.
- (7) *Lot lines.* Lines forming the boundaries of a lot as defined above.
- (8) *Lot width.* Distance between the side boundaries of the lot measured at the front yard set back line.

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 Camden 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 chapter.

Manufactured housing. A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, 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 permanent site, and does not have wheels or axles permanently attached to its body or frame.

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 or more manufactured houses.

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.

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.

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. For the purposes of this chapter, modular home shall be construed to be a single-family dwelling.

Nonconforming use. Any building structure or uses of land or building lawfully existing at the effective date of this chapter, which does not conform with the provisions of this chapter or amendments thereto.

Nursing home. A home for aged or ill persons in which three 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.

Personal property. Any property which is not real property.

Physical construction. Permanent emplacement of structural components.

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.

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.

Special use. A special 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, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in zoning districts as special uses, if specific provisions for such special uses are made in this chapter. This is not to be confused with a variance.

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.

Street. Any public or private thoroughfare which affords the principal means of access to abutting property.

Street, intersecting. Any street which joins another street at an angle, whether or not it crosses the other.

Structure. Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground.

Subdivision. The division of a parcel or tract of land into two or more lots for immediate or future use.

Townhouse. A building containing two or more attached, individually owned dwelling units with no related common areas.

Travel trailer. Any single-family structure ordinarily towed by a motor vehicle or self-propelled and being no longer than 36 feet, having a water closet toilet.

Variance. A variance is a relaxation of the terms of this chapter 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 this chapter would result in unnecessary undue hardship. As used in this chapter, 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 comers, 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 nonconformities in the zoning district or uses in an adjoining zoning district. This is not to be confused with special uses.

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 chapter.

- (1) *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.
- (2) *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.
- (3) *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 site lines of the lot.

(Ord. of 9-12-94, §§ 401, 402; Ord. of 6-26-03; Ord. of 11-13-06(2), § 1)

Sec. 110-9. - Provisions of chapter declared to be minimum requirements.

- (a) In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of public health, safety, morals, or general welfare. Wherever the requirements of this chapter are at variance with the requirements of the lawfully adopted rules, regulations, or ordinances of the City of St. Marys, Camden County, State of Georgia, and the United States of America, the most restrictive or that imposing the higher standards shall govern.

- (b) The city shall not approve any request for any subdivision, special use, variance, or other request that is in opposition to any currently effective, legally adopted deed restriction and/or covenants which apply to the property for which the request is made.
 - (1) An applicant for any variance, special use, rezoning, or subdivision of any parcel that has covenants or deed restrictions shall submit with the application a valid copy, certified by the Clerk of Superior Court of Camden County, Georgia, of the deed restrictions and/or covenants currently in effect.
 - (2) This deed restrictions and/or covenants data will be used by the city to determine the validity of any application for variance, special use, rezoning, subdivision or other matter.
 - (3) The city is not required to enforce and will not enforce any deed restrictions, covenants or similar private legal agreements concerning the use of land in the city.
- (c) In the event any portion of this article shall be declared or adjudged invalid or unconstitutional, it is the intention of the city council of the city that such adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this article which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause, or phrase were not originally a part of the article.

(Ord. of 9-12-94, § 1201; Ord. of 7-9-07, §§ 1, 2)

Secs. 110-10—110-50. - Reserved.

ARTICLE II. - LAND USE DISTRICTS

DIVISION 1. - GENERALLY

Sec. 110-51. - Establishment of land use districts.

For the purposes of these regulations, St. Marys, Georgia, is hereby 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 Townhouse
- PD Planned Development
- 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

(Ord. of 9-12-94, § 501)

Sec. 110-52. - Interpretation of land use district boundaries.

Where uncertainty exists with respect to boundaries of any land use districts as shown on the official zoning map, the following shall apply.

- (1) Where district boundaries are indicated as approximately following street or highway centerlines, 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 centerlines or right-of-way lines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto at the scaled distance indicated on the 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 centerline 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 centerline.
- (5) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (6) Boundaries indicated as following salt water shorelines shall be construed to follow the mean low water mark of said shorelines, and in the event of change, the boundary line shall be construed as moving with the actual low water line; boundaries indicated as approximately following the centerline of fresh water rivers, creeks, canals, lakes, inlets or other bodies of water shall be construed to follow such centerlines.
- (7) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, the planning commission shall interpret the district boundaries.
- (8) Where a district boundary line divides a lot which was in single ownership at the time of passage of this chapter, the planning commission may permit the extension of the regulations for either portion of the lot not to exceed 75 feet beyond the district line into the remaining portion of the lot.
- (9) It is the policy of the planning commission that all fresh and salt water marsh areas fall within the Conservation-Preservation Land Use District (CP). Where a boundary is indicated as following such fresh or salt marsh area the boundary line shall be construed as following the actual limits of said fresh or salt marsh.

(Ord. of 9-12-94, § 502)

Secs. 110-53—110-60. - Reserved.

DIVISION 2. - SPECIFIC LAND USE DISTRICT REGULATIONS

Sec. 110-61. - Intent.

The regulations set by this division within each district shall be minimum regulations and shall apply uniformly, and to each class or kind of structure or land, except when modifications are provided.

(Ord. of 9-12-94, art. 6)

Sec. 110-62. - 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.* Property and buildings in an R-1, Single-Family Residential District shall be used for the following purposes:

- (1) Single-family residences (must meet the requirements in subsection (d) below);
- (2) Parks or playgrounds;
- (3) Country clubs, golf courses;
- (4) General purpose of gardening, but not the keeping of livestock, or nondomestic animals. Only laying hen chickens, but no roosters or other fowl, are permitted provided the following minimum requirements are met: A maximum of five laying hen chickens, and their enclosures, shall be 15 feet from property lines and not visible from the street. Laying hen chickens and their enclosures, must be kept in a neat, clean and sanitary condition and be well-maintained and free from offensive odors, excessive noise or any other condition that would constitute a nuisance. Enclosures must be attractive and well-maintained.

Any citizen proposing to have laying hen chickens under this section shall submit the following documents to the building department to indicate compliance with the minimum requirements as noted above:

- a. Sketch site plan showing location of the coop and enclosure. All distances between the proposed coop and/or enclosure and the adjacent property lines shall be clearly shown. These dimensions shall be field verified by the building department.
- b. Signature of the citizen indicating understanding and compliance with the minimum requirements noted above, or a form provided by the building department.
- c. A \$10.00 administrative fee will be collected to offset the cost to process and verify that the applicant is in compliance with the minimum requirements as noted herein.
- d. Change of ownership of the property shall require a new application for approval.

- (5) Accessory buildings and structures;
- (6) Home business offices.

(b) *Special permit uses.* The following uses may be permitted in accordance with provisions contained in section 110-145, and if additional conditions which may be required are met.

- (1) Public and private schools;
- (2) Public buildings and utilities;
- (3) Churches;
- (4) Day care centers or kindergartens;
- (5) General purpose farm or garden that includes the keeping of livestock or nondomestic animals;
- (6) Home occupations provided that the conditions set forth in section 110-97 are met.
- (7) Fruit and vegetable sales with outdoor sales and caretakers residence.

- a. The establishment of fruit and vegetable sales with outdoor sales and caretakers residence shall be a special use, to include all of the application and documentation requirements noted under section 110-145. Special permit uses, as well as requirements noted under this subsection (7).
 - b. The location of any proposed use under this section shall be limited to: the existing R-1 zoned parcels along Georgia 40 (Osborne Road) between Herb Bauer Drive (the library) and the Dark Entry Creek, and the existing R-1 zoned parcels along Georgia Spur 40 (Charlie Smith Sr. Highway) between Georgia 40 and Colerain Road.
 - c. All outdoor sales as part of this special use shall not be located in present or future parking areas, and shall be set back a minimum of 40 feet as measured from the property line to provide for future parking requirements.
 - d. Permanent signage shall be as per the sign ordinance, with the following new condition that no push in type signs, or sandwich type signs, or other "temporary" signage be located within the above setback or on any pole or on any fence.
 - e. State and/or county health department and/or department of agriculture approval shall be obtained and prominently displayed on the premises and viewable by the general public.
 - f. Valid and approved City of St. Marys occupational tax license.
 - g. Fruit and vegetable sales facility shall be of coastal design and coloration.
 - h. A caretaker residence shall be permitted behind or "above the shop" for only the business owner and his/her immediate family.
 - 1. If the caretaker residence is located "above the shop", the residence shall have:
 - i. Code-approved fire separation between the residence and the shop below;
 - ii. Be a minimum of 900 square feet;
 - iii. Have a fully functioning sprinkler system to applicable code;
 - iv. Have at least two exits as remote as possible from each other;
 - v. Be in compliance with all applicable codes.
 - 2. If the residence is located behind and not physically connected to the shop (business use), the shop portion of the structure shall conform to the approved C-2 commercial portions of the St. Marys Building Code and Zoning Ordinance, as applicable; and the residential portion of the structure shall conform to the approved R-1 residential portions of the applicable St. Marys Building Code and Zoning Ordinance, as applicable.
- (c) *Area regulations.* Unless otherwise specified in this chapter, 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 percent;
 - (7) Maximum building height: 35 feet.
- (d) *Single-family residential standards.* All single-family residences, whether site built or modular houses, must meet the following standards in the R-1 District:

- (1) The roof shall be covered with asphalt composition shingles, 5-V metal roofing, tile materials or other suitable materials. Corrugated metal or plastic panels are prohibited.
- (2) The exterior wall materials may include clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, stucco, brick, brick veneer, concrete block, or similar materials, but shall not include smooth ribbed or corrugated metal or plastic panels.
- (3) The minimum horizontal dimension of the structure as installed on the site shall be 24 feet.
- (4) The minimum heated and cooled floor area shall be 900 square feet.
- (5) 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 city building code.
- (6) No "manufactured housing" or "mobile homes", as those terms are defined in subsection 110-8(b), shall be permitted in this district.
- (7) All units must meet wind loading requirements of the Federal Emergency Management Administrator and the State of Georgia adopted building codes.

(Ord. of 9-12-94, § 601; Ord. of 1-31-05, § 2; Amend. of 5-16-11; Ord. No. [2014-040](#), 9-15-14)

Sec. 110-63. - R-2, Single-Family 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 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.* Property and buildings in an R-2, Low Density Multifamily Residential District shall be used for the following purposes:
 - (1) Any use permitted in the R-1, Single-Family Residential District (see subsection 110-62(a)) except that single-family residences are not required to meet the standard listed in subsection 110-62(d)(5);
 - (2) Two-family dwellings (duplex);
 - (3) Three-family dwellings (triplex);
 - (4) Boardinghouses (not to exceed four units);
 - (5) Accessory uses and structures.
- (b) *Special permit uses.* The following uses may be permitted in accordance with provisions contained in section 110-145, and if additional conditions which may be required are met:
 - (1) Any special use permitted in the R-1, Single-Family Residential District (see subsection 110-62(b));
 - (2) Nursing homes.
- (c) *Area regulations.* Unless otherwise specified in this chapter, uses permitted in R-2, Low Density Multifamily Residential Districts 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. Boardinghouses: 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: Ten feet;
- (5) Minimum rear yard, set back from street: 25 feet; setback from other property line: 15 feet;
- (6) Maximum percentage of lot coverage: 35 percent;
- (7) Maximum building height: 35 feet;
- (8) Minimum dwelling unit size (heated and cooled area):
 - a. Single-family dwellings: 600 square feet;
 - b. Two- and three-family dwellings: 600 square feet per unit;
 - c. Boardinghouses: none.

(Ord. of 9-12-94, § 602)

Sec. 110-64. - 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 development. 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.* Property and buildings in R-3, Medium and High Density Multifamily Residential Districts shall be used for the following purposes:
 - (1) All uses permitted in the R-1, Single-Family Residential and R-2, Low Density Multifamily Residential except that single-family residences are not required to meet the standard listed in subsection 110-62(d)(5);
 - (2) Multiple-family dwellings and apartments;
 - (3) Single-family condominium dwellings;
 - (4) Accessory uses and structures.
- (b) *Special permit uses.* The following uses may be permitted in accordance with the provisions contained in section 110-145, 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 chapter, uses permitted in R-3, Medium and High Density Multifamily Residential Districts 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: Ten feet; provided, that condominium dwellings which are not end units may 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 percent for condominiums; 35 percent for all other permitted uses;
- (7) Maximum building height: 45 feet;
- (8) Minimum dwelling unit size:
 - a. Single-family dwellings, and condominium dwellings: (heated and cooled area) 800 square feet;
 - b. Two- and three-family dwellings: 600 square feet per unit;
 - c. Multifamily dwelling of more than three units: 600 square feet for the first six units; 500 square feet for the next six units; and 400 square feet per unit in addition to the first 12 units.

(Ord. of 9-12-94, § 603)

Sec. 110-65. - 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 is allowed on a special use permit 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.* Property and buildings in the R-4, Single-Family Residential District shall be used for the following purposes:
 - (1) Single-family dwellings; except that single-family residences are not required to meet the standard listed in subsection 110-62(d)(5);
 - (2) Parks and playgrounds;
 - (3) Country clubs and golf courses;
 - (4) General purpose farm or garden, but not the keeping of livestock or non-domestic animals;
 - (5) Accessory uses and structures;
 - (6) Home business offices.
- (b) *Special permit uses.* The following uses may be permitted in accordance with the provisions contained in section 110-145, 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 livestock or non-domestic animals;
 - (8) Home occupations.

(c) *Area regulations.* Unless otherwise specified in this chapter, uses permitted in R-4, Single-family Residential Districts, 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: Ten feet;
- (5) Minimum rear yard, setback from street: 25 feet; setback from other property line: 15 feet;
- (6) Maximum percentage of lot coverage: 30 percent;
- (7) Maximum building height: 35 feet.
- (8) Minimum dwelling unit size (heated and cooled) shall be 900 square feet.

(Ord. of 9-12-94, § 604)

Sec. 110-66. - 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.* Property and buildings in the R-5, Townhouse Dwelling District shall be used for the following purposes:

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

(b) *Special permit uses.* The following uses may be permitted in accordance with the provisions contained in section 110-145, 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 chapter, uses permitted in R-5 Townhouse Dwelling Districts 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 from street: 25 feet;
- (4) Minimum side yard, setback from street: 25 feet; setback from other property line: Ten feet, provided, that townhouse dwellings which are not end units may have zero 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 percent for single-family townhouses; 35 percent for all other permitted uses;
- (7) Maximum building height: 35 feet;
- (8) Minimum dwelling unit size: 800 square feet.

(Ord. of 9-12-94, § 605)

Sec. 110-67. - 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.* Property and buildings in Manufactured Housing Districts shall be used for the following purposes:
- (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 occupations.
- (b) *Special permit uses.* The following uses may be permitted in accordance with the provisions contained in section 110-145, 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 chapter, uses permitted in the 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 Standards Act of 1974.
 - (2)
 - a. Single-family residences and manufactured homes on individual lots must meet the lot area regulation 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 acres;
 - b. Maximum density is seven mobile homes 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 home lot 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 mobile 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 house 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 feet in height between the park and adjacent non-manufactured home residential users. Buffer strips shall meet the requirements of section 110-92
- i. All manufactured house spaces shall abut on interior drive of gravel or similar all-weather surface; interior drives shall be a minimum of 20 feet in width and shall have unobstructed access to a public street; and parking space of gravel or similar all- weather surface sufficient 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 ten feet on center or less beginning from the front of the mobile 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 28 wind velocity of 90 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. *Skirts.* All manufactured houses shall, prior to occupancy or other use, have skirts installed that are designed to compliment the appearance of the manufactured house and are coordinated throughout the park.

(Ord. of 9-12-94, § 606)

Sec. 110-68. - 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, as well as cemeteries. 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 nonresidential 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 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 VII, amendments.
 - (2) All information required in subsections (c) and (d) of this section shall be submitted to the planning commission and subsequently forwarded to the city council with the recommendations of the planning 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 the 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 this chapter 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 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 multifamily 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 parking regulations of this chapter 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 from a PD District should be located at least 100 feet from the intersection of any street.
 - (9) Proposed cemeteries must be a minimum of ten acres and must otherwise comply in all respects with O.C.G.A. § 10-14-01 et seq. together with all rules and regulations promulgated by the Secretary of State of Georgia.

(Ord. of 9-12-94, § 607; Ord. of 11-10-03, § 3)

Sec. 110-69. - 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 allow certain appropriate residential uses; to encourage the eventual elimination of uses inappropriate to the central business area, and to encourage the cohesive development of a town center for the City of St. Marys.

- (a) *Uses permitted.*
- (1) Generally recognized retail business which supply commodities on the premises and without outdoor storage of goods, such as but not limited to groceries, drugs, clothing, notions or hardware.
 - (2) Personal service establishments which perform services on the premises such as but not limited to repair shops (radios, television, shoes, upholstery, etc.), beauty parlors or barber shops, and dry cleaners.
 - (3) Business establishments which perform services on the premises, such as 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 or allied professions.
 - (5) Public offices such as post offices, city administration, museums and similar governmental offices.
 - (6) Private clubs, fraternal organizations and lodge halls.
 - (7) Public and private schools and religious institutions.
 - (8) Waterfront facilities pertaining to normal fishing, shrimping, and boating activities.
 - (9) Restaurants, grills, delicatessens, and similar eating establishments, but not including "drive-in" types.
 - (10) Hotels and boardinghouses.
 - (11) Accessory uses and structures.
 - (12) Single-family dwellings (must meet area regulations and dwelling standards for single-family dwelling in C-1 District).
 - (13) Multifamily dwellings (must be in conjunction with a permitted commercial use(s) utilizing the first occupied floor for commercial use and meet commercial dwelling standards for the C-1 District).
- (b) *Special permit uses.* The following uses may be permitted in accordance with the provisions contained in section 110-145, and if additional conditions which may be required are met.
- (1) Laundromats.
 - (2) Theaters.
 - (3) Parking lots (private and public) not including those areas required by article IV, off-street parking and loading.
 - (4) 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 feet in width is planted and maintained.
- (c) *Area regulations:*
- (1) *Commercial uses.* Unless otherwise specified in this chapter, commercial uses permitted in the C-1, Central Business District shall conform to the following requirements:
 - a. Minimum lot area: 3,000 square feet.
 - b. Minimum lot width: 30 feet.
 - c. Minimum front yard setback: None, however, pedestrian walkways shall be accessible.
 - d. Minimum side yard: None, unless the parcel is adjacent to a residential district in which case the minimum side yard shall be five feet.
 - e. Minimum rear yard: None, unless the parcel is adjacent to a residential district in which case the minimum rear yard shall be 15 feet.
 - f. Maximum percentage of lot coverage: 100 percent.
 - g. Maximum building height: 45 feet.
 - h. Off-street parking and loading requirements as provided in article IV, except where the planning commission waives such requirements or portion thereof, where it finds that they are unnecessary, excessive, or impractical, given the size of the lot.

- (2) Single-family detached dwelling uses. Unless otherwise specified in this chapter, single-family detached dwellings permitted in the C-1, Central Business District shall conform to the following requirements:
- a. Minimum lot area: 6000 square feet.
 - b. Minimum lot width: 60 feet.
 - c. Minimum front and rear yard set back: 10 feet.
 - d. Minimum side yard set back: 5 feet for single story; 7.5 feet for multi-story or 5 feet if multi-story and sprinkled for fire suppression.
 - e. Maximum percentage of lot coverage, remaining lot area after meeting required set backs and parking requirements.
 - f. Maximum building height: 45 feet.
 - g. Minimum of two off-street parking spaces required per residence. No parking spaces permitted in front yard set back area.
 - h. Only one driveway per residence. If an alley exists behind the lot, ingress and egress to the residential structure must be accessed from the alley and no curb cut will be permitted along the main roadway.
 - i. A minimum roof pitch of 5 x 12 is required.
 - j. Structures built within the Historic District must comply with the historic preservation ordinance.
 - k. Single-family detached dwelling standards. All single-family dwellings, whether site built or modular houses, must meet the following standards in the C-1 District:
 1. The roof shall be covered with asphalt composition shingles, 5-V metal roofing, tile materials or other suitable materials. Corrugated metal or plastic panels are prohibited.
 2. The exterior wall materials may include clapboards, simulated clapboards such as concrete composite siding, wood shingles, shakes, stucco, tabby, brick, brick veneer, concrete block or similar materials, but shall not include smooth ribbed or corrugated metal or plastic panels.
 3. The minimum horizontal dimension of the structure as installed on the site shall be 24 feet.
 4. The minimum heated and cooled floor area shall be 900 square feet.
 5. All principal structures shall be placed on a permanent foundation.
 6. No "manufactured housing" or "mobile homes" as those terms are defined in subsection 110-8(b), shall be permitted in this district.
 7. All units must meet wind loading requirements of the Federal Emergency Management Administrator and the State of Georgia adopted building codes.
 8. Any structures built within the Historic District must meet the requirements of the historic preservation ordinance.
- (3) Commercial dwelling standards. Dwelling units are permitted on the second floor or above in buildings utilizing the first occupied floor for permitted C-1 commercial uses. Such buildings may house one or more dwelling units, for rent or sale, provided that no such unit shall be less than 450 square feet of heated and cooled area exclusive of any hallways and stairs designed for access to the unit(s).

(Ord. of 9-12-94, § 608; Ord. of 11-10-03, §§ 1, 4; Ord. of 8-14-06, § 1; Ord of 11-13-06(2), §§ 2—6)

Sec. 110-70. - 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.* Property and buildings in the C-2, Highway Commercial District shall be used for the following purposes:
- (1) All uses permitted in the C-1, Central Business District, except residential.
 - (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 terminals.
 - (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.
- (b) *Special permit uses.* The following uses may be permitted in accordance with the provisions contained in section 110-145, 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 that 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 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; and that all adjoining property which is zoned R-1, R-2, or R-3 under the City of St. Marys, Georgia, Zoning Ordinance, be separated from such towers/satellite dishes by a visual barrier, with a height of not less than five feet, nor more than seven 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, or R-3.
 - (5) Day care centers, kindergartens or schools provided that a minimum of 100 square feet of outdoor play area be provided for each child. Such outdoor play area shall be enclosed by a fence not less than four feet in height. Such use shall comply with the Georgia Department of Human Resources Regulatory Services. Such use shall provide the number of off-street parking

spaces required for schools as set forth in section 110-124, number of parking spaces required, and section 110-126, off-street loading and unloading requirements.

- (6) Electronic game promotions. Indoor facilities operated by a licensed permit holder for game promotions or sweepstakes utilizing electronic equipment, meeting the performance standards and development criteria set forth in chapter 22, article VII, "Electronic Game Promotions", and drawings by chance conducted in connection with the sale of a consumer product or service utilizing electronic equipment, meeting the performance standards and development criteria set forth under Code of Ordinances chapter 110, subsection 110-145(6), special permit uses.
- (c) *Area regulations.* Unless otherwise specified in this chapter, 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 40: 40 feet; minimum setback from other public rights-of-way: 25 feet.
 - (4) Minimum side yard: Setback from property line: Seven feet; unless property is adjacent to a residential district where 15 feet is required, 25 feet from street rights-of-way.
 - (5) Minimum rear yard setback: Seven feet, unless property is adjacent to a residential district where 15 feet is required.
 - (6) Maximum building height: 45 feet.
- (d) *Other requirements.*
- (1) Uses permitted in C-2 Districts shall meet the standards set forth in article IV pertaining to off-street parking, loading requirements.
 - (2) 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 commission following the procedures set forth in this chapter for the granting of variances. All finished products of such businesses shall be kept inside an enclosed building or behind such barrier.

(Ord. of 9-12-94, § 609; Ord. of 5-13-96; Ord. of 11-10-03, § 2; Ord. of 11-13-06(2), § 7; Ord. of 7-18-11(2))

Sec. 110-71. - 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.* Property and buildings in the C-3, Office-Apartment District shall be used for the following purposes:
- (1) Animal care facilities and veterinary offices.
 - (2) Communications: Radio and TV broadcasting stations.
 - (3) Commercial recreation and entertainment: Tennis centers, club facilities.
 - (4) Community facilities: Assembly halls, recreation centers, civic 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, boardinghouses.
- (8) Religious facilities: Churches 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 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 chapter, 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 40; 25 feet from other streets.
 - (4) Minimum side yard: Setback from property line: Seven feet; 25 feet from street; unless the property is adjacent to a residential district where 15 feet is required.
 - (5) Minimum rear yard setback: Ten feet.
 - (6) Maximum building height: 35 feet.
 - (7) Maximum percentage of lot coverage by buildings: 35 percent except that dwelling shall be subject to the provisions of the R-3 district.

(Ord. of 9-12-94, § 610)

Sec. 110-72. - I-L, Light Industrial District.

District intent. 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 within this district.

- (a) *Uses permitted.* Property and buildings in an I-L, Light Industrial District shall be used for the following purposes, 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 facilities.
 - (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 hospital and/or boarding facility.
 - (10) Transportation terminals.
 - (11) The assembly, disassembly, fabricating, finishing, manufacturing, packaging, and repairing or processing of materials and boats. Examples of such uses include, but are not limited to, printing, commercial laundry, photographic films processing, repair garages, building maintenance shops, metal work, millwork, and cabinetry work.
 - (12) Accessory buildings, structures, and uses customarily incident to permitted uses.
- (b) *Special permit uses.* The following uses may be permitted in accordance with the provisions contained in section 110-145 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.
 - (3) Open yard use 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 feet in height; and (2) no burning of materials or products will be conducted on the premises.
- (c) *Area regulations.* Unless otherwise specified in this chapter, uses permitted in the I-L, Light Industrial District shall conform to the following regulations:
- (1) Minimum lot area: As required to meet district's area regulations and intent.
 - (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.
- (Ord. of 9-12-94, § 611; Ord. of 5-12-08)

Sec. 110-73. - 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. Uses in this district should be located so as to discourage the disruption and/or congestion of traffic in the city. Further, it is the intent of this district to discourage any encroachment by residential developments or other uses capable of adversely affecting the industrial character of this district.

- (a) *Uses permitted.* Property and buildings within the I-G, General Industrial District shall be used for the following purposes:
 - (1) All uses permitted in 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 below in subsection (b)(2), special permit uses, and specifically excluding waste handling, treatment or storage facilities. Waste handling, treatment or storage as part of an overall industrial process is permitted.
 - (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 V, 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 chapter, uses permitted in the I-G, General Industrial District shall conform to the following regulations:
 - (1) Minimum lot area: As required to meet district's area regulations and intent.
 - (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.

(Ord. of 9-12-94, § 612)

Sec. 110-74. - 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 St. Marys for the purpose of restricting height of objects around the airport and promoting the health, safety, and general welfare of the inhabitants of St. Marys 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 occupants of land in their vicinity and preventing destruction or impairment of the utility of such airports and public investment therein; and to promote and direct the light industrial growth within the Airport-Industrial District.

(a) *Standard and Airport Zoning Maps.*

- (1) The St. Marys Airport Zoning Map, prepared by Mayes, Sudderth & Etheredge, Inc., and dated August 9, 1993, is hereby adopted by reference as integral parts thereof, said airport together with the approach, horizontal, conical and transitional surfaces thereof shall be governed by the regulations set forth in this section.

- (2) It is hereby found that an obstruction has the potential for endangering the lives and property of users of St. Marys Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of St. Marys Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of St. Marys Airport and the public investment therein. Accordingly, it is declared;
- a. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by St. Marys Airport.
 - b. That it is necessary in the interest of the public health, public safety, and general welfare and that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
 - c. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation. It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire and or interests in land.

(b) *Definitions.* As used in this section, unless the context otherwise requires:

Airport: St. Marys Airport.

Airport elevation: The highest point of an airport's usable landing area measured in feet from sea level.

Approach surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in paragraph (e) of this section. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, transitional, horizontal and conical zones: These zones are set forth in paragraph (d) of this section.

Board of adjustment: A board consisting of members appointed by the City of St. Marys as provided in this chapter.

Conical surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Hazard to air navigation: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height: For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Heliport primary surface: The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

Horizontal surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Larger than utility runway: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Nonconforming use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter or an amendment thereto.

Nonprecision instrument runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in paragraph (e) of this section.

Person: An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Precision instrument runway: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in paragraph (d) of this section. The elevation of any point on the primary surface is the same as the elevation of the nearest point to the runway centerline.

Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

Transitional surfaces: These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surface to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

Tree: Any object of natural growth.

Utility runway: A runway that is constructed for and intended to be used by propeller driven aircraft or 12,500 pounds maximum gross weight and less.

Visual runway: A runway intended solely for the operation of aircraft using visual approach procedures.

(c) *Airport zones.* In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to St. Marys Airport. Such zones are shown on St. Marys Airport Zoning map consisting of two sheets, prepared by Mayes, Sudderth & Etheredge, Inc. and dated August 4, 1993, which is attached to this chapter and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- (1) *Utility runway visual approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (2) *Utility runway nonprecision instrument approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

- (3) *Runway larger than utility visual approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - (4) *Runway larger than utility with a visibility minimum greater than $\frac{3}{4}$ mile nonprecision instrument approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - (5) *Runway larger than utility with a visibility minimum as low as $\frac{3}{4}$ mile nonprecision instrument approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - (6) *Precision instrument runway approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - (7) *Heliport approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 500 feet at a horizontal distance of 4,000 feet from the primary surface.
 - (8) *Transitional zones.* The transitional zones are the areas beneath the transitional surfaces.
 - (9) *Heliport transitional zones.* These zones extend outward from the sides of the primary surface and the heliport approach zones a horizontal distance of 250 feet from the primary surface centerline and the heliport approach zone centerline.
 - (10) *Horizontal zone.* The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
 - (11) *Conical zone.* The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.
- (d) *Airport zone height limitations.* Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:
- (1) *Utility runway visual approach zone.* Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
 - (2) *Utility runway nonprecision instrument approach zone.* Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
 - (3) *Runway larger than utility visual approach zone.* Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
 - (4) *Runway larger than utility with a visibility minimum greater than $\frac{3}{4}$ mile nonprecision instrument approach zone.* Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

- (5) *Runway larger than utility with a visibility minimum as low as ¾ mile nonprecision instrument approach zone.* Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
 - (6) *Precision instrument runway approach zone.* Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
 - (7) *Heliport approach zone.* Slopes eight feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a distance of 4,000 feet along the heliport approach zone centerline.
 - (8) *Transitional zones.* Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
 - (9) *Heliport transitional zones.* Slope two feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the heliport approach zones and extending a distance of 250 feet measured horizontally from and at 90 degree angles to the primary surface centerline and heliport approach zones centerline.
 - (10) *Horizontal zone.* Established at 150 feet above the airport elevation or at a height of 174 feet above mean sea level.
 - (11) *Conical zone.* Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
 - (12) *Excepted height limitations.* Nothing in this section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height of 45 feet above the surface of the land.
- (e) *Use restrictions.* Notwithstanding any other provisions of this section, no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, or lighting that makes it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- (f) *Nonconforming uses.*
- (1) *Regulations not retroactive.* The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alternation of any structure or tree not conforming to the regulations as of the effective date of this section, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this section, and is diligently prosecuted.
 - (2) *Marking and lighting.* Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City of St. Marys to indicate to the operators of aircraft in the vicinity of the airport the presence of

such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the City of St. Marys.

(Ord. of 9-12-94, § 613)

Sec. 110-75. - CP, Conservation-Preservation District.

District intent. This district is established to preserve and control development within certain land, marsh and water areas of this city. These areas serve as wildlife refuges, possess great natural beauty, are of ecological significance, are utilized for outdoor recreational purposes, or provide needed open space for the health and general welfare of the city's inhabitants. The regulations are designed to discourage encroachment of uses capable of destroying the undeveloped character of the district.

- (a) *Permitted uses.* The following uses shall be permitted in CP, Conservation-Preservation District.
- (1) Private dock or boathouse.
 - (2) Bait house.
 - (3) Public utility lines, fire or water tower, utility substations.
 - (4) Publicly owned park, open space, or recreational facilities.
 - (5) Farms for the growing of agricultural products, or timber with dwelling unit for owner or operator.
 - (6) Wildlife refuges, including dwelling units of caretakers.
 - (7) Museum or exhibit area on or near land of historic, aesthetic, or educational significance.
- (b) *Special permit uses.* The following uses may be permitted in accordance with the provisions contained in section 110-145 and if additional conditions which may be required are met.
- (1) Dredging, or land fill must comply with state and federal regulations. Furthermore, plans for the alteration of lands in a CP District must be submitted to the city planning commission and approved by the city council.
- (c) *Area regulations.* Unless otherwise specified in this chapter 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 percent.
 - (7) Maximum building height: 35 feet.

(Ord. of 9-12-94, § 614)

Sec. 110-76. - 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 effected 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.* Medical waste treatment and incineration, hazardous waste processing and storage, sewerage treatment, solid waste processing and recycling services.
- (b) *Area regulations.*
 - (1) Minimum lot area: 5 acres.
 - (2) There shall be a minimum of a 100-foot wide thick, mature, natural or cultivate 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 (to the city) security with the city to finance implementation of the closure plan.
 - (7) No waste disposal district shall be located within 1,000 feet of a residence.
 - (8) No waste disposal districts shall be located within 1,000 feet of any body of water.
 - (9) All waste disposal districts shall be located so that they directly access a state highway.
 - (10) No waste disposal district shall contain wetland areas as determined by the Section 404 Army Corps Program.

(Ord. of 9-12-94, § 615)

Sec. 110-77. - Recreational Vehicle and Travel Trailer Parks District (RVD).

- (a) *District intent.* The intent of this RVD district is to provide an area, outside the normal use of the commercial district, on which to establish a planned, desirable living area with adequate open space and health considerations for the placement of recreational vehicles on a temporary basis.
- (b) *Uses permitted.* The following uses shall be permitted within the recreational vehicle park district:
 - (1) Recreational vehicles and travel trailers.
 - (2) Playground, parks and swimming pools.
 - (3) Community buildings, intended for the use of park patrons, which may include: bathrooms, showers, kitchen, food and notion sales, meeting rooms, recreation rooms, park office, and a single-family residence for the park manager.
- (c) *Travel trailer defined.* Any single-family structure ordinarily non-motorized and towed by a motor vehicle and normally being less than 40 feet in length and intended for living for short periods.
- (d) *Recreational vehicle defined.* A self-contained, self-powered vehicle normally outfitted with a kitchen, bathroom (with holding tank) and sleeping space. This type of vehicle was built for the sole purpose of providing temporary living accommodations for short periods of time.
- (e) *Special permit uses.* There shall be no special permit uses permitted within the RVD district.
- (f) *Temporary permits.* There shall be no temporary permits issued within the RVD district.

- (g) *Variance*. There shall be no variances issued within the RVD district.
- (h) *Home occupations*. There shall be no home occupations permitted within the RVD district.
- (i) *Area regulations*. Unless otherwise specified in this section, uses permitted in the RVD district shall conform to the following requirements:
 - (1) Only travel trailers or recreational vehicles shall be permitted to be placed within the RVD district.
 - (2) Minimum lot area for a recreational vehicle park shall be four acres.
 - (3) Maximum density shall not exceed 15 parking lots per acre with no more than one travel trailer per parking lot.
 - (4) Each unit location shall be served by a community or public water system, sewer hookup to either a community engineered sewer (approved by the Camden County Health Department sized for the number of units it is intended to serve) or public sewer system (approved by the water department), and individual electrical hook-up connections. If water and sewer services are available as defined by the city the park shall be connected to the public services.
 - (5) The park shall be graded and drained so that rainwater will not stand in pools or puddles. A master drainage plan shall be required as part of the development review of the park.
 - (6) No unit parking space or community building shall be located closer than 30 feet to a right-of-way line or closer than 20 feet to a property line.
 - (7) All parks shall have a minimum of 150 square feet of common open space for each unit, with a minimum of 10,000 square feet of common space regardless of the number of units.
 - (8) Parks shall establish and maintain an aesthetically pleasing visual buffer such as a continuous planted buffer strip, consisting of shrubbery or a hedgerow, or a solid brick, concrete block or stone wall or a board fence that is at least six feet in height between the park and adjacent residential uses and property. 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.
 - (9) All unit parking lot spaces shall be paved and abut on an interior paved drive; interior drives shall be a minimum of 20 feet in width and shall have unobstructed access to a public street. A parking space for additional vehicles shall be constructed of pavement or confined gravel area sufficient enough that automobiles may be located on each unit parking lot space. One space for additional vehicles shall be provided for each five-unit parking spaces.
 - (10) All park accesses to the city's roadway shall meet the requirements for a commercial driveway.
 - (11) All units staying in the park must be attached to a pull vehicle or be self-powered so they may be removed in the event of pending inclement weather.
 - (12) All units staying in the park must be currently licensed in the state and county in which the unit is registered.
 - (13) *Stability*. All units shall, prior to occupancy or other use, be stabilized in such a way as to prevent tilting of the unit.
 - (14) Each park must make private arrangements for garbage collection.
 - (15) All park plans shall be submitted for approval using the same guidelines as a final plat approval for a subdivision.
 - (16) All parks must obtain an occupational license from the city to operate a business. In addition to the occupational tax, there shall be paid to the city an annual charge of \$50.00 per parking lot per year paid by the park owner or operator at the time the annual occupational license is obtained or renewed.

- (17) No building permits are needed to place a travel trailer or recreational vehicle in the park. However, the park manager must keep a log of spaces rented, to whom, license plate number and for how long, recording arrival and departure date.
 - (18) *Ownership.* The park owner shall be allowed to own and/or maintain no more than one unit in their park.
 - (19) *Registration.* The travel trailer park shall maintain a registration as required by Georgia state law and shall not allow a unit to remain longer than 180 days without re-registering said unit.
- (Ord of 9-9-02, § 2; Ord. of 3-10-03, § 1)

Sec. 110-78. - Maritime Heritage District (MHD).

- (a) *General:* The St. Marys waterfront, waterside and landside, is unique as it embodies the essence of St. Marys and is a major economic engine for the city. For the waterfront area to thrive, it needs flexibility to change, with a mixture of commercial, recreational, and educational facilities as well as accommodations to meet changing demands. At the same time, the waterside area is surrounded by a largely residential neighborhood and that the cars, buses and pedestrians it attracts can disrupt normal residential life for residents. To allow the waterfront area to thrive as an important institution in the city and also to assure residents that its existence and future plans will enhance and not disrupt the surrounding residential neighborhood, the city has created a Maritime Heritage District (MHD) overlay.
- (b) *Statement of purpose:* The MHD is intended to permit commercial, museum, tourism, historical, cultural and educational uses that preserve and enhance the city's historic character, both landside and waterside, while providing opportunities for exploring the maritime heritage of the city. This zone is intended to allow for the establishment, continuation and expansion of such uses and activities in ways that will maintain and enhance compatibility with surrounding neighborhoods and the Historic District.
- (c) *Limits of Maritime Heritage District (MHD):* The MHD shall include both landside and waterside areas as approved by the commissioner of DNR as per O.C.G.A. § 52-7-21.
 - (1) Area of the landside portion of the MHD shall encompass the entire land on both sides of St. Marys Street and Stable Alley between Bartlett and Cole Street and on both sides of Osborne Street between St. Marys Street and the St. Marys Railroad crossing to the north. The MHD shall follow the limits of the C-1 zone as to the depth of the MHD. Any additions to this MHD must comply with the criteria included herein, and any such change shall be made in such a way as to not disrupt the surrounding residential neighborhood.
 - (2) For the purpose of this article a 25-foot buffer shall be maintained between a new City of St. Marys determined marsh protection line (MPL) located 25 feet preceding the DNR determined:
 - a. Upland/marsh boundary (UMB); or
 - b. The upland water boundary (UWB); or
 - c. The wrested vegetation jurisdictional line (WVJL), as applicable.

Within this buffer area all proposed docks, buoys, bulkheads, boat ramps, marinas, marsh walks and any manmade fixed constructs shall be strictly prohibited. There shall be no removal of live and healthy trees and shrubs. Any dead vegetation shall be removed by hand level with the ground area. Stumps shall remain in the ground and not be removed. No mechanical tractors or other wheeled/tracked vehicles shall enter this buffer zone.

The City of St. Marys shall determine the MPL. The location of the UMB or UWB or WVJL shall be as determined by DNR staff and shall remain valid for a maximum period of one year from the date of determination. After one year, a new determination shall be obtained. Access to properly permitted floating constructs shall be by approved DNR and City of St. Marys permit.

- (d) *Landside portion of MHD*: A feasibility report, dated December 16, 2013, outlining the conceptual goals of the MHD has been created that establishes the conceptual guideline of the MHD.
- (1) Applicant for any use in the MHD must submit to the planning commission a site plan for approval, following the provisions contained in this section and/or Zoning Ordinance No. 110. In the event of discrepancy between this overlay ordinance and any section of the Zoning Ordinance No. 110, this overlay ordinance has priority.
 - (2) Site plan shall include information required in this section as well as the Zoning Ordinance No. 110. The planning commission may provide a variance to the required information if in the best interests of the city and in accordance with the goals of the MHD. Factors to be considered by the planning commission and city council in approving any project within the MHD, including both landside and waterside. In the event of discrepancy between this overlay ordinance and any section of the Zoning Ordinance No. 110, this overlay ordinance has priority.
 - (3) *General requirements for the Landside District of the MHD*:
 - a. The proposed uses and layout that are in conformity with the goals of the City of St. Marys Comprehensive Plan and the Zoning Ordinance No. 110.
 - b. Activities and facilities as permitted herein shall be located on both sides of St. Marys Street and Stable Alley between Bartlett and Cole Street and on both sides of Osborne Street between St. Marys Street and the St. Marys Railroad crossing to the north. The depth of this overlay from these streets is the edge of the current C-1 zone.
 - c. Building and building elements, possessing historic significance, shall be preserved, to the extent feasible. Modifications shall not compromise the historic aspect of the building. Any proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, to the terrain, and to the use, scale and architecture of existing buildings in the vicinity. The design guidelines as approved by council shall provide guidance for any new or renovated structures. For structures within the limits of the HPC, any changes or revisions or new structures shall be reviewed and approved by the HPC following their criteria and procedures.
 - d. All activities within the MHD shall be designed such that harmony and compatibility with surrounding residential neighborhoods and land uses, including adequate buffers, protection of pedestrian safety, provision for adequate parking, minimized impact of motor vehicles, and prevention of glare to adjacent properties from lighting on-site. Commercial and tourist traffic shall be directed to major arterials and away from residential streets.
 - e. That the use of the water and water related elements (buoys, docks, piers, etc.) are in compliance with all state and federal rules, laws, and guidelines, including but not limited to the U.S. Coast Guard, DNR, U.S. Environmental Protection Administration (EPA), Federal Emergency Management Agency (FEMA), Georgia Environmental Protection Division (EPD), Department of Defense (DOD), U.S. Corp of Engineers (USCOE), the State of Florida, and City of St. Marys regulation.
 - f. For the purposes of subdivision, the minimum lot size, and frontage bulk requirements of the underlying C-1 zoning district shall remain in effect.
 - (4) *Specific minimum design standards for the Landside District*. The following minimum design standards shall apply to the MHD. Except as noted, these standards are the C-1 standards listed in Ordinance No. 110:
 - a. Area and bulk requirements: Existing structures located within the MHD are deemed to be conforming in terms of any existing encroachments on front, side and rear yard setbacks, maximum height and floor area ratio. Existing buildings may be enlarged, provided such expansion is consistent with the structure's exterior historic architecture and approved as part of the MHD and/or the HPC process.
 - b. Minimum front yard: Zero feet where adjacent structures are at zero feet. For other parcels, front yard setback shall be a minimum of ten feet.

- c. Minimum side yard: Five feet for maintenance of the structure(s) or access to exit doorways, or access to rear yard trash collection equipment.
- d. Minimum rear yard: Ten feet to provide for utility services, HVAC units, trash collection equipment, and other required building services in compliance with this section and Ordinance No. 110.
- e. Maximum building height: 45 feet from the base flood elevation to the top of the highest ridge.
- f. Maximum percentage floor area to site area at grade: 45 percent.
- g. Parking for ground floor commercial shall be on street, with minimum two per apartment for each upper floor apartment on-site.
- h. Delivery services shall be from the front (street) location.
- i. Trash collection equipment shall be located at the rear of the structure.

(5) *Permitted landside overlay uses:*

- a. All permitted uses in the C-1 Zone, except marine related facilities, which will be defined herein; and single-family residences at grade (upper floor apartments are permitted).
- b. Boat docks in compliance with DNR and COE regulations.
- c. Nautical training school - on land and on sea or on river.
- d. Commercial aquariums.
- e. Museums with nautical themes.
- f. Shops with items for sale to residents and visitors alike that relate to the history of the city and maritime activities.
- g. Festivals of a maritime nature separate from existing festivals.
- h. Shops creating traditional or modern maritime articles on the premises and for sale, such as rope, knots, fishing gear, buoys, maps, etc.
- i. Shops catering to the boating public such as purser supplies, and general grocery items.
- j. Vendors for fresh seafood right off the ship.
- k. Restaurants with outdoor seating overlooking the marsh/water.
- l. Bait and fishing tackle sales and service shop.
- m. Fresh seafood processing and shipping.
- n. Parks and other recreational facilities - public and private.
- o. Convenience store for boating and general grocery supplies for boaters. No vehicle gas/diesel sales or vehicle service (boats or wheeled vehicles).
- p. Expanded restrooms to include pay showers, and pay laundry facilities.

(6) *Uses not permitted in the Landside Overlay Zone:*

- a. Boat and boat trailer storage and RV storage with any portion of lot frontage facing Osborne Street or St. Marys Street.
- b. Habitation in any RV vehicle for any period of time.
- c. Amplified sound of any type except as approved by the city via its event approval process.
- d. Disposal of fishing waste in any private or public trash container or dumpster without the permission of the owner.
- e. Animals not on a leash. Animal wastes.

- f. Single-family residences at grade.
- (7) *Special uses for the overlay zone* shall follow procedures as outlined in other sections of Ordinance No. 110.
- a. Fenced, ground level boat storage with a landscaped buffer between the fence and the property line. Boat storage "stacks" limited to a maximum of two levels of boats, with roof and buffer.
 - b. Horse drawn carriages for touring within the MHD-L District, which will include areas for overnight accommodation of horses, mules, and donkeys that pull the carriages.
- (8) *Landside buffers*: Both performance buffers and standard buffers may be required.
- a. *Performance buffers*: The planning commission will carefully analyze any buffers between the MHD and surrounding residential neighborhoods with particular regard to the objectives and requirements of this section. The commission may tailor buffers to include greater setbacks, landscaping, fences, walls, and berms, considering the relative heights of the uses on each side of the buffer. The commission may allow for buffering to be located on adjacent property with consent of the affected property owner (landscaping, fence, or wall, etc.).
 - b. *Standard buffers*. Unless otherwise approved, buffers for nonresidential uses within the MHD shall be established and maintained as per Zoning Ordinance No. 110.
 - c. Buffers may only be varied from those established in the event such variance is compatible with the objectives of this section and does not disrupt surrounding properties. Any variance shall follow the process outlined in Zoning Ordinance No. 110.
- (e) *Waterside portion of MHD*:
- (1) *Waterside plan*: Applicant for any use in the MHD must submit a plan to the planning commission for approval, following the provisions contained in these regulations and/or the Zoning Ordinance No. 110. In the event of discrepancy between this overlay ordinance and any section of the Zoning Ordinance No. 110, this overlay ordinance has priority.
 - (2) The use of the waterside of the MHD is strictly controlled by various agencies of the local, state, and federal government and submission of any plan to the planning commission will be required to first have the appropriate governmental agency approval attached to the application.
 - (3) For the purpose of this article, this section covers all docks, buoys, bulkheads, boat ramps, marinas, marsh walks and any manmade fixed constructs from the jurisdictional marsh line as determined in the field by DNR staff within one year of the date of determination, and extending through the water to the city limits. For the purpose of this section, these constructs shall be referred to by the term "fixed constructs".
 - (4) The area of the waterside portion of the MHD is as defined above, and shall include all public and private property within the city limits of the City of St. Marys.
 - (5) For the purpose of this article, this section covers all ships, boats, trawlers, dinghies, barges, and any manmade floating construct that floats on, is anchored through, or floats below, the water of the St. Marys River and its numerous tributaries, named or unnamed. For the purpose of this section, these constructs shall be referred to by the term "floating constructs".
 - (6) This section has no jurisdiction over the waters of the St. Marys River that are outside of the city limits or state line except for the two present and two future floating buoys which are owned by the city and permitted through the Florida DEP. As owner of the buoys, the city retains the right to enforce their use as a property owner, rather than a government agency.
 - (7) There are two major types of maritime constructs regulated by this section: floating constructs and fixed constructs.
 - a. *Floating constructs*: All floating constructs shall be regulated by the City of St. Marys with staff as designated by the city manager. Floating constructs will either be docked at a fixed

or floating dock to the limits of the approved DNR permit for the dock attached to; or at anchor anywhere within the jurisdictional limits of the City of St. Marys; or attached to the city-owned buoys located within, and permitted by, the State of Florida.

1. All existing or new constructs shall submit to the Planning Department of the City of St. Marys the following data in order to use the waterside portion of the MHD. This data will be placed on a form provided by the city that will be used to issue a permit for use of the MHD.
 - i. Name of vessel.
 - ii. Length, beam, draft, and length and width of main deck, gross weight, amount of force that the ship will draw at anchor, whether at a dock or on the hook, and other data as appropriate.
 - iii. Home port of vessel.
 - iv. Name of owner of record for vessel with current land address and cell phone number.
 - v. Radio call frequency and call name and number.
 - vi. Insurance certificate valid in the state of floating construct registration or the State of Georgia or the State of Florida.
 - vii. Copy of current Coast Guard certificate as appropriate for the size of ship. Valid registration of the floating construct from the home state/country will also be required.
 - viii. Information as to most recent pump out of solid wastes, with a notation as to capacity of the on-board holding tank. This data shall be in the form of a pump out log showing where and when any wastes are discharged, either at a legally approved pump out facility, or at sea in a legal manner. This log shall be available to authorized city and state personnel at all times upon request. All pump out facilities shall have a locking Y valve and related certification that the floating construct will not discharge and treated or untreated wastes within the boundary of the MHD.
 - ix. Information as to the water holding tank and need for city water.
2. Based on the channel width, and the anticipated size of the vessels to be encouraged to visit the city, it is expected that only five to seven large floating constructs will be able to be permitted on the hook and in the channel.

These large floating vessels are identified as any ship with two or more masts of 64 feet in deck length from the bow to the stern with operable sails and identified as barque, galley, barquentine, brig, topsail schooner, fore and aft schooner, ketch, junk, frigate, as well as any ship that is square rigged, or combination of both types rigging. If there is confusion or doubt as to the type of rig that this section covers, the city manager or his designated staff member shall have the authority to designate the type of sailing rig.

Smaller floating constructs will be permitted with no minimum number as long as sufficient distance is maintained between vessels to allow for the changing of the tide.

All vessels desiring to anchor within the harbor shall respect the presence of any buoy identifying the presence of a crab trap, and moor at least 100 feet from the visible surface location of the buoy.

3. Each floating construct shall register with the city upon docking at a city-owned or controlled dock or buoy or other docks. The city reserves the right to assess a fee for docking privileges.

4. The following floating constructs are exempt from this section: the ferries used to transmit tourists to Cumberland Island; any city authorized water taxi service to/from Fernandina; any trawler owned by Lang's (and/or their successors and assigns), or other company owning a trawler as approved by the city; any vessel owned and operated by the national park service; any floating construct using the Wheeler Street or Meeting Street boat ramps to enter and leave the landside area; and any floating construct under contract with either marinas (presently known as Lang's (east and west), their successors and assigns) and the Gateway docks.
 5. Registration of all floating constructs shall be available at the office of the planning and building department (or other location as determined by the city council), located at 418 Osborne Street, St. Marys, GA. 31558 from 8:00 a.m. to 5:00 p.m., Monday through Friday, not including approved holidays. Ships that arrive after these hours shall immediately contact the city the next day the offices are open.
 6. The city will assist and support a ship that meets the criteria of this section that desires to seek an extension from the Coastal Marshlands Protection Act regarding live-aboard vessels. All documentation and related data shall be by the applicant for the extension.
 7. All crabbing and fishing activities are regulated by various departments of the State of Georgia. This section shall not permit any infringement of the permit rights of any crabber or fisherman.
- b. *Fixed constructs:* Each existing fixed construct shall have a valid DNR water bottom lease. Any future proposed fixed construct shall be in compliance with all lease documents, permits and approvals from the local, State of Georgia, or federal government.
1. Existing fixed constructs currently in operation and/or permitted shall be exempt from this section.
 2. Each NEW and proposed fixed construct shall apply for and obtain a building permit with the fee calculated as per the currently approved city fee schedule. No city building permit will be issued without a valid and approved DNR permit attached to the application. The resident shall be solely responsible for obtaining any DNR and/or Corp of Engineers permits for any dock or bulkhead fixed construct, including floating docks. The city will provide any necessary plan approval for applicants use in obtaining these DNR and USCOE permits.
 3. For the purpose of this section, any floating dock attached to a fixed dock shall be treated as a fixed construct.
 4. In the event of a natural disaster or emergency, the city reserves the right to permit large vessels of any type to anchor in the MHD at no cost.
 5. All fees shall be waived for any officially sanctioned "Tall Ship" festival as approved by the city as an event.
- (8) *Permitted uses Waterside MHD:*
- a. Fixed and floating constructs as defined herein.
 - b. Fishing/crabbing from designated docks, piers, boats in harbor, and shoreline.
 - c. Diving activities with proper safety equipment.
 - d. Ships/boats safely moored in the harbor either on the buoys or on the hook.
 - e. Docking of dingys and john boats to designated locations on the docks.
 - f. Sailing activities.
 - g. City sponsored and owned marina/docks/wharfs/buoys for use by docking agreement.

- h. Mooring fields managed by the city and as permitted by the State of Georgia and the State of Florida.
 - i. Live-a-boards as permitted by the State of Georgia and "tied" to an adjacent marina.
 - j. Mooring locations including buoys with permit sought and issued by DNR on a case-by-case basis.
 - k. Crabbing activities by DNR permit in all water areas outside of the defined navigable channel and in accordance with minimum separation distance of 100 feet from docks, anchored boats, and the navigable channel.
 - l. City-owned pump out facilities.
- (9) *Uses not permitted in the waterside overlay zone:*
- a. The following uses within the CP zone of Ordinance No. 110 shall not be permitted within the MHD overlay zone. (NOTE: the CP zone is present in wetlands and other marsh areas outside the limits of the overlay district, and these exceptions will not apply to these portions of the CP zone.)
 - 1. Farms for the growing of agricultural products, or timber including dwelling unit for owner or operator of the farm on the parcel.
 - 2. While wildlife refuges will be permitted, however, the zone will not include dwelling units of caretakers.
 - 3. Any use that is not related to the adjacent landside zoning of any parcel. (Note: The zones that abut the MHD-W overlay are R-1, R-2, R-3, C-1, C-2. There are no I-G, I-A, or I-L zones adjacent to the MHD-W overlay.)
 - 4. Anchoring for any reason within the defined ship channel.
 - 5. Dumping of trash, human wastes, fish wastes and other debris.
 - 6. Abandoning of any boat/ship/barge in the waterside zoning overlay zone.
- (10) *No wake zone:* All areas of the waterside overlay zone shall be designated as a "NO WAKE ZONE" for the safety of all boaters in the area.
- (11) *Enforcement:*
- a. The waterside portion of the MHD ordinance shall be enforced by the Camden County Sheriff's Department or other agency having jurisdiction for any violation for floating constructs not attached to a fixed construct.
 - b. For enforcement of any violation of fixed constructs or for floating constructs connected to fixed constructs, the City of St. Marys shall have enforcement powers that coordinate and compliment any enforcement activities of other authorities having jurisdiction.
- (f) *Incentives:* City council shall reserve the right to offer any legally permitted economic and/or physical enhancements to promote or further the purposes of this section. Enhancements shall be similar to, but not limited to:
- (1) Tax credits for landscaping;
 - (2) Tax credits for participating in the creation of a street scape along St. Marys Street;
 - (3) Tax credits on local taxes in addition to those provided by the military zone and enterprise zone programs;
 - (4) Adjustments to lot coverage requirements not to exceed 80 percent of buildable area;
 - (5) Adjustments to building height not to exceed one additional story not to exceed ten feet;
 - (6) Other potential enhancements as presented by the applicant and approved by city council.

(Ord. No. [2014-003](#) , 2-3-14; Ord. No. [2014-22](#) , 6-2-14)

Sec. 110-79. - A-F General Agriculture-Forestry District.

- (a) *District intent.* To provide land for the production of agricultural products such as field crops, livestock, poultry and other conventional agricultural and forestry pursuits. This A-F District is also created to assist in the conservation of natural resources by encouraging practices which will conserve soil and water resources. Utilities shall be provided by the land user or owner. The city shall not be obligated to extend public water supply and sewage disposal facilities to serve properties.
- (b) *Uses permitted.* Property and buildings in an A-F General Agriculture-Forestry District shall be used for the following purposes, all as part of a PC approved site development plan:
- (1) Dwelling, single-family. Stick built structure for owner and family or employee.
 - a. Minimum of one additional residence on first five acres. Residences must meet the minimum setback requirements of the A-F zoning district. Further residences limited to one per five acres. Site plan required.
 - (2) All agricultural-forestry land uses, buildings and activities.
 - (3) Tree farms.
 - (4) Stables, institutional, including riding ring and trails for training.
 - (5) Minor, major and rural home occupations.
 - (6) Parks, playgrounds.
 - (7) Country clubs, golf courses (public and/or private).
 - (8) Hunting, fishing clubs or lodges.
 - (9) Accessory buildings and structures (must conform to area requirements of section 110-91).
 - (10) Nurseries.
 - (11) Schools (including colleges and technical schools/colleges).
 - (12) Fishing camps.
 - (13) Religious worship facilities.
 - (14) Privately owned cemeteries/mausoleums.
 - (15) Installation of all infrastructure, utilities, roads, culverts, sidewalks etc., to access any multiple parcels of any permitted use or special permit uses created within and by this zone shall be the sole fiscal and physical responsibility of the subdivider and/or property owner(s). All infrastructure, utilities, roads, culverts, sidewalks etc., shall conform to City of St. Marys standards as defined by chapter 86 of the Code of Ordinances.
 - (16) Logging of agricultural forestry products and their byproducts is a permitted use.
- (c) *Special permit uses.* The following uses may be permitted in the A-F District in accordance with provisions contained in section 110-145 as part of a PC approved site development plan:
- (1) Utilities.
 - (2) Cellular, radio, TV, telephone or other electronic/microwave towers.
 - (3) Fill dirt operations as part of an approved plan.
- (d) *Specific uses not permitted.* Without decreasing the binding effect of the prohibitions of section 110-3, the following uses are specifically prohibited in the A-F zone:
- (1) Billboards or other signage along any existing or newly established roadways within or adjacent to the A-F zone.

- (2) Race tracks, both animal related or vehicle related.
 - (3) Junk yards, whether by intended purpose or unintended result.
 - (4) Any industrial and commercial use, to include mulching and land fill (municipal waste) activities.
 - (5) Recycling activities.
 - (6) Parking lots for five or more vehicles, paved or unpaved, except as required for the permitted use.
 - (7) Public amphitheater.
 - (8) Solar farms or wind farms.
 - (9) Any proposed use not specifically permitted by this zoning classification is prohibited.
- (e) *Area regulations.* Unless otherwise specified in this Code, uses permitted in the A-F General Agriculture-Forestry Districts shall conform to the following requirements:
- (1) Minimum lot area: Five acres total (upland minimum of 2.5 acres).
 - (2) Minimum lot width, at building line: 150 feet.
 - (3) Minimum front yard, setback from street: 75 feet.
 - (4) Minimum side yard, setback from property line: 50 feet.
 - (5) Minimum rear yard, setback from property line: 50 feet.
 - (6) Maximum percentage of lot coverage: Ten percent.
 - (7) Maximum building height: 35 feet above the 100-year flood zone.
- (Ord. of 11-5-12, § 1; Ord. No. [2014-025](#), 6-2-14)

Secs. 110-80—110-90. - Reserved.

ARTICLE III. - ADDITIONAL REGULATIONS

Sec. 110-91. - Accessory uses and structures.

In addition to the principal uses which are designated herein as being permitted within the several zoning districts established by the chapter, it is intended that certain uses customarily incidental or accessory to such principal uses shall also be permitted. For the purposes of this chapter, 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 use or uses to which it serves as an accessory.

- (a) *Accessory structures and uses for residences.*
- (1) Private garage for the occupant's automobiles or vehicles. Must be noncommercial usage of garage.
 - (2) Parking area or open storage space for motor vehicles belonging to the occupant, and provided that this regulation shall not be misconstrued to mean commercial uses are allowed.
 - (3) Shed for the storage of equipment.
 - (4) Children's playhouse or play equipment.
 - (5) Private kennel, pens, or cages for occupant's pets provided it does not create a nuisance to neighbors.

- (6) Private swimming pool with bath house 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) Noncommercial flower, ornamental shrub or vegetable garden, or greenhouse.
- (9) Private boat dock, boat 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 customer, client 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 the principal use 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 and provided such operation is not otherwise specifically prohibited in the district in which the principal use 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.

(Ord. of 9-12-94, § 701)

Sec. 110-92. - 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.

(Ord. of 9-12-94, § 702)

Sec. 110-93. - 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 several zoning districts established by this chapter 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 feet nor more than 40 feet in length. No two curb cuts or other access points shall be closer than 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 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.

(Ord. of 9-12-94, § 703)

Sec. 110-94. - 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.

(Ord. of 9-12-94, § 704)

Sec. 110-95. - Exceptions to front yard setback requirements.

The front yard requirements of this chapter shall not apply to any lot where the average front yard on already built-upon lots located within 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 setback be less than ten feet.

(Ord. of 9-12-94, § 705)

Sec. 110-96. - Exceptions to height regulations.

The height limitations of this chapter 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.

(Ord. of 9-12-94, § 706)

Sec. 110-97. - 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 a home occupation is permitted in a land use district, it must comply with the following requirements. It shall be allowed, with a special use permit, 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 or accessory structure.
- (3) Utilizes not more than 25 percent of the total floor area of the principal building or 100 percent of the accessory structure.
- (4) Produces no alteration or change in the character or the exterior of 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 single employee, or any service not entirely performed by members of the family residing on the premises, or single employee.
- (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 square feet or smaller in size.

- (b) *Home business office.* If a home business office is permitted in a land use district, it 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. 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 25 percent of the floor area of the principal structure or accessory 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.

(Ord. of 9-12-94, § 707)

Sec. 110-98. - Junk yards.

- (a) All junk yards shall be completely screened from roads or developed areas with a solid fence or wall a minimum of eight feet, maintained in good condition as determined by the governing authority, and painted except for masonry construction, or with suitable plantings.
- (b) No operations shall be conducted which shall cause a general nuisance or endanger the public health.

(Ord. of 9-12-94, § 708)

Sec. 110-99. - Nonconformance.

- (a) *Continuation of nonconformance.* Any lawful use of buildings, structure, land, or parts thereof existing at the time of the adoption or amendment of this chapter, and made nonconforming by the provisions of this chapter or any amendments thereto, may be continued, subject to the provisions of this section.
- (b) *Nonconforming lots of record.* In any district, a single lot of record at the effective date of the adoption or amendment of this chapter may be built upon even though such lot fails to meet the minimum requirement for lot area or lot width which is applicable in the district, provided such lot is in a separate ownership from and not of continuous frontage with any other lot or lots in the same ownership. For the purposes of this chapter, a single lot of record is an individual parcel of land described on a deed or subdivision plan legally recorded with the Camden County Clerk of Courts. Such lot shall conform to all other requirements, not involving lot area or lot width, for the district in which it is located, unless a variance from such other requirement is obtained from the planning commission.

(Ord. of 9-12-94, § 709)

Sec. 110-100. - Nonconforming buildings or structures.

- (a) No building or structure or site improvements such as parking or driveways which is nonconforming with respect to the space and bulk requirements of this chapter may be expanded, enlarged or increased in height unless such expanded or enlarged or higher portion complies with the space and bulk requirement of this chapter.
- (b) 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 year or thereafter conform with the space and bulk requirements of this chapter unless a variance from such requirements is granted by the planning commission pursuant to section 110-145. If a nonconforming building is

demolished or removed by or for its owner, it shall not be rebuilt or replaced except in conformity with the space and bulk requirements of this chapter unless a variance from such requirements is granted by the planning commission pursuant to section 110-145

- (c) Should any manufactured home existing in an R-1 district be destroyed or damaged by any means beyond the control of the owner, it shall be replaced or restored within a period of one year or thereafter conform with the use, building and space requirements of section 110-62

(Ord. of 9-12-94, § 710; Ord. of 1-31-05, § 1)

Sec. 110-101. - Nonconforming uses of land.

- (a) No nonconforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than that occupied at the effective date of the adoption or amendment of this chapter.
- (b) 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 chapter.
- (c) If any nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

(Ord. of 9-12-94, § 711)

Sec. 110-102. - Nonconforming use of structures.

- (a) 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.
- (b) 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 chapter, but no such use shall be extended to occupy any land outside such building.
- (c) If a nonconforming use of a structure is superseded by a permitted use, the nonconforming use shall not thereafter be resumed.
- (d) If any nonconforming use of a structure ceases for any reason for a period of more than one year, any subsequent use of such structure shall conform to the regulations specified by this chapter for the district in which such structure is located.

(Ord. of 9-12-94, § 712)

Sec. 110-103. - 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 20 feet from their points of intersection there shall be a clear space with no obstruction to vision between the height of 30 inches and a height of ten 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.

(Ord. of 9-12-94, § 713)

Sec. 110-104. - Vision clearance at private drive and entrances intersecting with public streets.

At the intersection of any private drive, or 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 2½ feet shall be erected, planted, placed, or maintained.

(Ord. of 9-12-94, § 714)

Sec. 110-105. - Reserved.

Editor's note—

Section 1 of an ordinance adopted Sept. 9, 2002, repealed § 110-105 which pertained to travel trailer parks and derived from an ordinance adopted Sept. 12, 1994, § 715.

Sec. 110-106. - 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.

(Ord. of 9-12-94, § 716)

Sec. 110-107. - 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 Districts and shall comply with the requirements of special uses and the following additional standards. The applicant shall submit site plan containing all the relevant information in order for the planning commission and city council to determine that the proposed development meets the requirements of this chapter.

- (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 curbline or edge of shoulder with the height of the eye 3.75 feet to the top of an object 4.5 feet above the pavement.

Allowable Speed	Required Sight Distance
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 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 feet of a side property line. However, the planning commission/city council may permit a driveway serving two or more adjacent sites to be located on or within ten 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 90 degrees as site conditions will permit and in no case less than 60 degrees.
- (7) The dimensions of the driveways shall be designed to accommodate adequate the volume and character of vehicles anticipated to be attracted daily to the development. The following are the minimum widths:
One-way driveways: 15 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 200 or more parking spaces and the road has an average daily traffic volume exceeding 7,500 vehicles, an acceleration lane and a deceleration lane for each connection is required. Each shall be 200 feet in length and ten feet wide. A minimum 35 foot curb return radius shall be used for each.
- (10) Parking shall be provided as required in article IV. Parking aisles which provide direct access to individual parking stalls shall be 25 feet wide. All parking shall be 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 25 feet.
 - c. All lights shall be shielded to restrict the maximum apex angle of the cone of illumination to 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 foot-candles;
3. Maximum at property lines: One foot-candle.

(12) Buffer and landscaping shall be required as follows:

- a. Buffers are 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 commission, all plant materials required shall meet the following minimum size standards:

Canopy tree: 2½ caliper.

Understory tree: Four feet in height.

Shrub: Two feet in height.

(Ord. of 9-12-94, § 717)

Secs. 110-108—110-120. - Reserved.

ARTICLE IV. - OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING

Sec. 110-121. - 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 chapter. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

(Ord. of 9-12-94, § 801)

Sec. 110-122. - 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.

(Ord. of 9-12-94, § 802)

Sec. 110-123. - 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 ten feet in width.

(Ord. of 9-12-94, § 803)

Sec. 110-124. - 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
Automatic laundry	1 for each 3 laundry machines
Automobile sales and service garage	1 for each 400 square feet of floor area
Banks/professional offices	1 for each 300 square feet of floor area
Bowling alleys	1 for each alley
Churches, temples, or places of worship, funeral homes, schools, public buildings, theaters, auditoriums, areas and places of assembly, private clubs, community buildings, social halls, and lodges	1 for each 5 seats based on maximum seating capacity in principal assembly area, or 1 for each 17 classroom seats, whichever is greater
Country clubs, golf clubs, gun clubs, tennis clubs and organizations designed to provide outdoor sporting or recreational activities.	1 for each 5 members
Dwellings—single-family	2 for each unit
Dwellings—multiple-family	1½ for each 200 sq. ft. of floor area
Food store, supermarket	1 for each 200 sq. ft. of floor area
Funeral homes, mortuaries	20 for each parlor
Furniture, appliance stores	1 for each 200 sq. ft. of floor area
Hospitals, sanitariums, and nursing homes	1 for each 6 patient beds, plus one for each two employees
Hotels and motels	1 for each guest room plus 1 for each 3 employees
Manufacturing, industrial plant, research laboratory, bottling	1 for each 2 employees on largest shift plus 1 for each 150 sq. ft. devoted to

plants	sales or service
Medical offices	4 for each doctor, plus 1 for each 2 employees
Restaurants, beer parlors, night clubs	1 for each 300 sq. ft. of floor space
Rooming houses, boardinghouses, dormitories, fraternities, and sororities	1 for each 2 beds
Service station	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

(Ord. of 9-12-94, § 804)

Sec. 110-125. - Location of off-street parking areas.

- (a) The parking spaces for all dwellings shall be located on the same lot as the residence.
- (b) Parking spaces shall be provided on the same lot with the main building of the principal use.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) *Storage and parking of trailers and commercial vehicles and location of off-street parking areas.* Commercial vehicles and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or any lot in any district zoned residential (R-1, R-2, R-3, R-4, R-5, M-H or and PD containing these zones) except in accordance with the following requirements:
 - (1) No more than one commercial vehicle per dwelling shall be permitted, the size of which shall be no larger in size than a pick-up truck, panel truck or van and is limited in size to a one-ton carrying capacity; and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted for parking in the zones noted.
 - (2) Travel trailers, hauling trailers, or boat trailers (with or without a boat), and boats without a trailer, shall be permitted if parked or stored behind the front yard setback or behind the building line of the residence or garage if the set back is a greater dimension than the front yard setback as established by ordinance, whichever is greater.

- (3) A travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area except in a travel park authorized under this section.
- (4) No combination tractor trailer and cab (over seven wheels) shall be located on pavement or on grass in any residential front or side yard and shall not be parked in an area not so designated for the parking of these vehicles. Narrow residential zoned streets shall not be used for parking of these vehicles. Any damage to curbs or sidewalks or underground utilities or grass or landscaping caused by the illegal use of these areas for the parking of tractor trailers and/or cab will be the responsibility of the tractor trailer and/or cab owner to either repair or compensate the city or property owner for the damage, whichever is applicable.

Moving vans/trucks, construction vans/trucks, and local delivery vans/trucks consistent with the ability of the roadway to accommodate the load are permitted only for the minimum length of time necessary to accomplish their moving, construction or delivery tasks in the zones so noted. Extended parking of these type vehicles is not permitted as per subsection (f)(4) above.

(Ord. of 9-12-94, § 805; Ord. No. [2013-036](#) , 12-16-13)

Sec. 110-126. - 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 multifamily 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-street loading and unloading space required by the provisions of this chapter shall be at least ten feet wide; 50 feet long and 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 chapter 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.

(Ord. of 9-12-94, § 806)

Sec. 110-127. - Number of off-street loading spaces.

- (a) Retail business uses with from 4,000 to 25,000 square feet in total floor area: One space.
- (b) Wholesale, industrial, governmental and institutional uses, including public assembly places, hospitals and educational institutions shall provide one 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

- (c) Multifamily residences with less than ten dwelling units: None.
- (d) Multifamily residence with ten to 30 dwelling units: One space.
- (e) Multifamily residences with more than 30 dwelling units: One space per each 30 dwelling units or fraction thereof.

(Ord. of 9-12-94, § 807)

Secs. 110-128—110-140. - Reserved.

ARTICLE V. - ENFORCEMENT AND ADMINISTRATION

Sec. 110-141. - Planning and zoning director.

- (a) All provisions of this chapter shall be enforced and administered by the planning and zoning director(s). He may be provided with assistance of other people if directed 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 proposed building structures or use conforms in all respects to the provisions of this zoning chapter and other applicable regulations (see section 110-142).
 - b. Prior to issuance of certificate of occupancy, the planning and zoning director shall determine that the work completed is in accordance with all provisions of this chapter and other applicable regulations (see section 110-143).
 - c. For new developments proposed within the city which meet or exceed the minimum thresholds identified in the Department of Community Affairs' 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 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 30 days has transpired from the date the completed DRI Request for Review Form was forwarded to the Coastal Georgia Regional Development Center.
 - (2) To require any information necessary to determine the conformity of the application with the regulations of this chapter. 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 chapter (such as access points).
- (3) To inspect premises of applicant's property, building or structure.
 - (4) To review for compliance with this zoning chapter and other applicable regulations are established.
 - (5) To notify any person responsible for violating the provisions of this chapter 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. Discontinuance 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 110-144).
 - (7) To inform the applicant of a building permit if his proposed use, building or structure is designated as a special permit use or requires a variance and to advise said applicant of the procedure necessary to acquire this permit.

(Ord. of 9-12-94, § 901)

Sec. 110-142. - 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 shall be issued unless the applicant has complied with the requirements of the St. Marys Historic Preservation Commission Ordinance and the Flood Damage Ordinance.

(b) *Issuance of a building permit.*

- (1) The applicant shall submit to the building official a dimensioned plot plan, either in sketch or to scale, indicating the size, shape and location of all buildings on the lot, either proposed or existing. Such plot plan shall be accompanied by a complete set of building plans and a completed application for a building permit.
- (2) Applicant shall also state the existing and intended use of all such buildings and structures.
- (3) If the proposed work conforms to the provisions of this chapter, 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 or work has stopped for a period of six months.

(Ord. of 9-12-94, § 902)

Sec. 110-143. - 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 a 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.

(Ord. of 9-12-94, § 903)

Sec. 110-144. - Temporary permit.

The planning and zoning director is authorized to issue temporary permits for the following uses, subject to the applicable conditions for each individual temporary use and provided it is determined such use will cause no traffic congestion, will not adversely affect surrounding areas, and will not create a nuisance nor otherwise constitute a threat to the health, safety, and welfare of the public. Any temporary use not allowed for in this chapter shall be requested from the city council. Each application for temporary permit shall be filed with the planning and zoning director a minimum of 14 days prior to the commencement of such temporary use.

- (1) Carnival or circus, in approved open areas, for a period not to exceed three weeks. Such application shall be accompanied by documentation in a form acceptable to the planning and zoning director establishing adequate public liability insurance coverage and current safety inspection reports.
- (2) Religious meeting in a tent or other temporary structure, in an approved open area, for a period not to exceed 40 days and 40 nights.
- (3) Open lot sale of Christmas trees, in the approved area, for a period not to exceed 45 days.
- (4) Contractor's office and equipment sheds, for a period of 12 months, provided that such office is placed on the property to which it is appurtenant.

(Ord. of 9-12-94, § 904; Ord. of 3-10-03, § 1)

Sec. 110-145. - Special permit uses.

The uses listed under the various land use districts (article II, division 2) 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 commission.
- (2) An application for special permit use shall be filed with the planning and zoning director at least 30 days prior to the next regularly scheduled meeting of the city planning commission. Such application shall contain all information requested thereon and any other material or information pertinent to the request which the planning commission may require.
- (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 public hearing has been held. The public hearing shall be conducted by the planning 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 proposed special permits shall be to solicit pertinent factual information which will be beneficial in helping the planning commission judge the merits of each specific proposed special permit.
 - (i) *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 commission on proposed special permits 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 this section, shall not invalidate any recommendations or action adopted hereunder.
 - (ii) *Action of planning commission.* The planning commission may recommend approval of the application, as submitted, to city council; or it may require conditions for approval before recommendation of approval is made to city council; or it may recommend denial of the application. These recommendations shall then be certified to the city council.
 - (iii) *Action of the city council.* The city council shall consider the recommendations of the planning commission, and vote on the special permit. If the proposed special permit is not recommended by the planning commission, the favorable vote of a majority of the city council shall be required to approve the special permit. The applicant and others so requesting shall receive notice of the decision of the city council through the planning and zoning director.
 - (iv) *Denial of special permits.* If the decision of the city council 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 months immediately following the defeat of the special permit by the city council.
 - (v) *Appeals of decision.* Decisions of the city council may be appealed to the Superior Court as described in section 110-165 of this chapter. A written appeal must be submitted to the court within 30 days after the city council decision otherwise, its decision is final.
- c. *Procedure for conducting a public hearing.* Public hearings on special permits shall be conducted in the same manner as described in section 110-165 for zoning amendments.
- d. *Standards for special use permits.* A special use permit recommendation for approval may be granted by the planning commission only if the applicant establishes to the satisfaction of the planning commission that:

1. Neither the proposed use, nor the proposed site upon which the use will be located is of such a character that the use 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 commission or city council shall consider:
 - (i) The size of the proposed use compared with the surrounding uses;
 - (ii) The intensity of the proposed use, including amount of noise to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses;
 - (iii) The potential generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances;
 - (iv) 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;
 - (v) 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:
 - (i) The ability of the traffic to safely move into and out of the site at the proposed location;
 - (ii) The presence of facilities to assure the safety of pedestrians passing by or through the site;
 - (iii) The capacity of the street network to accommodate the proposed use;
 - (iv) The capacity of the sewerage and water supply systems to accommodate the proposed use;
 - (v) The capacity of the storm drainage system to accommodate the proposed use;
 - (vi) 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 placed on the site will cause undue harm to the environment or to neighboring properties.
- e. *Conditions of special exceptions.* Upon consideration of the standards listed in subsection (3)d. above, the planning commission and/or the city council may require, such conditions, in addition to those required by other provisions of this chapter, as it finds necessary to insure compliance with those standards and all other applicable requirements of this chapter. Violation of any of those conditions shall be a violation of this chapter. 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.
- (4) Where the city council authorizes the issuance of a special permit use for the use of land or building, as listed in article II, "Land Use Districts", that special permit shall be issued only to the applicant/entity requesting the special permit use and only for the specific use presented at the public hearing. No special permit use shall be transferable or assignable, even if the use is unchanged.

- (5) All special use permits shall be licensed by the city. All initial applications for a special use permit shall be accompanied with an application fee of \$500.00. If approved, the special use permits will be effective from July 1 through June 30 of each calendar year. If the special use permit application is denied, \$250.00 of the initial application shall be refunded to the applicant. All existing special use permits shall expire on September 1, 2003, unless renewed pursuant to the provisions of this amended section. Thereafter, all special use permits are required to be renewed each July 1, at a cost of \$75.00.
- (6) Electronic game promotions. Performance standards and development criteria. It is the intent of the City of St. Marys that these supplementary regulation standards and criteria be in addition to, rather than in lieu of, any other requirement in this chapter. The following uses, whether permitted or permissible by exception, must meet the criteria listed under each use as a prerequisite for further consideration under this Zoning Code:
 - (a) Any game promotions or sweepstakes utilizing electronic equipment and drawings by chance conducted in connection with the sale of a consumer product or service utilizing electronic equipment.
 - (b) Distance limitations. Such establishments shall not operate within 750 feet of the perimeter property line of a church or school, and 3,000 feet of the perimeter property line of a military installation. With respect to the distance between such an establishment and an established church, school, or military installation the distance shall be measured by following a straight line from the nearest point of the building or portion of the building used as part of the proposed location to the nearest point of the grounds (property line) used as part of the church, school facilities, or military installation. The applicant for such an establishment which involves a change in location or a new location shall provide the planning department with a map of the proposed location and vicinity. The map shall show existing zoning and all locations of schools, churches and military installations within a radius of 750 feet for schools and churches and 3,000 feet for military installations of the proposed location and the actual distances thereto from the proposed location measured as required herein. The map shall include a certificate that all distance requirements as required herein as it relates to the proposed location have been met and both the map and certificate shall be prepared and executed by a land surveyor registered in the State of Georgia.
 - (c) Where an establishment for game promotions or sweepstakes utilizing electronic equipment and nonconforming drawings by chance conducted in connection with the sale of a consumer product or service utilizing electronic equipment exists lawfully in any zoning district prior to the passage of this provision, such use may be continued on such property as a nonconforming use subject to all restrictions, limitations and requirements set forth in chapter 22, article VII, "Electronic Game Promotions", and all other applicable provisions of the Code of Ordinances for continuance of a nonconforming use.

(Ord. of 9-12-94, § 905; Ord. of 6-26-03; Ord. of 7-18-11(2))

Sec. 110-146. - Variances.

The planning commission may authorize a variance from the requirements of this chapter where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the chapter 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 zone in which the proposed use would be located. In granting a variance the planning 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 chapter.

- (a) *Conditions governing the granting of a variance.* A variance may be granted by the planning 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 chapter 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 their property in the same zone or vicinity possess.
 - (3) The variance would not materially be detrimental to the purposes of this chapter, 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 commission. Public hearings on variances shall be conducted in the same manner as described in section 110-165 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 days prior to the planning commission meeting where the application will be heard. The application shall be accompanied by a list of names and addresses of all abutting property owners of the property for which the variance is requested, shown by the current City of St. Marys 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. No official action shall be taken on a proposed variance by the planning 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 hearing on proposed variance shall be to solicit pertinent factual information which will be beneficial in helping the planning 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 hearing to be held by the planning commission on proposed variance 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 adopted hereunder.
 2. *Action by planning commission.* The planning commission shall render its decision based on the variance criteria in (a) above. The planning and zoning director shall notify the applicant within five days of the decision by the planning commission.

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 commission may extend authorization for an additional period not to exceed one year, on request.
4. *Denial of variances.* If the decision of the planning commission is to deny the variance, then the same property may not again be considered for a variance until the expiration of at least six months immediately following the defeat of the variance by the planning commission.
5. *Appeals of decision.* Decisions of the planning commission may be appealed to the city council as described in section 110-162 of this chapter.

(Ord. of 9-12-94, § 906)

Sec. 110-147. - Official zoning map interpretation.

The planning 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 commission, and a determination shall be made by the planning commission. All decisions rendered in this regard by the planning commission shall be based on criteria set forth in section 110-52 of this chapter.

(Ord. of 9-12-94, § 907)

Sec. 110-148. - Penalties.

Any person violating any provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$2.00 and no more than \$50.00 for each offense. Each day the violation continues constitutes a separate offense and will be treated as such. In the case of any building, structure, or land used, erected, repaired, converted, or maintained in violation of this chapter, 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.

(Ord. of 9-12-94, § 908)

Secs. 110-149—110-160. - Reserved.

ARTICLE VI. - APPEALS

Sec. 110-161. - Administrative appeals.

Appeals of planning and zoning director decisions shall be made to the planning commission.

(Ord. of 9-12-94, § 1001)

Sec. 110-162. - Appeals of planning commission decisions.

Appeals of planning commission decisions 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 commission. The city council decision is final.

(Ord. of 9-12-94, § 1002)

Sec. 110-163. - Powers of the planning commission.

The powers of the planning commission shall be to hear and decide appeals where an error is alleged in any order, requirement, decision, or determination made by the planning and zoning director in the enforcement of any section or article adopted in this chapter.

(Ord. of 9-12-94, § 1003)

Sec. 110-164. - Powers of the city council.

The powers of the city council shall be to hear and decide appeals on any action or ruling of the planning commission pursuant to this chapter except actions of the planning commission involving rezoning of land or amending the zoning ordinance so long as any such appeal is filed within 15 days after the planning commission has rendered its decision. Written notice of appeal shall be filed with the planning and zoning director and the appellate body. If the appeal is not filed within the 15-day period, the decision of the planning commission shall be final. If the appeal is filed, the city council shall receive a report and recommendation thereon from the planning 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.

(Ord. of 9-12-94, § 1004)

Sec. 110-165. - Reserved.

Editor's note—

Ord. No. [2013-009](#), adopted Apr. 15, 2013, repealed § 110-165, entitled "Court review of city council action", which derived from § 1005 of an ordinance adopted Sept. 12, 1994.

Secs. 110-166—110-180. - Reserved.

ARTICLE VII. - AMENDMENTS

Sec. 110-181. - Authority to amend this chapter.

- (a) The city council may amend the regulations, restrictions, boundaries, or any provision of this chapter.
- (b) No amendment shall become effective until it is first submitted to and approved or disapproved by the planning commission.

(Ord. of 9-12-94, § 1101)

Sec. 110-182. - Initiation of amendments.

- (a) An amendment may be initiated by the city council or planning commission by introduction of a resolution, or by any official, board or other person by presentation of a petition to the planning commission.
- (b) 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 commission or city council may also initiate such map amendments.

(Ord. of 9-12-94, § 1102)

Sec. 110-183. - Application for amendments.

- (a) 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 32 days prior to the planning commission meeting at which the request will be heard. Any recommendation purporting to be an application for amendment shall be regarded as mere notice of intention to seek an amendment until such time as it is made on the required form. Such application shall have attached to it the information required in paragraph (b) below.
- (b) Application for a map amendment (rezoning) shall contain all of the following information in order to be considered complete. (See section 110-68 concerning application requirements for PD, Planned Development District rezonings.)
 - (1) 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 commission;
 - (2) Payment of fees required to cover administrative costs as set forth in the schedule of fees;
 - (3) A list of all adjacent property owners as shown on the tax rolls; and
 - (4) Any additional information the applicant feels to be pertinent.

(Ord. of 9-12-94, § 1103)

Sec. 110-184. - Site development plan.

- (a) Applications to rezone property for R-2, R-3, R-5, MH, C-1, C-2, C-3, I-L, I-G, or WP shall be accompanied by a detailed site development plan prepared by a registered surveyor containing the following elements:
 - (1) Survey plat showing the dimensions of the property to be rezoned.
 - (2) Location and dimension of existing structures, rights-of-way, marshlands, boundaries, watercourses, lakes and jurisdictional wetlands.
 - (3) Location and dimensions of proposed development including structures, types of uses, access drives, setbacks, easements, etc.
 - (4) Location and dimensions of proposed recreational areas and buffer zones, if any.
 - (5) Location and size of water, sewer, and drainage facilities.
 - (6) In the case of residential developments, proposed number of dwelling units and net acres available for building.
 - (7) In the case of commercial and industrial developments, proposed off-street parking and loading areas, signage, and outdoor lighting

(Ord. of 9-12-94, § 1104)

Sec. 110-185. - Public hearings, public hearing procedures, and rezoning standards.

- (a) *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 commission.
- (b) *Procedure for calling a public hearing.*
 - (1) 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, fees, deeds, maps, etc.) Incomplete applications shall not be processed. There shall be no amendment made to the application once submitted.
 - (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) If a zoning amendment is for the rezoning of property, the public notice shall also include:
 - a. The location of the property;
 - b. The present zoning classification of the property; and
 - c. The proposed zoning of the property.
- (5) 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.
- (6) No official action shall be taken on a proposed amendment by the city council until after the required public hearings have been conducted.
- (7) 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 commission and the city council judge the merits of each specific proposed amendment.
 - 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 planning commission 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 this section, shall not invalidate any recommendations adopted hereunder.
 - b. *Action of the planning commission.* The planning 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.
 - c. *Action of the city council.* The city council shall consider the recommendations of the planning commission, and vote on the proposed amendment to the text or map of the zoning ordinance after the planning commission's public hearing. If the proposed amendment is not recommended by the planning commission, the favorable vote of a majority of the entire membership (four 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.
 - d. *Conditions of zoning amendments.* Upon consideration of the standards listed in subsection (d) below, the planning commission may recommend and the city council may require, such conditions, in addition to those required by other provisions of this chapter, as it finds necessary to ensure compliance with those standards and all other applicable requirements of this chapter. Violation of any of those conditions shall be a violation of this chapter. 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.
 - e. *Denial of rezonings.* 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 months immediately following the defeat of the rezoning by the city council.
 - f. *Action by city to rezone property to original zoning.* When a map 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 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.

(c) *Procedure for conducting a public hearing.*

- (1) All public hearings on zoning amendments shall be chaired by either the chairman of the planning commission or the mayor of St. Marys or their designees.
- (2) 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.
- (3) 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.
- (4) The chairman of the planning commission or his or her designee shall preside at the public hearing and shall identify speakers, maintain order, and conduct the public hearing.
- (5) The process to be followed in conducting these hearings shall be as follows:
 - a. The presiding officer shall open the hearing by stating the specific zoning amendment being considered at the public hearing.
 - b. 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.
 - c. The presiding officer shall recognize the individual parties wishing to testify on present evidence and allow them to present this information.
 - d. Once all parties have concluded their testimony, the presiding officer shall adjourn the public hearing.

(d) *Zoning amendment criteria.* The following will be used to determine whether the rezoning is appropriate.

- (1) The zoning request should be a logical extension of a zoning boundary which would improve the pattern of uses in general area.
- (2) The request should not be an illogical extension of a zone boundary which would intrude a damaging salient of a commercial, industrial, or high-density apartment use into a stable neighborhood of well-maintained single-family homes, and would be likely to lead to neighborhood deterioration, the spread of blight, and requests for additional zoning of a similar nature which would expand the problem.
- (3) The request should not result in spot zoning or generally be unrelated to either existing zoning or the pattern of development of the area.
- (4) The request should not create traffic which would traverse established single-family neighborhoods on minor streets, leading to congestion, noise and traffic hazards.
- (5) The request should conform to the general expectations for population growth and distribution.
- (6) The request should not limit options for the acquisition of future planned public facility sites, roads, open-space, etc.
- (7) This request should not result in major changes in existing levels of public service, and/or fiscal stability.
- (8) This request should not achieve short term goals at the expense of long-term, development goals.
- (9) This request should not result in changes to market values and/or tax rates of nearby properties.

(10) The request should conform to policies and recommendations contained in the St. Marys/Camden County Comprehensive Plan.

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

(Ord. of 9-12-94, § 1105)