City of Ochlocknee

Zoning Ordinance

Adopted
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Ochlocknee, Georgia

Prepared with assistance from the Southwest Georgia Regional Development Center

ZONING ORDINANCE
OCHLOCKNEE, GEORGIA

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ZONING ORDINANCE
OCHLOCKNEE, GEORGIA

PREAMBLE

An Ordinance of the City of Ochlocknee, Georgia, to regulate the use of land and buildings by dividing the City of Ochlocknee into districts; defining certain terms used therein; imposing regulations, prohibitions and restrictions governing the erection, construction and reconstruction of structures and buildings and the use of lands for business, industry, residence, social and other specified purposes; regulating and limiting the density of population; limiting congestion on the public streets; providing for the gradual elimination of nonconforming uses of land, buildings and structures; establishing the boundaries of districts; providing the means of enforcing said Ordinance and providing a penalty for violation of said Ordinance; and repealing conflicting ordinances.

ARTICLE I
INTRODUCTION

SECTION 1.01. SHORT TITLE. This Ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Ochlocknee, Georgia".

SECTION 1.02. JURISDICTION. This Ordinance shall apply to all land and structures within the incorporated City of Ochlocknee, Georgia.

SECTION 1.03. AUTHORITY OF ENACTMENT. The Mayor and City Council of the City of Ochlocknee enact this Ordinance under the exercise of powers conferred upon them by the Georgia State Constitution, Section 2- 6102 of the Code of Georgia, Article IX, Section II, Paragraph IV.

SECTION 1.04. PURPOSE. The purpose of said Zoning Ordinance is to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of buildings and encourage the most appropriate use of land throughout the corporate area, all in accordance with a comprehensive plan, which is hereby adopted and established as an official Zoning Ordinance for the City of Ochlocknee.

ARTICLE II
DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the word "building" includes the "structures", the word "may" is permissive and the word "shall" is mandatory.

ACCESSORY BUILDING: A subordinate building or structure on the same lot, or part of the main building, occupied by or devoted exclusively to an accessory use.

ACCESSORY USE: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

ADULT CARE FACILITY: Personal care and supervision in a protective setting for adults outside their own home for which a fee is charged. The program may include the provisions of daily medical supervision, nursing and other health care support, psycho-social assistance, or appropriate socialization stimuli or a combination of these. Adult care is available for those persons who, because of physical and/or mental disability, are not capable of full time independent living.

ADULT ENTERTAINMENT BUSINESSES: Any business such as motion pictures, theaters, mini-motion theaters, erotic dancing, escort services, book stores, etc. characterized by an emphasis on sexual activities.

AGRICULTURE OR AGRICULTURAL: The bona fide use of a parcel of land for forestry, the cultivation of land, raising of crops, or the raising of livestock, animals, poultry, honeybees, aqua culture or similar agrarian activity and the related building structures and appurtenances necessary to carry out the aforementioned activities.

ANTIQUE STORE: A retail business that buys and sells second hand items that are generally considered of value due to the age of the item.

APARTMENT, GARAGE: Garage apartments are defined as residential dwelling units located on the upper floor or level of an existing accessory garage building.

APARTMENT HOUSE: A residential structure containing three (3) or more apartments (independent dwelling units).

APARTMENT UNIT: One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in building containing three (3) or more dwelling units.

BED AND BREAKFASTS: Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation. **Comment**: Bed and breakfast (B&B) accommodations differ from rooming and boarding houses in that they are truly transient accommodations, with guests rarely staying more than a few days. In addition, the owner almost always lives in the facility. The impact of a B&B should not be much greater than that of a private home with frequent house guests, with the exception of parking demand.

BOARDING HOUSE: A dwelling where meals or lodging and meals, are provided for compensation to three (3) or more persons by pre-arrangement for definite periods. A boarding house is to be distinguished from a hotel, motel or a nursing home.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

BUILDING, PRINCIPAL: A building in which is conducted the primary or predominant use of any lot.

BUILDING HEIGHT: The vertical distance measured from the curb level to the highest point of the roof surface, if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.

CARPORT: A roofed structure providing space for parking or storage of motor vehicles and enclosed on not more than three (3) sides.

CEMETERY: A cemetery is an area of land set apart for the sole purpose of the burial of bodies of dead persons or animals and for the erection of customary markers, monuments, and mausoleums.

CLINIC: A professional office where the services of more than one practitioner can be obtained and where patients are examined and/or treated on an out-patient basis and where no over-night accommodations are provided.

CLUB OR LODGE: Buildings and facilities owned or operated by a corporation, association or other established group of persons for religious, social, educational or recreational or other like activities on a regular basis for the benefit of its members and not the general public.

CLUSTER DEVELOPMENT: A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

CONDITIONAL USE: A use which within certain districts specified by this ordinance is not permitted as a matter of right but may be permitted within these districts by the Mayor and City Council after they have (1) reviewed that proposed site plans for the use, its location within the community, its arrangement and design, its relationship to neighboring property and other conditions peculiar to the particular proposal which would determine its desirability or undesirability; (2) have found the proposal not to be contrary to the intent of this ordinance; and (3) have recommended the use as specified after a Public Hearing. (See Section 18.09, Conditional Uses).

CONDOMINIUM HOME: A form of ownership of less than the whole of a building or system of buildings under a statute which provides the mechanics and facilities for formal filing and recording of divided interest in real property, whether the division is vertical or horizontal.

CONVALESCENT HOME: A convalescent home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two (2) or more persons are cared for. Said home shall conform and qualify for license under State laws.

CONVENIENCE STORE: A retail business with primary emphasis placed on providing the public with a convenient location to quickly purchase from a wide array of consumable products and services. Generally, the business will: 1) have a building size less than 5,000 sq. feet; 2) provide off street parking and/or convenient pedestrian access; and 3) provide the public with extended hours of operations, many being open 24 hours, seven (7) days per week.

DAY CARE FACILITIES: There are three (3) types of day care:

(a) Family Day Care Homes - means a private residence operated by any person who receives therein pay for supervision and care for fewer than twenty-four (24) hours per day, without transfer of legal custody, three (3) but not more than six (6) children under eighteen (18) years of age who are not related to such persons and whose parents or guardians are not residents in the same private residence.

(b) Group Day Care Homes - means any place operated by any person(s), partnership, association or corporation wherein pay is received for group care of not less than seven (7) nor more than eighteen (18) children under eighteen (18) years of age for less than twenty-four (24) hours without transfer of legal custody and which is required to be licensed or commissioned by the Department of Human Resources.

(c) Day Care Centers - means any place operated by a person, society, agency, corporation, institution or group wherein pay is received for group care, for fewer than twenty-four (24) hours per day without transfer of legal custody, nineteen (19) or more children under eighteen (18) years of age, and which is required to be licensed or commissioned by the Department of Human Resources.

DENSITY: The number of dwelling units developed on an acre of land. As used in this Ordinance, all densities are stated in dwelling units per gross acre. **NOTE**: Gross density includes all the area within the boundaries of the particular area, excluding nothing.

DRIVE-IN ESTABLISHMENTS: An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicle.

DRIVE-IN RESTAURANT: A drive-in restaurant or other drive-in establishment serving food and/or drink so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle.

DWELLING, DUPLEX: A building either designed, constructed, altered or used for two (2) adjoining dwelling units that are connected by a common wall and/or of two (2) stories by a common floor.

DWELLING, MULTIPLE: A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other. This definition includes three-family houses, four-family houses, and apartment houses, but does not include hotels or motels.

DWELLING, SINGLE FAMILY: A building or portion thereof used or designed for use as a residence for a single family.

EGRESS: An exit.

FAMILY: One or more persons living together and related by blood, marriage, or legal adoption, and occupying a dwelling unit as a single non-profit housekeeping unit as distinguished from a group occupying a hotel, club, boarding house, fraternity or sorority house. A family shall be deemed to include domestic servants, gratuity guests, and not more than three foster or boarded children whose room and board is paid by a recognized child care agency or organization.

FLEA MARKET: A market at which new and used items are temporarily displayed and sold on rented tables. A flea market may be open or enclosed.

GARAGE, MECHANICAL: Buildings and premises where the functions and services for the repair and maintenance of automobiles, motorcycles, lawn mowers or other motor vehicles may be rendered. A mechanical garage which provides for the storage of vehicles for the purpose of salvaging parts for sale or repair shall be classified as a junk yard.

GARAGE, PRIVATE: An accessory building designed or used for the storage of not more than three (3) motor driven vehicles owned and used by the occupants of the building to which it is accessory.

GARAGE, PUBLIC: Any premises used for the storage or care of motor driven vehicles, or place where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

GAS STATION/MINI-MART: Any building or other premises, or portion thereof, used for a combination automobile service station and retail sales of food and other items excluding any automotive service or repair areas; including but not limited to the sales of consumable products, rental of video tapes, use of self service hot and cold beverage facilities and microwave ovens by customers for purchased food items.

GROUP HOME: A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household. **Comment:** A group care facility may include half-way houses; recovery homes; and homes for orphans, foster children, the elderly, battered children and women. It also could include a specialized treatment facility providing less than primary health care.

GUEST HOUSE: A building or portion thereof used or designed for uses as a residence, specifically as an accessory use to be the principal building.

HALF-WAY HOME: A group home facility which is licensed or supervised by any Federal, State or County health/welfare agency relating to drug abuse problems, offender rehabilitation or similar purposes.

HOME OCCUPATION: Any use conducted entirely within the dwelling and carried on by the immediate family members thereof, which use is incidental and secondary to the use of the dwelling and does not change the character thereof (See Section 3.19).

IMPERVIOUS SURFACE: Any material which reduces and prevents absorption of storm water into previously undeveloped land.

INDUSTRIALIZED BUILDING (MODULAR HOME/UNIT): A structure or component which is wholly or in substantial part made, fabricated, formed or assembled in or at manufacturing facilities and delivered to a building site for fabrication and installation in such assemblies that all parts or processes can not be inspected except by disassembly, by the City Building Official but in lieu of such inspection bears an insignia, label, or decal issued by the Georgia Department of Community Affairs to certify the unit as to construction and safety standards. **NOTE:** Industrialized buildings do not include manufactured housing.

INGRESS: Access or entry.

JUNK: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, processed, salvaged, stored, baled, disposed or other use or disposition. Junk shall include vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood, and lumber.

JUNK YARD: Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two (2) or more unregistered, inoperable motor vehicles or other type of junk. **Note:** Buffers are required for junk yards. (See Protective Screenings, Section 3.14).

KENNEL: Any lot or premises on which three (3) or more dogs, cats, or other domestic as well as non-domestic animals, four (4) months or more old, are kept either permanently or temporarily, for purpose of sale, care, breeding or training for which an income is provided.

LOFT DWELLINGS: Loft dwellings are defined as residential dwelling units located on any floor other than the ground or street level floor within existing commercial buildings (See Section 9.04).

LOT OF RECORD: A lot or parcel of land which has been lawfully recorded by subdivision plat or deed on the public records of the City of Ochlocknee on or before the date of adoption of this ordinance.

MANUFACTURED HOME: "Manufactured Home" is a detached single family dwelling unit, designed for long-term occupancy, which has been prefabricated and then transported to its site or to a sales lot usually on its own wheels, and requires only minor work before occupancy such as connection to utilities or to a foundation. Such units are usually fully equipped and furnished. The manufactured home shall bear an insignia issued by the U. S. Department of Housing and Urban Development (HUD) certifying that the unit is constructed in conformance with the Federal Manufactured Home Construction and Safety Standard which came into effect on June 15, 1976.

MANUFACTURED HOME PARKS: "Manufactured Home Park: shall mean a licensed business operation which leases spaces for permanent or for temporary occupancy for periods exceeding thirty (30) days for manufactured homes and, under some conditions, travel trailers.

MINI-WAREHOUSE: A building(s) that contains varying sizes or individual, compartmentalized and control-access stalls or lockers for storing the excess personal property of an individual or family. No business activities other than the rental of storage units shall be conducted on the premises.

MOBILE HOME: "Mobile Home" is a dwelling manufactured prior to June 15, 1976, and is transportable in one or more sections. No mobile home may be located within the city limits of Ochlocknee.

MODULAR HOME: See definition for industrialized buildings.

NON-CONFORMING STRUCTURE OR BUILDING: Any structure, including an accessory structure legally existing prior to the effective date of this Ordinance which does not conform to the requirements of this Ordinance. A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the Zoning Ordinance but that fail by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NON-CONFORMING USE: A use or activity that was lawful prior to the adoption, revision or amendment of the Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NURSING HOMES: A facility that admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision. It maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be responsible for the general medical and dental supervision of the home. It otherwise complies with the rules and regulations contained in Chapter 290-5-8: Nursing Homes (Rules of the Georgia Department of Human Resources) as same hereafter may be amended.

OPEN AIR BUSINESS USES: Open air business uses shall include the following:

a. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
b. Retail sale of fruit and vegetables.
c. Miniature golf, golf driving range, children's amusement park or similar recreation uses.
d. Bicycle, trailer, motor vehicles, boats or home equipment sales, service or rental services.
e. Outdoor display and sale of garages, swimming pools and similar use.
f. Outdoor display and sale of items not suitable for indoor sales.

PERMITTED USE: Those uses specifically listed in a district which are permitted by right, not to include the non-conforming use or conditional use and subject to the restrictions applicable to that zoning district.

PERSONAL CARE HOME: A building or group of buildings, a facility, or place in which is provided two (2) or more beds and other facilities and services--including rooms, meals, and personal care for non-family ambulatory adults for which a fee is charged. It otherwise complies with the rules and regulations contained in Chapter 290-5-35: Personal Care Homes (Rules of the Georgia Department of Human Resources) as same hereafter may be amended. For the purpose of this Ordinance, Personal Care Homes are classified as follows:

A. Family Personal Care Home: A home for adults in a family type residence, non-institutional in character, which offers care to two (2) through six (6) persons.

B. Group Personal Care Home: A home for adult persons in a residence or other type of building(s), non-institutional in character, which offers care to seven (7) through fifteen (15) persons.

C. Congregate Personal Care Home: A home for adults which offers care to sixteen (16) or more persons.

PERSONAL SERVICE: Establishments primarily engaged in providing services involving the care of a person or his or her apparel, for example, laundry, photographic studios, beauty shops, shoe repair, health clubs, clothing rental, etc.

PLANNED UNIT DEVELOPMENT: A Planned Unit Development is a single parcel of land within which a number of buildings are located or intended to be located in accordance with an overall plan of design and not in relation to a prearranged pattern of land subdivision. Examples of a Planned Unit Development (P.U.D.) include a complex of apartment buildings or a commercial shopping center. A comprehensive development plan for such a project shall be submitted to the Mayor and City Council for their review and approval.

PLAT, SKETCH: A concept, informal map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

QUICK-SERVICE FOOD STORE (QSR): Any building which is used for the retail sale of food or food and other items. This may be the combination of the gas station/mini-mart as well as the addition of fast food restaurants.

SERVICE STATION: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar other operating commodities and accessories for motor vehicles.

SETBACK: The minimum horizontal distance between the street property line, rear or side property lines of the lot, and the front, rear or side lines of a building. The term required setback means a line beyond which a building is not permitted to extend under the provisions of this ordinance establishing the minimum depths and widths of yards.

SIGN, BILLBOARD: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises which the sign is located.

SIGN, OUTDOOR ADVERTISING: Any card, cloth, paper, metal, glass, plastic, wood, plaster, stone or sign of other material of any kind, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term "place" as used in the definition of "Outdoor Advertising Sign" and "Outdoor Advertising Structure" shall include erecting, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving or other fastening, affixing or making visible in any manner whatsoever. See also "SIGN, BILLBOARD".

SITE PLAN: The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by approving authority.

SPOT ZONING: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and that does not further the comprehensive land use plan.

STRUCTURE: Anything constructed or erected, the use which requires more or less permanent location on the ground, or which is attached to something having more or less permanent location on the ground.

THRIFT STORE: A retail business that operates from the resale of used household items that are donated or purchased at a very low rate. These items may be new or used.

TOWNHOUSE: One of a group of two or more attached single family residences. Each townhouse unit is separated from the adjoining unit or units by an approved fire wall or walls. Fire walls shall be located on the lot line. Each town house has a front and rear ground level entrance. The town house is located on its own approved, recorded "lot".

TRAVEL TRAILER: A motorized camper, converted bus, tent-trailer or other similar vehicular or portable structure used or designed for temporary portable housing or occupancy while on vacation, recreation or other trips which provide sleeping accommodations.

TRAVEL TRAILER PARKS: Travel trailer park where the principal use is for overnight tourists, or for vacationers whose stay will not exceed 180 days.

UNDUE HARDSHIP: A condition which shall be considered to exist only when one (1) or more of the following apply to a particular piece of property, and such condition has not been created by action of the property owner.

a. The owner cannot comply with the provisions of this ordinance without violating some other ordinance or sections of this ordinance.

b. The provisions of this ordinance create for the property owner a peculiar condition not common to other nearby property owners.

c. A conforming use or requirement is incongruous with the remainder of the area in which the property is located.

d. The topography of the land or shape of a particular lot precludes a conforming use.

VARIANCE: A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the particular property and not the result of any action of the applicant, a literal enforcement of the requirements of this Ordinance would result in unnecessary and undue hardship (See Section 18.10).

ZERO LOT LINE: The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

ARTICLE III
GENERAL PROVISIONS

In addition to the other requirements, the use of land shall be subjected to the following general provisions.

SECTION 3.01. CONFLICTING REGULATIONS. Whenever any provision of this Ordinance imposes more stringent requirements, regulations restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provision of this Ordinance shall govern.

SECTION 3.02. SCOPE. No building or structure or part thereof, shall hereinafter be erected, constructed, reconstructed, or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

SECTION 3.03. STREET AND ALLEYS RIGHT-OF-WAYS. All streets and alleys right-of-ways, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting such streets or alleys right-of-ways. Where the center line of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

SECTION 3.04. PERMITTED USES. No building shall be erected, converted, enlarged or structurally altered; nor shall any building or land be used, designed or arranged for any purpose other than is permitted in the zoning district in which the building or land is located.

SECTION 3.05. PERMITTED AREA. No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area regulations of the district in which the building is located.

SECTION 3.06. ONLY ONE MAIN STRUCTURE (PRINCIPAL USE) PER LOT. Only one main structure or building and its customary accessory structures shall hereafter be placed or erected on any residential lot, except within the PUD zoning districts. Within the PUD districts site development plans will be reviewed by and approved by the Mayor and City Council.

SECTION 3.07. SUBSTANDARD LOTS. Any residentially zoned lot which was of record at the time of the adoption of this Ordinance that does not meet the requirements of this Ordinance for yards or other area or open space, may be utilized for single residence purposes, provided the area for such yard or court in width, depth, or open space is not less than seventy-five (75%) percent of that required by the terms of this Ordinance, excepting that vacant lots having in the aggregate a continuous frontage of one hundred (100) feet or more shall not be subject to this exception. The purpose is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

SECTION 3.08. FRONTAGE. Every principal residential dwelling shall front upon a public street, except that in the case of the planned unit developments in the R-PUD multiple residential zone.

SECTION 3.09. SITE DISTANCE AT INTERSECTIONS. In all Zoning Districts, other than the Central Business District, no fence, wall, hedge or shrub planting which obstructs the site lines at elevations between two (2) and twelve (12) feet above the roadways shall be placed on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines.

SECTION 3.10. REDUCTION OF LOT AREA PROHIBITED. No lot shall be reduced in size so that lot width, yard requirements, lot area per dwelling unit, or other requirements of this Ordinance are not maintained.

SECTION 3.11. ACCESSORY RESIDENTIAL BUILDINGS. Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

a. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main or principal buildings.

b. Accessory buildings, except garages, shall be erected in any required yard except a front yard, providing further that in no instance shall such a building be nearer than five (5) feet to any adjoining side lot line or rear lot line.

c. An accessory building shall not exceed the height of the primary structure.

d. An accessory building shall not be located on that portion of the lot in the area of the principal building except when structurally attached to the principal building.

e. No detached accessory building shall be located closer than ten (10) feet to any principal building.

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

g. When an accessory building is to be located on a corner lot, said building shall not project beyond the front yard line required on the lot of such corner lot.

h. Garages/Carports. In any residence zone, no garage or carport shall be erected closer to the side lot line than the permitted distance for the dwelling, unless the garage or carport shall be completely to the rear of the dwelling in which event, the garage or carport may be erected five (5) feet from the side and rear lot line.

SECTION 3.12. PROHIBITED USES IN ALL RESIDENTIAL DISTRICTS.

a. It shall be prohibited use in all residentially zoned districts, including manufactured home parks, to park or store wrecked or junked vehicles, power driven construction equipment, used lumber or metal, or any other miscellaneous scrap or salvageable material in large quantities that exceed those needed for the homeowner use.

b. Tractor-trailer combinations, tractors or trailers shall not be placed or stored in residentially zoned districts.

c. Kennels.

d. Commercial ingress and egress will not be permitted in any residentially zoned districts.

SECTION 3.13. SERVICE STATIONS (PUBLIC GARAGES), GAS STATIONS/ MINI-MARTS, AND QUICK SERVICE FOOD STORES (QSRs). In order to regulate and control the problems of noise, odor, light, fumes, vibrations, dust, danger of fire and explosion, and traffic congestion which result from the unrestricted and unregulated construction and operation of service stations, gas stations/mini-marts, and QSRs and to regulate and control the adverse effects which these and other problems incidental may exercise upon adjacent and surrounding areas, the following regulations and requirements are provided herein for service stations, gas stations/mini-marts, and QSRs located in any zone. No service station, gas station/mini-marts, or QSRs existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the effective date of this Ordinance.

a. A service station, gas station/mini-mart, or QSR shall be located on a lot having a frontage along the principal street of not less than one hundred fifty (150) feet, and having a minimum area of not less than fifteen thousand (15,000) square feet.

b. A service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line, and not less than ten (10) feet from any other lot line.

c. For commercial driveways when one or more driveway serves a given frontage, no single approach shall exceed (50'). When a commercial establishment controls (75') or more of street frontage, the number of driveways shall be limited to two for the first (75') or part thereof and not more than one additional driveway for each additional (75'). No portion of a driveway shall be less than (10') away from the property line not located at an intersection. When only one lane of traffic is provided in a single driveway, the width of a driveway approach shall not exceed (20').

d. A raised curb six (6) inches in height shall be erected along all street lot lines, except for driveway openings.

e. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed asphalt material or if any part of the lots is not so surfaced, then that area shall be landscaped and separated from all surface areas by a low barrier or curb.

f. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or services while parked upon or overhanging any public sidewalk, street or right-of-way.

g. A service station, gas station/mini-mart or QSR located on a lot having an area of fifteen thousand (15,000) square feet shall include not more than eight (8) dispensing nozzles and service stations may include up to two (2) enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles. An additional two (2) dispensing nozzles for service stations, gas stations/mini-marts, and QSRs and one (1) enclosed stall for service stations may be included with the provision of each additional two thousand (2,000) square feet of lot area.

h. Where a service station, gas station/mini-mart, or QSR adjoins any property located in any residentially zoned districts, or is separated from any such property by a public alley only, a landscaped greenbelt, fencing, or wall shall be provided and maintained by owners of said service station, gas station/mini-mart or QSR as spelled out in Section 3.14, Protective Screenings.

i. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent public and private property.

SECTION 3.14. PROTECTIVE SCREENING. All planting plans shall be submitted to the Mayor and City Council for approval as to suitability of planting materials and arrangement thereof in accordance with the provisions of this Ordinance. If, in the opinion of the Mayor and City Council, the green belt would serve no good purpose, the Mayor and City Council may waive such requirements.

a. Residential Buffers. In order to provide adequate protective screening for residential areas adjacent to or near non-residential areas, the following regulations shall apply:

Adjacent Residential Property. Where Manufacturing or Commercial District abuts directly upon a residentially zoned district, a landscaped greenbelt, fencing, or wall shall be provided and maintained by owners of said manufacturing or commercial properties as deemed appropriate by the Mayor and City Council. The following regulations and specifications for Protective Screening shall apply:

(1) Landscaped Greenbelt-Such greenbelt shall not be less than twenty (20) feet wide and shall be planted with deciduous trees, evergreens, flowering trees or ornamental trees.

(2) Fencing-The fencing shall be opaque and made of any of the following types of materials: Clear heart redwood, heart cypress, red cedar, or treated Southern yellow pine or other suitable like materials. Such fencing shall be at least six (6) feet in height.

(3) Wall-The wall shall consist of brick, stone or other suitable-like materials and shall be at least six (6) feet in height.

b. Junk Yard Buffers. In order to provide adequate protective screening for areas adjacent to or near junk yards, the following regulations shall apply:

(1) No junk yard shall be permitted closer than three hundred (300) feet to any R-1, R-2, or R-PUD district; and,

(2) A fence or wall, not less than eight (8) foot, shall be provided around the perimeter of said junk yard. Such fencing or wall shall be opaque and constructed of wood (as defined in Section 3.16, Part A, Number 2) or masonry. Such fencing or wall shall be used to shield contents of said junk yard from view of public streets or adjacent areas. Fences or walls shall be properly maintained at all times; and,

(3) No operations shall be conducted within junk yards which may cause a nuisance or endanger the public health; and,

(4) There shall be no temporary or permanent storage at a junk yard of vehicles or junk outside of the fence or wall required [(See Section 3.16, Part b, Number (2)], nor shall there be any cars or junk piled higher than seven (7) feet in height.

(5) All junk yards which are in existence on the effective date of this Ordinance, shall be required to meet all the conditions set forth in Section 3.16, Part b, Numbers (1), (2), (3) and (4) above within one (1) year from the effective date of this Ordinance.

Where the development of manufactured commercial property or the establishment of a junk yard requires a buffer zone to protect the surrounding properties, said buffer zone should be depicted on plat and/or recorded on deed of said property.

SECTION 3.15. RADIO, TELEVISION STATIONS. All commercial radio, television and other transmitting or relay stations shall be permitted in any commercial or industrial district.

SECTION 3.16. SATELLITE RECEIVING DISH ANTENNA.

a. Satellite Receiving Dish Antenna shall be allowed in all zoning districts.

b. However, in all residential zones, the following requirements will apply:

(1) Antenna will be erected only in a rear yard and the setback requirements from the property line will be the same as those required of an accessory building.

(2) Location of the antenna must be approved by the Zoning Administrator before installation can begin.

c. In all other zoning districts, antenna will be so placed as not to create a hazard to traffic or public utilities.

d. A property owner who has in place a non-conforming antenna at the effective date of this Ordinance may continue to maintain the antenna.

SECTION 3.17. ZONING OF ANNEXED AREAS. The Mayor and City Council shall make a study of any property proposed for annexing into the City of Ochlocknee.

If the annexation is requested by anyone other than the City of Ochlocknee, the applicant will pay the appropriate fees for a zoning petition.

a. Zoning of property to be annexed may begin after the jurisdiction currently governing the property is notified in writing of the proposed annexation.

(1) A zoning public hearing must be conducted prior to the annexation of the subject property into the City.

(2) A notice of the zoning public hearing must be published in a newspaper of general circulation and a sign shall also be placed on the property to be annexed and zoned in accordance to Article XVIII Section 18.08

b. The zoning classification approved by the City following the required public hearing shall become effective on the later of the following two dates:

(1) The date the zoning is approved by the City; or

(2) The date the annexation becomes effective pursuant to Code Section 36-36-2.

SECTION 3.18. STORM WATER CONTROL. The Mayor and City Council shall review and approve an architectural storm water drainage plan for all classes of construction and property development prior to permits being issued by the zoning administrator. This plan must show retention of surface waters, controlled release into the Ochlocknee storm water drainage system, and diversion of any existing drainage pattern that may affect adjoining properties. Watershed into the drainage system can not exceed predevelopment flow rates. The developer must bear the costs of controlling their storm water.

SECTION 3.19. HOME OCCUPATIONS.
The following regulations shall apply for home occupations:

a. One (1) non-illuminated name plate, which is not more than two (2) square feet in area, may be attached to the building which shall contain only the name and occupation of the resident of the premises.

b. No internal or external alterations or construction features, equipment, machinery, or outdoor storage not customary in residential uses.

c. No article or service is sold or offered for sale on the premises, except such as is produced by such occupation.

d. Barber shops, beauty parlors, tanning bed salons, and other similar uses as interpreted by the Mayor and City Council shall not be deemed as home occupations.

e. Any violations of aforementioned regulations shall be cause for revocation of home occupation permit after giving due notice to all parties concerned and granting full opportunity for a hearing.

SECTION 3.20. PROPERTY DIVIDED BY A ZONING DISTRICT. Where a zoning district divides a lot, tract or parcel of land at the time such district boundary is established, the use classification of the less-restricted district may be extended to the property line, but shall not be extended more than a distance of one hundred (100) feet without the permission of the Mayor and City Council.

SECTION 3.21. DEVELOPMENT OF REGIONAL IMPACT THRESHOLD REVIEW. Developments of Regional Impact are large development projects that are likely to create impacts in other local jurisdictions. The City of Ochlocknee will comply with State intergovernmental review procedures relating to 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 Development of Regional Impact (DRI). A copy of the Procedures and Guidelines for the Review of DRIs can be found in the Appendix.

SECTION 3.22. MODULAR OFFICE UNITS. Modular Office units will be permitted uses only in the C-3 and I districts with the following restrictions:

a. All modular office units will be placed on a permanent foundation; and,

b. All modular office units will be oriented to parallel the public street on which the office fronts; and,

c. Required to meet the Southern Standard Building Codes.

*Mobile homes may not be used as offices. A manufactured home may only be used as an office for the sale of manufactured housing.

SECTION 3.23. TELECOMMUNICATION ANTENNAS AND TOWERS. The purpose of this section is to establish standards and regulations for the siting of antennas and towers.

a. All siting of antennas and towers will be required to submit site plans to the Mayor and City Council for approval.

b. Each applicant for an antenna and/or tower shall provide an inventory of its existing towers that are either within the City limits of Ochlocknee or within one-quarter mile of the border thereof, including specific information about the location, height, and design of each tower.

c. The following shall govern the location of all towers and the installation of all antennas. If, in the opinion of the Mayor and City Council, these requirements would serve no good purpose, the Mayor and City Council may waive such requirements.

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.

(2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(4) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

d. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the governing authority may, in the manner provided in Sections 41-2-8 through 41-2-17 of the Official Code of Georgia, remove such antenna or tower at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

An Ordinance Entitled an Ordinance Amending the City of Ochlocknee's Zoning Regulations

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF OCHLOCKNEE, GEORGIA, and it is hereby ordained by authority of same:

Section 1. Article III, General provisions of the City of Ochlocknee's Zoning Ordinance is hereby amended by added thereto a new section 3.25 Use Variance (Hardship) which new section will read as follows:

Section 3.25 Use Variance (Hardship). One manufactured home residence may be approved for placement on a residential lot where said lot is already occupied by an existing residential dwelling or for placement on a lot zoned R-1 where said lot is adjacent to a residence occupied by a family member or caretaker upon a finding by the Ochlocknee City Council that:

1. A genuine hardship exists by reasons of medical disability, age infirmity, or financial hardships.

2. Documentation of applicable disabilities or hardship pursuant to these provisions must be certified by appropriate authority or otherwise justified, which certification will be valid for a one (1) year period.

3. Said manufactured home shall be removed from the premises within 120 days from the time the specified disability ceases to exist.

4. Under no circumstances shall the manufactured home be rented or otherwise occupied by anyone other than the approved person(s).

5. The Council may impose other reasonable requirements in grant of this type of request which would effect the interest of public health and safety.

Section 2. All ordinances and resolutions in conflict herewith are hereby repealed.

Mayor and Council

By: Raiford Long
Mayor

ATTEST:

Dawn A. Komegay
Clerk

Adopted: 9/21/98

WP Disk 52 #4332-sk

SECTION 3.24. CONDITIONAL ZONING. The Mayor and Council may change, modify or otherwise impose conditions on any zoning proposal which would be in the interest of public health, safety or welfare.

ARTICLE IV
LIST OF ZONING DISTRICTS

SECTION 4.01. DISTRICTS. Ochlocknee is hereby divided into eight (8) classes of zoning districts known as follows:

R-1	**Single-Family Residential District**
R-2	**Single-Family, Two-Family and Multiple-Family Residential District**
R-PUD	**Residential Planned Unit Development District**
C-1	**Neighborhood Commercial District**
C-2	**Central Business District**
C-3	**Highway Commercial District**
C-PUD	**Commercial Planned Unit Development District**
I	**Industrial District**

SECTION 4.02. LIMITED USE (L.U.) PROVISION. Ochlocknee establishes the "Limited Use" Provision for the purpose of allowing an applicant to request that a certain property be classified as a limited use. In some areas of the City, a particular land use activity selected out of a general zoning classification may have less community impact than some of the other uses within that classification. For this reason, an applicant may request a rezoning petition to limit the use of a proposed property to a specified use only (i.e., C1-L.U.). To wit: Neighborhood Business District limited to a "Beauty Shop". The limited use must be among the uses permitted in the zone district for which the limited use is taken. In the event that the conditions for which the limited use zoning was granted is violated, the property would revert to the prior zoning classification.

SECTION 4.03. OFFICIAL ZONING MAP. The boundaries of these districts are shown on the map which is designated as the Official Zoning Map of the City of Ochlocknee. The official Zoning Map is on file in the office of the City Clerk and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effects as if said Zoning Map and all such notations, references and other information shown there were fully set forth or described herein.

Except where reference on said Zoning Map to a street or other designated line is made by dimensions shown on said Map, the district boundary lines follow lot lines or the center lines of the streets or alleys, or such lines extended and the corporate limits of the City of Ochlocknee as they existed at the time of adoption of this Ordinance. Where uncertainty exists with respect to the boundaries of any zoning district as shown on the Zoning Map, the Mayor and City Council shall rule on such boundaries.

ARTICLE V
R-1, SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 5.01. STATEMENT OF PURPOSE. This Single Family Residential District is established as a district in which the principal use of land is for low density single family dwelling units. For the R-1 single family residential district, the specific intent is:

a. To encourage the construction of and the continued use of the land for low density single family residential development within the City.

b. To discourage land uses which would generate traffic on minor or local streets, other than normal traffic to serve the residences on those streets.

SECTION 5.02. PERMITTED USES.

a. Single family detached dwellings, except **mobile and manufactured homes.**

b. Accessory buildings or uses customarily incidental to any of the permitted uses, when located on the same lot and not involving any business, profession, trade or occupation.

c. Industrialized homes (modular units).

SECTION 5.03. CONDITIONAL USES.

a. Churches, provided that the proposed site is not less than one (1) acre and a complete site development sketch is submitted with the application and provision is made for off-street parking.

b. Cemeteries, provided that a complete site development sketch is submitted with the application.

c. Clubs and lodges not operating for profit provided that:

(1) The buildings are not placed closer than fifty (50) feet to any property lines; and

(2) There is a planted buffer strip at least ten (10) feet wide along the side and rear lot lines.

d. Public buildings, structures or other public land uses.

e. Hospitals and clinics.

f. Home Occupations - Home occupations as limited and defined in Article II.

g. Family day care homes (family day care homes as limited and defined in Article II) provided that no play equipment be located in the front yard and signs be compatible to the neighborhood and not larger than regulated for home occupations. All state licensing requirements and regulations shall also apply.

h. Family personal care homes--as limited and defined in Article II.

i. Bed and breakfasts--as limited and defined in Article II.

j. All radio, cellular phone or similar transmission/receiving antennas.

k. Other uses similar to the above and compatible with the particular neighborhood and environment as interpreted and approved by the Mayor and City Council.

SECTION 5.04. AREA AND PLACEMENT REQUIREMENTS. (In accordance with the Schedule of Regulations, Article XVII).

ARTICLE VI
R-2, SINGLE FAMILY, TWO-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL DISTRICT

SECTION 6.01. STATEMENT OF PURPOSE. The intent of the R-2 Residential District is to provide for medium to high density residential development; to provide for variety in the City's housing stock, to encourage neighborhood maintenance and preservation by allowing the conversion of large and older single-family homes to two-family and apartment use; and to provide suitable areas for new multi-family development.

SECTION 6.02. PERMITTED USES.

a. Any use permitted in the R-1 residential districts.

b. Manufactured homes (See Article XVI).

SECTION 6.03. CONDITIONAL USES.

a. Any use listed under Section 5.03 of the R-1 zoning district.

b. Two-family (Duplex) residential.

c. Multiple-family (apartments, condominiums and townhouses)*

d. Nursing homes--as limited and defined in Article II.

e. Boarding homes.

f. Group homes.

g. Professional offices.

h. Public building, structures and other public land uses.

i. Group day care homes (group day care homes as limited and defined in Article II) provided that no play equipment be located in the front yard and that signs be compatible to the neighborhood and not larger than regulated for home occupations. All state licensing requirements and regulations shall also apply.

j. Group personal care homes--as limited and defined in Article II.

k. Manufactured home and travel trailer parks (See Article XVI).

1. Other uses similar to the above and compatible with the particular neighborhood and environment as interpreted approved by the Mayor and City Council.

SECTION 6.04. AREA AND PLACEMENT REQUIREMENTS. (In accordance with the Schedule of Regulations, Article XVII).

*For development of apartment units of only one (1) apartment building on a given site. The R-PUD development standards Article VII, will apply to apartments of more than one (1) building on a given parcel or lot.

ARTICLE VII
R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 7.01. STATEMENT OF PURPOSE. It is the intention of this section to provide areas of sufficient size and allowing reasonable flexibility in design and orientation for the establishment of a group of structures, **which includes multiple dwellings designed in a planned unit development of more than one building on a given development site.**

Therefore, the Zoning Ordinance regulations relative to area, bulk and placement may, in the Planned Unit Development District, be modified by the Mayor and City Council, in the case of a plan for a large scale development which, in the judgment of the Mayor and City Council, provides adequate open space and improvements for circulation, recreation, light, air and service needs of the tract when fully developed, provided that in no case may the density of the proposed planned unit development exceed eight (8) dwelling units per acre and provided further than the minimum site size for the residential planned unit development is two (2) acres.

SECTION 7.02. GENERAL PROCEDURES FOR PUD (R-PUD) APPROVAL. Any proposed property for PUD development must first be zoned to the R-PUD zoning classification. The PUD zoning procedure will generally follow the same procedures as other zoning requests. However, the applicant for PUD zoning shall submit a **preliminary site development plan** of the proposed development at the same time a petition for PUD zoning is made.

No rezoning for PUD will be granted to a petitioner until **the preliminary site plan is reviewed and approved by the Mayor and City Council,** respecting other property rezoning criteria established by the City. All plans must also be approved by the Health Department.

SECTION 7.03. PERMITTED USES. In all R-PUD Districts, no building or land, except as otherwise provided in this Ordinance, shall be erected or used except for one or more of the following specified uses:

a. Single family detached dwellings, **except manufactured and mobile homes**.

b. Duplexes.

c. Townhouses.

d. Multi-family dwellings.

e. Condominiums.

SECTION 7.04. CONDITIONAL USES.

Any use listed under Sections 6.03 of R-2 zoning district.

SECTION 7.05. PRELIMINARY REVIEW. Preliminary review is recommended as an aid to both the developer and to the City. Under this procedure, a developer provides the information which is described below and the Mayor and City Council then acts on the information provided.

This review is intended to serve as a guide for the immediate inspection of the Mayor and City Council, subject to a thorough study and analysis. Changes and additions which may have to be made before a mutual agreement is reached can be made at such time without excessive engineering or other costs to the developer.

SECTION 7.06. PROCEDURE FOR PRELIMINARY APPROVAL. An application shall be submitted to the Mayor and City Council by the owner or his/her authorized representative for approval of a preliminary site plan of any proposed development anticipated under the Residential Planned Unit Development district provision of this Ordinance. Appropriate copies of the Preliminary Plan at a scale not more than one hundred (100) feet to the inch, showing the following, shall be submitted with the application.

a. The title under which the proposed development is to be recorded and the name of the present owner.

b. Names of owners of adjacent property.

c. A topographic map showing the general location of existing property lines, streets, alleys, buildings, easements, swamps, water courses, and other physical site features which relate to the development.

d. The proposed method of water supply, sewage disposal and storm drainage (In some cases, permits from Environmental Protection Division may be required).

e. All proposed uses of the property to be developed shall be appropriately indicated on the plan.

f. Date, North point and graphic scale.

g. Other information required by the Mayor and City Council to insure compliance with the provisions of this Ordinance.

The developer shall furnish to the Mayor and City Council a statement indicating the proposed use to which the development will be put, along with a description of the type of residential building and number of units contemplated. Upon receiving approval of the Preliminary Plan, the developer may proceed to develop the Final Plan. No building permit shall be issued until approval of the Final Plan is given.

SECTION 7.07. PROCEDURE FOR FINAL PLAN APPROVAL. An application in writing shall be submitted to the Mayor and City Council by the owner or his/her authorized representative for approval of the Final Plan for any proposed development anticipated under the

Residential Planned Unit Development District of this Ordinance. Appropriate copies of the Final Plan, at a scale of not more than one hundred (100) feet to the inch, showing the following information shall be submitted with the application.

a. The title under which the proposed development is to be recorded, the legal description of the land to be developed, the name of the present owner, and the name and address of the technical author of the plan.

b. Names and owners of adjacent property and general information as to boundaries thereof as well as the existing zoning on such tracts.

c. A map showing the location of existing property lines, the adjoining streets, alleys, buildings, drains, easements, water courses, and other physical site features which relate to the development.

d. The proposed method of water supply, sewage disposal and storm drains, and other engineering data required by the Mayor and City Council to clearly indicate the general design of said utility services. It shall be mandatory that the development use the City water, that sewage systems comply with Health Department regulations and all streets in the development be paved in accordance with City standards.

e. The size and capacity of existing sewer, water, storm drains, and thoroughfares in the area.

f. The location and dimensions to the nearest foot of lots, building lines, alleys, easements, parks, and other public properties on the property to be developed. All lots in a preliminary plan shall be designated by consecutive numbers beginning with number one (1).

g. All proposed uses of the property to be developed shall be indicated on the plan.

h. Date, North point and graphic scale.

i. Proposed development restrictions and/or protective covenants to be imposed upon the property after development.

j. Bearings and distances of all courses of the exterior boundary of the proposed development and its area in acres to the third decimal place.

k. The developer shall furnish to the Mayor and City Council a statement indicating the proposed use to which the development will be put, along with a description of the type of residential buildings and number of units contemplated, so as to reveal the affect of the development on traffic, fire hazards or congestion of population.

SECTION 7.08. AREA AND PLACEMENT REQUIREMENTS. (In accordance with the Schedule of Regulations, Article XVII.)

ARTICLE VIII
C-1, NEIGHBORHOOD COMMERCIAL DISTRICT

SECTION 8.01. STATEMENT OF PURPOSE. The Neighborhood Commercial District is intended to permit retail business and service uses which are needed to serve nearby residential areas. In order to promote such business development uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic, or late hours of operation. The intent of this district is also to encourage the concentration of local business areas in locations which poses the mutual advantages of both the consumers and merchants, and thereby promotes the best use of land at certain strategic locations.

SECTION 8.02. PERMITTED USES.

a. Antique Stores.

b. Barber shops/beauty shops and other personal service establishments.

c. Clubs and lodges (See Section 5.03c).

d. Day Care Centers (Day care centers as limited and defined in Article II) provided that no play equipment be located in the front yard and that sings be compatible to the neighborhood and not larger than regulated for home occupations. All state licensing requirements and regulations shall also apply.

e. Laundry or dry cleaning establishments.

f. Professional offices.

g. Repairs, electrical or other household appliances, locks, radios, television and the like.

h. Restaurants, in existing structures with no more than 2,000 square feet of floor space devoted to such use.

i. Small retail businesses selling convenience goods and serving the adjacent residential neighborhoods such as drug, food, bakery and tailor shops.

j. Thrift stores.

k. Bed and Breakfasts.

SECTION 8.03. CONDITIONAL USES.

a. Churches, or other religious institutions. (See Section 5.03a).

b. Service stations.

c. Convenience Store.

d. Antique Mall.

e. Adult Care Facilities.

f. Congregate Personal Care Homes--as limited and defined in Article II.

g. All radio, cellular phone, or similar transmission/receiving antennas.

h. Other uses similar to the above and compatible with the particular neighborhood and environment as interpreted and approved by the Mayor and City Council.

SECTION 8.04. PROTECTIVE SCREENING. Protective screening for C-1 Districts adjacent to residential districts shall be in compliance with the regulations set forth in Section 3.14 of this Ordinance.

SECTION 8.05. AREA AND PLACEMENT REQUIREMENTS. (In accordance with the Schedule of Regulations, Article XVII).

ARTICLE IX
C-2, CENTRAL BUSINESS DISTRICT

SECTION 9.01. STATEMENT OF PURPOSE. The C-2 Central Business District is intended to project and promote suitable areas for business and commercial uses which benefit from proximity to each other, to encourage the eventual elimination of uses inappropriate to a central business area, and to encourage the intensive development of a centralized business center for the City of Ochlocknee.

SECTION 9.02. PERMITTED USES.

a. Any use listed under Section 8.02 of the C-1 zoning district.

b. Retail business and service establishments.

c. Financial institutions.

d. Commercial Planned Unit Developments in accordance with provisions of Article XI.

e. Hotels/Motels.

f. Professional offices.

g. Loft dwellings (See Section 9.04).

h. Other uses similar to the above and compatible with the particular neighborhood and environment as interpreted and approved by the Mayor and City Council.

SECTION 9.03. CONDITIONAL USES.

a. Churches and other religious institutions. (See Section 5.03a).

b. Clinics and nursing homes.

c. Public buildings, structures or other public land uses.

d. Multiple family residential dwellings, boarding or rooming houses.

e. All radio, cellular phone, or similar transmission/receiving antennas and/or towers.

f. Other uses similar to the above and compatible with the particular neighborhood and environment as interpreted and approved by the Mayor and City Council.

SECTION 9.04. STANDARDS FOR LOFT DWELLINGS. Loft dwelling residential uses are permitted in existing multi-story commercial buildings so long as their plans are submitted and approved by the Ochlocknee Mayor and City Council. The following minimum requirements shall be met prior to approval:

1. Minimum Floor Space Requirements and Maximum Number of Occupants shall comply with the Building Codes.

2. Building Codes: All loft dwelling residential renovations shall comply with all existing Commercial Building Codes and Fire Codes with fire walls.

3. Restrictions:

   a. All window treatment must be off white colors with no signs, drawings or photographs incorporated therein. Nothing shall hang from the outside of the windows.

   b. No outside mailboxes shall be permitted; inside mail boxes or mail slots shall be used.

   c. No outside television or radio antennas or satellite reception dishes shall be permitted unless they are less than 36 inches and are located on roof or such a way as not to be visible from street; cable connections shall be permitted and located at the rear of the establishment.

   d. No daily or weekly boarding rooms shall be permitted, only complete dwelling units as defined herein.

   e. Outside building identification numbers shall not exceed six (6) inches in height.

   f. No drying of clothes shall be permitted on the outside of the building.

   g. Entry to the unit or to a hallway serving one (1) or more units shall be provided by a stairway opening directly to the outside at street level. All stairways shall be enclosed. No unit shall occupy street level frontage.

   h. All window air-conditioning units shall not be visible from any public street.

   i. No washing or waxing of vehicles shall be permitted.

   j. No recreation, entertainment, public gathering or placement of furniture shall be allowed on the sidewalks unless permitted by Mayor and City Council.

   k. No sales of the type commonly known as garage sales, yard sales, or estate sales shall be allowed.

4. Parking:

a. Each residential unit shall have its own off-street parking space with direct access to a public alley or street between the hours of 8 a.m. - 6 p.m. (Monday through Friday). Public parking may only be used to meet this requirement with prior approval of the Mayor and City Council.

SECTION 9.05. PROTECTIVE SCREENING. Protective screening for requirements of C-2 District adjacent to or near residential districts shall be in compliance with the Regulations set forth in Section 3.14.

SECTION 9.06. AREA AND PLACEMENT REQUIREMENTS. (In accordance with the Schedule of Regulations, Article XVII).

ARTICLE X
C-3, HIGHWAY COMMERCIAL DISTRICT

SECTION 10.01. STATEMENT OF PURPOSE. The purpose of the highway commercial district is to provide for and encourage appropriate development along the City's major streets which will include a variety of sales and services that will both accommodate the needs of the City and the traveling public. Adequate off-street parking, adequate building set backs and reduction of traffic hazards are prime city objectives for business development along the city's major streets.

SECTION 10.02. PERMITTED USES.

a. All permitted uses in the C-1 and C-2 zoning districts, except loft dwellings.

b. Automobile sales and auto service.

c. Service stations.

d. Agricultural implement sales and service.

e. Wholesale stores, storage buildings, warehouses, mini-warehouses, distributing plants, freezers and lockers.

f. Small fabrication and manufacturing shops, when employing not more than ten (10) employees in the office and manufacturing operations.

g. Monument and statuary sales.

h. Manufactured housing sales.

i. Outdoor furniture and equipment.

j. Tent and canopy sales.

k. Swimming pools and hot tub sales.

l. Trade shops including sheet metal, roofing, upholstering, electrical plumbing, venetian blind, cabinet making and carpentry, rug and carpet cleaners and sales, and sign painting, providing that all operations are conducted entirely within a building.

m. Shopping Centers.

n. Museums.

SECTION 10.03. CONDITIONAL USES.

a. All conditional uses in the C-1 and C-2 zoning districts.

b. Cemeteries, provided that a complete site development sketch is submitted with the application.

c. Churches and other religious institutions (See Section 5.03a).

d. Hospitals, clinics, personal care homes and nursing homes.

e. Public buildings, structures or other public land uses.

f. Open air business--as limited and defined in Article II.

g. Flea Markets (a planted natural buffer strip of at least ten (10) feet wide along the side and rear lot lines is required).

h. Other similar uses to the above and compatible with the particular neighborhood and environment as interpreted and approved by the Mayor and City Council.

SECTION 10.04. PROTECTIVE SCREENING. Protective screening requirements of C-3 Districts adjacent to or near residential districts shall be in compliance with the regulations set forth in Section 3.17. All outdoor sales areas are subjected to establishing a planted and maintained natural buffer strip of at least ten (10) feet in width and four (4) feet in height on side and rear lot lines.

SECTION 10.05. AREA AND PLACEMENT REQUIREMENTS. (In accordance with the Schedule of Regulations, Article XVII).

SECTION 10.06. PROCEDURES FOR PROJECT APPROVAL. In connection with the above uses, a sketch plan of the proposed development shall be furnished to the Mayor and City Council showing the approximate location of buildings, roads, parking areas, sidewalks, landscaping, buffers, lighting, etc..

ARTICLE XI
C-PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 11.01. STATEMENT OF PURPOSE. It is the intention of this section to provide areas of sufficient size and allowing reasonable flexibility in design and orientation for the establishment of a structure or group of structures which include one or more retail sales, service and office enterprises on a single parcel of land.

Within the Commercial Planned Unit Development Districts, the following regulations shall apply:

SECTION 11.02. PERMITTED USES.

a. Any use permitted in non-residentially zoned districts, except loft dwellings.

SECTION 11.03. CONDITIONAL USES.

a. Churches and other religious institutions (See Section 5.03a).

b. Medical facilities and nursing homes.

c. Public buildings, structures or other public land uses.

SECTION 11.04. PROCEDURE FOR PROJECT APPROVAL. In connection with all of the above uses, the following requirements shall be complied with before any building permit is issued. The developer shall furnish the Building Inspector with appropriate copies of the Letter of Intent and the Development Plans for any use permitted in the Commercial Planned Unit Development District, drawn to scale, showing the general location of all buildings, roads, parking area, open areas, sidewalks and street lighting. Typical elevations of all four sides of the proposed building, proposed number of units by type and floor space, shall be submitted (e.g., furniture sales, 800 square feet).

SECTION 11.05. PROCEDURE FOR PRELIMINARY AND FINAL APPROVAL. (Shall be in compliance with Sections 7.02-7.07, General Requirements for Planned Unit Development Approval).

SECTION 11.06. AREA AND PLACEMENT REQUIREMENTS. (In accordance with the attached Schedule of Regulations, Article XVII).

ARTICLE XII
I-INDUSTRIAL DISTRICT

SECTION 12.01. STATEMENT OF PURPOSE. The intent of the industrial district is to provide suitable areas for wholesaling, warehousing, storage, manufacturing, processing, repair services and sale lots in addition to other retail and service establishments; to expand or extend districts only where there is adequate and direct access to appropriate transportation facilities and where there is minimum conflict with residential districts.

SECTION 12.02. PERMITTED USES*.

a. Any use permitted in the commercial zone districts, except loft dwellings.

b. Manufacturing.

c. Warehousing, wholesaling, shipping and receiving.

d. Agriculture.

SECTION 12.03. CONDITIONAL USES.

a. Petroleum bulk plant.

b. Junkyards, automobile salvage yards or scrap metal processors. (Site plan approval, including protective screenings, See Section 3.14).

c. Asphalt plants.

d. Cement, lime gypsum, or plaster of paris manufacturing.

e. Fat rendering and fertilizer manufacturing.

f. Paper and pulp manufacturing.

g. Corrosive acid and alkali manufacturing, explosives.

h. Public buildings, structures or other public land uses.

i. Tire reclamation facilities.

j. Cemeteries, provided that a complete site development sketch is submitted with the application.

k. Chemical plants.

l. Churches (See Section 5.03a).

m. Solid waste collection, treatment and disposal facilities.

n. Armories.

o. Extractions, or removal of sand, gravel, top soil or other natural resources.

p. Solid waste recycling operations.

q. Grain elevators.

r. Hazardous waste facilities.

s. Lumber yards, planning and sawmills.

t. Petroleum refining and storage.

u. Septic tank cleaning services.

v. Commercial incinerators.

w. Rifle, pistol and skeet ranges.

x. All radio, cellular phone or similar transmission/receiving antennas and/or towers.

y. Other uses similar to the above and compatible with the particular neighborhood and environment as interpreted and approved by the Mayor and City Council.

SECTION 12.04. AREA AND PLACEMENT REQUIREMENTS. In accordance with the Schedule of Regulations, Article XVII).

*Within any I, Industrial Zoning District, the following special regulations will apply to all permitted uses:

1. All open portions of any lot shall be suitable graded and, except when paved or similarly improved, they shall as a minimum, be seeded and maintained in grass. Preferably, such open spaces may be further landscaped with trees, shrubs and ground cover.
2. All service drives and access roads and parking areas shall be paved.
3. All storage operations shall be fully enclosed.
4. Provisions shall be made for the adequate lighting of all parking areas and service drives.
5. Satisfactory provisions shall be made for storm drainage, sanitary sewerage and water supply. As much as possible, all power and telephone lines shall be provided for by easements along rear and side lot lines.

ARTICLE XIII
NON-CONFORMING BUILDINGS AND USES

SECTION 13.01. SCOPE OF PROVISIONS. Any lawful use of the land or buildings existing at the date of passage of this Ordinance and located in a district in which it would not be permitted as a new use under the regulations of this Ordinance is hereby declared to be a "non-conforming use" and not in violation of this Ordinance at the date of adoption of this Ordinance; provided, however, that a non-conforming use shall be subject to, and the owner shall comply with, the following regulations:

SECTION 13.02. NON-CONFORMING RESIDENCES. A residence which is determined to be non-conforming within the C-2 (CBD) and C-3 zoning districts in which the residence is located may be continued and is exempted from the provisions of this Article.

SECTION 13.03. NON-CONFORMING USE OF LAND, CONTINUATION OF USE. The non-conforming use of land, which exists when this Ordinance becomes effective, may be continued provided that:

a. No such non-conforming use of land shall in any way be expanded, extended or replaced except under the conditions of Section 13.02.

b. If such non-conforming use of land or any portion thereof is discontinued for six (6) months or changed, any future use of such land shall be in conformity with the provisions of this Ordinance.

SECTION 13.04. RESTORATION. Any building which houses a non-conforming use which has been destroyed or damaged by fire, explosion, Act of God, or by public enemy to the extent of fifty (50%) percent of its market value - exclusive of the foundation at the time such damage occurred - shall thereafter be made to conform with the provisions of this Ordinance. If such damage is less than fifty (50%) percent of its market value before said damage occurred, exclusive of the foundation, then such structure may be restored to the same non-conforming use as existed before such damage, provided, however, that a building permit to initiate restoration must be obtained within six (6) months of the occurrence of damage: otherwise the provisions of Section 13.05 will apply.

SECTION 13.05. DISCONTINUANCE OR ABANDONMENT. Any non-conforming use of land or building which has become vacant or remains unoccupied owing to abandonment or discontinuance for a period of six (6) months shall thereafter conform to the provision of this Ordinance.

SECTION 13.06. CHANGE OF TENANCY OR OWNERSHIP. There may be a change in tenancy, ownership, or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.

ARTICLE XIV
OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 14.01 STATEMENT OF PURPOSE. The intent of off-street parking requirements is to protect the public safety by minimizing the number of vehicles parked on road and street easements and prevent excessive wear on the public roads and streets.

SECTION 14.02 RESIDENTIAL USES. One three hundred square feet parking space or driveway is required for every residential dwelling unit. In the event that the driveway intersects a public drainage way, the developer must provide a culvert deemed suitable by the county road department for ensuring proper drainage flow.

SECTION 14.03 COMMERCIAL USES. Because success of a business may depend on the amount of parking available, the number of parking spaces that a commercial establishment must provide is left to the discretion of the proprietor. However, the following requirements apply to all commercial business establishments:

a. Handicapped Parking. There must be at least two handicapped parking spaces which are paved with a hard surface. From the handicapped spaces a paved walkway of at least five feet in width must extend to the main entrance of the establishment. The size of each handicapped parking space shall be no less than thirteen feet in width and the length shall be consistent with all other parking spaces. Handicapped spaces must be marked either on the pavement or by a sign at head of the space.

b. Ingress and Egress. All ingress and egress to the parking areas must be paved with a hard surface, have a minimum width of at least thirty (30) feet and a length of at least forty (40) feet.

c. Loading Zones. All loading zones must be paved from entrance to exit.

SECTION 14.04. INDUSTRIAL USES. The following requirements apply to uses in all industrial districts:

a. Handicapped Parking. There must be at least two handicapped parking spaces with are paved with a hard surface. From the handicapped spaces a paved walkway of at least five feet in width must extend to the main entrance of the establishment. The size of each handicapped parking space shall be no less than thirteen feet in width and the length shall be consistent with all other parking spaces. Handicapped spaces must be marked either on the pavement or by a sign at head of the space.

b. Ingress and Egress. All ingress and egress to the parking areas must be paved with a hard surface, have minimum width of at least thirty (30) feet and a length of at least forty (40) feet.

c. Loading Zones. All loading zones must be paved from entrance to exist.

d. Employee Parking. All employees and visitors must park on the premises.

ARTICLE XV
SIGN REGULATIONS

SECTION 15.01. STATEMENT OF PURPOSE. It is the purpose of this section to permit signs of a commercial nature in districts in which they are appropriate uses, and to regulate the size, density, and placement of signs intended to be seen from a public right-of-way in the interest of highway safety and the general welfare. For the purpose of the administration of the sign provisions of this ordinance, signs shall be interpreted as typical accessory uses in their appropriate zoning districts. All signs within the area covered by these regulations shall be erected, constructed, or maintained in accordance with the provisions of this Article; and only those signs that are listed in this Article shall be erected within said area.

SECTION 15.02. SAFETY STANDARDS. The following regulations are designed and intended to promote public safety while allowing private individuals the freedom to express themselves and present their business interests in a fair and reasonable manner.

SECTION 15.03. TRAFFIC SAFETY. No sign shall be erected or continued that:

a. Obstructs the sight distance along a public right-of-way.

b. Would tend by its location, color, or nature, to be confused with or obstruct the view of traffic sings or signals.

c. Uses admonitions such as "stop", "go", "slow", "danger", etc., which might be confused with traffic directional signals.

SECTION 15.04. CONSTRUCTION PROHIBITED. No sign shall be attached to or painted on any street, rock, or other natural object nor shall any sign be located on any public right-of-way.

SECTION 15.05. DENSITY AND SETBACK REQUIREMENTS. Requirements for all signs, permitted or exempt from permit must follow density and setback requirements.

a. Signs which do not require a permit shall be at least ten (10) feet from any right-of way line unless said signs are less than three (3) feet in height above adjacent roadway grade or are located at least twelve (12) feet above the adjacent finished roadway grade.

b. Signs which require a permit:
   (1) Advertising Incidental Use Signs, Advertising Separate Use Signs, Point of Business Signs, Identification Signs and Bulletin Boards shall be setback at least ten (10) feet from any right-of-way line unless said signs are less than three feet in height above adjacent roadway grade or are located at least twelve (12) feet above the adjacent finished roadway grade.

(2) No permit shall be issued for any advertising separate use sign within one hundred (100) feet of any residential district.

SECTION 15.06. ILLUMINATION NOT TO BE A NUISANCE. Illumination devices such as, but not limited to, flood or spot lights shall be so placed and so shielded as to prevent the rays or illumination therefrom being case into neighboring dwellings and approaching vehicles.

SECTION 15.07. MAXIMUM OF SIGNS. No free standing sign shall be larger in area than twelve hundred (1,200) square feet per side, limit of two (2) sign faces per travel direction.

SECTION 15.08. SIGN PERMITTING. The following regulations apply to the permitting requirements for signs established within the city limits of Ochlocknee.

SECTION 15.09. SIGNS NOT REQUIRING A PERMIT. The following signs shall not require a permit:

a. Signs to regulate traffic.

b. Signs required to be posted by law.

c. Warning signs and no trespassing signs.

d. Signs established by governmental agencies.

e. Signs indicating bus stops, taxi stands, and similar transportation.

f. Signs not exceeding ten (10) square feet in area advertising specific property for sale, lease, rent, or development, on private property.

h. Any sign not exceeding ten (10) square feet in area other than Advertising Separate Use Signs or signs requiring electrical wiring.

i. Temporary signs on private land involved in campaigns of religious, charitable, civic, fraternal, political, and similar organizations.

j. Signs indicating the entrance of a residential subdivision.

SECTION 15.10. ISSUANCE OF PERMITS. No sign, except those listed in Section 15.09, shall be erected, hung, or placed or structurally altered without a permit from the City Clerk. The City Clerk shall only issue a permit for the erection or construction of a sign which meets the requirements of erection of this ordinance.

SECTION 15.11. FILING PROCEDURES. Application for permits to erect, hand, or place a sign shall be submitted on forms obtainable from the City Clerk. Each application shall be accompanied by plans showing the area of the sign, size and character and the method of illumination, if any, and the exact location proposed for such sign and in the case of a projecting sign, the proposed method of fastening said sign to the building structure, the vertical distance between such sign and the finished grade, and the horizontal distance between such sign and the street right-of-way.

SECTION 15.11. ADDITIONAL INFORMATION. Each applicant shall, upon the request of the City Clerk, submit any additional information deemed necessary by said Administrator.

SECTION 15.12. TEMPORARY SIGNS. If a temporary sign which does not require a permit is not intended to be left in place for a period to exceed six (6) months, the owner may deposit a sum of ten dollars ($10.00) with the City Clerk in lieu of the usual permit fee. If the sign is removed by the owner before the first day of the seventh month, the deposit shall be refunded in full; if not, the deposit shall be forfeited and the City Clerk shall have the City Public Works department remove said sign.

ARTICLE XVI
MANUFACTURED HOME AND MANUFACTURED HOME PARK REGULATIONS

SECTION 16.01. SCOPE OF PROVISIONS. All manufactured homes located within and outside of manufactured home parks and all manufactured home parks shall be governed by the regulations within this ordinance. Manufactured homes and manufactured home parks within the City shall be located in the appropriate districts.

SECTION 16.0.2 REQUIREMENTS FOR ALL MANUFACTURED HOMES. The following regulations apply to all manufactured homes regardless of location.

a. Foundations. All main buildings shall be placed on a properly engineered foundation which meets the manufacturer's installation requirements and applicable state and local requirements.

b. Skirting. All manufactured homes shall have exterior siding materials consisting of either wood, masonry, concrete, stucco, Masonite or metal lap. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation. (This provision shall be complied with within 30 days of installation).

c. Unit Orientation. The manufactured home must be oriented on the lot so that its long axis is parallel with the street.

d. Requirement for Safety Tie Downs. All manufactured homes shall be tied down in accordance to this table below unless the manufacturer's installation requirements call for more or the home is placed on a lot that is on or adjacent to a flood hazard area.

Length of Manufactured Home (not including draw bar)	Number of Vertical Ties	Number of Diagonal Ties	Total Number of Required Anchors per Home
0 to 40 feet	2	3	6
41 to 60 feet	3	5	10
61 to 84 feet	3	6	12

This table is based on a minimum working load per tie of 3,150 pounds with a 50% overload (4,725) pounds total)

(1) Multiple-wide manufactured homes shall only be required to have diagonal ties and anchors in accordance with the chart above unless the manufacturers installation instructions require more.

(2) Single section manufactured homes shall have diagonal and vertical ties and anchors in accordance with the cart above unless manufacturer's instructions require more.

SECTION 16.03. COMPLIANCE WITH HEALTH, WATER AND SEWER SYSTEM REGULATIONS. Prior to the allowance of permanent occupancy of a manufactured home site within the City of Ochlocknee, such manufactured homes shall be connected with an approved water source and an approved sewage disposal system in such a manner as to comply with the Georgia Department of Public Health and the Georgia Water Quality Control Board Regulations.

SECTION 16.04. STORAGE OF MANUFACTURED HOMES. The storage of any manufactured home on a private lot, exclusive of a sales or manufacturer's lot, shall not exceed sixty (60) days. The stored mobile unit shall be affixed with a permit provided by the City Clerk. The owner or agent of said manufactured home shall complete and file an affidavit with the City Clerk indicating his knowledge of the terms of this regulation and his affirmation that said manufactured home is not permanently occupied by himself, member of his family or other persons.

SECTION 16.05. PERMITS REQUIRED FOR ACCESSORY STRUCTURES. Accessory structures shall require a building permit.

SECTION 16.06. REQUIREMENTS FOR MANUFACTURED HOME PARKS. The following regulations pertain to Manufactured Home Parks as defined in Article II of this ordinance.

a. Site Development Plan. Complete site development plans of the proposed manufactured home park must be submitted to the City Council. Site development plans shall include at least the following items:

   (1) A site plan at a scale no smaller than one (1) inch equal fifty (50) feet.

   (2) The title under which the development is to be recorded, the legal description of the land to be developed, the name of the present owner and the name and address of the technical author of the plan.

   (3) All property lines and dimensions; the location and dimensions of each building and unit.

   (4) The layout and location of off-street parking, total number of spaces, ingress and egress lanes, pedestrian ways, sidewalks and curb lines.

   (5) The proposed method of water supply, sewage disposal and storm drainage and other data as may be required by the City Council to clearly indicate the general design of said utility services.

   (6) All proposed uses of the property and buildings to be developed shall be indicated on the plan.

(7) Date, north point and graphic scale.

b. Expansion of Existing Manufactured Home Parks. A person, firm or corporation desiring to expand an existing manufactured home park to include more homes or mobile park sites that are accommodated within such a park at the time this regulation is adopted shall submit plans and specifications for such improvements to the City Council for approval prior to initiating construction and improvements.

c. Non-Conforming Manufactured Home Parks. Any non-conforming manufactured home park in the City of Ochlocknee which becomes vacant and remains unoccupied due to abandonment or discontinuance for a period of six (6) months shall not being new operations until the park is brought into full compliance with these regulations.

d. Evidence of Compliance. No manufactured home shall be admitted to any manufactured home park or allowed to be placed within the City of Ochlocknee for a period exceeding forty-eight (48) hours unless it can be demonstrated that it meets the requirements of the HUD Federal requirements for building construction.

SECTION 16.07. GENERAL DEVELOPMENT REQUIREMENTS FOR MANURFACTURED HOME PARKS. Manufactured home parks shall conform to the following general requirements.

a. Minimum Area. A manufactured home park shall have as a minimum size two (2) acres and shall front upon a highway or public street.

b. Minimum number of spaces (1) manufactured home park shall have as a minimum four (4) spaces prepared with all utilities in place to its approval for occupancy.

(1) Setback. The manufactured home parks shall be designed so that manufactured homes (and travel trailers if permitted) and their accessory structures shall be a minimum distance of fifteen (15) feet from adjoining property lines, twenty (2) feet from internal park streets and at least thirty (30) feet from any publicly dedicated street.

(2) Access. The manufactured home park shall front upon at least one (10) publicly dedicated street. Each manufactured home site and its parking areas shall have direct access to the internal street system of the park.

(3) Streets. Streets within a manufactured home park shall be either paved or graveled and shall be privately owned, constructed and maintained. Such private streets shall be well drained, with a minimum width surface of twelve (12) feet for one-way and twenty-four (24) feet for two-way street.

(4) Parking. Each manufactured home stand shall be provided with a minimum of one (1) off-street parking of motor vehicles, however, the side yard and rear yard space may not be used for parking areas.

(5) Density. A maximum of four (4) manufactured home stands per gross acre or twelve (12) trailer (travel) stands per acre is allowed.

c. Improvements Required for Manufactured Home Stands. The following requirements must be in place prior to habitation of a manufactured home park.

(1) Interior street access. Each stand shall be provided with access frontage of at least twenty-five (25) feet for single-wide and forty-five (45) feet for double wide.

(2) Electric power supply. Each stand shall be provided with a properly grounded water-proofed electrical receptacle with a minimum rated capacity of 150 amperes. A properly sized over current device shall be installed as a part of each power outlet.

(3) Stand identification. A property and street number designation or other appropriate numbering device properly identifying each manufactured home stand shall be placed at the interior side lot line at a point ten (10) to fifteen (15) feet from the interior road system of the park. Such device shall be a minimum of six (6) inches in height.

ARTICLE XVII
SCHEDULE OF REGULATIONS

Zoning District	Minimum Lot Area Sq. Ft.	Minimum Lot Width	Front Yard Setback Ft.	Side Yard Ft.	Rear Yard Ft.
R-1	12,000	100	30	10	30
R-2					
Single Family	10,000	85	30	10	30
Two Family	10,000	75	25	10	30
Multi-family	3,300 per d.u.	75	25	15	30
R-PUD*	2 acres				
C-1	-	60	25	10	20
C-2	-	30	-	-	-
C-3	-	60	35	10 or 0(a)	10 or 0(a)
C-PUD**	-	-	-	-	-
I	-	100	50	30	-

Minimum lot area standards established are for lots within public water and public sewerage. Lots developed with only public water require 20,000 sq. ft. of area. Lots without public water or sewerage require one acre. See Thomas County Health Department for assistance.

REFERENCES:

Refer to Section VII*
Refer to Section XI**

NOTE: Soil characteristics, topography, drainage, ground water and other physical conditions may require greater lot areas.

ARTICLE XVIII
ADMINISTRATION AND ENFORCEMENT

SECTION 18.01. ENFORCEMENT. The Zoning Administrator shall enforce this Ordinance, and is hereby given the authority and responsibility to enforce all provisions of this Ordinance under the direction of the Mayor and City Council which includes but is not limited to the following duties:

a. To serve as a non-voting Ex-Officio member of the Ochlocknee Mayor and City Council to provide technical assistance in matters regarding to zoning requests.

b. To maintain in a timely and current manner the Official Zoning Map reflecting thereon any and all rezoning amendments approved by Mayor and City Council. Amendments of the Official Zoning Map will be recorded by the Zoning Administrator within seven (7) calendar days following approval of such action by Mayor and City Council.

c. To perform any other zoning duties as directed by Mayor and City Council.

SECTION 18.02. PERMITS. The following shall apply in the issuance of any permits:

a. **Permits Required.** It shall be unlawful for any person to commence excavation for, or construction of any building structure, or moving of any existing building without first obtaining a building permit from the Building Inspector. No permit shall be issued for the construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance, showing that the construction proposed is in compliance with the provisions of this Ordinance.

   No plumbing, electrical, drainage or other permit shall be issued until the Building Inspector has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this Ordinance.

SECTION 18.03. CERTIFICATES OF OCCUPANCY. It shall be unlawful to use or permit the use of any land, building or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Building Inspector has issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with.

a. **Certificate Validity.** The certificate of Occupancy as required for new construction of, or renovations to existing buildings and structures shall also constitute Certificates of Occupancy as required by this Ordinance.

b. **Certificates for Existing Buildings.** Certificates of Occupancy shall be issued for existing buildings, structures or parts thereof, or such use of land, which are in conformity with the provisions of this Ordinance.

c. **Temporary Certificates.** Temporary Certificates of Occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such Temporary Certificate of Occupancy shall not remain in force more than six (6) months, nor more than five (5) days after the building or structure is fully completed and ready for occupancy and, provided further, that such portions of the building or structure are in conformity with the provisions of this Ordinance.

d. **Records of Certificates.** A record of all Certificates of Occupancy shall be kept in the office of the Building Inspector, and copies of such Certificates of Occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.

e. **Certificates for Accessory Buildings to Dwellings.** Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy, but rather may be included in the Certificate of Occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.

f. **Application for Certificates.** Certificates of Occupancy shall be applied for coincident with the application for a building permit and shall be issued with in ten (10) days after the erection or alteration of such building shall have been completed in conformity with the provisions and requirements of this Ordinance. If such Certificate is refused for cause, the applicant therefore shall be notified of such refusal and the cause thereof within ten (10) days.

SECTION 18.04. FEES. Fees for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Building Inspector in advance of the issuance of such permits or certificates.

The amount of such fees shall be established by the Mayor and City Council, from time to time, and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance. The fees shall be deposited with the City Clerk.

SECTION 18.05. AMENDMENTS. The Mayor and City Council of Ochlocknee may amend, supplement or change the regulations of the district boundaries of this Ordinance as established herein. The procedure for submitting a request for an amendment to the Zoning Ordinance text or district boundaries of the official Zoning Map shall be as follows:

a. The applicant shall complete and submit to the Zoning Administrator a rezoning application not less than thirty (30) days of the next scheduled Mayor and City Council meeting.

b. At the time of application submittal, the applicant shall deposit the appropriate fee amount with the Zoning Administrator to cover the cost of processing the application.

c. Within ten (10) days of the next scheduled Mayor and City Council meeting, the Zoning Administrator shall compile all of the rezoning requests for the next scheduled meeting. This agenda shall be mailed to all Mayor and City Council members.

SECTION 18.06. ZONING POLICIES AND PROCEDURES. The following policies and procedures are herein established to provide guidelines for the following zoning activities:

a. The adoption of a new City Zoning Ordinance.

b. The adoption of an Amendment to the Zoning Ordinance which changes the text of the Zoning Ordinance (Text Amendment).

c. The adoption of an Amendment to a Zoning Ordinance (Map Amendment) which rezones property from one zoning classification to another.

d. The procedural requirements for Zoning Amendments sponsored by the City of Ochlocknee.

e. The procedural requirements for Zoning Amendments sponsored by a private citizen or property owner.

SECTION 18.07. POLICIES AND PROCEDURES FOR CITY INITIATED ZONING ACTIVITIES:

a. In the case of developing an initial zoning plan (map and text), or updating or amending an existing zoning plan, the Mayor and City Council will where appropriate, utilize any new or existing land use studies, land use plans or other relevant documents as a resource for ordinance development or ordinance amendment.

b. Upon the completion of a preliminary zoning document(s) has been presented to and reviewed by the Mayor and City Council, a public hearing will be scheduled by the Mayor and City Council. The **official public hearing** will be held by the Mayor and City Council, and public notice will be given no less than fifteen (15) days nor more than forty-five (45) days prior to the **official hearing date.**

c. Public hearing notices will be published in the local paper. The public notice will state the time, place, and purposes of the hearing.

d. When the boundary lines of an established zoning district are proposed for change (rezoning), the Mayor and City Council will consider the following criteria in making zoning decision :

ZONING CRITERIA

(1) Existing uses and zoning of nearby property.

(2) The extent to which property values are diminished by the present zoning restrictions.

(3) The extent to which the destruction of property values, resulting from existing zoning of specific parcels promotes the health, safety, morals or general welfare of the public.

(4) The relative gain to the public, as compared to the hardship imposed upon the individual property owner by the proposed zoning classification.

(5) The suitability of the subject property for the zoning purposes as proposed.

(6) The length of time the property has been vacant under the present zoning classification, considered in the context of land development in the area in the vicinity of the property.

(7) Conformity with or divergence from the City's Land Use Plan.

e. The public hearings will be convened at the advertised time and place and will be presided over by the appropriate officials.

f. The Presider of each respective public hearing will review for those present, the following operating procedures for the public hearing:

(1) In order for a person in attendance to speak, the Chair must recognize him/her. The person recognized will identify himself/herself. The Chair may also request that the person furnish a home or business street address, as appropriate.

(2) A minimum of ten (10) minutes per side (proponents and opponents) will be allowed for discussion. The applicant or an authorized representative of the applicant will be given the option of speaking first at the hearing.

(3) Additional persons will be recognized per the above procedure for the purpose of addressing additional concerns of the revisions or to make additional points with regard to elements already addressed, but not to rehash points already made.

(4) Appropriate notes or minutes will be recorded by the Mayor and City Council at the public hearing.

g. The Ochlocknee Mayor and City Council, at its public hearing, will review the evaluation and recommendations from the RDC and any choose to adopt or reject or modify the RDC recommendations or the business may be tabled for additional study to the next regular Council meeting with the consent of the applicant.

SECTION 18.08. PROCEDURES FOR REZONING REQUEST MADE BY A PRIVATE CITIZEN/ PROPERTY OWNER.

a. An application for rezoning must be filed with the Zoning Administrator at City Hall on a prescribed form and fees paid as set by the Mayor and City Council. The application shall be filed thirty (30) days prior to the following Mayor and City Council meeting.

b. All applications for rezoning requests will be accompanied by a plat of the parcel in question or a legal description. If the parcel's boundaries conform to the lot boundaries within an existing subdivision for which a plat is recorded in the land records of the County, then the lot block, and subdivision designation with appropriate plat references and a copy of the deed to the land so described as required above.

c. The Zoning Administrator will inform applicant of the public hearing date. **The official public hearing will be held by the Mayor and City Council** and public notice will appear no less than fifteen (15) days nor more than forty-five (45) days of the **official public hearing.**

d. The public hearing notice will name the applicant, the location of property to be affected, the present zoning classification, the proposed zoning classification and the date, time and place of the public hearing held by the Mayor and City Council.

e. The Zoning Administrator shall have erected upon the property for which rezoning is to be considered a sign of no less than 17" x 24" announcing the public hearings, stipulating the dates, times, and places for the hearing, the present zoning classification and the proposed zoning classification. The sign shall be clearly visible from a public street. It shall be erected not less than fifteen (15) days before the public hearing date.

f. Any application for rezoning of a particular parcel of property which is denied by the Mayor and City Council may not again be considered for rezoning until the expiration of at least twelve (12) months immediately following the defeat of the rezoning request.

SECTION 18.09. CONDITIONAL USES. The Mayor and City Council shall hear and recommend after a public hearing conditional uses as authorized. The application to establish a conditional use shall be approved on finding by the Mayor and City Council that:

a. The proposed use will not be contrary to the purpose of this ordinance.

b. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood not affect adversely the health and safety of residents and workers.

c. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fumes generation, or type of physical activity.

d. The proposed use will not be affected adversely by the existing uses; and the proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use.

e. The parking and all development standards set forth for each particular use for which a permit may be granted have been met.

f. Provided, that the Mayor and City Council may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood; and provided that wherever the Mayor and City Council shall find, in the case of any permit granted pursuant to the provisions of these regulations that any term, conditions or restrictions upon which such permit was granted, are not being complied with, said Council shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a hearing.

SECTION 18.10. VARIANCES: The Mayor and City Council shall have the power to authorize upon appeal such variance from the terms of this ordinance as will not be contrary to the public interest, where a literal enforcement of the zoning requirements would result in undue hardship.

a. Procedure: Applications for variance shall be filed with the Office of the City Clerk; such applications must be filed thirty (30) days before the date of the following Mayor and City Council meeting in order that the required public notice may be given before the next scheduled meeting. Each application shall be accompanied by a simple sketch of the site, showing the following:

    (1) General location of the existing structures and property lines; and,
    (2) Location of the proposed buildings and land uses; and
    (3) Setbacks if applicable to the request.

b. Public hearing: A public hearing shall be held by the Mayor and City Council for the review of an application for a variance. Notice of time and place of such hearing shall be published at least fifteen (15) days before the hearing in a newspaper of general circulation in the City of Ochlocknee.

c. Fee: Each application for a variance shall be accompanied by an application fee set by the Mayor and City Council to partially defray administrative costs.

d. Conditions and limitations: The Mayor and City Council shall include any condition, requirement, or limitation which may be necessary to protect adjacent properties and to carry out the provisions of this resolution.

SECTION 18.11. CRITERIA FOR THE CONSIDERATION OF VARIANCE REQUESTS. The following criteria shall be utilized when considering specific cases where the variance from the terms of the Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in unnecessary hardship so that the spirit of this ordinance shall be observed, public safety and welfare secured and substantial justice done. Such a variance may be granted in such individual cases of unnecessary hardship upon the finding of the Mayor and City Council that:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and,

b. The application of this Ordinance to this particular piece of property would create an undue hardship; and,

c. Such conditions are peculiar to the particular piece of property involved and not the making of the applicant; and,

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

e. The proposed use will be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood; and,

f. The proposed use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved; and,

g. The location, size, intensity, site layout and periods of operation of any such proposed use will be designed to eliminate any possible nuisance emanating from the use which might be noxious to the occupants of any other nearby permitted uses whether by reason of dust, noises, fumes, vibration, smoke, or lights; and,

h. The location and height of buildings or structures and the location, nature and height of walls and fences will be such that the proposed use will not interfere with or discourage appropriate development and the use of adjacent land and buildings or unreasonably affect their value.

SECTION 18.12. APPEALS. An appeal by a person, firm, or corporation, or by any officer department, board or bureau may be taken to the Mayor and City Council where it alleged that there is an error in any order, requirement, decision or determination made by the Office of the Clerk or other administrative official in the enforcement and interpretation of this Ordinance. Such appeals shall be made within thirty (30) days of the administrative action by filing with the Ochlocknee City Clerk and the Mayor and City Council a Notice of Appeal specifying the grounds thereof. If the Notice of Appeal is not filed within thirty (30) days, the only recourse shall be a court of record.

The City Clerk shall then transmit to the Mayor and City Council all of the papers constituting the record upon which the action appealed was taken. The appeal shall stay all proceedings in furtherance of the action, appealed from unless the Zoning Administrator certifies to the Mayor and City Council that after the Notice of Appeals has been filed, that by reason of the facts stated in the Notice, a stay would in the Zoning Administrator's opinion, cause immediate peril to life or property, in which case the proceedings shall not be stayed, other than by a restraining order, which may, be granted by a court of record.

The Mayor and City Council shall fix a reasonable amount of time for the hearing of an appeal and shall give due notice to the parties concerned including all landowners within three hundred (300) feet of the premises in question. Such notice shall be delivered personally or by mail addressed to the respective owners at the address given on the last assessment roll. The Mayor and City Council shall decide the appeal within a reasonable period of time with regard to the purposes of the Ordinance. Upon the hearing, any party may appear in person or agent.

In the event that the petitioner for an appeals remains discontented with the Mayor and City Council's decision on an appeal application, the petitioner shall have thirty (30) days to appeal the action to the superior court system.

SECTION 18.13. FEES. Fees for the administration, inspections, submittal of rezoning, variance or conditional use applications and the issuance of permits or copies thereof required or issued under the provisions of this Ordinance shall be collected by the City Clerk in advance of the issuance of such permits.

The fee for a rezoning, variance or conditional use application shall be established by the Mayor and City Council to cover the cost of the administration, inspection, and supervision resulting from the enforcement of this Ordinance.

ARTICLE XIX

INTERPRETATION, APPLICATION, VIOLATIONS, VALIDITY CONFLICT AND EFFECTIVE DATE

SECTION 19.01. INTERPRETATION, PURPOSE AND CONFLICT. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, prosperity, and general welfare.

It is not intended by this Ordinance to interfere with, or abrogate, or annul any ordinance, rules, regulations, or permits previously adopted or issued and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this Ordinance; nor is if intended by this Ordinance to interfere with, or abrogate, or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction or requires larger open spaces, or larger lot areas than are imposed or required by such Ordinance or agreements, the provisions of this Ordinance shall control.

SECTION 19.02. VIOLATIONS AND PENALTIES. Any person violating or neglecting or refusing to comply with any of the provisions of this Ordinance shall upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished by imposition of the appropriate fine or by imprisonment in the discretion of the recorder's court. Each day that a violations is permitted to exist shall constitute a separate offense.

SECTION 19.03. VALIDITY. This Ordinance and the various articles, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

SECTION 19.04. CONFLICTING PROVISIONS REPEALED. All other ordinances and parts of ordinances in conflict with this Ordinance, to the extent of such conflict and not further, are hereby repealed.

SECTION 19.05. EFFECTIVE DATE. The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people of the City of Ochlocknee and are hereby ordered to be given immediate effect from and after the date of its passage.

I hereby certify that the above Ordinance was passed at a regular session of the Mayor and City Council of the City of Ochlocknee, Georgia held on July 6, 1998 at Council Chambers, City Hall, Ochlocknee, Georgia.

Raiford Long
Mayor

ATTEST:

Dawn A. Kennedy
Clerk

EFFECTIVE DATE:

7-6-98