

## INDEX

ARTICLE I - AUTHORITY AND JURISDICTION.....	1
Section 1.1-Authority.....	1
Section 1.2-Jurisdiction.....	1
ARTICLE II - PURPOSE AND SHORT TITLE.....	1
Section 2.1-Purpose.....	1
Section 2.2-Short Title.....	1
ARTICLE III - ESTABLISHMENT OF DISTRICTS.....	1
Section 3.1-Provisions for Official Zoning Map.....	1-3
Section 3.2-Land Use Districts.....	3
Section 3.3-Rules and Interpretation of District Boundaries.....	3-4
ARTICLE IV - DISTRICT REGULATIONS.....	4
Section 4.1-Application of District Regulations....	4
ARTICLE V - DEFINITIONS AND INTERPRETATIONS OF WORDS AND TERMS USED IN THIS ORDINANCE.....	4-11
Section 5.1-General Definitions.....	4-5
Section 5.2-List of Definitions.....	5-11
ARTICLE VI - APPLICATION OF REGULATIONS.....	11-12
Section 6.1-Use.....	12
Section 6.2-Height & Density.....	12
Section 6.3-Lot size occupancy.....	12
Section 6.4-Yards and other spaces.....	12
Section 6.5-One Principal Building on a Lot.....	12
ARTICLE VII - GENERAL PROVISIONS.....	13
Section 7.1-Continuance of Non-Confirming Uses....	13

Section 7.2-Unsafe Buildings.....	13
Section 7.4-Pending Application for Building Permits.....	13
Section 7.5-Vision clearance.....	13-14
ARTICLE VIII - USE REQUIREMENTS BY DISTRICTS.....	14-21
Section 8.1-Use Requirements for a Single- Family, Residential District R 1 A....	14-16
Section 8.2-Use Requirements for a Single- Family Residential District, R 1 B....	16
Section 8.3-Use Requirements for a Single- Family Residential District, R 1 C....	16
Section 8.4-Use Requirements for a Multi-Family Residential District, R-2.....	16
Section 8.5-Use Requirements for the Commercial District.....	16-17
Section 8.6-Use Requirements for Industrial Districts, I.....	17-20
Industrial District Developement Standards.....	20
Section 8.7-Public and Quasi Public Land Districts, P.....	20-21
Section 8.8-Use Requirements for Agricultural Districts, A.....	21-22
ARTICLE IX - AREA, YARD, HEIGHT, AND SETBACK REQUIREMENTS...	21-26
Section 9.1-Measurements - Amended.....	22-26
ARTICLE X - EXCEPTIONS AND MODIFICATIONS.....	26-27
Section 10.12-Existing Uses.....	26
Section 10.2-Front Yard Setback for Dwellings.....	26
Section 10.3-Height Limits.....	26-27
Section 10.4-Group Developements.....	27
ARTICLE XI - ADMINISTRATION, ENFORCEMENT AND PENALTIES.....	27-38
Section 11.1-Zoning Enforcement Officer.....	27

Section 11.2-Building Permit Required.....	27
Section 11.3-Application for Building Permit.....	27-28
Section 11.4-Penalties for Violation.....	28
Section 11.5-Remedies.....	28-29
Section 11.6-Administration for Industrial Districts.....	29-32
REMEDIES AND PENALTIES.....	32
Section 11.7-Interpretation.....	32
Section 11.8-Board of Zoning Appeals: Establishment and Procedure.....	32-33
Section 11.81-Powers and Duties.....	33-37
Section 11.82-Appeals from the Board of Appeals...	37
Section 11.83-Duties of Administrative Official, Board of Appeals, City Council, and Courts on Matters of Appeal.....	37-38
Section 11.9-Schedule of Fee, Charges and Expenses.....	38
ARTICLE XII - AMENDMENTS.....	38-41
Section 12.1-Authority.....	38
Section 12.2-Procedure.....	38-41
ARTICLE XIII - LEGAL STATUS PROVISIONS.....	42-43
Section 13.1-Conflict with Other Laws.....	42
Section 13.2-Separability.....	42
Section 13.3-Repeal of Conflicting Ordinances.....	42
Section 13.4-Effective Date.....	42

Start → Aug 2, 1960 from Planning Commission

ZONING ORDINANCE

CITY OF HOMERVILLE, GEORGIA

January 1988

Homerville City Council

Mr. Chester Day, Mayor  
Mr. William C. Vest, City Manager;  
Mr. John W. Strickland;  
Mrs. June B. McLaine;  
Mrs. Carol Chambers;  
Mr. Willie Hardee.

## ABSTRACT

AN ORDINANCE FOR THE CITY OF HOMERVILLE, GEORGIA, REGULATING LOCATION, HEIGHT, BULK, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES; LOT PERCENTAGE THAT MAY BE OCCUPIED; SIZE OF YARDS; COURTS AND OTHER OPEN SPACES; POPULATION DENSITIES AND DISTRIBUTIONS; AND USES OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE, RECREATION, FLOOD PROTECTION, PUBLIC ACTIVITIES OR OTHER PURPOSES; CREATION OF DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINITION OF CERTAIN TERMS USED HEREIN; PROVISIONS FOR A BOARD OF APPEALS; FOR THE METHOD OF ADMINISTRATION; FOR THE IMPOSITION OF PENALTIES FOR VIOLATION; FOR REPEAL OF CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

ARTICLE I  
AUTHORITY AND JURISDICTION

Section 1.1 Authority

An Ordinance in pursuance of the authority granted by the Georgia State Constitution, 1976, Section IV, paragraph 2, Item number 15.

Section 1.2 Jurisdiction

The provisions of this Ordinance shall govern all land, buildings, and structures within the corporate limits of Homerville, Georgia.

ARTICLE II  
PURPOSE AND SHORT TITLE

Section 2.1 Purpose

To lessen congestion in the streets; to secure safety from all dangers; to promote the health and general welfare; to prevent the overcrowding of land; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to protect property against blight and depreciation; to secure economy in governmental expenditure; to encourage the most appropriate use of land and buildings; and to assist the orderly, efficient, and integrated development of the City of Homerville in accordance with the Comprehensive Plan.

Section 2.2 Short Title

This Ordinance shall be known as, and may be cited as the "Comprehensive Zoning Ordinance"; and the map herein referred to, which is identified by the title "Official Zoning Map, City of Homerville, Georgia", shall be known as the "Official Zoning Map."

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ARTICLE III  
ESTABLISHMENT OF DISTRICTS

Section 3.1 Provision For Official Zoning Map

(a) Official Zoning Map - - The City is hereby divided

into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter therein, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 31 of the Homerville, Georgia, Zoning Ordinance," together with the date of the adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: "On this date \_\_\_\_\_, by official action of the City Council, the following (change) (changes) (was) (were) made in the Official Zoning Map: (brief description of nature of change)," which entry shall be signed by the Mayor and attested by the City Clerk. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon, except in conformity with the procedures set forth in this Ordinance. Any unauthorized changes of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 11.5.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be published, the Official Zoning map which shall be located in the office of the City Clerk shall be the final authority as to the current zoning status of land and water areas in the city.

(b) Replacement of Official Zoning Map - - In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official



Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted the date of \_\_\_\_\_, as part of the Homerville, Georgia Zoning Ordinance."

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

### Section 3.2 Land Use Districts

For the purpose of this Ordinance, the City of Homerville, Georgia is hereby divided into the following classes of Land Use Districts or Zones:

1. Residential Districts to be known as "R" zones;
2. Business Districts to be known as "C" zones;
3. Industrial Districts to be known as "I" zones;
4. Public and Semi-Public Land Districts or "P" zones; and
5. Agricultural Districts to be known as "A" zones.

### Section 3.3 Rules and Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
2. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracts;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the

actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;

6. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

7. Where physical or cultural features existing on the ground are at a variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Planning Commission shall interpret the district boundaries; and

8. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, upon recommendation of the Planning Commission, the City Council may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

#### ARTICLE IV DISTRICT REGULATIONS

##### Section 4.1 Application of District Regulations

Those regulations set by this Ordinance within each district shall be minimum regulations and shall uniformly apply to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereinafter be used or occupied, and no building or structure or part thereof shall hereinafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations specified herein for the district in which it is located.

#### ARTICLE V DEFINITION AND INTERPRETATION OF WORDS AND TERMS USED IN THIS ORDINANCE

##### Section 5.1 General Definitions

Except as specifically defined herein, all words used in this Ordinance shall carry their customary dictionary meanings.

For the purpose of this Ordinance certain words or terms used herein are defined as follows:

City means the City of Homerville, Georgia.

Governing authority means the City Council of the City of Homerville, Georgia.

Map or Zoning Map means the "Official Zoning Map of the City of Homerville, Georgia.

Planning Commission means the Homerville-Clinch County Planning Commission.

Words used in the present tense include the future tense.

Words used in the singular number include the plural, and the plural number includes the singular.

The word shall is mandatory; the word may is permissive.

The word person includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

The word used or occupied includes the words intended, designed or arranged to be used or occupied.

The word building includes the word structure.

The word lot includes the words plot, plat, or parcel.

## Section 5.2 List of Definitions

Accessory Use or Structure - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. Such a subordinate building or portion of the main building shall not exceed more than two (2) stories in height.

Automobile Service Station - - Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail or wholesale, and where, in addition the following services may be rendered and sales made, and no other:

- (a) Sale and servicing of auto parts;
- (b) Tire servicing and repair, but not recapping or regrooving; and
- (c) Repair of autos.

Automobile Wrecking Yard or Automobile Used Parts Lot - Any place where three (3) or more vehicles not in running condition, or the parts thereof, are stored in the open, or any building or structure used principally for wrecking or storage of automobiles not in running condition.

Billboards or Poster Panels - - Any sign or advertisement used as an outdoor display by the painting, posting or affixing on any surface of a picture, emblem, words, figures, numbers, or lettering for the purpose of making anything known; such sign or advertisement being remote from the point of sale.

Board of Zoning Appeals - - Board of Zoning Appeals shall mean that Board appointed by the Governing Body specifically to hear all appeals and conduct all business as provided by these regulations.

Comprehensive Plan - - Any legally adopted part or element of the Comprehensive Plan as adopted by the City Council of the City of Homerville.

Drive-In - - A retail or service enterprise wherein service is provided to the consumer on the outside of the principal building. The term drive-in includes such establishments as drive-in restaurants, refreshment stands, dairy bars, theaters, banks, laundries, food stores, package stores and automobile washing units.

Dwelling - - A building or portion of same arranged or designed to provide living quarters.

Dwelling Unit - - One room, or rooms connected together, constituting a separate, independent housekeeping

establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated and containing independent cooking and sleeping facilities.

Garage - - A building for the storage or housing of motor driven vehicles.

Home Occupation - - An occupation conducted in a dwelling unit.

Lot or Plat - - A lot or parcel of land occupied or intended to be occupied by a principal building or use and any accessory building and uses customarily incident to it. A "Lot of Record" is a parcel of land the dimensions of which are shown on a map on file with the Clerk of Superior court of Clinch County, Georgia or on file at the City Hall Homerville, Georgia. All lots shall front on, and have ingress and egress by means of a public or private street, road, or highway.

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

#### Lot Measurements

- (a) Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rear most points of the side lot lines in the rear.
- (b) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, and measured across the rear of the required front yard.

Lot Types - - The diagram (Figure 1.) which follows illustrates terminology used in this Ordinance with reference to corner lots, interior lots, reversed frontage lots, and through lots:

In the diagram, A = corner lot, defined as a lot located at the intersection of two (2) or more streets.

A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the lot meet at an interior angle of less than 135 degrees. See lots marked A (1) in the diagram.

C = through lot, defined as a lot other than a corner lot with frontage on more than one street.

D = reversed frontage lot, defined as a lot on which frontage is at right angles or approximately right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D) or a through lot (C-D).

Manufactured/Mobile Home -- A structure, transportable in one or more sections, which, in the traveling mode, is ten body feet or more in width or 32 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis from which the device used to connect the mobile home (the hitch) to its towing conveyance is designed to be removed and re-attached and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. All such structures must meet all of the requirements of certification by the Secretary of Housing and Urban Development of the United States, must comply with the standards established under the National Mobile Home Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq and must comply with all laws of the State of Georgia. "Manufactured homes/mobile home" does not include recreational vehicles or travel trailers.

Modular Home -- A modular home is a factory built home or factory built housing that is built at a centralized industrial site in one or more sections and transported over the highways to its permanent site or occupancy where it must be placed on a permanent foundation. Modular homes or factory built homes must meet the provisions of the Georgia Standard building Code, Southern Standard Building Code or any other state law or code of Georgia governing the construction of modular, manufactured or factory built housing. A "modular home" does not include a "manufactured/mobile home" as defined above.

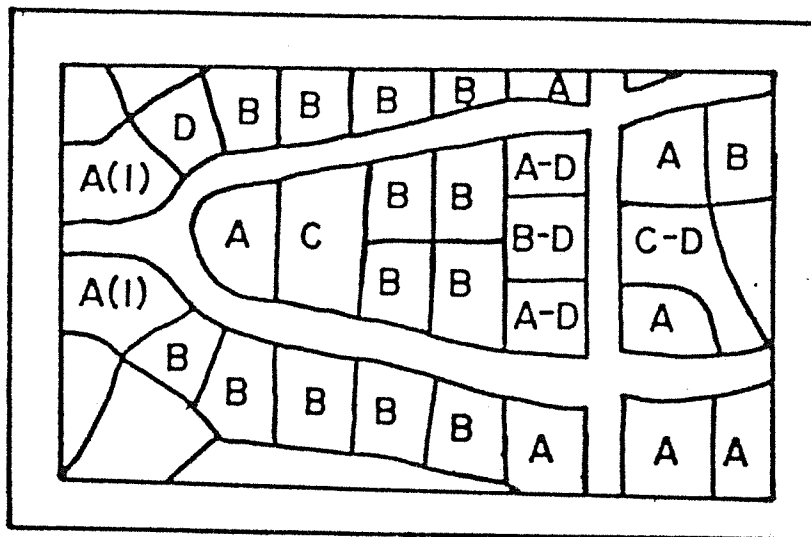


FIGURE - I

Parking Space -- An area of appropriate dimensions of not less than one hundred eighty (180) square feet, exclusive of access or maneuvering area, to be used exclusively as a temporary storage space for private motor vehicles. Truck loading and unloading space shall not be included in the area.

Street -- A public thoroughfare, twenty (20) feet or more in width. Whenever the sense of the law or these regulations so require, the word "street" shall include avenue, drive, circle, road, highway, or similar terms as they are generally understood. Major streets are defined as follows: U. S Highway # 84 (State Route #38); U. S Highway 411 (State Route #89); and State Route #187 (Thelma Highway).

Story -- The vertical distance of a building included between the surface on any floor and the surface of the next floor, or a ceiling above it. A cellar shall not be considered a story.


Structure -- Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, modular homes, walls, fences, billboards, and poster panels.

Structural Alterations -- Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, girders, floor joists, or roof joists, or exterior supports.

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

Travel Trailer -- Any vehicle, trailer or similar portable structure, mounted on wheels, designed and intended primarily for short term/temporary occupancy for dwelling or sleeping purposes, and not exceeding eight (8) feet in width.





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 a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Yard -- A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure. Figure 2 portrays yard types.

Yard Front -- A yard extending between side lot lines across the front of a lot adjoining a public street.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern. In the case of reversed frontage corner lots, a front yard of the required depth shall be provided in accordance with the prevailing pattern. In the case of corner lots with more than two frontages, the front yard requirements shall follow the general prevailing pattern of that area and at least one front yard shall be provided having the full depth required generally in the district.

- (a) Depth of required front yards shall be measured at right angles to a straight line adjoining the foremost points of the side lot lines and in the case of rounded property corners street intersections shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

Yard, Side -- A yard extending from the rear line of the required front yard to the rear lot line. In the case of through lots, side yards shall extend from the rear lines of front yards. In the case of corner lots, yards remaining after front yards have been established shall be considered side yards.

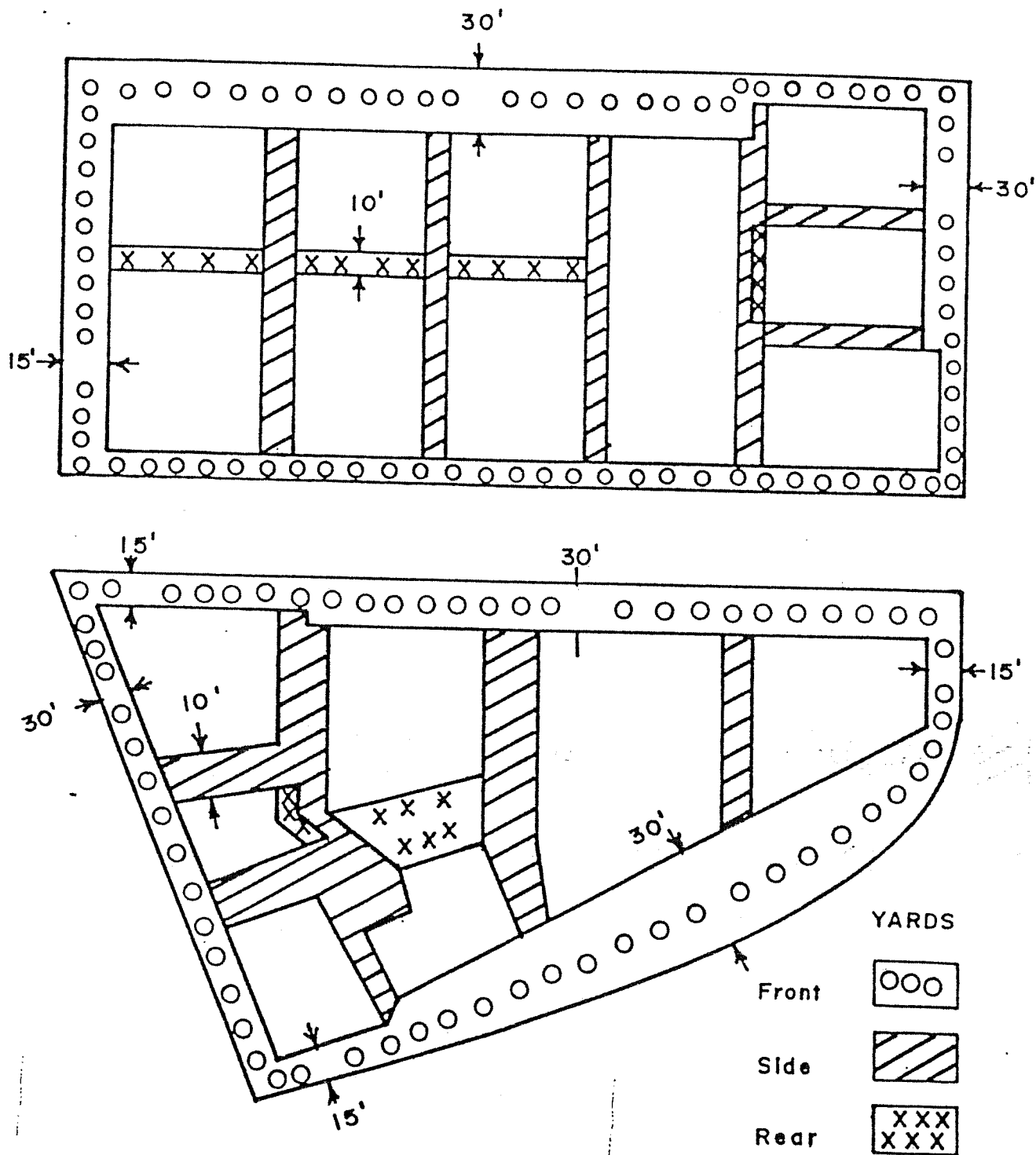


FIGURE -2

Yard, Rear -- A yard extending across the rear of the lot between inner side yard lines.

Yard, Special -- A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applied.

No building or other structure shall hereafter be erected or altered:

- (a) To exceed the bulk or height;
- (b) To house or accommodate a greater number of families;
- (c) To occupy a greater percentage of lot areas; and
- (d) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required.

Or in any other manner be contrary to provisions of this Ordinance.

No part of a yard, or other space, or off-street parking or loading space required about or in connection with any building, for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

No lot or yard existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

All territory which may hereafter be annexed to the City of Homerville, Georgia, shall be considered to be zoned as R 1 A (Single-Family residence) in the interim between annexation date and City Council action.

#### ARTICLE VI APPLICATION OF REGULATIONS

Except as provided elsewhere in this ordinance:

### Section 6.1 Use

No building or structure or land hereafter shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered except in conformity with the regulations herein specified for the district in which it is located.

### Section 6.2 Height and Density

No building or structure shall hereafter be erected, constructed, reconstructed or altered to:

1. Exceed the height limit;
2. House a greater number of families or occupy a smaller lot area per family; and
3. Have a narrower or smaller front or side yard or courts than are herein required.

### Section 6.3 Lot Size Occupancy

No lot, even though it may consist of one or more adjacent lots in the same ownership at the time of passage of this Ordinance, shall be reduced in size so that lot width or size of yards or lot area per family or any other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for public use.

### Section 6.4 Yards and Other Spaces

No part of a yard or other open space or off-street parking or loading spaces required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of the yard or off-street parking or loading spaces required for another building.

### Section 6.5 One Principal Building On a Lot

Except group developments, only one principal building and its permitted customary accessory buildings may hereafter be erected on any one lot. In such cases when two (2) (or more) structures may be placed on a lot in such a way as to meet all code and lot size regulations, they may be permitted.

ARTICLE VII  
GENERAL PROVISIONS

Section 7.1 Continuance of Non-Conforming Uses

The lawful use of any building or structure or land existing at the time of the enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance except that the non-conforming structures or use shall not be:

1. Changed to another non-conforming use;
2. Re-established after discontinuance for one year;
3. Extended except in conformity with this Ordinance; and
4. Rebuilt, altered, or repaired after damage exceeding fifty (50) percent of its replacement cost at the time of destruction, except in conformity with this Ordinance.

Section 7.2 Unsafe Buildings

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector, or from complying with his lawful requirements.

Section 7.4 Pending Application for Building Permits

Nothing herein contained shall require any change in the plans, construction size, or designated use of any building, structure or part thereof, for which a building permit has been granted prior to the adoption of this Ordinance, provided construction shall start within sixty (60) days after the granting of such permit.

Section 7.5 Vision Clearance

In all use districts except the C- Commercial District, no fence, wall, shrubbery, sign or other obstruction to vision between heights of three (3) feet and twelve (12) feet shall be permitted within sixty (60) feet of the intersection of the centerlines of streets or of streets and railroads. All signs in

all districts must be placed so that they do not encroach upon the road's right of way.

## ARTICLE VIII

### USE REQUIREMENTS BY DISTRICTS

#### Section 8.1 Use Requirements for a Single-Family Residential District R 1 A

Within the R-I-A Residential District the following uses are permitted:

1. Single/one-family detached dwellings, including modular homes, but excluding manufactured mobile homes, for one (1) housekeeping unit only.
  - (a) There shall be a minimum of one (1) off-street parking space for each dwelling unit.
  - (b) Lot sizes for each single-family dwelling shall contain a minimum square footage of fifteen thousand (15,000) unless public services such as sewerage and water are provided, then minimum lot size shall be ten thousand (10,000) square feet.
  - (c) Each dwelling must contain a minimum of 1536 square feet of living space excluding garage, carport and accessory buildings.
  - (d)
    - (1) Front yards - not less than fifty (50) feet in depth measured from the street, road, or highway line to the front of the building;
    - (2) Rear yards - shall be provided and not be less than twenty-five (25) feet; and
    - (3) Side yards - shall be provided on both sides of every main structure of not less than fifteen (15) feet.
2. Public and private schools offering general educational courses.
3. Churches.
4. Public recreation facilities and grounds.
5. Customary incidental home occupations including the office of a physician, dentist, lawyer, artist,

musician, architect, engineer, or the accommodation of not more than two (2) boarders or roomers provided there is not external evidence of such occupation except an announcement or professional sign not more than two (2) square feet in area and that the operations are conducted within a dwelling by not more than one (1) person in addition to those persons living therein and the place occupied is a part of the house.

6. Customary accessory buildings, including private garages and non-commercial greenhouses and workshops, provided they are located in the side or rear yard.
7. Nursery schools or kindergartens, provided that there is at least one hundred fifty (150) square feet of outdoor play area for each child and the play area is enclosed by a woven wire fence at least five (5) feet high.
8. Church bulletin boards not exceeding twelve (12) square feet in area.
9. Signs not more than eight (8) square feet in area advertising sale or rental of the property on which they are located.
10. Electric transformers or gas regulator stations, if essential for the service to the zoning district in which it is proposed to be located, provided that:
  - (a) The structures are placed not less than fifty (50) feet from any property line;
  - (b) No vehicles or equipment are stored on the premises; and
  - (c) The lot is suitably landscaped.
11. Agriculture, provided it is not a nuisance or obnoxious and that it complies with Health Department requirements.
12. Subdivision signs with area not more than thirty (30) square feet, one (1) sign for each subdivision to be located only on the subdivision site.

Section 8.2 Use Requirements for a Single-Family Residential District, R 1 B

Within the R 1 B Residential Districts, the following uses are permitted;

1. Any use permitted in R-I-A.
2. Area, yard, and height requirements:
  - (a) See Article IX, Section 9.1

Section 8.3 Use Requirements for a Single-Family Residential District, R 1 C

Within the R 1 C Residential District, the following uses are permitted:

1. Any use permitted in the R 1 B District.
2. Single family manufactured/mobile homes.
3. Area, yard, and height requirements:
  - (a) See Article IX, Section 9.1

Section 8.4 Use Requirements for a Multi-Family Residential District, R-2

1. Two-family or duplex dwellings.
2. Row houses.
3. Apartment houses.
4. Apartment hotels.
5. Boarding and rooming houses.
6. Nursing homes and hospitals.
7. Fraternal organizations and clubs not operated for profit,
8. Any use permitted in RIC.

Section 8.5 Use Requirements for the Commercial District C

Within the C Commercial District the following uses are permitted:

1. Any retail business or service including the incidental manufacturing of products sold at retail on the premises.
2. Professional offices.
3. Hotel, motels, offices, and banks.
4. Indoor theaters.



5. Newspaper and printing plants.
6. Public utility structures.
7. Public uses and structures.
8. Off-street parking lots and parking garages.
9. Wholesale and storage business
10. Outdoor advertising signs and business signs.
11. Automobile service stations. No storage tanks shall be permitted above ground.
12. Funeral parlors.
13. Bus terminals.
14. Automobile sales lots and repair garages.
15. Motels.

#### Section 8.6 Use Requirements for Industrial Districts, I

1. INTENT OF DISTRICT. It is the intent of this section to regulate uses in the industrial districts, to establish standards and limitations for the areas and dimensions of open spaces, to provide facilities to minimize traffic congestion, and to provide standards for the control of noise, glare, air pollution, water pollution, and fire and safety hazards.

2. PERMITTED USES. The following uses shall be permitted in any I-Industrial District. Any use not specifically designated as permitted shall be prohibited.

(a) Accessory Uses and Structures

- (1) Such structures shall be located on the same lot as the principal building to which it is accessory.
- (2) No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
- (3) When an accessory building is attached to the principal building by breezeway, passageway, or similar means, it shall comply with the which it is accessory.

(b) Signs

- (1) Identifying signs, not exceeding 60 square feet, shall be permanently attached to or constructed as part of the face of the building. These signs shall not extend above the roof line of the building to which they are attached.

- (2) In addition to the above, one sign may be erected to identify an industrial district and the industries within. Such sign may be free standing or attached to wall or fence. It shall not exceed a total area of 160 square feet.
- (3) Illumination by exterior spot lighting or other necessary safety lighting shall be so installed as to eliminate any nuisance to adjoining residential districts or to traffic on public highways.
- (c) Agricultural
  - (1) Poultry Hatcheries. All structures must comply with set-backs and yard standards stated in this section.
  - (2) Grain Elevator
- (d) Building Materials and Farm Equipment
  - (1) Outdoor storage of construction or farm vehicles, equipment, materials or supplies shall be at least 50 feet from any present or future street right-of-way line.
- (e) Community Facilities
  - (1) Electric transformer stations, gas regulator station, and telephone exchange.
    - (a) Such uses shall be essential to service the area in which they are located.
    - (b) Such uses shall be enclosed by a fence not less than eight feet in height.
  - (2) Public Uses
    - (a) All public uses essential to serve an industrial district including schools, playgrounds, parks, and fire stations.
  - (3) Public Utility Facilities
    - (a) Facilities such as distribution lines and transmission lines.
  - (4) Sewage Treatment Plants
    - (a) The design and operation of such facility shall comply with all applicable city sewer and water ordinances and be approved by the City Engineer and/or Water and Sewer Departments, and the State of Georgia.

(f) Dwellings

- (1) Residential facility located on the same premises as an industrial use for the use of watchmen or caretakers shall be permitted.

(g) Laboratories

- (1) Industry-associated research and development or training facilities.

(h) Manufacturing

- (1) Heavy Manufacturing establishments.

Manufacturing establishments, other than those classified as light manufacturing, including those involving the conversion of raw materials into usable finished products, provided that manufacturing that will generate liquid wastes, gaseous wastes, radioactive wastes, noise, vibrations, or any other environmental pollutants shall comply with the minimum anti-pollution standards established by the City of Homerville, the State of Georgia, and the U.S. Environmental Protection Agency.

- (2) Light Manufacturing establishments. Any manufacturing establishment which does not use water in the manufacturing operation either for processing, cooling, or heating, and emits no smoke, noise, odor, dust, vibrations, or fumes beyond the walls of the building in which housed.

(i) Printing

- (1) Bookbinding and related work.
- (2) Photoengraving, typesetting, electrotyping, and stereotyping.
- (3) Publishing and printing establishments.

(j) Transportation and Storage

- (1) Automobile parking operated as accessory to permitted uses, and in accordance with all applicable provisions of this Ordinance.
- (2) Truck Terminal. No shipping or receiving dock shall be located within six hundred (600) feet of residential district.
- (3) Storage Yards. Such yards, whether primary use or accessory to a permitted use, shall be enclosed by a solid wall or fence not less than six feet in height. In no case shall

materials be stacked or stored so as to exceed the height of the fence.

(k) Wholesale Trade

(1) Wholesale trade and distribution establishments, including packing of wholesale commodities for distribution.

(a) All outdoor storage areas shall comply with sub-section (J,3) above.

(b) No wholesaling activity shall be permitted which processes the goods handled in a manner that produces liquid or solid waste or noise, odor, fumes, or dust which can be detected beyond the walls of the building in which such wholesaling activity is housed.

INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS

(A) General Provisions

(1) Fences and Walls. No fences or free standing wall in a required yard shall be more than eight (8) feet in height, or be constructed in a public right-of-way or future street right-of-way.

(2) Buffer Area. Buffer areas required by this Ordinance shall be established and maintained by the property owner under the following provisions:

(a) Be landscaped and maintained as a planted area, using existing vegetation or additional plantings.

(b) Not be used for parking or a structure other than a fence or drainage improvements required by the City. However, a buffer area may be used for vehicular access and utility easements (only if such uses are provided).

(3) Services Areas. All service areas shall be established so as not to infringe upon any yard requirement and shall be visually screened from adjacent residential properties.

Section 8.7 Public and Quasi Public Lands Districts, P

Within the P Districts the following uses may occur:

1. Churches, cemeteries, governmental buildings (to include schools), public facilities private schools, and other institutional uses compatible to this district. Also included in this district may be such recreational uses as parks, playgrounds, gymnasiums, swimming pools, tennis courts, public golf courses, community facility buildings for recreational betterment of the local population, and public utilities offices.

#### Section 8.8 Use Requirements for Agricultural Districts, A

Within the A-Agriculture Districts the following uses are permitted:

1. Single-Family dwelling units, provided that same meets requirements of the R-1-A District, Section 8.1
2. Manufactured/Mobile homes , provided that they meet R1C standards and requirements.
3. Airports.
4. Business signs.
5. Cemeteries.
6. Colleges, schools, and institutions of learning, trade, business, or industrial schools, including dormitories, fraternity and sorority houses.
7. Drive-in theaters, provided that the movie screen is not visible from the highway.
8. Extraction of oil, gas or mineral deposit, provided that there is at least seventy-five (75) feet between the above-ground activities and any front or side lot line.
9. Service stations.
10. Churches, hospitals and institutions of a religious, charitable or philanthropic nature, homes for the aged and nursing homes.
11. Outdoor advertising signs.
12. Radio or television transmitting towers, including studio.
13. Plants or yards for the storage and processing of forestry products such as sawmills, pulpwood yards, etc.
14. Veterinary hospitals and kennels.
15. Grocery and general stores.
16. Farm dwelling and farm tenant house.
17. Customary home occupation.



18. Public utility structures.
19. Stand for sale of produce grown in the county.
20. Plants for the storage and processing of agricu products such as packing plants, canneries, etc.
21. Plants for the storage and processing of apian products, such as beehives, honey houses, etc.
22. Agriculture.
23. All pre-existing non-conforming uses, buildings and structures.
24. Forestry
25. Such uses incidental to agriculture and forestry and necessary for their maintenance.
26. Public utility structures and community facilities.
27. Any use permitted in R1A; R1B; R1C; R2; C and P.

## ARTICLE IX

### AREA, YARD, HEIGHT, AND SETBACK REQUIREMENTS

#### Section 9.1 Measurements - Amended

<u>Minimum Lot Size</u>				<u>Minimum Front From Center Line of Street</u>				
Dist.	Area in Sq.Ft.	Sq.Ft. per Family	Lot Width in Ft.	Mjr. Sts.	Other Sts.	Min. Side Yards in Ft.	Min. Rear Yards in Ft.	Max. Height in Feet
R-IA	*10,000	*10,000	100	100 <sup>50</sup>	80 <sup>50</sup>	15	25	35
** R-IB	10,000	10,000	80	80 <sup>50</sup>	60 <sup>50</sup>	10 <sup>15</sup>	25	35
R-IC	5,000	5,000	50	80 <sup>50</sup>	60 <sup>50</sup>	10 <sup>15</sup>	10 <sup>25</sup>	35
R-2	6,000	-	60	70 <sup>50</sup>	50	10 <sup>15</sup>	25	35
*C	-	-	-	70	50	-	-	100
A	-	-	-	100	80	15	-	-

\* If public sewer and water is not available, then requirements are 15,000 square feet. If side yards are provided in the C or I Districts, they should not be less than ten (10) feet in width. If closed courts are provided in any building, the minimum width of the court should not be less than 25 percent of the height of the building.

\* Dist C - Reference Set Back Requirements 1/18/11

\*\* Residential R-1A, R-1B, R-1C, R2 Reference Set Back Requirements 7/20/11.

- (1) Fire Safety Requirements. Accessibility for fire fighting equipment on a hard surfaced subbase (subgrade plus an asphalt first layer or bound crushed stone aggregate) shall be maintained throughout all stages of construction. Minimum widths of private access driveways within a development, excluding parking, shall be twenty (20) feet, and the minimum turning radii shall be thirty-five (35) feet. Fire hydrants and water service shall be installed to within three hundred (300) feet of units under construction before proceeding with framing.
- (2) Storage. All exterior storage yards shall be enclosed by a fence not less than six feet in height to provide visual screening.

Special Requirements:

- (1) Buffer Area. Where an industrial use abuts or adjoins any type of residential use district, a buffer area with a minimum width of 50' and a six-foot fence, wall, or plant hedge which provides visual screening shall be established and maintained by the owners of the industrial site.

However, the requirement for fence or wall may be waived by the City Clerk if the construction of such a barrier would destroy existing vegetation which, in itself, provides visual screening between the industrial and residential uses.

(C) Traffic and Parking Requirements. Each use in this district shall meet the following requirements:

- (1) Right-of-way Dedication and Reservation. Street rights-of-way as projected by the City shall be deeded to the city by the developer.
- (2) Street Improvements. Street improvements required to accommodate traffic shall be made as required by the City Council.
- (3) Extension of Existing Streets. Existing streets shall be connected and extended as determined by the City Council. However, streets, drives, alleys or portions of same adjacent to a proposed non-residential use which are developed and are being used exclusively for residential access shall not be connected, extended or in any way provide access to a nonresidential use.

- (4) Street Access. Curb cuts for service drives, entrances, exits and other similar facilities on public streets in other than R districts shall not be located within fifty (50) feet of any intersection or within forty (40) feet of another curb cut. A curb cut shall be no greater than forty (40) feet in width and no closer than twenty (20) feet to any property line, unless approved by the City Clerk.
- (5) Off-street Automobile Parking. Off-street automobile parking shall be provided in accordance with all applicable provisions of this section.
- (a) Design standards. All parking facilities shall comply with the following provisions:
- (1) shall have access to a public street;
  - (2) shall be graded and paved, including access drive(s), and be curbed when needed for effective drainage control;
  - (3) shall have spaces marked with paint lines, curb stones or other similar designations;
  - (4) each space shall have not less than 180 square feet, and shall not be less than nine feet wide and 20 feet deep. There shall be adequate interior drives to connect each space with a public street;
  - (5) adequate lighting shall be provided if the facilities are to be used at night; and
  - (6) the parking area shall be permanently maintained by the owners so long as the use(s) exists.
- (b) Required spaces. The number of parking spaces or area required for a particular use shall be as follows:

Use	Parking Spaces
Manufacturing and industrial establishments	1 space per 500 square feet of gross office, plant or storage area.
Wholesale or jobbing establishment or other similar use	1 space per 200 square feet of gross floor area devoted to sales or display plus 1 space per 2,000 square feet of



gross storage area.

(6) Off-street Loading Requirements.

(a) Design standards. Where required, loading spaces shall be provided on the same or adjoining premises with the facility it serves either inside or outside a building. A loading berth shall have minimum dimensions of 12' by 35' by 14' overhead clearance. A loading space need not be a full berth but shall be sufficient to allow normal loading of a magnitude appropriate to the property served. The City Clerk shall determine the sufficiency of loading space, but in no case shall such space or its use hinder the free movement of vehicles and pedestrians over a street, sidewalk or alley.

(b) Required spaces:

<u>Use</u>	<u>Required Loading Spaces</u>
Wholesale and light industrial operations with a gross floor area of less than 10,000 square feet.	1 loading space
Industrial and wholesale operations with a gross floor area of 10,000 square feet or over listed as follows:	Minimum Number of loading berths required.
10,000 - 40,000 square feet	1
40,000 - 100,000 square feet	2
100,000 - 160,000 square feet	3
160,000 - 240,000 square feet	4
240,000 - 320,000 square feet	5
320,000 - 400,000 square feet	6
Each 90,000 above 400,000 sq. ft.	1

(7) Drainage Requirements. All district developments shall meet the following requirements.

(a) Plans required. Grading and drainage plans shall be submitted with each application for building permit. Complete hydraulic studies to evaluate

the total effects a development under review may have upon drainage facilities and systems shall be submitted for all industrial district developments. The plans shall be approved by the City Clerk prior to the issuance of any building permit.

- (b) Drainage structure and facilities. All drainage structures and facilities shall be constructed in accordance with city standards and specifications.

## ARTICLE X

### EXCEPTIONS AND MODIFICATIONS

#### Section 10.12 Existing Uses

Where the owner of a lot at the time of the adoption of this Ordinance or his successors in title hereto does not own sufficient contiguous land to enable him to conform to the required dimensions in this Ordinance, such lot may be used as a building site provided that setbacks, side and rear yards are established in accordance with the provisions of this Ordinance as applied to the district where the lot is located.

#### Section 10.2 Front Yard Setback for Dwellings

The front yard setback requirements of this Ordinance for dwellings shall not apply to any lot where the average setback on developed lots located wholly or in part within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum setback required. In such cases, the front yard setback on such lot may be less than the required setback by not less than the average of existing setbacks on the developed lots.

#### Section 10.3 Height Limits

The height limits of this Ordinance shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks,

conveyors, derricks, masts, radio and television towers and  
aerials, and similar structures not intended for human occupancy.

#### Section 10.4 Group Developments

A group project (housing, commercial, industrial, educational, medical, religious, civic) of two or more buildings to be constructed on a parcel of at least two (2) acres in area which will not be subdivided into customary lots and streets may be constructed, provided that:

- (a) Uses shall be limited to those permitted within the district in which it is located;
- (b) Density and building coverage (% of lot the building covers) requirements of the district are met; and
- (c) The distance of every building from the nearest property line shall be adequate to meet all setback and yard requirements of the district in which it is located.

### ARTICLE XI

#### ADMINISTRATION, ENFORCEMENT AND PENALTIES

##### Section 11.1 Zoning Enforcement Officer

The Building Inspector of the City shall be appointed by the City Council and shall be responsible for the administration and enforcement of the provisions of this Ordinance.

##### Section 11.2 Building Permit Required

It shall be unlawful to start any work for the purpose of construction, alteration or removal of any building unless a building permit has been issued in conformity with this Ordinance

##### Section 11.3 Application for Building Permit

The applicant for a building permit shall submit a site plan at a suitable scale showing the shape, size, and location of the lot to be built upon and the shape, size, height, use and location of the buildings to be erected, altered, or moved and of any buildings already on the lot, the number of dwelling units

the building is designed to accommodate, the setback line of buildings on adjoining lots and any other information needed to determine whether the provisions of this Ordinance are being observed.

If the application conforms with the provisions of this Ordinance, the City building codes and other Ordinances of the City, the permit shall be issued upon payment of the required fee. If not, the building permit shall be refused by the Building Inspector in writing stating the cause of the refusal.

If no substantial progress on construction has been made within six (6) months beginning with the date the permit is issued, the permit becomes invalid. The Building Inspector may renew the permit. A renewal fee is required to be paid by the applicant before the permit is renewed.

#### Section 11.4 Penalties for Violation

It shall be unlawful for any person to violate any provision of this ordinance. If there is probable cause to believe any person has violated this ordinance, such person shall be cited by the Chief of Police to the City of Homerville to appear before the recorder's court where the accused shall be tried in the manner which violators of other City ordinances are tried and are under the same procedures. Any fine or imprisonment shall be set by the Recorder. The City of Homerville shall also have the right to seek injunctive relief or any other relief available in the appropriate judicial forum. Each offense shall constitute a separate offense for each day such violation continues. The City council shall establish a schedule of penalties. The schedule of penalties shall be posted in the office of the City Clerk and may only be altered or amended by the City Council.

#### Section 11.5 Remedies

If any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this Ordinance, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute

injunction, mandamus, or other appropriate action in proceeding to prevent such violation.

Section 11.6 Administration for Industrial Districts

All provisions of Article XI of this ordinance shall apply to all proposed development to be located in an industrial district, except as amended as follows:

(a) Administration Requirements of Industrial Districts.

(1) Building Permit. The procedure for a proposed use subject to the standards and limitations of this Section follow:

(a) Application. An application for a building permit within any Industrial District shall be submitted to the City Clerk in duplicate on the form supplied, and shall be referred to the City Clerk to the Clinch County Development and Industrial Authority for development. The applicant shall also submit in duplicate a plan of the proposed construction or development which should include the following:

- (1) a plot plan of the lot showing the location of all present and proposed buildings, drives, parking lots, waste treatment or disposal facility and other constructional features on the lot; and all buildings, streets, alleys, highways, streams, and other topographical features outside of the lot and within 200 feet of any lot line;
- (2) architectural plans for any proposed building;
- (3) a description of the industrial operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, fire hazards or safety hazards;
- (4) engineering plans for the treatment and disposal of sewage and any other

industrial wastes;

- (5) the proposed number of shifts to be worked and the maximum number of employees on each shift; and
  - (6) any other data or evidence the Building Inspector and/or the Clinch County Industrial Development Authority or the Industrial Committee may require.
- (b) Special reports. The Authority, depending on the case, may require any person, firm or corporation to retain an expert consultant(s) to study and report to compliance or noncompliance with requirements of this Ordinance and to advise how a proposed use can best be brought into compliance with the standards and limitations of this Ordinance. Such consultant(s) shall make such report within 30 days after receipt of such application. A copy of this report shall be promptly furnished to the applicant.
- (c) No applicant will be required to reveal any secret processes, and any information submitted will be indicated as confidential if requested.
- (d) Decision of the Industrial Authority.  
At the next regular meeting of the authority the reviewer shall decide whether the proposed construction or development will conform to the applicable standards and limitations of this Ordinance and no such basis shall refuse or authorize the issuance of a building permit, or require modification of the proposed plan of construction or development. Such decision of the Authority shall be in the form of a written report addressed to the City Clerk. Failure of the Authority to act no later than 30 days after the receipt of the application shall be deemed approval of the application and in such case the City Clerk is directed to issue the building permit.

- (e) Appeals from decisions. The procedures for appealing a decision of the Industrial Authority, with respect to the authorization of a building permit shall be as stated in Section 11.8 of this ordinance.
  - (f) Assurance of compliance. In acting upon an application for a building permit for any construction or development in an Industrial District, the Industrial Authority is directed to assure itself that all of the requirements of this Ordinance are met and that all of the standards and limitations of this Section will be observed.
- (2) Continued Enforcement.
- (a) Building inspector. The duties of the Building inspector with respect to this section shall include, but not limited to the following:
    - (1) conduct field inspections to determine that the building or structure being constructed, reconstructed or used is being pursued in accordance with the site plan for which a building permit has been issued;
    - (2) insuring that all construction has been completed in accordance with all applicable City Code requirements prior to allowing occupancy.
    - (3) investigate any alleged violation of the requirements of this Ordinance on the part of any new industrial use, and if there are reasonable grounds to believe that a violation exists, shall notify the City Clerk of the occurrence or existence of a probable violation thereof. The Industrial Authority, shall then investigate the alleged violation, and for such investigation may employ qualified experts. If after public hearing on notice, the Authority finds that a violation occurred or exists, a copy of said finding shall be forwarded to



the City Council. The services of any qualified experts employed by the City to advise in establishing a violation shall be paid by the violator, if a violation is proved, and otherwise by the City.

#### REMEDIES AND PENALTIES

- (A) Applicable penalties and remedies are as stated in Section 11.4 and Section 11.5 of the Ordinance.

#### Section 11.7 Interpretation

The Planning Commission shall provide final interpretation for all provisions of this Ordinance. Should any person desire interpretation on any provision of this ordinance, a petition shall be filed with the Planning Commission requesting interpretation of the provision in question and the Planning Commission shall make such an interpretation in writing within thirty (30) days.

#### Section 11.8 Board of Zoning Appeals: Establishment and Procedure

A Board of Appeals is hereby established, which shall consist of five (5) members to be appointed by the City Council, each for a term of three (3) years. Members of the Board of Appeals may be removed from office by the City Council for cause, upon written charges and after public hearing. Vacancies shall be filled by resolution of the City Council for the unexpired term of the member affected.

1. Proceeding of the Board of Appeals -- The Board of Appeals shall adopt rules necessary to conduct its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent



or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

2. Hearings; Appeals; Notice -- Appeals to the Board of Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the city affected by any decision of the "City Clerk". Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days or such lesser period as may be provided by the rules of the Board, by filing with the "City Clerk" and with the Board of Appeals a notice of appeal specifying the grounds thereof. The administrative official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board of Appeals shall fix a reasonable time for the hearing of appeal, give notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

3. Stay of Proceedings -- An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative officials or body from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the administrative official or body from whom the appeal is taken and on due cause shown.

4. This section will not be operative until an initial appeal is filed.

#### Section 11.81 Powers and Duties

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

1. Administrative Review -- To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of this Ordinance.

2. Special Exceptions -- Conditions Governing Applications -- Procedures -- To hear and decide only such special exceptions as the Board of Appeals is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance. A special exception shall not be granted by the Board of Appeals unless and until:

- (a) A written application for a special exception is submitted indicating the section of his Ordinance under which the special exception is sought and stating the grounds on which it is requested.
- (b) Notice shall be given a least fifteen (15) days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special exception is sought, and in the Clinch County News in the same manner as notice is given for a change in zoning petition.
- (c) The public hearing shall be held. Any party may appear in person, or by agent or attorney.
- (d) The board of Appeals shall make a finding that it is empowered under the section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.
- (e) Before any special exception shall issue, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable:



- (1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- (2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;
- (3) Refuse and service areas, with particular reference to the items in (1) and (2) above;
- (4) Utilities, with reference to locations, availability, and compatibility;
- (5) Screening and buffering with reference to type, dimension and character;
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
- (7) Required yards and other open space; and
- (8) General compatibility with adjacent properties and other properties in the district.

**3. Variances:** Conditions Governing Applications;  
Procedures -- To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

(a) A written application for a variance is submitted demonstrating:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- (2) The literal interpretation of the provisions of this Ordinance would deprive the applicant of

- rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
- (3) That the special conditions and circumstances do not result from the actions of the applicant; and
  - (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district. No non-conforming use of neighboring lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- (b) Notice of public hearing shall be given as in Paragraph 2 (b) above;
  - (c) The public hearing shall be held. Any party may appear in person, or by agent or by attorney;
  - (d) The Board of Appeals shall make findings that the requirements of paragraph 3 (a) above, have been met by the applicant for a variance; also, the standards as set forth in Article XII, II shall be reviewed and considered.
  - (e) The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
  - (f) The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 11.4 of this Ordinance.

Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by

implication prohibited by the terms of this Ordinance in said district.

4. Board has Powers of Administrative Official on Appeals -- Reversing Decision of Administrative Official -- In exercising the above mentioned powers, the Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

Section 11.82 Appeals From the Board of Appeals.

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

Section 11.83 Duties of Administrative Official, Board of Appeals, City Council, and Courts on Matters of Appeal.

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Planning Commission, and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the Planning Commission, and that recourse from the decisions of the Board of Appeals shall be to the courts as provided by law.

It is further the intent of this Ordinance that the duties of the City Council in connection with this Ordinance shall not include hearing and deciding question of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance the City Council shall have only the duties (1) of considering and adopting or rejecting proposed amendments

or the repeal of this Ordinance, as provided by law, and (2) of establishing a schedule of fees and charges.

#### Section 11.9 Schedule of Fees, Charges, and Expenses

The City Council shall establish a schedule of fees, charges, expenses, and a collection procedure for building permits, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by the City Council.

### ARTICLE XII AMENDMENTS

#### Section 12.1 Authority

The governing authority may from time to time amend the boundaries of the districts established on the Zoning Map or the regulations set forth in this Ordinance. Any proposed amendment shall first be submitted to the Planning Commission for its recommendation.

#### Section 12.2 Procedure

POLICIES AND PROCEDURES FOR MAKING ZONING DECISIONS IN  
HOMERVILLE, GEORGIA.

"Zoning Decision" means final action by the Mayor and City Council which results in:

- A. The adoption of a zoning ordinance and zoning district boundary map.
- B. The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance.
- C. The adoption of an amendment to a zoning district boundary map which rezones property from one zoning classification to another.

I. Procedure when proposed change is initiated by local government.

1. The Planning Commission shall review and make a written recommendation to the City Council on any proposed change after giving notice as provided in subparagraph 3 below to the public. The recommendation shall be made within thirty (30) days of the date the proposed change is submitted to the Planning Commission. If no recommendation is made within the said thirty (30) days the proposed change shall be deemed to be recommended. The Commission shall evaluate the proposed change using the standards set forth hereinafter.
2. The City Clerk shall establish a date, time and place for holding a public hearing on any proposed changes, After the recommendation from the Planning Commission has been received or the time for same has expired.
3. The City Clerk will prepare the hearing notice for publication in the official county organ 15 days, but not more than 45 days, before the hearing date. The notice shall contain a summary of the proposal(s) to be considered and the date, time, and place of the public hearing.
4. The public hearing shall be convened at the advertised time and place and presided over by the Mayor.
5. The Mayor shall review the following procedures that will be adhered to for the duration of the public hearing.
  - a. Any person in attendance at the public hearing wishing to speak must be recognized by the Mayor at which time they will be asked to state their name and place or residence.
  - b. Proponents and opponents shall be given equal time to speak. The person recognized to speak will be allowed two (2) minutes to express themselves on any point relevant to the zoning text, district boundary map, or any proposed revisions, with a maximum total of five (5) minutes allowed per person. The preceding procedure will be followed until all persons have been given an opportunity to speak.
6. Any proposed zoning district boundary changes will be evaluated using the zoning review standards herein adopted.



- a. Existing land use and zoning classification of nearby property;
- b. The extent to which property values are diminished by the particular zoning restrictions;
- c. The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;
- d. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
- e. The suitability of the subject property for the zoned purposes;
- f. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property;
- g. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- h. Whether the zoning proposal will result in a use which will cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- i. If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policies and intent of the land use plan; and
- j. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

7. A secretary or clerk shall be present at all public hearing on which a zoning decision will be made and minutes shall be kept.

## II. PROCEDURES FOR MAKING A ZONING DECISION WHEN THE APPLICANT FOR A ZONING DISTRICT BOUNDARY MAP CHANGE IS A PROPERTY OWNER

- 1<sup>st</sup> A. Application is to be filed at the Office of the City Clerk. Fees will be paid at the time the application is



made. Applications shall be filed during normal working hours.

2<sup>nd</sup> B.

The application shall be submitted to the Planning Commission who shall make its recommendation as set forth under I above according to the same procedures.

3<sup>rd</sup> C.

Upon receipt of the review(s) and recommendation(s) for a rezoning application, the city shall proceed in the same manner as set forth in I above.

1. Except the public hearing notice shall include: a) time; b) place; c) purpose; d) location of property; e) current zoning classification; and a sign shall be posted on the property for which rezoning has been applied that contains the a) time; b) place; c) purpose; d) location of property; e) current zoning classification; f) proposed zoning classification.

4<sup>th</sup>

2. Upon the filing of a petition for a change in zoning, the applicant shall at his expense cause to be erected in a conspicuous place on the property in question, a sign of not less than nine (9) square feet, with not less than three (3) inch black letters upon a white background which shall read as follows:

5<sup>th</sup> - City Council decides on Zoning Bd. Recommendation along with Public Input  
NOTICE TO THE PUBLIC

A petition has been filed requesting that this property located at \_\_\_\_\_ be changed from (insert present district name) to (insert district requested). A public hearing will be held at (insert place) on (date) at (time). All those having an interest in this petition should be present.

Summary → (i.e.) Procedure

1<sup>st</sup>: File Application

/s/ (Property Owner)

2<sup>nd</sup>: Application presented to Zoning Board

(Address)

3<sup>rd</sup>: Recommendation of Z.B. presented to City Council

Not Needed if Intent to change is Denied →

4<sup>th</sup>: Notice of Intent

— Post Sign

— Inform public (Newspaper)

5<sup>th</sup>: City Council makes Decision on Zoning Board Recommendation with Input from Citizens.  
(Public)

## ARTICLE XIII

### LEGAL STATUS PROVISIONS

#### Section 13.1 Conflict With Other Laws

When the provisions of this Ordinance specify more restrictive standards than required by any other statute, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards, the provisions of such statute shall govern.

#### Section 13.2 Separability

Should any section or part of a section or any provisions of this Ordinance be declared by the Courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid and policies and procedures previously adopted.

#### Section 13.3 Repeal of Conflicting Ordinances

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

#### Section 13.4 Effective Date

These provisions shall take effect and shall be in force from and after the 4th of August, 1988.

Adopted and approved by the City Council after a public hearing on the 4th day of August, 1988.

Approved:

  
\_\_\_\_\_  
Mayor, City of Homerville

Approved as to Legal Form and  
Sufficiency:

Harold A. [Signature]  
City Attorney

William [Signature]  
Attesting Official

City Clerk  
Title