Zoning Ordinance

City of St. Marys, Georgia

Revised Draft - July 19, 2018

Meeting Draft

St. Marys Zoning Changes

Introduction to this MEETING DRAFT, July 19, 2018 Revised Edition

Purpose:

The City of St. Marys Master Plan was launched back in early 2014, when the City Council requested staff provide a scope of work for a 'vision', Master plan and the creation of a new Zoning Ordinance. From that scope of work came the Request for Proposals and the hiring of Ecological Planning Group and the appointment of the Master Plan Steering Committee in 2015.

Over the past two years, the Master Plan Steering Committee and the team of consultants have worked with City Staff, and the citizens of St. Marys, to produce the City's first Master Plan, and through coordination with its partner communities and the Georgia Department of Community Affairs, its first ever Comprehensive Plan. On the heels of the One St. Marys Master Plan adoption the Planning Commission worked with Connie Cooper, LLC, a past president of the American Planning Association, to craft a comprehensive zoning amendment that would forward the Master Plan goals.

The zoning changes will replace a code that hasn't been substantially changed since 1994. The Planning Commission recommended denial upon first review, in November, of last year, and the City Council, after a work session earlier this year, returned the zoning changes back to the Planning Commission.

The Planning Commission held a meeting June 14th and have offered the following changes:

- Changed Table 4 to stipulate per unit
- Changed to 900 SF as Minimum Square Footage for Primary Residential Structure in most districts
- Changed Oversized Vehicle Parking & Overnight Parking to allow 2 visible per lot, one week of overnight stay per month and grace period to 2020
- Changed Outdoor Display & Storage to allow six-foot of privacy screening
- Changed most Interior Side Setbacks to 7.5 feet
- Changed Table 1 to incorporate Current Districts
- Clarified language in 7.01 Zoning, Building, Occupancy, Flood Prevention and Historic Preservation Compliance
- Technical revisions of 8.01 Zoning Decisions, Defined and 8.03 Application Submission Requirements, Zoning Decisions
- Added clarification to Minimum Required Parking Spaces in Table 6 of Section 6 Parking Standards
- Added clarification to 1.07 Public Utilities by Right in Districts, for restrictions on placement of structures and vegetation in utility easements
- Clarified language in Section 6 Parking Standards to address Handicapped Accessible Parking
- Clarified definitions for Carports, Easements, Freshwater Marshes, Garages, both Commercial and Residential, Lighting Terms, Nonconforming External Uses, Right-of Way (ROW), and Setback Terms, while striking the Saturated Color definition

- Changed Live/Work & Mixed Use to broaden residential uses, by striking the 75% portion required previously
- Changed the Map to identify the southern section, south of Julia St. to Light Industrial
- Changed the Map to north of Bryant St. and Seagrove St. to Downtown Village Residential
- Removed the Marshland Buffers from local jurisdiction to follow State practices
- Clarified Landscaping, Parking and Buffering to include only Commercial, Industrial, Mixed-Use and Multi-Family Residential
- Changed Cottage Courts to allow Minimum 600 and Maximum 900 SF units
- Changed Village and Cottage Housing to Minimum 750 SF
- Changed Roof Pitch to Minimum pitch of 5:12
- Clarified Encroachments only in Downtown Main Street Form-Based Zoning District
- Changed Table 4 Dimensions to allow R-2 Minimum 750 SF

SECTION I

Chapter 110: Zoning, of the St. Marys Municipal Code is hereby repealed and replaced by the following language, which adopts these comprehensive changes:

ZONING ORDINANCE AND COMPREHENSIVE MAP & TEXT AMENDMENT: THE CITY OF ST. MARYS SEEKS A COMPREHENSIVE AMENDMENT TO THE CODE OF ORDINANCES, CITY OF ST. MARYS, GEORGIA, CHAPTER 110, ZONING, REPLACING THE CURRENT CHAPTER WITH A NEW CHAPTER, INCLUDING REVISED INTRODUCTORY PROVISIONS, ZONING DISTRICTS, LAND USES AND DIMENSIONAL STANDARDS, DOWNTOWN FORM-BASED DISTRICT STANDARDS, GENERAL DEVELOPMENT AND DESIGN STANDARDS, STANDARDS FOR SPECIFIC USES AND ACTIVITIES, PARKING, PARKING AREA LANDSCAPING, LANDSCAPE BUFFERS AND LIGHTING, ADMINISTRATION, ZONING DECISIONS AND OTHER ZONING ACTIONS, VARIANCE APPEALS, ENFORCEMENT OF ZONING ORDINANCE AND PENALTIES AND DEFINITIONS, WHILE REPLACING THE CURRENT ZONING MAP, WITH A COMPREHENSIVE MAP AMENDMENT, PROVIDING CORRESPONDING DISTRICTS.

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1. Introductory Provisions.

1.01 Title, Authority, Enactment, and Effective Date.

A. Title.

The official title of this Zoning Ordinance shall be known and may be cited as is the “Zoning Ordinance for the City of St. Marys, Georgia” and is referred to throughout this document as the "Zoning Ordinance.”

B. Authority.

Pursuant to authority conferred by the Constitution of Georgia, and The Zoning Procedures Law, O.C.G.A. § 36-66-1 et. seq., and for the purposes of promoting the health, safety, convenience, order, prosperity and the general welfare of the present and future inhabitants of the City of St. Marys, Georgia, this Zoning Ordinance is adopted as contained herein.

C. Enactment.

Under the authority and for the purposes stated herein, the City Council of St. Marys, Georgia, hereby ordains and enacts into law the Articles contained in this Zoning Ordinance.

D. Effective Date.

This Zoning Ordinance was adopted _____, 2017 and became effective on _____, 2017.

E. Future Development.

Except as provided in **§ 1.04**, upon the effective date of this Ordinance or any subsequent amendment, any new building or other structure or any use of land must be constructed or developed only in accordance with all applicable provisions of this Zoning Ordinance.

1.02 Severability.

If any article, section, subsection, sentence, clause, or phrase of this Zoning Ordinance is for any reason declared invalid or unconstitutional by any Court of Competent Jurisdiction, such declaration shall not affect the validity of this Zoning Ordinance as a whole nor of any part thereof that is not specifically declared to be invalid or unconstitutional, it being the intent of the St. Marys City Council in adopting this Zoning Ordinance that no portion thereof or provision contained herein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any article, section, subsection, sentence, clause, phrase, or provisions of this Zoning Ordinance.

1.03 Conflicting Ordinances, and Repeal of Conflicts.

A. Conflicts of Other Ordinances.

1. Whenever the provisions of this Zoning Ordinance impose greater restrictions upon land use, structures and other improvements, land areas, marshlands, waterways, vegetation, and habitats than are required in or under other ordinances, rules, regulations, statutes, permits of any easements, covenants or other agreements between parties, the provisions of this Zoning Ordinance shall govern, unless expressly stated herein.

2. Whenever the provisions of any City ordinance, or Federal or Georgia statute or regulation require more restrictive standards than those of this Zoning Ordinance, the provision of such statutes or covenants shall govern.

3. Conflicts and duplications among provisions of this Zoning Ordinance shall be resolved in favor of the more stringent provision.

B. Repeal of Conflicting Ordinances.

All resolutions, regulations or ordinances and parts of resolutions, regulations or ordinances enacted or approved by the City of St. Marys prior to the effective date of this Zoning Ordinance that conflict with this Zoning Ordinance are hereby repealed to the extent of such conflict.

1.04 Existing Structures, Lots, Planned Developments, and Pending Applications/Projects Underway.

A. Lawfully Existing Structures and Lots.

1. Except as provided in Paragraph A.2 below, any existing use, lot, building or other structure lawfully established prior to the effective date of this Zoning Ordinance that does not comply with any provision of this Ordinance shall be subject to the nonconformity provisions as set forth in **§ 7.06**.

2. No existing building, structure, or lot lawfully in existence prior to the adoption of this Zoning Ordinance shall be considered nonconforming based on any of the following provisions:

a. Lots size or existing building setback less than required;

b. Manufactured home location in a district that no longer permits manufactured homes; and,

c. Provisions regulating architectural design standards, Build-to standards, and form-based design standards.

B. Planned Development Districts.

1. Existing Planned Development Districts that are fully developed shall be permitted to continue as developed.

2. Existing Planned Development Districts that are not fully developed but have approved development agreements and detailed development plans such as proposed land uses, densities, lot layout, street configuration, multi-family and non-residential building locations and parking, dimensional standards (setbacks, lot coverage, etc.) and landscaping that have been submitted and approved by the City shall be permitted to develop in accordance with their approved plans.

3. Existing Planned Development Districts that have approved development agreements but are not fully developed and do not have detailed development plans as enumerated above, shall be required to submit applications for Site Development Plan approval as required by this Zoning Ordinance prior to going forward with development.

C. Pending Applications and Projects Under Construction.

1. Any pending applications properly filed before the effective date of this Zoning Ordinance shall be processed in accordance with and decided pursuant to the zoning provisions existing on the date the application was filed and accepted as complete by the City.

2. Nothing in this Zoning Ordinance shall be deemed to require any change in the plans, construction or use upon which a building permit has been issued prior to the effective date of this Zoning Ordinance, or subsequent amendments, and upon which actual construction has been diligently carried on and completed within two (2) years from the effective date of this Zoning Ordinance.

1.05 Zoning Ordinance Scope, Purpose, Intent and Applicability.

A. Scope.

The scope of this Zoning Ordinance creates districts for residential, business, industry, agriculture, forestry and natural areas; regulates the location, height, bulk, stories, size and design of buildings and other structures; percentage of lot occupied; sizes of yards and other open spaces; density; defines terms used in this Zoning Ordinance; provides for the method of administration, appeal and amendment and duties; provides penalties for violation; and serves other purposes for the protection of the health, safety and general welfare of St. Marys.

B. Purpose and Intent.

This Zoning Ordinance is adopted to preserve, protect and promote the public health, safety, and general welfare of the City. This Zoning Ordinance is intended to achieve the following objectives:

1. Implement the vision, goals and policies contained within officially adopted plans, including, but not limited to, One St. Marys Master Plan, and the Joint Camden County Comprehensive Plan;

2. Promote the health and general welfare of the City;

3. Protect and conserve property from blight and depreciation;

4. Provide adequate light and air and safety from fire, panic and other dangers;

5. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements;

6. Sustain the character of the City and suitability for appropriately located land development densities and uses to prevent overcrowding of land and to lessen traffic congestion and conflicts;

7. Foster a variety of uses, desirable living conditions, stable neighborhoods, greater housing opportunities, and improved utilization of vacant land and buildings;

8. Promote appropriately located commercial and industrial activities to preserve and strengthen the City's economic base;

9. Secure economy in governmental expenditures;

10. Conserve and protect the City's natural beauty, including marshlands, trees, scenic vistas and cultural and historic resources;

11. Promote pedestrian, golf cart, bicycle, and boat travel ways;

12. Ensure new development conserves energy, land and natural resources;

13. Provide for orderly growth and development of suitable neighborhoods with adequate public facilities and appropriate building sites;

14. Support improved building design, form and materials; and,

15. Promote development that is aesthetically pleasing in its architectural elements, building materials, ~~colors,~~ and overall site development and building placement.

C. Applicability.

1. The provisions of this Zoning Ordinance apply to use and development of all land within the incorporated limits of the City.

2. Except as provided in this Zoning Ordinance, no person shall erect, construct, or proceed or continue with, the erection or construction of any building or structure within the City in a manner that does not comply with this Zoning Ordinance.

3. All land, buildings, structures or building appurtenances within the City which are occupied, used, erected, altered, removed, demolished or converted shall be in conformance with the development and use regulations applicable to the Zoning District in which such land or building is located.

1.06 Official Zoning Map.

A. Zoning District Boundaries and GIS Zoning Map.

1. The location and boundaries of Zoning Districts established by this Zoning Ordinance are shown and maintained on the Official Zoning Map as part of the City's Geographic Information System (GIS).

2. The Zoning GIS layer constitutes the City of St. Marys Official Zoning Map and is part of this Zoning Ordinance. All notations, references and other information shown shall have the same force and effect as if fully set forth or described in this Zoning Ordinance.

B. Maintenance and Revisions of Official Zoning Map.

1. The Community Development Director is authorized to revise the Official Zoning Map consistent with the direction of the City Council. No unauthorized person may alter or modify the Official Zoning Map.

2. The Community Development Department shall maintain digital copies of the Official Zoning Map and maintain records of superseded official maps.

3. Both digital and hard copies of all zoning changes to the Official Zoning Map shall be maintained by Community Development Department reflecting the date of the zoning change and signed by the Community Development Director.

C. Interpretation of Zoning Boundaries.

1. If uncertainty exists with respect to the intended boundaries as shown on the Official Zoning Map, the Community Development Director is authorized to interpret the boundaries.

2. Where uncertainty exists as to the boundaries of any Zoning District as shown on the Official Zoning Map, the following shall apply with respect to location or resolution:

a. Where district boundaries are indicated as approximately following street or highway centerlines, or street or highway right-of-way lines, said boundaries shall be construed as following such lines;

b. Where district boundaries are indicated as approximately following lot lines, said boundaries shall be construed as following such lines;

c. Where district boundaries are indicated as being approximately parallel to the centerlines of right-of-way lines of streets or highways, such district boundaries shall be construed as being parallel thereto;

d. All streets, Alleys, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same Zoning District as the property immediately abutting upon such alleys, streets, or railroad right-of-way;

e. Where the centerline of a street, alley or railroad right-of-way serves as a Zoning District boundary the zoning of such street, alley, or railroad right-of-way, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline;

f. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

g. Boundaries indicated as following salt water shorelines shall be construed to follow the mean low water mark of said shorelines, and in the event of change, the boundary line shall be construed as moving with the actual low water line; boundaries indicated as approximately following the centerline of fresh water rivers, creeks, canals, lakes, inlets or other bodies of water shall be construed to follow such centerlines;

h. Where a district boundary line divides a lot that was in single ownership at the time of passage of this Zoning Ordinance, the Community Development Director may permit the extension of the regulations for either portion of the lot not to exceed seventy-five (75) feet beyond the district line into the remaining portion of the lot; and,

i. It is the policy of this Zoning Ordinance that all fresh and salt water marsh areas fall within the Conservation-Preservation Land Use District (C-P); where a boundary is indicated as following such fresh or salt marsh area the boundary line shall be construed as following the actual limits of said fresh or salt marsh.

1.07 Public Utilities and Storm Debris Handling Exempt.

A. Public Utilities by Right in Districts.

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

The following structures and vegetation are not permitted in utility easements unless otherwise provided for by this ordinance:

1. Any structure requiring a building permit
2. Decks or porches
3. Masonry fences requiring concrete footers
4. Pools or other permanent landscape features
5. Air-conditioning units
6. Trees

B. Storm Debris Storage by Right in Districts.

Collection, hauling and storage of storm debris by the City of St. Marys or other entity authorized by the City to collect, haul and/or store storm debris for a time not to exceed six (6) months shall be exempt from regulation by this Zoning Ordinance.

2. Zoning Districts, Land Uses and Dimensional Standards.

2.01 Purpose.

This section sets forth the purpose, intent and description of the respective Zoning Districts. Detailed permitted uses, dimensional standards and other standards with respect to the Zoning Districts are enumerated within other areas of the Zoning Ordinance. ***Table 1 Zoning Districts*** enumerates the Zoning Districts on St. Marys' Official Zoning Map.

Table 1 Zoning Districts

Current &	**Proposed Residential Districts**	
R-1	R-1	Low Density Single-Family Residential District
R-2	R-2	Moderate Density Single-Family Residential District
R-3	R-3	Medium-High Density Residential District
R-4	Not Valid	Incorporated as Medium-High Density Residential District
R-5	Not Valid	Incorporated as Special & Conditional Use
MH	MH	Manufactured Home Residential District
Current &	**Office & Commercial Districts**	
C-1	Not Valid	Primarily Downtown Main Street District
C-2	MU	Mixed-Use District
C-3	O	Office District
Current &	**St. Marys Downtown Form Based Districts**	
Primarily C-1	DMS	Downtown Main Street District
Primarily R-1	DTR	Downtown Transitional Residential District
Primarily R-1	DVR	Downtown Village Residential District
Current &	**Industrial Districts**	
I-L	LI	Light Industrial District
I-G	HI	Heavy Industrial District
PSM	Not Valid	Remains Planned Development
I-A	Not Valid	Primarily Light Industrial District
Current &	**Special Districts**	
A-F	A-F	Agricultural-Forestry District
C-P	C-P	Conservation-Preservation District
PD	PD	Planned Development District
HD	HD	Historic District (see Ch. 62 Historic Preservation, City Code of Ordinances)
WP	Not Valid	Incorporated into 1.07
RVD	Not Valid	Incorporated as Special & Conditional Use
MHD	Not Valid	Incorporated into 4.11 & 5.20

2.02 R-1, R-2 and R-3 Residential Districts.

A. Purpose and Intent.

1. Residential Districts protect established character of existing and future residential neighborhoods through quality building design and layout.

2. The intent of Residential District provisions is to discourage uses that would substantially interfere with the residential nature of the district.

B. Description.

1. R-1 Low Density Single-Family Residential District – a residential district promoting primarily low density Detached Single-Family Residential development.

2. R-2 Moderate Density Single-Family Residential District – a residential district promoting moderate density Detached and Attached Single-Family Residential development.

3. R-3 Medium-High Density Residential District – a residential district promoting an expanded mix of medium and higher density Detached and Attached Single-Family Residential and Multi-Family Residential development.

C. Optional Residential Housing Pattern.

A Cottage Court is a group of small detached houses centered around a common open space or courtyard. The central court enhances the character of the area through the provision of consolidated open space.

2.03 MH Manufactured Home Residential District.

A. Purpose and Intent.

1. The purpose of the Manufactured Home Residential District is to provide sound and healthy residential areas to meet the housing needs of manufactured housing residents.

2. It is the intent of the Manufactured Home Residential District provided for the grouping of manufactured homes into a well-designed community of manufactured home development.

B. Description.

1. The Manufactured Home Residential District is the location for manufactured homes within the City.

2.04 O-Office and MU- Mixed-Use Districts.

A. Purpose and Intent.

1. Office and Mixed-Use Districts provide convenient and suitable locations for offices, retail trade, consumer services and suitably located, higher-density residential development within proximity of major thoroughfares within the City.

2. The intent of the Office and Mixed-Use Districts provisions is to:

a. Provide an attractive, well-designed and configured, pedestrian- friendly atmosphere for employment, consumer purchasing of goods and services, and higher density residential development;

b. Increase compatibility of district uses with adjoining residentially-zoned neighborhoods; and,

c. Better manage ingress and egress to sites in a manner that improves traffic safety and reduces turning movements along the City's major thoroughfares.

B. Description.

1. O Office District – an employment district for office uses with opportunity for compatibly-located, higher density residential development.

2. MU Mixed-Use District – a commercial shopping and services district for residents, visitors and the public with opportunities for a mix of higher-density, compatible residential uses.

2.05 Downtown Form-Based Districts.

A. Purpose and Intent.

1. The purpose of the Downtown Form-Based Districts is to create a series of Zoning Districts that focus on building form rather than land uses on respective lots. The Downtown Form-Based Districts address the relationship between building facades and the public street, building form and mass in relation to one another, and the scale and the hierarchy of streets.

2. The intent of the Downtown Form-Based Districts is to:

a. Foster a walkable, mixed-use Downtown area;

b. Diversify residential opportunities;

c. Expand employment and retail activities; and,

d. Provide adequate transition to abutting residential neighborhood.Description of Downtown Form-Based Districts.

B. The Downtown Form-Based District – a district based on the City's historic commercial and residential center providing a mix of commercial, office, residential and waterfront uses within a highly-walkable setting. The Downtown Form Based District is divided into following Zoning Districts:

1. DMS Downtown Main Street District – a district intended to serve as the commercial heart of the Form-Based District that permits higher-intensity residential to encourage a vibrant mix of retail and residential activity;

2. DTR Downtown Transitional Residential District – a district intended to provide for a diverse set of residential uses and limited office activity in the form of Home-Based Businesses or Live/Work units while serving as a transitional district between the more intense commercial activities within the DMS District and the lower density residential found within the DVR District; and

3. DVR Downtown Village Residential District – a district intended to accommodate a mix of lower density established residential neighborhood patterns while permitting opportunities for a mix of new single-family detached residential and attached residential with the potential for cluster residential in proximity to higher intensity areas of the Downtown.

2.06 LI and HI Industrial Districts.

A. Purpose and Intent.

1. The LI - Light Industrial District provides locations for indoor repair, manufacturing, assembly, warehousing, and distribution activities of the City with outside materials and equipment storage required to be fully screened from view.

2. The HI- Heavy Industrial District provides locations for industrial uses that may create noise, odors, fumes, dust, significant heavy truck traffic or other hazardous conditions that are not be compatible with other uses within the City.

3. The intent of the Light and Heavy Industrial Districts is to ensure industrial development within the City is appropriately located and designed in a manner that enhances the City's economic value while protecting the natural and built environment.

B. Description.

1. LI Light Industrial District – a district for indoor repair, manufacturing, assembly, warehousing, and distribution of goods that do not generate outside noise, odors, dust or fumes, or involve hazardous materials.

2. HI Heavy Industrial District – a district for industrial operations that may open areas for the fabrication, processing, extraction or repair of raw materials or manufactured products that may generate outside noise, odors, dust or fumes, or involve hazardous materials.

2.07 A-F Agricultural-Forestry District.

A. Purpose and Intent.

1. The Agricultural-Forestry District provides for production and harvesting of agricultural products such as crops, grasses and forestry products, raising of livestock and poultry, and keeping of equine or other domesticated animals.

2. It is the intent of the Agricultural-Forestry District to:

a. Conserve agricultural and forestry lands while preventing the encroachment of incompatible land uses;

b. Employ practices that conserve soil and water resources;

c. Do not generate dust, odors, fumes or noise that negatively impact properties in proximity to the district; and,

d. Limit extension of public water and sewer services that would encourage residential, commercial or industrial development that is incompatible with the purpose of the district.

B. Description.

A-F Agricultural-Forestry District – a district for agricultural and forest production activities and keeping of equine or other domesticated animals.

2.08 C-P Conservation-Preservation District.

A. Purpose and Intent.

1. The Conservation-Preservation District preserves and controls development within the marshland, rivers, creeks, wetlands and wildlife habitats of the City.

2. The intent of the Conservation-Preservation District is to:

a. Protect and preserve wildlife habitats, wetlands and water quality for natural beauty and ecological benefit to the City and its environs;

b. Discourage encroachment of uses capable of harming or destroying the natural, undeveloped character of the district;

c. Permit outdoor fishing, hunting, boating and recreational activities that do not harm the natural environment and wildlife habitats; and,

d. Limit extension of public water and sewer services that would encourage development that is incompatible with the purpose of the district.

B. Description.

C-P Conservation-Preservation District – a district for conservation and preservation of the natural environment.

2.09 PD Planned Development District.

A. Purpose and Intent.

1. The purpose of planned development districts is to achieve a higher quality of project design than could be accomplished through the strict application of general Zoning Districts, for large-scale residential or mixed-use development.

2. It is the intent of planned development districts to:

a. Provide well-designed and sustainable development patterns; and,

b. Offer enhanced building design, layout, amenities while conserving open spaces and the natural environment, in partnership with the City in delivery of public services and utilities.

B. Description.

PD Planned Development District – a district for large-scale residential or mixed-use development.

2.10 Allowable Principal Land Uses.

A. Classification of Uses.

1. Uses on the ***Table 2 Allowable Principal Land Uses*** are grouped under five broad use categories:

   a. Residential;

   b. Commercial and Office;

   c. Industrial;

   d. Agricultural and Forestry; and,

   e. Civic / Institutional.

2. Principal Uses are broken down into more specific use categories, some of which are limited as the district they may occur and/or have additional regulatory controls.

B. Use Determination.

1. If unclear under which specific use category a use is permitted, the Community Development Director shall determine which specific use category the proposed use should be assigned by considering the following criteria:

   a. Actual or projected characteristics of the proposed use;

   b. Relative amount of site or Floor Area and equipment devoted to the proposed use;

   c. Relative amounts of sales or number of employees;

   d. Hours of operation;

   e. Types of vehicles used and their parking requirements;

   f. Number of vehicle trips generated;

   g. How the proposed use is advertised; and,

   h. Likely impact on surrounding properties.

2. A written record shall be kept by Community Development Director documenting the assigned specific use category that is similar to the proposed use.

3. A use not specifically listed is prohibited unless the Community Development Director determines the use to be part of a use category as shown in ***Table 2 Allowable Principal Land Uses*** or ***Table 3 Allowable Accessory Land Uses and Activities***.

C. Key to Land Use Table.

The following abbreviations within ***Table 2 Allowable Principal Land Uses*** and ***Table 3 Allowable Accessory Land Uses and Activities*** are defined below:

1. Permitted Use: "P" – use permitted by right in Zoning District;

2. Conditional Use: "C" – use permitted by right subject to meeting additional conditions in Zoning Ordinance;

3. Special Use Permit: "S" – use requires Special Use Permit before permitted in Zoning District; Special Uses shall also be subject to meeting additional conditions in the Zoning Ordinance; and,

4. Use Not Permitted: "--" – use is not permitted in Zoning District.

Table 2 Allowable Principal Land Uses

PRINCIPAL USE CATEGORIES	Residential Districts				Office & Commercial Districts		Form-Based Districts			Industrial Districts		Special Districts			Additional Provisions
Residential	R-1	R-2	R-3	MH	O	MU	DMS	DTR	DVR	LI	HI	A-F	C-P	PD	Ref.
Household Dwellings, as listed below															
Single-Family Detached / Estate House	P	P	P	~~P~~	--	--	S~~P~~	P	P	--	--	S	--	P	§ 4.08 / Art. III
Single-Family Detached / Village House	P	P	P	--	--	--	S~~P~~	P	P	--	--	S	--	P	§ 4.08 / Art. III
Single-Family Detached / Cottage House	--	P	P	--	--	--	S~~P~~	S	P~~S~~	--	--	S	--	P	§ 4.08 / Art. III
Cottage Court Cluster	--	S	S	--	--	--	S	S	S	--	--	--	--	P	§ 4.08 / § 4.09 / Art. III
Single-Family Attached/ Duplex / Triplex	--	S	P	--	S	P	P	P	S	--	--	--	--	P	§ 4.08 / Art. III
Single-Family Attached/ Townhouse	--	--	P	--	--	P	P	P	--	--	--	--	--	P	§ 4.08 / Art. III
Single-Family Live/Work	--	--	--	--	C	C	C	C	--	--	--	--	--	P	§ 4.08 / Art. III
Multi-Family Apartment House (8 units)	--	--	P	--	S	P	P	P	--	--	--	--	--	P	§ 4.10 / Art. III
Multi-Family Apartment Building (16 units)	--	--	P	--	S	P	S	--	--	--	--	--	--	P	§ 4.10 / Art. III
Multi-Family Apartment Complex	--	--	P	--	S	P	--	--	--	--	--	--	--	P	§ 4.10
Industrial Residential Home	S	S	P	--	--	--	--	--	S	--	--	--	--	P	§ 4.08 / Art. III
Manufactured Home	--	--	S	C	--	--	--	--	--	--	--	S	--	--	§ 4.18
~~Tiny House~~	~~S~~	~~C~~	~~C~~	--	--	--	~~S~~	~~S~~	~~S~~	--	--	~~C~~	--	~~C~~	~~§ 4/08 / § 5.29~~
Group Living, as listed below															
Drug Treatment/Rehabilitation Facility	--	--	--	--	--	S	--	--	--	--	--	--	--	--	§ 4.10
Group Care Home (5 or Fewer Residents)	--	--	--	--	--	S	--	--	--	--	--	--	--	--	§ 4.10
Group Care Facility (6 or More Residents)	--	--	--	--	--	S	--	--	--	--	--	--	--	--	§ 4.10
Halfway House	--	--	--	--	--	S	--	--	--	--	--	--	--	--	§ 4.10
Senior Care Housing	S	S	P	--	S	P	P	S	--	--	--	--	--	P	§ 4.10
Commercial & Office	R-1	R-2	R-3	MH	O	MU	DMS	DTR	DVR	LI	HI	A-F	C-P	PD	Ref.
Business Sales, with exception of	--	--	--	--	--	P	P	--	--	P	P	--	--	P	§ 4.10
Retail Exceeding 50,000 Sf	--	--	--	--	--	S	--	--	--	--	--	--	--	S	§ 4.10
Brew Pub / Microbrewery	--	--	--	--	--	S	S	--	--	S	--	--	--	S	§ 4.10
Eating Establishment, with Drive-Through	--	--	--	--	--	S	--	--	--	--	--	--	--	S	§ 4.10 / § 6.02 H
Eating Establishment Serving Alcohol	--	--	--	--	--	S	S	--	--	S	--	--	--	S	§ 4.10

Commercial & Office	R-1	R-2	R-3	MH	O	MU	DMS	DTR	DVR	LI	HI	A-F	C-P	PD	Ref.
Other Businesses with Drive-Throughs	--	--	--	--	--	S	--	--	--	S	--	--	--	S	§ 4.10 / § 6.02 H
Pawnshop (see Ch. 22, Art. V. Pawnbrokers)	--	--	--	--	--	S	--	--	--	C	--	--	--	--	§ 4.10 / § 5.23
Therapeutic Massage Establishment	--	--	--	--	--	P	P	S	--	--	--	--	--	P	§ 4.10
Tobacco and Vapor Businesses	--	--	--	--	--	S	--	--	--	--	--	--	--	--	§ 4.10
Business Services, with exception of	--	--	--	--	--	P	P	--	--	--	--	--	--	P	§ 4.10
Animal Care, No Boarding	--	--	--	--	--	C	C	--	--	--	--	--	--	C	§ 4.10 / § 5.03
Animal Care, Boarding or Outside Runs/ Pens	C	--	--	--	--	C	--	--	--	C	C	C	--	C	§ 4.10 / § 5.03
Crematory / Mortuary / Cemetery	--	--	--	--	--	S	--	--	--	P	P	S	--	--	§ 4.10
Day Care Facility, Child (6 to 18 children):	--	--	S	--	S	P	S	--	--	--	--	--	--	S	§ 4.10
Day Care Center, Child (19 children or more)	--	--	S	--	S	P	--	--	--	--	--	--	--	S	§ 4.10
Day Care Center, Adult (more than 5 Adults)	--	--	S	--	S	P	S	--	--	--	--	--	--	S	§ 4.10
Gun Range, Indoor	--	--	--	--	--	S	--	--	--	S	S	S	--	--	§ 4.10
Gun Range, Outdoor	--	--	--	--	--	--	--	--	--	--	S	S	--	--	§ 4.10
Hospital	--	--	--	--	S	P	--	--	--	--	--	--	--	S	§ 4.10
Payday-Title Loans/Check Cashing	--	--	--	--	--	S	--	--	--	--	--	--	--	--	§ 4.10 / § 5.23
Self-Storage Facility	--	--	--	--	--	S	--	--	--	C	C	--	--	C	§ 4.10 / § 5.24
Tattoo Parlor	--	--	--	--	--	S	--	--	--	S	--	--	--	--	§ 4.10 / § 5.27
Waterfront-Related Facility/Use	--	--	--	--	--	--	C	--	--	--	--	--	--	C	§§ 4.10, 4.11, 5.20
Business Services, Vehicles, listed below															
Fuel Station, with/without Store	--	--	--	--	--	C	--	--	--	--	C	--	--	C	§ 4.10 / § 5.04
Parking Area, Principal Use	--	--	--	--	S	C	--	--	--	C	C	--	--	C	§ 6.02 / § 6.03
Vehicle Cleaning	--	--	--	--	--	C	--	--	--	C	C	--	--	--	§ 4.10 / § 5.04
Vehicle Repair, Major	--	--	--	--	--	S	--	--	--	S	C	--	--	--	§ 4.10 / § 5.04
Vehicle Repair, Minor	--	--	--	--	--	C	--	--	--	C	C	--	--	--	§ 4.10 / § 5.04
Vehicle Sales, Lease, Rental (See Also Misc.)	--	--	--	--	--	C	--	--	--	C	C	--	--	--	§ 4.10 / § 5.05
Vehicle Parking/Storage	--	--	--	--	--	--	--	--	--	S	C	--	--	--	§ 4.10 / § 5.06
Entertainment, as listed below															
Adult Entertainment (See Chapter 22. Art. III. Adult Entertainment)	--	--	--	--	--	--	--	--	--	--	P	--	--	--	§ 4.10
Amusement Facility, Indoor	--	--	--	--	--	S	S	--	--	S	S	--	--	S	§ 4.10
Amusement Facility, Outdoor	S	S	S	S	--	S	S	--	--	S	S	S	--	S	§ 4.10

Commercial & Office	R-1	R-2	R-3	MH	O	MU	DMS	DTR	DVR	LI	HI	A-F	C-P	PD	Ref.
Billiards / Pool Hall	--	--	--	--	--	S	--	--	--	S	--	--	--	--	§ 4.10
Nightclub or Bar	--	--	--	--	--	S	--	--	--	S	--	--	--	S	§ 4.10
Sporting / Musical Venues	--	--	--	--	--	S	--	--	--	S	S	--	--	S	§ 4.10
Theater	--	--	--	--	--	P	P	--	--	P	P	--	--	P	§ 4.10
Lodging, as listed below															
Lodging, Bed and Breakfast Home	P	P	P	--	P	P	P	P	P	--	--	--	--	P	§ 4.08
Lodging, Bed and Breakfast Inn	--	--	S	--	S	P	P	S	--	--	--	--	--	P	§ 4.08 / § 4.10
Lodging, Hostel	--	--	--	--	--	--	S	--	--	--	--	--	--	--	§ 4.10 / § 5.17
Lodging, Hotel or Motel	--	--	--	--	--	C	S	--	--	--	--	--	--	C	§ 4.10 / § 5.17
Mixed-Use Building / Shopfront	--	--	S	--	S	P	P	--	--	--	--	--	--	P	§ 4.10 / Art. III
Office Use	--	--	--	--	P	P	P	S	--	P	P	--	--	P	§ 4.10
Miscellaneous Uses, as listed below															
Construction Equipment Sales/Lease/Rent	--	--	--	--	--	--	--	--	--	S	C	--	--	--	§ 4.10 / § 5.05
Manufactured Home Sales/Lease/Rent	--	--	--	--	--	S	--	--	--	S	C	--	--	--	§ 4.10 / § 5.05
Recreational Vehicles Sales/Lease/Rent	--	--	--	--	--	S	--	--	--	S	C	--	--	--	§ 4.10 / § 5.05
Trailer Sales/Lease/Rent	--	--	--	--	--	S	--	--	--	S	C	--	--	--	§ 4.10 / § 5.05
Trucks > 8000 LBS Sales/Lease/Rent	--	--	--	--	--	--	--	--	--	S	C	--	--	--	§ 4.10 / § 5.05
Telecommunication Tower ≥60 Feet	--	--	--	--	S	S	--	--	--	S	C	S	--	S	§ 5.32
Recreational Vehicle Parking	--	--	--	--	--	S	--	--	--	C	C	S	--	--	§ 4.10 / § 5.06
Industrial	R-1	R-2	R-3	MH	O	MU	DMS	DTR	DVR	LI	HI	A-F	C-P	PD	Ref.
Light Industrial Use	--	--	--	--	--	S	--	--	--	P	~~PS~~	--	--	S	
Heavy Industrial Use	--	--	--	--	--	--	--	--	--	--	S	--	--	--	
Recycling / Waste-Related Services	--	--	--	--	--	--	--	--	--	--	S	--	--	--	
Resource Extraction & Sand, Gravel, Rock	--	--	--	--	--	--	--	--	--	--	S	--	--	--	
Solar or Wind Farm	--	--	--	--	--	--	--	--	--	--	S	S	--	--	
Warehouse and Distribution	--	--	--	--	--	S	--	--	--	S	P	--	--	S	
Agriculture and Forestry	R-1	R-2	R-3	MH	O	MU	DMS	DTR	DVR	LI	HI	A-F	C-P	PD	Ref.
Animal Prod./Farming, Non-Intensive	--	--	--	--	--	--	--	--	--	--	--	P	--	--	§ 5.03
Animal Production Intensive	--	--	--	--	--	--	--	--	--	--	--	S	--	--	§ 5.03
Garden Center and Nursery	S	--	--	--	--	S	--	--	--	P	P	P	S	S	
Riding Academy/Stables	S	--	--	--	--	--	--	--	--	S	S	P	--	S	§ 5.03
Tree Harvesting, Principal Use	--	--	--	--	--	--	--	--	--	--	S	P	--	--	
Civic / Institutional	R-1	R-2	R-3	MH	O	MU	DMS	DTR	DVR	LI	HI	A-F	C-P	PD	Ref.

Commercial & Office	R-1	R-2	R-3	MH	O	MU	DMS	DTR	DVR	LI	HI	A-F	C-P	PD	Ref.
Cemetery	S	--	--	--	--	--	S	--	--	--	--	S	--	S	
Governmental Services	S	S	S	S	P	P	P	S	S	P	P	--	--	P	
Places of Assembly	S	S	S	S	P	P	S	S	S	S	--	S	--	S	§ 4.10

2.11 Allowable Accessory Land Uses and Activities.

In addition to the Allowable Principal Land Uses permitted within the Zoning Districts established by this Zoning Ordinance, certain land uses and activities customarily incidental or accessory to such Principal Land Uses shall also be permitted. The Table 3 Allowable Accessory Land Uses and Activities sets forth the permitted Accessory Land Uses and Activities allowed on the same lot with the Allowable Principal Use.

Table 3 Allowable Accessory Land Uses and Activities

ACCESSORY USE CATEGORIES	Residential Districts	Office & Commercial Districts	Form-Based Districts	Industrial Districts	Special Districts	Additional Provisions

Accessory Uses and Activities	R-1	R-2	R-3	MH	O	MU	DMS	DTR	DVR	LI	HI	A-F	C-P	PD	Ref.
Accessory Business Services	--	--	--	--	P	P	P	--	--	P	P	P	--	P	
Accessory Dwelling Unit / Carriage House	~~SC~~	C	C	--	--	--	C	C	C	--	--	C	--	C	§ 5.02
Accessory Building	C	C	C	--	--	--	C	C	C	--	--	C	--	C	§ 4.07
Apartment Tenant Services	--	--	P	--	P	P	P	P	--	--	--	--	--	P	
Boat Dock / Boat House, Residential	P	P	P	P	P	P	P	P	P	--	--	P	P	P	§ 5.20
Boat Dock / Boat House, Commercial	--	--	--	--	--	P	S	--	--	P	P	P	S	S	§ 5.20
Caretaker's or Security Residence	--	--	S	P	--	P	--	--	--	P	P	P	--	P	
Child Day Care Home (5 children or less)	C	C	C	C	--	--	C	C	C	--	--	--	--	C	§ 4.08 / § 5.09
Adult Day Care Home (5 adults or less)	--	--	C	--	--	C	C	C	--	--	--	--	--	S	§ 4.08 / § 5.09
Dish Antenna (not in Front Yard Setback)	P	P	P	P	P	P	P	P	P	P	P	P	--	P	
Dormitory	--	--	S	--	S	P	--	--	--	--	--	--	--	S	
Electronic Games Promo (see Ch. 22, Art. VII)	--	--	--	--	--	S	--	--	--	--	--	--	--	--	
Emergency Shelter, Personal Use	C	C	C	C	C	C	C	C	C	C	C	C	--	C	§ 4.07
Garden, Personal Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Home-Based Business	S	S	C	C	C	C	C	C	S	--	--	C	--	S	§ 5.14
Home Occupation	C	C	C	C	C	C	C	C	C	--	--	C	--	C	§ 5.14
Hunting/Fishing Lodge	--	--	--	--	--	--	--	--	--	--	--	S	S	--	
Off-Street Parking	--	--	C	--	C	C	S	--	--	C	C	--	--	C	§§ 6.02. 6.03
Outdoor Display	--	--	--	--	--	C	C	--	--	C	C	--	--	C	§ 5.21
Outdoor Storage, Screened	--	--	--	--	--	S	--	--	--	C	C	--	--	C	§ 5.21 / § 5.22

Commercial & Office	R-1	R-2	R-3	MH	O	MU	DMS	DTR	DVR	LI	HI	A-F	C-P	PD	Ref.
Outdoor Storage, Unscreened	--	--	--	--	--	--	--	--	--	--	P	--	--	--	§ 5.21 / § 5.22
Parking for Personal Vehicles	P	P	P	P	P	P	P	P	P	P	P	P	--	P	
Parking Lot	--	--	C	--	C	C	S	--	--	C	C	--	--	C	§ 6.02 / § 6.03
Private Garage, Personal Use	P	P	P	P	P	P	P	P	P	P	P	P	--	P	
Recreational Facilities, Personal Use	P	P	P	P	P	P	P	P	P	P	P	P	--	P	
Residence for Religious Official	P	P	P	P	P	P	P	P	P	--	--	--	--	P	
Business Signs (See Chapter 46. Art. VI. Signs)	--	--	--	--	P	P	P	P	--	P	P	S	--	P	
Storage Building <25% of principal use	P	P	P	P	P	P	P	P	--	P	P	P	--	P	§ 4.07
Telecommunication Tower <60 feet	P	P	P	P	P	P	P	P	P	P	P	P	--	P	
Telecommunication Tower ≥60 feet	--	--	--	--	C	C	S	--	--	C	C	C	--	C	§ 5.32
Utilities Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
TEMPORARY USES	R-1	R-2	R-3	MH	O	MU	DMS	DTR	DVR	LI	HI	A-F	C-P	PD	Ref.
Food Truck (See Chapter 22. Art. VI. Temp. Sales)	--	--	--	--	C	C	C	--	--	C	C	--	--	C	
Kennels	C	--	--	--	--	S	--	--	--	C	C	C	--	C	§ 5.03
Laying Hens	C	C	C	--	--	--	C	C	C	--	--	C	--	--	§ 5.15

2.12 Zoning District Dimensional Standards.

Table 4 Zoning Dimensional Standards below sets forth the standards for land use densities, lot dimensions, building setbacks, stories, heights and maximum Lot Coverage. If a residential use is permitted in a non-residential district, the residential district standards by type of residential use shall apply.

Table 4 Zoning District Dimensional Standards Table

Districts		Use	Max. Units / Acre	Min. Lot Area (Sq. Ft.) [1]	Min. Lot Width (Feet)	Min. Lot Depth (Feet)	Max. Impervious Coverage (%)	Max. Stories	Max. Bldg. Height (Feet)	Min. Floor Area SF / MF [3] (Sq. Ft.)	Minimum Building Setbacks (Feet)			
											Front Yard [4] Front Loaded/ Alley Loaded	Rear Yard Front-Loaded / Alley Loaded	Side Yard Street Side / Interior Side	Side Yard [4] Zero Lot Line
Residential Districts	R-1	SFD	5	~~89~~,000	~~60~~75	120	40%	3.0	45	900 / --	20 / 10	10 / 5	10 / 10	--
	R-2	SFD	8	5,000	50	100	50%	2.5	~~35~~45	900 / --	20 / 10	10 / 5	10/ ~~5~~7.5	.5 / 9.5 /10
	R-2	SFA	12	3,000	30 [2]	100	50%	2.5	35	750 / --	20 / 10	10 / 5	10 / ~~5~~7.5	--
	R-3	SFD / SFA	*Standards same as R-2*											
	R-3	SFA TH	14	1,000	20	80	60%	2.5	~~35~~45	900 / --	20 / 10	10 / 5	10 / ~~5~~7.5 [5]	--
	R-3	MF	24	1,800	200	200	60%	4	45	-- / 400	50 / NA	50	50	--
	MH	SFD	8	5,000	50	100	50%	2.5	~~35~~45	900 / --	25 / NA	15	15 / 5	--
Office and Commercial Districts	O	--	--	22,500	150	150	50%	4	~~45~~50	-- / 400	50 / 25	20	25 / 20	--
	MU	--	--	30,000	200	150	50%	4	~~45~~50	900 / 400	50 / 25	20	25 / 20	--
Downtown Form-Based Districts	DMS	See Art. III - Form-Based District Standards												
	DTR	See Art. III - Form-Based District Standards												
	DVR	See Art. III - Form-Based District Standards												
Industrial Districts	LI	--	--	1 acre	200	200	50%	--	~~45~~50	-- / --	50	30	30	--
	HI	--	--	10 acres	600	600	40%	--	~~45~~50	-- / --	200	200	200	--
Special Districts	A-F	--	--	10 acres	400	600	20%	--	25	900 / --	100	100 / 25 [6]	100 / 25 [6]	--
	C-P	--	--	25 acres	--	--	15%	--	25	-- / --	--	--	--	--
	PD	Minimum site area shall be 25 acres; Other standards shall be established as part of Planned Development approval												

SFD = Single-Family Detached SFA = Single-Family Attached (duplex or triplex) SFA TH = Single-Family Attached Townhouse

[1] Minimum Lot Area: Residential uses - per unit for all single-family and multi-family dwelling; Non-Residential - per lot;
[2] Minimum Lot Width: SFA - per residential dwelling unit (Ex. triplex required to have 90-foot lot width).
[3] Minimum Floor Area applies to only Principal Dwellings for Single-Family Residential.
[4] Zero Lot Line Lots: Side setback of 0.5 feet avoids encroachment by eaves, gutters, etc.; Side Setback of 10 feet required adjacent to street.
[5] ~~Townhouses: Interior side yard setback shall be a minimum of 5 feet but distance between non-adjoining Townhouse buildings shall be a minimum of 10 feet.~~
[6] Rear and side setbacks may be reduced to 25 feet if abutting another A-F zoned district.

3. Downtown Form-Based District Standards.

3.01 Purpose, Applicability and District Characteristics.

A. Purpose.

1. The Downtown Form-Based Districts establish Zoning Districts that build on St. Marys historic downtown and its walkable neighborhoods. The "form-based" districts establish a set of Zoning District standards that emphasize the types of "building" forms rather than types of "land uses" permitted.

2. The Downtown Form-Based Districts focus on how Building Types and Private Frontages (area between the Building Facade and rights-of-way) relate to Public Frontages (area within public rights-of-way).

3. The Downtown Form-Based Districts reinforce the relationship and compatibility of Building Types and Private Frontages through detailed architectural standards that are made a part of the respective Form-Based Districts.

4. The Form-Based Districts include three functionally different but compatible Zoning Districts: Downtown Main Street (DMS) District, Downtown Traditional Residential (DTR) District, and the Downtown Village Residential (DVR) District – as shown on ***Figure 1 – Downtown Form-Based District Map*** below.

B. Applicability.

1. The standards within this article are in addition to applicable standards for specific uses contained within other articles of this Zoning Ordinance.

2. Civic buildings, public safety facilities, houses of worship, and schools, shall make every effort to comply ~~not be subject~~ to the Building Type standards found in this article but shall be granted special exceptions under a Special Use Permit, when found necessary ~~subject to the Allowable Principal Land Use Table in § 2.10~~.

C. District Characteristics.

1. Building Types.

Building Types establish the character a district. As the "walls" of public spaces, Building Types regulate height, width, and depth of buildings, and minimum/maximum heights of ground-floor and upper floor levels to create a harmonious range of building sizes.

2. Building Placement.

Building placement provides the foundation for how buildings address the street. Standards include the Build-to Line, and minimum and maximum setbacks and widths of lots.

3. Private Frontages.

Private Frontages regulate the treatment of the area between the Building Facade and the right-of-way including yards, fences and porches.

4. Allowed Encroachments.

Encroachments involve building elements that may extend into the Private Frontages such as steps, porches, balconies, and bay windows.

5. Architectural Standards.

Architectural standards provide the metrics for defining "good design" by stipulating building materials, roof pitch, amount of transparency, facade articulation, and other building elements.

6. Parking Placement.

Regulating the placement of parking avoids the damaging effects created by unattractive gaps between retail buildings and multiple curb cuts that are potential hazards for pedestrians.

3.02 Description of Form-Based Districts.

A. DMS – Downtown Main Street District.

The Downtown Main Street (DMS) District serves as the commercial heart of the Form-Based District that permits higher-intensity residential to encourage a vibrant mix of retail and residential activity.

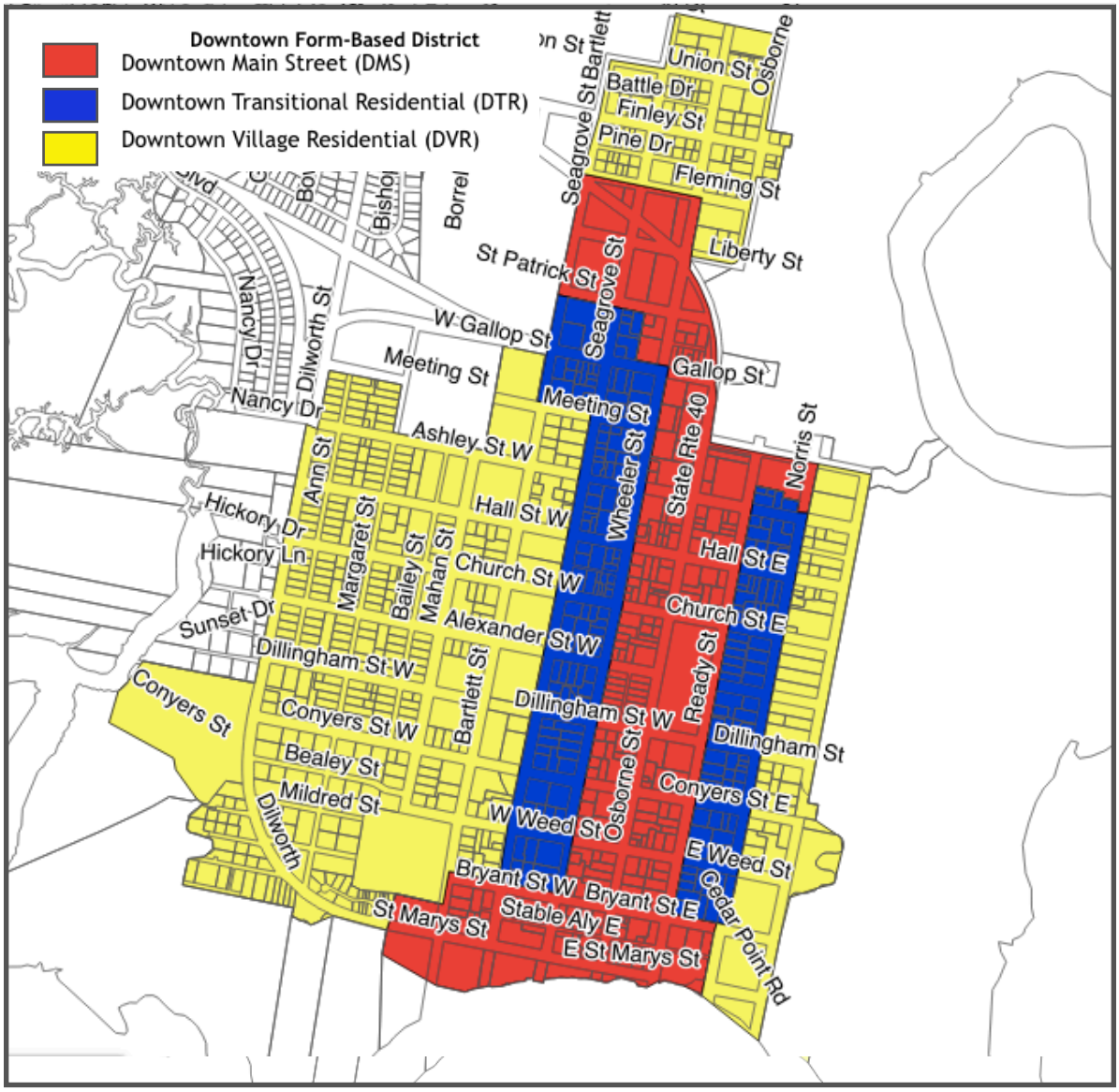
B. DTR – Downtown Transitional Residential District.

The Downtown Transitional Residential (DTR) District provides for a diverse set of residential uses and limited office activity in the form of Live/Work units while serving as a transitional district between the more intense commercial activities within the DMS District and the lower density residential found within the DVR District.

C. DVR – Downtown Village Residential District.

The Downtown Village Residential (DVR) District reinforces established residential neighborhood patterns while permitting opportunities for a mix of new single-family detached residential and attached residential duplexes with the potential for cluster residential in proximity to higher intensity areas of the Downtown.

Figure 1 Downtown Form-Based Districts Map



3.03 Form-Based District Dimensional Standards.

Table 5 Form-Based District Dimensional Standards Table

Use	Districts	Units per Lot	Lot Area (Sq. Ft.) [1]	Min./ Max. Lot Width (Feet) [2]	Min./ Max. Lot Depth (Feet)	Max. Impervious Coverage (%)	Max. Stories	Max. Bldg. Height (Feet) [4]	Min. Floor Area SF / MF (Sq. Ft.)	Minimum Building Setbacks (Feet)		
										Front Yard Front-Loaded / Alley Loaded	Rear Yard Front-Loaded / Alley Loaded	Side Yard Street Side / Interior Side
Estate House	All	1	~~9~~,8,000 min.	7~~50~~ / --	120 / --	40%	3.0	45	900 / --	20 / --	10 / --	10 / 10
Village House	All	1	5,000 min.	50 / ~~100~~	100~~ / 150~~	50%	2.5	~~35~~40	~~900~~750 / --	20 / 10	10 / 5	10/ ~~5~~7.5
Cottage House	All	1	5,000 min.	30 / ~~50~~	80 / ~~150~~	60%	1.5	~~25~~30	~~900~~750/ --	20 / 10	10 / 5	10/ ~~5~~7.5
Cottage Court	All	5 - 9[3]	1,800 min.	30 / ~~50~~	60 / ~~120~~	60%	1.5	~~25~~30	~~90~~600 / --[6]	-- / 5	-- / 5	10/ ~~5~~7.5
Carriage House	All	1										
Duplex/Triplex	All	2-3	3,000 min.	30	100	50%	2.5	~~35~~40	900 / --	20 / 10	10 / 5	10 / ~~5~~7.5
Townhouse	DMS/ DTR	1	1,600 min.	20	80	60%	2.5	~~35~~40	900 / --	-- / 10 [5]	-- / 5 [5]	10 / ~~5~~7.5
Apartment House	DMS/ DTR	8	10,000 min.	50 - ~~100~~	100 - ~~150~~	60%	2.0	~~35~~40	-- / 400	0 - 10 max. [5, 8]	-- / 10 [5]	10 / 5 [7]
Apartment Building	DMS	16	15,000 min.	75 - ~~150~~	100 - ~~200~~	80%	3.0	45	-- / 400	0 - 10 max. [5, 8]	-- / 5 [5]	10 / 5 [7]
Mixed Use / Shopfront Building	DMS	N/A	30,000 max.	25/~~150~~	80/~~150~~	80%	3.0	45	-- / 400	0 - 10 max. [5, 7, 8]	-- / 5 [5]	0 - 10 max./0
Other Non-Residential Building	DMA	N/A	30,000 max.	25/~~150~~	80/~~150~~	80%	3.0	45	--	0 - 10 max. [5, 7, 8]	-- / 5 [5]	0 - 10 max./0

[1] Minimum Lot Area per unit for all residential single-family dwelling; Apartment House, Apartment Building, Mixed Use Building and Other Non-Residential Buildings is minimum lot size;
[2] Minimum Lot Width for each dwelling unit (Ex. Triplex requires 90-foot lot width).
[3] Maximum number of units permitted in Cottage Court, see also § 4.09
[4] Maximum height of the Ground Story Elevation shall not exceed two (2) feet above the FEMA ~~base flood~~ free-board elevation.
[5] Only alley- or side-loaded permitted
[6] ~~Townhouses: Interior side yard setback shall be a minimum of 5 feet but distance between non-adjoining Townhouse buildings shall be a minimum of 10 feet.~~ Cottage Courts: maximum square footage of units allowed are 900 SF.
[7] Interior side setbacks may be 0 if abutting a Mixed Use / Shopfront Building
[8] Building required to meet Build-to Standards in §3.07

3.04 Building Types

Within each of the Downtown Form-Based District (DMS, DTR, and DVR), specific Building Types are permitted. The following describe the various Building Types for illustrative purposes only and are not intended to dictate specific architectural styles.

A. Building Types Described.

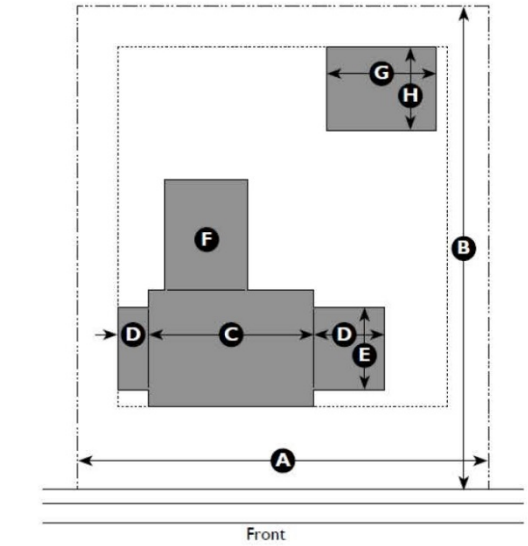
Estate House. A detached, single-family residential Building Type that is a large structure on a larger lot that incorporates one unit. It is typically located within a primarily single-family residential neighborhood. If located within a walkable neighborhood, this Building Type is often a large historically-significant building representative of the area's early development history.	
Village House. A detached, single-family residential Building Type that is a medium-sized structure on a moderate-sized lot that incorporates one unit. It is typically located within a primarily single-family residential neighborhood in a walkable urban setting, potentially near a neighborhood main street.	
Cottage House. A detached, single-family residential Building Type that is a small structure on a smaller lot that incorporates one unit. It is typically located within a primarily single-family neighborhood in a walkable urban setting, potentially near a neighborhood main street. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.	
Cottage Court Cluster. A detached, single-family residential development consisting of a series of small structures on a single lot, providing multiple units arranged around a shared court that is typically perpendicular to the street. The shared court takes the place of a private rear yard and is an important community element. This Type is scaled to fit within primarily single-family neighborhoods or medium-density neighborhoods.	

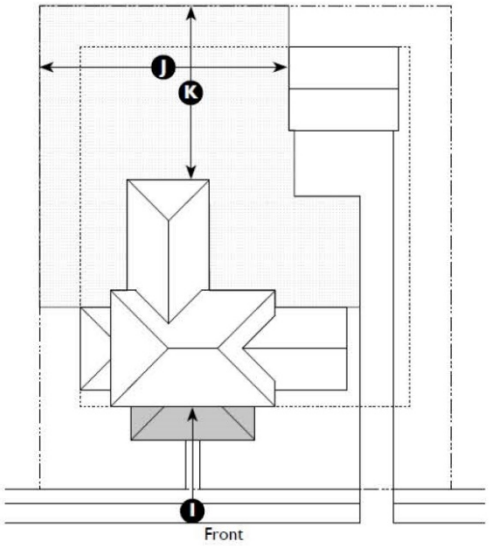
Carriage House. A detached, single-family residential Building Type that is an Accessory Structure typically located at the rear of a lot providing either a small residential unit or home office space or service use that may be above a garage or at ground level. May also be an Accessory Dwelling Unit. This Building Type is important for providing alternative housing opportunities and incubating small businesses within walkable neighborhoods.	
Duplex. An attached, single-family residential dwelling that consists of two (2) side-by-side dwelling units with each unit having a separate entrance facing the street. This Type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium-density neighborhoods.	
Triplex. An attached, single-family residential dwelling that consists of three (3) side-by-side dwelling units with each unit having a separate entrance facing the street. This Type has the appearance of a large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium-density neighborhoods.	
Townhouse. An attached, single-family residential dwelling that consists of three (3) or more side-by-side dwelling units with each unit having a separate entrance facing the street. This Type is typically located within medium-density neighborhoods or in a location that transitions from a primarily single-family neighborhood into a neighborhood main street. Synonym: Rowhouse.	

Apartment House. A multi-family residential Building Type on a single lot having the appearance of a medium-sized family home that consists of four (4) to eight (8) dwelling units horizontally and vertically integrated, typically with one shared entry or individual entries along the front. This Type has the appearance of a medium-sized family home and is appropriately scaled to fit in sparingly within single-family neighborhoods or into medium-density neighborhoods promoting walkability.	
Apartment Building. A multi-family residential Building Type on a single lot that consists of is a medium- to large-sized structure of seven (7) to sixteen (16) dwelling units horizontally and vertically integrated, typically with one shared entry or individual entries along the front. This Type is appropriately scaled to fit in medium-density neighborhoods or sparingly within large lot predominantly single-family neighborhoods. This Type enables appropriately-scaled, well-designed higher densities promoting walkability.	
Shopfront Building. The main facade of this Building Type is at or near the frontage line with an at-grade entrance along the public way. This Type is intended for retail use and may be within single or multiple storied buildings. It has substantial glazing at the sidewalk level and may include an awning that may overlap the sidewalk. It may be used in conjunction with other frontage types.	
Main Street Mixed-Use Building. This Building Type is a small- to medium-sized structure, typically attached, intended to provide a vertical mix of uses with ground-floor commercial uses and upper-floor commercial or residential uses. Smaller versions of this Type include Live/Work units and a mix of commercial and residential uses on the ground floor. This Type makes up the primary component of a downtown main street.	

B. Building Types – Standards.

1. **Estate House –** A detached, single-family residential Building Type that is a large structure on a larger lot that incorporates one unit. It is typically located within a primarily single-family residential neighborhood. If located within a walkable neighborhood, this Building Type is often a large historically-significant building representative of the area's early development history.





Key
ROW / Property Line
Setback Line
Building

Key
ROW / Property Line
Setback Line
Frontage
Private Open Space

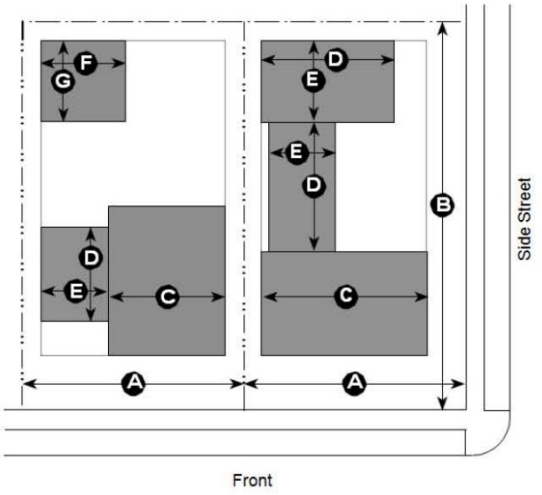
Permitted Form-Based District	
DMS, DTR, DVR	
Lot Size	
Width	70~~5~~ ft. min.
Depth	120 ft. min.
Area	9,000 sf min.
Number of Primary Units	
Units	1 max.
Building Height & Setbacks	
See Dimensional Table **§ 3.03**	
Main Body	
Width	48 ft. max.
Secondary Wings	
Width	36 ft. max.

Allowed Frontages	
Common Yard	Porch, Projecting
Porch, Engaged	
Pedestrian Access	
Main Entrance Location	Front
Vehicle Access and Parking	
Parking may be accessed from alley, side street or front	
Parking may be accessed from the front only when there is no adjacent alley or side street.	
Private Open Space	
Width	40 ft. min.
Depth	40 ft. min.
Area	2000 sf min.
Required private open space shall be located behind the main body of the house.	

Depth	30 ft. max.
Width and depth regulations do not apply to Secondary Wings located behind the Main Body.	
Accessory Structure(s)	
Width	24 ft. max.
Depth	30 ft. max.

Required street setbacks and driveways shall not be included in the private open space area calculation.

2. **Village House** – A detached, single-family residential Building Type that is a medium-sized structure on a moderate-sized lot that incorporates one unit. It is typically located within a primarily single-family residential neighborhood in a walkable urban setting, potentially near a neighborhood main street.



Key
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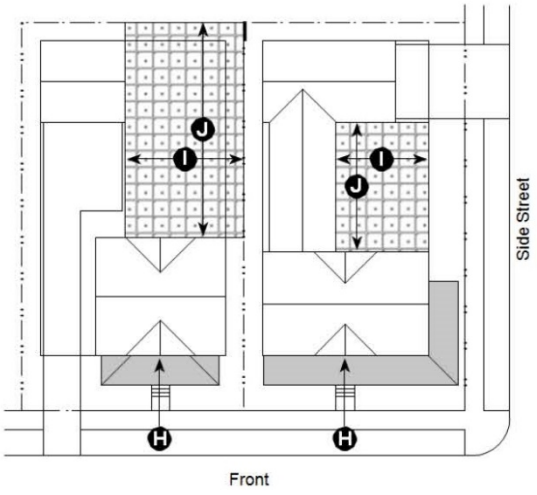
Setback Line
Building



Key
ROW / Property Line
Setback Line
Frontage
Private Open Space

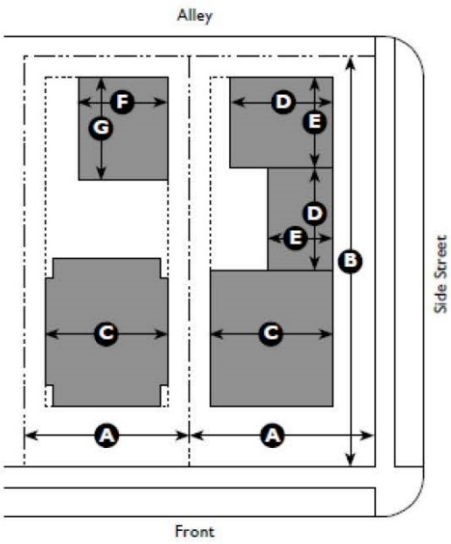
Permitted Form-Based District	
DTR, DVR	
Lot Size	
Width	50 ft. min. ~~100 ft. max.~~
Depth	100 ft. min. ~~150 ft. max.~~
Area	5,000 sf min.*
*Smaller lot size permitted only if building type is already existing on lot at time of Zoning Ordinance adoption	
Number of Primary Units	
Units	1 max.
Building Height & Setbacks	

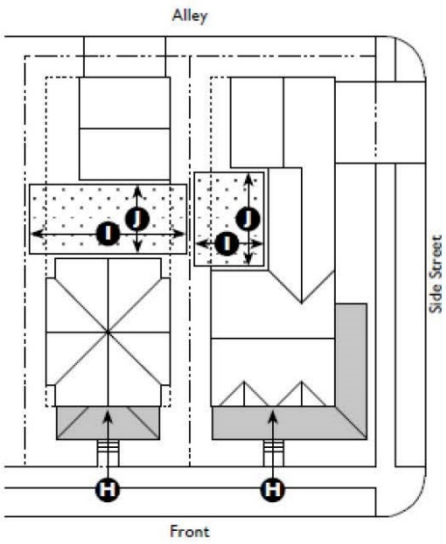
Allowed Frontages	
Common Yard	Porch, Projecting
Porch, Engaged	Porch, Side Yard
Pedestrian Access	
Main Entrance Location	Front
Vehicle Access and Parking	
Parking may be accessed from the alley, side street or front	
Parking may be accessed from the front only when there is no adjacent alley or side street.	
Private Open Space	
Width	20 ft. min.

See Dimensional Table **§ 3.03**	
Main Body	
Width	36 ft. max.
Secondary Wings	
Width	24 ft. max.
Depth	24 ft. max.
Accessory Structure(s)	
Width	24 ft. max.
Depth	30 ft. max.

Depth	20 ft. min.
Area	600 sf min.
Required street setbacks and driveways shall not be included in the private open space area calculation.	
Required private open space shall be located behind the main body of the house.	

3. **Cottage House** - A detached, single-family residential Building Type that is a small structure on a smaller lot that incorporates one unit. It is typically located within a primarily single-family neighborhood in a walkable urban setting, potentially near a neighborhood main street. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.





Key
ROW / Property Line
Setback Line
Building

Key
ROW / Property Line
Setback Line
Frontage
Private Open Space

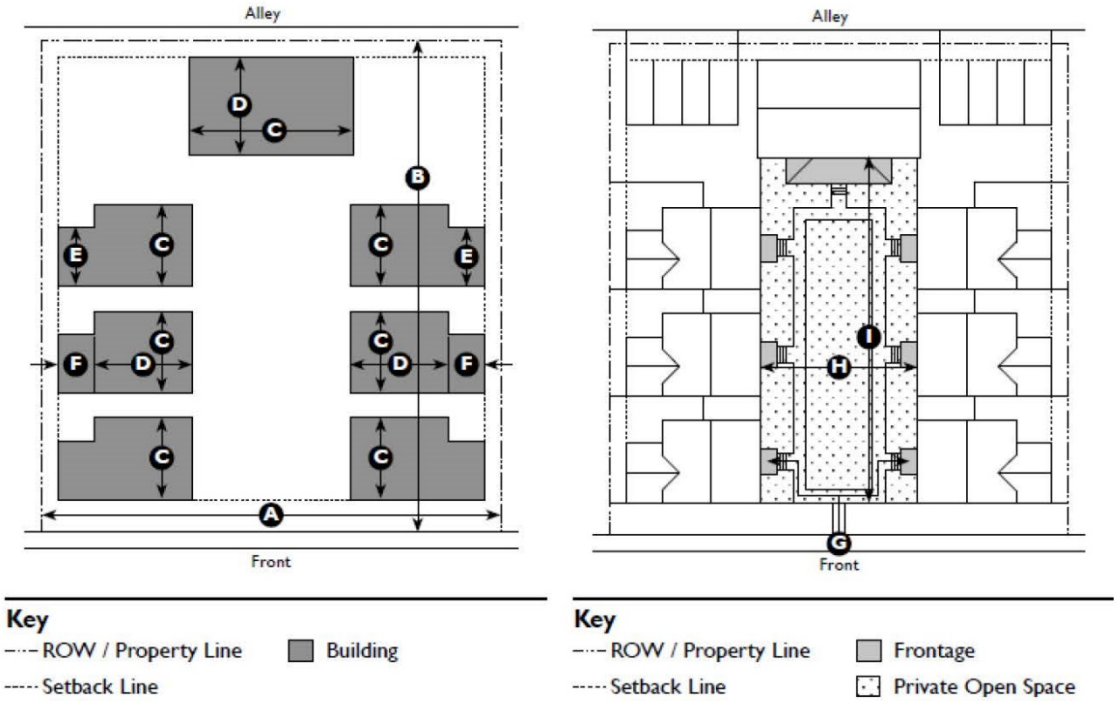
Permitted Form-Based District	
DMS, DTR or DVR	
Lot Size	
Width	30 ft. min. ~~50 ft. max.~~
Depth	80 ft. min. ~~150 ft. max.~~
Area	3,000 sf min.*

Allowed Frontages	
Porch, Projecting	Porch, Engaged
Porch, Side Yard	
Pedestrian Access	
Main Entrance Location	Front
Vehicle Access and Parking	

*If within a Cottage Court Cluster minimum lot size may be 1,800 square feet.	
Number of Primary Units	
Units	1 max.
Building Height & Setbacks	
See Dimensional Table **§ 3.03**	
Main Body	
Width	36 ft. max.
Secondary Wings	
Width	24 ft. max.
Depth	24 ft. max.
Accessory Structure(s)	
Width	24 ft. max.
Depth	30 ft. max.

Parking may be accessed from the alley, side street or front	
Parking may be accessed from the front only when there is no adjacent alley or side street.	
Private Open Space	
Width	15 ft. min.
Depth	15 ft. min.
Area	300 sf min.
Required street setbacks and driveways shall not be included in the private open space area calculation.	
Required private open space shall be located behind the main body of the house.	

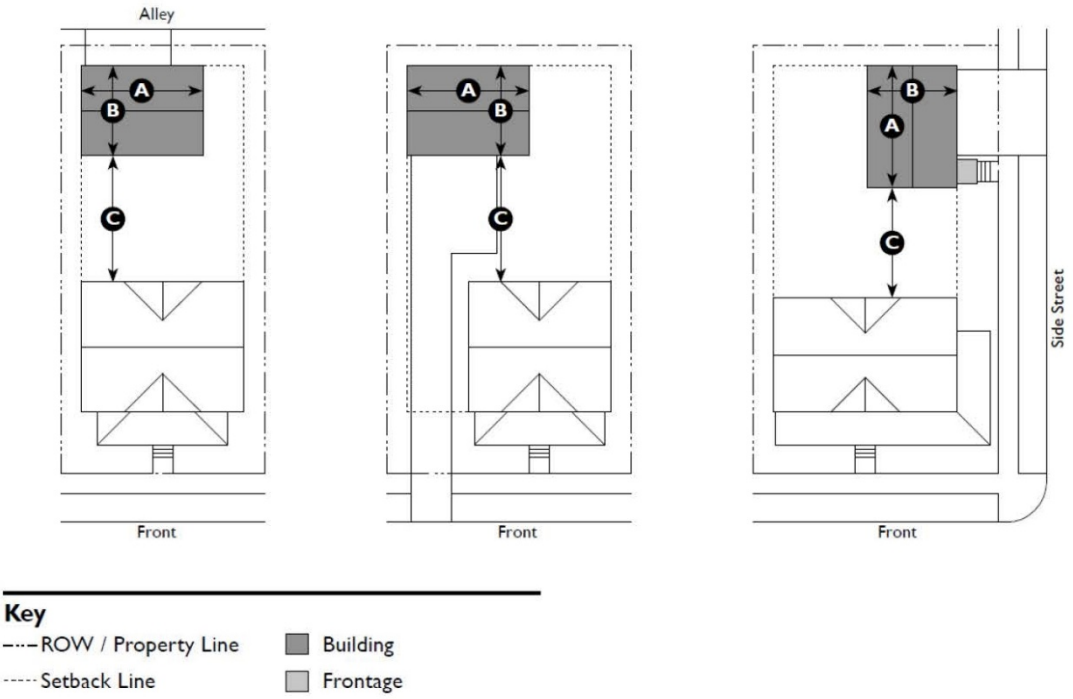
4. **Cottage Court Cluster** – A detached, single-family residential development consisting of a series of small structures on a single lot, providing multiple units arranged around a shared court that is typically perpendicular to the street. The shared court takes the place of a private rear yard and is an important community element. This Type is scaled to fit within primarily single-family neighborhoods or medium-density neighborhoods.



Permitted Form-Based District	
DMS, DTR, DVR	
Lot Size	
Site Area	22,500 sq. ft. min.
Site Width	150 feet min.
Site Depth	150 feet min.
Area	1,800 sq. ft. min.
Number of Primary Units Per Cluster	
Units	5 min. – 9 max.
Building Height & Setbacks	
See Dimensional Table **§ 3.03**	
Main Body	
Width	32 ft. max.
Depth	30 ft. max.
Secondary Wings	
Width	24 ft. max.
Depth	20 ft. max.
Building Separation	
Distance between Dwellings	10 ft. min.
Accessory Structures	
A detached garage for additional parking is permitted but shall not exceed 400 square feet.	

Allowed Frontages	
Porch, Projecting	Porch, Engaged
Porch, Side Yard	
Pedestrian Access	
Main Entrance Location	Common Courtyard
Vehicle Access and Parking	
Parking may be accessed from the alley or side street	
Private Open Space – Common Courtyard	
Width	20 ft. min.
Depth	60 ft. min.
Area per Dwelling Unit	360 ft. min.

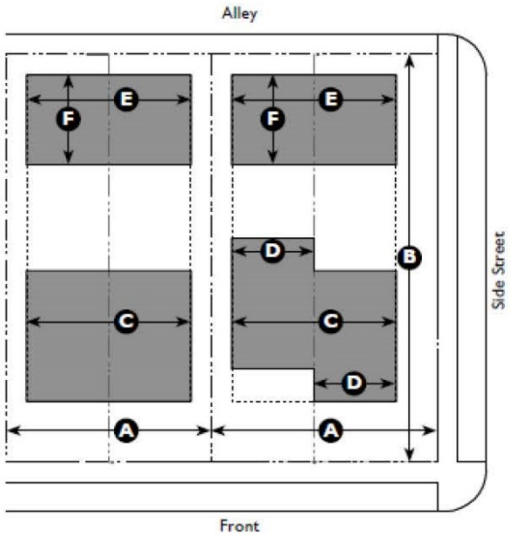
5. **Carriage House –** A detached, single-family residential Building Type that is an Accessory Structure typically located at the rear of a lot providing either a small residential unit or home office space or

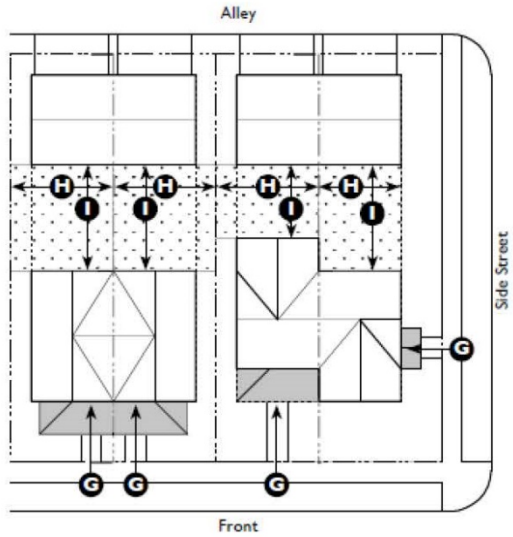


service use that may be above a garage or at ground level. May also be an Accessory Dwelling Unit. This Building Type is important for providing alternative housing opportunities and incubating small businesses within walkable neighborhoods.

Permitted Form-Based District	
DMS, DTR, DVR	
Lot	
Allowed on lots when accompanying a Principal Dwelling as an Accessory Dwelling Unit. **See § 5.02**	
Allowed when accompanying building types: Estate House, Village House, Cottage House, Duplex, Triplex and Townhouse.	
Number of Units	
Units	1 max.
Building Height & Setbacks	
See Dimensional Table **§ 3.03**	
Main Body	
Width	24 ft. max.
Depth	30 ft. max.
Separation from Principal building	10 ft. min.*
* Carriage House may be connected to Principal Building via uninhabitable space such as a breezeway	

Allowed Frontages
Carriage Houses are not required to have a Frontage Type
Pedestrian Access
Main Entrance internal to lot, or from a side street or alley
Main Entrance may not be through a garage
Vehicle Access and Parking
Parking may be accessed from driveway, side street or alley
Parking may be accessed from the front only when there is no alley or side street.
All parking spaces shall be separate from those required for the Principal Dwelling
Private Open Space
Private open space only required for Principal Dwelling





Key

ROW / Property Line
Shared Property Line[1]
Setback Line
Building

[1] Side-by-side units may have a shared property line

Key

ROW / Property Line
Setback Line
Frontage
Private Open Space

6. Duplex or Triplex – An attached, single-family residential dwelling that consists of two (2) or three (3) side-by-side dwelling units with each unit having a separate entrance facing the street. This Type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium-density neighborhoods.

Permitted Form-Based District	
DMS, DTR, DVR	
Lot Size	
Width	30 ft. min.*
Depth	100 ft. min.
Area	3,000 sf min.*
*Lot width and area is per unit	
Number of Primary Units	
Units	2 - 3 max.
Building Height & Setbacks	
See Dimensional Table **§ 3.03**	
Main Body	
Width	24 ft. max. per unit
Secondary Wings	
Width	24 ft. max.
Accessory Structure(s)	
Width, per unit	20 ft. max.
Depth, per unit	20 ft. max.

Allowed Frontages	
Porch, Projecting	Porch, Engaged
Porch, Side Yard	Stoop
Pedestrian Access	
Main Entrance Location	Front
On corner lots, each unit shall front a different street.	
Vehicle Access and Parking	
Parking may be accessed from the alley, side street or front	
Parking may be accessed from the front only when there is no adjacent alley or side street.	
Private Open Space	
Width, per unit	20 ft. min.
Depth, per unit	30 ft. min.
Area, per unit	600 sf min.
Required street setbacks and driveways shall not be included in the private open space area calculation.	
Required private open space shall be located behind the main body of the house.	

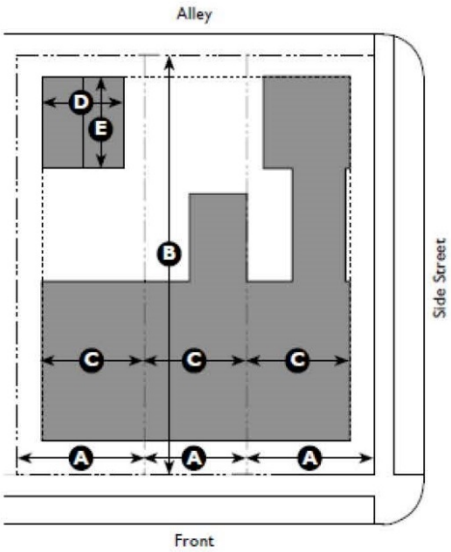
7. **Townhouse** – An attached, single-family residential dwelling that consists of three (3) or more side-by-side dwelling units with each unit having a separate entrance facing the street. This Type is typically located within medium-density neighborhoods or in a location that transitions from a primarily single-family neighborhood into a neighborhood main street. Synonym: Rowhouse.

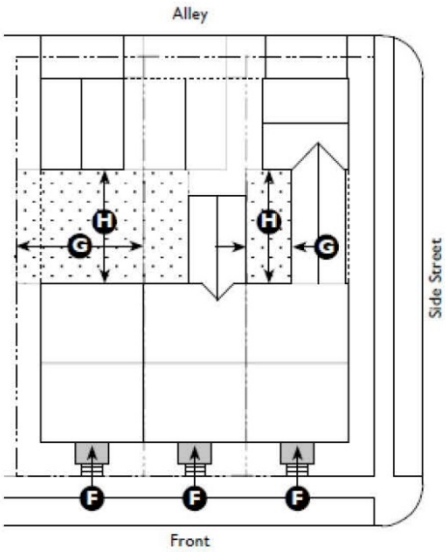
Permitted Form-Based District	
DMS, DTR	
Lot Size	
Width	20 ft. min.*
Depth	80 ft. min.
Area	1,600 sf min.*

Allowed Frontages	
Porch	Stoop
Gallery	Arcade
Pedestrian Access	
Main Entrance Location	Front
Each unit shall have an individual entry facing a street.	

*Lot width and area is per unit	
Number of Primary Units	
Units, per building	3 min.; 8 max.
Building Height & Setbacks	
See Dimensional Table **§ 3.03**	
Main Body	
Width	20 ft. max.; 36 ft. max.
Secondary Wings	
Footprint of secondary wing shall not exceed footprint of main body	
Accessory Structure(s)	
Width, per unit	20 ft. max.
Depth	20 ft. max.

Vehicle Access and Parking	
Parking shall be accessed from the alley or side street.	
Parking shall be enclosed.	
Private Open Space	
Width, per unit	20 ft. min.
Depth, per unit	10 ft. min.
Area, per unit	200 sf min.
Required street setbacks and driveways shall not be included in the private open space area calculation.	
Required private open space shall be located behind the main body of the house.	





Key

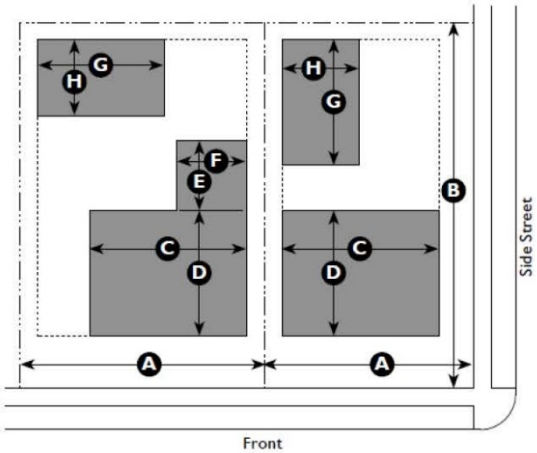
ROW / Property Line
Setback Line
Shared Property Line[1]
Building

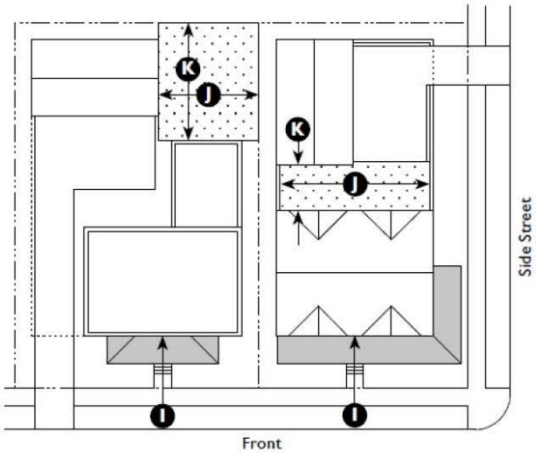
[1] Townhouses may have a shared property line.

Key

ROW / Property Line
Setback Line
Frontage
Private Open Space

8. **Apartment House** - A multi-family residential Building Type on a single lot having the appearance of a medium-sized family home that consists of four (4) to eight (8) dwelling units horizontally and vertically integrated, typically with one shared entry or individual entries along the front. This Type has the appearance of a medium-sized family home and is appropriately scaled to fit in sparingly within single-family neighborhoods or into medium-density neighborhoods promoting walkability.





Key
ROW / Property Line
Setback Line
Building

Key
ROW / Property Line
Setback Line
Frontage
Private Open Space

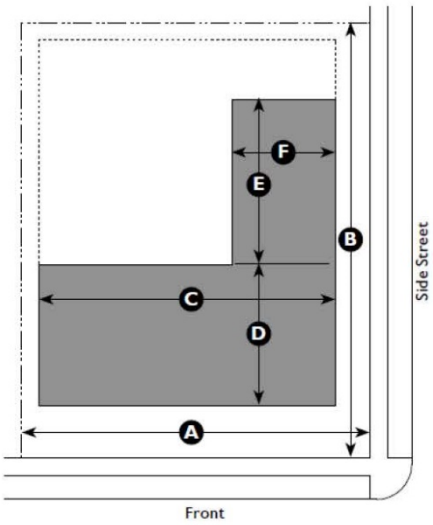
Permitted Form-Based District	
DMS, DTR	
Lot Size	
Width	50 ft. min. ~~- 100 ft. max.~~
Depth	100 ft. min. ~~- 150 ft. max.~~
Number of Primary Units	
Units, per building	8 max.
Building Height & Setbacks	
See Dimensional Table **§ 3.03**	
Main Body	
Width	48 ft. max.
Depth	36 ft. max.
Secondary Wings	
Width	30 ft. max.

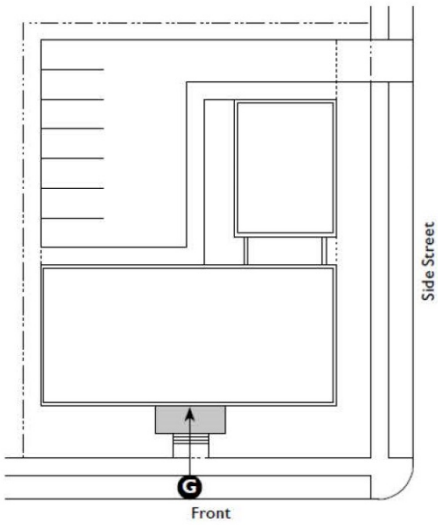
Allowed Frontages	
Porch, Projecting	Porch, Engaged
Porch, Side Yard	Stoop
Pedestrian Access	
Main Entrance Location	Front
Units located in Main Body shall be accessed by a common entry along the front.	
Vehicle Access and Parking	
Parking shall be accessed from the alley or side street.	
Front drives may be used to rear-located parking	
Common Open Space	
Width	10 ft. min.
Depth	20 ft. min.
Area	120 sf min.
Required street setbacks and driveways shall not be included in the private open space area calculation.	

Width	30 ft. max.
Accessory Structure(s)	
Width	30 ft. max.
Depth	20 ft. max.

Required private open space shall be located behind the main body of the Apartment House.

9. **Apartment Building** - A multi-family residential Building Type on a single lot that consists of is a medium- to large-sized structure of seven (7) to sixteen (16) dwelling units horizontally and vertically integrated, typically with one shared entry or individual entries along the front. This Type is appropriately scaled to fit in medium-density neighborhoods or sparingly within large lot predominantly single-family neighborhoods. This Type enables appropriately-scaled, well-designed higher densities promoting walkability.





Key
ROW / Property Line
Setback Line
Building

Key
ROW / Property Line
Setback Line
Frontage
Private Open Space

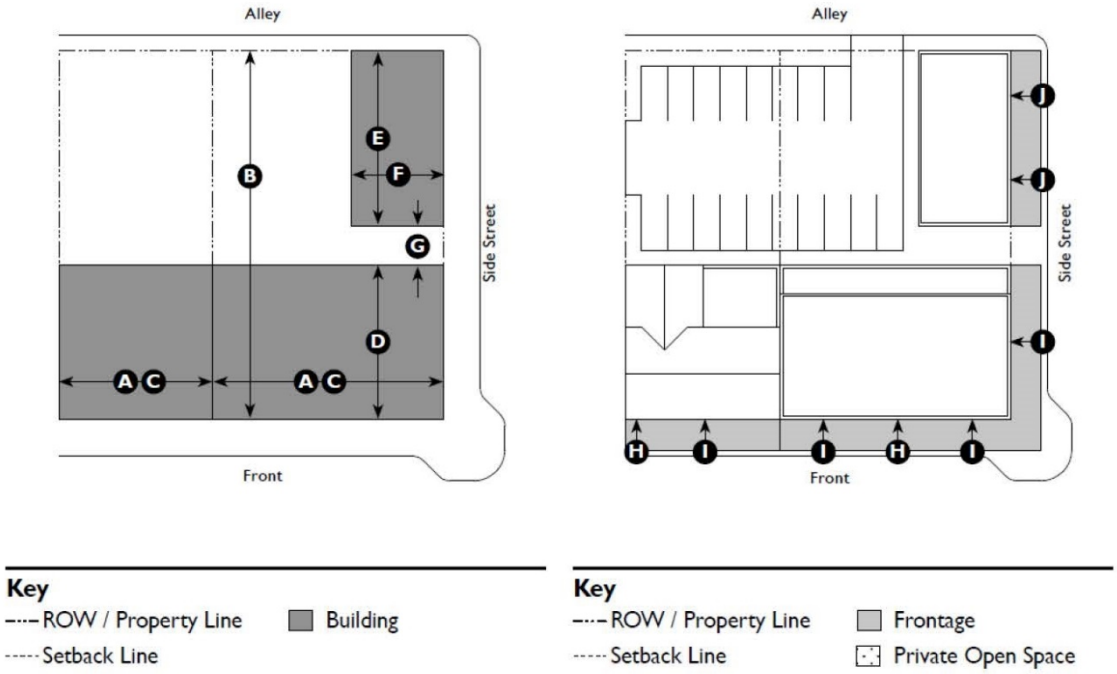
Permitted Form-Based District	
DMS	
Lot Size	
Width	75 ft. min. ~~- 150 ft. max.~~
Depth	100 ft. min. ~~- 200 ft. max.~~
Number of Primary Units	
Units, per building	16 max.
Building Height & Setbacks	
See Dimensional Table **§ 3.03**	
Main Body	

Allowed Frontages	
Porch, Projecting	Forecourt
Stoop	Gallery
Arcade	
Pedestrian Access	
Main Entrance Location	Front
Units located in Main Body shall be accessed by a common entry along the front.	
Vehicle Access and Parking	
Parking shall be accessed from the alley or side street.	
Front drives may be used to rear-located parking	

Width	60 ft. max.
Depth	50 ft. max.
Secondary Wings	
Width	48 ft. max.
Width	36 ft. max.
Accessory Structure(s)	
Width	30 ft. max.
Depth	20 ft. max.

Common Open Space	
Width	10 ft. min.
Depth	12 ft. min.
Area	120 sf min.
Required street setbacks and driveways shall not be included in the private open space area calculation.	
Required private open space shall be located behind the main body of the Apartment House.	

10. **Main Street Mixed-Use or Shopfront Building** - This Building Type is a small- to medium-sized structure, typically attached, intended to provide a vertical mix of uses with ground-floor commercial uses and upper-floor commercial or residential uses. Smaller versions of this Type include Live/Work units and a mix of commercial and residential uses on the ground floor. This Type makes up the primary component of a downtown main street.



Permitted Form-Based District	
DMS	
Lot Size	
Width	25 ft. min. ~~- 150 ft. max.~~
Depth	80 ft. min. ~~- 150 ft. max~~.
Number of Primary Units	

Allowed Frontages	
Forecourt	Shopfront
Gallery	Terrace
Arcade	
Pedestrian Access	
Upper floor units shall be accessed by a common front entry.	

Units, per building	2 min.
Building Height & Setbacks	
See Dimensional Table **§ 3.03**	
Main Body	
Width	75 ft. max.
Depth	75 ft. max.
Secondary Wings and Structures	
Width	100 ft. max.
Width	65 ft. max.
Separation from Main Building	10 ft. min.
A Secondary Wing or Accessory Structure shall have a smaller footprint than the main building.	

Ground floor units may have entries on front or side street.
Corner lots in a secondary wind may front on side street.
Vehicle Access and Parking
Parking shall be accessed from the alley or side street.
Front drives may be used to rear-located parking.
Parking drives and access may be shared by adjacent lots.
Garages may be detached or tucked under.
Private Open Space
None required.

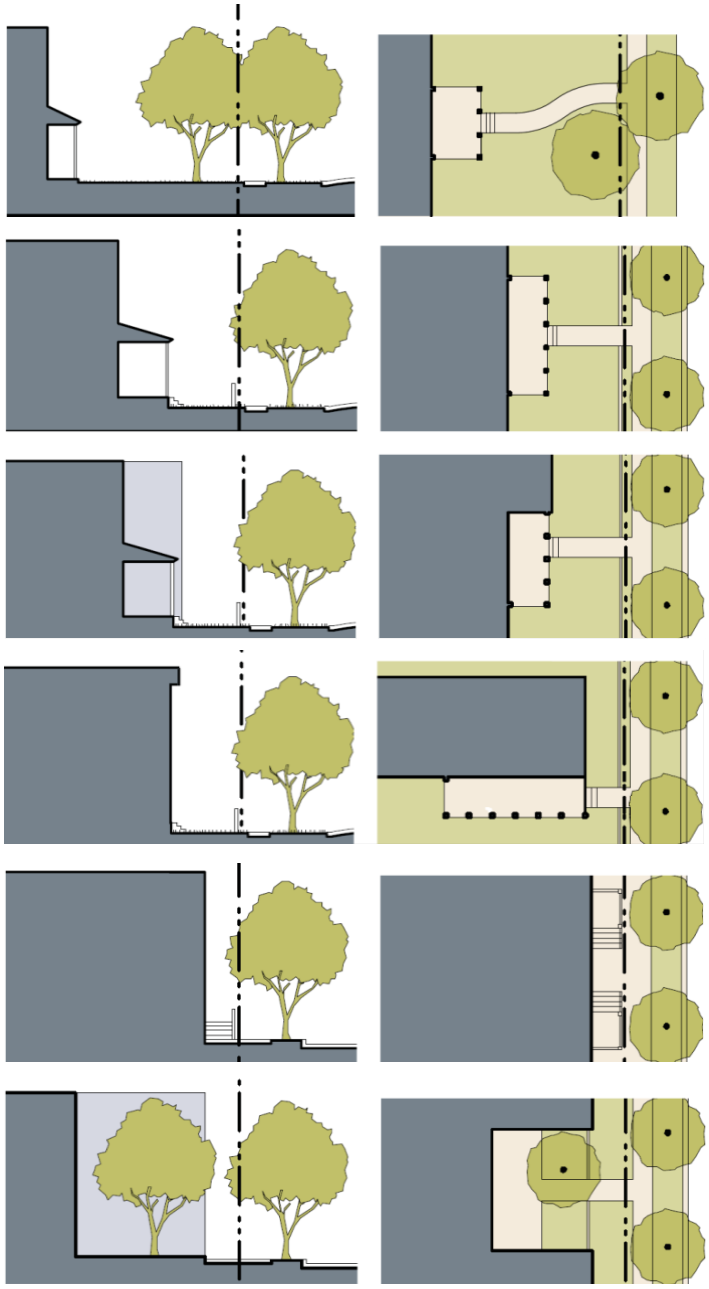
3.05 Private Frontages (Yards and Porches).

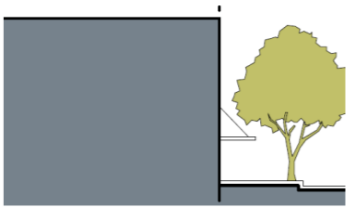
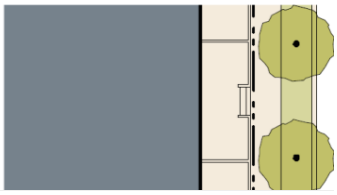
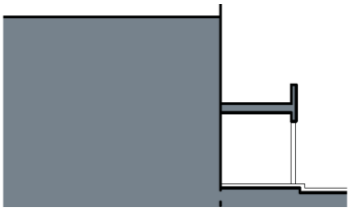
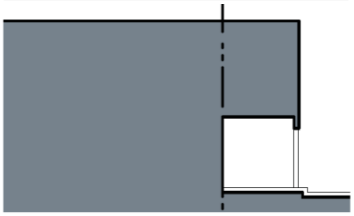
This Subsection sets forth Private Frontages standards applicable to the development within Downtown St. Marys Form-Based District.

A. Description – Private Frontages.

Private Frontages are the areas between the Building Facade and the lot line. They provide interface and transition between the public realm (street and sidewalk) and the private realm (yard or building).

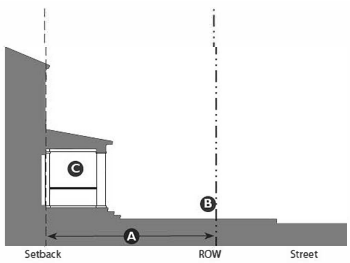
Private Frontage Type	LOT / PRIVATE FRONTAGE	R.O.W.	LOT / PRIVATE FRONTAGE	R.O.W.
Common Yard. The Building Facade has a large planted setback from the Frontage Line. The front yard remains unfenced and is visually continuous with adjacent yards, supporting a common landscape in conjunction with other Common Yard frontages.				
Porch: Projecting. The Building Facade has a porch open on three sides with a medium setback from the Frontage Line and all habitable space located behind the setback line. The resulting front yard is typically defined by a fence or hedge to spatially maintain the street edge.				
Porch: Engaged. The Building Facade has two adjacent sides of the porch that are engaged to the building while the other two sides are open. It has a medium setback from the Frontage Line and all habitable space located behind the setback line. The front yard is defined by a fence or hedge to spatially maintain the street edge.				
Porch: Side Yard. The Building Facade has a side yard located porch with its front side in line with the front facade. The side yard porch can be either projecting or engaged. The front yard has typically a medium setback from the Frontage Line and defined by a fence or hedge to spatially maintain the street edge.				
Stoop. The Building Facade is near the Frontage Line with an elevated stoop that engages the sidewalk. Stairs from the stoop may lead directly to the sidewalk or may be side-loaded. This is appropriate for residential uses with small setbacks.				
Forecourt. The Building Facade is at or near the Frontage Line and a small percentage of the façade is set back creating a small court space. The space can be used as an entry court or shared garden space for apartment buildings, or shopping or restaurant seating.				

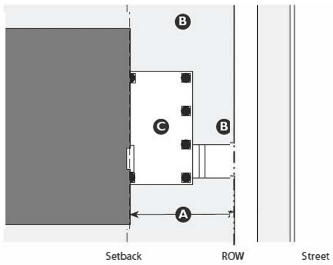


Private Frontage Type	LOT / PRIVATE FRONTAGE	R.O.W.	LOT / PRIVATE FRONTAGE	R.O.W.
Shopfront. The Building Facade is at or near the Frontage Line with an at-grade entrance along the public way unless required to be elevated per FEMA. This is intended for retail uses with substantial windows and may include an awning overlapping the sidewalk. It may be used in conjunction with other Frontage types.				
Terrace. The Building Facade has an elevated terrace providing public circulation along the facade. This Type can be used to accommodate retail uses along Building Facades that area required to be elevated above the base flood elevation.				
Gallery. The Building Facade is at the Frontage Line with a gallery element extending over the sidewalk to the curb. This is intended for ground-floor commercial and may be one or two stories. The Gallery must provide adequate pedestrian circulation and abut the curb to limit pedestrian bypassing it.				
Arcade. The Building Facade has habitable space above the walkway (Arcade) and may encroach into the ROW. The Arcade must provide adequate pedestrian circulation and abut the curb to limit pedestrian bypassing it. It is intended for ground-floor commercial uses with above residential or hotel uses.				

B. Standards – Private Frontages.

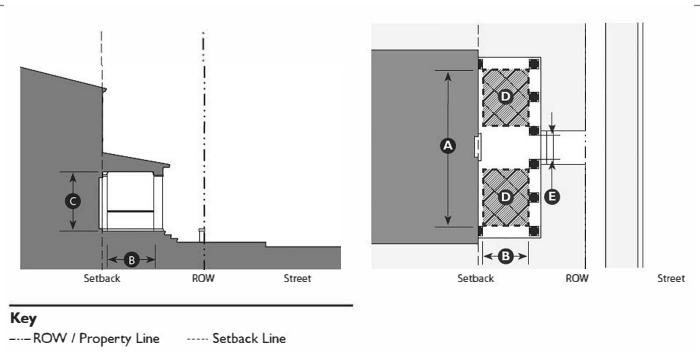
Common Yard – Standards.	
Yard Depth	20 ft. min.
No fences permitted	Yard
Porches permitted	Porch
Building Level Above sidewalk shall be a minimum of eighteen (18) inches. Common Yard Frontages shall be used in conjunction with another allowed Private Frontage type, such as a porch.	



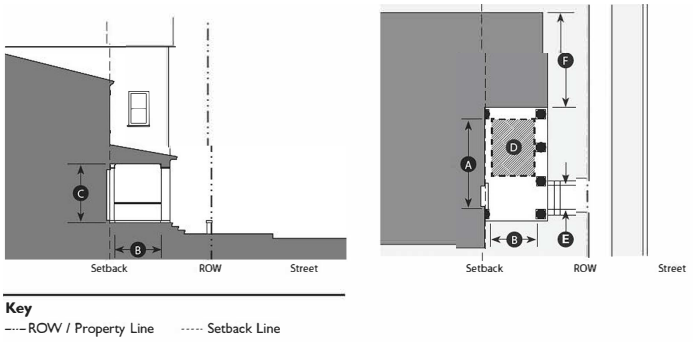


Key
----- ROW / Property Line ----- Setback Line

Porch: Projecting – Standards.	
Porch: Width	10 ft. min.
Porch: Depth	8 ft. min.
Porch: Height	8 ft. min.
Porch: Height above sidewalk	18 in. min.
Porches shall be roofed and open on three (3) sides. Where encroachments are allowed, the porch may be an allowable encroachment.	

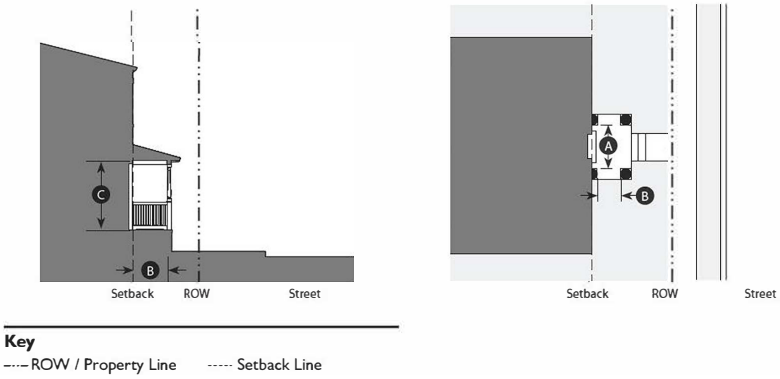


Porch: Engaged – Standards.	
Porch: Width	10 ft. min.
Porch: Depth	8 ft. min.
Porch: Height	8 ft. min.
Porch: Height above sidewalk	18 in. min.
Porches shall be roofed and open on two (2) sides. Where encroachments are allowed, the porch and up to forty percent (40%) of the Building Facade may be an allowable encroachment.	

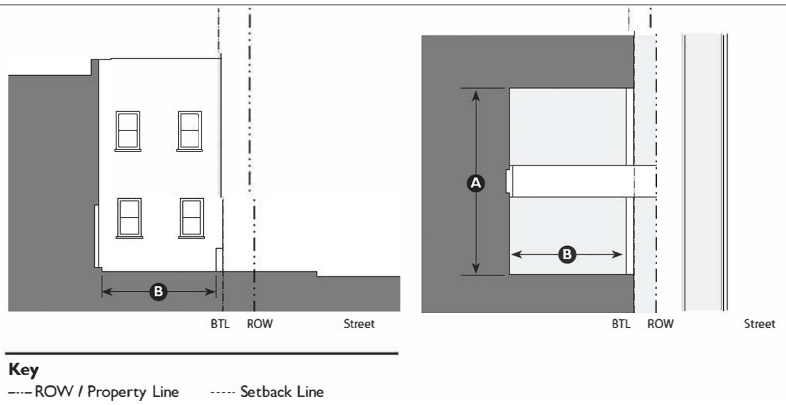


Porch: Side Yard – Standards.	
Porch: Width	20 ft. min.
Porch: Depth	8 ft. min.
Porch: Height	8 ft. min.
Porch: Height above sidewalk	18 in. min.
Building Facade may encroach into the setback area a maximum of five (5) feet. Porches shall be roofed and open on at least two (2) sides. Porches may incorporate a door on the front open side.	

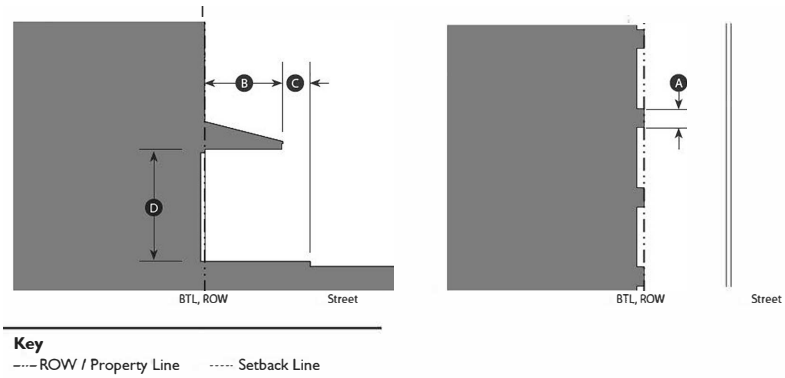
Stoop – Standards.	
Stoop: Width, Clear	5 ft. – 8 ft.
Stoop: Depth, Clear	5 ft. – 8 ft.
Stoop: Height, Clear	8 ft. min.
Depth of Recessed Entry	5 ft. max.
Stoop: Height above sidewalk	18 in. min.
Stairs may be perpendicular or parallel to Building Facade. Ramps shall be parallel to the Building Facade. Entry doors shall face street and be covered or recessed. Gates shall not be permitted.	



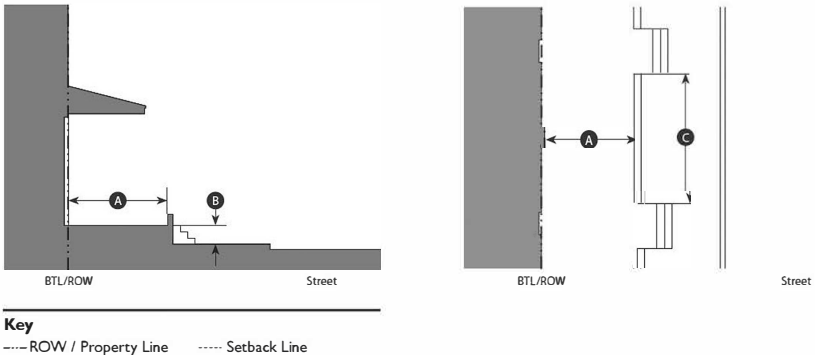
Forecourt – Standards.	
Forecourt: Width, Clear	12 ft. min.
Forecourt: Depth, Clear	12 ft. min.
Forecourt: Ratio, Height to Width	2:1 max.
Forecourts should be used sparingly and not be repeated along a block front.	



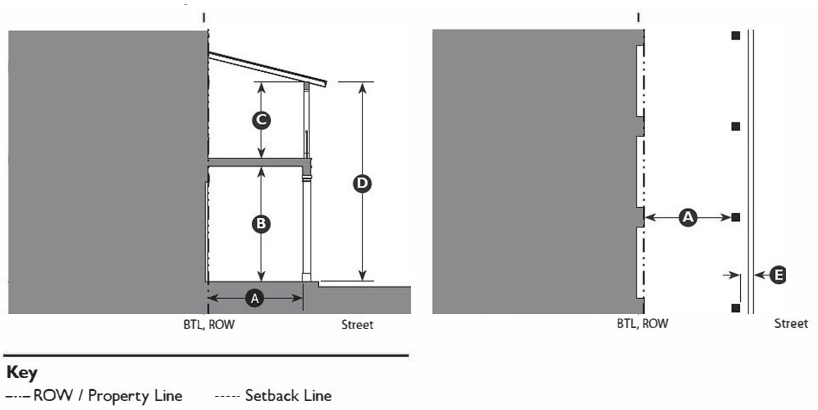
Shopfront – Standards.	
Distance between Glazing	2 ft. max.
Ground Floor Transparency	75% min.
Depth of Recessed Entry	5 ft. max.
Awning Depth	4 ft. min.
Awning Setback from Curb	2 ft. min.
Awning, Height, Clear	8 ft. min.
Pedestrian Path	12 ft. min.
Doors may be recessed if main facade is at the Build-to Line. Operable opened-ended awnings are encouraged. Rounded and hooped awnings shall not be permitted.	



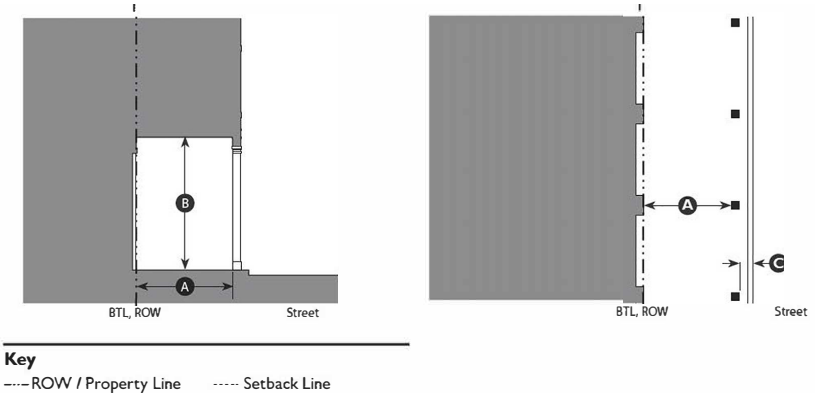
Terrace – Standards.	
Terrace: Depth, Clear Terrace: Height above sidewalk Distance btw. stairs Terrace: Length, Clear	8 ft. min. 3.5 ft. max.* 50 ft. max. 150 ft. max
Low walls used as seating are encouraged. Terrace standards shall be used in conjunction with Shopfront Frontage Type; if conflict, Terrace Frontage Type standards shall prevail. *If building located in floodplain, finish level above sidewalk may exceed three and a half (3.5) feet.	



Gallery – Standards.	
Gallery: Depth, Clear Gallery: 1st Floor Ht., Clear Gallery: 2nd Floor Ht., Clear Building Height Gallery: Setback from Curb	10 ft. min. 11 ft. min. 9 ft. min. 2 stories max. 2 ft. max.
Gallery standards shall be used in conjunction with Shopfront Frontage Type; if conflict, Gallery Frontage Type standards shall prevail. Gallery shall have consistent depth along Frontage. Gallery shall extend close enough to curb so that a pedestrian cannot bypass it.	



Arcade – Standards.	
Arcade: Depth, Clear Arcade: 1st Floor Ht., Clear Arcade: Setback from Curb	10 ft. min. 11 ft. min. 2 ft. max. *
Arcade standards shall be used in conjunction with Shopfront Frontage Type; if conflict, Arcade Frontage Type standards shall prevail. Arcades shall have a consistent depth along Frontage. Arcades with more than two (2) floors of habitable space above the Colonnade shall be located outside the ROW. *Setback may be greater if arcade is located outside of ROW.	



3.06 Form-Based Districts Architectural Standards and Guidelines.

A. Purpose.

1. To provide architectural standards and guidelines that achieve and promote a consistently high level of design for the City's most intense and most visible development; and

2. To encourage new and renovated buildings that reflect the distinct characteristics of St. Marys' historic low country sense of place.

3. To adhere to good architectural design principles that incorporate traditional architectural features, while blending harmoniously with the natural surroundings.

B. Main Street Mixed Use or Shopfront Building – Design Standards.

1. Purpose.

a. This Building Type is a small to medium-sized structure, typically attached, intended to provide a vertical mix of uses with ground-floor commercial, service, or residential uses and upper-floor commercial, service, or residential uses. Smaller versions of this Type include Live/Work units.

2. Building Scale and Massing.

Buildings shall incorporate variations in wall heights, façade articulations and varied roof planes and pitches. Wall planes shall be divided into modules that express traditional dimensions such that a street-facing Building Facade shall not exceed seventy-five (75) feet in length, without a minimum one (1) foot offset provided to divide it into subordinate elements.

3. Facade Features.

a. Wall Planes: Building facades shall be designed to provide visual interest through detail and ornamentation. Wall planes shall be divided into smaller components by the arrangement of windows and other facade articulation features, such as columns, pilasters, Canopies, and Awnings.

b. Entrances: The main entrance to a building shall be clearly identifiable and shall be oriented to face a street or Shared-Use Path. Entrances shall incorporate design features such as Canopies, Arcades, raised cornice Parapet Wall or peaked roof forms over the doorways, arches, and display windows.

c. Vertical Articulation: Buildings shall incorporate such elements as Canopies, Arcades, and Colonnades to provide vertical articulation. Building Elevations for multi-story buildings shall clearly reflect a bottom (first) floor and its representative interior height, a middle ground consisting of all floors above the first floor and a visually pronounced building top that consists of a defined cornice at the top of the Parapet Wall section or at the transition of the sloped roof section.

4. Roofs.

a. Pitched Roofs: Pitched roofs shall be required for all buildings, except one-story Shopfront Buildings. The pitch shall be 6:12 ~~or~~ to 12:12 with a minimum of 6-inch overhanging eaves. Varied roof planes shall be used to break up the massing.

b. Flat Roofs: Flat roofs may be used for one-storied Shopfront Buildings which traditionally have flat roofs. Flat roofs and sloped roofs with a pitch less than 4:12 shall be concealed with a Parapet Wall that extends around all sides of a building. The Parapet Wall shall be designed and scaled as an integral part of the Building Facade.

c. Concealing Rooftop Equipment: Where HVAC equipment, satellite dish structures, and other equipment are located on a roof, the roof structure shall be designed to be tall enough to completely conceal the equipment.

5. Exterior Materials ~~and Colors.~~

a. Permitted Materials: Permitted materials include wood clapboard, wood board and batten, wood shingle siding, brick, stucco, tabby, cement board that resembles painted wood clapboard.

~~b. Permitted Colors:~~

(1) ~~Predominant color design shall be compatible with coastal vernacular palette which includes traditional historic colors, earth tones (greens, tans, light browns and terracotta), grays, pale~~

~~or primary and secondary Muted Colors with less than fifty (50) percent color value, and white, cream tones, and oxblood red.~~

(2) ~~Accent color design (i.e., black, dark blue, grays, and other dark primary colors) may be used on a limited basis as part of an architectural motif.~~

(3) ~~Saturated Colors shall be prohibited.~~

6. Accessory Uses and Furnishings.

Permitted Accessory Structures shall reflect and coordinate with the general style of architecture inherent in the primary structure. Covered porches, canopies, awnings, trellises, gazebos, street/pedestrian furniture and open wood fences are encouraged.

7. In addition to the above design standards, **§ 4.10** Design Standards – Multi-Family and Non-Residential Building shall apply unless in conflict with the design standards as set forth above.

C. Residential Design Standards.

In addition to meeting the standards as set forth in Article III, all residential buildings shall meet the design standards as set forth in **§ 4.08.**

3.07 Build-to Setback Standards.

A. Build-to Setbacks, Intent.

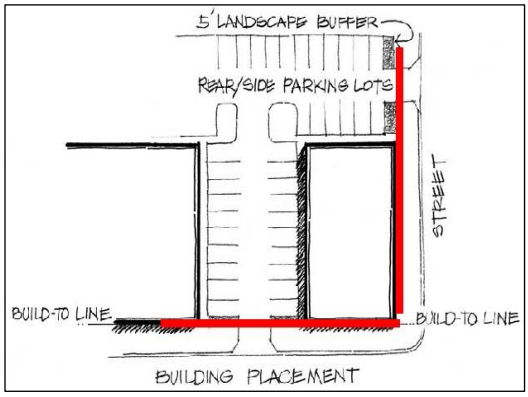
The Build-to setback standard is intended to limit the distance from which a Principal Building's Street-Facing Building Facade is permitted to be set back from the property. This strengthens the street edge along the right-of-way and establishes a sense of enclosure by providing spatial definition to the street.

B. Build-to Setback Standards.

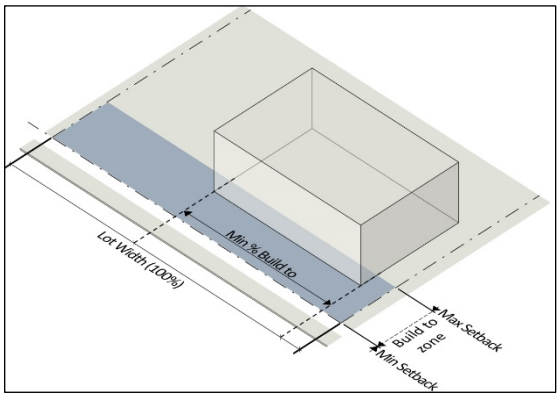
1. On Corner Lots, the Building Façade shall be placed within the Build-to area for the first thirty (30) feet along each street extending from the block corner. (**see Figure 2**)

Figure 2 Build-to Setback Illustrations

Corner Lot



Interior Lot



2. On Interior Lots, Build-to standards require a specified amount of the Street-Facing Building Facade to be located within the Build-to area based on the width of the building divided by the width of the lot.

3. Except for specified restrictions to parking, structures and uses customarily allowed on the lot are permitted in the Build-to area.

4. The Community Development Director may reduce the Build-to percentage subject to the following findings:

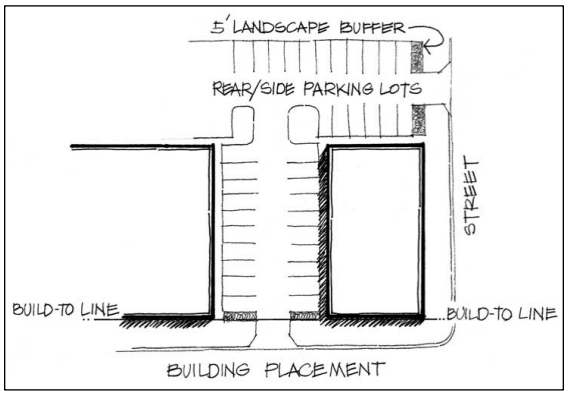
a. Approved alternate meets the intent of the Build-to regulations; or,

b. Approved alternate does not substantially negatively impact the established Build-to pattern; and, area that would have been occupied by buildings is converted to an outdoor amenity area.

C. Location of Parking.

Location of parking lots for non-residential uses and multi-family uses shall be to the rear or the side of the building as shown in **Figure 3**.

Figure 3 Location of Parking



4. General Development and Design Standards.

4.01 Purpose.

General development standards are standards that apply to all development within the City of St. Marys as to matters regulated by this Zoning Ordinance. The Design Standards apply to specific types of development including single-family residential, cottage court cluster housing, multi-family and non-residential development, accessory dwelling units, ~~tiny houses,~~ downtown waterfront properties and manufactured home subdivisions.

4.02 Access to Public Street, Access Easements, Curb Cuts and Other Points of Access.

A. Access to Public Street or Access Easement and Alleys.

1. No building shall be constructed or erected upon a lot, parcel or tract of land that does not abut upon a public street or permanent access easement, which easement shall be recorded in the land records of Camden County and shall conform to the standards for streets and driveways set by the City.

2. No street intersection shall occur within one hundred and twenty-five (125) feet of another street intersection.

3. Alleys.

a. Alleys providing two-way traffic shall provide a travel surface of at least sixteen (16~~8~~) feet in width.

b. Alleys providing one-way traffic shall provide a travel surface of at least twelve (12) feet wide.

B. Points of Access from Multi-Family and Non-Residentially Zoned Property

Upon the effective date of this Zoning Ordinance, ingress-egress, referred herein as a "curb cut," from legally-established multi-family and non-residential lots or tracts, shall be regulated by the following requirements:

1. Size and Spacing.

a. No more than one (1) curb cut or other point of access along the same Street Frontage shall be permitted more frequently than every four hundred (400) feet unless the existing lot or tract width is less than four hundred (400) feet, then one (1) curb cut shall be permitted;

b. No curb cut or point of access shall be less than nine (9) feet in width or more than thirty-five (35) feet in width as measured at its widest point; however, properties located within an Industrial District shall be exempt from this requirement.

c. No curb cut or other point of access shall be located closer than one hundred (100) feet from the intersecting point of two street rights-of-way; however, if a property's width is less than that required to meet this intersection setback, the curb cut or point of access shall be located at the furthest point away from the intersection.

d. Property with less than four hundred (400) feet of lot width, having access along two streets (corner lots), shall locate its point of access on the street having the lesser right-or-way width or lowest amount of average daily traffic as determined by the Community Development Director.

2. Cross Access Easements.

Properties with lots widths below four hundred (400) feet shall provide points of cross access easements to abutting properties.

3. Permits Required.

a. A permit shall be obtained from the Georgia Department of Transportation before curb cuts or any other point of access shall be authorized onto state-owned highway rights-of-way.

b. Prior to access any roadway, a property owner shall obtain a letter from the Community Development Director stating that the proposed location of the curb cut or other point of access meets the access standards of this Zoning Ordinance.

4.03 Obstruction of Vision.

A. Visibility at Intersection of Public Roadways.

To minimize accidents at road intersections, the following regulations shall apply in all districts:

1. Within the triangle formed by the intersection of two (2) roadway rights-of-way and the straight line connecting the rights-of-way lines at a point of distance of twenty (20) feet from their point of intersection, there shall be a clear space with no obstruction to vision between the height of thirty (30) inches and a height of ten (10) feet above the average grade of road as measured at the centerline.

2. Trees shall be permitted within the clear space provided foliage shall be cut away to prescribed heights.

B. Visibility at Intersection of Private Drive or Alley with Public Roadway.

1. Within the triangle formed by the intersection of the centerline of a private drive or alley with the right-of-way line of a public roadway, and the straight line connecting the centerline of the private drive or alley and the right-of-way of the public roadway at a point of distance of fifteen (15) feet from their point of intersection, there shall be a clear space with no obstruction to vision between the height of thirty (30) inches and a height of ten (10) feet above the average grade of road as measured at the centerline thereof.

2. Trees shall be permitted within the clear space provided foliage shall be cut away to prescribed heights.

4.04 Building and Story Height and Other Building Elements.

A. Buildings Heights, General.

1. Building Height shall be measured in feet from the average elevation of the existing finished lot grade adjoining the front of the building to the highest point of the roof line or the top of the Parapet Wall.

2. Where a property slopes downward to the rear, Building Height shall be measured abutting the side of the building at the average grade from the front to rear wall plane.

B. Story Height.

1. Story Height shall be measured from the top of the finished floor to the ceiling above.

2. Ground Story Height applies to the first thirty (30) feet of the building measured inward from the street facing facade.

3. At least fifty percent (50%) of the Ground Story shall meet the minimum Ground Story Height provisions.

4. Where applicable, at least eighty percent (80%) of each Upper Story shall meet the required minimum Upper Story height provisions.

5. Attic Stories.

Attic stories shall be permitted on all sites and do not count against the maximum story limit if fifty percent (50%) or more of the attic floor area has a clear height of less than seven and one half (7.5) feet as measured from the top of finished floor to the bottom of the finished ceiling.

Attic stories having windows shall have only dormer windows on the Building Facade.

C. Height of Other Building Elements.

1. Architectural embellishments.

Architectural embellishments not intended for human occupancy that are integral to the architectural style of the buildings but not intended as signage, including spires, belfries, cupolas, and domes may exceed the height limits by up to twenty (20) feet.

2. Mechanical Equipment Height.

Mechanical equipment, ventilation equipment, chimneys, exhaust stacks and flues, fire sprinkler tanks, and other similar constructions may extend up to twelve (12) feet above the actual building height, provided that:

a. Equipment is set back from all exterior walls a distance at least equal to the vertical dimension that such item extends above the actual building height; or

b. Exterior wall and roof surfaces of such items that are set back less than the vertical dimension above the actual building are constructed as architecturally integral parts of the Building Facade(s) or as architectural embellishments.

4.05 Setbacks, Encroachments and Projections.

A. Building Setbacks.

1. Principal Buildings shall not occupy any portion of a required setback area unless specifically permitted by another section within this Zoning Ordinance.

2. Any lot where the required front yard setback is less or greater than the average depth of an Established Front Building Line located within the same block and within the same zoning district and within one hundred (100) feet on each side of the lot, shall meet the following setback requirements:

a. If the average Established Front Building Line is greater than the required front yard setback, the lot may have a front yard setback ten (10) feet less than the average Established Front Building Line but in no case less than the required minimum front yard setback; and,

b. If the average Established Front Building Line is less than the required front yard setback, the lot may have a front yard setback at the Established Front Building Line but not exceeding ten (10) feet more than the average Established Front Building Line.

3. Buildings abutting an alley shall have a minimum setback from the alley of five (5) feet.

4. No required side yard setback shall be required when building walls share a common side.

B. Encroachments and Building Projections.

1. No building shall encroach upon required corner sight distances.

2. Except for those permitted through the Form-based code Downtown Main Street District's Private Frontages, ~~N~~no portion of a building or building appurtenance shall project into a right-of-way or across a property line of an adjacent property.

3. Colonnades (covered sidewalks).

a. Colonnades shall have a minimum interior clear height of thirteen (13) feet except as otherwise provided for signs, lighting and similar appurtenances which shall maintain a clear height of at least ten (10) feet

b. Colonnades shall have a minimum ten (10) feet clear width between the Building Facade and the outside support columns; columns shall be spaced a distance of at least twelve (12) feet on center.

4. Businesses offering seating or other activity within the public sidewalk shall maintain unobstructed Pedestrian Pathways of at least six (6) feet in width along the full length of the sidewalk.

5. Where lots are developed as zero lot lines, there shall be provided a maintenance easement of five (5) feet for conducting general maintenance/repairs on the non-zero side of the lot for the benefit of the adjoining lot.

4.06 Lot Measurements and Multiple Frontages.

A. Lot Width and Depth.

1. The required minimum lot width shall be measured between the side lot lines along the Front Building Line or Front Setback Line.

2. A lot shall meet the minimum required lot width for the length of the required lot depth except for cul-de-sac and elbow lots described in subsection A 3. below.

3. Required lot width for cul-de-sac lots or lots located on the outside radius of a ninety (90) degree turn (elbow lots) shall have a minimum Street Frontage of twenty (20) feet.

B. Multiple Street Frontage Lots.

The Community Development Director shall designate the primary Street Frontage for lots abutting more than one street based on the following hierarchy:

1. Established building orientation of other lots on the Block;

2. Street Frontage parallel to an alley within the Block; and

3. Street from which other lots on the Block are addressed.

4.07 Location of Accessory Structures and Uses on Residential Lots.

A. Locational Standards.

Accessory Structures and Uses in Residential Districts and on any lot used primarily for residential purposes shall conform to the following locational regulations:

1. Shall be permitted only within rear yards except detached garages may be located within the side yard but not forward of the Principal Dwelling;

2. Shall not be located within five (5) feet of any lot line;

3. Shall not cover more than thirty percent (30%) of any required rear yard setback area; and,

4. Shall not be permitted without a Principal Dwelling erected on a lot prior to the time of construction of the Principal Dwelling.

B. Use, Size and Materials.

Accessory Structures and Uses in Residential Districts and on any lot used primarily for residential purposes shall conform to the following use, size and materials regulations:

1. Shall not be occupied at any time as a dwelling other than an approved Accessory Dwelling Unit;

2. Multiple Accessory Structures and Uses on a single lot shall not exceed a combined square foot-age of seven hundred and twenty (720) square feet or fifty percent (50%) of the first-floor area of the Principal Structure, whichever is less;

3. Shall have a minimum separation of twenty (20) feet between Accessory Structures and Uses; and,

4. If exceeding two hundred (200) square feet, shall be clad in the same building materials and design as the Principal Dwelling.

4.08 Design Standards – Single-Family Residential.

A. Building Materials and Roofs.

1. Exterior wall materials shall include wood, Brick or Brick veneer, stucco, rock or simulated rock, tabby, cement board, wood shingles, or vinyl or metal siding that has the appearance of wood siding, but shall not include smooth, ribbed or corrugated metal or plastic panels or EIFS as the Primary Building Material.

2. Roof areas shall be covered with asphalt composition shingles, 5-V metal roofing, or tile. Corrugated metal or plastic panels shall be prohibited.

3. Roof pitch shall be a minimum of ~~6~~5:12 and shall be fully enclosed to the peak of the roof.

4. Parapet Wall shall extend to a height that fully screens any rooftop mechanical equipment.

B. Building Dimensions and Foundations.

1. All single-family detached residential structures shall have a minimum horizontal dimension of twenty-four (24) feet unless it is ~~a Tiny House~~, an Accessory Dwelling Unit or within a Cottage Court Cluster Development.

2. All residential structures shall be placed on a permanent foundation.

3. All residential structures shall meet wind loading requirements of the Federal Emergency Management Administrator, the State of Georgia, and the City's Building Codes.

C. Garages and Driveways.

1. One garage or carport parking space measuring a minimum of nine (9) feet by eighteen (18) feet shall be provided for each two (2) bedrooms within a single-family residential structure.

a. Garages shall be constructed with the same materials, roof pitch and architectural style as the Principal Structure.

b. Carports shall have the same roof pitch and constructed of the same materials as the Principal Structure and have a fully paved concrete parking pad covering the entire area of the carport.

c. Parking spaces beneath elevated dwellings are considered meeting required parking standards.

2. Front-Loaded Garages.

~~a. Front-Loaded garages shall not extend past the front Building Facade of the residential structure unless the garage door is a side entry garage (J-swing design).~~

a. Front-Loaded garages shall not occupy more than forty percent (40%) of the front Building Facade of a single-family detached residential structure.

b. Front-Loaded garages shall not occupy more than seventy-five percent (75%) of the front Building Facade of a single-family attached residential structure.

3. Alley-Loaded Garages.

a. The opening of Alley-Loaded garages shall be set back either four (4) feet from the alley right-of-way or easement or a minimum of twenty (20) feet from the alley right-of-way or easement.

4. Driveways.

a. Driveway widths shall not exceed sixteen (16) feet at the point where the driveway crosses the front property line and joins the street right-of-way.

b. Front-Loaded single-family residential structures shall have a driveway depth of not less than twenty (20) feet as measured from the front Building Facade to the front property line.

D. Configuration of Townhouse Development.

1. There shall be a minimum of three (3) units and a maximum of eight (8) units per Townhouse building.

2. No Townhouse building shall be oriented toward the rear of another Townhouse building or the rear of a building on an adjoining property, unless the buildings are separated a distance of fifty (50) feet or greater.

3. No more than two (2) contiguous dwellings units of a Townhouse building shall have the same front Building Facade setback or roof line; front Building Facade setbacks and roof lines shall vary by a minimum of two (2) feet.

4. Materials or color changes for Townhouse buildings shall only occur at a change of front Building Facade plane.

4.09 Design Standards – Cottage Court Cluster Housing.

A. Purpose.

1. Cottage Court Cluster Housing development is an alternative lot layout for Detached Single-Family Residential development.

2. Cottage Court Cluster Housing development provides creative lot design for Single-Family Detached and Attached Residential development for infill opportunities while protecting the character of nearby Single-Family Residential.

B. Unit Types and Density.

1. Only Single-Family Detached units shall be permitted.

2. Permitted density (units per acre) shall be a maximum of one hundred thirty percent (130%) of the permitted density of the underlying R-1, R-2 or R-3 Zoning District and meet the area per dwelling unit within the Form-Based Districts.

3. Total number of dwelling units per development is limited to a minimum of five (5) units and a maximum of nine (9) units per development cluster.

4. Dimensional standards shall be consistent with those set forth in the Form-Based District Dimensional Standards Table in **§ 3.03**.

C. Neighborhood Compatibility and Orientation.

1. The site shall be laid out in a manner that visually integrates the development with the adjacent residential neighborhood.

2. Units abutting a public street or access easement shall orient their primary entrance toward the public street or access easement with all remaining units having their primary entrance oriented toward the Common Useable Open Space.

D. Design Standards.

1. Physical Design of Housing and Setbacks.

a. Housing units shall be no more than one and half (1.5) stories.

b. The front yard setback shall be the same as the underlying Zoning District.

c. Housing units shall be separated by a minimum of ten (10) feet on all sides.

d. Housing units shall be designed to be proportional in height and width, with a height-to-width ratio not exceeding 1.50 to avoid "tall, skinny houses."

e. Architecturally the development shall have an overall common architectural theme while providing diversity in design to prevent repetitive use of building styles.

f. Each unit's primary entryway shall have a covered porch with a minimum depth of five (5) feet and a combined area of one hundred (100).

g. A minimum front yard depth of five (5) feet shall be required parallel to the primary entryway porch.

h. Front yard fences or hedges shall not exceed three (3) feet in height.

i. Rear yard fencing shall be limited to five (5) feet in height.

2. Parking and Drives.

a. If common garages are provided to meet parking requirements, they shall be:

(1) Architecturally consistent with the housing (e.g. similar roofline and building materials);

(2) Limited to no more than four (4) parking spaces;

(3) Located within the rear portion of the development; and

(4) Prohibited from abutting the Common Useable Open Space.

b. If additional parking is provided by use of uncovered surface parking, the parking area shall be landscaped and designed as follows:

(1) Shall have a 3-foot landscaped perimeter with a continuous row of evergreen shrubs (18" in height when planted), with accompanying Ground Cover and one (1) Understory Tree for every two (2) parking spaces installed in accordance with parking area landscaping provisions set forth in **§ 6.03**; and,

(2) If parking is located in-between houses, there shall not exceed two (2) spaces and be setback ten (10) feet from the primary building entrance.

c. Private Driveways and Garages.

(1) Driveways shall be located to the rear of units.

(2) Driveways and individual garages shall not face the Common Useable Open Space.

E. Common Useable Open Space.

1. Common Useable Open Space shall be centrally located and easily accessible to all units.

2. At least fifty percent (50%) of the Common Useable Open Space's perimeter shall be oriented toward the front entryways of the residential units.

3. Three hundred and sixty (360) square feet of Common Useable Open Space shall be provided per unit.

4. Required setbacks and private open space cannot count toward the Common Useable Open Space requirement.

5. Common Useable Open Space shall be contiguous with a minimum width of twenty (20) feet and a minimum depth of sixty (60) feet.

6. Common Useable Open Space shall provide for passive and/or active recreational activities such as lawns, gardens, patios, etc.

7. Pedestrian paths shall link all units to Common Useable Open Space and may count towards the Common Useable Open Space area requirement.

8. Fences may not be located within the required Common Useable Open Space.

9. Common Useable Open Space shall not include wetlands, marshlands or be utilized for parking.

F. Other Limitations.

1. A homeowners' association shall be required for maintenance of common areas.

2. Accessory Dwelling Units shall not be not permitted.

3. A covenant restricting any increases in unit size after initial construction shall be recorded against the property at the County.

4. Any of the provisions found in this section may be altered by request of the Fire Department to meet safety standards.

4.10 Design Standards – Multi-Family and Non-Residential Buildings.

A. Exception.

The section does not apply to buildings used for industrial activities located within a Heavy Industrial Zoning District.

B. Building Materials.

1. Permitted Primary Building Materials shall cover not less than seventy-five percent (75%) of each Building Facade and shall be:

a. Brick, stone or tabby;

b. Wood or fiber cement board such as Hardie-Plank™ or equal installed in a horizontal manner to replicate wood siding;

c. Engineered wood such as LP SmartSide™ or equal installed in a manner to replicate wood siding;

d. On commercial buildings exceeding fifty thousand (50,000) square feet, concrete masonry units or concrete panel construction on facades not facing the street may be used; or,

e. Other Primary Building Materials authorized pursuant to a waiver granted as a part of the approved Site Development Plan.

2. Permitted secondary building material shall cover no more than twenty-five percent (25%) of each Building Facade and may be:

a. Wood or fiber cement board such as Hardie-Plank™ or equal installed in a manner to replicate wood siding; or,

b. Engineered wood such as LP SmartSide™ or equal installed in a manner to replicate wood siding.

3. Accent building materials shall cover no more than five percent (5%) of the Building Facade and may be:

a. Pre-cast masonry (limited trim and cornice elements only);

b. Gypsum reinforced fiber concrete (limited to trim elements only);

c. Metal (limited to roofing, beams, lintels, trim elements and ornamentation only);

d. Split-faced CMU block (but used only for piers, foundation walls and chimneys); or,

e. EIFS.

C. Building Roofs and Parapets.

1. Permitted roof materials.

a. Dimensional asphalt shingles.

b. Tile, clay or concrete (faux clay) or slate (equivalent synthetic or better).

c. Metal (standing seam, equivalent or better).

d. Solar panels.

2. Authorized roof configurations.

a. Pitched roofs.

(1) Hip and gable roofs shall be symmetrically pitched 6:12 or 12:12.

(2) Eaves shall overhang not less than six (6) inches beyond the vertical face of the wall over which the eaves are constructed on the Principal Structure.

(3) Roofing shall be fully enclosed to the peak of the roofline.

b. Flat roofs

(1) Flat roofs shall only be permitted on Office or Commercial Buildings exceeding fifty thousand (50,000) square feet.

(2) Flat roofs shall have a Parapet Wall of sufficient height to shield any mechanical equipment.

D. Building Facades.

1. All Building Facades viewable from the public rights-of-way shall be architecturally finished with articulation, detailing, and features unless exceptions are approved as part of the Site Development Plan.

2. Buildings shall incorporate architectural elements such as Awnings, balconies, and Colonnades to unify separate parts of a building and have clearly identifiable primary points of access to the buildings.

3. Office and Commercial Building pad sites shall be constructed of similar architectural design elements and materials.

4. Building components such as burglar bars, steel gates, metal awnings and steel roll-down curtains are prohibited if visible from a public street.

~~**E. Exterior Colors.**~~

~~1. Predominant color design shall be compatible with coastal vernacular palette which includes traditional historic colors, earth tones (greens, tans, light browns and terracotta), grays, pale or primary and secondary Muted Colors with less than fifty (50) percent color value, and white, cream tones, and oxblood red.~~

~~2. Accent color design (i.e., black, dark blue, grays, and other dark primary colors) may be used on a limited basis as part of an architectural motif.~~

~~3. Saturated Colors shall be prohibited.~~

E. Building Placement and Length.

1. Building Facades shall abut at least fifty percent (50%) of the required front Setback Line; provided, however, if a utility easement is located within the area of the front setback, the building may be setback to a point located on the boundary of the utility easement interior to the lot.

2. No Building Facade shall be longer than three hundred (300) feet without a building articulation off-set of a minimum of five (5) feet.

3. Buildings Fronting Public Right-of-Way or Easement.

a. Multi-Family and Non-Residential Buildings shall front on a publicly-dedicated street right-of-way or an easement that meets the design standards of a public street designed to be an integral part of the City's street network.

b. All buildings shall have their primary entrances fronting on the publicly-dedicated street right-of-way or easement.

c. Multi-Family development shall not have resident parking located between the street and the front entry.

F. Building Fenestration.

1. Street-facing Facades shall have not less than sixty percent (60%) and not more than eighty percent (80%) Fenestration on the Ground Story Facade.

2. Fenestration on Upper Stories of street-facing Facades shall comprise not less than thirty percent (30%) of the Building Facade as measured between stories.

G. Building Windows.

1. Horizontal dimension of window openings shall not exceed the vertical dimension except as noted in (2), below.

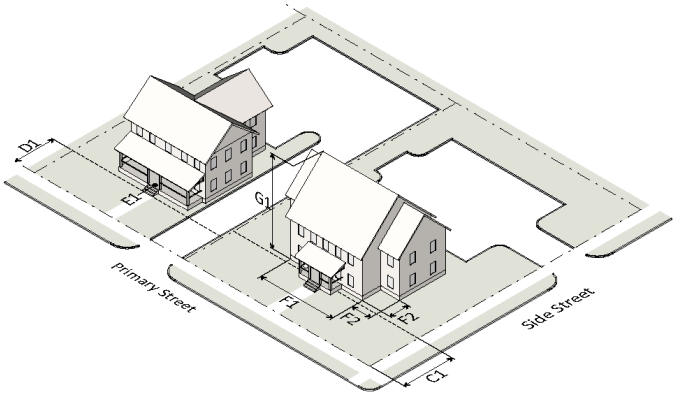
2. A maximum of five (5) windows may be mulled horizontally together to form a compound window which may be wider than it is tall if each grouping is separated by a mullion, column, pier or wall section that is not less than seven (7) inches wide.

3. Windows shall be vertical in proportion by a ratio of 1.25:1 or more (height to width).

H. Residential Structures Converted to Non-Residential Uses.

1. When a structure originally constructed for residential purposes is converted to a non-residential use, no portion of the front yard setback area shall be used for customer or employee parking, drop-offs or delivery.

2. No portion of the front yard setback may be paved other than that portion of the driveway that was in existence ~~at least five (5)~~ prior to the residential conversion.



I. Service Areas, Waste Disposal and Mechanical Equipment.

1. Service Areas.

a. Loading docks for the general delivery of goods and services, truck parking, and other service functions shall be incorporated into the overall design of the building and located to the rear of the building unless an alternative location not harmful to adjacent properties or the overall design is permitted to be located otherwise by an approved Site Development Plan.

b. Trash collection, trash compaction, recycling collection and other similar service areas shall be located to the side or rear of buildings and shall be within a fully screened enclosure as described below:

(1) Waste receptacles and refuse collection areas shall be set back at least five (5) feet from a side or rear lot line, and shall not be located within the front or street side setback area.

(2) Service areas that are fully integrated into a building shall be within an enclosure closed by a solid roll down door or gate.

(3) Service areas that are not integrated into a building shall be screened on three (3) sides by a wall constructed of complimentary material as the Principal Structure and at least seven (7) feet in height; the service opening on the fourth side shall be screened by a solid metal gate at least seven (7) feet in height.

(4) The service enclosure shall be maintained in good working order and shall remain closed except when trash pick-up occurs.

(5) Eating establishments and other uses that produce significant amounts of liquid waste shall configure areas intended for large waste receptacles and refuse collection to drain to an approved stormwater management system through grease traps or similar devices.

2. Roof-Mounted Equipment.

Roof mounted equipment shall be screened from view from the public rights-of-way with materials that complement the architecture of the building.

3. Wall-Mounted Equipment.

a. Wall-mounted equipment shall not be located on a surface facing a public right-of-way.

b. Wall-mounted equipment located on any surface that is visible from a public right-of-way shall be fully screened by landscaping or an opaque screen.

4. Ground-Mounted Equipment.

Ground level transformers, HVAC equipment, lift stations, utility meters, and other machinery shall be located at the rear of the lot where practical but in no case, shall be stored or located where visible from the public rights-of-way unless fully screened from view by landscaping or a wall.

4.11 Design Standards – Downtown Waterfront Properties.

A. Location.

The geographical area regulated by the provisions of the Downtown Waterfront Design Standards is that area located on the waterside of St. Marys Street between Bartlett and Norris Streets including those portions of the marshlands and St. Marys River within the City.

B. Intent.

1. The value and protection of St. Marys waterfront and its Coastal Marshland is of great importance to the City for preserving the City's natural systems, wildlife habitat, species diversity, water quality and community character.

2. Activities within the Downtown Waterfront are intended to be compatible with surrounding residential land uses, including appropriate activities, adequate buffers, pedestrian safety, adequate parking, minimized impact of motor vehicles, and limitation of light trespass on adjacent properties.

C. Standards.

1. All Waterfront-Related Facilities and Uses, including any Fixed and Floating Constructs, shall be approved by and in compliance with all required Federal, State and City rules, laws, and guidelines.

2. All Waterfront-Related Facilities shall comply with the locational and architectural design standards required by the Downtown Main Street District and the Marshland Buffer requirements within **§ 5.20**.

~~3. Provision of parking shall be limited to on-street.~~

3. Boat storage facilities shall meet Type 1 landscape buffer requirements of **§ 6.04 B** and be in fully-enclosed buildings, with the exception that the side facing outward to St. Marys River may be open for boat loading and unloading.

4.12 Design Standards – Manufactured Home Subdivision.

A. Development Standards.

1. A Manufactured Home Subdivision shall be a tract or parcel having a minimum of five (5) acres.

2. Manufactured Home Subdivision shall contain a minimum of ten (10) manufactured home lots.

3. Site Development Plan approval shall be required for manufactured home development.

4. Lot standards set forth in the District Dimensional Standards Table shall control for each manufactured home pad site, regardless of whether the site is divided into separate lots or one site.

5. All manufactured home lots shall front on a street meeting the City's standards for construction of residential streets.

6. Sidewalks meeting City sidewalk standards shall be provided along the front lot line of each manufactured home lot.

7. A grading and drainage plan shall be approved by the City demonstrating positive drainage away from the manufactured home.

8. Each manufactured home lot shall be connected to City water and sewer system by separate meters.

9. A Landscape Buffer shall be established along the perimeter of the development in a manner consistent with Landscape Buffers adjacent to residential development as set forth in **§ 6.04.**

5. Standards for Specific Uses and Activities

5.01 Purpose.

The uses that are subject to the standards in this Article are allowed only when authorized by the base Zoning District, or are customary uses related to the Principal Use. The purpose of this Article is to establish standards for specific uses and activities that are permitted in some or all Zoning Districts. These provisions are supplemental standards to minimize the impacts of these uses and activities on surrounding properties.

5.02 Accessory Dwelling Unit.

A. Lot Area and Use.

1. Accessory Dwelling Units shall be limited to residential lot having a minimum lot area of seventy-five hundred (7,500) square feet.

2. No more than one (1) Accessory Dwelling Unit shall be permitted on a single lot in conjunction with the Principal Dwelling.

~~3. A Tiny House may be used as an Accessory Dwelling Unit if it meets all requirements of this section and standards for a Tiny House as set forth in **§ 5.29**.~~

4. An Accessory Dwelling Unit shall not be subdivided from the property ownership of the Principal Dwelling but may be served by separate utility meter.

5. No Recreational Vehicle shall be used as an Accessory Dwelling Unit.

B. Location and Access.

1. Accessory Dwelling Units may be located within the Principal Dwelling or above a garage or other Accessory Structure on the same lot.

2. An Accessory Dwelling Unit not within the Principal Dwelling shall be located within the established rear yard and shall meet the same setbacks as required for any Accessory Structure or Use within a residential lot.

3. An Accessory Dwelling Unit not within the Principal Dwelling shall be separated from the Principle Dwelling by a minimum of ten (10) feet.

4. An Accessory Dwelling Unit shall be accessed by the same driveway, alley or side street serving the Principal Dwelling.

C. Design Standards.

1. An Accessory Dwelling Unit shall have a minimum of two hundred and forty (240) square feet on one level and shall not exceed seven hundred and twenty (720) square feet or fifty percent (50%) of the Ground Story area of the Principal Dwelling, whichever is less.

2. An Accessory Dwelling Unit shall be constructed to meet the City's Building Code and have the following:

a. If located within the Principal Dwelling, a functionally separate floor plan from the Principal Dwelling (i.e., area does not share a common hallway or entry);

b. A separately dedicated exterior Life-Safety approved entrance.

c. A separate heating and cooling system;

d. Dedicated kitchen area with a sink, cooking appliance, refrigerator, upper and lower cabinets, and a clear working space of not less than thirty (30) linear inches;

e. Dedicated sleeping area with bed and separate closet; and,

f. Dedicated bathroom with a toilet, lavatory, and shower or bathtub.

3. An Accessory Dwelling Unit shall maintain a proportional mass and size to ensure it is not taller than the Principal Dwelling.

4. An Accessory Dwelling Unit shall be of similar style, design, color and materials as used for the Principal Dwelling and shall use similar architectural characteristics, including roof form and pitch, to the existing Principal Dwelling and shall meet the residential design standards of **§ 4.08**.

5. The roof ridge line of an Accessory Dwelling Unit shall not exceed the height of the Principal Dwelling and in no case, shall exceed twenty-five (25) feet in height.

6. An Accessory Dwelling Unit shall be placed on a permanent foundation, hooked up to an approved sewage disposal system, potable water service and electrical service, and meet the City's standards for light, ventilation, and life safety requirements.

5.03 Animals.

A. Animal Barns and Corrals.

No barn or corral housing horses, cattle, swine, or similar large animals shall be located closer than two hundred (200) feet to any property line.

B. Animal Boarding, Breeding, Grooming and Training.

1. Any facility or property used for boarding, breeding, grooming, or training of animals shall be licensed by the Georgia Department of Agriculture.

2. Residentially-zoned property used for boarding, breeding or training of animals shall have a minimum five (5) acres or more.

3. Any property used for boarding, breeding, grooming, or training of animals weighing over two (200) hundred pounds shall be confined to agriculturally-zoned land having a minimum of ten (10) acres.

4. Property zoned for office or commercial uses shall limit boarding, grooming, and training of animals to indoor facilities.

5. No portion of a property used for boarding, breeding or training of animals shall be located within one hundred (100) feet to a rear or side property line of a residentially-zoned property.

6. Prior to use of the property for boarding, breeding, grooming, or training of animals, an applicant shall provide the Community Development Director with a report outlining how animal waste cleanup and sanitization will be handled at the facility.

C. Animal Veterinary Clinics, including Animal Hospitals.

1. All activities associated with animal hospital/veterinary clinic operations shall be conducted within a completely enclosed building.

2. No boarding and/or kennel operations may be permitted except as may be required for medical treatment and/or recuperation ancillary to veterinary care provided on the premises.

5.04 Automotive – Fuel Stations and Repair Services.

A. Fuel Station.

1. A Fuel Station shall be operated from a permanent Principal Building meeting the architectural design standards set forth in **§ 4.10**.

2. Fuel station pumps shall be no closer than fifty (50) feet to the right-of-way.

3. Car wash facilities as an Accessory Use to a Fuel Station shall not be located on a street-facing portion of the Principal Building.

4. Pump islands and car wash facilities shall be a minimum of three hundred (300) feet from any residential structure, Residential Zoning District or structure housing overnight guests.

5. Fuel Station Vehicular Canopy shall meet the following standards:

a. Constructed of building materials consistent with that of the Principal Building and have a roof pitch and building material color scheme consistent with the Principal Building;

b. Be fully integrated structurally and architecturally into the design of the Principal Building;

c. Shall not exceed the height of the Principal Building or have a height exceeding twenty (20) feet;

d. Shall be compliant with the Canopy lighting standards in **§ 6.06 E.**

e. Shall limit backlighting to any permitted signage on the canopy;

f. Shall have supporting columns constructed of the same Primary Building Materials and Secondary Building Materials and of a design as the Principal Structure; and,

g. If a Build-to Street Frontage is required, the Vehicular Canopy may be counted toward the Street Frontage requirements only where the spacing of columns along the Frontage is no greater than twenty-four (24) feet and where the columns are placed at the edge of the Vehicular Canopy.

B. Automotive Repair Services.

1. Automotive repair services shall be operated from a permanent Principal Building meeting the architectural design standards set forth in **§ 4.10.**

2. Automotive repairs and maintenance shall be conducted indoors, unless within a Heavy Industrial District.

3. Outdoor overnight parking or storage of vehicles shall be located to the rear of the building and screened by an opaque fence having a minimum height of six (6) feet.

4. Automotive bays shall be oriented away from street rights-of-way.

5.05 Automotive – Vehicle Sales, Lease or Rental.

1. For the purpose of this section a "Vehicle" includes a car, SUV, truck, motorcycle, recreational vehicle, trailer, airplane, construction equipment and similar uses.

2. Businesses engaging in the sale, lease or rental of vehicles shall be confined to Highway 40/Osborne Road west of Charlie Smith, Sr. Highway.

3. All business transactions shall occur within a Principal Building that meets the architectural design standards as set forth in **§ 4.10**.

4. Property abutting public rights-of-way shall be screened with required right-of-way and perimeter landscaping as set forth in **§ 6.03** and installed in accordance with **§ 6.05**.

5. Outdoor Display.

a. The parking area for display of vehicles shall be designed to meet the same dimensional standards set forth in **§ 6.02 F**. If vehicles are larger than nineteen (19) feet or smaller thirteen (13) feet, then the parking spaces shall be sized in accordance with the vehicles being displayed for sale, lease or rent.

b. The interior lot area for display of Vehicles shall be designed to meet the same landscape standards for a parking area as set forth in **§ 6.03**. If vehicles are larger than nineteen (19) feet or smaller thirteen (13) feet, then the required landscaping shall be computed using the standard parking space widths and depths to determine the frequency of landscape islands and medians.

c. All vehicles offered for sale, lease, or rent shall be parked on an asphalt, ~~or~~ concrete or approved permeable paved surface in good operating condition and free of damage.

d. No vehicle shall be displayed on any elevated structure.

6. Vehicle Service Areas.

a. Automotive services shall be conducted in a building constructed of the same Primary and Secondary Building Materials and of a design as the Principal Building.

b. Automotive repairs and maintenance shall be conducted indoors.

c. Outdoor overnight parking or storage of vehicles shall be located to the rear of the building and screened by an opaque fence having a minimum height of six (6) feet.

d. Automotive bays shall be oriented away from street rights-of-way.

5.06 Automotive – Oversized Commercial and Recreational Vehicle Parking.

A. Standards.

1. No Oversized Commercial Vehicle, of three axles or more, including Travel, Hauling and Boat Trailers shall be parked or stored within any Residential or Form-Based District or property used for residential purposes.

2. No Oversized Commercial Vehicle, of three axles or more, including Travel, Hauling and Boat Trailers or Recreational Vehicle shall be parked overnight within a non-residential lot unless a part of the business's daily permitted operations, has a current license or permit to operate within the State of Georgia and is parked on a paved surface that is specifically designed and approved for parking of such vehicles.

3. This section does not apply to vehicles making routine deliveries or loading or unloading goods and merchandise.

4. No Recreational Vehicle shall be used for overnight stays outside of an RV district for a time period greater than one week, in a single calendar month, except for emergency temporary housing, where an active building permit has been pulled to reconstruct a damaged structure.

5. No more than ~~one~~ two (2) Recreational Vehicles, Travel, Hauling or Boat Trailers shall be allowed unscreened from the Right of Way ~~in the side yard setback area~~, behind the front façade building line. All other vehicles shall be ~~in the rear yard,~~ screened from view by a privacy fence or equivalent screening of at least six-feet in height. All property owners will have a grace period to come into compliance, which ends January 1, 2020.

5.07 Awnings and Canopies.

A. Standards.

1. Awnings and canopies shall be constructed with fully opaque materials that complement the building to which they are attached; provided, however, no shiny or reflective materials shall be permitted.

2. Awnings and canopies shall not be internally illuminated in a manner that illuminates the Awnings or Canopy material; provided, however, downward lighting limited to lighting the Building Facade, sidewalk areas, and seating areas, is permitted to be installed beneath Awnings and canopies.

5.08 Bulk Storage Tanks.

Any above ground bulk storage tank shall be no closer than five hundred (500) feet to a Residential District or Form-Based District and shall be subject to approval by the St. Marys Fire Department.

5.09 Child and Adult Day Care Homes.

A. Standards.

1. When a Child or Adult Day Care Home is located in a Residential or Form-Based District, the principal use of the building shall be for a residence meeting all standards of this Zoning Ordinance for residential uses.

~~2. Child Care Day Homes shall have playground equipment that is visible from public rights-of-way screened from view using a solid wood fence a minimum of six (6) feet in height.~~

2. Child Care Day Homes shall have outdoor play area enclosed on all sides by a fence of a height of at least five (5) feet.

5.10 Electric Power Transmission Substations.

A. Standards.

1. Electric power transmission substations shall be located on sites having a minimum of one (1) acre.

2. Structures shall be placed a minimum of fifty (50) feet from any property line.

3. The substation shall be enclosed by a fence or wall of at least eight (8) feet high meeting Type 1 Landscape Buffer standards set forth in **§ 6.04**.

4. No vehicles or equipment shall be stored on the premises.

5.11 Electronic Game Promotions.

A. Standards.

1. Any business or establishment utilizing electronic equipment for game promotions or sweepstakes or other games of chance in connection with the sale of consumer products or customer vouchers for playing shall be subject to the conditions stated herein.

2. Such establishments shall not operate within seven hundred and fifty (750) feet of the property of a place of worship, school, or residence or within three thousand (3,000) feet of property owned or operated by a military installation.

3. Distances shall be measured in a straight line from the nearest outside point of the building used as part of the electronic game promotion to the property line of the church, school or military installation.

4. A survey prepared and executed by a land surveyor registered in the State of Georgia shall be submitted to the Community Development Director confirming such required separation distance are met.

5.12 Flea Market, Farmers Market, and Other Open-Air Markets.

A. Standards.

1. Commercially-operated Flea Markets, Farmers Markets and other Open-Air Markets shall be located under a permanent roof.

2. These businesses shall be accessed from a street classified as an arterial.

3. These businesses shall comply with the parking and landscape standards contained within **§§ 6.02 and 6.03**.

4. These standards apply only to markets operating more frequently than four (4) times a year. Temporary markets shall be exempt from this section but shall be required to obtain a Public Events Permit issued by the City.

5.13 Forestry and Logging.

A. Standards.

1. All persons and firms harvesting standing timber shall follow practices recommended in “Georgia’s Best Management Practices for Forestry” issued by the Georgia Forestry Commission.

2. All persons or firms harvesting standing timber in any area within the City for delivery as pulpwood, logs, poles, or wood chips shall provide notice to the Community Development Director prior to cutting any timber.

3. The notice shall be accompanied by a map identifying the area to be harvested, truck route to and from the site, and the main point of ingress and egress from a public road.

4. The notice shall also include the name, business address, business telephone number, and nighttime or emergency telephone number of the timber seller and the person or firm harvesting the timber.

5. Cutting of timber shall not occur until issuance of a letter from the Community Development Director that all required information has been satisfactorily submitted to the City and the point of access onto the public roadway as described below has been constructed.

6. Prior to commencing tree cutting operations, persons or firms shall install adjacent to any point of access onto a public roadway an exit route measuring one hundred (100) feet in length and twenty (20) feet in width constructed of two and half (2.5) inch crushed stone base at a depth sufficient to serve as a travel base to reduce equipment and vehicle transference of mud, dirt and debris onto the public roadway.

7. Harvesting of standing timber shall not occur within the required setback areas of the district in which the activity is occurring.

5.14 Home Occupation and Home-Based Business.

A. Operational Restrictions on a Home Occupation.

1. The Home Occupation shall be conducted entirely within the dwelling, and clearly incidental to the primary use as a residential structure.

2. The area devoted to the Home Occupation shall occupy no more than twenty-five percent (25%) of the heated floor area of the principal structure or fifty percent (50%) of an Accessory Structure.

3. No existence of signage, lighting or external alteration of the dwelling that indicates use of the dwelling for a Home Occupation shall be allowed.

4. No more than one vehicle used in the conduction of the business may be parked at the home location. Signage on this vehicle is limited to the area of the driver and passenger front doors of said vehicle.

5. Storage of non-office related ~~supplies, records, and equipment may be stored on site~~ materials is limited to 1,000 Cubic-feet of non-toxic, non-volatile materials, as approved by the St. Marys Fire Chief.

6. Only residents of the dwelling may engage in the Home Occupation.

7. Customers or clients shall not visit the dwelling for the purposes related to the Home Occupation.

8. The home occupation shall not create any disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, excessive traffic, unhealthy or unsightly condition.

B. Operational Restrictions on a Home-Based Business.

A Home-Based Business shall be subject to the same operational restrictions as a Home Occupation; however, the following shall be permitted in a Home-Based Business:

1. The business or enterprise may include one (1) non-resident employee working with the occupant(s) of the dwelling;

2. Sale of merchandise or goods produced or assembled by the dwelling's occupant(s) and the permitted employee;

3. Provision of non-office related services such as salon services or animal-grooming; and,

4. Visitor hours limited to 8:00 am to 6:00 pm, and no more than two (2) visitors at any one time and no more than ten (10) visitors during a twenty-four-hour timeframe.

5.15 Laying Hens.

A. Standards.

1. Only laying hens may be permitted as an Accessory Use within Residential or Form-Based Districts, provided the following minimum requirements are met:

a. A minimum lot size of ten thousand (10,000) square feet.

b. A maximum of five (5) laying hen chickens shall be permitted;

c. All enclosures and areas shall be located to the rear yard of the Principal Structure and fifteen (15) feet from all lot lines; and,

d. Laying hen chickens and their enclosures shall be kept neat, clean and in sanitary condition, free from offensive odors, excessive noise or any other conditions that would constitute a nuisance.

2. Before a permit is issued by the Community Development Department approving laying hens as an Accessory Use, the above requirements shall be met and payment of the required fee made.

5.16 Live/Work Unit.

A. Standards.

1. Live/Work units are not considered "Home-Based Businesses" due to the fact that Live/Work units are designed and built specifically for the purpose of having non-residential and residential dedicated spaces within the same building.

2. Any structure utilized as a Live/Work unit shall be approved by the Community Development Department for such use and shall meet all required building codes for commercial and residential use.

3. Any commercial use permitted in the applicable Zoning District is permitted within the "work" portion of a Live/Work unit.

4. No more than fifty percent (50%) of the structure may be used for non-residential purposes.

~~5. A minimum of seventy-five percent (75%) of the Live/Work's ground level front facade shall be devoted to the "work" portion of the Live/Work unit.~~

5~~6~~. No non-residential activity or use may occur within the residential portion of the structure.

6~~7~~. At least one resident in each Live/Work unit shall maintain a valid business license for a business on the premises.

5.17 Lodging - Hotels~~/Motels~~.

A. Standards.

The following standards shall apply to Hotels/Motels outside of the Form-Based Districts:

1. Minimum acreage shall be two (2) acres;

2. All guestrooms shall be accessed via internal corridors;

3. Lobby area shall be a minimum of five hundred (500) square feet in size;

4. Guest rooms having food preparation and storage areas shall have a minimum of two hundred and fifty (250) square feet of Floor Area and shall be limited to a maximum of two persons;

5. Guest rooms having food preparation and storage areas greater than two hundred and fifty (250) square feet, may have one (1) additional person per each additional seventy-five (75) square feet of Floor Area up to a maximum of four (4) persons;

6. No hotel shall rent a room to the same guest for more than one hundred and eighty (180) days or be used as a multi-family apartment building;

7. Each hotel shall provide 24-hour on-site management and, at a minimum, weekly cleaning shall be performed for each room or suite; and,

8. No outside storage or parking of equipment or vehicles shall be allowed other than vehicles used daily by guests and employees and in accordance with **§ 5.06**.

5.18 Manufactured Homes.

A. Standards.

1. The manufactured home shall be placed on a concrete slab, supported and anchored in a manner to meet the City's Building Code requirements for foundations and footings, supports and anchoring prior to occupancy.

2. Manufactured homes shall comply with the following design standards:

a. Width of dwelling: sixteen (16) feet or greater, as measured from the narrowest dimension of the structure;

b. Exterior wall materials: wood, Brick/Stone, stucco, tabby, cement board, wood shingles, or vinyl or metal siding that has the appearance of wood siding, but shall not include smooth, ribbed or corrugated metal or plastic panels or EIFS as the Primary Building Material;

c. Eaves: 6-inch minimum overhang;

d. Foundation: placed on a permanent foundation with curtain wall skirting: masonry or stone;

e. Covered entry: minimum of four (4) feet by four (4) feet with City-approved safety railings; and,

f. Wheels, axles and other transportation apparatus completely removed; and,

g. Safety: shall meet wind loading requirements of the Federal Emergency Management Administrator, the State of Georgia, and the City's Building Codes.

5.19 Manufactured Home Sales, Leasing or Renting.

A. Standards.

1. Businesses engaging in the sale, lease or rental of Manufactured Homes shall be confined to Highway 40/ Osborne Road west of Charlie Smith, Sr. Highway.

2. All business transactions shall occur within a permanent building meeting the architectural design standards as set forth in **§ 4.10**.

3. Property abutting public rights-of-way shall be screened in accordance with required landscaped area dimensions, planting, and perimeter landscaping standards as set forth in **§ 6.03**.

4. Outdoor Display.

a. All Manufactured Homes offered for sale, lease, or rent shall be parked on an asphalt, ~~or~~ concrete or approved permeable paved surface in good condition and free of damage.

b. A minimum separation of at least ten (10) feet shall be maintained between Manufactured Homes.

c. Manufactured Homes shall have a permanent appearance and foundation supports for homes visible from the right-of-way shall be screened with skirting complementary to the homes' exterior.

d. The method of securing Manufactured Homes to their display pads shall be approved by the Building Department

e. Any display area not included in individual display pads shall be grassed or mulched.

f. The area used for outdoor display shall be limited to no more than fifty percent (50%) of the front yard.

~~5.20 Marshland Buffers.~~

~~A. Standards.~~

~~1. A twenty-five (25) foot undisturbed Buffer Zone shall be maintained along the Coastal Marshland, as measured horizontally from the Coastal Marshland-Upland interface, as determined in accordance with the Georgia Coastal Marshland Protection Act of 1970 as amended.~~

~~a. Within this buffer area all future Waterfront-Related Facilities and Uses including docks, buoys, bulkheads, boat ramps, marinas, marsh walks, or other Fixed or Floating Constructs, shall be strictly prohibited, unless permitted by Federal, State or City approval.~~

~~b. There shall be no removal of live and healthy trees and shrubs. Any trimming, shall not jeopardize the living vegetation and any dead vegetation shall be removed by hand, level with the ground area. Stumps shall remain in the ground and not be removed.~~

~~c. No mechanical tractors or other wheeled/tracked vehicles shall enter the Buffer Zone, unless permitted by Federal, State or City approval.~~

5.21 Outdoor Display and Storage.

The requirements of this section apply to any non-residential lot where merchandise, material or equipment is displayed, exhibited, placed or stored outside of an enclosed building.

A. Outdoor Display Standards.

1. Outdoor display of merchandise, other than Vehicles and Manufactured Homes, is permitted in association with any permitted non-residential Principal Ground Story use in accordance with the following provisions:

a. Outdoor display shall be limited to store hours and removed and placed inside a fully-enclosed building or behind a six-foot privacy fence, behind the front building line, each day;

b. Outdoor display shall be confined to within five (5) feet of the Principal Structure's front Building Facade, shall not occupy more than thirty percent (30%) of the horizontal width of the front Building Facade or twenty (20) feet, whichever is less; and,

c. Outdoor display shall not impair the ability of pedestrians to use the sidewalk or parking areas and shall comply with ADA clearance and accessibility.

B. Outdoor Storage Standards.

1. Standards for Outdoor Storage on Residential Properties.

Outdoor storage on properties used or zoned for residential purposes shall meet the following standards:

a. Shall only be materials customarily related to the occupancy of a residential structure;

~~b. Shall consist of no more than one (1) duly licensed and operable commercial vehicle per dwelling the size of which shall be no larger than a pick-up truck or van limited to one-ton carrying capacity and used daily in the conduct of business (storage of vehicles within a completely enclosed garage or storage building shall be exempt from these standards);~~

~~c. Shall consist of no more than one (1) duly licensed and operable boat, RV, camper, trailer, or personal watercraft or other recreational vehicle located behind the plane of the front Building Facade of the primary residence (storage of such items within a completely enclosed garage or storage building shall be exempt from these standards);~~

~~d. Shall be located on a concrete or asphalt surface or other improved surface designed to be load-bearing if located anywhere except the rear yard; and,~~

~~e. Shall not be used for occupancy, either temporarily or permanently, or connected to water, sewer or electrical utilities while on the property.~~

2. Standards for Outdoor Storage on Office, Commercial or Light Industrial Districts.

Outdoor storage on properties used or zoned for Office, Commercial or Light Industrial District shall meet the following standards:

a. Shall be located behind the front Building Facade of the Principal Structure;

b. Shall be located on a concrete or asphalt surface;

c. Shall not be stacked more than twelve (12) feet in height; and,

d. Shall be fully screened from road rights-of-way and adjacent properties by a fence, wall or berm meeting the following standards:

(1) The screening wall/fence shall be constructed of brick, stone, masonry units or other similar material of the Principal Structure and shall be eight (8) feet in height.

(2) The berm may include a combination of fencing and/or plantings to achieve a height of at least eight (8) feet with the design of the berm approved by the City Engineer.

5.22 Outdoor Storage Containers

A. Standards.

1. Outdoor Storage Containers may be used during construction to temporarily store equipment or material but shall be removed upon occupancy of the building and/or expiration of the building permit, whichever occurs first.

2. Outdoor Storage Containers shall be incidental to the Principal Use of a site and shall not be located on vacant property.

3. Outdoor Storage Containers shall be kept in good condition and free of damage, rust, graffiti, signs, banners, etc.

4. Outdoor Storage Containers shall not

a. Be used as a Dwelling nor any other purpose but storage;

b. Be provided with utility services;

c. Be elevated above ground level by any transport mechanism (wheels or flatbed) or other means;

d. Have any structure connecting Outdoor Storage Containers with one another;

e. Be stacked; or,

f. Used to store flammable liquids or other hazard materials as determined by the Fire Chief.

B. Locational Standards.

1. General.

a. Outdoor Storage Containers shall be located a minimum of ~~twenty (20)~~ five (5) from any property line.

b. Outdoor Storage Containers shall be placed on paved surfaces.

2. Abutting Residential Districts and Uses.

a. If an Outdoor Storage Container is placed on a property abutting a Residential District or a lot used for a Residential Use, a Landscape Buffer shall be provided as set forth in **§ 6.04**.

3. Office and Commercial Districts.

a. Outdoor Storage Containers shall be located to the rear of the Principal Structure and shall be screened from street rights-of-way by a screen equal to the height of the Containers.

b. Shall be limited to one per each twenty thousand (20,000) square feet of building area.

4. Industrial Districts.

a. Storage Containers shall be located to the rear of the Principal Structure.

5.23 Pawnshop, Payday Loans, Title Pawn, Check Cashing and Bail Bond Businesses.

A. Standards.

A pawnshop, payday loan, title pawn, check cashing or bail bond business shall be located a minimum of one thousand (1000) feet away from any other building containing a like business. This restriction does not apply to FDIC and FSLIC insured financial businesses. See St. Marys Code of Ordinances, Ch. 22, Art. V.

5.24 Self-Service Storage Facilities.

A. Standards.

1. All vehicular circulation and parking within the site shall be concrete, ~~or~~ asphalt or approved permeable paved surfaces.

2. Self-service storage facilities shall not have entry bay doors oriented toward the front or side lot lines.

3. Any storage of watercraft, RVs or other similar vehicles shall occur within a fully-enclosed building.

4. Self-storage facilities shall meet the design standards as set forth in **§ 4.10** including exterior Primary Building Materials, roof pitch and color.

B. Prohibited Uses.

The following uses shall be prohibited within a self-storage unit:

1. Individual storage bays shall not be considered a premise for assigning a legal address.

2. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals shall be prohibited;

3. Uses not related to the temporary storage of personal property including use as a residence, office, workshop (including vehicle, appliance or equipment repair), studio, band rehearsal area or other place of business or worship;

4. Commercial transactions including auctions, retail or wholesale sales, or garage sales other than that associated with the rental of the storage units or the specific disposal of items within a unit by the owner of the self-storage facility; and,

5. Operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or similar equipment except for the purposes of repairs or construction activities conducted by the owner of the property.

5.25 Solar Panels and Wind-Driven Devices

A. Standards.

1. Solar panels are permitted only on the roof plane and are not permitted as a free-standing structure in a yard other than within an Industrial District.

2. Solar panels shall not project more than six (6) inches above the roof plane, and shall conform to the slope of the roof and be laid in a uniform pattern.

3. Wind driven devices such as windmills generating electricity or used for pumping water are prohibited within any Residential District or Form-Based District except to the extent state and/or federal law pre-empts the City from prohibiting the installation of such wind driven devices.

5.26 Swimming Pools, Hot Tubs and Ornamental Ponds.

A. Standards.

1. All swimming pools and hot tubs, and ornamental ponds and pools having a depth greater than two (2) feet shall be enclosed by fencing of a type that is not readily accessible by children and that contains no opening larger than four (4) inches.

2. Fencing shall be not less than four (4) feet in height and, if equipped with a gate, shall have a childproof latch and not exceed the maximum fence height in **§ 5.31**.

3. In lieu of fencing, spas and hot tubs may have a lockable cover capable of supporting a minimum of one hundred and fifty (150) pounds, and such cover shall be locked when the spa or hot tub is not occupied by a person eighteen (18) years or older.

5.27 Tattoo and Body Piercing Establishments.

A. Standards.

A tattoo and body piercing establishment shall be no closer than six hundred (600) feet from any lot or tract that is:

1. Zoned for residential use, used as a residence or within a Form-Based District;

2. Licensed to sell alcoholic beverages; or,

3. Another tattoo and body piercing establishment.

5.28 Temporary Buildings and Events.

A. Standards.

1. A temporary building or buildings for use with a construction project or land subdivision development shall be permitted on the land of the project during the construction period if operating with a permit issued by the City.

2. The Community Development Director may approve a manufactured home or recreational vehicle to be used for emergency housing in any Zoning District for a period not to exceed sixty (60) calendar days where the Community Development Director confirms that a conforming structure has been rendered uninhabitable by fire, tornado, hurricane, flood or other natural disaster.

3. Special events such as festivals shall be required to obtain a Public Events Permit issued by the City.

~~5.29 Tiny House.~~

~~A. Standards.~~

~~1. A Tiny House may be used as a Principal Dwelling within the R-1, R-2 or R-3 Zoning Districts if located on a lot having a minimum of two (2) acres or within the A-F Zoning District on a lot or parcel having a minimum of ten (10) acres.~~

~~1. A Tiny House may be used as a Principal Dwelling with a Conditional Use Permit in the R-1, R-2 or R-3 Zoning Districts, within a Cottage Court Cluster Housing development when approved as a Special Use Permit or as an Accessory Dwelling Unit (see **§ 5.02**).~~

~~2. A Tiny House shall have a minimum Ground Story square footage of two hundred and forty (240) square feet and a maximum of seven hundred and twenty (720) square feet with a minimum width of eight (8) feet.~~

~~3. A Tiny House shall meet the **§ 4.08** Design Standards for Single-Family Residential except for the minimum horizontal dimension of twenty-four (24) feet or required garage if having no more than one (1) dedicated sleeping area.~~

~~4. A Tiny House shall have the following:~~

~~a. Dedicated kitchen area with a sink, cooking appliance, refrigerator, and a clear working space of not less than thirty (30) linear inches;~~

~~b. Separate bathroom with a toilet, lavatory, and shower or bathtub; and,~~

~~c. A separate closet~~

~~5. Construction plans shall meet the City's Building Code and be required to be placed on a permanent foundation and hooked up to an approved sewage disposal system, potable water service and electrical service.~~

~~6. All light, ventilation, and life safety requirements shall be met.~~

5.30 Useable Open Space and Amenity Areas.

A. Open Space and Outdoor Amenity Areas Intent.

1. Useable open space and amenity areas are intended to provide areas for recreational activity or general outdoor enjoyment for occupants and guests of single-family attached residential and multi-family residential developments wherein private yards are limited.

2. Useable open space or amenity areas for non-residential commercial and office uses are intended to provide outdoor areas for congregation and general enjoyment employees, tenants, guests, and/or customers in developments of large employment or commercial activity.

B. General Requirements.

1. Useable open space or amenity areas shall be required in single-family attached residential and multi-family residential developments exceeding one-half (1/2) acre.

2. Useable open space or amenity areas shall be required for office and commercial developments exceeding fifty thousand (50,000) square feet.

3. No off-street parking, drives or buildings shall be located within the useable open space or amenity areas, except when required to serve recreation facilities located within the useable open space.

4. Where useable open space or amenity areas are required, they shall be provided on-site and be ADA accessible.

C. Useable Open Space for Residential Uses.

1. All single-family attached residential and multi-family residential developments shall set aside ten percent (10%) of the site area as useable open space or amenity areas.

2. Useable open space shall not have a slope exceeding ten percent (10%) or a dimension of less than twenty (20) feet in any direction.

3. Fifty percent (50%) of a tree conservation or flood plain area may be considered as useable open space if accessible to occupants and guests in the development.

4. All residential units shall be located within six hundred (600) feet of useable open space or amenity area as measured along a pedestrian route.

5. All open space and amenity areas shall be maintained in good condition.

6. A determination as acceptable useable open space and amenity areas shall be made at the time the Site Development Plan is reviewed by the Community Development Director based on whether the useable open spaces and/or amenity areas are accessible to residents and visitors and it meet the definition and intent of useable open spaces and/or amenity areas.

D. Useable Amenity Areas for Office and Commercial Uses.

1. The required Useable Open Space and/or amenity areas shall be equal to five percent (5%) of the gross square footage of the Principal Structure of which fifty percent (50%) shall be contiguous space.

2. Examples of Useable Open Space or amenity areas include, but are not limited to, pocket parks, plazas, fountains, and recreational trails.

3. All Useable Open Space or amenity areas shall be accessible to the employees, tenants, guests, and/or customers in proximity to the Principal Structures.

4. All open space or amenity areas shall be maintained in good condition.

5. A determination as acceptable useable open space and amenity areas shall be made at the time the Site Development Plan is reviewed by the Community Development Director based on whether the useable open spaces and/or amenity areas are accessible to employees, tenants, guests, and/or customers and whether it meets the definition and intent of useable open spaces and/or amenity areas.

5.31 Walls and Fences.

A. Standards.

Walls and fences shall be designed to comply with the following standards:

1. Fences and walls may be placed up to the property line and any posts or supporting rails shall face inward toward the property being fenced.

2. A wall or fence located within a front or side yard abutting a street, and not used for a required buffer or screen, shall not be more than four (4) feet height and the opacity of the wall or fence above three (3) feet in height shall not exceed fifty percent (50%).

3. A wall or fence located in a side or rear setback shall not be more than eight (8) feet in height.

4. Walls shall be constructed of one or a combination of the following materials: decorative blocks; brick; stone; cast-stone; split-faced block; or stucco over standard concrete masonry blocks.

5. No wall containing more than fifty percent (50%) exposed standard concrete masonry blocks are allowed, whether painted or not.

6. Fences shall be constructed of high quality materials including one or a combination of the following: wood, composite fencing; or wrought iron.

7. No wall or fence shall be located within any required drainage or utility easement without City approval.

8. Chain-link fences shall not be located within the front yard forward of the Primary Building Facade, and where allowed, shall be vinyl coated hunter green or black in color.

9. Barbed wire or concertina wire shall not be allowed except within the Heavy Industrial District.

10. Electric fencing shall be prohibited, with the exception of invisible fencing used to contain domestic animals.

11. Fences and walls shall be maintained in good condition by the property owner.

5.32 Wireless Telecommunications Towers.

A. Intent and Purpose.

1. This section is designed and intended to balance the interests of the residents of the City of St. Marys, telecommunications providers, and telecommunications customers in the siting of wireless facilities within the City of St. Marys.

2. This section is intended to be applied to protect the health, safety and integrity of neighborhoods through appropriate zoning and land use controls that do not unreasonably interfere with an owner's right to enjoyment of his/her property.

3. The purpose of this section is to:

a. Provide for the appropriate location and development of wireless facilities to serve the residents and businesses of the City;

b. Protect the City's built and natural environment by promoting compatible design standards for wireless facilities;

c. Minimize adverse visual impacts of wireless facilities through careful design, siting, landscape screening and innovative camouflaging techniques;

d. Avoid potential damage to adjacent properties from wireless facilities through sound engineering and careful siting of wireless facilities; and,

e. Maximize use of any existing wireless facilities to minimize the need to construct new facilities.

B. Exemptions.

The following shall be exempt from the provisions of this section:

1. Any wireless facilities and support structures under sixty (60) feet and owned and operated by an amateur radio operator licensed by the Federal Communications Commission; and,

2. Any wireless facilities located on property controlled by the City of St. Marys and approved by the City.

C. Requirement for Use of Existing Available Structures.

1. No new wireless support structure (tower) shall be allowed unless the applicant satisfactorily demonstrates to the Community Development Director that no existing telecommunication tower or alternative structure (towers, light/power poles, electric transmission towers, and similar natural or manmade structures) can accommodate the applicant's proposed wireless facilities.

2. Evidence submitted by an appropriate licensed professional to demonstrate that no existing structure can accommodate the proposed antenna shall consist of the following:

a. No suitable structures are located within the geographic antennas placement area required to meet the applicant's engineering requirements;

b. Existing structures are not of sufficient height or structural strength to meet the applicant's engineering requirements;

c. Proposed antenna(s) would cause electromagnetic interference with existing antennas or existing antennas would create interference for the proposed antenna;

d. Contractual cost to share an existing support structure are unreasonable; or,

e. Other information that demonstrates that other limiting factors render existing structures unsuitable.

D. General Requirements.

1. All wireless communication facilities under this section shall be subject to approval as a Special Use Permit.

2. All structures shall meet Building Codes and Safety Standards and a Georgia licensed structural engineer shall conduct inspections of such facilities at least once every three (3) years to ensure structural integrity. Such inspection reports shall be maintained on the premises by the owner of the wireless communication structure. A copy of each triennial inspection report shall be provided in hard copy or electronically to the Community Development Director.

3. No advertising shall be permitted on wireless facilities or support structures.

E. Location.

1. Telecommunication structures shall not be located within any residential or Form-Based District or within a Conservation Preservation District, except for the use by governmental agencies for life-safety purposes.

2. Upon approval of a Special Use Permit a telecommunication tower may be considered for location within a non-residential district.

3. The site shall be of a size and shape sufficient to provide a setback from the base of the tower to any property line abutting a Residential District or property used for residential purposes or public street right-of-way equal to the height of the tower plus ten (10) feet.

4. Towers greater than sixty (60) feet in height shall not be located any closer than fifteen hundred (1,500) feet from an existing tower unless technologically required or visually preferred to enhance or preserve visual aesthetics for surrounding property as determined during consideration of the Special Use Permit request.

5. Setbacks for towers sixty (60) and less shall not be closer to a residential structure than the height of the tower or closer to a residential property line than forty (40) feet.

6. Telecommunication structures shall not be located on a site that is also occupied by volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas and dangerous chemicals.

7. Placement of more than one tower on a lot shall not be permitted.

F. Special Use Permit Approval Required.

1. Consideration of a Special Use Permit shall be required to:

a. Construct a new tower or replace any existing tower; or

b. Modify a previously approved wireless facility when the proposed modification

(1) Increases the overall height or

(2) Increases the width of the structure or dimensions of the equipment building.

c. All other substantial changes or collocations to a previously approved wireless facility may be approved administratively by the Community Development Director following receipt of a completed application and required application fees.

2. Information Required for Special Use Application.

In addition to the standard information and application fees required for consideration of a Special Use Permit, the following shall be required:

a. An impact statement fully describing the effects that the proposed telecommunications facility will have on the environment and surrounding area including the impacts on adjacent properties, nearby historic elements, streetscapes and view corridors.

b. Description of anticipated maintenance needs and traffic noise or safety impacts of such maintenance.

c. Report from a professional structural engineer or other relevant professionals licensed in Georgia, documenting the following:

(1) Required facility height and design and other pertinent factors governing selection of the proposed design and site selection except that technical, business or service characteristics of proposed facility need not be included;

(2) Total anticipated capacity of the telecommunications facility, including number and types of antennae which can be accommodated and capacity sufficient to allow future wireless facilities (collocation);

(3) Structural failure characteristics of telecommunications towers over sixty (60) feet and demonstration that site and setbacks are of adequate size to contain debris;

(4) Justification as to the need for a new tower versus adequacy of existing structures; and,

(5) A map indicating all existing towers and antennae located within the City and within two (2) miles of the City boundaries.

d. The name, address, telephone number, and email for the community liaison officer to resolve issues of concern.

3. Review Period.

Within one hundred and fifty (150) calendar days from the date a satisfactorily completed application for Special Use Permit consideration has been filed with the Community Development Department, or unless another date is specified in a written agreement between the Community Development Department and the applicant, the City shall:

a. Make its final decision to approve or disapprove the application; and

b. Advise the applicant in writing of its final decision.

G. Visual Impact.

1. Site location and development shall preserve the pre-existing character of the surrounding buildings and land uses and Zoning District as much as possible.

2. Towers shall be integrated through location and design to blend in with existing characteristics of the site.

3. Existing site vegetation and topography shall be preserved unless such disturbance would result in less visual impact of the site.

4. Facility design shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend with or complement the natural setting and/or built environment (i.e. artificial tree appearance, steeples, decorative fencing, etc.).

5. No illumination shall be permitted on wireless facilities other than those required by the FCC, FAA or other state or federal agency.

6. Towers shall maintain a galvanized steel finish or other finish approved by the Community Development Director as an acceptable alternative to prevent or limit corrosion, and painted in a neutral color to reduce visual obtrusiveness.

7. If an antenna is installed on a structure other than a tower and is visible to the public, all related equipment shall be a neutral color that is identical to or closely compatible with the color of the supporting structure. Roof mounted antennas shall be made visually unobtrusive by screening to match existing air conditioning units, stairs, elevator towers or other background.

8. Antennas mounted on architecturally significant structures or significant architectural details of the building shall be covered by appropriate casings that are manufactured to match existing architectural features.

H. Fencing and Landscaping.

1. All wireless telecommunication towers shall be enclosed within an eight (8) foot high security fence and equipped with appropriate anti-climbing device.

2. Landscaping meeting Type 2 Landscape Buffer standards as set forth in **§ 6.04 B** shall be used to effectively screen the base elevations of the wireless telecommunication tower.

I. Removal of Telecommunications Facilities.

1. Removal of Noncompliant Telecommunications Facilities.

a. If upon inspection by the Community Development Director or his designee any such telecommunications facility is determined not to comply with the minimum Standard Building Code or to constitute a danger to persons or property, then upon notice being provided to the owner of the facility and the owner of the property, such owners shall have thirty (30) calendar days to bring such facility into compliance.

b. If the telecommunications facility is not brought into compliance within thirty (30) calendar days, the City may provide notice to the owners requiring the telecommunications facility to be removed. If the telecommunications facility is not removed within thirty (30) calendar days of receipt of notice, the City may remove such facility and place a lien upon the property for the removal costs. The City may seek to remove the telecommunications facility regardless of the owner's or operator's intent to operate the telecommunications facility and regardless of any permits, federal, state or otherwise, which may have been granted.

2. Removal of Abandoned Telecommunications Facilities.

a. Any telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, regardless of whether the owner or operator intends to make use of it or any part of it.

b. The owner of a telecommunications facility and the owner of the property shall have the responsibility of removing the abandoned telecommunications facility.

c. If such telecommunications facility is not removed within sixty (60) calendar days of receipt of notice from the City notifying them of such abandonment, the City may remove such telecommunications facility and place a lien upon the property for any removal costs. Delay by the City in taking action shall not in any way waive the City's right to take action. The City may seek to remove the telecommunications facility regardless of the owner's or operator's intent to operate the telecommunications facility and regardless of any permits, federal, state or otherwise, which may have been granted.

d. If the owner of an abandoned telecommunications facility wishes to use such abandoned telecommunications facility, the owner first must apply for and receive all applicable permits and meet the conditions of this section as if such telecommunications facility were a new facility.

6. Parking, Parking Area Landscaping, Landscape Buffers and Lighting.

6.01 Purpose.

This article addresses the standards related to parking, landscaping of parking areas, landscape buffers and lighting. Parking standards insure there is an adequate amount of parking provided for respective land uses and that they are designed with appropriate functionality and landscaping. Landscape buffer and lighting standards serve to reduce the negative impact of land uses and the impact on the environment.

6.02 Parking Standards.

A. General.

1. No permit for the construction, reconstruction, extension or alteration of any building, structure or use of land and no building or land, or any part of any building or land, may be occupied or used until parking has been provided in accordance with the requirements of this Zoning Ordinance.

2. Required parking standards set forth below shall not apply to non-residential development within the City's Form-Based Districts. Parking for non-residential uses shall be determined upon review of information submitted with the Site Development Plan that demonstrates adequate parking will be provided on-site or can be accommodated within existing public rights-of-way.

B. Vehicle Parking.

1. Parking shall be provided based on the Table below.

2. Outdoor dining areas within front yard shall be exempt from calculation of required parking spaces.

Table 6 Vehicle Parking

Type of Uses	Minimum Required Parking Spaces
Residential: 0-1 bedroom	1 per unit
Residential: 2+ bedrooms	2 per unit
Visitors, Attached and multi-family residential	1 per 4 units
Dwellings restricted to seniors 62 years and older	0.5 per unit
Personal Care, Nursing Home	1 per 2 beds
Bar, lounge, restaurant	1 per 200 square feet of Gross Floor Area
General retail uses	1 per 300 square feet of Gross Floor Area
Hotel, motel	1 per guest room - excluding bars, lounges and restaurants, which shall be computed separately
Hospital	1 per bed and 1 per peak employee on weekday shift
Medical clinic, office	1 per 250 square feet of Gross Floor Area
Places of Assembly	Shall be determined on review of Site Development Plan
All other uses	1 per 500 square feet of Gross Floor Area

C. Handicapped Accessible Parking.

If parking spaces are provided for self-parking by visitors or employees, then accessible spaces shall be provided in each such parking area in conformance with the Table below.

Table 7 Handicapped Accessible Parking

Spaces in Parking Area	Handicapped Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 or more	2% of total

D. Additions.

1. A building or site may be renovated or repaired without providing additional parking, provided there is no increase in Gross Floor Area.

2. When a building Floor Area, lot area covered, or site area is expanded, required additional parking shall be based only on increases to the Floor Area, Lot Area covered or site area.

E. Change in Use.

1. A change in use shall comply with the parking requirements unless the use has the same or a lesser parking demand than the previous use.

2. Where required parking spaces for the new use exceed the required parking spaces for the existing use, additional parking is only required for the difference between the current parking spaces required and the parking spaces required for the new use.

F. Location of Parking.

1. No required parking spaces shall be located within the front yard setback area.

2. Required vehicle parking shall be located on the same lot as the use they are intended to serve, except as listed below:

a. On-Street Parking.

(1) One on-street parking space may be substituted for every required parking space, provided the on-street space is located on a public right-of-way immediately abutting the subject property.

(2) Each on-street parking space may only be counted for one property. Where a space straddles an extension of a property line, the space may only be counted by the owner whose property abuts fifty percent (50%) or more of the on-street parking space.

b. Remote Off-Site Parking.

(1) All required parking spaces, except required accessible spaces, may be located off-site if the remote parking area is located within six hundred and sixty (660) feet from the primary entrance of the use served.

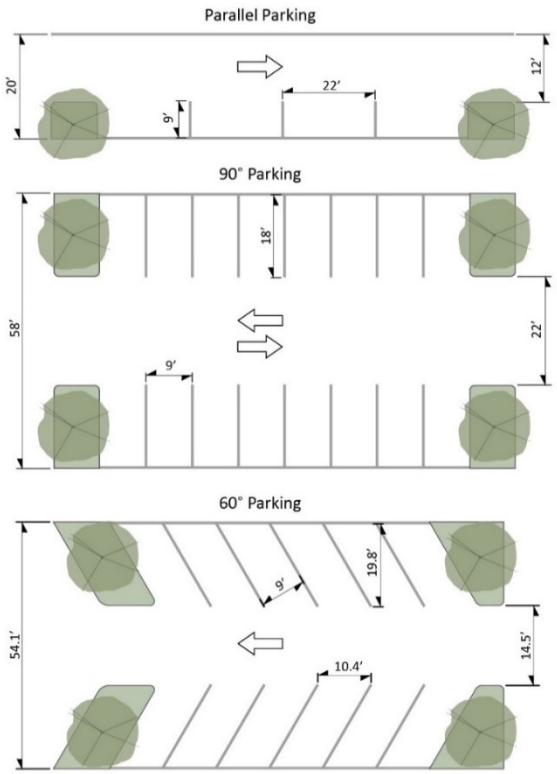
(2) Plans for proposed remote parking shall be submitted for consideration as part of the Site Development Plan review process.

(3) Remote parking distance is measured in walking distance from the nearest point of the remote parking area to the primary entrance of the use served.

G. Stall Size and Drive Aisle Dimensions.

Parking spaces and drive aisles shall meet the dimensions as shown in the Figure below. Parking spaces and drive aisles using dimensions other than those specified may be used if approved by the Community Development Director.

Figure 4 Required Parking and Drive Aisle Dimensions



H. Vehicle Drive-Thru Facilities.

1. Vehicle drive-thru facilities shall not encroach on or interfere with the public use of streets and sidewalks by vehicles or pedestrians.

2. Adequate space shall be made available within the site for stacking and queuing of vehicles for businesses offering drive-thru services.

3. At least four (4) queuing spaces shall be provided for any use offering drive-thru services, as measured from the first pick up window the vehicle encounters in the drive-thru.

4. Drive-thru areas, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows and other objects associated with the drive-thru area, shall be located to the side or rear of the building.

5. Drive-thru lanes or windows may not be placed between the street right-of-way and the associated building.

6. Drive-thru windows or lanes shall not be located on the side of a building abutting or across the street from a Residential or Form-Based District.

7. No outside sound amplification system for taking orders shall be allowed within two hundred (200) feet of Residential or Form-Based District boundary.

I. Parking and Circulation Surfaces.

1. Impervious Materials.

Parking and other vehicular use areas shall be surfaced with asphalt bituminous concrete or other type of dustless material approved by the City Engineer and maintained in a smooth, well-graded condition.

2. Pervious Materials.

Pervious or semi-pervious parking area surfacing materials are encouraged ~~may be~~ through the City Standaards and approved by the City Engineer. Permitted materials may include but are not limited to grass, "grasscrete," and ring and grid systems used in porous or grid pavers.

3. Curbs and Drainage.

a. All surface parking areas shall be graded and drained to collect, retain and infiltrate surface water accumulation on-site to the greatest extent practicable.

b. Curbs or parking stops are required at the edges of perimeter and interior landscaped areas.

c. Curbing shall have openings to allow drainage to enter and percolate through the landscaped area.

J. Vehicle Loading Areas.

1. If determined necessary by the Community Development Director, adequate space shall be made available on-site for the unloading and loading of goods, materials, items or stock for delivery and shipping.

2. If a loading area is provided, it shall meet the following standards:

a. It shall be located to the side or rear of buildings and be screened;

b. It shall not be between a street and the associated building;

c. It shall not be within the public right-of-way; and,

d. It shall not encroach on or interfere with the use of sidewalks, drive aisles, queuing areas and parking areas by vehicles or pedestrians.

K. Design of Parking Structures.

1. The Ground Story of a structured parking garage shall have active uses (such as, but not limited to, residential, commercial, office or civic space) located between the parking structure and the street.

2. Where Upper Stories of structured parking are located at the perimeter of a building, they shall be screened so that cars are not visible from ground level view from adjacent property or adjacent public street right-of-way.

3. Sloped ramps cannot be discernible along the perimeter of the parking structure.

4. Ground Story Building Facade treatment (building materials, windows and architectural detailing) shall continue on Upper Stories.

6.03 Parking Area and Access Drive Landscaping.

A. Applicability.

1. This section applies to the landscaping of parking areas or other areas used for the placement of vehicles, recreational vehicles, or equipment and access drives serving all uses except Single-Family Residential Development.

2. The term "parking area" applies to both the parking spaces and the drive aisles as well as other paved points of access within the property.

3. For purposes of this section, multiple platted lots within a single development (ex. Shopping Center) and any separate parking areas connected with drive aisles are considered a single parking area.

4. The provisions of this section do not replace the Landscape Buffers required as set forth in **§ 6.04**.

5. Change in Use of Exterior Premises.

a. A change in the exterior use of a previously occupied property that alters the manner in which the exterior area of the property is used shall require immediate compliance with the parking area landscaping in accordance with **§ 6.03 B and C.**

b. A change in the exterior use would include but is not be limited to such activities as outside storage of materials, equipment or other merchandise, parking of automotive or recreational vehicles or other merchandise for sale, lease, rent, or repair or other purposes or the provision of drive through facilities.

6. Parking Area Renovation or Expansion.

a. An existing parking area may be renovated or repaired without providing additional landscaping, provided there is no increase in the size of the parking area.

b. When an existing parking area square footage is increased in area by more than ten percent (10%) cumulatively, landscaping is required for the new parking area only.

c. When an existing parking area square footage is increased by more than forty percent (40%) cumulatively, landscaping is required for both the existing parking area and the new parking area.

7. Building Renovation, Expansion or Demolition.

a. If an existing building is renovated but there is no increase in gross square floor area exceeding the limits discussed below, then no additional parking area landscaping shall be required.

b. If an existing building is demolished and a new building is constructed, compliance with this section shall be required;

c. If the gross floor area of an existing building having less than two thousand (2,000) square feet, is expanded by twenty-five percent (25%) or more, compliance with this section shall be required;

d. If the gross floor area of an existing building having two thousand (2,000) square feet or more but less than five thousand (5,000) square feet, is expanded by twenty percent (20%) or more, compliance with this section shall be required;

e. If the gross floor area of an existing building having five thousand (5,000) square feet or more but less than ten thousand (10,000) square feet, is expanded by fifteen percent (15%) or more, compliance with this section shall be required; and,

f. If the gross floor area of an existing a building is ten thousand (10,000) square feet or greater is expanded by ten percent (10%) or more, compliance with this section shall be required.

B. Parking Area Street Frontage and Perimeter Landscaping.

1. Street-Frontage Landscaping.

All parking areas with Street Frontage on any portion of a street right-of-of way (not including an alley) shall be screened with the following:

a. A minimum twenty (20) foot wide, landscaped area with a continuous row of shrubs and accompanying Ground Cover shall be provided between the parking area and the Street Frontage.

b. Shrubs shall be a minimum of eighteen (18) inches in height when planted and shall reach a minimum size of thirty-six (36) inches in height within three (3) years of planting.

c. The required twenty (20) foot wide landscaped area may be reduced to ten (10) feet when a three (3) foot high masonry wall is erected.

d. In addition to required shrubs, overstory trees shall be planted every thirty (30) feet on center, on average.

e. Where overhead utilities exist, one (1) understory tree may be planted every twenty (20) feet on center, on average, in substitution of required overstory trees.

2. Perimeter Landscaping.

In addition to required Street-Frontage landscaping, perimeter landscaping shall be provided along the remaining property lines in which parking areas and/or other paved areas are within twenty-five (25) feet of the property boundary in a manner as set forth below:

a. A minimum ten (10) foot wide, landscaped area with a continuous row of shrubs and accompanying Ground Cover shall be provided between the property's non-Street Frontage lot line and the parking area.

b. Shrubs shall be a minimum of eighteen (18) inches in height when planted and shall reach a minimum size of thirty-six (36) inches in height within three (3) years of planting.

c. The required ten (10) foot wide landscaped area may be reduced to five (5) feet when a three (3) foot high masonry wall is erected.

d. In addition to required shrubs, overstory trees shall be planted every thirty (30) feet on center, on average.

e. Where overhead utilities exist, one (1) understory tree may be planted every twenty (20) feet on center, on average, in substitution of required overstory trees.

C. Parking Area Interior Landscaping.

1. In no case shall there be less than one (1) tree for every three thousand (3,000) square feet of parking area, including drive aisles.

2. Interior Island Landscaping.

a. A landscaped interior island shall be provided at every linear run of ten (10) parking spaces. (See illustration below)

b. Interior islands shall be distributed evenly throughout the parking area.

c. Interior islands may be consolidated or intervals may be expanded to preserve existing trees upon review during Site Development Plan approval.

d. Interior islands spanning the depth of two (2) parking rows shall be a minimum of thirty-four (34) feet in length and five (5) feet in width and planted with two (2) overstory trees with the remainder planted in groundcover.

e. Interior islands spanning the depth of one (1) parking row shall be a minimum of fourteen (14) feet in length and five (5) feet in width and planted with one (1) overstory tree with the remainder planted in groundcover.

f. Interior island parking areas shall be configured to allow rainwater runoff capture within the interior islands while providing curbing at key points to protect vegetation.

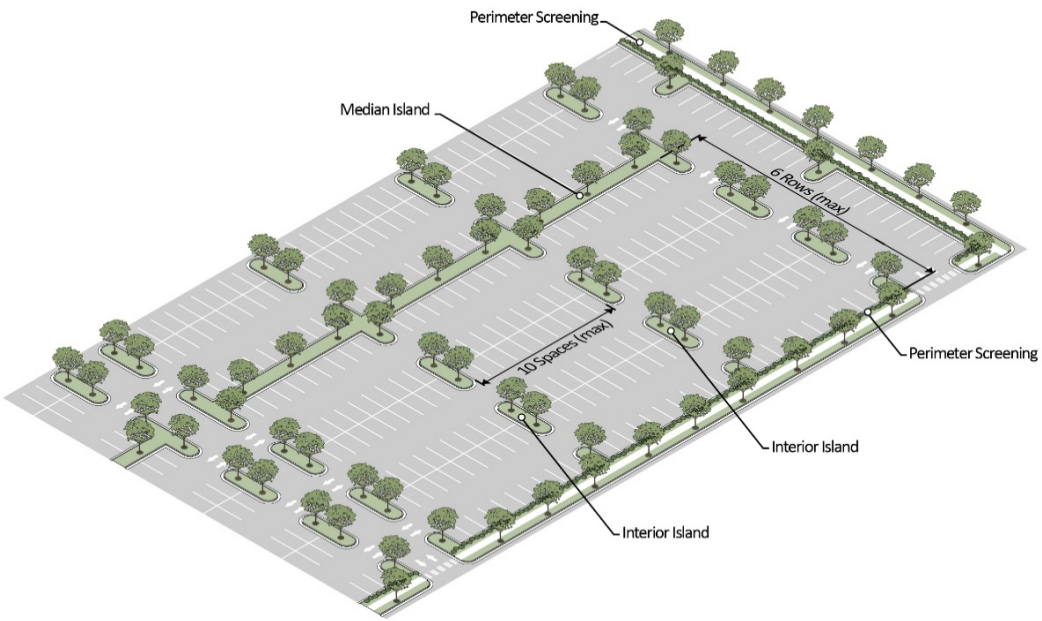


Figure 5 Parking Area Landscaping Illustration

3. Median Island Landscaping.

a. A landscape median island shall be provided between every six (6) parking rows. (See illustration above)

b. A landscape median island shall be a minimum of five (5) feet wide and planted with one (1) overstory tree every thirty (30) feet on center, on average with the remainder planted in groundcover.

c. A median island may also serve as the location for a sidewalk. In such case, the sidewalk shall be a minimum of five (5) feet wide and the remaining planting area shall be no less than four (4) feet wide.

d. Median islands may be consolidated or intervals may be expanded to preserve existing trees upon review during Site Development Plan approval.

e. Parking area design of median islands shall be configured to allow rainwater runoff capture within the median islands while providing wheel stops and curbing at key points to protect vegetation.

4. Plant Selection, Installation and Maintenance.

All required landscaping shall meet the plant selection, installation and maintenance requirements as set forth in **§ 6.05**.

6.04 Landscape Buffers.

A. Applicability.

1. General.

a. A Landscape Buffer shall be required when a multi-family or non-residential use is developed or placed (e.g. Outside Storage Container) abutting a Single-Family Residential District or a Single-Family Residential Use ("Protected District" as shown in illustration below).

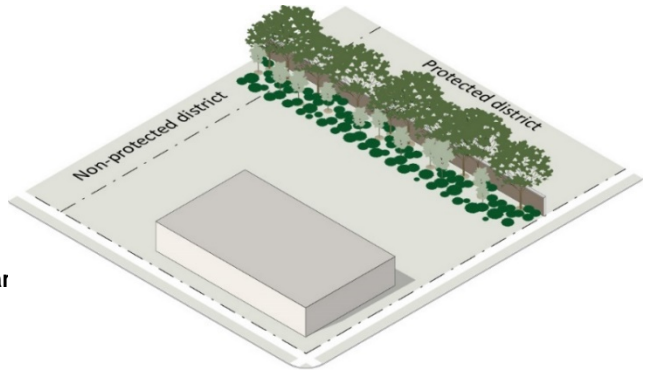


Figure 6 Landscape Buffer Illustration

b. No building permit or related permits for the construction or expansion of any building or use of land involving multi-family or non-residential development, shall be issued until the required Landscape Buffer has been provided in accordance with this section.

2. Expansion of Existing Use.

a. A building or site may be renovated or repaired without providing additional Landscape Buffers provided there is no increase in Gross Floor Area or expansion of site area used.

b. When the Gross Floor Area or Improved Site Area is increased, the site shall meet the Landscape Buffer requirements.

3. Change in Use.

A change in use shall trigger the Landscape Buffer requirements of this section if the change in use requires Rezoning or a Special Use Permit, has increased traffic or noise, extends operating hours, or has exterior use or operational activities that are incompatible with the adjacent Residential District or use.

4. Other Uses.

The Landscape Buffer Standards set forth below shall be used as standards for landscape buffers for other purposes as enumerated within this Zoning Ordinance.

B. Landscape Buffer Standards.

1. General Conditions.

a. When a multi-family or non-residential development abuts a single-family Residential District or a single-family residential use, a Landscape Buffer shall be located within the multi-family or non-residential development immediately abutting and extending the length of the property boundary line shared with the Protected District.

b. The required Landscape Buffer may be located wholly or partially within a required setback

c. Parking of vehicles and the placement of structures (other than fencing or landscape walls) shall not be allowed in a Landscape Buffer. All required setbacks apply.

d. No structure (other than landscape fencing or walls) shall be located closer than ten (10) feet to a Landscape Buffer.

2. Landscape Buffer Options.

One of the following Landscape Buffer options is required along a perimeter lot line that abuts a single-family Residential District or a single-family residential use property line.

Figure 7 Landscape Buffer Options

	Type 1 Option	Type 2 Option
Depth (min.)	*10 ft.*	*20 ft.*
Wall Height (min./max.)	*6 ft. / 8 ft.*	*6 ft. / 8 ft.*
Fence Height (min./max.)	*Not Allowed*	*6 ft. / 8 ft.*
Overstory Trees (min. per 100 ft.)	*4*	*4*
Understory Trees (min. per 100 ft.)	*3*	*4*
Evergreen Shrubs (min. per 100 ft.)	*40*	*30*
Shrub Height (min.)	*4 ft. (within 3 yrs.)*	*4 ft. (within 3 yrs.)*
Ground Cover	*Required Throughout*	*Required Throughout*

3. Landscape Buffer Walls.

   a. Walls shall be constructed of high quality materials including one or a combination of the following: decorative blocks; Brick; stone; cast-stone; split-faced block; or stucco over standard concrete masonry blocks.

   b. No walls containing more than fifty percent (50%) exposed standard concrete masonry blocks shall be allowed, whether painted or not.

   c. No wall shall be located within any required drainage or utility easement.

   d. All walls shall have concrete footings approved by the City Engineer.

4. Landscape Buffer Fences.

   a. Fences shall be opaque and be constructed of high quality materials including one or a combination of the following: wood, composite fencing, or other similar material.

   b. The finished face shall be located towards the adjacent property.

   c. Fences with wooden support posts shall be set in a masonry support column at least every forty (40) feet.

   d. No fence shall be located within any required drainage or utility easement except when approved by the City Engineer.

5. Landscape Buffer Vegetation.

   a. At least fifty percent (50) of the required trees within Landscape Buffer shall be evergreen species.

   b. Shrubs shall be evergreen that under typical conditions can be expected to reach a height of four (4) feet within three (3) years of planting. All shrubs shall be a minimum of eighteen (18) inches tall when planted.

6.05 Plant Species, Installation and Maintenance.

A. Plant Species.

~~1. Required trees and other plants shall be hardy to Zone 9a in accordance with the U.S. Department of Agriculture's Plant Hardiness Zone Map.~~

1~~2~~. Overstory (canopy) trees with an expected mature height of forty (40) feet or greater shall be selected from the list of medium- to large-canopy trees set forth in *Chapter 102 Vegetation* of the City's Code of Ordinances.

2~~3~~. Understory trees with an expected mature height of under forty (40) feet shall be selected from the list of understory trees set forth in *Chapter 102 Vegetation* of the City's Code of Ordinances.

3~~4~~. Trees and other plants should be species that shall be able to survive on natural rainfall once established with no loss of health.

B. Plant Installation.

1. Overstory trees shall have a minimum caliper of two (2) inches in diameter as measured four and half (4.5) feet above grade and be at least eight (8) feet tall at time of planting.

2. Understory trees shall have a minimum caliper of two (2) inches in diameter as measured four and half (4.5) feet above grade and be at least six (6) feet tall at time of planting.

3. Tree height shall be measured from the top of the root ball to the tip of the main stem.

4. Tree installation and other conditions related to trees not addressed within the Zoning Ordinance shall be in accordance with the standards and guidelines set forth in *Chapter 102 Vegetation* of the City's Code of Ordinances.

C. Plant Maintenance.

1. The property owner shall be responsible for ensuring that all required landscaping is maintained in good health and condition, regardless of whether they are the tenant of the property or lease the property to another entity.

2. It shall be the responsibility of the property owner to replace, at owner's expense, any dead, unhealthy, deteriorating, broken or missing landscaping that does not conform to the requirements of this Zoning Ordinance within thirty (30) days or within one hundred and eighty (180) days where weather concerns would jeopardize the health of newly installed plant materials.

6.06 Lighting.

A. Applicability.

1. General.

a. No permit for the construction, reconstruction, extension or alteration of any commercial, industrial, mixed-use or multi-family building, structure or use of land and no building or land, or any part of any building or land, may be occupied or used until lighting has been provided in accordance with the requirements of this Zoning Ordinance.

b. The installation of site lighting, replacement of site lighting and changes to existing light fixture mounting or fixture location shall be made in compliance with this Zoning Ordinance.

c. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, are exempt from regulation.is allowed for all existing fixtures

d. This section does not apply to lighting installed in the public right-of-way.

2. Additions.

a. When a building or site is renovated, any new or replaced outdoor light or lighting fixture shall conform to the requirements of this Zoning Ordinance.

b. When the Gross Floor Area or Improved Site Area is increased, the additional floor or site area shall conform to the lighting requirements of this Zoning Ordinance.

c. When the Gross Floor Area of any building or Improved Site Area is increased by more than forty percent (40%) cumulatively, both the existing use and the additional floor or site area shall conform to the lighting requirements of this Zoning Ordinance.

3. Change in Principal Use of Building or Site.

A change in the principal use of the building or site does not trigger application of this section unless site lighting is replaced.

B. Prohibited Sources.

The following light fixtures and sources are prohibited:

1. Cobra-Head lamp fixture having dished or drop lenses or refractors, which contain sources that are not incandescent;

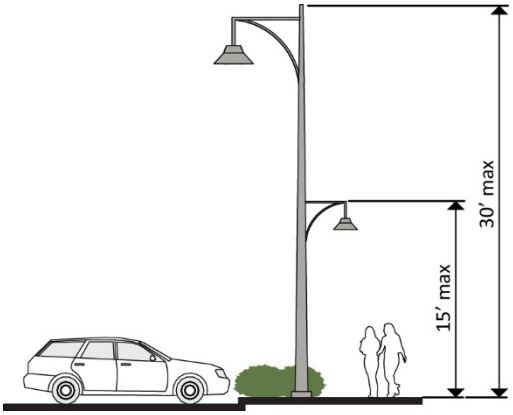
2. Temporary searchlights and other high-intensity narrow-beam fixtures; and

3. Light sources that lack color correction or do not allow for uniform site lighting.

C. Parking and Pedestrian Areas.

1. Light fixtures within parking and vehicular display areas may be no higher than thirty (30) feet.

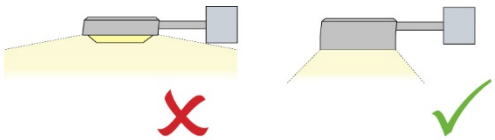
2. Light fixtures within pedestrian walkway areas may be no higher than fifteen (15) feet.



3. Light fixtures located within fifty (50) feet of the property line of a Residential or Historic District may be no higher than fifteen (15) feet.

4. Light fixtures within twenty-five (25) feet of a street right-of-way shall be forward throw fixtures that provide sharp house-side cut-off and can be used for perimeter lighting applications with minimal light trespass.

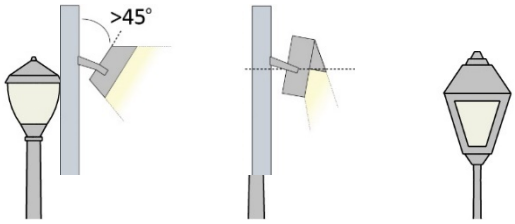
5. All light fixtures shall be full cutoff, except non-cutoff fixtures that generate lumens below 9500 lamp lumens (see **Paragraph 6.** below).



6. Non-cutoff (unshielded) fixtures can be used when the maximum initial lumens generated by each fixture is less than 9,500 initial lamp lumens. These fixtures generally feature globes or vertical glass planes and shall be coated with an internal white frosting to diffuse light.

D. Flood Lights and Flood Lamps.

1. Flood light fixtures shall either be aimed down at least forty-five (45) degrees from vertical or the front of the fixture shielded so that no portion of the light bulb extends below the bottom edge of the shield.



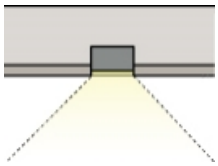
2. Any flood light fixture located within fifty (50) feet of a street right-of-way shall be mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed fifteen (15) degrees.

3. All flood lamps emitting 1,000 or more lumens shall be aimed at least sixty (60) degrees down from horizontal or shielded so that the main beam is not visible from adjacent properties or the street right-of-way.

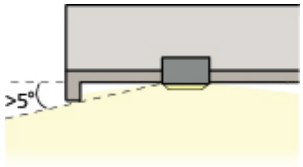
E. Vehicular Canopies.

Lighting under Vehicular Canopies shall be designed so that the light bulb is not visible from the street right-of-way and does not create glare off-site. Acceptable lighting designs include the following:

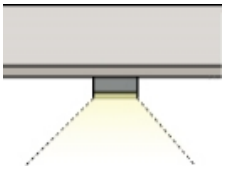
1. Recessed fixture with a lens cover that is either recessed or flush with the bottom of the Vehicular Canopy;



2. Light fixture incorporating shields or is shielded by the edge of the Vehicular Canopy, so that light is restrained to five (5) degrees or more below the horizontal plane of the Vehicular Canopy; or

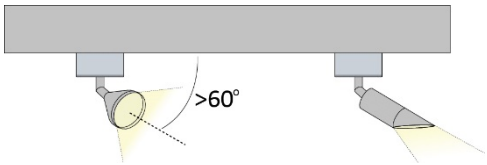


3. Surface mounted fixture on the Vehicular Canopy incorporating a flat glass that provides a cutoff design or shielded light distribution.



F. Exterior Building Lighting.

1. Lighting fixtures shall be selected, located, aimed and shielded so that direct illumination is focused exclusively on the building facade, plantings and other intended site features and away from adjoining properties and the street right-of-way.



2. All lighting fixtures shall be full cutoff fixtures

3. Only lighting used to accent architectural features, landscaping, art or US, Georgia or City flag may be directed upward, provided that the fixture is located, aimed or shielded to minimize light spill into the night sky.

4. Lighting used to outline building features including window frames, whether located on the interior or exterior of the building, shall be prohibited.

7. Administration.

7.01 Zoning, Building, Occupancy, Flood Prevention and Historic Preservation Compliance.

A. Zoning Compliance.

Prior to issuance of a Building Permit, Certificate of Occupancy, Land Disturbance Permit, Sign Permit, Public Events Permit, Certificate of Appropriateness, the Community Development Director shall confirm that the proposed activity complies with this Zoning Ordinance.

B. Land Disturbance Permit and Certificate of Occupancy Compliance.

1. It shall be unlawful to ~~begin the excavation or filling of any parcel, lot or tract of land for the construction of any structure, including an Accessory Structure, until the Community Development Director has issued a Land Disturbance Permit for such work~~ cut or remove vegetation, or excavate or fill any parcel, lot or tract of land other than activities related to landscaping or repairs within an existing development, without first obtaining a Zoning Verification and when necessary, a Land Disturbance Permit for such work from the Community Development Director or City Engineer, for a determination on whether the activity impacts wetlands or marshlands.

2. No land, structure or building shall be used or occupied until a Certificate of Occupancy has been granted.

C. Flood Prevention and Historic Preservation Compliance.

No building permit for construction, alteration, or demolition of any structure shall be issued unless the applicant has complied with the requirements of Chapter 54 Floods, and if located within the Historic District, Chapter 62 Historical Preservation of the City of St. Marys' Code of Ordinances.

7.02 Community Development Director – Responsibilities, Powers and Duties.

A. Responsible for Administration and Interpretation.

The Community Development Director shall be responsible for the administration and interpretation of the requirements, standards, definitions, or any other provision of this Zoning Ordinance.

B. Specific Powers and Duties.

The Community Development Director shall have the following specific powers and duties:

1. Administer and enforce the provisions of this Zoning Ordinance, including maintenance of all records;

2. Delegate duties and responsibilities to employees of the Community Development Department as needed and appropriate for the administration and enforcement of this Zoning Ordinance;

3. Receive and review applications for Rezonings, Special Use Permits, Site Development Plans, Hardship Variances, Certificates of Appropriateness and activities that may meet thresholds for review of Developments of Regional Impacts;

4. Determine as satisfactorily complete submissions required by this Zoning Ordinance;

5. Conduct site visits and meet with interested and concerned individuals and groups related to compliance and administration of this Zoning Ordinance;

6. Prepare required staff reports, minutes and necessary forms related to the administration of this Zoning Ordinance;

7. Interpret the provisions of this Zoning Ordinance and consistency with the City's Comprehensive and Master Plans;

8. Maintain Official Zoning Map and interpret boundaries of Official Zoning Map where uncertainty exists as to Zoning District boundaries;

9. Conduct notification of and actions necessary to correct violations of this Zoning Ordinance;

10. Draft or oversee proposed revisions or updates to this Zoning Ordinance;

11. Coordinate with other City departments to ensure actions among departments are consistent with the administration of this Zoning Ordinance;

12. Provide necessary support to City Council and Planning Commission, and other boards and committees related to administration of this Zoning Ordinance; and,

13. Prepare, maintain and be the legal custodian of all records, minutes, orders, recommendations, and similar documents of record for the Planning Commission and the Community Development Department.

7.03 Planning Commission – Powers, Duties, Appointment, Term, Officers, and Quorum.

A. Powers, Duties and Responsibilities.

1. The Planning Commission shall have those powers and duties as set forth in Ch. 2 § 2-214 of the St. Marys Code of Ordinances and as set forth in accordance with The Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.

2. The St. Marys Code of Ordinances gives the Planning Commission powers, duties and responsibilities to hold Public Hearings and make findings and recommendations for action to Mayor and City Council on Rezonings, Special Use Permits, Site Development Plans, Zoning Text Amendments, Comprehensive changes to the Official Zoning Map, Zoning of Proposed Annexed Property, and Zoning of a Drug Treatment/ Rehabilitation Facility.

3. The St. Marys Code of Ordinances gives the Planning Commission powers, duties and responsibilities to hold Public Hearings, make findings and take final action on Hardship Variances.

B. Membership, Appointment, Term, Removal, Vacancy, and Compensation.

1. The provisions governing Planning Commission membership, appointment, term, removal from office, and vacancy shall be governed by Ch. 2 § 2-212 of the St. Marys Code of Ordinances.

2. All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties, as provided in Ch. 2 § 2-213 of the St. Marys Code of Ordinances.

C. Officers, Rules, Meetings, Quorum, Vote, Staff and Expenditures.

1. The provisions governing the election of officers, rules for conduct of meetings, members required for a quorum and to take action on an item of business, staffing and expenditures shall be governed by Ch. 2 § 2-213 of the St. Marys Code of Ordinances.

2. All meetings of the Planning Commission shall be open to the public and all records of the Planning Commission shall be a public record, provided that the Planning Commission may go into executive session to discuss matters of pending or potential litigation with the City's legal counsel present and such discussions shall not be a matter of public record, as provided in Ch. 2 § 2-213 of the St. Marys Code of Ordinances.

3. A quorum of the Planning Commission necessary to conduct business shall be a majority of members currently appointed and serving but not less than three (3) members, as provided in Ch. 2 § 2-213 of the St. Marys Code of Ordinances.

4. A majority of the members present but not less than three (3) votes shall be required for any matter upon which a vote is taken, as provided in Ch. § 2-213 of the St. Marys Code of Ordinances.

5. The Planning Commission adoption of its rules of procedure shall be subject to the same Public Notice and Public Hearing processes as set forth in **§§ 8.06** and **8.07** of this Ordinance.

7.04 City Council – Powers Related to Zoning Decisions and Appeals

A. Powers of the City Council on Zoning Matters and Appeals.

1. The City Council shall have the power to hear and act on recommendations of the Planning Commission regarding the following:

a. Rezonings, Special Use Permits, Zoning Text amendments, and Site Development Plans;

b. Comprehensive changes to the Official Zoning Map;

c. Zoning of proposed annexed property and drug treatment/rehabilitation facility; and,

2. The City Council shall have the power to hear and act on Appeals from the Planning Commission regarding the following:

a. Hardship Variances.

7.05 Fees and Meeting Schedules.

A. Fee Schedules.

1. The City Council shall adopt fees for submission of applications, permits, and such other activities regulated by this Zoning Ordinance.

2. The schedule of fees shall be available in the Community Development Department.

3. No application, permit or appeal shall be accepted, issued or scheduled until all required fees have been paid in full.

B. Meeting Schedules.

The Planning Commission and/or City Council, in consultation with the Community Development Director, may adopt schedules of dates, times and places as appropriate to regulate the processes required by this Zoning Ordinance

7.06 Nonconformities.

A. Nonconformities Section, General.

1. This section addresses uses, structures, and lots that lawfully existed prior to the adoption of this Zoning Ordinance or a subsequent amendment, but no longer conform to the provisions of this Zoning Ordinance.

2. Lawful Nonconformities.

a. A Lawful Nonconformity is any building, structure, use, lot, other development feature that at the time it was erected, constructed, placed, begun, expanded or enlarged, complied with the then existing Zoning Ordinance and other City regulations, but which does not comply with this Zoning Ordinance or amendments thereto.

b. A Lawful Nonconformity may only continue under the circumstances presented in this section for each type of Lawful Nonconformity.

c. A Lawful Nonconformity may only be altered if such alteration is approved by the granting of a Hardship Variance as set forth in **Article IX.**

3. Unlawful Nonconformities.

a. An Unlawful Nonconformity is any building, structure, use, lot, or other development feature that at the time it was erected, constructed, placed, begun, expanded or enlarged, did not comply with the Zoning Ordinance, and continues to not comply with subsequently enacted provisions of the Zoning Ordinance or this Zoning Ordinance.

b. Continuation, expansion or enlargement of an Unlawful Nonconformity is prohibited by this Zoning Ordinance.

B. Nonconforming Structures.

1. Lawful Nonconforming Structure, Defined.

A lawful nonconforming structure is a structure whose size, dimensions, location on a property, or other features that were lawful prior to adoption of or subsequent amendment to this Zoning Ordinance, but after such adoption or amendment, no longer meets or conforms to one or more provisions of this Zoning Ordinance.

2. Continuance of Lawful Nonconforming Structures.

a. A nonconforming structure may continue to be used and/or occupied and a change of ownership, tenancy, or management of a nonconforming structure shall not affect its legal, nonconforming status.
b. A nonconforming structure may be repaired and those portions of the repair repainted in accordance with all pertinent building codes in effect at the time of repair.
c. A nonconforming structure may be enlarged, expanded or extended or relocated if such change is in conformity with the standards of this Zoning Ordinance and does not increase the non-conforming conditions of the structure.

3. Damage or Destruction of Lawful Nonconforming Structures.

a. Whenever a nonconforming structure is damaged by any means and the extent of the damage is fifty percent (50%) or less of the market value of the structure before the damage, as determined by the Building Department, the structure may be reconstructed, provided reconstruction is completed within one (1) year from the date of the damage.

b. Whenever a nonconforming structure is damaged by any means and the extent of the damage is more than fifty percent (50%) of the market value of the structure, as determined by the Building Department, the structure shall not be reconstructed except in conformity with all applicable ordinances.

C. Nonconforming Internal Uses.

1. Lawful Nonconforming Internal Use, Defined.

A lawful nonconforming internal use is a use contained completely within a structure that was lawfully established prior to adoption of or subsequent amendment to this Zoning Ordinance, but after such adoption or amendment, no longer meets or conforms to one or more provisions of this Zoning Ordinance.

2. Continuance of Lawful Nonconforming Internal Uses.

Lawful nonconforming internal uses of a structure may be continued by the current or future user or occupant except that the nonconforming use shall not be:

a. Enlarged, expanded, extended or relocated in any way, within the structure or any other structure within a Zoning District wherein the internal use is prohibited;

b. Re-established after discontinuance for six (6) months; or,

c. Changed to another nonconforming internal use.

3. Termination of a Lawful Nonconforming Internal Use.

A nonconforming internal use, if discontinued for a continuous period of six (6) months, shall be deemed terminated unless the property owner, at a hearing before the Planning Commission, can successfully demonstrate that there was no intent to discontinue the nonconforming internal use and that such nonconforming internal use should remain active.

D. Nonconforming External Uses.

1. Lawful Nonconforming External Use, Defined.

a. A nonconforming external use is a use situated outside a structure that was lawful prior to adoption of or subsequent amendment to this Zoning Ordinance, but after such adoption or amendment, no longer meets or conforms to one or more provisions of this Zoning Ordinance.

b. External nonconforming uses include merchandise (clothing, appliances, home and office furnishings and equipment, household goods, plants, tools, or similar items), or vehicles, boats, trailers, heavy equipment, or similar items placed, stored, or parked on the premises when such external use of the property is prohibited by this Zoning Ordinance.

2. Continuance of Lawful Nonconforming External Uses.

a. Nonconforming external uses shall not be enlarged, expanded, extended or relocated unless such action is to bring the external use(s) into conformity with the provisions of this Zoning Ordinance.

b. Nonconforming external uses shall not be changed to another nonconforming external use.

3. Termination of a Lawful Nonconforming External Use.

A nonconforming external use, if discontinued for a continuous period of six (6) months, shall be deemed terminated unless the property owner, at a hearing before the Planning Commission, can successfully demonstrate that there was no intent to discontinue the nonconforming external use and that such nonconforming external use should remain active.

Nonconforming Lots.

1. Lawful Nonconforming Lot, Defined.

A lawful nonconforming lot is a lot of record whose area, width, or other dimensions or location was lawful prior to adoption of or subsequent amendment to this Zoning Ordinance, but after such adoption or amendment, no longer meets or conforms to one or more provisions of this Zoning Ordinance.

2. Treatment of Lawful Nonconforming Residential Lots.

a. A lawful nonconforming lot of record located in a Residential District may be used for a single-family dwelling provided that all yard setbacks, minimum floor area and lot coverage requirements are met.

b. When a lawful nonconforming lot of record cannot meet the required yard setbacks, minimum floor area or lot coverage requirements, the property owner may request consideration of a Hardship Variance to reduce the required yard setbacks, floor area and/or lot coverage standards following the processes set forth under **Article IX.**

c. When two lawful nonconforming lots of record under the same ownership adjoin one another, and share continuous Street Frontage, such lots shall be required to be consolidated if such consolidation will make the lot meet the minimum required dimensional standards of this Zoning Ordinance.

3. Treatment of Lawful Nonconforming Multi-Family and Non-Residential Lots.

a. A lawful nonconforming lot of record located in a multi-family or non-residential district may be used for a multi-family or non-residential use provided that all yard setbacks and Lot Coverages requirements are met.

b. When it is not possible to provide the required setbacks and/or meet the Lot Coverage limitations and at the same time build a useable structure, the property owner may request consideration of a Hardship Variance to reduce the required yard setbacks and/or Lot Coverage standards following the processes set forth under **Article IX**.

8. Zoning Decisions and Other Zoning Actions.

8.01 Zoning Decisions, Defined.

A. Zoning Decisions Defined.

The term "Zoning Decision" shall include the following:

1. Change in the Zoning Classification of Property ("Rezoning");
2. Granting of a Special Use Permit;
3. Adoption of a Zoning Ordinance;
4. Amendment to the Zoning Ordinance ("Text Amendment");
5. Comprehensive Change to Official Zoning Map; and,
6. Site Development Plan Approval.

B. Special Use Permit, General.

1. Special Use Permits are those uses the City of St. Marys has determined shall be individually considered for zoning action because of the potential impacts on surrounding land uses or the environment, increased public service demands, the scale of development, and/or operations of the potential land use.

2. Approval of a Special Use Permit is subject to the same zoning review and approval processes as other Zoning Decisions.

3. Approval of a Special Use Permit does not change the underlying Zoning District ~~wherein the use for~~ which a Special Use Permit was granted is located.

4. Approval of Special Use Permit is permanent and runs with the land unless modified or terminated in accordance with the then current Zoning Ordinance.

5. Uses subject to approval as Special Use Permits are listed in the Land Use Table as "S" within **§ 2.10** and **2.11**.

8.02 Site Development Plan Approval Required for Multi-family and Non-Residential Development.

A. Approval Required.

1. Prior to any land disturbance or vegetation removal activity occurring on a property related to multi-family and/or non-residential development, a Site Development Plan, in accordance with the provisions of **§ 8.03 D.**, shall be submitted to the Community Development Department.

2. Approval of the Site Development Plan shall be reviewed in the same manner as a Zoning Decision application is reviewed, except it shall not be subject to reconsideration of uses permitted under the Zoning District in which it is located.

B. Public Notice and Public Hearing.

Public Notice and the conduct of the Public Hearing for the Planning Commission and City Council review and approval of a Site Development Plan for a multi-family complex or non-residential use shall be in accordance with **§§ 8.06 and 8.07 B**.

8.03 Application Submission Requirements, Zoning Decisions.

This section sets out the application process for Rezonings and Special Use Permits.

A. Initiation of Zoning Decision Request.

1. Consideration of a Rezoning or a Special Use Permit may be initiated by a property owner or by the City Council.

2. A property owner initiated request for a Rezoning or Special Use Permit is begun by the property owner filing an application with the Community Development Department.

B. Pre-Application Conference.

1. Prior to the filing of an application for a Rezoning or Special Use Permit, the applicant shall schedule a pre-application conference with the Community Development Department to review the requirements the Zoning Ordinance, the feasibility of the proposed project in terms of its consistency with the Master Plan, compatibility with surrounding uses and zoning, and adequacy of public facilities.

2. At the pre-application conference, the applicant shall provide a hand or computer generated conceptual plan (to scale) ~~sketch plan (free-hand sketch is acceptable)~~ that shows the property location, boundaries and general location of proposed buildings and access points.

3. During the pre-application conference, the Community Development Director, Public Works, Fire or Building representatives shall provide the applicant feedback on the proposed plans, along with copies of Ch.2 §§ 2-211 – 2-214 of the St. Marys Code of Ordinances regarding the Planning Commission and **§ 8.07** of this Zoning Ordinance regarding the Conduct of Public Hearings.

C. Application for Rezoning or Special Use Permit.

1. Following the pre-application conference, the applicant may file an application for a Rezoning or Special Use Permit.

2. Application Contents.

An application for a Rezoning or Special Use Permit shall contain the following to be considered complete:

a. A signed and notarized application form. If the applicant is a corporation or partnership, an executed and notarized statement authorizing submission of the application;

b. If the applicant is not the owner of the property, a notarized property owner's authorization for the applicant to act on behalf of the owner on the request (accompanied by an executed corporate resolution if the owner is a corporation);

c. A statement for the reasons for the Rezoning or Special Use Permit request and a description of the intended development;

d. Copy of the Deed (with legal description) as proof of ownership;

e. Copies of covenants, conditions, or other deed restrictions that may pertain to the land certified by the Clerk of Superior Court of Camden County, Georgia;

f. A receipt verifying all required application fees and taxes have been paid;

g. A Site Development Plan prepared by a registered surveyor, professional engineer, architect or registered landscape architect containing information as set forth in **§ 8.03 D**.

h. If the Rezoning request is for a Planned Development District, the applicant shall submit, in addition to submission requirements of this subsection, information as set forth in **§ 8.03 E.**

i. Additional information requested by the Community Development Director to effectively review the submitted application.

D. Site Development Plan Submission Requirements.

The Site Development Plan shall contain the following elements:

1. A Site Development Plan at a scale of 100 feet = 1 inch on a sheet size of 24 inches by 36 inches (Community Development Director may approve alternative scale or sheet size);

2. Project name and project owner and address and telephone;

3. Name and address of Site Development Plan preparer and date;

4. Existing and proposed zoning and use of property;

5. Total acreage;

6. Boundary survey, with vicinity map, showing the dimensions of the development, existing easements, and Zoning District boundaries and uses on adjoining properties;

7. Aerial photo depicting the location of the property flown within past five (5) years;

8. Topographic map with 5-foot contours;

9. Existing structures, rights-of-way, 100-year floodplain, marshlands, watercourses, lakes and jurisdictional wetlands;

10. Ingress and egress points, external and internal roadways, and sidewalks;

11. Proposed structures, lot layout, types of uses, setbacks, building heights, and impervious coverages.

12. For residential developments, proposed number of dwelling units, minimum floor area, and net densities by types of residential uses and acreage of useable recreational open space;

13. For multi-family and non-residential developments, the approximate location and arrangement of proposed buildings, gross square footage of buildings, parking and loading areas, outdoor lighting, dumpster locations, and other improvements including storm-water detention areas and proposed Buffers;

14. Building elevations all facades including dimensions, materials, and colors;

15. Location and screening of mechanical equipment, fences, walls, and other streetscape elements.

16. Lighting plan;

17. Signage plan;

18. Landscape plan and tree-save areas;

19. Location and size of existing water, sewer, and drainage facilities;

20. Tabular data showing number of units, size of units or buildings, lot sizes, and Floor Area of residential development and gross square feet of non-residential buildings and number of parking spaces; and,

21. Additional information deemed necessary by the Community Development Director to evaluate a proposed use and its relationship to the surrounding area.

E. Planned Development District Submission Requirements.

An application for Rezoning for a Planned Development District shall include, in addition to the submission requirements of **§ 8.03 C. and D.**, the following information:

1. Traffic impact analysis shall be at the discretion of the Community Development Director.

2. Planned Development District written report.

A written report shall be submitted explaining the type, nature, intent and characteristics of the proposed development, and shall describe:

a. Overall goals and objectives of the planned development;

b. Percentage of land to be provided for various land uses including open space and conservation areas;

c. Provision of utility services and management of stormwater;

d. Development phasing plan;

e. Documents related to Property Owners or Homeowners Association;

f. Documents related to Covenants, Conditions and Restrictions Restrictive;

g. Proposed reservations or dedications for streets, easements, parks and/or schools, etc.; and,

h. Any exceptions or variations to the Zoning Ordinance not identified above.

3. Additional Documents.

As part of the Planned Development District application process, the City may require an agreement that binds the applicant guaranteeing completion of development according to the criteria submitted at the time of approval, including the submission of a performance bond in an amount set by the City.

F. Determination of Application Completeness.

1. The submitted application for a Rezoning or Special Use Permit and accompanying Site Development Plan shall not be considered accepted until the Community Development Department reviews the application for completeness. Within <u>five (5) business days</u> from receipt of the application, the Community

Development Department will determine if the application is complete. Incomplete applications will be returned to the applicant and no action will be taken thereon.

2. The completed application for a Rezoning or Special Use Permit shall be filed with the Community Development Department at least thirty (30) calendar days prior to the Planning Commission meeting at which the request will be considered.

8.04 Review Criteria and Conditions for Rezonings and Special Use Permits.

A. Criteria for Reviewing Rezonings and Special Use Permits.

In considering a proposed Rezoning or Special Use Permit, the Planning Commission and City Council shall consider the following criteria:

1. Whether the proposed Rezoning or Special Use Permit is consistent with the purpose and intent of the Zoning Ordinance as enumerated in **§ 1.05.**

2. Whether the proposed Rezoning or Special Use Permit is consistent with the Master Plan and other plans adopted for guiding development within the City of St. Marys;

3. Whether the request would locate a commercial, industrial, or high-density development in a neighborhood of stable, well-maintained single-family homes that would potentially lead to neighborhood deterioration and requests for additional Rezonings of a similar nature;

4. Whether the proposed use is suitable in view of existing adjacent or nearby properties or neighborhoods;

5. Whether the proposed use will adversely affect the existing use, value, enjoyment or usability of adjacent or nearby properties or neighborhoods;

6. Whether the property has a reasonable economic use as currently zoned;

7. Whether the proposed use could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

8. Whether there are other existing or changing conditions affecting the use of property that give supporting grounds for either approval or disapproval of the proposed use.

9. Whether the proposed use is in keeping with the context and scale of adjacent or nearby properties or neighborhoods;

10. Whether the proposed use is consistent with the current level of activity and hours of operation of adjacent or nearby properties or neighborhoods; and,

11. Whether the proposed use will have potentially negative impacts on marshlands, waterways, natural habitats, flood prone areas or stormwater runoff.

B. Conditions of Approval for Rezonings and Special Use Permits.

1. In approving a Rezoning or Special Use Permit, the Planning Commission may recommend and the City Council may impose Conditions of Approval deemed necessary to make a requested Rezoning or Special Use Permit more acceptable and consistent with the uses of the adjacent or nearby properties and the City of St. Marys' Zoning Ordinance and Master.

2. Conditions of Approval for Rezonings or Special Use Permits may include but are not limited to:

a. Additional setback requirements;

b. Locations for buildings, parking, loading, storage areas, signage, curb cuts;

c. Additional landscaping or other buffering provisions;

d. Measures to alleviate undesirable views, light, glare, noise, dust or odor;

e. Permitted hours of operation and operational controls;

f. Required architectural styles;

g. Location of piers or docks; or,

h. Requirement that development be consistent with plans submitted as part of the Rezoning or Special Use Permit approval process;

3. Such Conditions of Approval shall:

a. Only be valid if they are included in the final motion approving a Rezoning or Special Use Permit; and,

b. Run with the land and be a required condition of current and future property owners and users of the property.

4. Any desired change to Conditions of Approval that were a part of the original approval of a Rezoning or Special Use Permit shall require filing of a new Rezoning or Special Use Permit application.

8.05 Conflicts of Interest – Zoning Decisions.

A. Conflicts of Planning Commission and City Council Members

1. Planning Commission and City Council members shall have the duty before participating in matters related to a Zoning Decision to acquaint themselves with the provisions of the Georgia Conflict of Interest in Zoning Actions Law, O.C.G.A. § 36-67A, and shall comply with provisions of that statute.

2. The City Council may adopt more restrictive rules with respect to conflicts of interest; the adoption of such rules shall be subject to the same public notice and Public Hearing processes as for regularly scheduled or special called meetings of the City Council.

B. Conflicts of Zoning Applicants and Opponents

Applicants and opponents to a Zoning Decision shall have the duty before participating in matters related to a Zoning Decision to acquaint themselves with the provisions of the Georgia Conflict of Interest in Zoning Actions Law, O.C.G.A. § 36-67A, and shall comply with provisions of that statute.

8.06 Notice of Public Hearing – Zoning Decisions.

A. Notice of Public Hearing – Property Owner Initiated Rezoning or Special Use Permit.

1. Upon acceptance of a completed application for a Rezoning or Special Use Permit and payment of required fees, the City shall:

a. Publish within a newspaper of general circulation within the City a Notice of Public Hearing at least 15 but not more than 45 days prior to the date of the Public Hearing stating:

(1) Time of the hearing;

(2) Place of the hearing;

(3) Purpose of the hearing;

(4) Location of the property;

(5) Present zoning classification of the property; and,

(6) Proposed Rezoning or Special User Permit of the property.

b. Post a sign on the property in a conspicuous location not less than 15 days prior to the date of the Public Hearing, indicating:

(1) Case number;

(2) Action requested;

(3) Date of hearing; and,

(4) Who to call for more information.

2. Upon publication of the Notice of Public Hearing, the Community Development Director shall mail the applicant the following:

a. Notice of Public Hearing;

b. Copy of **§ 8.07 B.** Conduct of Public Hearing – Zoning Decisions; and,

c. Statement that the applicant shall appear personally, or through the applicant's attorney, or such other person designated in writing, at the Public Hearing to present evidence, information or materials relevant to the requested Rezoning or Special Use Permit.

3. Upon publication of the Notice of Public Hearing, the Community Development Director shall mail the owners of record of all properties (as shown on the Camden County Tax Assessor tax records) abutting the property proposed for a Rezoning or Special Use Permit and immediately across the street to the property the following:

a. Notice of Public Hearing;

b. Map showing the location of the property proposed for a Rezoning or Special Use Permit; and,

c. A copy of **§ 8.07 B.** Conduct of Public Hearing – Zoning Decisions.

4. Failure to notify the applicant or property owners of record as provided in subsections 2. and 3. above, shall not invalidate any action related to a Rezoning or Special Use Permit adopted hereunder.

B. Notice of Public Hearing – City Initiated Zoning Action.

1. When the City initiates a Zoning Action it shall:

a. Provide for a hearing on the proposed Zoning Action; and,

b. Publish within a newspaper of general circulation within the City a notice of the hearing at least fifteen (15) but not more than forty-five (45) days prior to the date of the hearing stating:

(1) Time of the hearing;

(2) Place of the hearing; and,

(3) Purpose of the hearing.

8.07 Planning Commission Conduct of Public Hearing – Zoning Decisions.

A. Public Hearings Purpose.

1. The Planning Commission shall hold Public Hearings on Rezonings, Special Use Permits, Site Development Plans, Zoning Text Amendments, adoption of a new Zoning Ordinance, Comprehensive Change to Official Zoning Map, Rezoning of proposed annexed property, and proposed Rezoning for a Drug Treatment/ Rehabilitation Facility.

2. It shall be the duty of the applicant to make a full and complete presentation of the proposed request being considered before the Planning Commission at the Public Hearing in order that all conditions and impacts of the request may be properly considered.

B. Planning Commission Public Hearing.

1. Prior to holding a Public Hearing, Public Notice shall be given of the Public Hearing in accordance with the provisions of **§ 8.06**.

2. The procedures of the Public Hearing held by the Planning Commission shall be as follows:

a. At the start of the regular or special called meeting, the Chair of the Planning Commission will ask if there are any changes to the published agenda; any substantive changes will be voted on by members of the Planning Commission, including requested withdrawal or postponement of a case by any applicant.

b. On a matter that requires a Public Hearing, the Chair will introduce the matter and announce that the Planning Commission is conducting a Public Hearing on such matter.

c. Conduct of the Public Hearing.

(1) Speakers conduct:

(a) Persons wishing to speak shall complete and submit a speaker card prior to the start of the Public Hearing;

(b) Speakers shall be recognized by the Chair;

(c) Speakers shall state their name and address and state whether they are speaking as proponents or opponents of the matter;

(d) Speakers shall direct all comments to members of the Planning Commission in an orderly and respectful manner;

(e) Speakers shall limit their comments to matters relevant to the case; and,

(f) The Chair may impose time limits on the applicant and speakers and may limit redundant testimony.

(2) The Community Development Director, or his/her designee, will summarize the case before the Planning Commission, present the staff's recommendation, and respond to questions from the Planning Commission.

(3) The applicant shall appear personally, or through their attorney, or such other person designated in writing prior to the start of the hearing, to present evidence, information or materials relevant to the case.

(4) Following the applicant's presentation, members of the public may speak in support of or in opposition to the application.

(5) At conclusion of all public comments, the applicant shall have the right to offer a brief rebuttal.

d. At any point during the Public Hearing, Planning Commission members may ask questions of the applicant, other speakers, or City staff.

e. Upon closing the Public Hearing and after due consideration and discussion among Planning Commission members, the Chair shall ask for a motion on the proposed application. The motion may be to:

(1) Recommend approval or approval with conditions;

(2) Recommend denial; or,

(3) Recommend continuing to a future date set by the Planning Commission.

3. Each Planning Commission member shall vote on each matter before it unless the member is recused.

4. Any member of the Planning Commission recusing himself/herself due to a conflict of interest or bias, shall not participate in the Public Hearing, any discussion among Planning Commission members, or vote on the matter.

5. The motion and record of Planning Commission member votes shall be incorporated in the minutes of the Planning Commission.

6. The Community Development Director shall prepare minutes of the Public Hearing and a written report on actions taken by the Planning Commission to be signed by the Planning Commission Chair or his or her designee, providing the following:

a. Copy of the staff report and exhibits presented at the Public Hearing;

b. Findings of fact specific to the action taken; and

c. Recommended action and the votes by each Planning Commission member.

8.08 City Council Conduct of Public Hearing – Zoning Decision.

A. Public Notice of Public Hearing.

1. Upon receipt of a Planning Commission Zoning Decision recommendation, the Clerk of the City Council shall place the item on the City Council agenda and post Public Notice of the Public Hearing scheduled for the next regularly scheduled meeting of the City Council in accordance with **§ 8.06**.

B. City Council Public Hearing.

1. The City Council shall hold a Public Hearing in accordance with **§ 8.07 B**. Additional information that was not presented or provided at the Planning Commission Public Hearing, may be presented or submitted at the Public Hearing before the City Council.

2. Upon closing of the Public Hearing and after due consideration and discussion among the Mayor and City Council members, the Mayor shall ask for a motion and vote by the City Council. The motion may be to:

a. Approve with or without conditions;

b. Deny;

c. Postpone to a future date set by City Council; or,

d. Send the case back to the Planning Commission for a new Public Hearing.

8.09 Appeal to Superior Court and Re-Application – Zoning Decisions.

A. Appeal to Superior Court.

The City Council action on a Zoning Decision shall be final unless an appeal of the City Council action is filed with the Superior Court by writ of Certiorari within thirty (30) calendar days from the date of the City Council's decision.

B. Transcript of Proceedings.

Any person shall be allowed to have the Public Hearing recording transcribed by a court reporter. The City shall be entitled to a copy of such transcript without being charged the original court reporter transcription fee.

C. Re-Application.

If the City Council denies a Zoning Application, then an application for a Rezoning or Special Use Permit for the same property may not be resubmitted until the expiration of one (1) year from the date the City Council took final action on the Rezoning or Special Use Permit application.

8.10 Withdrawal or Continuance of Zoning Application.

A. Withdrawal of Zoning Application.

1. An applicant may withdraw a Zoning Application prior to final action by the Planning Commission or City Council by submitting a written request for withdrawal to the Community Development Department.

2. Upon receipt of applicant's request for withdrawal, no further action on the Zoning Application shall be taken.

3. No refund of fees shall be due to the applicant upon submitting a request for withdrawal of a Zoning Application.

B. Request for Continuance of Zoning Application.

1. Prior to the Planning Commission or City Council acting, an applicant may request continuance or rescheduling of the Planning Commission's or City Council's consideration of the applicant's Zoning Application.

2. The Planning Commission or City Council shall vote on whether to grant the applicant's request for continuance or rescheduling of the Zoning Application.

a. If the motion is to approve the continuance or rescheduling, it shall include the new date and time for considering action on the Zoning Application.

b. A motion to approve the applicant's request for a continuance or rescheduling shall be acceptance by the applicant of extension of any time limits that may be required for action.

c. Only one request for a continuance or rescheduling may be made by the applicant on the same Zoning Application.

d. If the motion is to deny the applicant's request for a continuance or rescheduling, the applicant shall have the right to withdraw the Zoning Application.

3. The Planning Commission or City Council shall have the right to vote to continue or reschedule a Zoning Application without the consent of the applicant.

C. Public Notice Met.

If a Public Hearing is continued or rescheduled to another time and date, and announcement of the new time, place and date is given during the Public Hearing or deliberation, such announcement shall constitute Public Notice for the rescheduled or continued hearing.

8.11 Zoning Ordinance Text and Comprehensive Zoning Map Amendments.

A. Initiation of Zoning Ordinance Text and Comprehensive Map Amendments.

1. Only the City Council may initiate a change to the text of this Zoning Ordinance (Text Amendment) or a comprehensive amendment to the Official Zoning Map ("Zoning Map Amendment"). Such an initiation may be in response to a request from the Community Development Director, the Planning Commission, or a private citizen or property owner.

2. No Zoning Ordinance Text or Map Amendment shall become effective unless it has undergone the same Public Notice and Public Hearing and approval process as set forth in **§§ 8.06, 8.07B and C.**

B. Standards for Zoning Ordinance Text and Comprehensive Map Amendments.

The Planning Commission and the City Council shall consider the following standards in reviewing any Zoning Ordinance Text or Map Amendment, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

1. Is the proposed amendment consistent with the purpose and intent of this Zoning Ordinance as stated under Article 1?

2. Does the proposed amendment further or is it compatible with the purpose and intent of the Master Plan?

3. Is the proposed amendment required to adequately address new or changing conditions or to properly implement the Master Plan?

4. Does the proposed amendment reasonably promote the public health, safety or general welfare?

C. Public Notice and Public Hearing on Zoning Ordinance Text and Map Amendments.

1. Before considering any Zoning Ordinance Text or Map Amendment, the Planning Commission shall conduct a Public Hearing and shall provide notice of such Public Hearing in the manner set forth in **§ 8.06** of this Zoning Ordinance.

2. The Public Hearing on such Zoning Ordinance Text or Map Amendment shall be conducted in the manner set forth in **§ 8.07 B** of this Zoning Ordinance.

3. The Planning Commission shall forward its recommendation on the Zoning Ordinance Text or Map Amendment to the City Council and the City Council shall take action on such recommendation as set forth in **§ 8.07 C**.

4. Upon approval of the Zoning Ordinance Text or Map Amendment, the Community Development Director shall update this Zoning Ordinance or the Official Zoning Map within thirty (30) calendar days of the City Council's action.

D. Effect of Zoning Ordinance Text and Map Amendments.

1. Upon the effective date of Zoning Ordinance Text or Map Amendment, any legally conforming use, building, structure or other improvements that no longer conforms to the provisions of the Zoning Ordinance or Zoning Map shall be governed by the nonconformity provisions as set forth in **§7.06** of this Zoning Ordinance, as applicable.

2. Construction of any use, building, structure, or other improvements for which a building permit has been issued in conformity with this Zoning Ordinance prior to the effective date of the Zoning Ordinance Text or Map Amendment may continue to completion as though no change had occurred and, upon completion, shall be governed by the nonconformity provisions as set forth in **§ 7.06** of this Zoning Ordinance, as applicable.

8.12 Public Hearings / Zoning Hearings for Halfway House & Drug Treatment/Rehabilitation Facility.

A. Standards, General.

1. The Planning Commission shall hold a Public Hearing to consider any proposed Halfway House or Drug Treatment/Rehabilitation Facility at least six (6) months and not more than nine (9) months prior to the date the City takes final action on the zoning decision, in accordance with The Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.

2. The Public Hearing for Halfway House or Drug Treatment/Rehabilitation Facility shall be in addition to any required zoning hearing conducted by the City.

8.13 Zoning of Land Proposed for Annexation.

A. Standards, General.

1. Prior to adoption of an annexation ordinance by the City or the effective date finalizing annexation, the Planning Commission shall hold a Public Hearing on the proposed zoning of the property to be annexed, in accordance with in accordance with The Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.

2. The public notice for the Public Hearing on the zoning of the property proposed to be annexed shall follow that set forth for a property-owner initiated Rezoning, except that the public notice shall be published within a newspaper of general circulation within the territorial boundaries of the County wherein the property to be annexed is located.

8.14 Zoning of Land in Proximity to Naval Submarine Base Kings Bay.

A. Standards, General.

1. When a Rezoning is considered for land within three thousand (3000) feet of the Naval Submarine Base Kings Bay, the Community Development Director shall request the commander of the military base to provide a written recommendation and supporting facts relating to the proposed use of the land being considered for Rezoning, in accordance with The Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.

2. If the base commander does not submit a response to such request by the date of the Public Hearing, there shall be a presumption that the proposed zoning decision will not have any adverse effect relative to the zoning matter.

8.15 Review of Developments of Regional Impact.

A. Standards, General.

1. Department of Community Affairs (DCA), under the Georgia Planning Act, establishes specific thresholds, rules, and procedures related to Developments of Regional Impact (DRI) applicable to all local governments and regional commissions (DCA Rules Chapter 110-12-3). The intent of the DRI rules is to improve local, regional and state communications about new growth that will maximize positive benefits of new development while minimizing their adverse effects.

2. The Community Development Director shall submit any project that is required to have City approvals that meet or exceed DRI thresholds to the Coastal Regional Commission for DRI review. Such City approvals include requests for Rezoning, annexation, zoning variance, building or land disturbance permit, water or sewer system hookups, Site Development Plan approval, acceptance of a public street, subdivision plat approval, Comprehensive Plan or Master Plan amendment, or entering into a contract.

9. Variance Appeals

9.01 Purpose.

This article sets forth the procedures for addressing unusual situations or unique problems that apply to a specific parcel of land due to the strict interpretation or enforcement of this Zoning Ordinance.

9.02 Hardship Variance Defined and Application Process.

A. Hardship Variance, Defined.

A Hardship Variance is an appeal to the Planning Commission for relief to the provisions of the Zoning Ordinance when compliance with the requirements of the Zoning Ordinance would create a hardship unique to a property due to physical characteristics that are beyond the property owner's control.

B. Applications for a Hardship Variance.

1. Appeal applications shall be filed with the Community Development Department on a form provided by the Department, along with supporting documents, that explain in detail the reasons and facts supporting the appeal application.

2. All appeal applications shall be accompanied by a plat or recent survey of the property for which an appeal is submitted.

3. An application for appeal for a Hardship Variance shall be accompanied by a scaled drawing illustrating the required standard(s) and the requested Hardship Variance relief from the required standard(s), accompanied by a written explanation supporting the granting of the Hardship Variance.

4. An Application filed for a Hardship Variance shall meet the standards for Conditions for Approval of a Hardship Variance as set forth in **§ 9.04**.

5. Appeal of a Hardship Variance shall be heard and acted upon by the Planning Commission as set forth in **§ 9.05**.

9.03 Suspension of Permitting and Stay of Enforcement.

A. Suspension of Permitting.

Upon submission of a valid and complete appeal application, no permits shall be issued nor shall any development, construction or any other actions be undertaken on the property that may be affected by the outcome of the appeal until the appeal is resolved.

B. Stay of Enforcement.

An appeal stays all enforcement proceedings related to the action being appealed, unless imminent peril to life and property may occur. In such case, enforcement proceedings shall not be stayed other than by a restraining order by a court of competent jurisdiction.

9.04 Conditions Governing Hardship Variances.

A. Conditions of Hardship, General.

A Hardship Variance is an approval for a variance from the terms of this Zoning Ordinance where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship and such approval will not be contrary to the public interest or the intent of the Zoning Ordinance.

B. Specific Conditions for Approval of a Hardship Variances.

A Hardship Variance shall not be granted unless the applicant satisfactorily demonstrates that all the following conditions apply to the property that prevent the property from being developed in conformity with this Zoning Ordinance:

1. Exceptional or extraordinary conditions apply to the land, structure, or building which do not generally apply to other properties in the same vicinity, and result from lot size or shape, topography or other circumstances over which the applicant of the property has no control;

2. That literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of this Zoning Ordinance;

3. That the special conditions and circumstances do not result from the actions of the applicant or previous owner of the property;

4. That granting of the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Ordinance to other lands, structures or buildings in the same district; and,

5. That the request is limited to the extent necessary to alleviate the unnecessary hardship and not as a convenience to the applicant nor to gain any advantage or interest over similarly zoned properties.

C. Conditions Not Supporting Hardship Variance Approval.

In no case shall a Hardship Variance be granted for any of the following situations or reasons:

1. A condition created by the applicant, including the result of an unwise investment decision or real estate transaction;

2. Evidence that property could be sold for a higher price with a variance;

3. Inability to sell the property;

4. Height of structure;

5. A change in use of land or structures not allowed in the zoning District;

6. An increase in the number of dwelling units or maximum non-residential building Floor Area specified in the Zoning District;

7. Non-conforming use of neighboring lands, structures or buildings in the same zoning district, and not permitted or non-conforming use of lands, structures or buildings in other zoning districts shall not be considered grounds for issuance of a hardship variance; or

8. Health, age and family-related problems.

9.05 Hearings for Hardship Variances.

A. Public Notice and Hearing on Hardship Variances.

1. The Planning Commission shall hear and decide applications for Hardship Variances.

2. Public hearings on Hardship Variances shall be advertised in accordance with the provisions for Notice of Public Hearings as set forth in **§ 8.06**.

3. Public Hearings on Hardship Variances shall be conducted in accordance with provisions in **§ 8.07 B**.

B. Decision of Planning Commission on Hardship Variances.

1. Upon closing the Public Hearing, the Planning Commission shall act on the appeal.

2. The Planning Commission may vote to approve, approve with conditions, deny the appeal or continue the appeal to an announced date in the future.

3. The decision to approve, approve with conditions, or deny the appeal shall be based upon the conditions as set forth in **§ 9.04** for Hardship Variances.

C. Appeal to City Council of Planning Commission Decision on Hardship Variance.

1. A Planning Commission decision on a Hardship Variance shall be final, unless appealed by an aggrieved applicant to the City Council in writing filed with the City Clerk within fifteen (15) calendar days from the date the decision was made. The City Clerk shall place the appeal request on the agenda for the next regularly scheduled meeting of the City Council.

2. Appeals to City Council are limited to the affected property and surrounding land owners that can demonstrate adverse economic impact caused by the Planning Commission's decision.

3. City Council review of a Hardship Variance appeal is not a Public Hearing, but may conducted in a manner similar to the process set forth in **§ 8.07 B** to include presentations by Community Development staff, the applicant and the public, and consideration of the recommendations of the Planning Commission.

4. Upon completion of the presentations and deliberations a vote will be taken to:

a. Approve with or without conditions;

b. Deny;

c. Postpone to a future date set by City Council; or,

d. Send the case back to the Planning Commission for a new Public Hearing.

D. Conditional Approval of Hardship Variances.

1. In approving a Hardship Variance, the Planning Commission or City Council may impose appropriate conditions of approval which it deems necessary to make the requested action acceptable and consistent with the purposes of this Zoning Ordinance, to address negative impacts and/or to further the goals and objectives of any plans adopted by the City.

2. Violation of such conditions of approval, when made a part of the terms under which the Hardship Variance is granted, shall be deemed a violation of this Zoning Ordinance and punishable under the provisions of **Article X.** of this Zoning Ordinance.

E. Transcript of Proceedings.

The applicant or any person in opposition to the request, at their expense, shall be allowed to have the Public Hearing recording transcribed by a court reporter. City is entitled to a copy of any such transcript upon payment for a copy, but the City shall not be charged for the initial court reporter transcription.

F. Appeal to Superior Court.

The decision on a Hardship Variance by the City Council shall be final unless an appeal of the decision is filed with the superior court by writ of Certiorari within thirty (30) calendar days from the date of the City Council's decision.

G. Waiting Period for Re-Application.

If an Appeal of a Hardship Variance is denied, a re-application for the same Hardship Variance on the same property may not be made until the expiration of one (1) year from the date of final action.

9.06 Withdrawal or Continuance of an Appeal.

A. Withdrawal of an Appeal.

1. An applicant may withdraw an application for Hardship Variance prior to final action by the Planning Commission or City Council by submitting a written request for withdrawal to the Community Development Department.

2. Upon receipt of applicant's request for withdrawal, no further action on the appeal shall be taken.

3. No refund of fees shall be due to applicant upon submitting a request for withdrawal of an appeal.

B. Request for Continuance of an Appeal.

1. Prior to the Planning Commission or City Council beginning a hearing on a Hardship Variance, an applicant may request continuance or rescheduling of the Planning Commission's or City Council's consideration of the applicant's appeal.

2. The Planning Commission or City Council shall vote on whether to grant the applicant's request for continuance or rescheduling of the appeal.

a. If the motion is to approve the continuance or rescheduling, it shall include the new date and time for considering action on the appeal.

b. A motion to approve the applicant's request for a continuance or rescheduling shall be acceptance by the applicant of extension of any time limits that may be required for action or scheduling of a new hearing.

c. Only one request for a continuance or rescheduling may be made by the applicant on the same appeal.

d. If the motion is to deny the applicant's request for a continuance or rescheduling, the applicant shall have the right to withdraw the appeal.

3. The Planning Commission or City Council shall have the right to vote to continue or reschedule an appeal without the consent of the applicant.

C. Public Notice Met

If a Public Hearing is continued or rescheduled to another time and date, and announcement of the new time, place and date is given in the course of the Public Hearing, such announcement shall constitute Public Notice for the rescheduled or continued hearing.

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10. Enforcement of Zoning Ordinance and Penalties.

10.01 Enforcement of the Zoning Ordinance.

Any action or inaction which violates the provisions of this Zoning Ordinance, may be subject to the enforcement actions outlined in this section. If any such action or inaction is continuous with respect to time, it is deemed to be a public nuisance and may be abated by injunctive or other equitable relief as described under this section.

10.02 Violations.

A. Right of Inspection.

The Community Development Director or other responsible enforcement officer or employee of the City shall have authority to enter upon privately owned land for purpose of inspection to determine if a violation of this Zoning Ordinance exists.

B. Notice of Violation.

1. If the Community Development Director determines that an owner, occupant or other responsible person is in violation of this Zoning Ordinance, including failure to secure a required permit, a written notice of such violation will be issued.

2. The notice of violation shall contain:

a. Name and address of the owner, occupant or other responsible person, if known;

b. Address or other description of the site upon which the violation is occurring;

c. Specific nature of the violation;

d. Description of the remedial measures necessary to bring the action or inaction into compliance with this Zoning Ordinance and the date for completion of such remedial action;

e. The penalty or penalties that may be assessed; and

f. Notice of violation may be appealed to the City Council by filing a written notice of appeal within ten (10) working days after notice of violation.

3. If the identity of the owner, occupant or other responsible person cannot be determined, the notice of violation may be posted in a prominent location on the property has occurred. Such posting shall establish constructive and sufficient notice of violation to such owner, occupant or other responsible person.

C. Administrative Actions for Violation.

1. In the event of any violation, the City may institute any appropriate action or proceeding to remedy such violation.

2. The City may take any one or more of the following actions:

a. Issue stop work order;

b. Issue cease and desist order;

c. Withhold Certificate of Occupancy;

d, Suspend, revoke or modify City-issued permit;

e. Require removal of illegal structures;

f. Require restoring of vegetative cover; and or,

g. Notify U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers.

10.03 Penalties.

A. Citation.

For violations of this Zoning Ordinance on the part of the owner or occupant, the Community Development Director may issue a citation to the owner or occupant requiring such person to appear in Municipal Court to answer charges for such violation.

B. Punishment.

Upon conviction, such person shall be punished by a fine not to exceed $1,000.00 or imprisonment for not more than 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

C. Recovery of Costs.

In addition to any criminal penalty imposed by the court, the City may recover all attorneys' fees, court costs and other expenses associated with enforcement of this Zoning Ordinance from the convicted party or parties responsible for the violation.

10.04 Other Remedies.

A. Civil Relief.

1. In any case in which a violation of this Zoning Ordinance has occurred, the City Council, in addition to other remedies, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through a court of competent jurisdiction to prevent, restrain or abate such unlawful use or activity.

2. If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or if any building, structure or land is used in violation of this Zoning Ordinance, the City Council or any adjacent or other property owner who would be damaged by such violation, in addition to other remedies, may institute an action seeking an injunction, or other appropriate action in a proceeding to stop the violation in the case of such building, structure or land use.

B. Remedies Not Exclusive.

The remedies listed in this Zoning Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and the City may seek cumulative remedies

10.05 Permits Issued in Error.

Any permit or other authorization issued in error or otherwise issued contrary to the requirements of this Zoning Ordinance, or authorizing construction activity or use on a property not allowed by this Zoning Ordinance, is null and void on its face and shall have no effect or standing. Upon receiving notice of nullity of any permit or other authorization issued in error, the holder thereof shall immediately stop any construction activity pursued there under.

11. Definitions

This Article describes how figures, words and phrases used in this Zoning Ordinance are to be interpreted, and provides a glossary of all definitions specifically used in the text of this Zoning Ordinance.

11.01 Use of Words and Phrases.

A. Words and Phrases Not Defined.

Words and phrases not defined in this Zoning Ordinance shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by definition of the word or phrase in the New Oxford American Dictionary, Third Edition or later.

B. Definition and Uses of Certain Words and Phrases.

For the purposes of this Zoning Ordinance, certain words or terms used herein shall be defined as follows:

1. Words used in the singular include the plural and words used in the plural include the singular.

2. Words used in the present tense include the future tense.

3. Words referring to one gender shall include the other gender except as otherwise clearly indicated by the context.

4. Words referring to persons, applicants, opponents, party, or other words similarly used shall include corporations, companies, associations, firms, partnerships, societies and joint-stock companies, as well as individuals.

5. The word “structure” includes the word “building.”

6. The word “erected” includes the words “constructed,” “moved,” “located,” or “relocated.”

7. The word “lot” includes the words “plot” or “parcel.”

8. The words “zoning map” means the Official Zoning Map of the City of St. Marys, Georgia.

9. The words “road,” “street,” “highway,” and “thoroughfare” have the same meaning to the requirements and restrictions of this Zoning Ordinance.

10. The word “person” includes the words “individuals,” “firms,” “partnerships,” “limited liability company,” “corporations,” “associations,” “governmental bodies,” and all other legal entities.

11. The words “shall,” “will,” “is to,” and “must” are always mandatory and never discretionary.

12. The words “may” and “should” are discretionary.

13. The word “and” indicates that all conditions, requirements, or factors so connected shall be met or fulfilled, while the word “or” indicates that at least one condition, requirement or factor so connected shall be met.

14. The term “such as” is intended to introduce one or more examples in illustration of a requirement or point, and is intended to mean “including, but not limited, to the following.”

15. The verbs “zone,” “rezone,” and “Rezoning” have the same meaning and refer to the act of amending the Official Zoning Map through the process established by this Zoning Ordinance.

16. The nouns “zone,” “zoning district,” and “district” have the same meaning and refer to the zoning districts established under this Zoning Ordinance.

17. Citations to another section of this Zoning Ordinance shall be styled as: “§ 5.01”; and citations to any other City ordinance shall be styled as: “Ch. 106 § 106-36”.

18. Any computation of time shall be calendar days unless specifically stated otherwise.

19. Words and phrases shall be read with their context and shall be construed according to the common and approved usage of the English language. Technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.

C. Figures and Examples for Illustration.

Figures or examples associated with defined terms or regulatory paragraphs in this Zoning Ordinance are provided only for illustration and do not limit or change the meaning of the term as defined or the requirements of the regulation as written.

11.02 Glossary of Definitions.

Abutting – Having common property lines. Property separated by a street or alley is not considered abutting.

Access Easement – An easement that allows travel across another person's land to reach a nearby location.

Accessory Structure and Use – A detached structure or separate use on the same lot with, and of a size and nature customarily incidental and subordinate to the Principal Structure or use of land (may be an Accessory Dwelling or Structure).

Accessory Dwelling Unit (ADU) – An Accessory Structure or Use to a Single-Family Residential Dwelling located within the Principal Dwelling or above a garage or other Accessory Structure on the same lot that provides complete, independent living facilities for a single family that includes a separate, dedicated outside entrance from the Accessory Dwelling Unit and permanent provisions for living, sleeping, cooking, eating, and sanitation.

Accessory Use – A use of land or 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; within a Residential District this may include a pool, children's play equipment, gazebo, picnic table, etc.

ADA – American Disabilities Act.

Adult Entertainment Establishment – A use defined in the City Code of Ordinances, Chapter 22, Article III.– Adult Entertainment.

Alley – A minor public right-of-way not intended to provide the primary means of access to abutting lots, which is primarily for vehicular service access to the back or sides of properties.

Alley-Loaded Lot – (see Lot Terms).

Amenity Center – A Useable Open Space area developed as a recreational center for the use by neighborhood residents and their guests that may include pools, hot tubs, meeting rooms, workout spaces, bathrooms, playgrounds and similar uses.

Amusement Facility, Indoor – An establishment that provides commercial recreation activities completely within an enclosed structure such as video arcades, skating rinks, roller rinks, and bowling alleys. This definition does not include Billiards / Pool Hall.

Amusement Facility, Outdoor – An establishment that provides commercial recreation activities primarily outdoors such as miniature golf establishments; go- cart facilities; theme parks, carnivals, fairgrounds, and midways; paintball parks; and water rides.

Animal Care – (see Veterinary Clinic).

Animal Production /Farming Non-Intensive – The raising crops, breeding, feeding, and/or keeping of animals for the principal purpose of producing products for human use or consumption, including, but not limited to: cattle, pigs, sheep, goats, fish, rabbits, and poultry. This does not include Animal Production Intensive uses. The animals are generally raised in an open range pasture environment.

Animal Production Intensive – The raising, breeding, feeding, and/or keeping of animals for the principal purpose of commercially producing products for human use or consumption, including, but not limited to: cattle, pigs, sheep, goats, fish, rabbits, and poultry in confinement at high stocking densities. The animals are generally raised in total confinement.

Antenna – An instrument or device consisting of wires, poles, rods, or reflecting discs, designed for transmitting or receiving any portion of the radio, microwave, [or] electromagnetic [spectrum].

Apartment Building – (see Residential Terms).

Apartment House – (see Residential Terms).

Appeal – A request for relief from one or more provisions of this Zoning Ordinance (Hardship Variance), or a decision made by the Planning Commission or City Council as it pertains to this Zoning Ordinance.

Applicant – Any person, firm or governmental agency who owns property or the duly appointed representative submitting an application to the Community Development Department related to undertaking an activity regulated by this Zoning Ordinance or requesting relief from a provision of this Zoning Ordinance.

Application – A formal request submitted to the Community Development Department requesting action, review, or appeal of an activity or condition regulated by this Zoning Ordinance.

Architectural – Relating to the design and construction of a buildings.

Attached, Single-Family Dwelling – (see Residential Terms).

Attic Story – (see Story Terms).

Awning – A cantilevered, projected or suspended cover over the sidewalk portion of the PUBLIC SPACE. This also includes roof-like coverings, usually of canvas or metal and often adjustable, placed over the sidewalk, windows, or doors to provide protection from sun and rain.

Bar – Establishment where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant or Nightclub. Includes taverns, sports bars and similar establishments where any food service is subordinate to the sale of alcoholic beverages.

Basement – A structure wherein fifty percent (50%) or more of the exterior wall area is below existing grade.

Bed and Breakfast Home – (see Lodging Terms).

Bed and Breakfast Inn – (see Lodging Terms).

Billiards/Pool Hall – Any place where one or more billiard or pool tables are operated or maintained, except for private family use, whether such place is a social club or a business enterprise operated for profit.

Blank Wall Area – A portion of the exterior Building Facade that does not include substantial material change (paint color is not considered a substantial change); windows or doors; or columns, pilasters or other articulation greater than twelve (12) inches in depth.

Block – A parcel of land surrounded by public highways or streets, other than Alleys.

Block Corner – The point within a Block at which the rights-of-way of two intersecting streets meet.

Brewery – An establishment where malt beverages are manufactured or brewed.

Brewery, Micro- – Any brewery designed to accommodate the processing of fewer than five thousand (5,000) barrels of beer or ale within any consecutive 12-month period.

Brew Pub – Any eating establishment in which beer or malt beverages are manufactured or brewed subject to the barrel production limitation for retail consumption on the premises and solely in draft form. The term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least fifty percent (50%) of its total annual gross food and beverage sales from the sale of prepared meals or food.

Brick/Stone – Defined as construction material three (3) inches or thicker composed of natural stone, kiln-fired clay Brick, decorative concrete block or other Brick material approved by the CITY.

Buffer – An area of predominantly vegetated land to be left open, adjacent to Protected Use, drainageways, wetlands, lakes, ponds, or other surface waters for the purpose of eliminating or minimizing adverse impacts to such areas.

Buffer Zone – An area of land between and/or within the lot line, or other line determined by survey or other legal means that has been determined by local, state, or federal agencies to be a protected buffer, that limits permitted uses or activities within or adjacent to the area.

Building Department – The City of St. Marys Building Department including the Building Official.

Building Terms:

> **Building –** A walled and roofed structure built for the support, shelter, and enclosure of persons, animals, and property of any kind.
>
> **Building Appurtenance –** An accessory object that is subordinate to the building, such as a steeple, cupola, rooftop equipment screening, etc.
>
> **Building, Civic –** Publicly-owned buildings that are open to the public for non-Commercial purposes.
>
> **Building, Commercial –** Any building used for purposes of commercial activity and includes Mixed Use Buildings.

Building Elevation – The exterior building walls (also Building Façade).

Building Facade – The exterior building walls (also Building Elevation).

Building Façade, Street-Facing or Front – The Building Facade oriented toward the public right-of-way.

Building Height – The vertical distance measured from the average elevation of the finished lot grade adjoining the front of the building to the highest point of the roof line. For flat roofs, the height shall be measured to the top of the Parapet Wall.

Building Materials, Accent – Permitted building materials covering five percent (5%) or less of the Building Facade.

Building Materials, Primary – Required building materials covering a minimum of seventy-five percent (75%) of a Building Facade.

Building Materials, Secondary – Permitted building materials covering less than twenty-five percent (25%) of a Building Facade.

Building, Mixed Use – A building having a mix of commercial, office and/or places of assembly along with residential uses.

Building, Office – A building used to house an Office uses.

Building, Shopfront – A single-story building type that typically accommodates Ground Story retail uses.

Building Type – A term used within the Form-Based District to describe types of buildings permitted within the Form-Based District.

Build-to Area – The area on the lot where a certain percentage of the Street-Facing Building Facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way. The required percentage specifies the amount of front Building Facade that must be located with the Build-to Area, measured based on the width of the building divided by the width of the lot.

Canopy – An architectural projection of canvas or similar material that provides weather protection over an area and is supported by the building to which it is attached and at the outer end by not less than two posts.

Canopy, Vehicular – A roofed structure at a Fuel Station or transportation facility typically over the fuel pump islands.

Carport - A covered structure for the housing and storage of vehicles.

Carriage House – (see Residential Terms).

Cemetery – A parcel of land used for internment of the dead in the ground or in mausoleums.

Certificate of Occupancy – An official certificate issued by the CITY through the enforcing official - Building Official and Fire Inspector - which indicates conformance with or approved conditional waiver from the Zoning Regulations and authorizes legal uses of the premises for which it is issued.

Certiorari – A writ seeking supervisory judicial review. Appeals “in the nature of Certiorari” means that the Court will review the case based on the record as presented to and acted on by the board or commission conducting the original review hearing, and review whether or not the board or commission followed proper procedures. In such reviews, the Court cannot hear or consider new evidence or testimony not already contained in the record.

City – City of St. Marys, Georgia.

City Clerk – The City Clerk of the City of St. Marys, Georgia.

City Council – The governing body (including the Mayor) of the City of St. Marys, Georgia.

Civic Building – (see Building Terms).

Coastal Marshlands or Marshlands – Any marshland intertidal area, mud flat, tidal water bottom, or salt marsh in the State of Georgia within the estuarine area of the state, whether or not the tidewaters reach the littoral areas through natural or artificial watercourses. This definition shall include "vegetated marshlands" which are those areas upon which grow one, but not necessarily all, of the following: salt marsh grass (Spartina alterniflora), black needlerush (Juncus roemerianus), saltmeadow cordgrass (Spartina patens), big cordgrass (Spartina cynosuroides), saltgrass (Distichlis spicata), coast dropseed (Sporobolus virginicus), bigelow glasswort (Salicornia bigelovii), woody glasswort (Salicornia virginica), saltwort (Batis maritima), sea lavender (Limonium nashii), sea oxeye (Borrichia frutescens), silverling (Baccharis halimifolia), false willow (Baccharis angustifolia), and high-tide bush (Iva frutescens). The

occurrence and extent of salt marsh peat at the undisturbed surface shall be deemed to be conclusive evidence of the extent of a salt marsh or a part thereof. [Reference O.C.G.A. 12-5-282]

Colonnade – A roofed or built structure, extending over the sidewalk open on all sides except for supporting columns, piers, or arches.

Colors, Muted – Paint color that is not vibrant, vivid, or saturated with pigment of primary colors red, yellow and/or blue or secondary colors of purple, orange and/or green, but rather is subdued by reducing the intensity or saturation of the hue by mixing complementary color together or introducing more white to the color to lower the intensity and vibrancy.

Color, Saturated – Paint color that is vibrant, vivid, and saturated with pigment of primary colors red, yellow and/or blue or secondary colors of purple, orange and/or green.

Commercial Building – (see Building Terms).

Commercial Development – A lot or parcel of land used for Commercial use.

Common Useable Open Space – (see Open Space Terms).

Community Development Department – The City of St. Marys Community Development Department including the Community Development Director.

Community Development Director – The director of the City of St. Marys Community Development Department including his or her designee.

Conditions of Approval – Additional conditions deemed necessary to make a requested Rezoning or Special Use Permit more acceptable and consistent with the uses of the adjacent or nearby properties and the City of St. Marys' Zoning Ordinance and Master Plan.

Construct, Fixed – A structure attached to the water bottom including docks, piers, floating docks attached to fixed docks, and other structures.

Construct, Floating – A ship, boat, barge, buoy, and any structure that floats on, is anchored through, or floats below, the water.

Cottage House – (see Residential Terms).

Cottage Court Cluster – (see Residential Terms).

County – Camden County, Georgia.

Cul-De-Sac Street – A street of short length having one end open to traffic and one end terminating in a vehicular turn-around.

Day Care Terms:

> **Adult Day Care Home –** A business in a single-family residence by a resident of the dwelling providing care and supervision for less than twelve (12) hours per day for up to 5 adults 18 years of age and over.
>
> **Adult Day Care Center –** A business providing care and supervision for less than 24 hours per day for more than 5 adults 18 years of age and over.
>
> **Child Day Care Home (5 children or less). –** A business in a single-family residence by a resident of the dwelling providing care and supervision for less than twelve (12) hours per day for up to 5 children under 18 years of age who are not related to such persons and whose parents or guardians are not residents.
>
> **Child Day Care Facility (6 to 18 children) –** A business providing care and supervision for less than 24 hours for 7 to 18 children under 18 years of age.
>
> **Child Day Care Center (19 children or more) –** A business providing care and supervision for less than 24 hours for 19 or more children under 18 years of age.

Density – The total number of residential buildings allowed upon a given tract of land usually expressed in total number of units per gross acres of [or] net acres.

Detached – Having no physical connection above the top of the floor line of the Ground Story with any other building or structure.

Detached, Single-Family Residential – (see Residential Terms).

Development – Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development of Regional Impact (DRI) – Large-scale development that are likely to have regional effects beyond the local government jurisdiction in which they are located as defined and regulated by the Georgia Department of Community Affairs per the Georgia Planning Act.

Dimensional Shingle – A shingle that is textured and overlaid, and designed to produce a three-dimensional effect.

Dish Antenna – An antenna with a dish-shaped, usually concave parabolic, reflector not exceeding three (3) feet in diameter, used to transmit/receive radio and TV signals from orbiting satellites.

Dormitory – A building offering group sleeping quarters in the form of private or semiprivate rooms residents as an accessory use to an educational facility such as a college or primary or secondary private schools.

Drive-Through Use – An accessory use that sells products or provides services to occupants in vehicles, including drive-up, drive-through, and in-vehicle food services.

Drug Treatment/Rehabilitation Facility – A facility for the treatment and rehabilitation of person addicted to drugs.

Duplex – (see Residential Terms).

Dwelling – Any building or portion thereof which is designed, built, rented, leased, or let to be occupied as a home or residence. This definition does not include Lodging, Drug Treatment/Rehabilitation Facility, Halfway House or Group Care Facility.

Easement – An easement is a nonpossessory right to use and/or enter onto the real property of another without possessing it.

Eave – The overhanging edge of a roof.

EIFS – Exterior Insulation and Finishing System (EIFS) is a general class of non-load bearing building cladding systems that provides exterior walls with an insulated, water-resistant, finished surface in an integrated composite material system.

Employment – An occupation by which a person earns a living.

Engineer, City – An Engineer appointed by the City of St. Marys or City Engineer's designee. The term City Engineer shall also include the Public Works Director, or designee.

Established Building Lot Line – (see Lot Line Terms).

Estate House – (see Residential Terms).

Exterior Insulation and Finish System or "EIFS" – A non-load bearing, exterior wall cladding system that consists of an insulation board attached either adhesively or mechanically, or both, to the substrate; an integrally reinforced base coat; and a textured protective finish coat.

Facade – (see Building Terms).

Facade, Street-Facing or Front – (see Building Terms).

Family – One or more persons related by blood, marriage, or adoption, or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, or living as a single, nonprofit housekeeping unit.

Farmers Market – A retail business, often outdoors and/or within open structures, consisting of individual stalls where farmers and sometimes other vendors sell their produce and other food items directly to the public.

Fenestration – Openings in the building wall allowing light and views between interior and exterior measured as glass area.

Fixed Construct – (see Construct, Fixed).

Flag Lot – A lot where Street Frontage to a public street is provided via a narrow strip of land forming a pole or stem to the buildable portion of the lot. The lot is comprised of the "flag" which is the building site usually located behind another lot and the "pole" which is the typically a narrow access drive that connects the "flag" to the street and is typically less than the minimum required lot width for the Zoning District.

Flea Market – A retail business, often outdoors and/or within open structures, consisting of individual stalls selling old or used articles, curios and antiques, miscellaneous merchandise.

Floating Construct – (see Construct, Floating).

Floor Area – The heated and cooled floor area within a Dwelling.

Floor Area, Gross – The total square footage of a non-residential building measured from the exterior walls or from the centerline when two buildings abut. This includes elevator shafts, stairwells, floor space used for mechanical equipment, attics, balconies and mezzanines, enclosed porches and Accessory Structures. Basement floor area is included in when more than fifty percent (50%) of the Basement height is above the established curb level or finished lot grade where no curb exist. However, the following is not included: any space devoted exclusively to on-site parking; or outdoor loading, display, storage, utility service areas; and uninhabited enclosed space on tops of roofs; or attic space having head room of less than seven and half (7.5) feet.

Food Truck – A licensed, motorized vehicle for the preparation and dispensing of food and/or drink to the public.

Free-Standing Sign – A freestanding sign is one that rests upon a pylon or pole.

Freshwater Marshes - Freshwater marshes are non-tidal systems dominated by grasses, sedges and other emergent hydrophytes. These wetlands are non-forested and have non-peat soils (unlike bogs and fens). They are periodically or continually flooded. The water chemistry in Georgia's marshes depends on nearby water sources. They can be either fresh water mineralized marshes (from groundwater, streams and surface runoff) or poorly mineralized fresh water marshes (results from direct precipitation).

Front Building Line – (see Lot Line Terms).

Front-Loaded Lot – (see Lot Terms).

Front Lot Line – (see Lot Line Terms).

Front Setback – (see Setback Terms).

Front Yard – (see Yard Terms).

Frontage, Street – The portion of a lot or building that is abuts the Front Lot Line.

Frontage, Private – The area between the Building Facade and the public right-of-way.

Frontage, Public – The area within the public right-of-way.

Fuel Station – (see Vehicle Fueling, Motor).

Garage Commercial - Commercial establishment in which motor vehicles are repaired, serviced, bought, and sold, and which usually also sells motor fuels. Also see Vehicle repair.

Garage Residential - A building or part of a building used to house a motor vehicle.

Garden Center and Nursery – Businesses that grow and sell plants mainly to be transplanted to another location. This includes such activities as orchards, greenhouses, and nurseries, primarily engaged in wholesaling or retailing plants, vines, or trees and their seeds.

General Building – (see Building Terms).

Governmental Services – Land uses that include city hall, police stations, fire stations, water and sewer services, emergency services, utilities, and similar services.

Gross Floor Area – (see Floor Area, Gross).

Ground Cover – Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

Ground Story – (see Story Terms).

Ground Story Elevation – (see Story Terms).

Ground Story Height – (see Story Terms).

Group Care Home (5 or Fewer Residents) – A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than five (5) residents physically and/or mentally challenged persons and is licensed by the State of Georgia. This term excludes a Halfway House or Drug Treatment/Rehabilitation Facility.

Group Care Facility (6 or More Residents) - A facility (not a Single-Family Dwelling) with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a facility for six (6) or more residents physically and/or mentally challenged persons and is licensed by the State of Georgia. This term excludes a Halfway House or Drug Treatment/Rehabilitation Facility.

Halfway House - A place where persons are aided in readjusting to society following a period of imprisonment, hospitalization, or institutionalized treatment related to a criminal offense. This term excludes Group Care Homes and Group Care Facilities.

Home-Based Business - A business or enterprise conducted by the occupant of a Dwelling that may include a non-resident employee and that permits business- or enterprise-related visitors on the premises of the property.

Home Occupation - A business or enterprise conducted solely by the occupant of the dwelling and does have business- or enterprise-related visitors on the premises of the property.

Hotel / Motel - (see Lodging Terms).

Impervious Material, Structure or Surface - A material, structure or surface that impedes or prevents natural infiltration of stormwater into the soil, including but not limited to roofs, decks, driveways, patios, sidewalks, parking areas, tennis courts, streets, swimming pools, and compacted gravel surfaces or pervious materials not permitting stormwater to infiltrate the soil unimpeded.

Improved Site Area - The sum of the horizontal area of the outside portion of the site and includes any space devoted to on-site parking; outdoor loading, display, storage, utility service, decorative areas and landscaped areas that are part of the original Site Development Plan approval.

Interior Lot - (see Lot Terms).

Interior Side Lot Line - (see Lot Line Terms).

J-Swing Design - A residential building design wherein the garage door is situated perpendicular to the Front Lot Line and results in the Building Facade projecting forward toward the street.

Kennel - A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training, or overnight boarding, of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

Lighting Terms:

~~**Cobra-Head Light Fixture** - A light fixture with the Lamp is shaped roughly like the head of a cobra snake.~~

~~**Cutoff Angle** - The angle of light distribution from a luminaire, measured upward from nadir, between the vertical axis and the first line at which the bare source (lamp) is not visible.~~

~~**Forward Throw Light Fixture** - A fixture that provides sharp house-side cut-off and can be used for perimeter lighting applications with minimal light trespass.~~

Lamp - A radiant light source.

Light Fixture - A complete lighting unit consisting of lamps and parts designed to distribute the light, position and protect the lamps, and connect the lighting units to the power supply including support structures such as light poles.

Light Trespass - An undesirable condition in which exterior light is cast where it is not wanted.

~~**Lumen** - A unit measurement of the rate at which a lamp produces light. A lamp's lumen output rating expresses the total amount of light the lamp emits in all directions per unit time.~~

~~**Luminaire** - A complete lighting unit consisting of a lamp or lamps and the parts designed to distribute the light, to position and protect the lamps, and to connect the lamp to the power supply. (Also referred to as fixture.)~~

~~**Nadir** - In the lighting discipline, nadir is the angle pointing directly downward from the luminaire, or 0°. Nadir is opposite the zenith.~~

Site Lighting - Light fixtures and light standards located on a lot or parcel outside the public right-of-way.

Street Light - A luminaire installed on a street.

~~**Zenith** - In the lighting discipline, zenith is the angle pointing directly upward from the luminaire, or 180°. Zenith is opposite nadir. In astronomical usage, zenith is the highest point in the sky, directly above the observation point.~~

Live-a-Board – A boat that is used as full or part time living quarters.

Live/Work Unit – A single-family housing unit that has been structurally designed and approved as a Live/Work unit that has separately designed living and working rooms. The work space may be the ground floor of a two- or three-story house with the living space above or the living space beside or behind the work space. The work space is reserved for and regularly used by one or more occupants of the unit.

Lodging Terms:

Lodging: Bed and Breakfast Home – A private home containing not more than three (3) guest rooms that offers overnight bed and breakfast accommodations to guests for a fee not exceed a stay of thirty (30) consecutive days.

Lodging: Bed and Breakfast Inn – A private home containing more than three (3) and less than fifteen (15) guest rooms that offers overnight bed and breakfast accommodations to guests for a fee not exceed a stay of thirty (30) consecutive days.

Lodging: Hostel – A building containing overnight dormitory-styled sleeping accommodations for no more than twelve (12) guests offered for a fee, and may include a restaurant as an accessory use.

Lodging: Hotel/Motel – A building containing more than fifteen (15) guest rooms that offers overnight accommodations to guests for a fee. They may offer a wide range of services including overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Extended-stay hotels are included in this category. This definition includes "inns."

Lot Terms

Lot – A parcel or plot of land of varying size which is designated as a single unit of property and which is intended to be occupied by one building, or group of buildings, and its Accessory Structures and uses as required by this Zoning Ordinance.

Lot, Alley-Loaded – A lot where entry to the garage is at the rear of the structure, typically via an alley.

Lot Area – Area included within the Rear, Side and Front Lot Lines. It does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

Lot, Corner – A lot that is bounded by intersecting streets.

Lot Coverage – Area of a lot covered by roofed buildings or structures, and other Impervious Materials including parking areas, driveways, decks, Pedestrian Walkways, etc.

Lot Depth – Distance between the Front Lot Line and Rear Lot Lines measured from the front lot line to the Rear Lot Line along a line midway between the Side Lot Lines

Lot, Front-Loaded – A lot where entry to the garage is at the front of the structure from the street.

Lot, Interior – A lot that does not abut a street intersection.

Lot of Record – A platted lot within an approved subdivision legally recorded with Camden County's Clerk of Superior Court or a parcel of land, the deed of which has been legally recorded with Camden County's Clerk of Superior Court as of the effective date of this Zoning Ordinance.

Lot Width – The horizontal distance between Side Lot Lines measured along a line that is parallel to the Front Lot Line. Lot Width is measured at the point of the Building Line. For irregular-shaped lots, the distance at front and rear setbacks can be averaged. Required Lot Widths are measured at the Front Building Line.

Lot Line Terms:

Lot Line – The lines bounding a lot.

Line, Established Front Building – A Front Building Line that has been established by existing buildings within the same Block.

Line, Front Building – The line at which a Principal Building may not be set forward of. This line may be the same as the Front Setback or be a greater distance.

Front Lot Line – Lot line located along the street right-of-way typically parallel to the Street-Facing Front Facade of a Building.

Side Lot Line – Lot Line located generally perpendicular to the Front and Rear Lot Lines.

Side Lot Line, Interior – A Side Lot Line that is not adjacent to a street right-of-way or access easement.

Side Lot Line, Street – A Side Lot Line adjacent to a street right-of-way or access easement.

Rear Lot Line – Lot Line located at the rear of the property and opposite the Front Lot Line.

Manufactured Home – (see Residential Terms).

Manufactured Home Subdivision – (see Residential Terms).

Master Plan – One St. Marys Master Plan, the City's comprehensive plan that recommends the general physical development of the City's future.

Medical Clinic – Facilities that provide outpatient ambulatory or outpatient health care such as emergency medical clinics; ambulatory surgical centers dialysis centers outpatient family planning services; community health centers and clinics. Does not include Drug Treatment/Rehabilitation Facility.

Mixed Use Building – (see Building Terms).

Mobile Home – (see Residential Terms).

Modular Building – (see Residential Terms).

Multi-Family Residential Complex – (see Residential Terms).

Multi-Tenant Commercial Development – Any planned concentration of multiple commercial uses in one building or lot, or in multiple buildings or lots that are divided by a shared party wall, which utilize shared parking. Frequently referred to as a shopping center or commercial strip center.

Municipal Court – The Municipal Court of St. Marys, Georgia.

Nightclub – A facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc. The term "Nightclub" does not include Adult Entertainment Establishments.

Nonconforming External Uses - include, but are not limited to, merchandise (clothing, appliances, home and office furnishings and equipment, household goods, plants, tools, or similar items), or vehicles, boats, trailers, heavy equipment, or similar items placed, stored, or parked on the premises when such external use of the property is prohibited by this Zoning Ordinance.

Nonconformity, Lawful – Any building, structure, use, lot, or other development feature that at the time it was erected, constructed, placed, begun, expanded or enlarged, complied with the Zoning Ordinance, but which does not comply with subsequently enacted provisions of this Zoning Ordinance.

Nonconformity, Unlawful – Any building, structure, use, lot, or other development feature that at the time it was erected, constructed, placed, begun, expanded or enlarged, did not comply with the Zoning Ordinance, and continues not to comply with subsequently enacted provisions of this Zoning Ordinance.

Non-Residential Districts – This term includes the following Zoning Districts, O, MU, DMS, LI, HI, A-F and C-P.

Non-Residential Use – A use not used for Residential Dwellings or uses related to Residential Dwellings.

Office Building – (see Building Terms).

Opacity – The degree to which light is not allowed to travel through.

Open Space Terms:

Open Space – An area, land or water set aside and protected from development which may be left in a generally unimproved state without manmade structures and reserved for enjoyment in its unaltered state.

Open Space, Common Useable – Useable Open Space that is part of a Cottage Court Housing development or other development wherein the Open Space is commonly owned or shared.

Open Space, Useable – Open Space available for enjoyment of residents within a development play areas, playgrounds, parks, landscaped areas, walkways, outdoor patios, pools, tennis courts, recreation centers and other recreational facilities within Amenity Centers, water features, but shall not include rooftops terraces,

yards within a single-family residential lots, parking or driveway areas, drainage or floodway facilities with slopes exceeding ten percent (10%), or rights-of-way or easements for streets or alleys.

Outdoor Display – The display of merchandise and equipment containing merchandise for sale, lease or rental outside a business. Outdoor display does not include propane gas racks, ice bins, or vending machines for incidental retail sales or vehicles, or equipment.

Outdoor Storage – The storage of any material for a period greater than 24 hours, including items for sale, lease, processing and repair outside the Principal or Accessory Structure. Outdoor storage includes merchandise or material in boxes, in crates, on pallets or in shipping containers, vehicles awaiting repair or non-operable vehicles, or boat, RV, camper, trailer, or personal watercraft or other recreational vehicle, garden supplies, building supplies, industrial materials, plants, fleet vehicles and other similar merchandise, material, vehicles or equipment.

Outdoor Storage Container – A metal shipping or storage container, typically designed and built for intermodal freight transport and storage without unloading and reloading cargo used for outside storage. Frequently used terms for the storage containers are cargo or freight containers, ISO containers, shipping, sea or ocean containers, etc.

Pad Site – A freestanding parcel within a Commercial Development generally leased or sold for Commercial activities such as fast-food restaurants, chain restaurants, financial institutions, pharmacies, and similar uses.

Parapet Wall – A wall projecting upward from the top plate of the building

Park – Land and water designed for active and/or passive recreational enjoyment, but also including small vegetative spaces and includes Plazas, and Pedestrian Pathways.

Parking Aisle – A single row of parking spaces.

Parking Bay – Two parking aisles located in a back-to-back configuration.

Parking Area / Structured Parking (Principal Use) – A stand-alone parking area or parking structure that is available for public or private use, but that is not accessory to another use.

Parkway – An area located immediately between the street curb and sidewalk in which landscaping and infrastructure are placed (does not include the median of a divided street).

Pedestrian Pathway – A paved walkway/sidewalk that provides pedestrian access throughout a community.

Permanent Foundation – A concrete slab, concrete footers, foundation wall, pilings or post construction which complies with City Building Code.

Pervious Materials – A range of materials and techniques for paving that allows the movement of stormwater into the soil.

Places of Assembly (also Civic Uses) – Structures and land designed for 50 or more people to congregate for civic, social, cultural, educational and religious functions. This includes, but is not limited to, schools, worship centers (such as churches, temples, synagogues, and mosques), theaters, and civic meeting facilities, such as alumni associations, booster clubs, scouting organizations, ethnic associations, social clubs, fraternal lodge and veterans' membership organizations.

Planning Commission – The Planning Commission of the City of St. Marys, Georgia.

Plant Material – Vegetation that includes trees, flowers, shrubs and Ground Cover.

Plaza – A paved open space area offering places often surrounded in whole or in part by buildings.

Porch – A raised structure attached to a building, forming a covered entrance to a doorway.

Primary Building Material – (see Building Terms).

Principal Building, Dwelling, Structure or Use – The main Building or activity that takes place or is intended to take place on a parcel.

Private Frontage – (see Frontage, Private).

Property Owner – Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land for which an application has been submitted or is required to received public notice for an action being taken by the City.

Protected District or Use – The zoning district or residential use that is required to be protected by a landscape Buffer.

Public Events Permit – A permit issued by the City for temporary events or uses in accordance with Chapter 82, Article II of the St. Marys Code of Ordinances.

Public Frontage – (see Frontage, Public).

Public Space – The public domain commonly referred to as the public streets, Alleys, rights-of-way, travel lanes, Parkways, Pedestrian Pathway, Park and Open Space.

Rear Lot Line – (see Lot Line Terms).

Rear Setback – (see Setback Terms).

Rear Yard – (see Yard Terms).

Recreation Facilities – Indoor or outdoor uses or structures for active or passive recreation. Such uses include gymnasiums, natatoriums, fitness center, athletic equipment, indoor running tracks, climbing facilities, court facilities, parks, pools, ball fields, batting cages, pools, skateboard parks, playgrounds, greenway trails, driving ranges, tennis courts, riding stables, golf courses and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), restrooms, and picnic shelters.

Recreational Vehicles – For the purposes of this ordinance shall include vehicles such as travel trailers, motor homes, campers, boats, personal watercraft, ATVs.

Recreational Vehicle Park – A facility for overnight parking of Recreational Vehicles that may include power and sanitation hookups, rental office, restrooms, showers, and recreational amenities.

Recuse – An action taken by a person to withdraw from a position of judgement to avoid any semblance of partiality or bias.

Residential Districts – This term includes the following Zoning Districts, R-1, R-2, R-3, MH, DTR and DVR.

Residential Industrialized Building – (see Residential Terms).

Residential Terms:

Single-Family Dwelling – A residential dwelling occupied by persons living as a single household unit includes Attached and Detached Single-Family Residential (does not include Multi-Family Residential).

Detached, Single-Family Dwelling – A free-standing, single-family residential use occupying a single lot not sharing any walls in common with an adjacent single-family residential use.

Estate House – A detached, single-family residential Building Type that is a large structure on a larger lot that incorporates one unit. (See Form-Based District)

Village House. A detached, single-family residential Building Type that is a medium-sized structure on a moderate-sized lot that incorporates one unit. (See Form-Based District)

Cottage House – A detached, single-family residential Building Type that is a small structure on a smaller lot that incorporates one unit. (See Form-Based District)

Cottage Court Cluster – A detached, single-family residential development consisting of a series of small structures on a single lot, providing multiple units arranged around a shared court that is typically perpendicular to the street. (See Form-Based District)

Carriage House – A detached, single-family residential Building Type that is an Accessory Structure typically located at the rear of a lot providing either a small residential unit or home office space or service use that may be above a garage or at ground level. May also be an Accessory Dwelling Unit. (See Form-Based District)

Zero Lot Line Dwelling – A detached, single-family residential Building Type where the building is placed close to one side yard setback with the other side having a greater side yard setback.

Attached, Single-Family Dwelling – A single-family residential use constructed in a group of two (2) or more attached units separated by property lines or building ownership divisions in which each unit extends from foundation to roof (includes Duplex, Triplex and Townhouse).

Duplex – An attached, single-family residential dwelling that consists of two (2) side-by-side dwelling units with each unit having a separate entrance facing the street.

Triplex – An attached, single-family residential dwelling that consists of three (3) side-by-side dwelling units with each unit having a separate entrance facing the street.

Townhouse – An attached, single-family residential dwelling that consists of three (3) or more side-by-side dwelling units with each unit having a separate entrance facing the street.

Multi-Family Dwelling – A multi-storied, residential building containing multiple separate housing units vertically and horizontally integrated within one building or complex, commonly referred to as "apartments."

Apartment House – A multi-family residential Building Type on a single lot having the appearance of a medium-sized family home that consists of four (4) to eight (8) dwelling units horizontally and vertically integrated, typically with one shared entry or individual entries along the front. (See Form-Based District)

Apartment Building – A multi-family residential Building Type on a single lot that consists of is a medium- to large-sized structure of seven (7) to sixteen (16) dwelling units horizontally and vertically integrated, typically with one shared entry or individual entries along the front. (See Form-Based District)

Multi-Family Apartment Complex – A grouping of multi-family residential Building Types vertically and horizontally integrated. This definition does not include "Apartment House," "Apartment Building" or "Lodging."

Other Single-Family Residential.

Manufactured Home – A single-family residential dwelling, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred and twenty (320) or more square feet and which is built on a permanent chassis 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; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act. The term "Manufactured Home" does not include a "Mobile Home" or "Recreational Vehicle~~" or "Tiny House~~."

Manufactured Home Subdivision – A development where Manufactured Home lots are offered for sale.

Mobile Home – A single-family residential dwelling that was constructed before June 15, 1976 and designed to be transported on its own chassis on the highway in one or more sections by a prime mover, which in the traveling more in length [sic], or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed on site, is three hundred and twenty (320) or more square feet, and which a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. This term "Mobile Home" does not include a "Manufactured Home" or "Recreational Vehicle~~" or "Tiny House~~."

Residential Industrialized Building (also Modular Building) – A residential structure designed and constructed in compliance with the Georgia State Minimum Standard One and Two-Family Dwelling Code which is wholly or in substantial part, made, fabricated, formed, or assembled in a manufacturing facility and cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Any such structure shall not contain a permanent metal chassis and shall be affixed to permanent load-bearing foundation. This term does not include a "Manufactured Home" or "Mobile Home."

~~**Tiny House** – A Single-Family Dwelling having a minimum Ground Story square footage of two hundred (240) square feet and a maximum of seven hundred and twenty (720) square feet with a minimum width of eight (8) feet meeting the City's Building Code serving as an Accessory Dwelling Unit or a Principal Dwelling in R-1, R-2 or R-3 Zoning Districts, or in a Cottage Court Cluster.~~

Rezoning – A property owner's request for a change in the Zoning District classification of his or her property.

Right-of-way (ROW) – An easement granted or reserved over the land for transportation or conveyance purposes, which can be for public roads, public footpath, rail transport, canal, as well as electrical transmission lines, oil, gas pipelines and other utilities. A right-of-way is reserved for the purposes of maintenance or expansion of existing services.

Right-Of-Way Line – The outside boundaries of an easement granted or reserved over the land for transportation purposes, this can be for public roads, public footpath, rail transport, canal, as well as electrical transmission lines, oil, gas pipelines and other utilities ~~highway right-of-way~~, which are established by usage, dedication or by official action.

~~**Saturated Color** – The vividness or intensity of a color's hue. Saturation measures the degree to which a color differs from a gray of the same brightness or lightness.~~

Secondary Building Materials – (see Building Terms).

Senior Housing – Residential living facilities that may include independent living arrangements, assisted living, or full-time skilled nursing care designed generally for those 55 years or older. Living facilities may include freestanding homes, apartments, or private rooms and include a wide range of accessory uses and services including eating facilities, recreational amenities and rehabilitative services for residents as their level of care expands.

Service Area – Loading docks for the general delivery of goods and services, truck parking, and other service functions.

Setback Terms:

Setback – The ~~required~~ distance from a Building is required to be set back from Lot Lines, as measured from the structure's exterior wall to the Lot Line.

Setback, Front – The minimum distance from which a Building shall be set back from the Front Lot Line. The Front Setback on a Corner Lot shall be the direction from which the front entry faces the street.

Setback, Rear – The minimum distance from which a Building shall be set back from the Rear Lot Line. For a lot whose Side Lot Lines meet at a point in the rear (pie-shaped lot), the rear yard is determined by measuring from the point where the Side Lot Lines intersect a distance equivalent to the required Rear Setback.

Setback, Side – The minimum distance from which a Building shall be set back from the Side Lot Line, whether it be an Interior Side Lot Line or a Street Side Lot Line.

Shared-Use Path – A paved facility of at least eight (8) feet in width physically separated from motorized vehicular traffic used primarily by bicyclists, pedestrians (including joggers and skaters), and nonmotorized or motorized wheeled mobility devices. With appropriate design, equestrians may also be accommodated by a Shared-Use Path facility.

Shopfront Building – (see Building Terms).

Side Lot Line – (see Lot Line Terms).

Side Setback – (see Setback Terms).

Side Yard – (see Yard Terms).

Single-Family Dwelling – (see Residential Terms).

Site or Site Area – Any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of a single development.

Site Development Plan – A illustrative and narrative description of proposed development for a specific parcel or tract of land meeting the requirements of set forth in this Zoning Ordinance.

Small Equipment Repair/Rental – The repair and/or rental of small equipment as a Principal Use including televisions, computers, cleaning equipment, vacuum cleaners, and other equipment that can be transported by automobile, small truck/van.

Stables – Stabling, training, feeding of horses, mules, donkeys, or ponies, or the provision of riding facilities for use other than by the resident of the property, including riding academies. Also includes any structure or place where such animals are kept for riding, driving, or stabling.

Staff – City staff of the City of St. Marys, Georgia.

Story Terms:

Story – That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Story, Attic – Space situated immediately below a pitched roof building not intended as habitable space or considered a regular STORY.

Story, Ground – The first level of a building at or above grade.

Story Elevation or Height, Ground – The height of the Ground Story above the mean finished ground level adjoining the building.

Story Height – The height of story measured from the top surface of the finished floor to the ceiling above.

Story, Upper – Any story above the Ground Story or floor.

Street – A dedicated public way for vehicular traffic, whether designated as an avenue, boulevard, thoroughfare, road, highway, lane, drive, alley or other public way.

Street Frontage – (see Frontage, Street).

Street Side Lot Line – (see Lot Line Terms).

Structure – A Building that houses a principal use or other manufactured or constructed objects including, but not limited to, towers, signs, smokestacks, storage tanks, and overhead transmission lines, etc.

Superior Court – The Superior Court of Georgia handing cases originating in St. Marys, Georgia.

Surveyor – A registered land surveyor in good standing with the Georgia Board of Registration.

Theater, Indoor (Movie or Live Performance) – A specialized theater for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes structures with multiple movie theaters, each theater capable of an independent performance. This does not include Adult Entertainment Establishments.

Therapeutic Massage Establishment – An establishment offering therapeutic massages holding a valid massage therapy license issued by the Georgia Board of Massage Therapy.

Temporary Use – A land use on an individual parcel or site established for a limited and fixed period of time for a purpose which may not normally be permitted in a zoning district, or which does not meet all zoning requirements, but which is necessary in special situations.

~~**Tiny House – (see Residential Terms).**~~

Townhouse – (see Residential Terms).

Trailer – Any towed or non-self-propelled vehicle to be pulled behind an automobile or truck that is designed for hauling animals, produce, goods or commodities, including boats.

Transparency – The total area of window and door opening filled with glass expressed as a percentage of the total Building Facade area by story.

Tree, Overstory – Those trees that compose the top layer of vegetation and will generally reach a mature height of greater than forty (40) feet.

Tree, Understory – Those trees that grow beneath the overstory, and will generally reach a mature height of less than forty (40) feet.

Triplex – (see Residential Terms).

Upper Story – (see Story Terms).

Useable Open Space – (see Open Space Terms).

Utility – This term shall include gas, water, sewer, stormwater piping, grey water piping, electric, telephone, CATV, or any other like system, whether public or private.

Use Terms:

Business Service Use – Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, including but not limited to advertising and mailing; employment service; management and consulting services; equipment rental and leasing (does not include outside storage or heavy construction equipment); commercial research; development and testing; photo finishing; and supplies services.

Commercial Use – Any use that is defined herein as a Business Service, Personal Service, Retail Service, Retail Specialty, Retail Trade, and Studio uses but specifically excluding any uses prohibited by this Zoning Ordinance. Commercial Uses also include Commercial Amusement such as games of skill for a fee or admission charge including, but not limited to, billiards, bowling, video or game arcades, movie theaters, and skating rinks, but excluding any type of Adult Entertainment Establishments.

Institutional Use – Community uses including Places of Assembly, libraries; schools (kindergarten through college); police and fire stations; post offices; places of worship; museums and cultural centers; theaters; government functions open to the public; and, other similar uses.

Office Use – Includes, but are not limited to lawyers, engineers, architects, landscape architects, accountants, insurance agencies, economic consultants, general business offices, or other similar professions.

Personal Service Use – Establishments primarily engaged in providing services involving the care of a person or his or her apparel, including laundry and drying cleaning services, beauty shops, barber shops, shoe repair, weight reducing salons and health clubs, clothing rental, doctors, dentists, chiropractors, veterinarians, etc.

Residential Use – A range of housing uses that encompass Single-Family and Multi-Family uses. (see Residential Dwellings)

Retail Service Use – Establishments providing services, as opposed to products, to the general public, including restaurants, Lodging, finance, real estate and insurance, travel agencies, health and educational services, and galleries.

Retail Specialty Use – Include, but are not limited to the sale of gifts, antiques, flowers, books, jewelry, wearing apparel or craft shops making articles exclusively for sale at retail on the premises. Establishments selling used goods or merchandise and retail store sales consisting primarily of specialty and novelty are specifically excluded.

Retail Trade Use – Establishments engaged in selling new goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Establishments primarily engaged in the selling of used goods or merchandise are specifically excluded.

Variance – A Hardship Variance requested to be provided relief from a provision of the Zoning Ordinance.

Variance Appeal Application – An application filed with the Community Development Department requesting a Hardship Variance.

Vehicle Terms.

Vehicle – A device used for transporting people or goods. For the purposes of this Zoning Ordinance, a Vehicle includes a car, SUV, truck, motorcycle, recreational vehicle, trailer, airplane, construction equipment and similar devices.

Vehicle Fueling, Motor – Facilities for the fueling, cleaning and servicing of automobiles, recreational vehicles, and other personal vehicles with or without convenience store. Also referred to as "Fuel Station."

Vehicle, Oversized Commercial – A tractor trailer truck (semi-truck), truck cab or trailer, or other vehicle exceeding 8000 gross vehicle weight.

Vehicle Repair, Major – General repair, or reconditioning of engines and air-conditioning systems for vehicles; wrecker services; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; vehicle steam cleaning; those uses listed under "automobile repair, minor"; and other similar uses.

Vehicle Repair, Minor – Facilities for the fueling, cleaning and servicing of automobiles, recreational vehicles, and other personal vehicles Minor repair or replacement of parts, tires, tubes, and batteries, diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing or [of] air-conditioning systems, and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar uses.

Vehicular Canopy – (see Canopy, Vehicular).

Veterinary Clinic – Establishment that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming.

Village House – (see Residential Terms).

Waterfront-Related Facility/Use – This includes ships, boats, marinas without fuel sales, live-a-boards, piers, nautical training schools, aquariums, museums with nautical themes, vendors for fresh seafood, fishing and crabbing, sailing, boating, diving, fully-enclosed and landscaped-buffered boat storage, seating overlooking the marsh/water, bait shops, fresh local seafood processing and shipping, and restroom, shower and laundry facilities, but not including Recreational

Vehicle storage or habitation, disposal of fishing waste, amplified outdoor sound except as an approved Public Events Permit.

Yard Terms:

Yard – An open space at grade between a Building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Zoning Ordinance.

Yard, Front – The yard area located between the Front Lot Line and the front Building Facade.

Yard, Rear – The yard area located between the Rear Lot Line and the rear Building Facade.

Yard, Side – The yard area located between the Side Lot Line and the side Building Facade.

Zero Lot Line Dwelling – (see Residential Terms).

Zoning Action – An action related to a Zoning Decision.

Zoning Application – An application filed with the Community Development Department requesting action on a Zoning Decision.

Zoning Decision – A decision by the Planning Commission and/or City Council related to a Rezoning, Special Use Permit, Adoption of a Zoning Ordinance, Amendment to Zoning Ordinance (Text Amendment), Comprehensive Change in Official Zoning Map or Site Development Plan approval.

Zoning District – A development classification applied to a certain land area within the City stipulating the limitations and requirements of land use and development.

Zoning Map – The official certified map upon which the boundaries of various Zoning Districts are drawn and which is an integral part of the Zoning Ordinance of the City.

Zoning Ordinance – The Zoning Ordinance of the City of St. Marys, as amended from time to time, including any future codifications.