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COMMUNITY DEVELOPMENT DEPARTMENT
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ST MARYS ZONING FACT SHEET

The proposed Ordinance would repeal the zoning portion of the City's ordinances known as Chapter/Section 110. The City of St Mary's has multiple other ordinances that dictate standards for the City such as Subdivisions, Alcoholic Beverages, Buildings and Cemeteries, Courts, Fire Prevention, Floods, Historic Preservation, Utilities, Traffic, Vehicles, Zoning, Signs etc. All of those ordinances are located on the Municode Library or at: https://library.municode.com/ga/st._marys/codes/code_of_ordinances.

Table of Contents

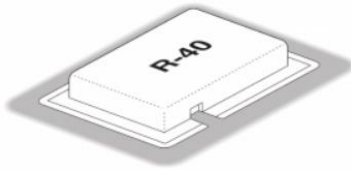
WHAT IS FORM BASED CODE?	2
OTHER GA COMMUNITIES THAT HAVE ADOPTED FORM BASED CODE.....	2
ZONING CATEGORY COMPARISON	2
REPEAL OF CONFLICTS	3
NON-CONFORMITIES	5
PARKING OF BOATS, TRAILERS & COMMERCIAL Vehicles	9
FLOOD PREVENTION	13
ACCESSORY DWELLING UNIT	19
NO MIXED-USE ZONING CATERGORY	23
LARGE SHADY LOTS	26
SOUTHERN STRUCTUAL DIVERSITY.....	27
QUALITY OF LIFE	27

WHAT IS FORM BASED CODE?

A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulation.

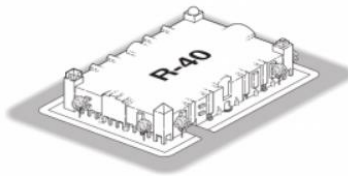
Conventional Zoning

Density use, FAR (floor area ratio), setbacks, parking requirements, maximum building heights specified



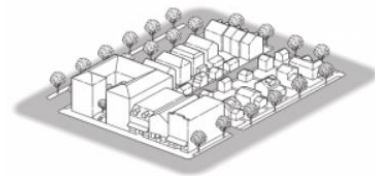
Zoning Design Guidelines

Conventional zoning requirements, plus frequency of openings and surface articulation specified



Form-Based Codes

Street and building types (or mix of types), build-to lines, number of floors, and percentage of built site frontage specified.



OTHER GA COMMUNITIES THAT HAVE ADOPTED FORM BASED CODE

Albany
 Atlanta
 Crabapple
 Decatur
 DeKalb County
 Doraville
 Gwinnett County
 Grovetown
 Kennesaw
 Woodstock

Lithonia
 Mableton
 McDonough
 Milton
 Perry
 Palmetto
 Roswell
 Sandy Springs
 Thomasville

ZONING CATEGORY COMPARISON

Current	Proposed
Residential Districts	Residential Districts
R-1	R-1
R-2	R-2
R-3	R-3
R-4	Not Valid
R-5	Not Valid

MH	MH
Commercial Districts	Office & Commercial Districts
Primarily C-3	O
Primarily C-2	MU
St. Marys Downtown Current Zoning	St. Marys Downtown Form Based Districts
Primarily C-1	DMS
Primarily R-1	DTR
Primarily R-1	DVR
Industrial Districts	Industrial Districts
I-L	LI
I-G	HI
PSM	PD - PSM
I-A	LI
Special Districts	Special Districts
A-F	A-F
C-P	C-P
PD	PD
HD	HD
WP	Not Valid
RVD	Incorporated as Special & Conditional Use
MHD	Incorporated into 4.11 & 5.20

Underlined = Language added to the Ordinance

~~Strikethrough~~ = Deleted from the Ordinance

REPEAL OF CONFLICTS

1.03 CONFLICTING ORDINANCES, AND REPEAL OF CONFLICTS – PROPOSED ORDINANCE

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.

NON-CONFORMITIES

SEC. 110-99. – NONCONFORMANCE - CURRENT ORDINANCE

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

(Ord. of 9-12-94, § 709)

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

- (a) No building or structure or site improvements such as parking or driveways which is nonconforming with respect to the space and bulk requirements of this chapter may be expanded, enlarged or increased in height unless such expanded or enlarged or higher portion complies with the space and bulk requirement of this chapter.
- (b) Should any nonconforming building or structure be destroyed or damaged by any means beyond the control of the owner, it shall be rebuilt or restored within a period of one year or thereafter conform with the space and bulk requirements of this chapter unless a variance from such requirements is granted by the planning commission pursuant to section 110-145. If a nonconforming building is demolished or removed by or for its owner, it shall not be rebuilt or replaced except in conformity with the space and bulk requirements of this chapter unless a variance from such requirements is granted by the planning commission pursuant to section 110-145.
- (c) Should any manufactured home existing in an R-1 district be destroyed or damaged by any means beyond the control of the owner, it shall be replaced or restored within a period of one year or thereafter conform with the use, building and space requirements of section 110-62.

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

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

- (a) No nonconforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than that occupied at the effective date of the adoption or amendment of this chapter.
- (b) No nonconforming use of land shall be moved in whole or in part to any portion of the lot which was not occupied by such use at the effective date of the adoption or amendment of this chapter.

- (c) If any nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

(Ord. of 9-12-94, § 711)

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

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

(Ord. of 9-12-94, § 712)

7.06 NONCONFORMITIES - PROPOSED ORDNANCE

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.

PARKING OF BOATS, TRAILERS & COMMERCIAL VEHICLES

SEC 110-125 PARKING FOR BOATS AND TRAILERS - CURRENT ZONING ORDINANCE

Storage and parking of trailers and commercial vehicles and location of off-street parking areas. Commercial vehicles and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or any lot in any district zoned residential (R-1, R-2, R-3, R-4, R-5, M-H or and PD containing these zones) except in accordance with the following requirements:

- (1) No more than one commercial vehicle per dwelling shall be permitted, the size of which shall be no larger in size than a pick-up truck, panel truck or van and is limited in size to a one-ton carrying capacity; and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted for parking in the zones noted.
- (2) Travel trailers, hauling trailers, or boat trailers (with or without a boat), and boats without a trailer, shall be permitted if parked or stored behind the front yard setback or behind the building line of the residence or garage if the set back is a greater dimension than the front yard setback as established by ordinance, whichever is greater.
- (3) A travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area except in a travel park authorized under this section.
- (4) No tractor, or trailer or combination tractor trailer (over seven wheels) shall be located or parked on pavement or on grass in any residential front or side yard and such vehicles or combination of vehicles shall not be parked in a non-residential district in an area not designated for the parking of these vehicles. Residential zoned streets shall not be used for parking of these vehicles. Any damage to curbs or sidewalks or underground utilities or grass or landscaping caused by the illegal use of these above areas for the parking of tractors, trailers and/or tractor trailer combinations will be the responsibility of the vehicle owner to either repair or compensate the city or property owner for the damage, whichever is applicable. A tractor trailer is any combination commercial trucking unit consisting of a tractor hooked up to a full trailer (a trailer entirely supported by its own wheels) or a semitrailer (a trailer which, when moving, is supported by its own wheels in the rear and by the tractor in the front).

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

Table 6 Vehicle Parking

(Ord. of 9-12-94, § 805; Ord. No. [2013-036](#), 12-16-13; Ord. No. [2015-027](#), 8-3-15)

5.06 AUTOMOTIVE – OVERSIZED COMMERCIAL AND RECREATIONAL VEHICLE PARKING. – PROPOSED ZONING ORDINANCE

Type of Uses	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

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, except for emergency temporary housing, where an active building permit has been pulled to reconstruct a damaged structure.
5. No more than one Recreational Vehicle, Travel, Hauling or Boat Trailer 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 of at least six-feet in height.

OUTDOOR DISPLAY

OUTDOOR DISPLAY - CURRENT ORDINANCE

Sec. 110-70. - C-2, Highway Commercial and Community District. *District intent.* The intent of this district is to provide areas for commercial uses which primarily render a service to local residents or to other non-local individuals such as tourists, vacationers, truckers, workers, and commuters. The regulations applying to this district are designed to:

- (1) Encourage the location of high traffic volume uses in an attractive and well-designed manner;
 - (2) Ensure adequate and properly designed means of ingress and egress while considering and providing for overall safe and adequate traffic flow on the highways.
 - (3) Discourage encroachment by industrial, residential or other uses which may be incompatible with the specialized character of this district.
- (a) *Uses permitted.* Property and buildings in the C-2, Highway Commercial District shall be used for the following purposes:
- (1) All uses permitted in the C-1, Central Business District, except residential.
 - (2) Retail and wholesale business and service establishments, including shopping centers that conduct business entirely within an enclosed building.
 - (3) Animal care facilities, animal hospital and/or boarding facility, and veterinary offices.
 - (4) Commercial recreation facilities including bowling alleys, roller or ice skating rinks, theaters (not including drive-ins), and the like.
 - (5) Hotels, tourist homes, and motels.
 - (6) Transportation terminals.
 - (7) Microbreweries.
 - (8) Public utility, installation or sub-installation, including water towers, but specifically excluding waste treatment processing or storage.

- (9) Churches.
 - (10) Community facilities: Assembly halls, recreation centers, civic centers, local government public uses including schools, libraries, parks, playgrounds, and fire stations.
 - (11) Medical health services: Clinics and pharmacies, hospitals, medical or dental labs, offices of health service practitioners and other health services not elsewhere classified.
 - (12) Accessory uses and structures.
 - (13) Travel trailer parks.
- (b) *Special permit uses.* The following uses may be permitted in accordance with the provisions contained in section 110-145, and if additional conditions which may be required are met:
- (1) Outdoor sales of new or second-hand automobiles, manufactured or modular homes, boats, and other such items provided the lot is graded, surfaced and drained for disposal of all surface water; and provided that ingress and egress is provided to the outdoor sales area.
 - (2) Drive-in restaurants provided that outside lighting and advertisement arrangements are directed away from adjoining residential districts (if any); and parking surface areas are separated from adjoining residential districts (if any) by a suitable planting screen, fence, or wall at least six feet in height.
 - (3) Mini-warehouse developments provided that no business activities other than the rental of storage units is conducted on the premises; and further provided that all storage on the property shall be kept within an enclosed building.
 - (4) Cable television towers/satellite dishes; and that all adjoining property which is zoned R-1, R-2, or R-3 under the City of St. Marys, Georgia, Zoning Ordinance, be separated from such towers/satellite dishes by a visual barrier, with a height of not less than five feet, nor more than seven feet. Such barrier shall be opaque, and shall prevent the free passageway and obstruct the view between such towers/satellite dishes and all adjoining properties which are zoned R-1, R-2, or R-3.
 - (5) Day care centers, kindergartens or schools provided that a minimum of 100 square feet of outdoor play area be provided for each child. Such outdoor play area shall be enclosed by a fence not less than four feet in height. Such use shall comply with the Georgia Department of Human Resources Regulatory Services. Such use shall provide the number of off-street parking spaces required for schools as set forth in section 110-124—Number of Parking Spaces Required, and section 110-126—Off-Street Loading and Unloading Requirements.
 - (6) Electronic game promotions. Indoor facilities operated by a licensed permit holder for game promotions or sweepstakes utilizing electronic equipment, meeting the performance standards and development criteria set forth in chapter 22, article VII, "Electronic Game Promotions", and drawings by chance conducted in connection with the sale of a consumer product or service utilizing electronic equipment, meeting the performance standards and development criteria set forth under Code of Ordinances chapter 110, subsection 110-145(6), special permit uses.
 - (7) Repair garages provided that all business is conducted inside an enclosed building and/or inside an aesthetically pleasing barrier which will shield the business activity from view of passing motorists and surrounding property owners.
- (c) *Area regulations.* Unless otherwise specified in this chapter, uses permitted in the C-2, Highway Commercial District shall conform to the following regulations:
- (1) Minimum lot area: 7,500 square feet.

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

(d) *Other requirements.*

- (1) Uses permitted in C-2 Districts shall meet the standards set forth in article IV pertaining to off-street parking, loading requirements.
- (2) Any type of business in a C-2 Zoning District must conduct all its business inside an enclosed building and/or inside an aesthetically pleasing barrier, as prescribed by the planning commission, which will shield the business activity from the view of passing motorists and surrounding property owners. All finished products of such businesses shall be kept inside an enclosed building or behind such barrier.

(Ord. of 9-12-94, § 609; Ord. of 5-13-96; Ord. of 11-10-03, § 2; Ord. of 11-13-06(2), § 7; Ord. of 7-18-11(2); Ord. No. 2015-028 , 8-3-15; Ord. No. 2015-042 , 11-2-15; Ord. of 3-21-16)

5.21 OUTDOOR DISPLAY AND STORAGE - PROPOSED ORDINANCE

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);~~

~~e. 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 loadbearing 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.

FLOOD PREVENTION

SEC. 54-6. - PROVISIONS FOR FLOOD HAZARD REDUCTION – CURRENT ORDINANCE.

(a) *General standards.* In all areas of special flood hazard the following provisions are required:

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

(2) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(3) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(4) Elevated buildings. All new construction and substantial improvements that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood-resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater (not applicable in coastal high hazard areas).

a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed the following minimum criteria:

1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one foot above grade; and
 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.
- b. So as not to violate the "lowest floor" criteria of this chapter, the unfinished or flood-resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and
 - c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.
- (5) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - (6) Manufactured homes shall be anchored to prevent floatation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state and city requirements for resisting wind forces;
 - (7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 - (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
 - (9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and
 - (10) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this chapter, shall be undertaken only if the nonconformity is not furthered, extended or replaced.
- (b) *Specific standards.* In all areas of special flood hazard designated as A1-30, AE, AH, A (with engineered or estimated BFE), the following provisions are required:
- (1) *New construction and substantial improvements.* Where base flood elevation data are available, new construction and substantial improvement of any structure including manufactured home shall have the lowest floor, including basement, elevated no lower than two feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection (a)(4), "Elevated buildings" of this section.
 - a. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing and other service facilities shall be elevated at or above two feet above the base flood elevation.
 - (2) *Nonresidential construction.* New construction and the substantial improvement of any structure including manufactured housing, may be floodproofed in lieu of elevation (not applicable for coastal high hazard areas) the structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting

hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in section 54-6. An operation and maintenance plan shall be prepared to assure the continued viability of floodproofing measures.

- (3) *Standards for manufactured homes and recreational vehicles.* Where base flood elevation data are available:
- a. All manufactured homes placed and substantially improved on: (1) individual lots or parcels; (2) in new and substantially improved manufactured home parks or subdivisions; (3) in expansions to existing manufactured home parks or subdivisions; or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than two feet above the base flood elevation.
 - b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that:
 1. The lowest floor of the manufactured home is elevated no lower than two feet above the level of the base flood elevation, or
 2. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 48 inches in height above grade.
 - c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement (ref. subsection (a)(6) of this section).
 - d. All recreational vehicles placed on sites must either:
 1. Be on the site for fewer than 180 consecutive days;
 2. Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached structures or additions); or
 3. The recreational vehicle must meet all the requirements for "new construction", including the anchoring and elevation requirements of subsection (b)(1), above.
- (4) *Floodway.* Located within areas of special flood hazard established in section 54-3(b), are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:
- a. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during the base flood discharge. A registered professional engineer must provide supporting analysis, technical data and certification thereof.

- b. Only if subsection (b)(4)a., above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.
- (c) *Building standards for streams without established base flood elevations and floodway (A-Zones)*. Located within the areas of special flood hazard established in subsection 54-3(b) where streams exist but no base flood data and floodway data have been provided (A-Zones), the following provisions apply:
 - (1) For subdivisions and developments greater than 50 lots or five acres, whichever is less, base flood elevation data shall be provided for subdivisions and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final LOMR.
 - (2) When base flood elevation data or floodway data have not been provided in accordance with subsection 54-3(b), then the floodplain manager shall obtain review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of this chapter. Only if data is not available from these sources, the provisions of this chapter shall apply.
 - (3) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or 25 feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than one foot increase in flood levels during the occurrence of the base flood discharge.
 - (4) In special flood hazard areas without base flood elevation data, new construction and substantial improvements shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. (NOTE: Require the lowest floor to be elevated two feet above the estimated base flood elevation in A-Zone areas where a limited detail study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 54-6(4) "Elevated buildings".
 - a. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than three feet above the highest adjacent grade at the building site.

The floodplain manager shall certify the lowest floor elevation and the record shall become a permanent part of the permit file.
- (d) *Standards for areas of special flood hazard (Zones AE) with established base flood elevations and without designated floodways*. Located within the areas of special flood hazard established in subsection 54-3(b), where streams with base flood elevations are provided but no floodways have been designated, (Zones AE) the following provisions apply:
 - (1) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of

the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

- (2) New construction and substantial improvements shall be elevated or floodproofed to elevations established in accordance with subsection 54-6(b).
- (e) *Standards for areas of shallow flooding (AO Zones)*. Areas of special flood hazard established in subsection 54-3(b), may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. The following provisions apply:

- (1) All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to at least two feet above as high as the flood depth number specified (in feet) on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 54-6(4), "Elevated buildings".

The floodplain manager shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- (2) New construction and the substantial improvement of a nonresidential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to the specified flood level in this chapter plus two feet, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in this chapter. An O&M plan shall be submitted to assure continued viability of the floodproofing measures.
 - (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.
- (f) *Coastal high hazard areas (V-Zones)*. Located within the areas of special flood hazard established in subsection 54-3(b), are areas designated as coastal high hazard areas (V-Zones). These areas have special flood hazards associated with wave action and storm surge, therefore, the following provisions shall apply:

- (1) All new construction and substantial improvements shall be located landward of the reach of mean high tide;
- (2) All new construction and substantial improvements of existing structures shall be elevated on piles, columns, or shear walls parallel to the flow of water so that the bottom of the lowest supporting horizontal structural member (excluding pilings or columns) is located no lower than two feet above the base flood elevation level. All space below the lowest supporting member shall remain free of obstruction or constructed with non-supporting breakaway walls. Open wood lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with subsection (6), below;
- (3) All new construction and substantial improvements shall be securely anchored on pilings or columns;
- (4) All pile and column foundations and the structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the combined effects of wind and water loads acting simultaneously on all building components, both (non-structural and structural). Water-loading values

shall equal or exceed those associated with the base flood. Wind-loading values shall be in accordance with the most current edition of the International Building Code, as amended;

- (5) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in this chapter;
 - (6) All space below the lowest horizontal supporting member must remain free of obstruction. Open wood lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action without causing structural damage to the supporting foundation or elevated portion of the structure. The following design specifications are allowed:
 - a. No solid walls shall be allowed; and
 - b. Material shall consist of open wood lattice or insect screening only; and
 - c. If aesthetic open wood lattice work or screening is utilized, any enclosed space shall not be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.
 - (7) Prior to construction, plans for any structures having open wood latticework or insect screening must be submitted to the floodplain manager for approval;
 - (8) Any alteration, repair, reconstruction or improvement to any structure shall not enclose the space below the lowest floor except with open wood lattice work or decorative screening, as provided in this section;
 - (9) There shall be no fill used as structural support, or to elevate areas used for septic tank drain fields. Limited non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The floodplain manager may approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect or soil scientist, which demonstrates that the following factors have been fully evaluated:
 - a. Particle composition of fill material does not have a tendency for excessive natural compaction;
 - b. Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 - c. Slope of fill will not cause wave run-up or ramping.
 - (10) There shall be no alteration of sand dunes or mangrove stands, which would increase potential flood damage;
 - (11) Prohibit the placement of manufactured homes (mobile homes are not permitted within the City of St. Marys as per Ordinance No. 110), except in an existing manufactured homes park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of section 54-6 are met.
- (g) *Standards for subdivisions.*
- (1) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage;
 - (2) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage; and

- (3) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(h) *Standard for critical facilities.*

- (1) No new critical facilities and substantial improved critical facilities shall be located in the 100-year floodplain or the 500-year floodplain.
- (2) All ingress and egress from any critical facility must be protected to the 500-year flood elevation.
- (3) Hazardous materials shall not be stored in the SFHA. The following materials are prohibited in the SFHA. Acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, prussic, magnesium, nitric acid, oxides of nitrogen, phosphorus, potassium, sodium and sulfur.

(Ord. No. 2014-001 , 1-6-14)

7.01 ZONING, BUILDING, OCCUPANCY, FLOOD PREVENTION AND HISTORIC PRESERVATION COMPLIANCE - PROPOSED ORDINANCE

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.~~

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 Flood and Chapter 62 Historical Preservation of the City of St. Marys' Code of Ordinances.

ACCESSORY DWELLING UNIT

SEC. 110-69. - C-1, CENTRAL BUSINESS DISTRICT. – CURRENT ORDINANCE

District intent. The C-1, Central Business District is intended to protect and promote suitable areas for business and commercial uses which benefit from proximity to each other; to allow certain appropriate residential uses;

to encourage the eventual elimination of uses inappropriate to the central business area, and to encourage the cohesive development of a town center for the city.

(a) *Uses permitted.*

- (1) Generally recognized retail business which supply commodities on the premises and without outdoor storage of goods, such as but not limited to groceries, drugs, clothing, notions or hardware.
- (2) Personal service establishments which perform services on the premises such as but not limited to repair shops (radios, television, shoes, upholstery, etc.), beauty parlors or barber shops, and dry cleaners.
- (3) Business establishments which perform services on the premises, such as but not limited to banks, loan companies, insurance offices and real estate offices.
- (4) Professional services including the following: medical offices, dentists, legal and similar or allied professions.
- (5) Public offices such as post offices, city administration, museums and similar governmental offices.
- (6) Private clubs, fraternal organizations and lodge halls.
- (7) Public and private schools and religious institutions.
- (8) Waterfront facilities pertaining to normal fishing, shrimping, and boating activities.
- (9) Restaurants, grills, delicatessens, and similar eating establishments, but not including "drive-in" types.
- (10) Brew pubs.
- (11) Hotels and boardinghouses.
- (12) Accessory uses and structures.
- (13) Single-family dwellings (must meet area regulations and dwelling standards for single-family dwelling in C-1 District).

(14) Multifamily dwellings (must be in conjunction with a permitted commercial use(s) utilizing the first occupied floor for commercial use and meet commercial dwelling standards for the C-1 District).

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

- (1) Laundromats.
- (2) Theaters.
- (3) Parking lots (private and public) not including those areas required by article IV, off-street parking and loading.
- (4) Public utility installations and buildings including water towers, electric transformer stations, and water and sewage pumping stations, provided that: no open storage is permitted at the site; the area is fenced in by a wall or fence at least six feet in height; and landscaped strip not less than five feet in width is planted and maintained.

(c) *Area regulations:*

(1) *Commercial uses.* Unless otherwise specified in this chapter, commercial uses permitted in the C-1, Central Business District shall conform to the following requirements:

- a. Minimum lot area: 3,000 square feet.

- b. Minimum lot width: 30 feet.
 - c. Minimum front yard setback: None, however, pedestrian walkways shall be accessible.
 - d. Minimum side yard: None, unless the parcel is adjacent to a residential district in which case the minimum side yard shall be five feet.
 - e. Minimum rear yard: None, unless the parcel is adjacent to a residential district in which case the minimum rear yard shall be 15 feet.
 - f. Maximum percentage of lot coverage: 100 percent.
 - g. Maximum building height: 45 feet.
 - h. Off-street parking and loading requirements as provided in article IV, except where the planning commission waives such requirements or portion thereof, where it finds that they are unnecessary, excessive, or impractical, given the size of the lot.
- (2) Single-family detached dwelling uses. Unless otherwise specified in this chapter, single-family detached dwellings permitted in the C-1, Central Business District shall conform to the following requirements:
- a. Minimum lot area: 6,000 square feet.
 - b. Minimum lot width: 60 feet.
 - c. Minimum front and rear yard setback: Ten feet.
 - d. Minimum side yard setback: five feet for single story: Seven and one-half feet for multi-story or five feet if multi-story and sprinkled for fire suppression.
 - e. Maximum percentage of lot coverage, remaining lot area after meeting required setbacks and parking requirements.
 - f. Maximum building height: 45 feet.
 - g. Minimum of two off-street parking spaces required per residence. No parking spaces permitted in front yard setback area.
 - h. Only one driveway per residence. If an alley exists behind the lot, ingress and egress to the residential structure must be accessed from the alley and no curb cut will be permitted along the main roadway.
 - i. A minimum roof pitch of five × 12 is required.
 - j. Structures built within the Historic District must comply with the historic preservation ordinance.
 - k. Single-family detached dwelling standards. All single-family dwellings, whether site built or modular houses, must meet the following standards in the C-1 District:
 1. The roof shall be covered with asphalt composition shingles, 5-V metal roofing, tile materials or other suitable materials. Corrugated metal or plastic panels are prohibited.
 2. The exterior wall materials may include clapboards, simulated clapboards such as concrete composite siding, wood shingles, shakes, stucco, tabby, brick, brick veneer, concrete block or similar materials, but shall not include smooth ribbed or corrugated metal or plastic panels.
 3. The minimum horizontal dimension of the structure as installed on the site shall be 24 feet.
 4. The minimum heated and cooled floor area shall be 900 square feet.

5. All principal structures shall be placed on a permanent foundation.
 6. No "manufactured housing" or "mobile homes" as those terms are defined in subsection 110-8(b), shall be permitted in this district.
 7. All units must meet wind loading requirements of the Federal Emergency Management Administrator and the State of Georgia adopted building codes.
 8. Any structures built within the Historic District must meet the requirements of the historic preservation ordinance.
- (3) Commercial dwelling standards. Dwelling units are permitted on the second floor or above in buildings utilizing the first occupied floor for permitted C-1 commercial uses. Such buildings may house one or more dwelling units, for rent or sale, provided that no such unit shall be less than 450 square feet of heated and cooled area exclusive of any hallways and stairs designed for access to the unit(s).

(Ord. of 9-12-94, § 608; Ord. of 11-10-03, §§ 1, 4; Ord. of 8-14-06, § 1; Ord of 11-13-06(2), §§ 2—6; Ord. No. [2015-042](#), 11-2-15)

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 Uses and Activities	R-1	R-2	R-3	MH	O	MU	DM S	DT R	DV R	LI	HI	A-F	C-P	PD	Ref.
Accessory Business Services	--	--	--	--	P	P	P	--	--	P	P	P	--	P	
Accessory Dwelling Unit / Carriage House	SE	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

NO MIXED-USE ZONING CATERGORY

SEC. 110-69. - C-1, CENTRAL BUSINESS DISTRICT – CURRENT ORDINANCE

District intent. The C-1, Central Business District is intended to protect and promote suitable areas for business and commercial uses which benefit from proximity to each other; to allow certain appropriate residential uses; to encourage the eventual elimination of uses inappropriate to the central business area, and to encourage the cohesive development of a town center for the city.

(a) *Uses permitted.*

- (1) Generally recognized retail business which supply commodities on the premises and without outdoor storage of goods, such as but not limited to groceries, drugs, clothing, notions or hardware.
- (2) Personal service establishments which perform services on the premises such as but not limited to repair shops (radios, television, shoes, upholstery, etc.), beauty parlors or barber shops, and dry cleaners.
- (3) Business establishments which perform services on the premises, such as but not limited to banks, loan companies, insurance offices and real estate offices.
- (4) Professional services including the following: medical offices, dentists, legal and similar or allied professions.
- (5) Public offices such as post offices, city administration, museums and similar governmental offices.
- (6) Private clubs, fraternal organizations and lodge halls.
- (7) Public and private schools and religious institutions.

- (8) Waterfront facilities pertaining to normal fishing, shrimping, and boating activities.
- (9) Restaurants, grills, delicatessens, and similar eating establishments, but not including "drive-in" types.
- (10) Brew pubs.
- (11) Hotels and boardinghouses.
- (12) Accessory uses and structures.
- (13) Single-family dwellings (must meet area regulations and dwelling standards for single-family dwelling in C-1 District).

(14) Multifamily dwellings (must be in conjunction with a permitted commercial use(s) utilizing the first occupied floor for commercial use and meet commercial dwelling standards for the C-1 District).

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

- (1) Laundromats.
- (2) Theaters.
- (3) Parking lots (private and public) not including those areas required by article IV, off-street parking and loading.
- (4) Public utility installations and buildings including water towers, electric transformer stations, and water and sewage pumping stations, provided that: no open storage is permitted at the site; the area is fenced in by a wall or fence at least six feet in height; and landscaped strip not less than five feet in width is planted and maintained.

(c) *Area regulations:*

(1) *Commercial uses.* Unless otherwise specified in this chapter, commercial uses permitted in the C-1, Central Business District shall conform to the following requirements:

- a. Minimum lot area: 3,000 square feet.
- b. Minimum lot width: 30 feet.
- c. Minimum front yard setback: None, however, pedestrian walkways shall be accessible.
- d. Minimum side yard: None, unless the parcel is adjacent to a residential district in which case the minimum side yard shall be five feet.
- e. Minimum rear yard: None, unless the parcel is adjacent to a residential district in which case the minimum rear yard shall be 15 feet.
- f. Maximum percentage of lot coverage: 100 percent.
- g. Maximum building height: 45 feet.
- h. Off-street parking and loading requirements as provided in article IV, except where the planning commission waives such requirements or portion thereof, where it finds that they are unnecessary, excessive, or impractical, given the size of the lot.

(2) *Single-family detached dwelling uses.* Unless otherwise specified in this chapter, single-family detached dwellings permitted in the C-1, Central Business District shall conform to the following requirements:

- a. Minimum lot area: 6,000 square feet.
- b. Minimum lot width: 60 feet.
- c. Minimum front and rear yard setback: Ten feet.
- d. Minimum side yard setback: five feet for single story: Seven and one-half feet for multi-story or five feet if multi-story and sprinkled for fire suppression.
- e. Maximum percentage of lot coverage, remaining lot area after meeting required setbacks and parking requirements.
- f. Maximum building height: 45 feet.
- g. Minimum of two off-street parking spaces required per residence. No parking spaces permitted in front yard setback area.
- h. Only one driveway per residence. If an alley exists behind the lot, ingress and egress to the residential structure must be accessed from the alley and no curb cut will be permitted along the main roadway.
- i. A minimum roof pitch of five × 12 is required.
- j. Structures built within the Historic District must comply with the historic preservation ordinance.
- k. Single-family detached dwelling standards. All single-family dwellings, whether site built or modular houses, must meet the following standards in the C-1 District:
 - 1. The roof shall be covered with asphalt composition shingles, 5-V metal roofing, tile materials or other suitable materials. Corrugated metal or plastic panels are prohibited.
 - 2. The exterior wall materials may include clapboards, simulated clapboards such as concrete composite siding, wood shingles, shakes, stucco, tabby, brick, brick veneer, concrete block or similar materials, but shall not include smooth ribbed or corrugated metal or plastic panels.
 - 3. The minimum horizontal dimension of the structure as installed on the site shall be 24 feet.
 - 4. The minimum heated and cooled floor area shall be 900 square feet.
 - 5. All principal structures shall be placed on a permanent foundation.
 - 6. No "manufactured housing" or "mobile homes" as those terms are defined in subsection 110-8(b), shall be permitted in this district.
 - 7. All units must meet wind loading requirements of the Federal Emergency Management Administrator and the State of Georgia adopted building codes.
 - 8. Any structures built within the Historic District must meet the requirements of the historic preservation ordinance.

(3) Commercial dwelling standards. Dwelling units are permitted on the second floor or above in buildings utilizing the first occupied floor for permitted C-1 commercial uses. Such buildings may house one or more dwelling units, for rent or sale, provided that no such unit shall be less than 450 square feet of heated and cooled area exclusive of any hallways and stairs designed for access to the unit(s).

(Ord. of 9-12-94, § 608; Ord. of 11-10-03, §§ 1, 4; Ord. of 8-14-06, § 1; Ord of 11-13-06(2), §§ 2—6; Ord. No. [2015-042](#), 11-2-15)

2.11 ALLOWABLE ACCESSORY LAND USES AND ACTIVITIES - PROPOSED ORDINANCE

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.

Commercial & Office	R-1	R-2	R-3	MH	O	MU	DM S	DT R	DV R	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	DM S	DT R	DV R	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

LARGE SHADY LOTS

The first statement suggests that the proposed reduction in setback requirements will result in having all useable land filled with new construction. The reduction in required setbacks is intended to allow citizens to better use their property without requiring variances. Currently residents seek variances regularly or are prevented from altering their property due to the large setbacks in place now. Many legal non-conforming lots exist within the City; these lots do not meet the current area regulations and are therefore further restricted by the current zoning ordinances. The reduction in setback requirements will allow citizens currently residing or owning smaller lots to better use their property and offer more opportunities for construction or alteration. While an increase in density is likely this will be a very gradual process.

SOUTHERN STRUCTURAL DIVERSITY

The second statement indicates the City of St. Marys will regulate the appearance of structures forcing them to look like the illustrations provided in the proposed zoning ordinance. The illustrations provided in the proposed changes to the zoning ordinance are representations of possible design features they are intended to inspire design. The design standards provided for in the document are established to maintain character throughout the city. The proposed changes to the ordinance will better preserve the character of areas such as the historic downtown because they will promote more historically sensitive construction as provided for in the form based code. Structures located in the downtown historic district are currently regulated by the Historic Preservation Commission through the Certificate of Appropriateness application process.

QUALITY OF LIFE

The final point states that the ordinance does not address issues such as increased traffic, noise, and utility demands. The proposed zoning ordinances does not provide for these issues as they are addressed in other sections of the existing code of ordinances. The City of St. Marys has an established water and sewer connection fee schedule (TAP fees) which address the impact of new construction on city water and sewer services (listed below).

	Water Tap		Sewer Tap		Total Water/Sewer
3/4 inch	\$	1,095	\$	3,555	\$ 4,650
1 inch	\$	1,775	\$	5,950	\$ 7,725
1 1/2 inch	\$	3,525	\$	11,805	\$ 15,330
2 inch	\$	5,620	\$	18,875	\$ 24,495
3 inch	\$	10,600	\$	35,285	\$ 45,885
4 inch	\$	17,625	\$	35,385	\$ 53,010
6 inch	\$	35,085	\$	58,940	\$ 94,025
8 inch	\$	56,035	\$	187,575	\$ 243,610