

ARTICLE I. - TITLE

This appendix shall be known and may be cited as "The Zoning Ordinance of the City of Hinesville, Georgia."

ARTICLE II. – ENACTMENT, PURPOSE, OBJECTIVES AND SCOPE OF ORDINANCE

Sec. 201. - Enactment.

In accordance with a comprehensive plan and pursuant to authority granted by Ga. Const. art. IX, § 2, ¶¶ III and IV and Chapter 66, Title 36, of the Official Code of Georgia Annotated (O.C.G.A. § 36-66-1 et seq.), the City Council of Hinesville, Georgia, does ordain and enact into law the Zoning Ordinance of the City of Hinesville. As part of this appendix so enacted into law is "The Official Zoning Map of the City of Hinesville," adopted on the 3rd day of September, 1987, and signed by the Mayor of the City of Hinesville, and as such map may be revised from time to time.

Editor's note— The Official Zoning Map of the City of Hinesville is not specifically set out herein but is on file and available for inspection in the office of the City Clerk.

Sec. 202. - Purpose.

For the purpose of promoting the health, safety, morals, convenience, order, prosperity, and general welfare of the people of the City of Hinesville.

Sec. 203. - Objectives.

These regulations are designed to:

- (1) Lessen congestion in the streets;
- (2) Secure safety from fire, panic, and other dangers;
- (3) Promote health and general welfare;
- (4) Provide adequate light and air;
- (5) Prevent overcrowding of the land;
- (6) Avoid undue concentration of the land;
- (7) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- (8) Sustain the character of the City and its suitability for particular uses;

- (9) Promote desirable living conditions and stability of neighborhoods;
- (10) Protect property from blight and depreciation;
- (11) Secure economy in governmental expenditures;
- (12) Conserve the value of buildings;
- (13) Encourage the most appropriate use of land and buildings throughout the City.

Sec. 204. - Scope.

An ordinance of the City of Hinesville, Georgia, regulating the location, height, bulk, number of stories and size of buildings and other structures; the percentage of lot which may be occupied; the sizes of yards and other open spaces; the density and distribution of population; and the uses of buildings, structures and lands for trade, industry, residence, recreation, agriculture, forestry, conservation, water supply, sanitation, public safety, public activities, preservation of scenic areas, protection against floods, rising waters and erosion, and other purposes; creating districts for said purposes and establishing the boundaries thereof; defining certain terms used herein; providing for the method of administration, appeal and amendment and duties; providing penalties for violation; and for other purposes.

ARTICLE III. – DEFINITIONS

Sec. 301. - Interpretation of terms.

For the purpose of this appendix, the following definitions shall apply:

- (1) Words used in the singular shall include the plural and the plural shall include the singular.
- (2) Words used in the present tense shall include the future tense.
- (3) The word "shall" is mandatory and not discretionary.
- (4) The word "may" is discretionary.
- (5) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," and "occupied for."
- (6) Words not defined herein shall be construed to have the meaning given by common and ordinary use.

Sec. 302. - Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them below, unless the content clearly indicates a contrary meaning.

Abandoned signs. Abandoned signs are prohibited in all districts, and shall, under this ordinance, mean the sign is located upon a property which becomes vacant or unoccupied for more than four months and the sign no longer identifies or advertises a bona fide business, service, owner, product, institution, organization, or event; the sign pertains to a time, event, or purpose which no longer applies, or a sign located upon a property or premise in which normal day-to-day business has not been conducted for more than four months and the legal sign owner cannot be located at owner's last address as reflected on the records of the Department of Inspections, provided that, a permanent sign applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the business activity remains suspended for more than four months, or; the sign is no longer fully supported, by the structure designed to support it, or maintained in accordance with section 806 of this appendix.

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

Accessory dwelling unit. Independent, complete living units created from surplus space or added in inconspicuous ways within single-family homes, or as detached structures on a single-family home lot.

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

Alley. A minor right-of-way dedicated to public use which affords only a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.

Alteration. Any change in the support members of a building, such as bearing walls, columns, or girders; any addition or reduction of a building; any changes in use or relocation of a building from one location or position to another on the same lot.

Antenna. The arrangement of wires or metal rods used in the sending and receiving of electromagnetic waves (radio waves), but not including a telecommunications tower or antenna.

Antenna support structure height. The overall vertical length of the antenna support structure or tower, above grade or ground (measured between the highest point of the antenna support structure and the natural grade directly below this point), or if such system is mounted on a building, then the overall vertical length includes the height of the building upon which the antenna support structure is mounted.

Antenna support structure or transmission tower. Any structure, mast, pole, tripod or tower utilized for the purpose of supporting an antenna or antennas for the purpose of

transmission or reception of electromagnetic waves, but not including a telecommunications tower or antenna.

Apartment building. Building containing three or more attached dwelling units designed for occupancy by three or more families living independently of each other as separate housekeeping units, including apartment houses, apartments and flats but not auto or mobile home parks, subdivisions or camps, townhouses or condominiums, hotels, or resort type hotels.

Area. The quantity of surface represented by a feature or features, such as a lot or portion thereof, or a building or portion thereof.

(1) Gross area. The total surface area associated with a feature consisting of all areas within the outside boundary or boundaries. For a building, this area represents the area of the building "footprint" times the number of stories.

(2) Net area. The total surface area associated with a feature, minus any portions of the feature that do not represent usable space. For a lot, the unusable space consists of wetlands, utility and drainage easements. For a building, unusable space consists of utility areas, common hallways, and related areas.

Arterial street. A street or highway which is used to move fast or heavy traffic between population centers or from one section of the urban area to another. This class of highway includes heavily traveled routes that may warrant multilane status.

Automobile service station. A building, lot, or both, in or upon which the business of minor commercial general motor vehicle repair and service is conducted, including the retail sale of gasoline, oil and grease, batteries, tires and auto accessories, but excluding major auto repairs, such as the removal of motor heads, entire motors and crankcases, auto body work and auto painting; and excluding a junk or auto wrecking business. No part of the building or lot will be used for dismantling wrecked vehicles or wrecked vehicle parts.

Awning and canopy sign. See *Building sign*.

Banner. Any sign of lightweight fabric, paper, canvas, plastic or similar material on which a message, slogan or emblem is painted, drawn or otherwise projected, colored or shaped for the purpose of advertising or drawing attention to a product, object, activity or facility, to include, but not limited to, such things as trash receptacle covers, tire covers, rack covers, changeable or removable paper, cardboard, cloth, canvas or plastic displays advertising products, services or facilities obtainable or available on the premises.

Beneficial user. Any person deriving the proceeds or other advantages from the erection or operation of a sign.

Bicycle lane (bike lane). The portion of a roadway which has been designated by striping, signs, and pavement markings for the preferential or exclusive use of the bicycle. Sidewalks are not encouraged as substitutes for bike lanes.

Bicycle path (bike path). A bike path is physically separated from motorized vehicle traffic by an open space or barrier and is located either within the roadway right-of-way or within its own independent right-of-way. Bike paths are facilities on exclusive rights-of-way with minimal cross flow by motor vehicles and are intended for the exclusive or preferential use of bicycles. Bike paths should not be located immediately adjacent to streets and highways.

Bicycle route (bike route). A bicycle route is a segment of a system of bikeways, paths, and lanes with appropriate directional and informational markers for its users.

Bikeway. A bikeway is a road, path or way which in some manner is specifically designated as being open to bicycle travel, whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

Billboard. ~~A sign, with an area greater than 200 square feet, which is supported by one or more columns, uprights, or braces in or upon the ground and is not attached to a building and is not mobile or temporary. Billboards shall only be permitted on properties zoned C-3 (highway commercial) and L-1 (light industrial) and as further limited by section 806 of article VIII. A billboard is a free-standing sign, excluding off-premises directional signs as defined hereinafter, that exceeds the maximum sign face or sign structure area permitted by right on a property under the provisions of Section 812 (a) and (b). A billboard may be allowed individually as a principal use on a property under the conditions outlined in Sections 812.~~

Boardinghouse. A dwelling other than a hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided for three or more persons.

Buffer. A combination of horizontal space (land) and vertical elements (plans, fences, walls, etc.) used to physically separate or visually screen incompatible adjacent land use.

Buildable area of lot. The portion of a lot remaining after the required setbacks (front, side and rear yard) have been provided for.

Building. Any structure designed or built for the support, shelter, housing or enclosure of persons, animals or property of any kind.

Building height. The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deck line of a mansard roof, or to the average heights of highest gable or pitch of a pitch gambrel or hip roof.

Building line. That line which represents [the] distance a building or structure must be set back from a lot boundary line or a street right-of-way line according to the terms of this appendix.

Building, principal. A building in which there is conducted the principal use of the lot on which said building is situated.

Building sign. A sign that in any manner is fastened to, projects from, or is placed or painted upon the exterior wall, window or door of a building. The term "building sign" includes, but is not limited to, the following:

a. *Awning sign.* A sign imposed or painted upon an awning or any roof-like structure projecting from a building which provides either permanent or temporary shelter for adjacent walkways or entrances to a building or property. Awning signs must be entirely supported from the building.

b. *Canopy sign.* A sign imposed or painted upon any roof-like structure projecting from a building which provides either permanent or temporary shelter for adjacent walkways or entrances to a building or property. A display attached to the underside of a marquee or canopy and protruding over any public or private sidewalk or right-of-way. Canopy signs must be entirely supported from the building.

c. *Marquee sign.* Any sign attached flat against the marquee or permanent sidewalk canopy of a building and not extending above the roof line.

d. *Projecting sign.* A sign affixed to a wall and extending more than four inches from the surface of such wall, usually perpendicular to the wall surface.

e. *Roof sign.* A sign that is mounted on, applied to, or otherwise structurally supported by the roof of a building.

f. *Wall sign.* Any sign that is attached flat to, or is fastened directly and parallel to, or is placed or painted directly upon the exterior wall of a building and extends from the surface of the wall no more than 18 inches.

g. *Window sign.* A sign that is placed on or behind a window pane and intended to be viewed from outside the building.

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

Canopy sign. A sign imposed or painted upon any roof-like structure projecting from a building which provides either permanent or temporary shelter for adjacent walkways or entrances to a building or property. A display attached to the underside of a marquee or canopy and protruding over any public or private sidewalk or right-of-way. Canopy signs must be entirely supported from the building.

Changeable copy.

(1) *Automatic.* A sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units. Copy shall mean words and numbers.

(2) *Manual.* A sign on which [the] copy is changed manually in the field, e.g., reader boards with changeable letters. Copy shall mean words and numbers.

Child caring institutions. Any institution, society, agency, or facility which provides full-time care for six or more children under 17 years of age outside of their own homes, subject to such exceptions as may be provided in [the] rules and regulations of the State of Georgia department regulating child caring institutions.

Club. Building and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Cluster zoning. A zoning ordinance provision that permits the reduction in minimum lot sizes under circumstances that assure that the amount of land reduced from the minimum size of each lot in the development will be aggregated and set aside within the development for recreational, conservation, historic or scenic purposes.

Collector street. A public way designed primarily to connect local streets with arterials or to provide access from residential areas to major destination points such as shopping or employment centers and which may be expected to carry a significant volume of traffic.

Community use. Administrative and legislative government offices, schools, postal facilities, cultural facilities, such as libraries and museums, meeting halls, clubhouses, amphitheatres, band shells, and pavilions.

Condominium (building). A building containing three or more attached individually owned dwelling units and related, jointly owned, common areas under condominium or cooperative ownership.

Conventional construction. A building constructed on the building site from basic building materials, including electrical, plumbing and heating and air conditioning, delivered to the site and from lumber cut on the job. Conventional construction shall comply with the City of Hinesville Building Code and relative ordinances. (May also be known as "stick construction").

Court. An open space enclosed wholly or partly by buildings or circumscribed by a single building.

Day care center. Any place operated by a person, society, agency, corporation, institution, or group wherein are received for pay for group care, for fewer than 24 hours per day, without transfer of legal custody, 19 or more children under 18 years of age, and which is required to be licensed or commissioned by the State of Georgia department regulating the use of day care centers.

Day care home, family. A private residence operated by any person who receives therein for pay for supervision and care, fewer than 24 hours per day, without transfer of legal custody, a maximum of six children, to include any children considered normal residents of said dwelling, under 18 years of age.

Day care home, group. Any place operated by any person(s), partnership, association or corporation wherein are received for pay for group care not less than seven nor more than 18

children under 18 years of age for less than 24 hours per day without transfer of legal custody and which is required to be licensed or commissioned by the State of Georgia department regulating the use of group day care homes.

Density. The number of dwelling units per net acre of land developed or used as residential purposes.

Directional sign. A sign used to give direction or specific instruction to the public, such as, but not limited to, "enter," "exit," "no parking," "drive through," or "restroom." Such signs shall contain only instructional information. Commercial logos, messages or insignia are not permitted on any directional sign. Directional signs are designed only to promote safe movement of vehicular and pedestrian traffic.

Director of Inspections. The City of Hinesville Director of Inspections or his/her designee.

Downtown redevelopment master plan. The plan that identifies the planning area, major streets, patterns, building masses, shared public spaces, proposed densities, and land use assumptions for the geographically designated areas within the City of Hinesville Overlay District (see overlay district map A-1). It encourages coordinated, unified development and identifies the phase of construction by creating partnerships with the adjacent property owners and developers.

Dwelling. Any buildings, or portion thereof, which is designed or used as living quarters for one or more families.

Dwelling, multifamily. A dwelling within a building containing three or more dwellings designed for occupancy by three or more families living independently of each other including apartments, apartment houses, but not including auto or mobile home parks, subdivisions or camps, condominiums or townhouses, hotels or resort type hotels.

Dwelling, single-family. A dwelling designed to be occupied by one family.

Dwelling, two-family (duplex). A building designed exclusively for occupancy by two families living independently of each other and does not include condominiums or townhouses.

Dwelling unit. One or more rooms within a dwelling constituting a separate, independent housekeeping establishment, with provision for cooking, eating and sleeping, and physically set apart from any other rooms or dwelling units in the same structure.

Eaves. The lowest horizontal line of a sloping roof.

Erect. To build, paint, construct, attach, hang, place, suspend or affix.

Facade. The face of a building most nearly parallel with the right-of-way line of the street upon which the building faces.

Facade articulation. The interruption of the building facade through the use of awnings, arches, display windows, or other elements which present a pedestrian scale.

Facing. The surface or plane of a sign upon, against, or through which a message is displayed or illustrated.

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

Family. Two or more persons residing in a single dwelling unit where all members are related by blood, marriage, or adoption up to the second degree of consanguinity, or by foster care. For the purposes of this definition, "consanguinity" means only the following persons are related within the second degree of consanguinity: Husbands and wives, parents and children, grandparents and grandchildren, brothers and sisters, aunts and uncles, nephews and nieces, and first cousins. For the purposes of this definition, a person shall be considered to reside in a dwelling unit if he or she stays overnight in a dwelling unit for more than 30 days within a 90-day period. The term "family" does not include any organization or institutional group. For regulations see section 624.

Any nonconforming use created by the adoption of this definition of "family" which was a legal use at the time of adoption shall be permitted to continue through November 2, 2008. After which date, the use of such dwelling shall be in compliance herewith. Any use established prior to or subsequent to the adoption of this definition of "family," which use did violate and continues to violate the standards of this chapter, is illegal, not nonconforming, and shall be handled in accordance with section 906.

Flag, streamer, festoons. A cloth, or similar material, a string of ribbons, tinsel, small flags, streamers, or pinwheels with colors, patterns, etc., used as a signal.

Flashing/animated sign. Any sign that uses fading, swiping, or other animated transition methods, or uses movement or change of lighting to depict action or create a special effect or scene. "Flashing/animated sign" includes, but is not limited to, use of spinners, banners, aerial devices, inflatable objects or other attention-getting devices.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and the unusual and rapid accumulation of runoff of surface waters from any source.

(1) Floodplain. The land area subject to inundation by waters of the 100-year flood as delineated by the official zoning map. The 100-year flood has a one percent chance of occurring during any given year.

(2) Floodproofing. A combination of structural and/or nonstructural addition, changes, adjustments, or provision to properties or structures subject to flooding which will reduce or eliminate flood damages to properties, water and sewer facilities, structures, and contents of buildings.

(3) Flood fringe area. That area of the floodplain lying outside the floodway but still lying within the area of special flood hazard, i.e., within the 100-year floodplain.

(4) Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the velocity waters of the regulatory flood.

(5).Regulatory flood. For the purposes of this appendix, a flood event having a one percent chance of occurring in any given year, although the flood may occur in any year, i.e., the 100-year flood.

(6) Regulatory flood elevation. The crest elevation in relation to mean sea level expected to be reached by the regulatory flood at any given point in any area of special flood hazard.

Garage, private. An accessory building or portion of a principal building used only for private storage of motor vehicles as an accessory use.

Garage, repair. A building and premises designed or used exclusively for major commercial vehicle repairs; provided, that auto body work and auto painting shall be conducted within fully enclosed buildings and, provided further, that there is no storage of junk, wrecked vehicles, dismantled vehicles and dismantled vehicle parts or supplies visible beyond the premises.

Home occupation. Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the residential character thereof, and which is conducted entirely within the principal or accessory building permitted under section 601 and in which no mechanical equipment is used or activity is conducted which creates any noise, dust, odor, light or electrical disturbance beyond the confines of the lot on which said occupation is conducted. A permitted home occupation shall be a limited type of office or business approved for operation in a residentially zoned area. The operation of a home occupation must adhere to those restrictions in section 607.

Hotel. A building or group of buildings under one ownership containing six or more sleeping rooms occupied, intended or designed to be occupied, as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including an auto or trailer court or camp, sanitarium, hospital, asylum, orphanage or building where persons are housed under restraint.

Illuminated sign. Any sign which has characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes as a part of the sign itself; and further, any sign that has light cast upon the sign from a source either internal to the sign or from an external light source directed primarily toward such sign.

Industrialized building. Any structure or components thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized buildings and building components shall bear a seal or label certifying compliance with State of Georgia Rules for

Industrialized Buildings. All on-site work, including building foundations and connections to public utilities, i.e., gas, electrical and plumbing shall comply with the City of Hinesville Building Code and other related codes and ordinances. (Also includes terms such as factory-built housing, modular homes and pre-fabricated buildings.)

Inflatable sign. Any sign, balloon, or similar device which can be inflated with air or gas and mounted or flown over a site.

Institution. A non-profit organization or corporation or a non-profit establishment for public use.

Junkyards. An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" includes automobile wrecking yards and includes any area for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Landscape amenities. Living or non-living materials used to augment the beauty or usability of a landscaped area. Amenities may include, but not limited to: additional vegetation, flower gardens, tables, sculptures, monuments, benches, gardens, banners, enhanced pavement, pedestrian plaza areas, fountains, and planters.

Landscape islands. A raised unpaved area located within or protruding into a parking lot of the center unpaved area of a cul-de-sac or traffic circle. The area of a landscape island is measured from the back of the inside curb to the back of inside curb.

Live/work units. Units which offer both a studio work environment and a living environment. The work environment must be primarily involved in the artistic crafts, offices, or serve uses with minimum impacts on the surrounding neighborhood, such as self-employed consultants, researchers, or artists.

Loading space, off-street. Space logically and conveniently located for pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such deliveries.

Local street. These roads serve the final function in destination trips and the initial function at point of origin. They provide direct access to adjacent land as well as serve the purpose of short distance transportation needs. This category encompasses all highways not classified by either arterial or collector streets.

Lot. A parcel or plot of land of varying size which is designated as a single unit of property and which is intended to be occupied by one building, or group of buildings, and its accessory buildings and uses as required by this appendix.

(1) Lot, area. The total net area included within lot lines.

(2) Lot, corner. A lot which at least two intersecting sides abut for their full lengths on a street.

(3) Lot coverage. The percentage of the lot area covered by principal and accessory buildings and structures.

(4) Lot, double frontage. A lot, other than a corner lot, which has frontage on more than one street other than an alley.

(5) Lot lines. The lines forming boundaries for a lot as defined above.

(6) Lot width. Distance between the side boundaries of the lot measured at the minimum required front yard setback line.

Lot of record. An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the record of the Clerk of Liberty County Superior Court.

Main entrance. The entrance of the building which is most architecturally prominent and contains operable doors.

Mansard sign. A sign imposed, mounted, or painted on a steeply roof-like facade architecturally similar to a building wall.

Manufactured home. A structure, transportable in the traveling mode, which is eight or more body feet in width and 40 or more body feet in length and 320 or more in square feet, and which is built on a permanent chassis and designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities and includes the plumbing, heating and air conditioning and electrical systems contained therein. All on-site work, including building foundations and connections to public utilities, i.e., gas, electrical and plumbing shall comply with the City of Hinesville Building Code and other related codes and ordinances.

Manufactured home park. A parcel of land under a single ownership or management which is used or intended to be used for the rental or lease of spaces or lots and the provision of services for two or more manufactured homes.

Manufactured home space, lot. A plot of ground within a mobile home park designed for the accommodation of one manufactured home.

Marquee sign. A sign imposed, mounted, or painted on a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

Medical office. Use designation limited to those professionals providing daytime health care; specifically, physicians, dentists, and associated medical specialist, psychiatrists, chiropractors, and physical therapist.

Mini-warehouse. A building or a group of buildings in a controlled access and fenced compound that contains various sizes of individual compartmentalized controlled access stalls or lockers for the dead storage of customers' goods or wares. Dwelling units on the premises is [are] prohibited except that one dwelling unit may be permitted for security use and shall be

used only by the compound caretaker. A manufactured (mobile) home will not be authorized for this purpose. Sale of goods or services on the premises is also prohibited. This definition includes the term self-service mini-storage.

Mixed-use. A single building containing two or more types of land use; or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

Mobile home. Factory-built homes produced prior to June 15, 1976, when the National Manufactured Housing Act of 1976 went into effect. All on-site work, including building foundations and connections to public utilities, i.e., gas, electrical and plumbing shall comply with the City of Hinesville Building Code and other related codes and ordinances.

Mobile sign. Any sign which is attached to, mounted on, pasted on, painted or drawn on any vehicle, whether motorized or drawn, which is placed or maintained at one or more particular locations for the express purpose and intent of promotion, or conveying an advertising message.

Modular home. See *Industrialized building*. The chassis of a modular home shall be used for transport of the modular units to the site only.

Monument sign. A freestanding sign mounted directly upon the ground. Such sign may not be attached to or be a part of or supported by the building in or to which the sign applies.

Neo-traditional. Developments that favor the return of pre-World War II patterns of development with such traditional features as grid-street patterns, reduced setbacks, prominent front porches, multi-use buildings, and housing clustered near commercial service areas.

Noncombustible material. Any material which will not ignite at or below a temperature of 1200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

Nonconforming use. A structure or parcel of land, or the use thereof, which does not conform to the regulations of the land use district in which it is situated.

Nursing home. A home for aged or ill persons in which three or more persons not of the immediate family are provided with food, shelter and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment.

Obscene display. Any sign containing any statement, word, or picture of an obscene, indecent, or immoral nature in violation of O.C.G.A. § 16-12-80, or any other applicable State or Federal law.

Off-premises directional sign. Any permanent sign, excluding billboards as defined above, the purpose of which is limited exclusively to the identification of a use or occupancy located elsewhere and which tells or shows the location, direction of or route to such use or occupancy.

Open space. The portion of a site required by the zoning regulation to be maintained as open or "green" space. Open space areas shall be free of any structures and off-street parking areas.

Overlay district. A district which is placed "over" the base zoning system to modify the development guidelines and to achieve a specific purpose for that area. The regulations of the underlying zoning district and all other regulations, remain in effect. If any regulations conflict with the underlying zoning, the overlay district guidelines prevail.

Owner. The holder of the title in fee simple and every mortgagee of record.

Parapet sign. A sign imposed, mounted or painted on, and not extending above the top of the extension, false front or wall above the roofline.

Pedestrian-scaled or people-scaled. The establishment of appropriate proportions for building mass and features in relation to pedestrians and the surrounding context.

Personal care home. A facility intended to provide living quarters and limited services for individuals who require social, medical, and/or mental health services in a community-based residential setting. Homes must be operated under a program authorized or directed by the State of Georgia department regulating personal care homes.

(1) *Personal care home, family.* A group home serving six or fewer residents (including any live-in or overnight staff), and located in a building that closely resembles a single-family dwelling.

(2) *Personal care home, group.* A group home serving fewer than 15 residents (including any live-in or overnight staff), and located in a building that may [may] resemble a multifamily dwelling structure.

Planned unit development. A planned development consisting of diverse land uses, such as housing, recreation, and commercial use.

Portable sign. Any sign designed to be moved easily and not permanently affixed to the ground, or to a structure or building. This definition shall include, but is not limited to, mobile signs, trailer signs, and devices mounted upon parked vehicles in such a manner as to serve the purpose of a sign.

Professional office. Use or occupancy by persons engaged in rendering personal, executive, or administrative services or activities, including accountants, architects, engineers, land surveyors, doctors, lawyers and administrative offices generally considered professional in character.

Projecting sign. See *Building sign*.

Public or community sewerage system. This means any sewage treatment works, pipe lines or conduits, pumping stations and force mains and all other constructions, devices, and

appliances appurtenant thereto, designed for conducting sewage upon treatment for ultimate disposal into lakes, streams, estuaries, or other bodies of surface water, or land application.

Public utility. Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: natural gas, steam, electricity or other energy sources, sewage disposal, communication, or water.

Recreational vehicle. A vehicular type portable structure without a permanent foundation, which can be towed, hauled or drawn and is primarily designed as temporary living accommodation for recreational camping and travel use and, including but not limited to, travel trailers, truck campers, camping trailers and self propelled motor homes.

Right-of-way line. The outside boundaries of a highway right-of-way, whether such right-of-way be established by usage, dedication or by the official right-of-way.

Roof sign. See *Building sign.*

Roofline. The highest continuous horizontal line of a roof. On a sloping roof, the roofline is the principal ridgeline, or the highest line common to one or more principal slopes of roof. On a flat roof, the roofline is the highest continuous line of the roof or parapet, whichever is the higher.

Rotating sign. A sign which is designed to revolve by means of electrical power.

Setback line. That line which is the minimum required distance from the street right-of-way or any other lot line that establishes the area within which the principal structure must be placed or erected. (See section 302, building line)

Shopping center. A group of retail sales, service, and business establishments under a single ownership or management and identified as a unified shopping entity. A shopping center may include out-parcels under different ownership or management if these out-parcels were planned or developed in conjunction with the development of the shopping center or were part of the parent tract from which the shopping center was developed.

Sign. Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement or illumination.

Sign face. The surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign height. The overall measurement from the highest part of a sign, including all support structures, to the highest surface of the adjacent public road, sidewalk, parking lot, or unimproved ground. Any earth berms and elevated foundations supporting signs, sign posts or other sign supports shall be included in the height of the sign.

Signable area. The area within a continuous perimeter enclosing the limits of writing, representations, emblems or any figures or similar characters, together with any frame or other material or color forming an integral part of the display or used to differentiate this sign from the background against which it is placed, excluding the necessary supports or uprights on which this sign is placed; provided, however, that any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip or fixture of any kind composing the display face, shall be included in the computation of the area of the sign whether this open space be enclosed or not by a frame or border. For projecting or double-faced signs, only one display face shall be measured in computing [the] sign area when the sign faces are parallel, or where the interior angle formed by the faces is 60 degrees or less; provided, that it is a common attached structure. If the two faces of a double-faced sign are of unequal area, the area of the sign shall be taken as the area of the larger face.

Site built dwelling. Any structure which is wholly constructed on a building site. All on-site work, including building foundations and connections to public utilities, i.e., gas, electrical and plumbing, shall comply with the City of Hinesville Building Code and other related codes and ordinances.

Special event. Any activity or circumstance above and beyond the normal day-to-day activities of the business or institution concerned, to include sales, grand openings, going-out-of-business sales, relocations, new product announcements, and other temporary events.

Special use. A special use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to [the] number, area, location, design characteristics, or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in zoning districts as special uses, if specific provision for such special uses are made in this Zoning Ordinance. This is not to be confused with "variance."

Stanchion sign. A freestanding sign mounted on one or more steel poles set in the ground and of sufficient strength and size to support the advertisement portion of such structure that rests upon or is supported by such poles. Such freestanding signs must be in conformance with size and height restrictions imposed elsewhere in this chapter [ordinance].

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is not [no] floor above it, then the space between the f

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

Street centerline. That line surveyed and monumented by the governing authority shall be the centerline of a street, or in the event that no centerline has been determined, it shall be that line running midway between, and parallel to, the outside right-of-way lines of such streets.

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

Streetscape. A combination of vegetation, amenities, and special visual features along either side of vehicular travel lanes for the purpose of aesthetics or shade.

Streetscape furniture. Amenities, such as benches, lighting, and trash receptacles which help to carry out the development's chosen theme.

Structural alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

Structural trim. The molding, battens, capping, nailing strips, latticing, and platforms which are attached to a sign structure.

Structure. Anything constructed or erected, the use of which required location on the ground or attached to something having a location on the ground, including but not limited to buildings, manufactured (mobile) homes, signs, walls and fences.

Structure height. The vertical distance from the base of the structure and that portion of the lot on which the structure is located to the highest point of the structure.

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

Surface. See *Facing*.

Telecommunication/transmission antenna. An exterior device used to send or receive electromagnetic waves for cellular telephone, pager, or other personal communications devices.

Telecommunication/transmission tower. Any structure designed and constructed for the primary purpose of supporting one or more telecommunication/transmission antennas. Telecommunication/transmission towers may be of the following construction types.

(1) Guyed. A vertical structure anchored by guy wires.

(2) Monopole. A vertical self-supporting structure, not guyed, made of spin-cast concrete, concrete, steel, or similar material, presenting a solid appearance.

(3) Lattice. A vertical self-supporting structure, not guyed, with three or more sides consisting of open-frame supports.

(4) Stealth. A tower designed and constructed so as to resemble some object other than a telecommunications tower. Objects may include, but are not limited to, trees or church steeples.

Temporary sign. Any non-permanent sign erected, affixed, or maintained on a premises and anticipated to be removed within a six-month period.

Temporary stanchion sign. A non-permanent, freestanding sign mounted on one or more posts or poles set in the ground and of sufficient strength and size to support the advertising portion of the structure. Said sign is used to announce the occurrence of a special event as hereinabove defined, or the occurrence of a temporal event or activity. Such freestanding signs must be in conformance with size and height restrictions imposed elsewhere in this article.

Temporary subdivision sign. Any non-permanent sign erected, affixed, or maintained on a site, whether of a residential or commercial nature, used to announce the future or ongoing occurrence of development.

Townhouse (building). A building containing three or more attached single-family dwelling units separated by lot lines, with no related common areas.

Travel way. A pedestrian, bicycle, or motorized vehicle path.

Use. The specific purpose for which land, structure, or a building is designed, arranged, or intended and for which it is or may be used, occupied or maintained.

Useable open space. Areas which serve the need for leisure, recreation, or pedestrian interaction. Spaces may include, but are not limited to plaza areas, open lawn areas, trails, recreational facilities, gardens, and pedestrian walkways.

Variance. A variance is a relaxation of the terms of the Zoning Ordinance. Where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance will result in unnecessary and undue hardship. As used in this appendix a variance is authorized only for height, area, and size of structure, for size of yards and open spaces, and for any rule or regulation herein involving distance, area height, or any other dimension, to include, by way of example but not limited to, setback distances for buildings, distances of curb cuts from corner, etc.; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. This is not to be confused with "special uses."

Vehicle use area. The area of development subject to vehicle traffic, including accessways, loading and service areas, areas used for parking or storage of vehicles, boats or portable construction equipment, and all land which vehicles cross over as a function of the primary use.

Vehicular signs. A "vehicular sign" includes any name, insignia, logo, or sign attached to, mounted on, pasted on, painted, drawn on, or otherwise affixed to any vehicle (motorized or drawn) or conveyance placed, parked, or maintained at one particular location for the primary purpose of advertising or promoting a product or service, or directing people to a business or activity. For purposes of these regulations, the length of time a vehicle is present at one particular location shall raise a presumption that its primary purpose is to serve as a vehicular sign, except where the business has no reasonable alternative location on the site to park the vehicle. This definition shall not apply when:

(1) To signs on vehicles when in motion or to vehicles, with vehicular signs, that are "actively" used to transport persons, goods, or services in the normal course of business (i.e. delivery service, construction trailer, etc.), or to portable signs as defined herein.

(2) When such vehicles are parked in an inconspicuous area;

(3) When such vehicles are actively being used for storage of construction materials for, and on the same lot with a bona fide construction project for which building and other applicable permits have been issued and where construction is underway and provided said vehicles or conveyance are located within designated storage areas.

Wall sign. See Building sign.

Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a principal structure from the ground upward except where otherwise specifically provided in these regulations that an accessory building may be located in a portion of a yard required for a principal building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the principal building shall be used.

(1) *Yard, front.* A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the principal building.

(2) *Yard, rear.* A yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear outside wall of the principal building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

(3) *Yard, side.* A yard between the building and the side line of the lot and extending from the front yard line to the rear yard line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the principal buildings.

Zoning. An amendment to, or change in the Zoning Ordinance. Rezoning, or amendment can take three forms:

(1) A comprehensive revision or modification of the zoning text and map;

(2) A text change in zone requirements; and

(3) A change in the map, i.e., the zoning designations of a particular parcel or parcels.

(Ord. No. 2004-01, § I(1), 3-4-2004; Ord. No. 2006-01, § I(2), 3-2-2006; Ord. No. 2007-09, § I(1), 11-7-2007; Ord. No. 2010-01, § I, 3-4-2010)

ARTICLE IV. - ESTABLISHMENT AND INTERPRETATION OF LAND USE DISTRICTS

Sec. 401. - Establishment of land use districts.

For the purpose of these regulations, the City of Hinesville, Georgia is hereby divided into the following land use districts.

Residential Districts

- R-1 Single-Family Dwelling District
- R-2 Single-Family Dwelling District
- R-3 Single-Family Dwelling District
- R-4 Single-Family Dwelling District
- R-A-1 Multifamily Dwelling District
- R-TH Townhouse Dwelling District
- MH Manufactured Home Park Dwelling District
- MH-2 Single-Family Manufactured Home Dwelling District
- PUD Planned Unit Development District

Commercial Districts

- O-I Office—Institutional District
- O-C Office—Commercial District
- C-1 Central Business District
- C-2 General Commercial District
- C-3 Highway Commercial District
- D-D Downtown Development District

Industrial Districts

L-I Light Industrial District

Special Districts

FH Flood Hazard District

MR Military Reservation District

PDD Planned Development District

MIZOD Military Installation Zoning Overlay District

Sec. 402. - Interpretation of land use district boundaries.

Where uncertainty exists with respect to the boundaries of any of the land use districts as shown on the zoning maps, the following rules shall apply:

- (1) Where district boundaries are indicated as approximately following street or highway lines, said boundaries shall be construed as following the centerline of such street or highway.
- (2) Where district boundaries are indicated as approximately following lot lines, said boundaries shall be construed as following such lines.
- (3) Where district boundaries are indicated as being approximately parallel to the centerlines or right-of-way lines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto at the distance indicated on the Zoning Map.
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change, the boundary line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of rivers, creeks, canals, lakes, inlets, or other such bodies of water shall be construed to follow such centerlines.
- (6) Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map, the Mayor and City Council shall interpret the district boundaries (See article X, Appeals).

(7) Where a district boundary line divides a lot which was in single ownership at the time of passage of this appendix, the Mayor and City Council may permit the extension of the regulations for either portion of the lot not to exceed 75 feet beyond the district line into the remaining portion of the lot (see article X, Appeals).

Sec. 403. - Interpretation of permitted uses.

In instances where a land use is proposed and that use is not listed under any use regulations of the various land use districts, article V of this appendix, the Building and Zoning Official will interpret proposed use classification relative to common and/or similar listed use and determine appropriate land use district (See article X, Appeals).

Sec. 404. - Annexation and other adjustments to City limits.

Where City limit boundaries change by virtue of annexation or some other means, the provisions of O.C.G.A. § 36-66-4(d) shall apply (see also article XI, Amendments to the Zoning Ordinance).

ARTICLE V. - SPECIFIC ZONING DISTRICT REGULATIONS

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

Sec. 501. - R-1, single-family dwelling district.

This is the most restrictive residential district. The principal use of land is for single-family dwellings and related recreational, religious, and educational facilities needed to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the single-family residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

(A) *Use regulations.* A building and property shall be used for the following purposes:

- (1) Single-family site-built dwellings;
- (2) Home occupation (see section 607);
- (3) Parks, playgrounds, and golf courses;
- (4) Family day care home;
- (5) Family personal care homes (see section 623); [and]

(6) Accessory buildings and structures customarily incidental to permitted principal uses and on the same parcel; provided, it is located to the rear of said parcel (i.e., behind the primary structure).

(7) Conservation Subdivisions.

(B) Special permit uses. The following uses may be permitted in accordance with provisions contained in article IX, section 905, and if additional conditions which may be required are met.

(1) Cemetery; provided, that such use:

(a) Consist of a site of at least five acres;

(b) Has a ten foot wide planted buffer strip around its entire perimeter, which is kept free of any use except access;

(c) Includes no crematorium or dwelling unit;

(d) Has a front yard setback of at least 20 feet from abutting street right-of-way line; [and]

(e) Is located on a lot fronting on an arterial or collector street.

(2) Public (elementary and high), or private schools (no housing or sleeping accommodations permitted); provided, that it is located on a lot fronting on an arterial or collector street.

(3) Church, synagogue, temple or other place of worship; provided, that it is located on a lot fronting on an arterial or collector street. Said use should [shall] provide buffering in accordance with section 602 of this appendix. The design must comply with the City of Hinesville Noise Ordinance.

(4) Day care home, group; provided, that the site and construction plans for such facilities receive the written approval of the State of Georgia Department of Human Resources, City of Hinesville City Council, and the City of Hinesville Fire Marshal prior to the issuance of any permits for construction and operation, and that it is located on a lot fronting on an arterial or collector street.

(5) Day care center; provided, that the site and construction plans for such facilities receive the written approval of the State of Georgia Department of Human Resources, City of Hinesville City Council, and the City of Hinesville Fire Marshal prior to the issuance of any permits for construction and operation, and that it is located on a lot fronting on an arterial or collector street.

(6) Public utilities (substation); provided, that:

(a) The use is enclosed by a chainlink fence or a solid brick, concrete block or stone wall at least six feet in height; [and]

(b) There is neither office or commercial operation or storage of vehicles or equipment on the premises.

(C) *Height regulations.* No building shall exceed 35 feet in height.

(D) *Area regulations.*

(1) *Front yard.* There shall be a front yard having a depth of not less than 50 feet.

(2) *Side yard.* There shall be two side yards, one on each side of the principal structure, each having a width of not less than 15 feet. When a lot is located at an intersection of two streets, the width of the yard along the side street shall not be less than 50 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(3) *Rear yard.* There shall be a rear yard having a depth of not less than 40 feet. When a double frontage lot is involved the rear yard shall have a depth of not less than 50 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet. When abutting a delineated wetland or conservation easement of not less than 20 feet in depth measured from the rear of the subject R-1 property the setback shall be 20 feet.

(4) *Lot area.* Every lot shall have an area of not less than 20,000 square feet and a lot width of not less than 125 feet; except, that if a lot has less area or width than herein required and was of record on the effective date of this appendix, that lot may be used for any purpose permitted in this district.

(5) *Minimum floor area.* The building area shall not be less [than] 2,000 square feet of heated floor space.

(6) *Lot coverage.* Lot coverage shall not be more than 17 percent.

Sec. 502. - R-2, single-family dwelling district.

This is the residential district, which allows a greater density of single-family dwelling units than the R-1 district. The principal use of land is for single-family dwellings and related recreational, religious, and educational facilities needed to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the single-family residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwelling and related facilities and through consideration of the proper functional relationship of each element.

(A) *Use regulations.* A building and property shall be used for the following purposes:

(1) Single-family site-built dwellings;

(2) Home occupations (see section 607);

- (3) Parks, playgrounds, and golf courses;
- (4) Family day care home;
- (5) Family personal care home (see section 623); [and]
- (6) Accessory buildings and structures customarily incidental to permitted principal uses and on the same parcel, provided it is located to the rear of said parcel (i.e., behind the primary structure).

(7) Conservation Subdivisions.

(B) Special permit uses. The following uses may be permitted in accordance with provisions contained in article IX, section 905, and if additional conditions which may be required are met.

(1) Cemetery; provided, that such use:

- (a) Consists of a site of at least five acres;
- (b) Has a ten foot wide planted buffer strip around its entire perimeter, which is kept free of any use except access;
- (c) Includes no crematorium or dwelling unit;
- (d) Has a front yard setback of at least 20 feet from abutting street right-of-way line; [and]
- (e) Is located on a lot fronting on an arterial or collector street.

(2) Public (elementary and high), or private school (no housing or sleeping accommodations permitted); provided, that it is located on a lot fronting on an arterial or collector street.

(3) Church, synagogue, temple or other place of worship provided that it is located on a lot fronting on an arterial or collector street. Said use shall provide buffering in accordance with section 602 of this appendix. The design must comply with the City of Hinesville Noise Ordinance.

(4) Day care home, group (center), or kindergarten for seven or more children under 18 years of age; provided, that the site and construction plans for such facilities shall receive the written approval of the State of Georgia Department of Human Resources, the City of Hinesville City Council, and the City of Hinesville Fire Marshal prior to the issuance of any permits for construction and operation; and it is located on a lot fronting on an arterial or collector street.

(C) Height regulations. No building shall exceed 35 feet in height.

(D) Area regulations.

(1) *Front yard.* There shall be a front yard having a depth of not less than 40 feet.

(2) *Side yard.* There shall be two side yards, one on each side of the principal structure, each having a width of not less than 15 feet. When a lot is located at an intersection of two streets, the width of the yard along the side street shall not be less than 30 feet.

(3) *Rear yard.* There shall be a rear yard having a depth of no less than 20 feet. When a double frontage lot is involved the rear yard shall have a depth of not less than 40 feet.

(4) *Lot area.* Every lot shall have an area of not less than 15,000 square feet and a lot width of not less than 100 feet; except, that if a lot has less area or width than herein required and was of record on the effective date of this appendix, that lot may be used for any purpose permitted in this district.

(5) *Minimum floor area.* The building area shall not be less than 1,700 square feet of heated floor space.

(6) *Lot coverage.* Lot coverage shall not be more than 20 percent of the lot area.

Sec. 503. - R-3, single-family dwelling district.

This is the residential district, which allows a greater density of single-family dwelling units than the R-2 district. The principal use of land is for single-family dwellings and related recreational, religious, and educational facilities needed to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate with the maximum density single-family residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

(A) *Use regulations.* A building and property shall be used for the following purposes:

(1) Single-family site-built dwellings;

(2) Home occupation (see section 607);

(3) Parks, playgrounds, and golf courses;

(4) Day care for up to a maximum number of six children, to include any children considered normal residents of said dwelling;

(5) Type I group homes (see section 623); [and]

(6) Accessory buildings and structures customarily incidental to permitted principal uses and on the same parcel; provided it is located to the rear of said parcel (i.e., behind the primary structure).

(7) **Conservation Subdivisions.**

(B) Special permit uses. The following uses may be permitted in accordance with provisions contained in article IX, section 905, and if additional conditions which may be required are met.

(1) Cemetery; provided, that such use:

(a) Consists of a site of at least five acres;

(b) Has a ten foot wide planted buffer strip around its entire perimeter, which is kept free of any use except access;

(c) Includes no crematorium or dwelling unit;

(d) Has a front yard setback of at least 20 feet from abutting street right-of-way line; [and]

(e) Is located on an arterial or collector street.

(2) Public (elementary and high), or private schools (no housing or sleeping accommodations permitted); provided, that it is located on a lot fronting on an arterial or collector street.

(3) Church, synagogue, temple or other place of worship; provided, that it is located on a lot fronting on an arterial or collector street. Said use shall provide buffering in accordance with section 602 of this appendix. The design must comply with the City of Hinesville Noise Ordinance.

(4) Child day care center or kindergarten for seven or more children under 18 years of age; provided, that the site and construction plans for such facilities shall receive the written approval of the State of Georgia Department of Human Resources, the City of Hinesville City Council, and the City of Hinesville Fire Marshal prior to the issuance of any permits for construction and operations and that it is located on a lot fronting on an arterial or collector street.

(5) Public utilities (substation); provided, that:

(a) The use is enclosed by a chainlink fence or a solid brick, concrete block or stone wall at least six feet in height; [and]

(b) There is neither office or [nor] commercial operation or [nor] storage of vehicles or equipment on the premises.

(C) Height regulations. No building shall exceed 35 feet in height.

(D) Area regulations.

(1) *Front yard.* There shall be a front yard having a depth of not less than 25 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(2) *Side yard.* There shall be two side yards, one on each side of the principal structure, each having a width of not less than ten feet. When a lot is located at an intersection of two streets, the width of the yard along the side street shall not be less than 25 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(3) *Rear yard.* There shall be a rear yard having a depth of no less than 15 feet. When a double frontage lot is involved the rear yard shall have a depth of not less than 25 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(4) *Lot area.* Every lot shall have an area of not less than 12,000 square feet and a lot width of not less than 85 feet, except that if a lot has less area or width than herein required and was of record on the effective date of this appendix, that lot may be used for any purpose permitted in this district.

(5) *Minimum floor area.* The building area shall not be less than 1,500 square feet of heated floor space.

(6) *Lot coverage.* Lot coverage shall not be more than 20 percent.

Sec. 504. - R-4, single- and two-family dwelling district.

This is also a residential district, which provides for the greatest density of single- and two-family dwelling units. The principal use of land is for single-family dwellings and related recreational, religious, and educational facilities needed to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate with the maximum single- and two-family residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

(A) *Use regulations.* A building and property shall be used for the following purposes:

- (1) Single-family site-built dwellings;
- (2) Two-family (duplex) dwelling;
- (3) Home occupations (see section 607);
- (4) Parks, playgrounds, and golf courses;

(5) Family day care home;

(6) Family personal care home (see section 623); [and]

(7) Accessory buildings and structures customarily incidental to permitted principal uses and on the same parcel; provided, it is located to the rear of said parcel (i.e., behind the primary structure).

(B) *Special permit uses.* The following uses may be permitted in accordance with provisions contained in article IX, section 905, and if additional conditions which may be required are met.

(1) Cemetery; provided, that such use:

(a) Consists of a site of at least five acres;

(b) Has a ten foot wide planted buffer strip around its entire perimeter, which is kept free of any use except access;

(c) Includes no crematorium or dwelling unit;

(d) Has a front yard setback of at least 20 feet from abutting street right-of-way line; [and]

(e) It is located on a lot fronting on an arterial or collector street.

(2) Public (elementary and high), or private schools (no housing or sleeping accommodations permitted); provided, that it is located on a lot fronting on an arterial or collector street.

(3) Church, synagogue, temple or other place of worship; provided, that it is located on a lot fronting on an arterial or collector street. Said use shall provide buffering in accordance with section 602 of this appendix. The design must comply with the City of Hinesville Noise Ordinance.

(4) Day care home, group; provided, that the site and construction plans for such facilities shall receive the written approval of the State of Georgia Department of Human Resources, the City of Hinesville City Council, and the City of Hinesville Fire Marshal prior to the issuance of any permits for construction and operation and that it is located on a lot fronting on an arterial or collector street.

(5) Day care center; provided, that the site and construction plans for such facilities receive the written approval of the State of Georgia Department of Human Resources, City of Hinesville City Council, and the City of Hinesville Fire Marshal prior to the issuance of any permits for construction and operation and that it is located on a lot fronting on an arterial or collector street.

(6) Public utilities (substation); provided, that:

(a) The use is enclosed by a chainlink fence or a solid brick, concrete block or stone wall at least six feet in height; [and]

(b) There is neither office or commercial operation or storage of vehicles or equipment on the premises.

(c) *Height regulations.* No building shall exceed 35 feet in height.

(d) *Area regulations.*

(1) *Front yard.* There shall be a front yard having a depth of not less than 25 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(2) *Side yard.* Single-family dwellings shall have two side yards, one on each side of the principal structure, each having a width of not less than ten feet. Duplex dwellings shall have two side yards, one on each side of the principal structure opposite of the common wall division, each side yard having a width of not less than ten feet. When a lot is located at an intersection of two streets, the width of the yard along the side street shall not be less than 25 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(3) *Rear yard.* There shall be a rear yard having a depth of no less than 15 feet. When a double frontage lot is involved the rear yard shall have a depth of not less than 25 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(4) *Lot area.* Every lot shall have an area of not less than 8,000 square feet per dwelling unit and a lot width of not less than 70 feet; except, that if a lot has less area or width than herein required and was of record on the effective date of this appendix, that lot may be used for any purpose permitted in this district.

(5) *Minimum floor area.* The building area shall not be less than 1,200 square feet of heated floor space.

(6) *Lot coverage.* Lot coverage shall not be more than 25 percent.

Sec. 505. - R-TH, townhouse dwelling district.

This district provides for the development of townhouse and condominium dwelling units as defined in article III, section 302 at medium density so as to provide for the amenities of open space and recreational potentials essential to family living. This district provides a choice in housing types in the community where such dwellings would be compatible with existing development.

(A) Use regulations. Buildings and property shall be used for the following purposes:

- (1)** Townhouse or condominium dwellings;
- (2)** Parks and playgrounds;
- (3)** Home occupations (see section 607);
- (4)** Family day care home;
- (5)** Family personal care home (see section 623); [and]
- (6)** Accessory uses, as follows:

(a) Accessory buildings and uses customarily incidental to uses permitted in the district. All accessory buildings shall be located within the buildable area of the lot.

(b) Recreational facilities, including, but not limited to, tennis courts, badminton courts and other open, unenclosed and uncovered recreational facilities, except swimming pools, may be placed in any side or rear yard; but shall not be permitted nearer to any lot line than 30 feet.

(c) Swimming pools and cabanas may be located within the buildable area of any lot; provided, that when located on property adjacent to a single-family or two-family dwelling district, such pools and cabanas not be located within 150 feet thereof; provided further, however, when swimming pools are located so as to be screened from such district by a multiple-family dwelling or structure not less than eight feet high and greater in length by a minimum of 20 feet on each end of such pools, said distance may be reduced to 30 feet.

(B) Special permit uses. The following uses may be permitted in accordance with provisions contained in article IX, section 905, and if additional conditions which may be required are met.

(1) Cemetery; provided, that such use:

(a) Consists of a site of at least five acres;

(b) Has a ten foot wide planted buffer strip around its entire perimeter, which is kept free of any use except access;

(c) Includes no crematorium or dwelling unit;

(d) Has a front yard setback of at least 20 feet from abutting street right-of-way line; [and]

(e) Is located on a lot fronting on an arterial or collector street.

(2) Public (elementary and high), or private schools (no housing or sleeping accommodations permitted); provided, that it is located on a lot fronting on an arterial or collector street.

(3) Church, synagogue, temple or other place of worship; provided, that it is located on a lot fronting on an arterial or collector street. Said use should [shall] provide buffering in accordance with section 602 of this appendix. The design must comply with the City of Hinesville Noise Ordinance.

(4) Day care home, group; provided, that the site and construction plans for such facilities receive the written approval of the State of Georgia Department of Human Resources, City of Hinesville City Council, and the City of Hinesville Fire Marshal prior to the issuance of any permits for construction and operation and that it is located on a lot fronting on an arterial or collector street.

(5) Public utilities (substation); provided, that:

(a) The use is enclosed by a chain link fence or a solid brick, concrete block or stone wall at least six feet in height; [and]

(b) There is neither office or [nor] commercial operation nor storage of vehicles nor equipment on the premises.

(C) *Height regulations.* No building shall exceed 35 feet in height.

(D) *Area regulations.*

1) *Front yard.* Front yards along the lot lines shall be provided as follows:

Townhouse or condominium: Not less than 20 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(2) *Side yard.* Side yards along the side lot lines shall be provided as follows:

Townhouse or condominium dwellings which are not end units, may have zero feet side yards on each side; provided, however, that a side yard along the side street shall not be less than 20 feet. When an end unit in a townhouse or condominium structure has a side yard not adjacent to a street the side yard shall not be less than ten feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(3) *Rear yard.* Rear yards along the rear lot lines shall be provided as follows:

Townhouse or condominium dwellings not less than 20 feet. Exception: When abutting and [an] arterial or collector street the setback shall be 35 feet.

(4) *Lot area.* Every dwelling shall be located upon a lot having a frontage of not less than 20 feet and shall contain the following areas:

(a) Two thousand square feet per family;

(b) Except that if a lot has less area or width than herein required and was of record on the effective date of this appendix, that lot may be used for any purpose permitted in this district.

(5) *Minimum floor area.* The building area shall not be less than 1,000 square feet per dwelling unit.

(6) *Lot coverage.* Lot coverage shall not be more than 55 percent per unit of the lot area for townhouse dwellings.

(7) *Townhouse and condominium.* [Townhouse and condominium] uses within this district must also comply with the buffering requirements listed in article VI, section 602 of this appendix.

Sec. 506. - R-A-1, multifamily dwelling district.

This residential district is created to provide medium population density. The principal use of land may range from single-family to apartment houses but excludes townhouse and condominium uses as defined in article III, section 302. Persons residing in this district are entitled to protection from other types of uses which are detrimental to the residential characteristics of the district. The regulations which apply to this district are designed to encourage the formation and continuance of a stable, healthy living environment for its residents.

(A) *Use regulations.* Buildings or property shall be used for the following purposes:

(1) Single-family site-built dwellings;

(2) Multifamily dwellings;

(3) Rooming house or boardinghouses;

(4) Home occupations (see section 607);

(5) Parks, playgrounds, and golf courses;

(6) Family day care home;

(7) Personal care home, group (see section 623); provided, that the site and construction plans for such facilities receive the written approval of the State of Georgia Department of Human Resources, City of Hinesville City Council, and the City of Hinesville Fire Marshal prior to the issuance of any permits for construction and operation and that it [is] located on a lot fronting on an arterial or collector street; [and]

(8) Accessory buildings and structures customarily incidental to permitted principal uses and on the same parcel; provided, it is located to the rear of said parcel, i.e., behind the primary structure.

(B) *Special permit uses.* The following uses may be permitted in accordance with provisions contained in article IX, section 905, and if additional conditions which may be required are met.

(1) Cemetery; provided, that such use:

(a) Consists of a site of at least five acres;

(b) Has a ten foot wide planted buffer strip around its entire perimeter, which is kept free of any use except access;

(c) Includes no crematorium or dwelling unit;

(d) Has a front yard setback of at least 20 feet from abutting street right-of-way line; [and]

(e) Is located on a lot fronting on an arterial or collector street.

(2) Medical facilities and offices with adequate off street parking.

(3) Public (elementary and high), or private schools (no housing or sleeping accommodations permitted); provided, that it is located on a lot fronting on an arterial or collector street.

(4) Church, synagogue, temple or other place of worship; provided, that it is located on a lot fronting on an arterial or collector street. Said use shall provide buffering in accordance with section 602 of this appendix. The design must comply with the City of Hinesville Noise Ordinance.

(5) Child day care center; provided, that the site and construction plans for such facilities shall receive the written approval of the State of Georgia Department of Human Resources, the City of Hinesville City Council, and the City of Hinesville Fire Marshal prior to the issuance of any permits for construction and operation and that it is located on a lot fronting on an arterial or collector street.

(6) Child care institution; provided, that the site and construction plans for such facilities receive the written approval of the State of Georgia Department of Human Resources, the City of Hinesville City Council, and the City of Hinesville Fire Marshal prior to the issuance of any permits for construction and operation and that it is located on a lot fronting on an arterial or collector street.

(7) Civic or private clubs; provided, that it is located on a lot fronting on an arterial or collector street.

(8) Nursing homes; provided, that it is located on a lot fronting on an arterial or collector street.

(9) Hospitals and institutions.

(10) Public utilities (substation); provided, that:

(a) The use is enclosed by a chainlink fence or a solid brick, concrete block or stone wall at least six feet in height; [and]

(b) There is neither office or commercial operation or storage of vehicles or equipment on the premises.

(c) *Height regulations.* No building shall exceed 45 feet in height.

(d) *Area regulations.*

(1) *Front yard.* There shall be a front yard having a depth of not less than 20 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(2) *Side yard.* There shall be two side yards, one on each side of the principal structure, each having a width of not less than ten feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(3) *Rear yard.* There shall be a rear yard having a depth of not less than 15 feet. When a double frontage lot is involved, the rear yard shall have a depth of not less than 25 feet. Exception: When abutting an arterial or collector street, the setback shall be 35 feet.

(4) *Lot area.* Every lot shall have an area of not less than 8,000 square feet and a lot width of not less than 70 feet, except that if a lot has less area or width than herein required and was of record the effective date of this appendix, that lot may be used for any purpose permitted in this district. An additional 2,000 square feet of lot area shall be required for each dwelling unit more than one, in apartment houses, apartments, and boardinghouses.

(5) *Minimum floor area.* The building area shall not be less than 800 square feet for one bedroom and 120 square feet for each additional bedroom.

(6) *Lot coverage.* Lot coverage shall not be more than 55 percent per unit of the lot area for multifamily dwellings.

The intent of this district is to provide a sound and healthy residential area sufficient to meet the unique need of inhabitants living in manufactured homes, to protect manufactured home parks from encroachment by incompatible uses, to encourage the consolidation of manufactured homes in parks, to enhance property values in the community by providing distinctive areas for manufactured home parks. It is intended that all manufactured home parks be desirable living areas, providing adequate open space.

(A) Use regulations. The following uses shall be permitted in any MH, manufactured home park district:

- (1)** Manufactured home parks (see article III, Definitions);
- (2)** Parks and playgrounds; [and]
- (3)** Laundromats.

(B) Special permit uses. The following uses may be permitted in accordance with provisions contained in article IX section 905, and if additional conditions which may be required are met, such as manufactured home park offices. Uses which are in keeping with the intent of this district, and which will serve exclusively the residents of that particular MH district.

(C) Height regulations. No building shall exceed 35 feet in height.

(D) Area regulations. Unless otherwise specified in the ordinance, uses permitted in the MH, manufactured homes park district, shall conform to the following requirements:

- (1)** Density is limited to eight manufactured homes per acre.
- (2)** Minimum lot area for a manufactured home park developed after the date of the adoption of this appendix is five acres of net area. A manufactured home park may expand, but the proposed expansion must consist of an area of not less than five acres of net area, and the proposed expansion and the original park must conform to the requirements in this appendix for a manufactured home park district.
- (3)** Each manufactured home shall be located on a space having an area of at least 3,600 square feet.
- (4)** Each manufactured home park shall be graded and drained so that rainwater will not stand in pools or puddles.
- (5)** The minimum distance required for the separation of a manufactured home from any other manufactured home shall be: 15 feet from side to side, 20 feet from side to rear, and ten feet from rear to rear: setback from driveways shall be at least ten feet.

(6) No manufactured home shall be located closer than 30 feet from the edge of the private access street or public right-of-way lines and not closer than 20 feet from property lines. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(7) Each manufactured home park shall have a minimum area of 16,000 square feet set aside for common open space; in the cases of manufactured home parks larger than the minimum five acres, or in case of expansion of existing parks, 400 square feet of common open space shall be added for each additional manufactured home space.

(8) All manufactured home spaces shall abut a paved interior manufactured home park street of which shall have access to a public street; all manufactured home spaces shall have all-weather walkways, leading from the entry of the manufactured home to the parking pad of not less than three feet in width.

(9) All manufactured (mobile) homes shall be secured to an approved foundation by tie-downs and be fitted with a foundation type wall or skirt around the entire base of the unit. Such wall or skirt shall extend from the bottom (floor level) of the unit to the ground so that no open space remains between the unit and surface of the ground. Tie-downs, foundations, foundation walls and skirting shall comply with the City of Hinesville Building Codes and other related codes and ordinances.

(10) Paved streets shall be required in all manufactured home parks. Paving shall conform to the article VI, Subdivision Regulations.

(11) Manufactured home uses within this district shall conform to the requirements listed in article VI, section 602 of this appendix.

(12) Off-street parking shall be in accordance with article VII of this appendix.

Sec. 508. - MH-2, single-family manufactured home dwelling district.

This is also a residential district which provides the greatest density of single-family manufactured home units on individually owned lots. Again, the principal use of land is for single-family dwellings and related recreational, religious, and educational facilities needed to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate with the maximum density single-family residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

(A) *Use regulations.* The following uses shall be permitted in any MH-2, Manufactured and modular home district:

(1) Manufactured or modular homes on individually owned lots;

(2) Parks and playgrounds; [and]

(3) Accessory buildings and structures.

(B) Special permit uses. The following uses may be permitted in accordance with provisions contained in article IX, section 905, and if additional conditions which may be required are met.

(1) Cemetery; provided, that such use:

(a) Consists of a site of at least five acres;

(b) Has a ten foot wide planted buffer strip around its entire perimeter, which is kept free of any use except access;

(c) Includes no crematorium or dwelling unit;

(d) Has a front yard setback of at least 20 feet from abutting street right-of-way line; [and]

(e) Is located on a lot fronting on an arterial or collector street.

(2) Public (elementary and high), or private schools (no housing or sleeping accommodations permitted); provided, that it is located on a lot fronting on an arterial or collector street.

(3) Day care home, group; provided, that the site and construction plans for such facilities shall receive the written approval of the State of Georgia Department of Human Resources, the City of Hinesville City Council, and the City of Hinesville Fire Marshal prior to the issuance of any permits for construction and operation and that it is located on a lot fronting on an arterial or collector street.

(4) Day care center; provided, that the site and construction plans for such facilities receive the written approval of the State of Georgia Department of Human Resources, City of Hinesville City Council, and the City of Hinesville Fire Marshal prior to the issuance of any permits for construction and operation and that it is located on a lot fronting on an arterial or collector street.

(5) Day care institution; provided, that the site and construction plans for such facilities receive the written approval of the State of Georgia Department of Human Resources, City of Hinesville City Council, and the City of Hinesville Fire Marshal prior to the issuance of any permits for construction and operation and that it is located on a lot fronting on an arterial or collector street.

(6) Civic or private clubs; provided, that it is located on a lot fronting on an arterial or collector street.

(7) Nursing homes; provided, that it is located on a lot fronting on an arterial or collector street.

(8) Hospitals and institutions.

(9) Public utilities (substation); provided, that:

(a) The use is enclosed by a chainlink fence or a solid brick, concrete block or stone wall at least six feet in height; [and]

(b) There is neither office nor commercial operation nor storage of vehicles nor equipment on the premises.

(C) *Height regulations.* No building shall exceed 35 feet in height.

(D) *Area regulations.*

(1) *Front yard.* There shall be a front yard having a depth of not less than 25 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(2) *Side yard.* There shall be two side yards, one on each side of the principal structure each having a width of not less than ten feet. Where a lot is located at the intersection of two streets, the width of the yard along the side street shall not be less than 25 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(3) *Rear yard.* There shall be a rear yard having a depth not less than 15 feet. When a double frontage lot is involved, the rear yard shall have depth of not less than 25 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(4) *Lot area.* Every lot shall have an area of not less than 8,000 square feet and a lot width of not less than 70 feet, except that if a lot has less area or width than herein required and was a lot of record on the effective date of this appendix, that lot may be used for any purpose permitted in this district.

(5) *Minimum floor area.* The building area shall not be less than 720 square feet of heated floor space.

(6) *Lot coverage.* Lot coverage shall not be more than 25 percent.

(7) *[Approved foundation; foundation type wall.]* All manufactured (mobile) homes shall be secured to an approved foundation by tie downs and be fitted with a foundation type wall or skirt around the entire base of the unit. Such wall or skirt shall extend from the bottom (floor level) of the unit to the ground so that no open space remains between the unit and surface of the ground. Tie downs, foundations, foundation walls and skirting shall comply with the City of Hinesville Building Codes and other related codes and ordinances.

(8) *[Visual compatibility.]* Manufactured (mobile) homes shall comply with the following standards in order to assure visual compatibility with site-built single-family homes.

(a) The minimum width of the main body of the unit, as assembled on site, shall not be less than 24 feet as measured across the narrowest point.

(b) The pitch of the main roof shall not be less than a three-to-one slope. Minimum distance from eave to ridge shall be 12 feet. Any roofing material may be used that is generally acceptable for site-built housing.

(c) Exterior finish shall be of materials generally accepted for site-built housing and shall be applied in such a manner as to be similar in appearance to housing built on site, such as brick, vinyl, or wood siding.

(d) Flat roof or pre-1976 constructed manufactured homes, single wide or double wide, generally designed and acceptable for mobile home parks, shall not be considered as complying with the above [subsections] (a) through (c) requirements as being visually compatible to site-built single-family homes.

Sec. 509. - PUD, planned unit development.

~~This district is reserved for establishment of shopping centers, planned residential areas, planned industrial developments, and similar types of large-scale compatible use developments. The regulations are designed to permit the greatest latitude possible with respect to internal site planning considerations, and location of these developments within the City in the interest of long-range developments. This district encourages innovations in residential and nonresidential development so that growing demands for housing and commercial areas may be met by a greater variety in type, design and layout of buildings and by the conservation and more efficient use of open space as well as other natural amenities.~~

~~PUD, planned unit development district;~~

~~**(A)** *Specific requirements.* In order to qualify for a planned development zoning classification, a proposed planned development must first meet the following specific requirements:~~

~~**(1)** The site utilized for planned developments must contain an area of not less than ten acres;~~

~~**(2)** No building shall be located closer than 25 feet to any tract boundary, 50 feet to any existing public right-of-way or 25 feet to any proposed street within the development;~~

~~**(3)** No building shall be closer to any other building than 20 feet or a distance equal to the height of the lower building whichever is greater;~~

~~**(4)** Maximum building height is 50 feet;~~

~~(5) Maximum density permitted is ten dwelling units per acre;~~

~~(6) A suitable plot plan shall be submitted by the developers for review and approval by the Planning Commission and the City Council; [and]~~

~~(7) A written report shall be submitted by the developers for review and approval by the Planning Commission and the City Council.~~

~~(B) Plot plan for planned unit development. A suitable plot plan shall be submitted by the developers for review and approval by the Planning Commission and the City Council. The plot plan drawn to scale (one inch equals 100 feet or one inch equals 50 feet) by a registered civil engineer, registered land surveyor, or registered architect shall show the exact dimensions of the parcel or parcels of land under consideration. The plan shall include the following elements:~~

~~(1) General information items:~~

~~(a) Name of the proposed development and developers;~~

~~(b) A north arrow;~~

~~(c) Date of field survey;~~

~~(d) Tract boundary lines, dimensions, bearings and angles; [and]~~

~~(e) Reference points to at least two permanent monuments.~~

~~(2) Proposed building sites and sizes.~~

~~(3) Types of uses proposed for buildings and structures.~~

~~(4) All property dimensions.~~

~~(5) Platting and street systems:~~

~~(a) Proposed reservations or dedications for streets;~~

~~(b) Means of ingress and egress;~~

~~(c) Access and circulation arrangements; [and]~~

~~(d) Off-street parking and loading facilities.~~

~~(6) Means of protecting or screening abutting properties including proposed landscaping.~~

~~(7) Location of proposed reservations, easements, or dedications.~~

~~(8) Two-foot vertical contour intervals.~~

~~(C) Written report for planned unit development. A written report shall by [be] submitted by the developers for review and approval by the Planning Commission and the City Council when applying for zoning or rezoning of a site. The written report shall explain the type, nature, intent and characteristics of the proposed development, and shall include, where applicable:~~

~~(1) A general description of the proposal.~~

~~(2) A legal description of the site.~~

~~(3) Proposed standards for development including:~~

~~(a) Restrictions on the use of property;~~

~~(b) Density, yard, and height requirements; [and]~~

~~(c) Restrictive covenants.~~

~~(4) Proposed dedication or reservation of land for public use, including streets, easements, parks and school sites.~~

~~(5) Exceptions or variations from the requirements of the Zoning Ordinance if any are being requested.~~

~~(6) Plans for the provision of utilities, including water, sewer, and storm drainage facilities.~~

~~(7) Descriptions of percentage of land within the development to be provided for various uses:~~

~~(a) Residential;~~

~~(b) Commercial;~~

~~(c) Industrial;~~

~~(d) Open space;~~

~~(e) Utilities;~~

~~(f) Parking and storage;~~

~~(g) Greenspace; [and]~~

~~(h) Others.~~

~~(8) A plan for landscaping/tree ordinance compliance.~~

~~(D) Permitted uses. Any use proposed by the developer and considered by the City Council as being compatible with surrounding districts and the intent of the proposed~~

~~PUD district may be permitted. Thereafter, the uses permitted in the district shall be restricted to those approved as part of the zoning approval.~~

~~(E) General design criteria and development standards.~~

~~(1) Overall site design should be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes and street patterns, and use relationships.~~

~~(2) Variety in building types, heights, placement on lots and size of open spaces are encouraged if they are conducive to a safe, healthy and aesthetically pleasing living environment.~~

~~(3) The maximum density for residential dwelling units in a PUD district shall not exceed the number that would be allowed in an R-A-1 district, although they may be clustered within the PUD district.~~

~~(4) A 50-foot buffer strip with plant cover, trees and/or an attractive fence shall be provided by the PUD district, unless the adjoining use is compatible. For instance when one family and multifamily dwellings within a PUD district are on property adjoining an R-A-1 district, then no buffer shall be required.~~

~~(5) Within a PUD district, the design shall include buffers suitable for screening residential areas from commercial or industrial uses.~~

~~(6) The sign and parking regulations of this appendix shall be accepted as guidelines and therefore, innovative design and approaches are encouraged.~~

~~(7) Shopping centers and other types of planned developments shall not have more than two access points to any one public street, unless unusual circumstances dictate the need for additional access points.~~

~~(8) All access points from a PUD district should be located at least 100 feet from the intersection of any street.~~

Sec. 509. - PUD, planned unit development.

The PUD District is established to encourage innovative and creative design of residential and/or commercial developments and to permit a greater amount of flexibility to a developer by removing some of the restrictions of conventional zoning. Ideally, the development should be large scale and incorporate a variety of land uses or land use types. The district is also intended to encourage developments which provide a full range of residential types to serve the residents of the district.

The regulations should provide a mechanism to evaluate each application on its own merit. It is recognized that some concepts will be more appropriate than others and the approval of an

application in one location does not necessarily indicate the development will be applicable in other locations. It should also be emphasized that these provisions are not to be used to circumvent the intent or use of conventional zoning classifications as set forth in this chapter.

- (A) *Minimum site size.* The minimum site size for any PUD is five acres.

- (B) *Minimum lot area.* No minimum lot area is required for any specific structure within a PUD.

- (C) *Minimum lot width, minimum yard requirements, maximum lot coverage, maximum height of structures.* No structure shall be erected within 25 feet from any external lot line of any PUD. Minimum lot width, minimum yard sizes, maximum lot coverage, and maximum height are not otherwise regulated within PUD Districts provided, however, that the Planning Commission and the governing authority shall ascertain that the characteristics of building siting shall be appropriate as related to structures within the PUD and otherwise fulfill the intent of this appendix.

- (D) *PUD application and preliminary development plan approval.*
 - (1) Prior to submitting a PUD application, the applicant is encouraged to meet with the Secretary of the Planning Commission for a pre-application conference to avoid undue delay in the review process after the application is submitted.

 - (2) Applications for a PUD District shall include the following:
 - (a) *Preliminary PUD plan.* The applicant shall submit a reproducible copy (and electronic files of same) of the proposed PUD which shall include the following:
 1. A boundary survey with vicinity map, title block, scale, and north arrow.
 2. Total number of acres of overall site.
 3. Location and number of acres of various areas by type of use (e.g., single-family detached, recreation, office, commercial, etc.).
 4. Number of units (including number of bedrooms in each unit) and density of various residential types, such number to represent the maximum number of units.

5. Approximate square footage of nonresidential use.
6. Primary traffic circulation pattern, including major points of ingress and egress.
7. Approximate number of parking spaces per use.
8. An indication that an acceptable drainage system can be designed for the proposed project.
9. Any such information or descriptions as may be deemed reasonably appropriate for review.

(b) *Statement of intent.* The applicant shall submit three copies of a report (and electronic files of same) setting forth the characteristics of the proposed PUD including the following:

1. A description of the procedures of any proposed homeowners association or other group maintenance agreement.
2. A statement setting forth the proposed development schedule.
3. A statement of the public improvements both on- and off-site that are proposed for dedication and/or construction and an estimate of the timing for providing such improvements.
4. A statement of impact on public facilities including water, sewer collection and treatment, fire protection, etc., and letters from the appropriate agencies or districts verifying that such facilities or services are available and adequate to serve the proposed PUD.
5. A statement concerning the appearance, landscaping, screening, and maintenance of any proposed pond, lake, open space or retention pond contained in the development.
6. Any such information or descriptions as may be deemed reasonably appropriate for review.

- (c) A public hearing shall be held in accordance with procedures set forth in article 11.
 - (d) The Planning Commission, at its next meeting following the public hearing, and the planning commission staff shall make a recommendation upon the proposed PUD which shall be advisory to the governing authority.
 - (e) The governing authority may, after fulfilling all applicable requirements of this section and all applicable requirements of article 11, act to either approve, approve with modification, or disapprove the application for a PUD.
 - (f) Following approval of a PUD District, the official zoning map shall be amended to reflect such approval. Approval of a PUD District shall constitute authority for the applicant to submit a proposed development plan to the Secretary of the Planning Commission for approval in accordance with the provisions of section 509 (F).
- (E) *Subdivision plats.*** Approval of a PUD plan and statement of intent shall constitute authority for the applicant to prepare preliminary plats and proposed development plans, if applicable, in accordance with procedures set forth in the City of Hinesville subdivision regulations. No building permit or certificate of occupancy shall be issued until the governing authority has approved a final plat.
- (F) *Proposed development plan.*** All approved PUD Districts will require a proposed development plan review and approval by the Secretary of the Planning Commission. Proposed development plan requirements and procedures for the PUD District are outlined in Appendix B of the Hinesville Code of Ordinances.
- (G) *Changes to Planned Development Districts.*** Changes to a proposed PUD District or to an approved PUD District may be permitted in accordance with one of the following procedures as determined by the zoning official:
- (1) *Major changes.*** Changes to a PUD District which would alter the basic concept and general characteristics of the PUD District may be approved by the governing authority in accordance with the procedures established by section 509 (D). After approval of a major change by the governing authority, approval of a final development plan showing such changes must be submitted to the planning commission in accordance with section 509 (F). Examples of major changes may include, but are not limited to the following:
 - (a) Boundary changes.

(b) Decrease in open space

(c) Increase or decrease in number of access points.

(d) Changes to more intensive land uses, e.g. residential to commercial.

(e) Any change which the zoning official determines would significantly alter the character of the PUD or be expected to have an adverse impact upon neighboring property owners.

(2) *Minor changes.* Changes to a PUD District which are of a design nature and which do not alter the original concept or use characteristics of the PUD District may be approved by the Secretary of the Planning Commission provided that no minor change may be approved by the Secretary of the Planning Commission which is in conflict with specific conceptual considerations previously approved by the governing authority. Examples of minor changes may include, but are not limited to the following:

(a) *Reductions in:*

1. Density
2. Signage
3. Square footage

(b) *Increases in:*

1. Landscaping
2. Open space
3. Setbacks.

(c) *Minor changes to:*

1. Landscaping
2. Lighting
- ~~3. Location of land uses~~

4. Parking

5. Signage

~~6. Site plan~~

~~(d) Minor changes to allow:~~

~~1. Reorientation of structures~~

~~2. Realignment of approved access~~

~~3. More restrictive land uses, e.g. commercial to residential~~

~~4. Shift in approved density from one area of PUD to another~~

Sec. 510. - O-I, office-institutional district.

This district establishes areas to serve as a transition in use intensity between residential and commercial districts to protect existing residences. It creates a suitable environment for institutional facilities to provide for orderly development and allows for open spaces, room for landscaping, and off street parking facilities, to minimize traffic congestion and to avoid the overloading of utilities.

(A) Use regulations. Buildings, land, or premises shall be used only for the following purposes:

- (1)** Professional or business offices, including medical clinics, but not including the practice of veterinary medicine.
- (2)** Agencies, studios, schools, and libraries.
- (3)** Financial and similar institutions.
- (4)** Funeral homes and undertaking establishments.
- (5)** Public utility facilities excluding transmission towers and antennae.
- (6)** Community centers and other similar places of public assembly.
- (7)** Church, synagogue, temple or other place of worship; provided, that it is located on a lot fronting on an arterial or collector street and shall contain a minimum of five acres of land. Said use shall provide buffering in accordance

with section 602 of this appendix. The design must comply with the City of Hinesville Noise Ordinance.

(8) Day care home, group, day care center or child care institution; provided, that the site and construction plans for such facilities receive the written approval of the State of Georgia Department of Human Resources, City of Hinesville City Council, and the City of Hinesville Fire Marshal prior to the issuance of any permits for construction and operation and that it is located on a lot fronting on an arterial or collector street.

(9) Any other use which the Director of Inspections determines to be compatible with the intent of this zone.

(B) *Special use permit.* Telecommunication or transmission towers (see section 621).

(C) *Height, area, width and yard regulations.* Minimum regulations for building heights, lot area, yards, building line and building coverage shall be in conformity with the requirements of the adjoining residential zone; provided, that in the case of two or more surrounding zones, the lot area, yard size and setback distances of the least restrictive residential zone shall apply.

Sec. 511. - O-C, office commercial district.

The purpose of this district shall be to create and reserve an area in which residential, institutional, professional uses and certain types of convenience shopping retail sales and services can be intermixed. The regulations which apply within this district are of a quite compatible and uncongested environment for office type businesses or professional firms intermingled with certain public or semi-public and commercial retail sales and service uses; and to discourage any encroachment by unrestricted retail or wholesale business establishments, industrial concerns, or other uses capable of adversely affecting the specialized commercial, institutional and housing character of the district. Commercial retail sales and service facilities shall be limited to a maximum gross floor area of 1,200 square feet, and shall be fully enclosed in a building.

(A) *Use regulations.* The following uses shall be permitted in any O-C zoning district.

(1) Any use permitted in the O-I zoning district.

(2) Art supply store.

(3) Book, stationery, card, magazine and newspaper shop.

(4) Camera and photographic supply store.

(5) Candy and nut store.

(6) Drugstore or pharmacy.

- (7) Florist and gift shop.
- (8) Hobby or toy store.
- (9) Music store or record shop.
- (10) Radio, television or small appliance store.
- (11) Barbershop, beauty shop or combination thereof.
- (12) Dressmaker, seamstress or tailor.
- (13) Jewelry, watch repair shop.
- (14) School offering instruction in art, music, dancing, drama, or similar cultural activity.
- (15) Shoe repair shop.
- (16) Private or semi-private club, lodge, or social center.
- (17) Accessory use in compliance with the provisions of section 601 of this appendix.
- (18) Any other use which the Director of Inspections determines to be compatible with the intent of this zone.

(B) *Special permit uses.* The following uses may be permitted in accordance with provisions contained in section 905 of this appendix, and if additional conditions which may be required are met.

- (1) All special permit uses permitted in the R-1, R-2, R-3, R-4, R-A-1 and O-1 zoning district.
- (2) Antique store; provided there is no exterior display of merchandise and no repair or refinishing of furniture and other goods on the premises. Auctions of furniture or other goods shall not be permitted.
- (3) Radio and television stations, excluding those with transmission tower.
- (4) Off-street commercial parking lot.
- (5) Any other use which the Director of Inspections determines to be compatible with the intent of this zone.

(C) *Height regulations.* No building shall exceed 35 feet in height.

(D) *Area regulations.* Unless otherwise specified in this appendix, uses permitted in the O-C, commercial district shall conform to the following requirements:

(1) *Front yard.* There shall be a front yard having a depth of not less than 20 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(2) *Side yard.* There shall be two side yards, one on each side of the principal structure (principal building), each having a width of not less than ten feet. When a lot is located at an intersection of two streets, the width of the yard along the side street shall not be less than 20 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(3) *Rear yard.* There shall be a rear yard having a depth of not less than ten feet. When a double frontage lot is involved, the rear yard shall have a depth of not less than 20 feet. Exception: When abutting an arterial or collector street, the setback shall be 35 feet.

(4) *Lot area.* Every lot shall have an area of not less than 8,000 square feet and a lot width of not less than 70 feet.

(5) *Off-street parking.* Uses permitted in any O-C zoning district shall meet all standards set forth in article VII of this appendix. All egress and ingress ways and areas designated for parking and loading and unloading shall be paved according to minimum standards.

Sec. 512. - C-1, central business district.

This district is created to insure the maintenance of a centrally located trade and commercial service area and to provide for the orderly expansion of uses necessary to support such an area and to discourage any encroachment by industrial, residential, or other uses considered capable of adversely affecting the commercial character of the district.

(A) *Use regulations.* Buildings and property shall be used for the following purposes (with the exception of restaurants, all display and sale of merchandise shall be inside except for special events designated by the City Council):

(1) Florist shop;

(2) Department or variety store and other retail establishments for the sale of dry goods;

(3) Hardware store (excluding outside sales yard);

(4) Restaurant and/or other establishments serving food and beverages (excluding drive-ins);

(5) Financial and similar institutions;

(6) Drugstore;

- (7) Clothing store, boutiques;
- (8) Book and stationary store;
- (9) Music or computer store;
- (10) Professional business, medical, and governmental offices and facilities;
- (11) Appliance store including repair;
- (12) Public parking garage and/or lot;
- (13) Barbershop, beauty shop, shoe repair shop and similar personal service shops;
- (14) Printing and office supply store;
- (15) Bakery;
- (16) Furniture store;
- (17) Photographic studio;
- (18) Music, drawing and art studios; [and]
- (19) Any other use which the Director of Inspections determines to be compatible with the intent of this zone.

(B) *Special permit uses.* The following uses may be permitted in accordance with provisions contained in article IX, section 905, and if additional conditions, which may be required, are met:

- (1) Laundromats;
- (2) Service stations;
- (3) Recreational game rooms;
- (4) Theaters; [and]
- (5) Radio/television stations, excluding those with transmission towers.

(C) *Height regulations.* No building shall exceed 60 feet in height.

(D) *Area regulations.* Unless otherwise specified in the [this] ordinance, uses permitted in the C-1, central business district shall conform to the following requirements:

- (1) [*Loading, unloading and service areas.*] Adequate areas shall be provided for the loading and unloading of delivery trucks and other vehicles, and for servicing by refuse collection, fuel, fire and other vehicles so as not to impede pedestrian walks and automobile accessways.

(2) *Front yard.* A front yard is not required. Pedestrian walkways shall be accessible.

(3) *Side yard.* A side yard is not required except on the side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than five feet.

(4) *Rear yard.* A rear yard is not required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than 15 feet in depth.

(5) *Building coverage.* The building may cover the entire lot except where areas are needed for loading, servicing and access.

Sec. 513. - C-2, general commercial district.

This district is created and reserved for general business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible and economically healthy environment for business, financial service and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the basic commercial character of the district.

(A) *Use regulations.* Building or property shall be used for the following purposes:

(1) Uses permitted in the C-1 zoning district.

(2) All retail business, service establishments or processing uses as follows:

(a) Any retail business whose principal activity is the sale of merchandise in an enclosed building;

(b) Any service establishment of an office, showroom or workshop nature, of an electrician, decorator, tailor, baker, painter, upholsterer, or television, radio or home appliance repair; and similar service establishments that require a retail adjunct; [and]

(c) Any shopping center shall be subject to the standards and requirements of section 622

(3) Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely within enclosed buildings.

(4) Indoor commercial recreation centers.

(5) Hotel or motel.

(6) Service stations.

(7) Mini-warehouse (see section 302).

(8) Accessory buildings and uses customarily incidental to the above uses.

(9) Transient merchants (see section 904).

(10) Any other use which the Director of Inspections determines to be compatible with the intent of this zone.

(B) Special permit uses. The following uses may be permitted in accordance with [the] provisions contained in article IX, section 905, and if additional conditions which may be required are met.

(1) All special permit uses allowed in the C-1 zoning district, according to the same conditions.

(2) Outdoor rental or sales lots for new or secondhand automobiles, house trailers, boats and other such items; provided the lot is graded, surfaced and drained so as to dispose of all surface water; and provided that ingress and egress to the outdoor display area shall be at least 60 feet from the intersection of any streets.

(3) Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed principal building, or unless the lot is of sufficient size and setbacks to disallow nuisances to adjacent properties.

(4) Garage, repair; provided, that all repairs, including body work and painting, are conducted within a fully enclosed building and provided further that there is no outdoor storage of junked, wrecked, and/or dismantled vehicles.

(5) Mini-golf (putt-putt); provided, that:

(a) [The] facility is located in an approved shopping center of at least five acres or more in area;

(b) Required on-site parking must be provided and/or designated for the facility; [and]

(c) Required on-site sanitation facilities are furnished.

(C) Height regulations. No building or structure shall exceed 60 feet in height.

(D) Area regulations. Unless otherwise specified in this appendix, uses permitted in the C-2, general commercial district, shall conform to the following requirements:

(1) *Front yard.* There shall be a front yard having a depth of not less than 20 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(2) *Side yard.* There shall be two side yards, one on each side of the principal structure, each having a width of not less than ten feet. When a lot is located at an intersection of two streets, the width of the yard along the side street shall not be less than 20 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(3) *Rear yard.* There shall be a rear yard having a depth of not less than ten feet. When a double frontage lot is involved, the rear yard shall have a depth of not less than 20 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(4) *Lot area.* Every lot shall have an area of not less 8,000 square feet and a lot width of not less than 70 feet.

Sec. 514. - C-3, highway commercial district.

This district establishes a heavy commercial zone to provide a wide variety of commercial facilities, areas for wholesaling and distribution uses, commercial uses needing access to major highways, and commercial uses utilizing large sites. Encroachment by residential, industrial or other uses considered capable of adversely affecting the commercial character of the district will be discouraged.

(A) *Use regulations.* Buildings and property shall be used for the following purposes:

- (1) All uses permitted in the C-1 and C-2 districts;
- (2) Shopping center; provided, that they meet the standards and requirements of section 622
- (3) Auto and truck repair shops;
- (4) Restaurants, drive-in restaurants, and diners;
- (5) Motels, hotels, inns;
- (6) Theaters, drive-in theaters;
- (7) Bowling alley, skating rink (ice or roller), golf driving range, putt-putt course, tennis courts, skateboard park;
- (8) Commercial greenhouse and plant nursery;
- (9) Auto, marina, and heavy equipment sales;
- (10) Fruit and/or vegetable and/or produce structures;
- (11) Building supply store;
- (12) Accessory uses and structures incidental to the above uses; [and]

(13) Any other use which the Director of Inspections determines to be compatible with the intent of this zone.

(B) *Special permit uses.* The following uses may be permitted in accordance with the provisions contained in article IX, section 905, and if additional conditions which may be required are met:

(1) Churches, synagogue, temple or other place of worship; provided, that it is located on a lot fronting on an arterial or collector street. Said use shall provide buffering in accordance with section 602 of this appendix. The design must comply with the City of Hinesville Noise Ordinance;

(2) Financial and similar institutions; [and]

(3) Telecommunication or transmission towers (see section 621).

(C) *Height regulations.* No building or structure shall exceed 60 feet in height.

(D) *Area regulations.* Unless otherwise specified in this ordinance, uses permitted in the C-3, highway commercial district shall conform to the following requirements:

(1) *Front yard.* There shall be a front yard having a depth of not less than 35 feet.

(2) *Side yard.* There shall be two side yards, one on each side of the principal structure, each having a width of not less than ten feet. When a lot is located at an intersection of two side streets the width of the yard along the side street shall not be less than 35 feet.

(3) *Rear yard.* There shall be a rear yard having a depth of not less than 15 feet. When a double frontage lot is involved, the rear yard shall have a depth of not less than 20 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(4) *Lot area.* Every lot shall have an area of not less than 15,000 square feet, and a lot width of not less than 100 feet.

Sec. 515. - L-I, light industrial district.

This district is established to provide land for various types of industrial, manufacturing, or warehousing portions which are compatible to adjoining districts. Such uses generally require storage of materials or goods either before or after the manufacturing process, but are of low noise or nuisance level. Land for this district should be located in relation to the thoroughfare network of the community as well as rail and air, if required, and designed so as not to disrupt normal traffic flow. Planned industrial parks are encouraged in this district.

(A) *Uses permitted.* Property and buildings in an L-I, light industrial district, shall be used for the following purposes, and shall be conducted in such a manner that noise,

vibrations, noxious odors, fumes, or dust and particles will not be emitted beyond the property lines of the lots on which the uses are located:

- (1) Building material sales yard and lumberyard, including the sale of rock, sand, gravel and the like;
- (2) Food and kindred processing plants;
- (3) Contractors' equipment storage yard or plant, and with equipment commonly used by contractors;
- (4) Freight, truck yard or terminal;
- (5) Warehouse, mini-warehouse, and wholesale establishments;
- (6) Public utilities, including buildings, necessary structures, storage yards, and other related uses;
- (7) Research or experimental stations and laboratories;
- (8) Radio and/or television station with transmission towers;
- (9) Repair garages;
- (10) Office buildings for business, governmental, professional, or other general purposes;
- (11) Horticultural nursery;
- (12) Accessory buildings, structures and uses customarily incidental to the above uses (see article VI); [and]
- (13) Any other use which the Director of Inspections determines to be compatible with the intent of this zone.

(B) *Special permit uses.*

- (1) Any industrial use in keeping with the intent of this district, and which involves manufacturing, processing, assembly or storage operations; provided, that the use does not involve any junk or salvage operations; that there is no open storage of junk or salvage materials; and that any noises, vibrations, smoke, gases, fumes, odors, dust, fire hazards, or other obnoxious or unsafe conditions related to the operation do not extend beyond the property of the industry.
 - (2) Retail business; provided such business is incidental to a permitted use and located on the premises of such permitted use.
- (C) *Height regulations.*** No building or structure shall exceed 60 feet in height.

(D) Area regulations. Unless otherwise specified in this ordinance, uses permitted in the L-I, light industrial district, shall conform to the following requirements:

(1) Front yard. There shall be a front yard having a depth of not less than 30 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(2) Side yard. There shall be two side yards, one on each side of the principal structure, each having a width of not less than 25 feet. When a lot is located at an intersection of two side streets, the width of the yard along the side street shall not be less than 30 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(3) Rear yard. There shall be a rear yard having a depth of not less than 25 feet. Exception: When abutting an arterial or collector street the setback shall be 35 feet.

(4) Lot area. As required to meet district's regulations and intent, and a lot width at the building line of not less than 100 feet.

Sec. 516. - FH, flood hazard district.

This district is created to insure continuance of natural floodplains, stream channels and natural protective barriers which accommodate floodwaters. These regulations are designed to minimize costly flood control, rescue and relief projects undertaken at the expense of the general public, and minimize damage to public facilities and utilities which may be located in floodplains. This district will help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas. Furthermore, potential property buyers shall be notified that property within this district is subject to flood hazards. The mapped flood hazard areas within the jurisdiction of this ordinance are hereby designated to be used as an overlay zoning district to the various land use districts as delineated by the official zoning map. Thus, the land may be utilized only under the conditions and regulations of both zones. The boundaries of flood hazard districts shall be shown on the official zoning map. Within these FH districts, all uses not allowed as permitted uses or special permit uses shall be prohibited.

(A) Permitted uses. The following open space uses shall be permitted within the flood hazard district to the extent that they are not prohibited by any other regulations and provided they do not demand structures, fill or storage of materials or equipment. In addition, no use shall adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributary, drainage ditch, or other drainage facility or system.

(1) Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and crop harvesting.

(2) Outdoor loading areas, parking areas, and airport landing strips.

(3) Private and public recreational uses, including golf courses, playing fields, driving or archery ranges, picnic grounds, boat landings, ramps, swimming areas, parks, wildlife preserves, shooting ranges, hunting and fishing areas, biking and horseback riding trails.

(4) Accessory residential uses, such as gardens, parking areas and play areas.

(B) *Special permit uses.* The following uses may be permitted in accordance with the provisions contained in article IX, section 905, and if additional conditions which may be required are met.

(1) The following list of special permit uses may be allowed; provided, that no structure, fill (including fill for roads and levees, deposit, storage of materials or equipment), or other activities associated with the use impairs the efficiency or the capacity of the floodways, or increases flood heights.

(a) Circuses, carnivals and similar transient amusement enterprises;

(b) Temporary extraction of sand, gravel and other materials;

(c) Marinas, boat rentals, docks, piers, wharves;

(d) Railroads, utility lines, streets, bridges and pipelines;

(e) Storage yards, for equipment, machinery or materials;

(f) Kennels and stables; [and]

(g) Other uses similar in nature to the permitted uses or the special permit uses.

(2) Residences may be permitted, provided:

(a) Residences are located in a flood fringe area (this will require technical assistance);

(b) Residences shall be constructed on fill or other acceptable elevating practice with the first floor or basement floor above the regulatory flood elevation (this will require technical assistance); [and]

(c) All area regulations of the underlying land use district are met.

(3) Fill or material deposits, provided:

(a) Any fill or materials proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount must not be greater than is necessary to achieve that purpose, as demonstrated by a

plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials; [and]

(b) Such fill or other materials shall be protected against erosion by riprap, vegetation cover or bulk-heading.

(4) Accessory structures to permitted uses and special permit uses, provided:

(a) Structures shall not be designed for human habitation;

(b) Structures shall have a low flood damage potential;

(c) Structures shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters;

(d) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; [and]

(e) Structures shall be firmly anchored.

(C) *Site plan for special permit uses.* The applicant shall be required to provide information necessary for determining the regulatory flood protection elevation, whether the proposed use is located in the floodway or flood fringe, and other factors necessary to render a decision on the suitability of the particular site for the proposed use.

(1) Plans drawn to scale showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the channel and/or coastal flood hazard zone.

(2) A typical cross-section showing the channel of the watercourse elevation of the land areas adjoining each side of the channel, cross sectional areas to be occupied by the proposed development, and high water information or similar information pertinent to a coastal flood hazard situation.

(3) Plans (surface view) showing elevation or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of proposed and existing structures; locations and elevation of streets, utilities; land use and vegetation surrounding areas, and soil types. NOTE: One foot contour.

(4) Profile showing the slope of the bottom of the channel.

(5) Specifications for building construction, materials, floodproofing, filling, dredging, grading, channel improvement, water supply, and sanitary facilities.

Sec. 517. - D-D, downtown development district.

The purpose of this district shall be to create and reserve an area in which residential, institutional, professional, certain types of retail sales and selected services can be intermixed. The regulations which apply within this district are designed to encourage the restoration, redevelopment, development of the downtown area to be identified in the City of Hinesville Comprehensive Plan. Buildings used for commercial retail sales and other commercial uses shall be limited to a maximum gross floor area of 1,200 square feet.

(A) Use regulations. The following uses shall be permitted in any D-D zoning district:

- (1)** Any use permitted in the R-4, R-A-1, R-TH, O-I, and O-C zoning district;
- (2)** Antique store; provided there is no exterior display of merchandise. Auctions of furniture and/or other goods shall not be permitted;
- (3)** Mixed occupancy for residential and commercial use; providing that commercial activity shall be limited to the lower floor of residential structures used for this purpose and at least 30 percent of floor space in a building is designed for and occupied for commercial use;
- (4)** Day care home, group; provided, that the site and construction plans for such facilities receive the written approval of the State of Georgia Department of Human Resources, City of Hinesville City Council, and the City of Hinesville Fire Marshal prior to the issuance of any permits for construction and operation and that it is located on a lot fronting on an arterial or collector street;
- (5)** Day care center; provided, that the site and construction plans for such facilities receive the written approval of the State of Georgia Department of Human Resources, City of Hinesville City Council, and the City of Hinesville Fire Marshal prior to the issuance of any permits for construction and operation and that it is located on a lot fronting on an arterial or collector street;
- (6)** Restaurants which do not exceed 1,200 square feet, including the kitchen area;
- (7)** Bed and breakfast inns; [and]
- (8)** Any use which the Director of Inspections determines to be compatible with the intent of this zone.

(B) Special permit uses. None.

(C) Height regulations. No building or structure shall exceed 35 feet in height.

(D) Area regulations. Unless otherwise specified, uses permitted in the D-D, downtown development district shall conform to the following requirements:

(1) Front yard. There shall be a front yard having a depth of not less than 20 feet. Exception: When abutting an arterial or collector street, the setback shall be 35 feet.

(2) Side yard. There shall be two side yards, one on each side of the main structure (principal building), each having a width of not less than ten feet. When a lot is located at the intersection of two streets, the width of the yard along the side street shall not be less than 20 feet. Exception: When abutting an arterial or collector street, the setback shall be 35 feet.

(3) Rear yard. There shall be a rear yard having a depth of 15 feet for residential use property and ten feet for commercial use or residential/commercial use property. When a double frontage lot is involved, the rear yard shall have a depth of not less than 20 feet for all uses. Exception: When abutting an arterial or collector street, the setback shall be 35 feet.

(4) Lot area. All newly platted lots shall have an area of not less than 8,000 square feet and a minimum lot width of 70 feet. Exception: Lots in existence at the time of adoption of this Zoning District shall be considered legal lots in reference to the area and width requirements for this district.

(5) Off-street parking. To minimize visual intrusion created by parking, provision for parking should be made at the rear of the principal building where possible.

(E) Architectural review. The intent of this zone is to develop this district without significantly changing the neighborhood. To obtain this objective, all remodeling and/or new construction plans must be approved for compatibility with the area in which it is being constructed. Plans must be submitted to the Liberty Consolidated Planning Commission who must approve them for compatibility prior to the issuance of a building permit. In addition to the normal requirement of floor plans there is also a requirement for elevations of the front, rear and side of the building to be submitted. A buffer may be required depending on the type of proposed activity and the use of the surrounding property (see section 602 of this appendix). In reviewing the plans to insure compatibility the Planning Commission will consider the following standards:

(1) Contemporary design for alterations and additions to existing property shall not be discouraged when such alterations and additions do not destroy the significant historical, architectural or cultural material, and such design is compatible with size, property, neighborhood or environment; [and]

(2) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(F) Signage. Sign may be an indirect illuminated or nonilluminated institution or business identification sign or bulletin board not exceeding 20 square feet in area. Said sign shall be set back not less than 15 feet from the street right-of-way line unless attached to the

front of a building and shall not exceed five feet in height unless attached to the front wall of a building. Sign must be approved for architectural compatibility prior to installation. Sign plans and location must be submitted with site plan. The sign must be installed in accordance with the State of Georgia Building and Electrical Codes. (Ord. No. 2004-09, § 1(B), 11-18-2004)

Sec. 518. - MR, military reservation district.

This district is created to the needs of those portions of Fort Stewart located within the boundaries of the City of Hinesville. Any property owned or controlled by the United States may be used for the purpose of a military reservation, including all accessory uses and structures (including non-military activities). The provisions of this article, either substantive or procedural, shall not apply to any such use to the extent that the use is regulated by the United States.

Sec. 519. - Downtown redevelopment overlay district.

(a) Generally. There shall be established within the City of Hinesville, Georgia, a zoning district which is placed over the base zoning system to modify the development guidelines and to achieve a specific purpose for that area of the City which falls within the boundaries of the district. The area within the boundaries of the district shall be known as the "downtown redevelopment overlay district." There shall be established within the downtown redevelopment overlay district four subareas, which shall be known as the "historic urban core," "mixed use corridors," "multifamily residential redevelopment," and "single-family residential redevelopment." The boundaries of the downtown redevelopment overlay district and its four subareas shall be specifically delineated on the official Zoning Map of the City of Hinesville, Georgia. All land, buildings and structures within the downtown redevelopment overlay district shall be regulated by three separate and distinct regulations, including:

(1) The regulations of the underlying, or base, zoning system, meaning the use regulations, special permit uses, height regulations, area regulations, and other zoning-related requirements that apply to a parcel by virtue of the zoning classification assigned to that parcel by the City;

(2) The additional regulations set forth in this section which shall apply to a parcel, building or structure by virtue of its lying within the boundaries of the downtown redevelopment overlay district; [and]

(3) The additional regulations, development standards, and permitted land uses set forth in this section which shall apply to a parcel, building or structure by virtue of its lying within the boundaries of one or more subareas of the downtown redevelopment overlay district, including the historic urban core, mixed use corridors, multifamily residential redevelopment, or single-family residential redevelopment.

(b) Effect upon existing land uses.

(1) All existing parcels shall be considered to be in compliance with this section until the parcel is redeveloped, modified, or rehabilitated to the extent that improvements are equal to or greater than 50 percent of the existing fair market value of the property prior to improvements. Once improvements reach this threshold, all additions to the parcel must adhere to the new regulations set forth in this section.

(2) Properties located within the downtown redevelopment overlay district will retain all of the rights conferred by their existing zoning classifications. New property rights will be conferred on properties located within the downtown redevelopment overlay district that meet the criteria established in this section.

(3) Nothing in this section shall preclude a property owner from petitioning the City for an amendment, modification or variance to any zoning classification as otherwise allowed by the Zoning Ordinance of the City of Hinesville, Georgia.

(c) *Effect upon existing applications for development.* All applications for development within the Downtown Hinesville Redevelopment District prior to August 7, 2003, shall be exempt from the regulations herein. Any application submitted to the City of Hinesville for development or redevelopment after March 4, 2004 will be subject to the requirements of this section.

(d) *Legislative purpose.* The specific urban design, transportation, and land use policies set forth by this section are an extension of the orderly growth policies developed for the City of Hinesville in the Liberty County Joint Comprehensive Plan. This section seeks to generate quality development, preservation of historic structures, conservation of green space, greater mixing of uses, more pedestrian-friendly design, more housing options, and additional connectivity for travelers within and through the City.

(e) *Legislative intent; factors to be considered.* In resolving conflicts between this section and other zoning-related regulations, in providing for economic incentives to persons who develop land, buildings and structures within the downtown redevelopment overlay district, and at other times within the sound discretion of the governing authority of the City of Hinesville when it is called upon to interpret any provisions of this section, the intent of this legislation may be considered. By regulating the downtown redevelopment overlay district, the City of Hinesville seeks to:

(1) Allow a mixture of complementary land uses that may include housing, retail, offices, commercial, and civic uses, in order to maintain and create new economic and social vitality and to encourage the linking of trips and reduce the dependence upon the automobile for the majority of trips;

(2) Develop commercial and mixed-use areas that are safe, comfortable, and attractive to pedestrians;

(3) Provide roadway, pedestrian, bicycle, and public transit connections to residential areas;

- (4) Provide transitions and buffers between high traffic streets and residential neighborhoods;
- (5) Encourage a mix of housing types and locations to provide for additional opportunities for people in all stages of life and incomes to enjoy safe, decent, and attractive places to live;
- (6) Attain greater mobility throughout the City for bicyclists and pedestrians;
- (7) Provide appropriate locations and design for the addition of transit services;
- (8) Maintain mobility along transportation corridors;
- (9) Preserve and enhance the character of the historic commercial and residential areas;
- (10) Provide for protection of natural resources;
- (11) The intent of the City of Hinesville's Overlay District focuses on several main themes:

(A) *Public space*: To preserve, enhance, or create many forms of publicly accessible open space, such as parks, plazas, water features, tree-lined streets and community gathering areas.

(B) *Compact mixed-use*: To create a compact concentration of land uses within each development through multiple uses in a single building or in the same general area.

(C) *Street activity*: To encourage a sense of place by allowing the imaginative and efficient utilization of land and to develop a sense of community by promoting year-round pedestrian and outdoor activities at the street level.

(D) *Pedestrian-orientation*: To reduce the dependence upon and dominance of the automobile through street design, shared parking, bicycle and pedestrian pathways and spaces, and pedestrian-scaled buildings.

(E) *Design*: To achieve a unique aesthetic design through high quality architecture and construction with attention to placement, relationship, and orientation of structures to provide a greater compatibility with surrounding land uses.

(F) *Community cohesiveness*: To provide physical linkages and opportunities for recreational and social connections throughout the community to allow residents and visitors to enhance their quality of life in Hinesville.

(f) Resolving conflicts. Where a conflict arises between the requirements of this section and the underlying zoning classification requirements, the district regulations set forth in this section shall ordinarily prevail. Where a conflict arises between the district and the floodplain/wetlands district, the floodplain/wetland district shall prevail.

(g) Boundaries generally. The general boundaries of the downtown redevelopment overlay district may be those properties extending the distance from the Fort Stewart boundary at West General Stewart Way to the intersection of East General Stewart Way and East Oglethorpe Highway, westerly on West Oglethorpe Highway to the intersection of East General Screven Way, northeast along General Screven Way to the boundary of Fort Stewart. The actual zoning boundary, as well as subarea boundaries, shall be as approved by the Mayor and City Council after review and recommendation by the Liberty Consolidated Planning Commission. If a portion of a parcel lies within the overall boundaries, the entire parcel shall be considered to be within the boundaries of the overlay district.

(h) Design guidelines. Development and design requirements that apply within the downtown redevelopment overlay district are established in-part within this section and in-part by a separate manual known as the Overlay District & Historic Downtown Hinesville Design Guideline Manual (W.K. Dickson & Co., Inc., March 2004 edition). The design guideline manual is incorporated in its entirety by reference in this section and shall have the same force and effect as if set forth verbatim within this section. The design guideline manual, March 2004 edition, shall not be amended in the future except by action of the governing authority of the City of Hinesville.

(i) Development regulations for the overlay district; general.

(1) Streetscape. Refer to Overlay District & Historic Downtown Hinesville Design Guideline Manual (W.K. Dickson & Co., Inc., March 2004 edition).

(2) Underground utilities. Refer to Overlay District & Historic Downtown Hinesville Design Guideline Manual (W.K. Dickson & Co., Inc., March 2004 edition). Where practical, all utilities' services and connections shall be located underground.

(3) Architecture and building materials. Refer to Overlay District & Historic Downtown Hinesville Design Guideline Manual (W.K. Dickson & Co., Inc., March 2004 edition). Specific dimensional requirements for signage shall be as specified by article VIII of the City of Hinesville Zoning Ordinance.

(j) Transportation.

(1) General requirements.

(A) Street designs should permit safe and comfortable use of streets by motorists, pedestrians, and bicyclists. Pavement widths, design speeds and the number of motor travel lanes should be minimized to enhance safety for motorists and non-motorists alike, except in designated

commercial corridors where higher volumes of traffic are desired and appropriate. The specific design of any given street must consider the building types which have frontage and the relationship of the street to the overall City street network.

(B) Streets must interconnect within a development and with adjoining developments. Cul-de-sacs shall be allowed only where topographical and/or lot line configurations offer no practical alternatives for connections or through traffic. Street stubs shall be provided within each development adjacent to open land to provide for future connections.

(C) Streets must be designed as the most prevalent public space of the town and be scaled to the pedestrian.

(D) Streets must be bordered by sidewalks on both sides, with the exception of alleys or service corridors. Sidewalks on one side of the road may be permitted by the Director of Liberty Consolidated Planning Commission as an incentive to protect water quality or to achieve other community goals.

(E) Streets must be lined with street trees on both sides, with the exception of State highways and alleys.

(F) Streets must be public. Private streets are not permitted within any new development. Alleys will be classified as public or private depending on function.

(G) Streets must be the focus of buildings. Generally, all buildings will front on public streets.

(2) *Traffic calming.* Traffic calming measures, such as neckdowns, chicanes, mid-block diverters, intersection diverters, curb bulbs, and related devices will be considered on a case by case basis, based on safety and appropriateness in the proposed locations, taking into consideration the overall function of the roadway.

(3) *Street and path connections.* To improve circulation within the City's downtown redevelopment overlay district for pedestrians, bicyclists, and motorists, the following street connections should be implemented:

(A) Realignment of Memorial Drive/East Washington Avenue;

(B) Ryon Avenue/E. G. Miles Parkway/Hendry Street Intersection Modification; [and]

(C) New Multi-Purpose Trail Connection from Downtown Hinesville to the Regional Park located on Oglethorpe Highway/SR 84.

(4) Access driveways. It is the intent of the City to minimize the number of separate driveways to private properties, thereby reducing the potential for vehicular crashes and pedestrian injuries. If adjacent lots have direct vehicular access to a street, the City may require that the access be through a common or joint driveway using inter-parcel connections between properties. Access from private properties onto State highways shall be coordinated through the City of Hinesville prior to requesting the access connection from the Georgia Department of Transportation.

(5) Sidewalks. Refer to Overlay District & Historic Downtown Hinesville Design Guideline Manual (W.K. Dickson & Co., Inc., March 2004 edition).

(6) Inter-parcel connections. Linking residential subdivisions and mixed-use developments using inter-parcel connections and pathways or trails are encouraged to facilitate non-auto movements in the area. Inter-parcel connections between properties in commercial areas should be provided to minimize the need for auto traffic movements on the street system. Pedestrian paths should be direct and convenient. Overly circuitous pedestrian paths should be avoided.

(7) Parking. Refer to Overlay District & Historic Downtown Hinesville Design Guideline Manual (W.K. Dickson & Co., Inc., March 2004 edition), article VII of the Zoning Ordinance of the City of Hinesville, and the Bonuses and Criteria for Bonuses set forth in this section.

(8) Road design speeds. Roadway design speeds should not exceed 20 miles per hour on any neighborhood street. The roadway design speeds for collector streets should not exceed 30 miles per hour. Only the speeds on arterials and State highway routes may exceed these design speeds, as specified by the Mayor and City Council.

(9) Traffic control. Traffic control features, including signs, pavement markings, etc. shall be prepared in accordance with the guidance of the Manual on Uniform Traffic Control Devices (MUTCD) published by the Institute of Transportation Engineers (ITE). The developer is responsible for the initial installation of the devices and the maintenance thereof until the public (City of Hinesville or other public entity) accepts the street for maintenance.

(10) Gateways. Refer to design guidelines. No other gateway signs shall be permitted other than those designated by the City of Hinesville.

(k) Public transit. The City of Hinesville must plan for future public transportation facilities and services within the downtown redevelopment area. Increasing population and employment growth and land use intensities will place additional pressures on the transportation system that will not be able to be met with road widening projects alone.

(1) Sidewalks for transit. Sidewalks at transit stops should be a minimum of ten feet wide. A width of 15 feet is desired in commercial areas. The desired width of sidewalks located between bus stops is eight feet wide.

(2) Curbside lane. The curbside lane width on streets serving transit routes (with nonparking) is 12 feet minimum and 14 feet desired. The desired curbside lane width on streets serving transit routes (with on-street parking) is 20 feet (18 feet minimum). The desired non-curbside lane widths of streets serving transit vehicles is 12 feet (11 feet minimum). Lane widths narrower than 11 feet should be avoided since they could result in encroachment of transit vehicles into adjacent lanes.

(3) Intersections. Intersections should be properly designed to allow transit vehicles to turn safely onto streets. The following guidelines should be used for the turning radii at intersections.

(A) For turns into a two-lane street with parking, a turning radius of 20 feet minimum;

(B) For turns into a two-lane street from a street with parking, a turning radius of 20 feet minimum;

(C) For turns into a single-lane, a turning radius of 30 feet minimum;

(D) For turns into a two-lane street with no parking, a turning radius of 30 feet minimum;

(E) For transit facility dimensional requirements, refer to the transit design parameters graphic found in Overlay District & Historic Downtown Hinesville Design Guideline Manual (W.K. Dickson & Co., Inc., March 2004 edition); [and]

(F) Parking for bicycles should be encouraged at key transit stops, especially in and near the downtown area and schools.

(4) Bicycle facilities. It is the intent of the City to create safe, convenient, and adequate facilities to encourage bicycle riding as a valuable part of a balanced transportation system within the overlay district area. These can be accomplished through the development of a range of bicycle facilities as defined by the American Association of State Highway Transportation Officials (AASHTO) "Bicycle Facilities Guidebook," including bicycle lanes, bicycle paths, bicycle routes, and bikeways. Adequate bike parking facilities and signs are encouraged in key locations to facilitate safe and secure bicycling in the area.

(I) Development standards: Historic urban core.

(1) Boundary. The boundaries of the downtown redevelopment overlay district and the historic urban core subarea shall be specifically delineated on the Official Zoning Map of the City of Hinesville, Georgia.

(2) Permitted uses. Same as in DD, including R-4, R-TH, R-A-1, O-I, C-1, and O-C, and further to include the following more particularly described uses:

(A) Single-family site-built dwellings.

(B) Two-family duplex dwellings.

(C) Home occupations (refer to section 607).

(D) Parks and playgrounds.

(E) Accessory buildings and uses:

(i) Incidental to main uses and on the same parcel provided it is located to the rear of primary structure;

(ii) Recreational facilities, except swimming pools, may be placed in any side or rear yard with 30 feet minimum to lot line;

(iii) Swimming pools; [and]

(iv) Accessory dwelling unit (maximum one per single-family dwelling unit).

(F) Townhouse or condominium dwellings.

(G) Multifamily dwellings.

(H) Rooming[houses,] boardinghouses.

(I) Professional or business offices (not veterinary medicine).

(J) Agencies, studios, schools, and libraries.

(K) Financial and similar institutions.

(L) Funeral homes and undertaking establishments.

(M) Public utility facilities.

(N) Community centers and other similar places of public assembly.

(O) Places of worship.

(P) Group day care home, group day care center, or child care institution; provided, that the site and construction plans for such facilities receive the

written approval of the State of Georgia Department of Human Resources, and other permits as required by law.

(Q) Family personal care home (refer to section 623).

(R) Art supply store.

(S) Book, stationary, card, magazine, or newspaper shop.

(T) Camera and photographic supply store.

(U) Candy and nut store.

(V) Drugstore or pharmacy.

(W) Florist or gift shop.

(X) Hobby or toy store.

(Y) Music or record shop.

(Z) Small appliance store.

(AA) Barber[shop] or beauty shop or salon.

(BB) Tailor.

(CC) Jewelry store.

(DD) Private or semi-private club, lodge, or social center.

(EE) Dry goods store.

(FF) Hardware store.

(GG) Banks (excluding drive-ins).

(HH) Antique store.

(II) Public parking garage or lot.

(JJ) Bakery.

(KK) Restaurants (excluding drive-ins).

(LL) Bed and breakfast inns.

(MM) Passenger depots and transit shelters.

(NN) Restaurants with outdoor seating.

(OO) Mixed residential/commercial; provided, that any such mixed-use structure must include at least 50 percent residential total and no residential use on the first story.

(3) Special uses. None.

4) Bulk regulations.

<i>Bulk regulations</i>	<i>Minimum</i>	<i>Maximum</i>
Lot area	2,500 square feet (small enough to accommodate existing historic structures)	25,000 square feet (large enough to accommodate typical convenience shopping)
Front yard	Zero lot line construction (to the sidewalk) on Main Street and collectors, 15 feet on arterials	15 foot setback from the back of curb (BOC) to edge of building (if in keeping with average setback of existing structures), 20-foot setback on arterials
Side yard	Zero feet if attached to adjacent structure; five feet if abutting structure is not attached. Does not apply to corner lots	20 feet if abutting structure is not attached
Rear yard	60 feet (one row of parking) if parking is provided behind buildings; 20 feet if building abuts an alley; zero feet if building covers the entire depth of the lot	85 feet, to accommodate one row of parking, an alley, and a landscape buffer
Lot coverage	N/A	Building may cover entire lot, except for what is required for loading, servicing, and access
Height	N/A	Five stories heated floor space, 70 feet total on arterials and collectors; four stories heated floor space, 55 feet total on all other streets

(m) *Development standards: Mixed-use corridors.*

(1) Boundary. The boundaries of the downtown redevelopment overlay district and the mixed-use corridors subarea shall be specifically delineated on the Official Zoning Map of the City of Hinesville, Georgia.

(2) Permitted uses. R-4, R-TH, R-A-1, O-I, O-C, and D-D. Within the corridors that include: Oglethorpe from the Hinesville and Flemington City Limit boundary to General Screven; General Screven from the Fort Stewart boundary to

Oglethorpe; and Memorial Drive from the Fort Stewart boundary to Welborn Street C-2 uses are permitted and further to include the following more particularly described uses:

- (A)** Two-family duplex dwellings.
- (B)** Home occupations (refer to section 607).
- (C)** Parks and playgrounds.
- (D)** Accessory buildings and uses:
 - (i)** Incidental to main uses and on the same parcel provided it is located to the rear of primary structure;
 - (ii)** Recreational facilities, except swimming pools, may be placed in any side or rear yard with 30 feet minimum to lot line; [and]
 - (iii)** Swimming pools.
- (E)** Townhouse or condominium dwellings.
- (F)** Multifamily dwellings.
- (G)** Rooming[houses,] boardinghouses.
- (H)** Professional or business offices (not veterinary medicine).
- (I)** Agencies, studios, schools, and libraries.
- (J)** Financial and similar institutions.
- (K)** Funeral homes and undertaking establishments.
- (L)** Public utility facilities.
- (M)** Community centers and other similar places of public assembly.
- (N)** Places of worship.
- (O)** Group day care home, group day care center, or child care institution; provided, that the site and construction plans for such facilities receive the written approval of the State of Georgia Department of Human Resources, and other permits as required by law.
- (P)** Family personal care home (refer to section 623).
- (Q)** Art supply store.
- (R)** Book, stationary, card, magazine, or newspaper shop.

(S) Camera and photographic supply store.

(T) Candy and nut store.

(U) Drugstore or pharmacy (including drive-through facilities; provided, that the queue and necessary structures for business transactions are entirely contained behind the building and additional buffering to surrounding lots is provided).

(V) Florist or gift shop.

(W) Hobby or toy store.

(X) Music or record shop.

(Y) Small appliance store.

(Z) Barber[shop] or beauty shop or salon.

(AA) Tailor.

(BB) Jewelry store.

(CC) Private or semi-private club, lodge, or social center.

(DD) Dry goods store.

(EE) Hardware store.

(FF) Banks (including drive-through facilities; provided, that the queue and necessary structures for business transactions are entirely contained behind the building and additional buffering to surrounding lots is provided).

(GG) Antique store.

(HH) Public parking garage or lot.

(II) Bakery.

(JJ) Theaters, assembly halls, concert halls, or similar places of enclosed assembly.

(KK) Hotel or motel.

(LL) Indoor/outdoor recreation centers/facilities.

(MM) Restaurants (including drive-through facilities; provided, that the queue and necessary structures for business transactions are entirely

contained behind the building and additional buffering to surrounding lots is provided).

(NN) Bed and breakfast inns.

(OO) Retail automotive fuel sales (provided that the queue and necessary structures for business transactions are entirely contained behind the building and additional buffering to surrounding lots is provided).

(PP) Passenger depots and transit shelters.

(QQ) Restaurants with outdoor seating.

(RR) Mixed residential/commercial; provided, that any such mixed-use structure must include at least 50 percent residential total and no residential use on the first story.

(3) *Special uses.* None.

(4) *Bulk regulations.*

<i>Bulk regulations</i>	<i>Minimum</i>	<i>Maximum</i>
Lot area	25,000 square feet (small enough to allow transition from existing historic structures and abutting single-family residential areas)	140,000 square feet (large enough to accommodate typical neighborhood shopping (typical strip commercial center))
Front yard	15 feet, or average of existing structures in surrounding districts, except that zero lot line building shall be encouraged in areas where at least one abutting district's existing setback is zero lot line or adjacent land is vacant	75 feet maximum (one row of parking plus 15-foot buffer)
Side yard	Zero feet if attached to adjacent structure; ten feet if abutting structure is not attached (to provide pedestrian access from sidewalk to adjacent uses). Does not apply to corner lots	30 feet (to provide driveway to access parking behind building(s))
Rear yard	60 feet (one row of parking) if parking is provided behind buildings; 20 feet if building abuts an alley; 15 feet if building abuts residential district; Ten feet in all other cases	N/A
Lot Coverage	N/A	Building may cover entire lot, except for what is required for loading, servicing, parking, buffer, and access
Height	Average of existing structures in surrounding districts	Five stories heated floor space, 65 feet total on arterials and collectors, four stories heated floor space, 55 feet total on all other streets

(n) Development standards: Multifamily residential redevelopment area.

(1) Boundary. The boundaries of the downtown redevelopment overlay district and the multifamily residential redevelopment subarea shall be specifically delineated on the Official Zoning Map of the City of Hinesville, Georgia.

(2) Permitted uses. R-4, R-A-1, R-TH and further to include the following more particularly described uses:

(A) Single-family site-built dwellings.

(B) Two-family duplex dwellings.

(C) Home occupations (refer to section 607).

(D) Parks, playgrounds, and golf courses.

(E) Accessory buildings and uses:

(i) Incidental to main uses and on the same parcel provided it is located to the rear of primary structure;

(ii) Recreational facilities, except swimming pools, may be placed in any side or rear yard with 30 feet minimum to lot line;

(iii) Swimming pools; [and]

(iv) Accessory dwelling unit (maximum one per single-family dwelling unit).

(F) Rooming[houses] or boardinghouses.

(G) Townhouse or condominium dwellings.

(H) Multifamily dwellings.

(3) Special uses:

(A) Places of worship.

(B) Private or public elementary and secondary schools (no boarding).

(C) Group day care home, group day care center, or child care institution; provided, that the site and construction plans for such facilities receive the written approval of the State of Georgia Department of Human Resources, and other permits as required by law.

(D) Civic or private clubs.

(E) Nursing homes.

(F) Transit shelters.

(G) Hospitals and institutions.

(H) The following shall be allowed through special permits, at the discretion of the Director of Liberty Consolidated Planning Commission, to allow for additional neighborhood commercial uses to transition from multifamily residential and commercial into single-family neighborhoods to provide needed services at the neighborhood level to allow for more vibrant multifamily and single-family residential areas. Appropriate places for these uses would be at arterial or collector street intersections:

(i) Convenience/grocery stores, not to exceed 10,000 square feet;

(ii) Coffee shops, not to exceed 10,000 square feet (outdoor dining is permitted);

(iii) Mixed residential/commercial must contain at least 50 percent residential; second story or above only; [and]

(iv) Mixed residential/office must contain at least 50 percent residential; second story or above only.

(4) *Bulk regulations.*

<i>Bulk regulations</i>	<i>Minimum</i>	<i>Maximum</i>
Lot area	8,000 square feet, lot width—50 feet	50,000 square feet, lot width—200 feet
Front yard	Zero lot line	20 feet maximum (to allow for some multifamily in in-town settings and some with small front yards and stoops or porches)
Side yard	Zero feet if attached to adjacent structure; if not attached—ten feet	30 feet
Rear yard	Ten feet	200 feet
Lot coverage	N/A	Building may cover maximum of 50 percent of lot, excluding what is required for loading, servicing, parking, landscape buffers and access
Height	N/A	Five stories heated floor space

(o) *Development standards: single-family residential revitalization area.*

(1) *Boundary (two separate areas).* The boundaries of the downtown redevelopment overlay district and the single-family residential redevelopment

subarea shall be specifically delineated on the Official Zoning Map of the City of Hinesville, Georgia.

(2) Permitted uses. R-1, R-2, and R-3, and further to include the following more particularly described uses:

- (A)** Single-family site-built dwellings.
- (B)** Home occupations (refer to section 607).
- (C)** Parks, playgrounds, and golf courses.
- (D)** Accessory buildings and uses:
 - (i)** Incidental to main uses and on the same parcel provided it is located to the rear of primary structure;
 - (ii)** Recreational facilities, except swimming pools, may be placed in any side or rear yard with 30 feet minimum to lot line;
 - (iii)** Swimming pools; [and]
 - (iv)** Accessory dwelling unit (maximum one per single-family dwelling unit).
- (E)** Day care for up to a maximum of six children, to include any children considered normal residents of said dwelling.
- (F)** Transit shelters.

(3) Special uses. None.

(4) Bulk regulations.

<i>Bulk regulations</i>	<i>Minimum</i>	<i>Maximum</i>
Lot area	6,500 square feet, lot width—50 feet minimum (small enough to allow for the lowest density to support transit and affordable single-family units)	50,000 square feet, lot width—200 feet (high enough to allow for the continuation of larger lots and mixing of lot sizes in one district)
Front yard	Average of existing structures in district; minimum 15 feet (to allow for infill development, even in stable residential areas and to encourage a shift, where feasible, to residences closer to the sidewalks to encourage greater interaction and pedestrian activities)	30 feet maximum (to allow for some multifamily in in-town settings and some with small front yards and stoops or porches)
Side yard	The average of existing structures, or ten feet, whichever is less	20 feet
Rear yard	Ten feet	200 feet
Lot	N/A	Building may cover maximum of 50

coverage		percent of lot, excluding what is required for loading, servicing, parking, landscape buffers and access
Height	Average of existing structures	Three stories heated floor space

(p) Development phasing.

(1) General. All phases must conform to the Downtown Redevelopment Overlay District Ordinance and design guidelines. A project submitted without any indication that it is to be developed in phases will be considered a "single phase development" (i.e., the entire project shown on the plan will be built at one time.) To the extent practical, all developments shall provide side service loading docks in a multiple phase project. No certificate of occupancy will be issued for any building until every building in the phase under development shall have reached "substantial completion" (i.e., completion of the exterior) in the opinion of the Director of Liberty Consolidated Planning Commission.

(2) Subdivisions. Subdivisions within the district shall be allowed for recording ownership and development purposes provided that the following shall be adhered to:

(A) A design plan for the development showing the parking, landscaping, grading information and architectural elevations for the entire project shall be approved under the requirements of section (l) of this ordinance [section];

(B) The subdivision plat of the proposed development shall be approved by the City Council;

(C) No substantial change in design plan approval shall be allowed unless a revised plan shall be approved under the requirements of section (l) of this ordinance [section], and further, the overall plan for the entire development, as revised, shall be required as a part of the submittal documents for a design plan change for a portion of the development; and

(D) Streets:

(i) Curb cuts/access roads. The subdivisions of the project shall not entitle the newly created lots to additional curb breaks or access drives unless approved by the Director of Liberty Consolidated Planning Commission or in the event of a State highway, the Georgia Department of Transportation (GDOT).

(ii) Street alignment. Streets of new subdivisions shall be aligned with existing streets on adjoining property unless the City of Hinesville determines that the comprehensive plan, topography, requirements of traffic circulation, or other considerations make it desirable to depart from the alignment.

(iii) Lots abutting streets. Each lot in a subdivision, except a lot that fronts on a plaza and abuts an alley, shall abut a dedicated public street.

(iv) Street network. An interconnected network of streets is required unless the Director of Liberty Consolidated Planning Commission determines that good cause exists to require a different street pattern.

(v) Street, alley, and pedestrian path design. Streets, alleys, and pedestrian paths shall be designed and constructed in accordance with this chapter, the City of Hinesville Overlay District Ordinance and the City's urban design guidelines.

(vi) Street intersections. Street intersections, whether public or private streets, shall be designed in accordance with the provision of GDOT, Liberty County, and the City of Hinesville.

(vii) Dead-end streets. Dead-end streets are prohibited unless the Director of Liberty Consolidated Planning Commission determines that the most desirable plan requires laying out a dead-end street.

(q) Bonuses available. Bonuses and performance incentives for the downtown redevelopment overlay district. The Director of Liberty Consolidated Planning Commission may approve any individual or combination of the following development bonuses in order to recognize design beyond that required to comply with this and other City regulations, and design which is considered to further the regulations. In order to qualify for bonuses under this section, a development should demonstrate compliance with at least 60 percent of the criteria established in paragraphs (e) and (r) of this section. The bonuses available are as follows:

(1) Increased density: Office: Not to exceed 50 percent increase. Retail: Not to exceed 50 percent increase. Residential: Not to exceed 30 percent increase.

(2) Increased height: Not to exceed 65 feet (does not apply to historic urban core subarea or to properties located within a scenic vista).

(3) Reduction in or shared parking: Not to exceed 25 percent.

(4) Setback/buffer reduction: Not to exceed 25 percent maximum.

(5) Tax incentives to include, but are not limited to, tax increment financing (TIF), and community improvement districts (CID).

(6) Greenspace flexibility.

(7) Facade grant.

(r) *Criteria for receiving bonuses.* Performance criteria to be considered in recommending bonuses should relate reasonably to the bonuses being approved and may include the following:

(1) Preservation/adaptive reuse of a historic structure to the Secretary of the Interior's Standards for Rehabilitation.

(2) Dedication of a preservation easement.

(3) Preserving scenic vistas.

(4) Office use mixed with residential use, office not to exceed 50 percent of the project.

(5) Retail use mixed with residential use, retail not to exceed 50 percent of the project.

(6) Permanent bicycle racks provided in any off-street parking lot.

(7) Provision of affordable housing, defined as 80 percent or less of the area median income, not to exceed 50 percent of residential portion of any project.

(8) Development of special redevelopment sites, as identified by the City.

(9) Placing underground or out of clear view, electric and communications appurtenances on the project site.

(10) Clustering of development as demonstrated by:

(A) Increasing greenspace by 15 percent over current regulations;

(B) Reducing infrastructure needs (utilities, roadways, and impervious surfaces by 20 percent allowed/required under current regulations).

(11) Reduction in parking through:

(A) Shared parking agreement to reduce the need for additional parking as required by the parking provisions of the zoning ordinance (article seven [VII]);

(B) Payment into an established parking bank.

(12) Reduction in greenspace requirement (not to exceed five percent) through:

(A) Payment into an established greenspace bank;

(B) Easement recorded on the deed to the property granting public pedestrian/bicycle access to the Historic Liberty Trail.

(13) Develop internal roadways to discourage traffic congestion and to discourage direct access onto Oglethorpe Highway/SR 84.

(14) Reducing impervious cover by 15 percent or more beyond the minimum standards allowed by this or other regulations.

(15) Constructing or dedicating public facilities such as parks, roadway and right-of-way, police, fire, or emergency medical service sites, regional drainage facilities, or other facilities in excess of that required by City ordinance.

(16) Using energy-conserving or water-conserving devices that reduce consumption.

(s) Hardships. In order to qualify as a hardship under this section, the following criteria shall be demonstrated: An undue hardship imposed on a tract by the downtown redevelopment overlay district regulations or the cumulative effect of regulations, due to the peculiar configuration, topography, size or location of the tract.

(t) Variances. The Mayor and City Council may waive one or more of the specific requirements applicable to sites located in the "district" in accordance with subsection 519(E). The Mayor and City Council may approve any waiver to the minimum extent necessary to allow the project to be constructed. The applicant for any such waiver shall have the burden of showing that the proposed project, with such waiver granted will be as good or better than a project developed in compliance with the downtown redevelopment overlay district regulations in terms of environmental compatibility, transportation considerations, historic accuracy, and aesthetic compatibility. The waiver shall only be granted upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship; and

(3) A determination that the granting of a variance will not adversely impact the intents and purposes of these regulations.

(u) Overlay district master plan files. The City of Hinesville shall compile and maintain a current master file of the "district" consisting of the following:

(1) A master map of the overlay district land uses.

(2) A master file of all site plans for the overlay district including all submitted site plans, whether ultimately approved, disapproved, or withdrawn.

- (3)** A file with approved design guidelines.
- (4)** A master file of special features as identified by the City, including:
 - (A)** Scenic areas and corridors;
 - (B)** Historic properties and structures;
 - (C)** Floodplains;
 - (D)** Wetlands;
 - (E)** Water supply watersheds;
 - (F)** Trails;
 - (G)** Transit routes;
 - (H)** Parks/recreation areas;
 - (I)** Special redevelopment sites;
 - (J)** Parking availability matrix; [and]
 - (K)** Matrix/map of incentives.

(v) *Downtown redevelopment overlay district plan filing requirements.* In the case of a "district" development, the minimum acreage for filing shall meet the development standards specified in paragraphs (l), (m), (n), or (o) of this section, whichever applies. Prior to submittal of an application for approval of a design plan, the developer shall meet with the Director of Liberty Consolidated Planning Commission for a review of the location, scope, and nature of the proposed project. Each design plan shall be prepared by an architect, landscape architect, or engineer whose State registration is current and valid. The submittal of any design plan shall comply with the design plan specifications as set forth throughout this section and the design guidelines. Downtown redevelopment overlay district applications shall be approved by the Mayor and City Council with the exception of single-family development. All design plans shall contain a site plan, architectural elevations, landscape plan, and line-of-sight study drawn to an appropriate scale and shall include the following:

- (1)** *Name.* Name(s) of the proposed development. Name(s), signature(s), and address(es) of the owner(s)/developer(s), and the designer(s) of the site plan.
- (2)** *Date.* Date, approximate north arrow, and scale.
- (3)** *Boundaries.* The boundary line of the tract shall be shown on a survey plat prepared and sealed by a registered land surveyor.

(4) Location map. A map to an appropriate scale showing the location of the development.

(5) Contours. Contours with a minimum vertical interval of one foot referenced to NGVD-29 datum shall be provided for existing topography and proposed elevations.

(6) Site analysis. The location of existing or proposed platted property lines, streets, buildings, watercourses, bridges, water mains, drain pipes, utility systems, and public utility easements, the owners of record of adjoining parcels, and the zoning of the adjoining property.

(7) Buffer areas. Locations, dimension, and treatment of all required buffers, landscaped or planted areas, and signage.

(8) Other information. Other information required by the Director of Liberty Consolidated Planning Commission to insure compliance with the provisions of this section.

(w) Implementation.

(1) Design Review Board. A Design Review Board will be established that oversees development within the boundaries of the downtown redevelopment overlay district. Presentations to the Design Review Board must include sufficient technical and illustrative information about the proposed design for the Board to reach an informed conclusion about the project's ability to be completed within the guidelines. Presentations should include plan, elevation and section information relating to adjacent and/or opposing properties and block faces in sufficient detail to clearly demonstrate the appropriateness of the proposed designs. Three-dimensional representations may be requested illustrating a project from ground level and/or as part of a larger contextual framework.

(2) Recommendations to the City Council. The Design Review Board shall formulate a recommendation to the City Council for each project submitted for review. The City Council shall have the final authority to approve or deny any project submitted to it under the terms of this section.

(3) Membership. The Design Review Board will be constituted and convened under the Liberty Consolidated Planning Commission. It will be a board of not more than seven and not less than five people derived from the following sources:

City Manager	One person
City Engineer	One person
Architect/Civil Engineer	One person
Landscape Architect/Historic Preservationist	One person

Joint Arts Council	One person
Liberty Consolidated Planning Commission	One person
Public Works Department	One person

(4) Meetings. The Board will meet as called to review submittals. Materials to be submitted to the Board shall be due in the offices of the Liberty Consolidated Planning Commission not less than ten working days before the scheduled appearance date.

(Ord. No. 2004-01, § I(2), 1-12-2004; Ord. No. 2004-03, § I(1), 5-20-2004; Ord. No. 2004-09, § I(B), 11-18-2004; Ord. No. 2006-11, § I, 2-1-2007)

Sec. 520. - Planned development districts (PDD).

The planned development district is to be used within the downtown redevelopment overlay district defined in section 519.

(1) Generally. The purpose of this section is to encourage the unified and harmonious improvement of land and buildings under a unified plan of development rather than under conventional lot-by-lot regulations. The City of Hinesville benefits from variety in building types, compatibility of uses and optimum community development. The developer benefits from better land use, economy in development and flexibility in design. Review of the development plan by the City of Hinesville provides an opportunity to ensure that the development will be in harmony with in which it is located.

a. Ownership control. All of the land in a planned development initially shall be in single ownership by an individual, a partnership, tenants in common, a corporation or by some other legal entity. However, this shall not preclude several contiguous property owners from making a joint application for a planned development. Individual properties in a planned development may only be sold after a final plat has been approved and recorded with the properties, subject to private deed covenants that ensure the continuance of the planned development as originally approved and developed, or as otherwise provided in this section.

b. Sewer and water requirements. All planned developments shall be served by public sewer or by a sewer system approved by the City of Hinesville. All specifications regarding water supply and sewage treatment design and effective disposal shall be included in the overall development plans for a planned development.

c. *Exempt from conventional development standards.* Planned developments shall be exempt from the conventional development standards of this chapter. The provisions of this section shall govern their approval.

d. *Common use restrictions through covenant and declaration requirements.* When a planned development requires the creation of a homeowners' association to govern the use of common open space or other common areas, the required covenants, declaration and restrictions shall be filed with the Clerk of Superior Court and, as a minimum, shall provide for: mandatory and automatic membership in the homeowners' association as a function of home or dwelling unit ownership; creation of the homeowners' association before any individual properties are sold; all owners to have equal access and right of use to all shared and common facilities; perpetual and continued maintenance of open and shared space; tax liability in the case of default; the method of assessment for dues, maintenance and related costs; and, where appropriate, party wall maintenance and related costs; and restoration in the event of damage or destruction.

e. *Open space improvements.* When open space is required to be provided as part of a planned improvement, the developer shall submit with his application for approval of the planned development a plan for the improvement and maintenance of open space acres and shall follow the plan which is approved in developing the property.

f. *Open space maintenance.* Where this article requires or allows the preservation of open space and other common areas through a homeowners' association, and if the homeowners' association fails to maintain the common property in a reasonable condition, the Building Inspector shall serve written notice upon the association and upon the individual property owner of the planned development, setting forth the manner in which the organization has failed to maintain common open space in a reasonable condition. The notice shall include a demand that these deficiencies of maintenance are corrected within 30 days of the notice. If the deficiencies are not corrected within 30 days, the City, in order to preserve the taxable values of the properties within the planned development and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain it for one year and thereafter until the association is prepared to provide maintenance. The cost of this maintenance by the City of Hinesville shall be assessed against the properties within the planned developments that have a right of enjoyment of the common open space, and shall become a lien upon the properties.

(2) Residential.

a. Minimum acres. The minimum acreage of a planned residential development is one acre.

b. Usage. No more than 80 percent of a planned residential development shall be developed for single-family residential use.

c. Open space requirements. The developer of the planned residential development shall set aside and develop not less than 20 percent of the land area within the development for open space, parks or recreational use. Required streets, drives, yard areas and common parking court areas shall not be credited toward this minimum required open space allocation. Not more than 50 percent of the land reserved for open space purposes shall be within a floodplain.

d. Density. The density shall not exceed 16 dwelling units per gross acre within the residential districts.

e. Lot size and setbacks. No building containing dwellings shall be erected within 20 feet of any other structure, unless there is an adequate firewall. Further, every dwelling shall have direct access to a street, court, walkway or other area dedicated to public use.

f. Minimum buffer. The minimum buffer required for this development shall be in accordance with district development standards established for the zoning district in which the residential use is located, if any.

g. Street frontage. Units within the planned development which front on a street may front on a public paved street or on a private paved street having a pavement width of not less than 24 feet, or, if this street is designated as being one way, 20 feet. Units within the development may front on an arterial or collector thoroughfare if parking is provided in the rear of the units or in planned parking areas located to the rear of the front building setback line and separated from these streets by an open space providing a minimum depth of 20 feet. Curb cuts shall be limited to one per 100 feet of street frontage.

h. Subdivision. A separate parcel of land is required for each dwelling unit (except in a condominium), whether attached or detached.

i. Open space between units and buildings. The front or rear face of a dwelling unit shall be not less than 20 feet from the front or rear face of another dwelling unit. The unattached side face of a single-family attached building shall be not less than 40 feet from the rear face of another such building or unit.

j. Alignment. No dwelling unit shall be situated so as to face the rear of another dwelling unit within the development unless terrain differences or vegetation will provide effective visual separation.

k. Parking. At least two off-street parking spaces shall be provided for each dwelling unit. This space shall be provided under the dwelling unit, to the immediate front or rear of the dwelling unit or in common off-street parking areas not more than 300 feet from the dwelling unit, as measured along the shortest paved route. All off-street parking spaces shall be designed and located so that vehicles will not be required to back into any public street.

l. Preservation of common areas. With the exception of condominiums, which shall be governed as by State law provided, a homeowners' association created by the developer, by recorded covenants, declaration and restrictions running with the land, shall preserve and maintain for the owners and occupants of the units the land set aside for open space, parks or recreational use for the subdivision. The book and page in which these covenants, declaration and restrictions are recorded shall be shown on the final plat of the subdivision. This requirement may be granted upon the developer's filing a development plan and survey to which there is entered a covenant by the developer that the minimum open space requirement shall be applied to individual lots within the subdivision. Dedication of open space to the county may also satisfy the open space requirement.

m. Water and sewer availability. Each planned development must have a sewer system approved by the City of Hinesville.

n. Height. No residential dwelling unit shall exceed 45 feet in height; other structures are limited to 50 feet in height.

(3) Nonresidential components.

a. Standards applicable to nonresidential components of a planned development district:

1. Minimum floor area for planned nonresidential developments: 20,000 square feet.

2. Street access requirements: These projects shall be permitted only on a site which abuts an arterial or collector. The minimum distance between curb cuts shall be 100 feet.

3. Screening for residential property: In addition to other buffer requirements, when the back of the development is across the street from property in a residential district, then a solid fence or

hedge not less than six feet in height shall be installed and maintained by the developer to screen the back of the project from the residential property.

4. *Development:* All uses and activities shall be housed in a permanent enclosed structure with a single primary continuous facade, with the exception of two uses which may be detached from the facade and independently housed in their own permanent, enclosed structure.

5. *Distance between buildings:* Buildings within the development, if separated, shall not be less than 20 feet apart, unless there is an adequate firewall.

6. *Minimum buffer:* The minimum buffer required for this development shall be in accordance with standards established for the zoning district in which the development is located.

7. *Open space:* 15 percent.

(4) *Procedures for approval.*

a. *Preapplication review.* Prior to the submittal of an application for approval of a planned development, the developer shall meet with the Planning Director and the Building Inspector for a review of the location, scope and nature of the proposed development.

b. *Application for approval; site plan required.* A preliminary site plan of the proposed development shall be submitted as prescribed in this subsection. Each site plan shall be prepared by an architect or engineer whose State registration is current and valid. Each site plan shall be drawn at an appropriate scale and shall show the following:

1. *[Names.]* Names of the proposed development, names and address of the owners and the designers of the site plan and his seal.

2. *[Date, north arrow, scale.]* Date, approximate north arrow and scale.

3. *Boundaries.* The boundary line of the tract to be developed drawn accurately to scale and with accurate linear and angular dimensions.

4. *Location map.* A map to an appropriate scale showing the location of the development.

5. Contours. Contours with a minimum vertical interval of five feet referred to sea level datum shall be provided for both existing and proposed topography.

6. Existing property lines. The location of existing and platted property lines, streets, buildings, watercourses, railroads, bridges, water mains, sewers, culverts, drainpipes and public utility easements, both on the land to be developed and on that portion of the land immediately adjoining which abuts the land to be developed, and any other pertinent characteristics of the land; the name of adjoining subdivisions, or the names of record owners of adjoining parcels of unsubsidized land; and the zoning of the property.

7. Proposed improvements. The names, where appropriate, and locations and dimensions of proposed streets, alleys, sidewalks, easements, buildings, parking, recreation areas and facilities, yards and other spaces.

8. Utility and drainage plans. Utility and drainage plans shall be provided, including all information required by the City of Hinesville.

9. Buffer areas. Location, dimensions and treatment of all required buffer, landscaped or planted areas including fences.

10. Trees. The general location of all stands of trees in excess of approximately 12 inches in diameter at a point three feet above the surface of the ground.

11. Proposed protective covenants. A preliminary outline of proposed protective covenants, including provisions for the organization and financing of a homeowners' association, where appropriate.

12. Other information. Other information required to ensure compliance with the provisions of this chapter.

c. Approval. All planned development projects shall be submitted to the Planning Commission and processed in accordance with the applicable requirements of this article. The Planning Commission as a part of this site plan approval may vary, except for use or density provisions, the terms of this chapter [ordinance] where, in its opinion, equal performance can be obtained by means other than those specified in this section. The recommendations of the planning commission shall be submitted to the City Council for their consideration.

5.13. - Military Installation Zoning Overlay District (MIZOD)

(a) Purpose and Intent

The purpose of the Military Installation Zoning Overlay District (MIZOD) is to regulate, in a manner consistent with the rights of individual property owners and the requirements of military operations at Fort Stewart/Wright Army Airfield (WAAF), development of uses and structures that are incompatible with military operations; to sustain the economic health of Liberty County and the region; to protect the safety and welfare from the adverse impacts associated with high levels of noise from flight operations and large-caliber weapons and the potential for aircraft accidents associated with proximity to WAAF operations; and to maintain the overall quality of life of those who live, work, and recreate in Liberty County.

(b) Definitions

For the purpose of this Section, certain terms and words are hereby defined:

A-Weighted decibel: A measure of sound that depicts higher frequency noise caused by small arms firing, aircraft use and vehicle operations.

Attenuation: Special design and construction practices intended to lower the amount of noise and vibration that penetrates the windows, door and walls of a building.

Avigation: Aerial navigation.

Day-Night Sound Level (DNL): The 24-hour average frequency-weighted sound level, in decibels, from midnight to midnight, obtained after additional of 10 decibels to sound levels before 7:00 a.m. and after 10:00 p.m.

Decibel: A logarithmic unit of measure of sound pressure.

C-Weighted decibel: A measure of sound that depicts low frequency noise and vibration associated with the firing of large-caliber weapons systems.

Exterior door: All exit doors of a building that are located between conditioned and unconditioned space. A basement, crawl space or garage is considered unconditioned space unless it is provided with a positive heat supply to maintain a minimum temperature of 50 degrees Fahrenheit.

Habitable space: A space or room in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, solariums, sunrooms and similar areas are not considered habitable space.

(c) Relationship to Zoning Districts

- (1)** The MIZOD shall be designated on the Official Zoning Map and its boundaries shall be based on the Fort Stewart/Hunter Army Airfield Joint Land Use Study, as amended.
- (2)** In all zoning districts within the boundaries of the MIZOD, the regulations for both the underlying zoning district and the MIZOD regulations shall apply. Whenever, there is a conflict between the regulations of the underlying zoning district and MIZOD, the more restrictive regulation shall apply.

(d) Applicability

The standards for this section shall apply to those properties that lie within the MIZOD boundaries. When a parcel is split by the boundary of the MIZOD, only that portion of the parcel within the MIZOD shall be required to meet the provisions of this article.

(e) Establishment of MIZOD Zones and Boundary

- (1)** For purpose of administering these regulations, there shall be three (3) noise subzones and three (3) air safety subzones that reflect where use restrictions or standards apply within the MIZOD. The boundaries for these noise and air safety subzones shall be defined on the Official Zoning Map.
- (2)** MIZOD Noise Zones. The boundaries for these noise subzones are inclusive of areas surrounding the Fort Stewart installation and WAAF and shall be based on the Fort Stewart/Hunter Army Airfield Joint Land Use Study, as amended.

 - A. Noise Zone I (NZ I). This zone consists of an area between the 55 and 65 A-weighted Decibel Noise Level (ADNL) and 57 and 62 C-weighted Decibel Noise Level (CDNL) contour lines.
 - B. Noise II (NZ II). This zone consists of an area between the 65 and 75 ADNL and 62 and 70 CDNL contour lines.
 - C. Noise III (NZ III). This zone consists of an area in which the contour lines are greater than 75 ADNL and 70 CDNL.
- (3)** MIZOD Air Safety Zones. The boundaries for these air safety subzones adjacent to WAAF shall be based on the Fort Stewart/Hunter Army Airfield Joint Land Use Study, as amended.

 - A. Clear Zone (CZ). This zone is an area at the immediate ends of the runway 1,000 feet wide by 3,000 feet long in which there is a high potential for accidents.
 - B. Accident Potential Zone I (APZ I). This zone is an area leading to the runway beyond the CZ, 1,000 feet wide extending 2,500 feet in which there is a significant potential of accidents.
 - C. Accident Potential Zone II (APZ II). This zone is an area leading to the runway beyond the APZ 1, 1,000 feet wide and extending 2,500 feet in which there is a moderate potential for accidents.

- (4) **Parcels Located Within More Than One Subzone.** In the event a lot or parcel of record is located within more than one zone identified in this article, the entire lot shall be subject to the restrictions of the zone which most restricts development of the lot.

(f) Use Regulations

Any use permitted in the underlying zoning district in which the proposed use is located shall be allowed in the MIZOD, except as expressly prohibited within the provisions of this article and provided that additional standards set forth in this article are met. References to permitted uses as provided within this article are conditioned upon the said use being in compliance with permitted uses within the underlying zoning district.

(g) Permitted Uses in Relation to MIZOD Noise Zones

- (1) The use of a building or premises for any use permitted under Section 5.13 (f) shall be allowed in the MIZOD if it lies within the specified noise zone as set out in Figure 1 at the end of Section 5.13 and conditioned upon compliance with Section 5.13(l)
- (2) Where property is undeveloped, only such portion of it as is actually within the noise zone shall be considered within that noise zone. However, at such time as said property shall be subdivided or platted, any platted buildable lots intersected by a noise zone shall be deemed to be wholly within the highest noise zone.

(h) Conditional Permitted Uses in Relation to MIZOD Noise Zones

- (1) The use of a building or premises for a use designated Y[1] as set out in Figure 1 shown at the end of Section 5.13 is permitted in the MIZOD if it lies within the specified noise zone and is in conformance with the requirements of Section 5.13 (l) of this article and the conditions prescribed herein:

- A. A building permit may be issued by the chief building official provided that the building plan shows a design and construction that incorporates sound attenuation features to achieve an outdoor to indoor noise level reduction (NLR) of at least 25 decibels, which shall include but not limited to the

requirements described below in addition to all other applicable requirements of the building code, as amended:

- i. All exterior doors shall be either:
 - a. Solid-core or metal-clad construction, or
 - b. Separately equipped with wood or metal storm door, or
 - c. Multiple-glazed.
 - ii. Multiple-glazed windows shall be provided for all habitable space.
 - iii. Through-the-wall/door mailboxes, venting skylights, jalousie windows or other direct openings from the interior to the exterior of the building shall be prohibited.
 - iv. Mechanical ventilation shall be provided of a type and design to provide adequate environmental comfort with all doors and windows closed during all seasons. Window and through-the-wall ventilation units shall not be used. Commercial cooking areas are exempt from these conditions.
- (2)** The development of residential uses within Noise Zone II, designated Y[2] as set out in Figure 1 should only be approved in the absence of viable development options and as a result of a determination and evaluation indicating that a demonstrated community need for residential use would not be met if development were prohibited. This requirement is due prior to approvals.

(i) Permitted Uses in Relation to MIZOD Air Safety Zones

- (1)** The use of a building or premises for any use permitted under Section 5.13 (f) shall be allowed in the MIZOD pursuant to the

specified air safety zone regulations as set out in Figure 2 shown at the end of Section 5.13.

- (2) Where property is undeveloped, only such portion of it as is actually within the air safety zones shall be considered within that air safety zone. However, at such time as said property shall be subdivided or platted, any platted buildable lots intersected by an air safety zone shall be deemed to be wholly within the highest air safety zone.
- (3) Only single-family detached dwellings with a minimum lot size of 2.5 acres are permitted within the APZ II air safety zone.

(j) Additional Regulations in Relation to MIZOD Air Safety Zones

- (1) Interference. No use is permitted within the MIZOD Air Safety Zones that creates electrical interference with radio communication between an Air Traffic Control (ATC) facility and an aircraft; or to make it difficult for pilots to distinguish between airport lights and other lights; or to cause glare in the eyes of pilots using the airport; or to impair visibility in the vicinity of the airport; or to otherwise endanger the landing, taking off or maneuvering of aircraft at an airport or in the vicinity of an airport.
- (2) Height. Maximum height limits for structures exist for areas in close proximity to the runways of the WAAF. These height limits shall apply to all structures including, but not limited to, buildings, wireless telecommunication facilities, broadcast transmission towers and construction cranes. The maximum limits are generally based upon the path of aircraft that are taking off from, landing on or circling in a holding pattern around the runway and vary based on distance from the runway. The Height Limit Map (To-Be-Developed) is based upon the Approach and Clear Zone Plans. When the maximum height permitted by the underlying zoning district and this overlay district conflict, the more restrictive height shall apply. All new wireless telecommunication facilities and broadcast transmission towers meeting the requirements of this article shall be constructed with lights on the tower.

- (3) Aircraft Wildlife Strike Hazards. Human-made uses such as retention ponds, roosting habitats on buildings, landscaping, putrescible-waste disposal operations, wastewater treatment plants, agricultural or aquaculture activities, surface mining, or wetlands, which may be used by wildlife for escape, feeding, loafing, or reproduction are prohibited. Wildlife use of areas within an airport's approach or departure airspace, aircraft movement areas, loading ramps, or aircraft parking areas may cause conditions hazardous to aircraft safety. Human-made uses shall be sited in accordance with the following criteria to achieve adequate separation between the attractant and aircraft movement:

(k) Real Estate Disclosure

- (1) All real estate transactions within the MIZOD shall include a notice disclosing the proximity of the property to the Fort Stewart/WAAF installation, except such uses or properties exempted by this article. The notice shall be affixed to all listing agreements, sales and lease contracts, subdivision plats, marketing materials and seller's property disclosure statement or similar documents provided to prospective buyers and lessees. The real estate disclosure notice shall conform to the provisions contained in the model notice, a copy of which is identified in Figure 3 shown at the end of Section 5.13. Disclosure is required as soon as practicable, but must be before execution of a contract, i.e., before making or acceptance of an offer.

(l) Avigation and Noise Easements

- (1) All uses permitted within the MIZOD, except the area within the Noise Zone (NZ I) boundary and uses or properties exempted by this article, shall be conditioned upon the grant by the property owner of an avigation and noise easement to the City of Hinesville. Such easement shall be a condition of subdivision, planned unit development, special permit, use permit, building permit or similar permit. The avigation and noise easement is to be submitted pursuant to the terms of this article and shall conform to the provisions contained in the model avigation and noise easement, a copy of which is shown in Figure 4 at the end of Section 5.13.
- (2) An executed copy of the avigation and noise easement for said property shall be provided to the Liberty Consolidated Planning Commission and kept on file as proof of easement. All avigation

and noise easements shall be recorded with the Liberty County Clerk of Court at the property owner's expense.

(m) Pre-Existing Uses

- (1)** Any existing use, which was lawfully established at the time of the effective date of this article, may be continued; although, such use does not conform to the provisions hereof. However, the requirements set forth in this section shall be applicable to the portion of the use subject to enlargement, extension, conversion, reconstruction or structural alteration, and not be retroactive to the entire pre-existing structure. Nothing shall prohibit the reconstruction of a building legally in use at the time of the adoption of this article. A request for enlargement, extension, conversion, reconstruction or structural alteration of a pre-existing use which does not conform to the provisions of this article shall be processed through the permit procedures for nonconforming uses and structures as set forth in Article VI, Section 610 of the Zoning Ordinance of the City of Hinesville.
- (2)** The permit to enlarge, extend, convert, reconstruct, or alter a structure lawfully in existence at the time of the enactment of this section, shall not be conditioned upon the execution of an avigation and noise easement pursuant to Section 5.13(l).

(n) Enforcement and Exemption

- (1)** Prior to the issuance of a building permit or other certificate, the Director of Inspections shall ensure the proposed building, premises or development is in compliance with the requirements of this article.
- (2)** The Garrison Commander or his/her designee shall be informed of all requests for development within the MIZOD, except the area within the Noise Zone (NZ I) boundary. This provision does not supersede or modify existing State or Federal laws. The Director of Inspections shall forward a copy of all applications to the Garrison Commander or his/her prior to issuance of any permits. The Garrison Commander or his/her designee shall verify receipt of such information and, within a reasonable time period, forward any comments concerning the request to the Director of Inspections.
- (3)** Any use located within the MIZOD and utilized in connection with the operations of Fort Stewart/WAAF; properties owned or leased by Liberty County; any public Authority; military units; or other

governmental agencies, except for private or public educational facilities are hereby declared compatible and shall be exempted from the requirements of this article.

(o) Protection

- (1)** The degree of protection provided by this article is reasonable for regulatory purposes and is based on planning, engineering and scientific methods of study and in coordination with aviation and defense agencies. This article does not imply that areas outside of the MIZOD area will be totally free from noise impacts and aircraft hazards, and, therefore, shall not create a liability on the part of the City of Hinesville, or any of its officers or employees, for any damages resulting from reliance on this article.

(p) Variances

- (1)** Variances shall not be permitted from the height limits or use regulations for properties within any Noise Zone or Air Safety Zone of this overlay district. Additionally, no application for a variance to the other requirements of this article may be considered by the governing authority unless a copy of the application has been furnished to the Garrison Commander or his/her designee for a written recommendation as to the aeronautical effects of the variance. If the Garrison Commander or his/her designee does not respond to the application within 30 days after receipt, the governing authority may act on its own to grant or deny the application.

**Figure 1
Generalized Use Matrix for MIZOD Noise Zones**

Permitted Within Each Noise Zone	NZ I	NZ II	NZ III
Residential	Y	Y [1][2]	N
Manufactured Housing	Y	N	N
Industrial	Y	Y	Y
Retail & Service Businesses	Y	Y [1]	Y [1]
Office	Y	Y [1]	Y [1]
Restaurants	Y	Y [1]	Y [1]
Service stations & repair services	Y	Y	Y
Health & childcare	Y	Y [1]	N
Hotels/motels	Y	Y [1]	N
Education & religious facilities	Y	Y [1]	N
Public Assembly	Y	Y [1]	N
Indoor sport, recreation & entertainment facilities	Y	Y [1]	N
Outdoor sport, recreation & entertainment facilities	Y	Y	N
Parks, Open Space & Golf Courses	Y	Y	N
Agriculture	Y	Y	Y

Notes:

Y – Permitted

N – Not Permitted

1. Development is required to incorporate sound attenuation features as a condition of building permit issuance, as described in Section 5.13(h)(1) of this article.

2. The development of residential uses should only be approved in the absence of viable development options and as a result of a determination and evaluation indicating that a demonstrated community need for residential use would not be met if development were prohibited, as described in Section 5.13(h)(2) of this article.

**Figure 2
Generalized Use Matrix for MIZOD Air Safety Zones**

Permitted Within Each Air Safety Zone	APZ II	APZ I	CZ
Residential	Y [1]	N	N
Manufactured Housing	N	N	N
Industrial	Y	Y	N
Retail & Service Businesses	Y	N	N
Office	Y	N	N
Restaurants	N	N	N
Service stations & repair services	Y	Y	N
Health & childcare	N	N	N
Hotels/motels	N	N	N
Education & religious facilities	N	N	N
Public Assembly	N	N	N
Indoor sport, recreation & entertainment facilities	Y	Y	N
Outdoor sport, recreation & entertainment facilities	Y	Y	N
Parks, Open Space & Golf Courses	Y	Y	N
Agriculture	Y	Y	N

Notes:
Y – Permitted
N – Not Permitted

1. Only single-family detached dwellings with a minimum lot size of 2.5 acres are permitted pursuant to Section 5.13(i)(3) of this article.

Figure 3

Model Real Estate Disclosure Notice

Properties located within the Military Installation Zoning Overlay District (MIZOD) for Fort Stewart/WAAF should be aware that such property may be subject to overflights by commercial, general aviation, and military aircraft, and subject to noise, vibration, exhaust, air and vehicular traffic and other conditions associated with the operation of this military installation. Land within the MIZOD, particularly during periods of more intense military activity, can be subject to noise high enough to trigger annoyance. The military installation is operational 24 hours per day.

Figure 4

Model Avigation and Noise Easement

INDENTURE made this _____ day of _____, 20__ , between _____, hereinafter called "Grantor", and Hinesville City Council a public body corporate and politic, hereinafter called the City of Hinesville:

WHEREAS, Grantor is the owner in fee simple of a certain tract of land situated in the City of Hinesville, State of Georgia, more particularly described as:

See attached Exhibit "A",

said tract of land being hereinafter referred to as "Grantor's Land"; and

WHEREAS, Grantor has agreed in consideration of _____ (\$_____) and other valuable consideration, receipt of which is hereby acknowledged, to grant the City of Hinesville the following Avigation and Noise Easement for the right of flight and consequent aircraft noise over Grantor's Land.

NOW THIS INDENTURE, WITNESSETH:

Grantor, for itself, its heirs, successors and assigns, for the said consideration, hereby grants and conveys to the City of Hinesville, the following Avigation and Noise Easement for the right of flight and consequent aircraft noise over Grantor's Land.

NOW THIS INDENTURE, WITNESSETH:

Grantor, for itself, its heirs, successors and assigns, for the said consideration, hereby grants and conveys to the City of Hinesville, its successors and assigns, a perpetual easement and right-of-way for the unobstructed and unrestricted flight of aircraft in, through and across the airspace over and above Grantor's Land, at any legally permissible altitude, and the right, to the extent permitted by law, to make noise and

cause fumes and disturbance arising from the ground and flight operations of all civil and military aircraft to, from and upon the Fort Stewart/ WAAF military installation, regardless of the means of propulsion.

The Grantor, for itself, its heirs, successors, and assigns, does hereby waive all right to and interest in any claim or cause of action against the City of Hinesville, arising out of or from any legally permissible noise, vibration, aviations, firing of large-caliber weaponry or detonations, pollution, light or noise generated from, above or on military property, or sonic disturbance of any description, caused by flight operations of civil and military aircraft regardless of the means of propulsion, to, from and upon Fort Stewart/WAAF, which may result in damage to land or to any person, structure or other property located upon Grantor's Land, excepting, however, any claim or cause of action for any damage or injury to person or property resulting from any aircraft, or object there from, falling on, propelled into, or striking any person or property on Grantor's land.

The Grantor, for the said consideration, further agrees, that if Grantor or its heirs, successors or assigns, should sell or alienate any portion of Grantor's Land, Grantor, its heirs, successors or assigns shall include in every deed or conveyance evidencing such sale or alienation, a recitation that the grant is subject to all conditions contained within this Avigation and Noise Easement, and further as a condition of such transaction, Grantor shall require each Grantee to include such recitation in any subsequent deed or conveyance of any of the property herein above described as Grantor's Land.

In the event any condition or provision herein contained is held to be invalid by any court of competent jurisdiction, the invalidity of any such easement, condition or provision shall in no way affect any other condition or provision herein contained.

It is understood and agreed that this easement shall be binding upon the heirs, administrators, executors, and assigns of the Grantor, and that this easement shall run with Grantor's Land.

TO HAVE AND TO HOLD said Avigation and Noise Easement hereby granted unto the

City of Hinesville for the use of the Fort Stewart/WAAF military installation, its successors, and assigns.

IN WITNESS WHEREOF, the undersigned has caused its signature to be affixed this day of

_____, 20__.

By:

STATE OF _____)

) ss.

COUNTY OF _____)

On this ____ day of _____, 20__, before me, a duly appointed and qualified notary public, personally appeared _____, to me personally known to be the same and identical person who signed the above and foregoing instrument and he did acknowledge the execution thereof to be his voluntary act and deed and that of _____.

WITNESS my hand and seal on the date last aforementioned.

Notary Public

ARTICLE VI. – ADDITIONAL REGULATIONS

Sec. 601. - Accessory uses and structures.

In addition to the principal uses which are designated herein as being permitted within the several zoning districts established by the [this] ordinance, it is intended that certain uses customarily incidental or accessory to such principal uses shall also be permitted. For the purposes of this appendix, therefore, each of the following uses is considered to be a customary accessory use, and, as such, may be situated on the same lot with the principal use or uses to which it serves as an accessory.

(A) *Accessory structures and uses for residential uses.*

- (1)** Private garage for the occupant's automobiles or vehicles. Must be non-commercial usage of garage.
- (2)** Parking area or open storage space for motor vehicle belonging to the occupant, and provided that this regulation shall not be misconstrued to mean commercial uses are allowed.
- (3)** Shed or tool for the storage of equipment.
- (4)** Children's playhouse or play equipment.
- (5)** Private kennel, pens, or cages for occupant's pets; provided, it does not create a nuisance to neighbors.
- (6)** Private swimming pool and bathhouse or cabana.
- (7)** Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or slat house.
- (8)** Amateur radio antenna and antenna support structure; provided, antenna and antenna support structures are not used in any way for commercial purposes and provided that antennae and antenna support structures are erected, constructed and installed in compliance with section 619 of this appendix and the current State of Georgia adopted Standard Building Code.
- (9)** Satellite dish; provided, satellite dishes are erected, constructed and installed in compliance with section 620 of this appendix and the current State of Georgia adopted Standard Building Code.

(B) *Accessory structure and uses for church buildings.*

- (1)** Religious education buildings.

(2) Parsonage, pastorium, or parish house, together with any use accessory to a dwelling listed above.

(3) Paved off-street parking area for the use without charge to members and visitors to the church.

(4) Satellite dish; provided, satellite dishes are erected, constructed and installed in compliance with section 620 of this appendix and the current State of Georgia adopted Standard Building Code.

(C) Accessory structures and uses for commercial and industrial uses.

(1) Off street parking area for customer, client or employee owned vehicles.

(2) Completely enclosed building for the storage of supplies, stock or merchandise.

(3) Light manufacturing and/or repair facility incidental to the principal use; provided, that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.

(4) Sheltered roofs, awnings or canopies incidental to retail and commercial use, where such use is permitted; provided, that no part shall, in any case, be located any closer than ten feet to any property line.

(5) Satellite dish; provided, satellite dishes are erected, constructed and installed in compliance with section 620 of this appendix and the current State of Georgia adopted Standard Building Code.

(D) Setback and other requirements for accessory uses and structures. In any district, all accessory uses and structures shall observe all setbacks with respect to side and front yards, and other requirements as set forth for the district in which they are located. However, an accessory building will not be located closer than five feet to the rear property line except in the case of double frontage lots. All double frontage lots will conform to the district requirements.

Sec. 602. - Buffer strips.

Any two-family, townhouse, condominium, multifamily, mobile home park, institutional, commercial, or industrial uses, off street loading areas, or off-street parking areas shall be separated from adjoining property by a buffer strip, as provided below.

(1) For any townhouse, condominium, multifamily, or manufactured home park use abutting a single-family or two-family residential use, the buffer strip shall consist of a solid brick, concrete block, or stone wall located within a landscaped buffer at least six feet in width. A dense hedge or other densely vegetated planting area consisting of trees, under-story plants and shrubs, and grassed areas may be substituted for the wall where the plantings form an opaque evergreen barrier and the plantings are supplemented by a chainlink fence covered with a dark vinyl material and essentially invisible from the single-family residential area. This buffer shall be at least 12 feet in width. Shrubs incorporated into a buffer must be capable of meeting the height requirements of six feet in height within a 12-month period.

(2) For any institutional, commercial, or industrial use abutting a single-family, two-family, townhouse, condominium, or multifamily residential use or manufactured home park, the buffer strip shall consist of a solid brick, concrete block, or stone wall located within a landscaped buffer at least six feet in width. A dense hedge or other densely vegetated planting area consisting of trees, under-story plants and shrubs, and grassed areas may be substituted for the wall where the plantings form an opaque evergreen barrier and the plantings are supplemented by a chainlink fence covered with a dark vinyl material and essentially invisible from the residential area. This buffer shall be at least 12 feet in width. Shrubs incorporated into a buffer must be capable of meeting the height requirements of six feet in height within a 12-month period.

(3) For any two-family, townhouse, multifamily, or mobile home park, use abutting another two-family, townhouse, multifamily, or mobile home park, use, the buffer strip shall consist of a landscaped buffer at least six feet in width and containing a dense hedge or other densely vegetated planting area with trees, under-story plants and shrubs, and grassed areas that form an opaque evergreen barrier capable of meeting the height requirements of six feet in [height] within a 12-month period.

(4) The perimeter of any loading area or off-street parking area abutting a property boundary (including a street right-of-way) shall be surrounded by a buffer strip consisting of a wall or dense hedge located within a landscaped strip at least six feet in width. Where the loading or parking area is adjacent to a single-family residential use, the buffer shall meet the standards in subsection (1), above. In other locations, the wall or hedge shall be at least 30 inches in height above the paved parking surface so as to shield the hoods of parked cars from view.

(5) Standards for buffers may be modified (increased or decreased) in connection with the review of a special permit use.

Sec. 603. - Curb cuts and access points.

Ingress/egress openings in concrete, asphalt, rock, or other street curbing provisions, commonly referred to as "curb cuts," as well as other means of vehicular access to and from private property, shall be regulated in the zoning districts as established by this appendix in accordance with the following requirements:

(1) *Size and spacing of curb cuts and other access points.* In no case shall a curb cut or other access point be less than 15 feet nor more than 36 feet in width. No two curb cuts

or other access points shall be closer than 300 feet on arterial streets, 200 feet on collector streets and 100 feet on local City streets, if the property is narrower than 200 feet, from each other except in single-family residential zoning districts.

(2) Location of curb cuts and other access points. At street intersections no curb cuts or other access point shall be located closer than 20 feet from the intersecting point of the two street rights-of-way or property lines involved (or such lines extended in case of a rounded corner); or 25 feet from the intersection of two curblines involved (or such lines extended in case of a rounded corner), whichever is the least restrictive.

(3) Permits for access onto State-owned highway rights-of-way. A permit must be obtained from the State of Georgia Department of Transportation before curb cuts or any other point of access shall be authorized onto State-owned highway rights-of-way from abutting property.

Sec. 604. - Double frontage lots.

On lots having frontage on more than one street but not located on a corner, the minimum front yard setback shall be provided for each street in accordance with the regulations for the land use district in which the lot is zoned.

Sec. 604. - Double frontage lots.

The front yard requirements of this ordinance shall not apply to any lot where the average front yard on already built upon lots located within 100 feet on each side of such lot and within the zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such a lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots. However, in no case shall setback be less than ten feet.

Sec. 604. - Double frontage lots.

The height limitations of this appendix shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, silos, chimneys, smokestacks, conveyors, flagpoles, masts and aerials.

Sec. 604. - Double frontage lots.

A home occupation, if it is permitted, must comply with the following requirements:

- (1)** Customers or clients are not permitted to physically come to the home/office.
- (2)** Employees, other than members of the family residing on the premises, are not authorized to meet, park or work at the home.
- (3)** Supplies, materials or debris are not to be located, stored, stockpiled or kept on the property where the home is located.

(4) Home occupations approved or licensed at the time of the approval of this appendix but not meeting the requirements of section 607(1) through (4) are grandfathered and are approved for continued operation. This approval will remain in effect until one of the following occurs:

(a) Business is inactive and not licensed for one year; [or]

(b) The present home owner/licensee moves from the licensed location.

(5) All applications for a home occupation permit shall be accompanied by a certificate of an attorney duly licensed to practice law in the State of Georgia, confirming that there are no private land restrictions or restrictive covenants existing which prohibit the proposed home occupation.

Sec. 604. - Double frontage lots.

(1) All junkyards shall be completely screened from roads or developed areas with a solid fence or wall a minimum of ten feet, maintained in good condition as determined by the Department of Inspections, and painted except for masonry construction, or with suitable paintings.

(2) No operation shall be conducted which shall cause a general nuisance or endanger the public health.

Sec. 604. - Double frontage lots.

(1) No permit for the use of any lot which is smaller in total area than the minimum size permitted for the district within which it is located shall be issued unless said lot was legally and properly recorded prior to the effective date [November 20, 2003] of this appendix.

(2) Yards or lots recorded after the effective date [November 20, 2003] of this appendix shall comply with the requirements established by this appendix.

Sec. 604. - Double frontage lots.

The lawful use of any building, structures, manufactured home, or land existing at the time of enactment of this appendix may be continued, although such land use or structure does not conform with the provisions of this appendix, provided the following conditions are met:

(1) *Unsafe structures.* Nothing in this appendix shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

(2) *Alterations.* A nonconforming building or structure may be altered, improved or reconstructed provided such work is not to an extent exceeding ten percent of the current (reasonable fair market value) value of the building or structure, unless the building or structure is changed to a conforming use.

(3) Cessation. A nonconforming use existing on the effective date of the adoption of this appendix shall cease upon the sooner of the following:

(a) The abandonment of the use as defined in section 610(6); or

(b) Destruction of the building or structure in which such use is located under circumstances constituting force majeure.

A nonconforming use shall not be directly or indirectly continued by sale or transfer to any entity in which the current owner does not continue to own at least a 50 percent interest.

(4) Changes. No nonconforming building, structure or use shall be changed to another non-conforming use.

(5) Restoration. Nothing in this appendix shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged by fire, collapse, explosion, acts of God, subsequent to the date of this ordinance, wherein the expense of such work does not exceed 60 percent of its current (reasonable fair market value) value of the building or structure at the time such damage occurred.

(6) Abandonment. A nonconforming use of a building, structure, manufactured home or industrialized building which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when:

(a) Use is discontinued for six consecutive months, unless facts show the intention to resume the nonconforming use; or

(b) The equipment and furnishings of the nonconforming use have been removed from the premises, and have not been replaced within six months, unless facts show the intention to resume the nonconforming use; or

(c) It has been replaced by a conforming use.

Sec. 611. - Obstruction to vision at road intersections.

In order to minimize accidents at road intersections, the following regulations shall apply in all districts:

(1) Within the area formed by the right-of-way lines of intersecting roads and a straight line connecting points of such right-of-way lines, at a distance of 20 feet from their points of intersection there shall be a clear space with no obstruction to vision between the height of 30 inches and a height of ten feet above the average grade of each road as measured at the centerline thereof.

(2) Requirements of this section shall not be deemed to prohibit any necessary retaining wall.

(3) Trees shall be permitted in the clear space; provided, that foliage is cut away within the prescribed height.

Sec. 612. - Vision clearance at private drives and entrances intersecting with public streets.

At the intersection of any private drive, or entrance or exit with a public street, no fence, wall, hedge or other planting, or sign forming a material impediment to visibility over a height of 2 1/2 feet shall be erected, planted, placed or maintained.

Sec. 613. - Additional regulations.

Cluster zoning. Any major subdivision in zoning districts R-1, R-2, R-3, R-4, R-TH and PUD may employ a reduction in lot size if overall density requirements are met.

Cluster zoning may achieve a number of purposes.

- (1) To lower the per cost of streets and utilities;
- (2) Reduce the total length of streets, thereby lowering the City's cost of service and maintenance;
- (3) Encourage the separation of vehicular and pedestrian traffic; and
- (4) To preserve natural features and preserve open space for the community.

Sec. 614. - Drainage easements.

All dedicated easements for open drainageways shall remain unobstructed in order to provide satisfactory access for maintenance vehicles and equipment. No fences, screens, or other permanent structures shall be erected or placed on or within any drainage easement.

Sec. 615. - Lot occupancy.

No building shall be erected or located on a lot which does not abut an open street, which shall be either a public street, or publicly approved street or a publicly maintained street.

Sec. 616. - Lot reduction prohibited.

No lot shall be reduced in size so that the total area, lot width, necessary yards or other open space, lot area per dwelling unit or other requirements is less than the requirements of the zoning district in which the lot is located.

Sec. 617. - Determination of building coverage.

In addition to the principal building, all accessory buildings, including storage buildings, equipment and tool sheds, detached garage or carports, swimming pools, roof covered open or enclosed porches and terraces, shall be used in determining building coverage.

Sec. 618. - Uniform setback requirement.

In any zoning district where lots abut an arterial or collector street the minimum required building or structure setback shall be 35 feet (see article X, Appeals). For the provision of this appendix, the following listed streets are established and/or classified as:

(A) Arterial streets: Oglethorpe (U.S. Highway 84) Highway; E.G. Miles Parkway (Georgia Highway 196, West of General Screven Intersection); General Stewart Way; General Screven Way; Frank Cochran Drive; South Main Street (South of General Screven Way to the intersection of Shaw Road); Shaw Road; Barry McCaffrey Boulevard; Airport Road, and 15th Street Extension.

(B) Collector streets: Memorial Drive; Sandy Run Drive; Folker Road; Olmstead Drive; Deal Street; Fraser Drive; Forrest Street (East of Fraser Drive Intersection); Pineland Avenue; Kelly Drive (South of Pineland Avenue Intersection); Eunice Road; Flowers Drive; Mahoney Drive; Courtland Drive; Desert Storm Drive; Paul Caswell Boulevard; Kacey Drive; Waterfield Drive, Cove Street, MacArthur Drive, Willowbrook Drive (from intersection with Pacific Place to intersection with EG Miles Parkway); Pacific Place; Inwood Drive; Madison Drive (from intersection with Inwood Drive to intersection with Olive Street); Grove Point Drive; Windhaven Drive (from intersection with Frank Cochran Drive to intersection with Demere Street); Arlington Drive (from intersection with E.G. Miles Parkway to intersection with Yellow Pine Street), North Main Street (from the intersection with West Court Street to the intersection with General Stewart Way), South Main Street (from the intersection with West Court Street to the intersection with East General Screven Way) Welborn Street, Gause Street, East M. L. King, Jr. Drive, East Court Street, and East Washington Street.

(C) Local streets: All streets not classified as arterial or collector. Setbacks shall be measured from the edge of the street right-of-way (lot line) to the building line. Lots abutting local streets will conform to corresponding district requirements.

Sec. 619. - Antennas and antenna support structure installation requirements.

(A) Permit required. It shall be unlawful for any person, firm or corporation to erect, install, construct, alter, move, relocate, enlarge or increase the height of any antenna support structure, or cause the same to be done, without first obtaining a building permit from the Director of Inspections.

(B) Application for permit. Application for a building permit, signed by the owner or his authorized agent, shall be filed with the Director of Inspections, on a form furnished for that purpose, and shall have attached thereto the following:

(1) A site plan, drawn to scale, identifying the site boundary, location of existing buildings or structures and the proposed location of the antenna support structure, including any guy wire anchors.

(2) Two copies of construction and installation drawings and specifications, preferably manufacturer's drawings and specifications if available, for the antenna support structure including details of footing, foundation, guys, braces,

anchors and antenna installation. Such drawings and specifications shall be drawn to scale with sufficient clarity and detail to indicate nature and character of the work and shall contain information, in the form of notes or otherwise, as to quality of materials. All drawings and specifications and accompanying data shall bear the name and address of the designer.

(3) Written manufacturer's and/or professional structural engineer certification that the antenna support structure has been designed in compliance with the minimum design loads prescribed in the current edition of the State of Georgia adopted Standard Building Code.

(4) All antenna support structures are to be completely enclosed by a fence at least four-feet in height or shall have an approved anti-climb device attached. If fenced, the openings in the fence shall not permit the passage of a six-inch diameter sphere.

(5) Permit fees.

(C) Height limitation. No antenna support structure shall be installed, erected or constructed, or increased in height to exceed 80 feet above grade or ground in a single-family residential area.

(D) Electrical requirements. All antenna support structures, whether ground or roof mounted, shall be electrically grounded. Grounding shall be in accordance with the provisions of the current edition of the National Electrical Code, as adopted by the State of Georgia, and the support structure's manufacturer's specifications.

(E) Restrictions.

(1) Ground mounted antenna support structures, including guy wire anchors, may be directed, constructed or installed only in rear or side yards and must be located within the allowable building area. Exception: Guy wire anchors may be installed within one foot of the rear or side property lines; providing the yard area in which the antenna support structure is fenced in accordance with section 619(C)(4). No antenna or antenna support structure will be permitted in the front setback area.

(2) No more than one primary antenna support structure and appurtenances shall be permitted on any one lot or principal building unless otherwise approved by the Hinesville City Council.

(F) Compliance. Any existing antenna and antenna support structure that is not in compliance with the terms of this appendix shall have 180 days from the effective date of this appendix [November 20, 2003] to register the existence of such antenna or antenna support structure and to bring the same into compliance of this appendix.

Sec. 620. - Satellite dish installation requirements.

(A) *Permit required.* It shall be unlawful for any person, firm, or corporation to erect, construct, install, alter, move, enlarge, relocate or increase in height any satellite dish or mast or structure tower for a satellite dish, or cause the same to be done, without first obtaining a building permit from the Director of Inspections. However, satellite dishes 24 inches or less in diameter are exempt from the requirement of this paragraph.

(B) *Application for permit.* Application for a building permit, signed by the owner or his authorized agent, shall be filed with the Director of Inspections, Department of Inspections, on a form, furnished for that purpose and shall have attached thereto the following:

(1) A site plan, drawn to scale, identifying the site boundary, location of existing buildings or structures and the proposed location of the satellite dish, including support structure.

(2) Manufacturer's installation and construction specifications for the satellite dish, mast and tower structure, including details or footings, guys, and braces.

(3) Detailed structural roof design for roof mounted dish installation. (The Director of Inspections may require structural design drawings prepared by an architect or professional engineer.)

(4) Permit fee.

(C) *Restrictions.*

(1) No more than one satellite dish shall be permitted on any one lot or principal building unless otherwise approved by the Director of Inspections.

(2) Ground mounted dishes and support structures may be erected, constructed or installed only in rear yards and must be located within the rear yard allowable building area. No satellite dishes will be permitted in a front or side yard.

(3) Where it is demonstrated that a roof mounted satellite dish is required for reception purposes, masts or tower structures shall not be used as bases and the roof shall have been structurally designed and/or altered to support the additional roof load. Roof mounted satellite dishes shall be of open mesh construction, painted or finished in a dark neutral color and shall be placed in a position atop the roof to minimize visibility to pedestrian or vehicular travelers from the street. Such placement shall always be to the rear of hip and gable roofs. However, satellite dishes 24 inches or less in diameter are exempt from the requirement of this paragraph.

(4) The maximum height for ground-mounted satellite dishes shall not exceed the height of the maximum elevation of the roof line of the principal building on the lot.

(5) The maximum diameter for a satellite dish shall be 16 feet except single-family residential zoning districts. The maximum diameter for a satellite dish permitted in a single-family residential zoning district shall be 12 feet.

(6) No solid satellite dishes shall be permitted in a single-family zoning district unless such satellite dish is screened from ground level view from adjoining single-family residential properties.

(D) *Electrical requirements.* All satellite dishes, masts or support structures, whether round or roof mounted, shall be electrically grounded. Grounding shall be in accordance with the provisions of the current edition of the National Electrical Code, as adopted by the State of Georgia, and support structure's manufacturer's specifications.

Sec. 621. - Telecommunication/transmission towers.

(A) *Purpose, permit required.* The purpose of this section is to facilitate the orderly, coordinated development of telecommunication/transmission antennas and support structures in the City. These regulations provide reasonable opportunities for construction and operation of antennas for the telecommunication/transmission needs of residents, visitors, and businesses, while preserving the character and appearance of neighborhoods and scenic vistas in the City. Notwithstanding the provisions of sections 619 or 620, the provisions of this section shall apply to the construction of any telecommunication/transmission tower for personal communications (PCS) services regulated by the Federal Communications Commission (FCC). It shall be unlawful for any person, firm, or corporation to erect, construct, install, alter, move, enlarge, relocate or increase in height any telecommunication/transmission tower, or cause the same to be done, without first obtaining a building permit from the Director of Inspections. A permit shall also be required for addition, removal, or replacement of an antenna on an existing tower.

(B) *Exceptions.* The following are exempt from the requirements of this section:

(1) Telecommunication/transmission facilities operated by or under the direction of a government agency.

(2) Temporary antennas and "COW's" (cellular on wheels) used during a special event, mobile satellite up-link vehicles, and temporary news communications vehicles.

(3) Antennas, towers or antenna support structures regulated under section 619 or section 620.

(C) *General requirements for telecommunications/transmission towers and antennas.* All towers and antennas shall meet the following general requirements:

(1) Any structurally sufficient structure may be used to support one or more antennas. Appropriate structures include buildings, water towers, utility poles, and towers.

(2) An applicant seeking to construct a tower must demonstrate that there are no reasonable opportunities to locate its antenna or antennas on existing towers or other support structures.

(3) Towers shall be designed and constructed to accommodate multiple antennas based on tower height:

<i>Height of Tower</i>	<i>Minimum Number of Antennas</i>
Less than 120 feet	2 antennas
120 feet or more	3 antennas

(4) All towers over 35 feet in height shall be designed and certified by a professional engineer licensed by the State of Georgia as structurally sufficient. The tower owner shall provide an inspection report at the time of the original construction, and upon the addition of any new antenna to the tower. The report shall be signed and sealed by a professional structural engineer licensed by the State of Georgia, and shall certify that the tower meets FCC and ANSI operating specifications.

(5) No signage or advertising shall be affixed to a tower or support structure, or to any accessory structure, in connection with the antenna use, except one sign not more than three square feet identifying the owner of the tower and "No Trespassing" signs.

(6) A tower shall be compatible with surrounding uses and structures in character, appearance or ground facilities, visibility, and proximity to other towers.

(7) Towers and accessory ground facilities, including equipment cabinets, buildings, and generators, shall meet the following setback requirements:

(a) Ground facilities shall meet the setback requirements for the district in which the tower is located.

(b) Towers shall be set back at least one-half of the height of the tower from each property line, and shall be set back at least two times the height of the tower from any property line adjoining a platted single-family lot.

(c) The setbacks may be modified by the City Council at the time of approval of a special permit upon a finding that the character of the area

supports the modification. Where a special permit is not required for the establishment of a telecommunications tower, a request for modification of the setbacks may be made in the form of an application for a special permit.

(8) Unless otherwise required by FAA regulations, towers shall be finished in galvanized steel or a neutral color to reduce visual obtrusiveness, ground facilities, including any perimeter fencing, shall be of materials, colors, and landscaping sufficient to allow the tower to blend in with surrounding uses and enhance compatibility with nearby structures. Towers shall not be artificially lighted unless required by FAA or other government regulation. If lighting is required, the applicant shall use the method of lighting that is least obtrusive to visibility from the ground.

(9) Antennas may be added to any existing building or support structure. The antenna or antennas shall be designed and placed in a manner to blend in with the structure, and shall not extend more than 20 feet above the height of the existing structure.

(10) Towers and antennas shall meet all applicable requirements of the Federal Communications Commission (FCC), Federal Aviation Agency (FAA), and any other applicable statutes and regulations.

(11) If the use of a tower is discontinued for a continuous period of six months, it shall be deemed abandoned. The City shall provide written notice of the abandonment to the owner, and the owner shall have six months from the date of the receipt of the notice to either resume use or remove the tower.

(D) *Monopole or stealth towers.* Monopole or stealth towers shall be permitted uses in C-2, C-3 and L-1 districts as follows:

(1) The tower and antenna height shall not exceed 90 feet; [and]

(2) No telecommunications tower shall be located in a historic district established by the City.

(E) *Other towers.* Any tower not meeting the provisions of [subsection] (D) above shall be permitted subject to a special permit approved by the City Council.

Sec. 622. - Shopping centers.

(1) The site shall have a minimum area of five acres and a minimum depth of 300 feet.

(2) The shopping center may include any use permitted in the zoning district, including any recognized accessory use.

(3) All points of access shall be to a public street. No public street or alley shall be located within a shopping center. The number of accessways or driveways shall be

based on the total projected traffic and the length of frontage of the site. Access to out-parcels shall be from an internal driveway system. Entrances to the site shall be designed so that traffic will move off of the public street in an uninterrupted manner for 100 feet before any stop sign or internal intersection that might cause entering traffic to stop.

(4) The internal traffic circulation system shall include provisions for sidewalks and pedestrian facilities to ensure separation of pedestrian and vehicular traffic.

(5) A minimum 25-foot setback for buildings and parking areas shall be maintained around all perimeters, except where a greater setback is required by the zoning district. Perimeter buffers shall be provided as required under section 602. Stormwater management areas, (including retention and detention facilities) may be located within the setback area, but shall not interfere with required landscaped perimeter buffer. The maximum impervious coverage shall not exceed 80 percent of the site area for the entire shopping center.

(6) All utility lines shall be installed underground. Water and sewer utilities and necessary easements shall be dedicated to the City if individual meters are to be used for the different business establishments.

(7) To ensure that shopping centers do not take on the appearance of or functions as strip commercial developments, satellite buildings (including those located on out-parcels) shall meet the following requirements:

(a) Within the area between the public right-of-way and a distance parallel to and 200 feet from the public right-of-way there shall be a maximum of one satellite building for every 500 feet of frontage along the right-of-way. Properties shall not be subdivided prior to shopping center approval with the intent of avoiding compliance; [and]

(b) Any satellite building approved by the Mayor and City Council or in existence prior to November 20, 2003 shall be considered conforming.

Sec. 623. - Group homes.

(1) No group home shall be located within 1,000 feet of an existing group home. Group homes shall have direct frontage on a public street.

(2) There shall be no outward identification of the nature of the use except for an identification sign not exceeding one square foot in area.

(3) The premises used for the group home shall be owned by the operator or, prior to issuance of a zoning or building permit, the operator shall provide a copy of the lease or other evidence of authority to operate the facility.

(4) The number of residents for a Type II group home shall not exceed the normal density permitted in the zoning district, based on 3.5 persons per dwelling unit.

Sec. 624. - Definition of family restrictions in all districts.

(1) For the purposes of this section the following definitions shall apply:

a. *Neighborhood:* Properties in any zoning district which are in proximity of ten or more single-family dwelling units, not separated by other uses or vacant property.

b. *Family:* Two or more persons residing in a single dwelling unit where all members are related by blood, marriage, or adoption up to the second degree of consanguinity, or by foster care. For the purposes of this definition, "consanguinity" means only the following persons are related within the second degree of consanguinity: Husbands and wives, parents and children, grandparents and grandchildren, brothers and sisters, aunts and uncles, nephews and nieces, and first cousins. For the purposes of this definition, a person shall be considered to reside in a dwelling unit if he or she stays overnight in a dwelling unit for more than 30 days within a 90-day period. The term "family" does not include any organization or institutional group.

c. *Minor child:* A person under the age of 19 living with a parent or other legal guardian or in foster care.

(2) It shall be unlawful for the occupants residing in or for the owner of any single dwelling unit located in any "R" district or neighborhood to have more than two unrelated individuals residing therein, nor shall any family as defined in this section have, additionally, more than one unrelated individual residing with such family. For the purposes of this paragraph (2), one unrelated individual residing with a family shall include the minor children of such unrelated individual residing with him or her.

(3) Within any multifamily district, the following rules shall apply:

a. Only one family shall be allowed to occupy each dwelling unit within a zoned multifamily district.

b. If the dwelling unit is not occupied by a family, then the number of unrelated individuals living therein shall not exceed the number of bedrooms.

(4) When a dwelling is located in any zoning district other than "R" district or neighborhood as defined above, one of the following is permitted:

a. Family related by blood, marriage, adoption or foster care may have two additional unrelated individuals; or

b. Unrelated individuals not exceeding four.

(5) Any nonconforming use created by the definition of "family" adopted November 1, 2007 and the regulations related thereto which was a legal use at the time of adoption shall be permitted to continue through November 2, 2008. After which date, the use of such dwelling shall be in compliance herewith. Any use established prior to or

subsequent to the adoption of this definition of "family," which use did violate and continues to violate the standards of this chapter, is illegal, not nonconforming, and shall be handled in accordance with section 906.

(Ord. No. 2007-09, § I(2), 11-1-2007)

(6) Notwithstanding the above, this section is not indented to, and does not purport to, regulate any use created by the operation of any type Group Home whose operation is licensed and regulated by the State.

ARTICLE VII. - OFF-STREET PARKING AND LOADING

Sec. 701. - General intent and application.

It is the intent of these requirements to ensure that adequate paved parking and loading facilities are provided off the public right-of-way for each use of the land within the jurisdiction of this appendix. These requirements are intended to be based on the demand created by each use of the land, and shall apply to all uses in all districts, except as specifically identified herein.

Sec. 702. - Off-street parking required.

A new structure or new use of an existing structure shall not be permitted unless off-street parking spaces are provided in accordance with the provisions of this article. As used in this article, the term "use" shall mean both the type and intensity of the use, and that a change in use shall be subject to all of the requirements of this article.

Sec. 703. - Number of parking spaces required.

(A) Requirements. The number of off-street parking spaces required by each use of land within the jurisdiction of this appendix shall be as set forth in Table T-1. Where an authorized use of land is not specifically addressed by Table T-1, the Planning and Zoning Department shall determine the required number of off-street parking spaces based upon the requirements for comparable uses and upon the particular characteristics of the intended use.

Table T-1 Number of Parking Spaces Required

<i>Use</i>	<i>Minimum Parking Requirements</i>
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<i>Residential</i>	
•Single-family detached	Two spaces per dwelling unit
•Multifamily	1½ spaces per dwelling unit/plus one guest space per four units
•Hotels/motels	One space for each guest or sleeping room/plus additional spaces as required for other functions as bar, restaurant, etc.
•Bed and breakfast	One space for each sleeping room/plus two spaces for owner/manager
•Senior citizen apt. complex	One space for each dwelling unit with parking lot designed for expansion, should use change
•Manufactured home park	One space per lot/plus one guest space for each two lots
<i>Religious facilities</i>	
•Church, synagogue and other places of worship	Paved parking shall be provided at a ratio of one per five seats, with a total parking area being provided at the ratio of one space per three seats
<i>Health and medical uses</i>	
•Hospitals	One space per two hospital beds plus one space for each staff doctor and one additional space for each three employees
•Medical, dental, and other similar offices	Four spaces for each doctor/plus one space for each two employees
•Nursing, convalescent and assisted living care homes	One space for each six patient beds/plus one space for each two employees
•Health clubs, spas, etc.	One space for each 150 feet of leasable area or 171 spaces

<i>Educational and related uses</i>	
•Elementary and high schools	One space for each employee, including teachers and administrators/plus sufficient off-street space for the safe, convenient loading and unloading of students/plus additional facilities for student parking
•Colleges, technical schools, business and commercial schools	One space for each three full or part time equivalent students, based upon maximum enrollment/plus one space for each instructor and administrative employee
•Fraternities/sororities and dorms	One space per bed
•Auditoriums, halls, gymnasiums, field houses and grandstands	One space for each four seats including temporary seats
•Public libraries, art galleries, museums, and other non-recreational public facilities	One space for each 400 square feet of floor area open to the public
•Child care facilities	One space for each two employees including teachers and administrators/plus sufficient off-street space for safe and convenient loading and unloading of children
<i>Recreational uses</i>	
•Parks, athletic fields, tennis and pool facilities and golf course	As determined by the Zoning Administrator
•Recreation and community center buildings	A minimum of 20 spaces or as determined by the Zoning Administrator
•Bowling alleys	Four spaces per alley
•Skating rinks, pool rooms, and other places of assembly without fixed seating	One space per 200 square feet of gross floor area
<i>Offices</i>	
•Banks and similar financial institutions	One space for each 175 square feet of gross area

<i>Use</i>	
•Other offices	One space for each 200 square feet of gross area
•Funeral homes/mortuaries	20 spaces per parlor
<i>Retail sales and services</i>	
•Food and drug stores	One space for each 200 square feet of floor area
•Meat market, bakery, confectionery, and convenience stores	One space for each 200 square feet of floor area/plus one space for each employee
•Personal service shops, including barber[shop] and beauty shops, shoe repair, dry cleaning, laundry pick-up stations, laundromats, and similar uses	One space for each 200 square feet of gross floor area/plus one space for each employee
•Clothing stores, shoe stores, men and women's shops, variety stores, and stores of a similar nature	One space for each 250 square feet of floor area
•General merchandise store including household goods, hardware, paint, wall covering, appliances, and other general retail stores	One space for each 250 square feet of gross floor area
•Furniture and floor covering stores	One space for each 800 square feet of gross floor area
•Appliance stores, including sale of televisions, stereos, and sound equipment, pawnshops	One space for each 400 square feet of gross floor area
•Specialty shops, including gift shops, florist, hobby and sport shops, camera and bookstores	One space for each 300 square feet of gross floor area
•Antique shops, used furniture	1 space for each 400 square feet of gross area
•Nightclubs, taverns and similar establishments serving food and	1 space per 2 persons of occupancy

beverages and providing patron use areas (see (F) below for definition)	
•Restaurants, nightclubs, taverns, and similar establishments serving food or beverages and providing patron use areas (see (F) below for definition)	One space per 75 square feet of gross floor area
•Fast food restaurant	One parking space for each 75 square feet of customer access space/plus one space for each three seats provided for patron use. A traffic study must be furnished for queuing requirements for drive-thru windows
<i>Building materials</i>	
•Building materials, supplies, lumberyards	One space for each 400 square feet of leasable area of office, sales, or other space used by customers or salesmen (excludes storage area)
•Building materials and supplies where 35 percent or more of the leasable area is for the sale of garden tools, appliances, hardware, etc.	One space for each 250 square feet of leasable area (excludes storage area for building materials)
•Equipment rental	One space for each 200 square feet of leasable area of office, sales, or other space used by customers or salesmen
<i>Printing</i>	
•Newspaper, general circulation	One space for each 350 square feet of leasable area/plus one space for each company vehicle
•Printing, letter shops, book binding	One space for each 200 square feet of leasable area
•Newspaper, magazine distribution	One space for each 400 square feet of leasable area/plus one space for each company vehicle
<i>Animal care</i>	
•Animal hospital, veterinary clinic	One space for each 175 square feet of leasable area

	or three spaces for each veterinarian or allied professional trained person occupying the use, whichever is greater
•Animal grooming, pet shop	One space for each 300 square feet of leasable area
<i>Automotive, truck, boat, trailer sales and services</i>	
•Automotive filling station, may include minor automobile repair	One space for each gasoline pump fixture, grease rack or similar service area; one additional space for each 500 square feet of gross floor of the shop or garage area/plus one space for each employee on the maximum work shift
•Automobile-truck repair, paint shop, glass replacement, etc.	One space for each 400 square feet of leasable shop or garage area/plus one space for each employee on the maximum work shift
•Lube and tune	One space for each bay/plus one space for each employee/plus two spaces queuing lane for each bay
•Automobile, truck, boat or trailer sales	One space for each 400 square feet of gross area of enclosed sales, shop, or garage area/plus one space for each employee on the maximum work shift
•Motorcycle, motor scooter sales and service	One space for each 400 square feet of gross area/plus one space for each employee on the maximum work shift
•Automotive parts, equipment and accessory sales	One space for each 400 square feet of gross area/plus one space for each employee on the maximum work shift
•Manufactured home sales lot	A minimum of four spaces for offices. Remainder of lot must be graded for drainage
<i>Shopping center</i>	
•Center with up to 75,000 square feet of leasable area	Four spaces for each 1,000 square feet of gross leasable area

•Center with over 75,000 square feet up to 200,000 square feet gross leasable area	4.5 spaces for each 1,000 square feet of leasable area
•Center with over 200,000 square feet gross leasable area	Five spaces for each 1,000 square feet of leasable area
<i>Industrial</i>	
•Industrial or manufacturing	One space for each two plant employees, one space for each managerial personnel, one visitor parking space for each ten managerial personnel, one additional space for each vehicle used in the conduct of the daily activities of the business
•Dry storage warehouse	One space for each employee/plus one space per each 1,000 square feet of leasable floor area
•Mini-storage, parking requirement for office	Same as office requirements
•Mini-storage apartment on site	Two parking spaces/plus office requirement

(B) Fractional spaces. Should the number of required spaces as calculated in [subsection] (A) above yield a fractional space requirement, then the number of spaces required shall be rounded to the nearest whole number.

(C) Enlargement of structure. In the event that the structure located on a parcel is altered in such a manner so as to increase the cumulative amount of floor area in excess of ten percent of the original flood [floor] area, then the number of off-street parking spaces available must be increased according to [subsection] (A) above.

(D) Guest parking. In residential land use districts where off-street parking space is required for guests, all such off-street spaces shall be specifically reserved, restricted and clearly designated as reserved for guest parking only.

(E) Senior citizen housing facilities or assisted care facilities. The off-street parking requirements for senior housing facilities or assisted care facilities may be altered by the Planning and Zoning Department on individual project basis, subject to the submission of a parking study outlining the project location and proximity to services for senior citizens.

(F) Businesses with restaurant and alcoholic beverage licenses. Any business operating with both a restaurant and alcoholic beverage license shall derive a minimum of 60 percent of its gross revenue from food sales and maintain and operate a full service

kitchen in order to be classified as a restaurant. All establishments not meeting these requirements shall be classified as a nightclub.

(G) *Change in use of structure.* Should the use of a structure be changed, then the number of required off-street parking spaces shall be as set forth in Table T-1 according to the new use. Written notice of a change in use of a structure and plans for compliance with this section shall be provided to the Planning and Zoning Department within 30 days prior to the intended change in use.

(H) *Change in occupancy rating.* In the event the occupancy rating of a structure is increased as the result of alterations or improvements to the structure that may impact on the occupancy rating, then the number of required parking spaces shall be as set forth in Table T-1 in accordance with the new occupancy rating.

Sec. 704. - Exemptions.

All parcels of property zoned C-1 (Central Business) district are exempt from the parking requirements set forth in this article. Notwithstanding the foregoing, should a parcel zoned C-1 voluntarily provide off-street parking then the parcel must comply with all of the requirements set forth in this article.

Sec. 705. - Required area for each parking space.

Each automobile parking space shall be not less than 180 square feet, not less than nine feet wide, nor less than 20 feet deep, exclusive of access drives and aisles, except those parking spaces required for and reserved for handicapped or disabled person [persons with disabilities]. In addition, there shall be provided adequate interior driveways to connect each parking space with a public right-of-way. Such access drive shall not be less than ten feet in width.

Sec. 706. - Handicapped or disabled parking spaces.

(A) *Number of spaces.* Any parking lot or facility serving a commercial or industrial use, public facility or multifamily development shall provide a specified number of reserved parking spaces designated for handicapped use [persons with disabilities] as set forth in attached Table T-3. If only one accessible parking space is provided, it must be van-accessible. Van-accessible spaces must be provided on a ratio of one van-accessible space for every seven car-accessible spaces. Instead of providing the appropriate percentage of accessible car parking spaces plus accessible van-parking spaces, all accessible parking spaces can be "universal parking spaces."

(B) *Size.* The size of off-street parking in this section shall be governed in accordance with Table T-2.

(C) *Location.* All parking spaces reserved for handicapped or disabled persons shall be adjacent to ramps, elevators, walkways or entrances to the maximum extent possible.

(D) *Reserved sign.* Each parking space so reserved shall be designated by blue metal reflective signs at least 12 inches in width and 18 inches in length, and shall be erected at such a height or in such a manner so as to be clearly visible from the parked vehicle. Each sign shall contain the international access symbol designating the space for accessible parking or the sign shall bear the following words: "Permit Parking Only, Tow-Away Zone." The warnings required in this subparagraph shall be centered on the sign, printed in white, and shall occupy not less than 75 percent of the surface area of the sign.

State law reference— Sign requirements, O.C.G.A. § 40-6-221(3)(A).

Sec. 707. - Location of off-street parking areas.

(1) The parking spaces for all residential dwellings shall be located on the same lot as the residence.

(2) Parking spaces shall be provided on the same lot with the main building of the principal use.

(3) Two or more principal uses may utilize a common area in order to comply with off-street parking requirements; provided, however, that the number of off-street parking spaces [complies with] the requirement for the use with the greater number of off-street spaces.

(4) Portions of the public right-of-way on minor streets may be allowed for maneuvering incidental to parking when determining parking area requirements for individual uses.

(5) On collector streets, arterial streets, and controlled access highways, parking facilities shall provide space outside the public right-of-way for maneuvering incidental to parking.

Sec. 708. - Permit requirements for parking lots and parking structures.

No land shall be developed as a parking lot and no structure shall be developed as a parking garage without a permit from the Planning and Zoning Department. Application for a permit shall be submitted on forms obtainable from the Planning and Zoning Department and shall include a design plan for the parking facility. The Department shall issue a permit authorizing the property to be developed and used in accordance with the application after review for compliance with the appropriate standards outlined in this appendix and Department approval.

Sec. 709. - Parking lot design.

(A) *Generally.* Parking lot design shall be based upon best available management and design standards provided by the Georgia Department of Transportation, Office of Traffic Engineering and Safety, and more particularly those standards contained in the design document dated August 1982, (Table T-3) or such other document that may replace the August 1982 design document.

(B) Compact cars. Up to 20 percent of the off-street parking spaces for a use requiring 25 or more off-street parking spaces as determined in section 703 may be designed for compact cars, subject to the following conditions:

(1) Parking spaces specifically designed for compact cars shall be located so as to be convenient as parking spaces for larger cars and shall be grouped or placed in clusters rather than being scattered simply to solve parking layout difficulties; [and]

(2) Each compact car parking space shall be clearly marked with the words "Compact Car Only" and such parking space shall comply with the design standards as set forth in Table T-3.

Sec. 710. - Drainage and maintenance.

(A) Drainage. All off-street parking, off-street loading and service facilities shall be so drained as to prevent damage to abutting properties or public streets. Before installing the drainage system for the parking and loading facilities, the design of such system shall be approved by the Department of Inspections and shall be installed according to the approved design.

(B) Maintenance. The parking areas, driveways, grass plots and planted areas located in and around all off-street parking and loading facilities shall be maintained free of litter, weeds, high grass, dust, and unpruned shrubbery. All parking areas, driveways, grass plots and planted areas shall be maintained in good repair.

Sec. 711. - Surface materials.

Except as otherwise provided herein, all parking lots and loading areas shall be paved with concrete, asphalt or other dust free materials. Notwithstanding the foregoing, parks, playgrounds, ball fields, football and baseball stadiums, fairgrounds and other similar outdoor recreation areas may provide grassed or gravel parking surfaces in lieu of asphalt, concrete or other dust free surface materials.

<i>Table T-2 Handicap Accessible Parking Space Requirement</i>	
<i>Total Parking in Lot</i>	<i>Required Minimum Number of Accessible Spaces</i>
<i>1 to 25</i>	<i>1</i>
<i>26 to 50</i>	<i>2</i>

51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20 plus 1 for each 100 over 1,000 Number of Accessible Parking Spaces with 60-Inch Wide Access Aisles as Specified in ADAAG

Typical car accessible parking space*

96" wide parking space

+ 60" wide access aisle

156" (13') for space and aisle

Van accessible parking space*

96" wide parking space

+ 96" wide access aisle

192" (16') for space and aisle

Universal parking space

132" wide parking space

+ 60" wide access aisle

192" (16') for space and aisle

Note: If only one accessible parking space is provided, it must be a van-accessible space

Access aisles may be shared by two parking spaces

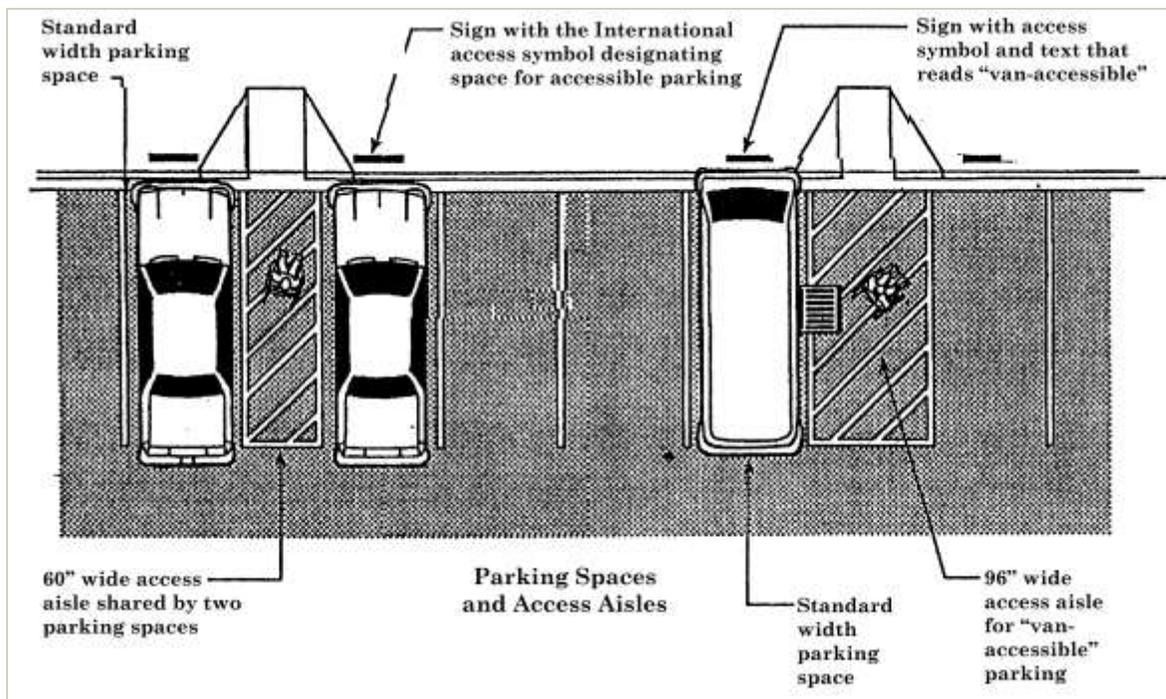


Figure 1

Table T-3 Parking Space Requirements (ft.)

A	B	C	D	E	F	G	H	I	J	K	L
		Module									
<i>Parking Angle (degrees)</i>	<i>Stall Width (1)</i>	<i>Stall Width Parallel</i>	<i>Aisle Width</i>	<i>Stall Length (2)</i>	<i>Stall Depth To Wall</i>	<i>Stall Depth To Interlock</i>	<i>Wall To Interlock</i>	<i>Interlock</i>	<i>Interlock To Curb</i>	<i>Cross Aisle One-Way</i>	<i>Cross Aisle Two-Way</i>
0°	8.0	18.5	12.0	18.5	8.0	8.0	28.0	28.0	28.0	14	24
	8.5	18.5	12.0	18.5	8.5	8.5	29.0	29.0	29.0		
	9.0	18.5	12.0	18.5	9.0	9.0	30.0	30.0	30.0		
	9.5	18.5	12.0	18.5	9.5	9.5	31.0	31.0	31.0		
	10.0	18.5	12.0	18.5	10.0	10.0	32.0	32.0	32.0		
45°	8.0	<u>11.3</u>	14.0	26.5	18.7	15.9	48.6	45.8	46.8	14	24
	8.5	12.0	13.0	27.0	19.1	16.1	48.2	45.2	46.4		
	9.0	12.7	12.0	27.5	19.4	16.3	47.7	44.6	45.9		

	9.5	13.4	11.0	28.0	19.8	16.4	47.2	43.8	45.4		
	10.0	<u>14.1</u>	10.0	28.5	20.2	16.6	46.8	43.2	45.0		
60°	8.0	9.2	20.0	23.1	20.0	18.0	57.0	55.0	54.8	14	24
	8.5	9.8	18.0	23.4	20.3	18.1	56.4	54.2	54.2		
	9.0	10.4	16.0	23.7	20.5	18.3	54.8	52.6	52.6		
	9.5	11.0	15.0	24.0	20.8	18.4	54.2	51.8	52.0		
	10.0	<u>11.6</u>	14.0	24.3	21.0	18.5	53.5	51.0	51.3		
75°	8.0	8.3	27.0	20.6	19.9	18.9	64.8	63.8	62.4	14	24
	8.5	8.8	25.0	20.8	20.1	19.0	64.1	63.0	61.7		
	9.0	9.3	23.0	20.9	20.2	19.0	62.2	61.0	59.8		
	9.5	9.8	22.0	21.1	20.4	19.1	61.4	60.0	59.0		
	10.0	10.3	21.0	21.2	20.5	19.2	60.7	59.4	58.3		
90°	8.0	8.0	30.0	18.5	18.5	18.5	67.0	67.0	64.5	14	24
	8.5	8.5	28.0	18.5	18.5	18.5	65.0	65.0	62.5		
	9.0	9.0	26.0	18.5	18.5	18.5	63.0	63.0	60.5		
	9.5	9.5	25.0	18.5	18.5	18.5	62.0	62.0	59.5		
	10.0	10.0	24.0	18.5	18.5	18.5	61.0	61.0	58.5		

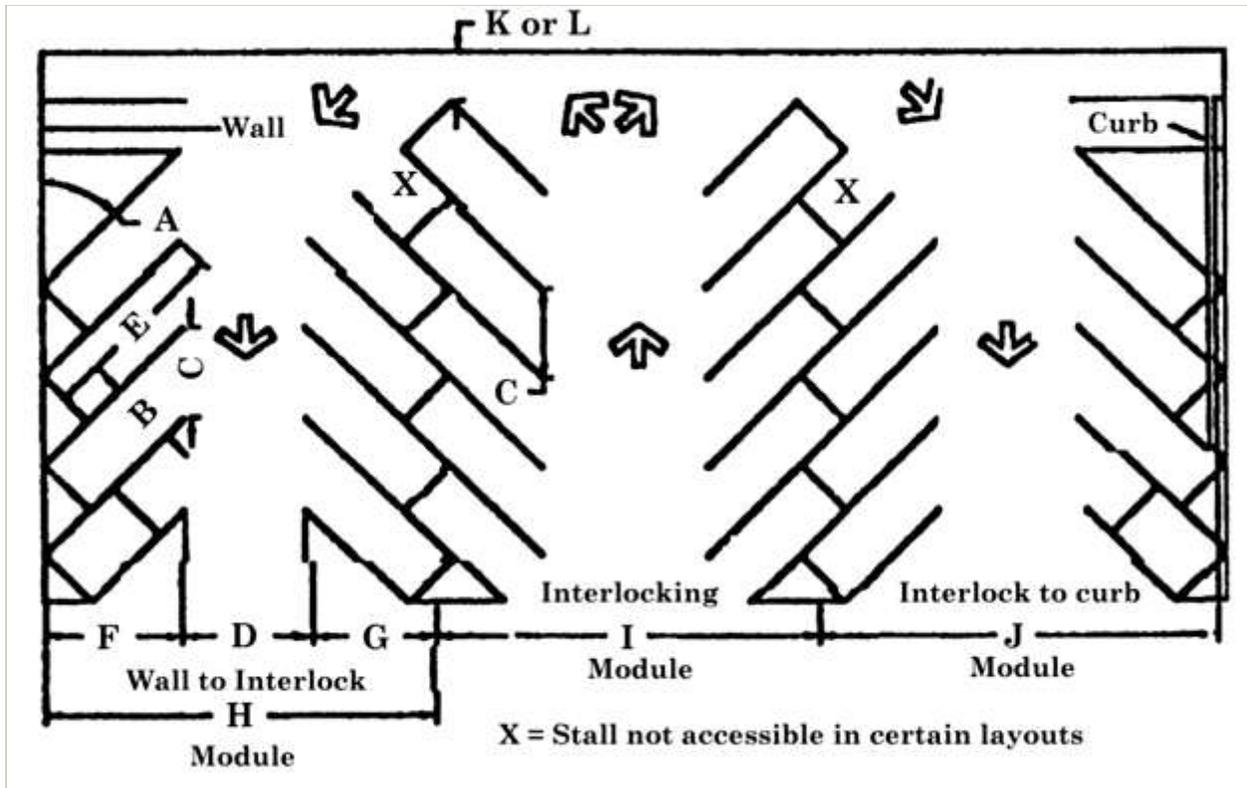


Figure 2

Sec. 712. - Pavement markings and signs.

Each off-street parking space shall be clearly marked and pavement directional arrows or signs shall be provided wherever necessary. Markers, directional arrows and signs shall be properly maintained so as to ensure their maximum efficiency. The provisions of this subsection may be waived upon the determination by the Director of Inspections that the parking lot is not available for visitor or customer use.

Sec. 713. - Lighting.

Adequate lighting shall be provided if the off-street parking facilities are used at night. If such parking facilities abut residential zoned property, the lighting shall be arranged and installed so as to not reflect or cause a glare on the abutting residential property.

Sec. 714. - Connection to a public right-of-way.

Each off-street parking, loading or service area shall be connected to a public street right-of-way by means of a driveway constructed to the minimum standards as set forth by the Department of Inspections.

Sec. 715. - Off-street loading and unloading requirements.

Areas suitable for loading and unloading motor vehicles in off-street locations shall hereafter be required at the time of initial construction of any building or structure used or arranged to be used for commercial, industrial, governmental or multifamily residential purposes. Such off-street loading areas shall have access to a public alley or street and shall be provided and maintained in accordance with the following requirements, the computation of which shall not be included in the off-street parking requirements.

(1) *Amount of area required for each loading space.* Each off-street loading and unloading space required by the provisions of this ordinance shall be at least ten feet wide, 50 feet long and 14 feet high. Such place shall be clear and free of obstruction at all times.

(2) *Location of off-street loading areas.* Required off-street loading and unloading areas shall in all cases be located on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be considered as part of the area provided to satisfy off-street parking requirements as listed herein.

(3) *Adequacy of loading area.* All uses, whether specified in this ordinance or not, shall provide off-street loading areas sufficient for their requirements. Such space shall be adequate so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk, alley or way.

Sec. 716. - Number of off-street loading spaces.

(1) Retail business uses with a minimum of 4,000 square feet to a maximum of 25,000 square feet in total floor area shall provide for one off-street loading space.

(2) Wholesale, industrial, governmental and institutional uses, including public assembly places, hospitals and educational institutions shall provide one off-street space for the first 25,000 square feet of total floor area. For anything in excess of 25,000 square feet, such uses shall provide loading spaces according to the following schedule:

<i>Square Feet</i>	<i>Number of Spaces</i>
25,000—50,000	2
50,000—100,000	3
100,000—200,000	4
200,000—350,000	5
For each additional 50,000—or fraction thereof	1 Additional

(3) Multifamily residences with less than ten dwelling units shall not be required to provide an off-street loading space. Multifamily residences with between ten to 30 dwelling units shall be required to provide one off-street loading space. Multifamily

residences with more than 30 dwelling units shall be required to provide and maintain one off-street loading space for each 30 dwelling units or fraction thereof.

ARTICLE VIII. - SIGN REGULATIONS

Sec. 801. - In general.

(a) *Findings and purpose.*

(1) The City of Hinesville finds that signs and advertising are proper and necessary uses of private property, are a means of personal free expression, are a necessary component of a commercial environment, and constitute a legitimate business enterprise. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of signs tends to proliferate, with property owners desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. The manner of the erection, location, and maintenance of signs affects the public health, safety, morals, and welfare of the citizens of Hinesville. The safety of motorists, pedestrians, cyclists, and other users of the public streets is affected by the number, size, location, lighting and movement of signs that divert the attention of drivers. The size and location of signs may, if uncontrolled, constitute an obstacle to effective fire-fighting techniques. Competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises. Uncontrolled and unlimited signs may degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation, and permanent economic growth. The City of Hinesville finds further that regulation of signs is consistent with the City's efforts to revitalize its central business district, its downtown development area, and its urban redevelopment area.

(2) Regulation of the size, height, number and spacing of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the City, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the City's citizens. The purpose of the Mayor and City Council in enacting these sign regulations is to create a comprehensive and balanced system of sign control that accommodates both the need for a well maintained, safe and attractive community, and the need for effective business identification, advertising and communication.

(3) Regulation of the changeable electronic variable message signs have been shown to create possible threats to public safety. These signs allow operators to change content from remote location in a matter of seconds. Such signs are erected for the purpose of trying to hold the attention of motorists by changing messages and pictures for short durations using a series of bright, colorful images produced mainly via LED (light emitting diode) technologies. Brightly lit signs that change messages every few seconds compel motorists to notice them, and lure the attention of motorists away from what is happening on the road and onto the sign. Such signs pose public safety threats because if they attract a motorists' attention the motorist will look at the sign and not at the road. Changeable electronic variable message signs are also a threat to public safety because of their brightness, making them visible from great distances. Due to their nature of brightness and changing displays, changeable electronic variable message signs are more distracting than signs which do not vary the message. Some such signs could, if unregulated, have the appearance of large, plasma-screen televisions. An electronic LED display contains brightly-lit text and graphics which can be seen from hundreds of feet away, drawing the attention of everyone within view. Unless otherwise regulated, such displays can be extremely bright since they are designed to be visible in bright sunlight and at night. Furthermore, the human eye is drawn to them far more strongly than to traditional illuminated signs. Such electronic LED displays can be seen from as far away as six-tenths of a mile, making them distracting. It takes a minimum of six seconds to comprehend the message on an electronic sign, which is three times the safe period for driver distraction. For these reasons, it is the intent of the City Council to allow changeable electronic variable signs subject to acceptable criteria.

(4) Scope. This article is adopted to serve substantial governmental interests of correcting and avoiding multiple problems that would occur without the regulation of signs. The regulations contained herein are no more extensive than necessary to serve the substantial governmental interests identified in the article. It is not the intent of this article to regulate the content of signs, but only their composition, type, location, distance from right-of-way, height, size, illumination, and, in some cases, the duration they may be displayed, or other non-content based restrictions implied in this article. It is not the intent of this article to foreclose important and distinct mediums of expression for political, religious, or personal messages, on any sign permitted to be erected by this article. These regulations shall not be construed as limiting the message content of any sign.

(5) The City's aim in regulating signage in the City is directed primarily toward commercial speech, as businesses are by far the most frequent users of signs in Hinesville. The City recognizes the rights of property owners and occupants outside commercial areas of the City to signage of their choosing and further recognizes that courts require protection of all individuals' rights to erect signs as an inexpensive and effective means of communicating ideas. However, it is not

the intention of the City to regulate any and all possible means of expressing ideas. The City's regulatory structure for signs is therefore directed to those devices traditionally identifiable as signs and is not intended to reach holiday decorations, architectural elements of buildings, flags, works of art or other physical manifestations of concepts unrelated to traditional signage. Through its sign ordinance the City is further not attempting to regulate traditional free speech activities such as parading, picketing or handbilling that do not involve the physical installation of signs on property.

(6) The City has chosen to exempt from permitting requirements certain minor signs that are primarily safety oriented. Studies have shown, for instance, that posting of alarm company signs on residential property has a substantial detrimental effect on residential burglaries. Directional signs are utilized to move vehicular traffic safely in and out of business driveways in an expeditious manner, eliminating or vastly reducing the number of traffic accidents that might otherwise result from unregulated movements. Posting of address numerals is absolutely essential to rapid public safety response in event of emergency and is a service to persons trying to locate unfamiliar properties. It is the City's considered judgment that such signs directly facilitate the public safety and have little or no impact on expressive speech.

(b) Authority. This article is enacted pursuant to Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, the Charter of the City of Hinesville, Georgia, the general police powers of Hinesville and other authority provided by Federal, State or local laws applicable hereto.

(c) Administration. All of the provisions of this ordinance shall be administered and enforced by the Department of Inspections whose duties shall include rendering interpretations as to the requirements of this ordinance, issuing permits, inspecting signs (both existing and installed) under the provisions of this ordinance, and enforcement of all provisions of this ordinance.

(d) Applicability. The requirements of this article shall apply to all properties in the City of Hinesville, Georgia, regardless of zoning district. The requirements of this article shall apply to all signs that are visible from a street, public right-of-way, or property in public ownership. The requirements of this article shall not apply to signs that are not visible from a street, public right-of-way, or property in public ownership.

(e) Sign placement. A sign may be erected, placed, created or maintained in the City only in conformance with the standards, procedures, exemptions, and other requirements of this article.

(f) Sign construction and maintenance. All signs shall be constructed and maintained in conformance with applicable building and electrical codes, State laws and sound engineering practices. All signs, together with their supports, braces, guys and anchors, shall be kept in good repair and, unless constructed of galvanized or non-corroding

metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition. Defective or broken parts shall be repaired promptly.

(g) Federal/State highways. All signs located on sites abutting Federal or State highway rights-of-way shall conform to all applicable Federal or State regulations. In instances where the sign controls of this appendix are stricter, then these regulations shall apply.

(h) Permit requirements. Except where specifically exempted from obtaining a permit by other provisions of this article, no person, firm or corporation shall post, display, erect, construct, replace, relocate, or alter any sign or billboard within the City without first obtaining all applicable State and local permits.

(Ord. No. 2010-01, § I, 3-4-2010)

Sec. 802. - Definitions.

See article III.

(Ord. No. 2010-01, § I, 3-4-2010)

Sec. 803. - Permits; procedures.

(a) Permit required. Unless specifically exempted from obtaining a permit under provisions of this article, no person shall post, display, erect, construct, replace, restore, alter, or relocate any sign or billboard, as defined in this article, within the City without first obtaining a permit from the City Department of Inspections in the manner set forth in this section. No permit shall be required for ordinary and necessary repairs and maintenance of an existing non-conforming sign permitted by this article or of an existing conforming sign.

(b) Application for permit. Application for permits shall be made upon forms provided by the City of Hinesville Department of Inspections, and any change in the information contained in the application, such as change of address, shall be submitted to the Department within 30 days of the change. Each application shall contain or have attached thereto the following information:

- (1)** Name, mailing address, and telephone number of the applicant;
- (2)** Address of the building, structure, or lot to which or upon which the sign or billboard is to be attached or erected;
- (3)** Position of the sign or billboard in relation to nearby buildings or structures and property lines;
- (4)** One accurate scale drawing of the plans, specifications, and method of construction and attachment to the building or the ground for the sign or billboard, as well as a scale drawing of the site showing drives, structures, property lines, set back lines, and any other limiting site features;

(5) Sign installation must be certified by a structural engineer as being designed to meet or exceed a 110 m.p.h. wind load. This requirement shall not apply to temporary signs;

(6) Electrical load calculations and a wiring plan, if the proposed sign will include electrical components of any kind. The load calculations and wiring plan must be in accordance with NFPA 70 and other documents;

(7) Name of person, firm, corporation, or association erecting the structure;

(8) Written consent of the owner of the building or land to which, or on which the structure is to be erected; and

(9) Such other information as the Department of Inspections shall require to show full compliance with this and other ordinances of the City.

(c) *Issuance of permit.*

(1) Upon the filing of an application for a permit and the payment of all necessary fees, it shall be the duty of the City Department of Inspections to examine all plans and specifications submitted and the premises upon which the sign is proposed to be erected, replaced, restored, altered, or relocated. Such review shall be completed within 30 days of submission of a completed sign application. If it appears from review of the permit application and the site that the proposed sign is in compliance with the requirements of this article and all other ordinances and laws of the City, the Department of Inspections shall issue a permit no later than 30 days from receipt of the completed application.

(2) The City shall deny permits to applicants who submit applications for signs that do not comply with the provisions of this article, are incomplete, or contain any false material statements. Violation of any provision of this article will be grounds for revoking a permit granted by the City for the erection of a sign. Should it be determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this article, the Director of Inspections shall revoke the permit.

(3) A current and valid sign permit shall be freely assigned or transferred to a successor as owner of the property or holder of the business license for the same premises, subject only to filing an application with the Department of Inspections and paying any applicable fees. The assignment shall be accomplished by filing and shall not require approval.

(d) *Procedures upon denial of permit application or revocation of existing permit.*

(1) Should the Director of Inspections deny a permit, the reasons for denial shall be stated in writing and delivered to the applicant by certified mail or by first class

mail to the address on the permit application, or to the applicant's last known address, on or before 30 days after the City's receipt of the application. Alternatively, the City may personally serve the sign applicant with a copy of the written notice of denial within 30 days after the City's receipt of the application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of the date of the original submission.

(2) Should the Director of Inspections revoke an existing permit, the reasons for revocation shall be stated in writing and delivered to the permittee or sign owner by certified or by first class mail to the address on the permit application, or to the permittees or sign owner's last known address. Alternatively, the City may personally serve the permittee or sign owner by in-hand delivery of the notice of revocation. Alternatively, if the permittee or sign owner cannot be located within the City and the City's mailings are returned undeliverable, the City may notify the permittee or sign owner by posting and affixing the notice of revocation on the sign itself.

(3) No permit shall be denied or revoked, except for due cause as hereinafter defined, and after the applicant, permittee, or sign owner is given ten business days written notice containing a statement of the reasons for the denial of the permit application or the revocation of a permit. "Due cause" is the violation of any provision of this article, or other applicable ordinances, State or Federal law, or the submission of an incomplete application or an application containing false material statements.

(4) An individual whose permit application has been denied or whose permit has been revoked may appeal the decision to the Citizens Sign Appeals Board, provided such appellant files a written notice of appeal with the City Clerk within ten business days from the postmark date of the Director of Inspections notice, or, alternatively, within ten business days of the date the notice was hand-delivered to the applicant, permittee, or sign owner or was posted to the sign itself pursuant to subsection (d)(2) above. If a notice of appeal is not timely filed, the Director of Inspections' notice shall constitute the City's final determination. The Citizen Sign Appeals Board shall hear and make recommendation to the Mayor and City Council on all such appeals.

(5) The Mayor and City Council shall issue a written decision, through the City Manager, to the appellant no later than 30 days following the issuance and delivery of a written recommendation from the Citizens Sign Appeals Board to the Mayor and City Council. Decisions of the Mayor and City Council to affirm the decision of the Director of Inspections or to overrule the decision of the Director of Inspections and grant or continue the permit for which appeal is taken shall be reduced to writing and served upon the appellant in the same manner as the

original notice to deny or notice of revocation, or in any other manner allowed by this section. Such decision shall constitute a final determination by the City.

(6) If an appellant is dissatisfied with the City's final determination, the appellant may petition for writ of certiorari to the Superior Court as provided by law.

(7) Except as otherwise provided by sections 805 and 819, if an individual appeals the Director of Inspections denial or revocation, no action to erect a sign or to remove an existing sign shall be taken by either party pending an appeal to the Citizens Sign Appeals Board. After final determination to revoke an existing permit, the sign shall be removed as provided in this article.

(8) Any person commencing work on a sign before securing the necessary permit from the City shall, in addition to other penalties provided by this article, be subject to double permit fees under the permit fee schedule.

(e) Permit expiration. If the work authorized by a permit has not been completed within six months after the date of issuance, the permit shall become null and void. No refunds will be made of permit fees for permits that expire due to failure to erect a permitted sign; provided that, where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign but the fabrication has not yet been completed. One 90-calendar day extension may be granted by the Director of Inspections on the duration of the permit. Where a permit has expired for failure to erect the sign, if an individual later desires to erect a sign at the same location, a new application must be processed and another fee paid in accordance with the fee schedule in effect at the time of resubmission.

(f) Display of permit. Every sign or billboard constructed, erected, or maintained for which a permit is required by this article shall be plainly marked with the permit decal issued for said structure firmly affixed thereon in such manner that the information therein contained shall be readily accessible and durable. If, however, affixing the decal to the sign is unreasonable or impracticable, the Director of Inspections, or his/her authorized designee, shall authorize the permittee to place the decal on file at his or her place of business or at the site on which the sign is physically located.

(g) Permit fees. Fees for permits shall be fixed from time to time by the Mayor and City Council and a schedule of fees and charges shall be maintained by the City Clerk. A fee for each sign permit shall be paid at the time of filing the application. An application for a permit is incomplete if it is not accompanied by payment of the required fee.

(h) Removal of temporary signs; procedures. The notice and appeal provisions set forth in this section shall apply whenever the Department of Inspections intends to remove a temporary sign from private property; no notice and appeal rights attach, however, to temporary signs erected on public property or in a public right-of-way.

(Ord. No. 2010-01, § 1, 3-4-2010)

Sec. 804. - Prohibited signs.

(a) The following signs, including temporary signs, are prohibited throughout the City:

- (1) Signs imitating warning signals are prohibited. No sign shall display lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, regardless of the color; nor shall any signs use the words, slogans, dimensional shape and size, or colors of governmental traffic signs in such a manner as to resemble official traffic signs;
- (2) No signs, including temporary signs, except traffic signs and signals and informational signs erected by a public agency, are permitted within any street or highway right-of-way;
- (3) It shall be unlawful for any person to tack, post or nail any paper, metal, wood or other signs of any character on any natural features (such as trees or rocks), fence posts, telegraph, telephone, electric or other utility type poles, located in any public right-of-way;
- (4) Signs for business operations located in residential zoning districts;
- (5) Roof signs and trailer-mounted signs;
- (6) Rotating signs and flashing/animated signs;
- (7) Signs attached to trees or utility poles or boxes; signs painted on or otherwise attached to rocks or other natural objects; signs, including temporary signs, other than those placed by a local, state or federal government, located within the public street right-of-way or within five feet of the curb or closest edge of the pavement of any public street;
- (8) Signs emitting or utilizing in any manner any sound capable of being detected on a public road by a person of normal hearing;
- (9) Signs which obstruct any fire escape, any means of egress or ventilation, or prevent free passage from one part of a roof to any other part thereof; signs attached in any manner to any fire escape;
- (10) Banner, fringe, twirling, A-frame, sandwich-type, sidewalk or curb-type signs, balloons, streamers, portable display signs, air or gas filled figures and other similar temporary signs, except as expressly permitted and provided for in this article;
- (11) Signs that threaten, intimidate, or incite violence;
- (12) Any sign placed or erected on a property without the permission of the property owner;
- (13) Signs that emit smoke, vapor, particles, or odor;

(14) Searchlight or spotlights, except for special promotions and attracting attention to new business "grand opening". For each event, such device shall receive prior written approval from the Director of Inspections or his or her designee; said device shall not create a nuisance or interfere with vehicular traffic, adhere to all applicable regulations of the Federal Aviation Administration (FAA), and may be for a period not exceeding seven consecutive days with a special event permit;

(15) Illuminated signs from or to which direct rays of light are projected onto a lot other than on the lot where the illumination occurs;

(16) Vehicular signs are prohibited in all districts except where the business has no reasonable alternative location on the site to park the vehicle;

(17) Abandoned signs are prohibited in all districts;

(18) Signs which contain words, pictures, or statements which are obscene, as defined by O.C.G.A. § 16-12-80;

(19) No sign shall otherwise be in violation of O.C.G.A. § 32-6-75;

(20) Signs which interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic;

(b) The provisions of this article shall not apply to the following:

(1) Signs erected by a government or government agency.

(2) Signs of public utility companies indicating danger, or which serve as an aid to public safety or identification, or which show the location of underground facilities, or of public telephones.

(3) "No Trespassing" signs, or other such signs regulating the use of property, such as "No Hunting," "No Fishing," etc. of no more than two square feet in area.

(4) Names of buildings and date of erection when cut into any masonry surface, or inlaid so as to be part of the building, or when constructed of any bronze or other non-combustible materials.

(5) Signs of historical societies no more than five square feet in area.

(Ord. No. 2010-01, § 1, 3-4-2010)

Sec. 805. - Unsafe and unlawful signs.

If the City Department of Inspections shall find that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public health or safety, or is an abandoned sign, or is maintained in a dilapidated condition, or has been constructed or erected or is being maintained in violation of the provisions of this article, the department of

inspections shall give written notice to the permittee or property owner thereof. If the permittee or property owner fails to remove or alter the structure so as to comply with the standards herein set forth within ten days after such notice, the sign permit shall be revoked, subject to the permittees or owner's right to appeal as provided by this article, and the permittee or property owner shall be subject to the penalties set forth in this article. In any case in which a sign or other advertising structure is an immediate peril to person or property, the City Department of Inspections may cause such structure to be removed summarily and without notice. Notwithstanding any provision in this Article to the contrary, there shall be no right to notice or appeal of any action taken against a sign erected on public property or in a public right-of-way.

(Ord. No. 2010-01, § 1, 3-4-2010)

Sec. 806. - Special requirements, regulations and construction standards; all signs.

(a) *Wind pressure and dead load requirements.* All signs and billboards shall be designed and constructed to meet or exceed 110 m.p.h. windload, and shall be constructed to receive dead loads as required in the City Building Code or other ordinances or laws of the City.

(b) *Materials required.* All signs and billboards for which a permit is required by this article shall have a facing of noncombustible material; provided however, that combustible structural trim may be used thereon.

(c) *Surface of signs.* All signs or billboards which are constructed within ten feet of a street right-of-way shall have a smooth surface, and no nails, tacks, or wires shall be permitted to protrude therefrom, except electrical reflectors and devices which may extend over the top and in front of the advertising structures.

(d) *Moveable parts.* Any movable part of any sign or billboard shall be securely fastened by chains or hinges.

(e) *Reflectors.* Gooseneck reflectors and lights shall be permitted on stanchion signs, and wall signs; provided, however, the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.

(f) *Illumination.* The light directed on, or internal to, any sign shall be so shaded, shielded and/or directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises or adversely affect safe vision of operators of vehicles moving on private or public roads, highways, or parking areas, or adversely affect safe vision of pedestrians on a public right-of-way. Light shall not shine upon nor reflect into residential structures.

(g) *Internal illumination.* The illumination of signs or billboards in which the light source is concealed or contained within the structure itself and which becomes visible in darkness by shining through a translucent surface shall not exceed 12 foot candles of incident light measured at a distance of ten feet from such structure.

(h) Floodlight illumination. Signs or billboards illuminated by floodlights or spotlights shall be positioned in such a manner that none of the light spills over onto adjoining property or glares or shines into the eyes of motorists or pedestrians.

(i) Fluctuating/animated/illuminated. Any attraction device or sign which flashes, blinks, is animated, or fluctuates in light intensity shall be prohibited.

(j) Obstruction to doors, windows, or fire escapes. No sign shall be erected, relocated, or maintained so as to prevent free ingress to, or egress from, any door, window, or fire escape; nor shall any sign be attached to any standpipe or fire escape.

(k) Signs not to constitute traffic hazard. No sign or other advertising structure as regulated by this article shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or be placed at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal, or device; or make use of the word "STOP," "LOOK," "DRIVE-IN," "DANGER," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.

(l) Maintenance. All signs regulated by this article shall be kept clean, neatly painted, and free from all electrical and mechanical hazards, including, but not limited to, faulty wiring and loose connections, and the premises surrounding same shall be maintained by the owner thereof in a sanitary and inoffensive condition, free and clear of all weeds, rubbish, and debris.

(m) Removal of certain signs. Abandoned signs, as defined in article III, section 302 of this appendix, shall immediately be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or property upon which such sign may be found, subject to that person's right to appeal to the Mayor and City Council as set forth in this article.

(n) Stanchion signs, monument signs and billboards.

(1) Height and signable area limitations. Height and signable area limitations shall be as prescribed in the section of this appendix relative to the zone in which the sign is to be erected.

(2) Space between sign and ground. Stanchion signs shall have an open space not less than two feet between the base line of the sign and the ground level. This open space may be filled in with a platform or decorative lattice work that does not close off more than one-half of any square foot of such open space.

(3) Distance between signs. No stanchion sign shall be nearer than 25 feet to any other sign, and a stanchion sign which is six square feet or more in area may not be closer than 75 feet to any other stanchion sign which is six square feet or more in size.

(4) *Erection standards.* Stanchion signs and billboards shall meet all construction standards as specified in the applicable section of the current State of Georgia adopted standard building code governing signs.

(5) *Spacing.* Billboards on a given street shall be spaced at least 1,000 feet apart, measured lineally along the right-of-way visible in any direction.

(6) *Setback requirement.* No stanchion or monument sign or billboard may be erected on, over, or within ten feet of any public right-of-way.

(7) *Faces.* No more than two faces shall be displayed per billboard site to any direction of traffic flow. No single face shall be greater than 378 square feet; provided that where two faces are mounted on one support and face in the same direction of traffic, either side by side or stacked vertically, the total square footage of both faces shall not exceed 600 square feet per site. No more than five faces shall be erected per lineal mile, visible in any one direction. Official State highway mile-markers shall be used in determining the number of permitted sites per mile.

(8) *Public parks, etc.* No billboard shall be located or placed so as to face any public park, playground, or cemetery, or be located within 150 feet of the boundary of such an area when measured along a common street right-of-way.

(o) *Wall signs.* All wall signs shall meet the following requirements:

(1) *Signs on the front surface of a building.* The total area of signs on the exterior front surface of a building shall not exceed 25 percent of the front surface of the building, or the total amount of sign area permitted within the zoning district where the sign or signs are to be located, whichever is less.

(2) *Signs on the side and rear surface of a building.* The total area of signs on a side or rear surface of a building shall not exceed the total sign area permitted within the zoning district where the sign or signs are to be located.

(3) *Combined sign area.* The combined sign area on the front, side and rear surface of a building shall not exceed the total sign area permitted within the zoning district where the sign or signs are to be located.

(4) *Erection standards.* Wall signs shall meet all construction standards as specified in any State of Georgia adopted standard building code governing signs.

(5) *Placement and signable area limitations.* No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached. The signable area of any one wall sign shall not exceed 300 square feet. Wall signs placed in the space between windows shall not exceed in

height more than two-thirds of the distance between the top of the window and the sill of the window above.

(6) *Projection above sidewalk.* Notwithstanding any other provision in this article, if a wall sign is attached to a wall at a height of less than ten feet above any sidewalk or walking path, then that wall sign shall not extend from the surface of the wall more than eight inches.

(7) *Illuminated signs.* Illumination devices shall be so placed and so shielded that light from the sign itself will not be directly cast into any residential district, sleeping rooms in any district or the eyes of an automobile or vehicular driver.

(p) *Projecting signs.*

(1) *Signable area limitations.* The signable area of any one projecting sign shall not exceed 100 square feet each side.

(2) *Projection over public property.* Every projecting sign shall be placed at least 12 feet above the public sidewalk over which it is erected, and a distance not greater than two feet from the face of the wall to which it is attached, measuring from the point of the sign nearest thereto; and no sign or part thereof shall extend nearer the curb line than one foot. Projecting signs shall not project over public driveways, alleys, and thoroughfares.

(3) *Erection standards.* Projecting signs shall conform to the requirements of any State of Georgia adopted Standard Building Code governing sign construction.

(q) *Temporary and mobile signs.*

(1) *Size and signable area limitations.* Size, number, and signable area limitations for temporary or mobile signs shall be as prescribed in the section of this article relative to the zone in which the sign is to be erected.

(2) *Placement limitations.* No temporary or mobile sign shall be placed within ten feet of the edge of any public right-of-way, except as provided in subsection 807(a)(1).

(3) *Erection standards.* Each temporary sign shall meet all construction standards as specified in the applicable section of the current State of Georgia adopted Standard Building Code governing signs.

(4) *Duration of temporary or mobile signs.* Display time limitations for temporary or mobile signs shall be as prescribed in the section of this article relative to the zone in which the sign is to be erected. Notwithstanding any provision in this article to the contrary, any sign anticipated to be displayed for more than 180 days in any one calendar year is a permanent sign and shall not be considered a temporary or mobile sign.

(5) Sign lighting. The sign shall not be lighted either directly or indirectly.

(6) Sign location. The sign shall be located entirely on the property of the owner.

(7) Prohibited signs. Roof signs and trailer mounted signs are prohibited.

(8) Signs in violation. The City Department of Inspections shall have the authority to and may remove temporary signs that are in violation of this article. The expense incurred by the City for the removal of said signs may be billed to and collected from the individual, group or organization responsible for placement of the sign.

(9) Permitting procedures. The requirements for a permit and permit fee are waived for temporary signs authorized by this article.

(r) Changeable electronic variable message signs.

Definition. For purposes of this section, "changeable electronic variable message sign" shall mean any sign, as defined in this Article other than a public variable message sign, which is erected by a city, county, or state government for traffic communications purposes which results in the illuminated display of messages or information by the use of a matrix of electric lamps (e.g., digital, LED, (light emitting diode) or similar or refined display technology), movable discs, movable panels, light apertures, or other methods, which allow the message change to be actuated by a control mechanism rather than manually changing the message; and which changes the message more often than twice daily. It is characteristic of such signs that the sequence of messages and the rate of change can be electronically programmed and can be modified by electronic processes.

(1) Purposes. This section establishes requirements associated with the changeable electronic variable message signs, including but not limited to the duration of message, transition time, light intensity, malfunction, and permitting, to ensure reasonable and safe standards are met to protect the motoring public.

(2) Area and height. No such sign shall exceed the area or height specified for the type of sign for which it is defined and permitted under the terms of the article.

(3) Nature of display. Nothing in this section shall be construed to permit or authorize the flashing or variation of light intensity of an individual message; such flashing or variation constitutes an "animated sign" as defined in article III (Definitions) and prohibited by article VIII, subsection 804(a)(6).

(4) Duration of message. Each multiple message shall remain fixed for at least ten seconds.

(5) Transition time. When a message is changed, it shall be accomplished in three seconds or less, and shall not use fading, swiping or other animated transition methods.

(6) *Illumination and brightness.* No such sign shall be illuminated at an intensity of greater than 12 foot-candles or illumination, measured from the nearest point of any highway or public road. All such signs shall be equipped with a dimmer control and or a photo cell which shall constantly monitor ambient light conditions and adjust sign brightness accordingly.

(7) *Freeze and display when malfunction occurs.* Such signs shall include a default designed to freeze a display in one still position if a malfunction occurs.

(8) *Sequencing of messages prohibited.* Using two or more successive screens to convey a message that will not fit on one screen shall be prohibited.

(9) *Permit requirements.* In addition to those permit requirements established relative to permits for signs generally, the Director of Inspections is authorized to impose additional permit requirements specific to changeable electronic variable message signs and applications therefore, including but not limited to the following:

(1) Description or graphic depiction of the type of internal illumination technology; and

(2) A drawing or schematic prepared by an electrical engineer showing the amount of light designed to emanate from the proposed sign at the highway or public road to which the sign is directed and at any highway or public road to which the proposed sign is visible, showing measurements in foot-candles. Said drawing or schematic shall show connecting points of equal light illumination levels, similar to a topographic contour, or a photometric grid with individual spot readings; and

(3) A statement certified by an engineer, acceptable to the Director of Inspections demonstrating that the weight of the sign upon installation has sufficient footing and other characteristics sufficient to ensure the sign will be safely secured and able to withstand wind resistance as may be customary for similar structures according to the applicable building code; and

(4) Other information as may be reasonably required by the Director of Inspections to ensure compliance with the purpose and regulations of section of the zoning ordinance, and the purposes and intention of this zoning (sign) ordinance generally.

These permit requirements shall be submitted on application forms prepared by the Sign Administrator. These permit requirements are applicable to both the construction of a new changeable electronic variable message sign and the re-facing of an existing sign with changeable electronic variable message sign.

(Ord. No. 2010-01, § 1, 3-4-2010)

Sec. 807. - Signs permitted in R-1, R-2, R-3, R-4, R-A-1, R-TH, MH, and MH-2 residential districts.

(a) Permitted signs.

(1) Sign allowance per residence. For R-1, R-2, R-3, R-4, R-A-1, R-TH, MH, and MH-2 residential districts, any number of non-illuminated temporary signs per lot or parcel, not exceeding a combined total of 16 square feet in area nor more than five feet in height, for a period not to exceed six months. A permit is not required for a temporary sign as defined in this article. Non-illuminated temporary signs located in these residential districts shall be exempted from all set back requirements. Unless specifically exempted from the requirement to obtain a permit by other provisions of this article, the normal permitting requirements and procedures apply to any sign maintained on a premises and anticipated to be displayed longer than six months. Residents of the City who do not have control of land surrounding their living unit on which to erect a sign may post window signs up to the allowable 16 square feet.

(2) Residential development sign. Residential development identification structure located on one or both sides of the major entrances designed to identify residential development. Such sign may be placed on common development property or privately owned lots and shall be in the form of a wall or fence with an attached signable area. Said structure shall be made of durable materials including but not limited to: brick, stone, wrought iron, or composite materials, but in no case will a wood sign be permitted. Said sign shall not be on the right-of-way nor shall the wall portion exceed five feet in height. Columns may be incorporated into the signage, with a maximum allowable height of eight feet. The maximum signable area permitted shall be 12 square feet.

a. Procedure. Entry way signs must be incorporated in the preliminary and final plats for residential developments which are not approved by or pending before the planning commission on the effective date of this ordinance. The final plat shall indicate a sign easement in favor of the development over the lot(s) where the signs are located. Said easement shall also appear within the deed records of the burdened properties and shall exist solely for sign purposes.

b. Setback lines. For the purpose of this section only, setback lines shall not apply.

(3) Temporary subdivision sign. One temporary subdivision sign structure per development having a combined sign area not exceeding 100 square feet nor six feet in height, provided that it is spaced not closer than 1,000 linear feet from any other sign structure on the same side of the street.

(4) Arterial and collector signage. Residential development identification located on the arterial and collector streets in a residential district. Said signs are allowed when there exists along these streets special permitted uses as defined within the zoning ordinance.

a. Permitted signs.

1. Monument sign. One monument sign not to exceed five feet in height and 30 square feet in size per lot. The sign shall be erected so that no portion of the said sign shall be less than ten feet from the street right-of-way.

2. Projecting sign, wall sign, or awning sign. Either one projecting sign, one wall sign or awning sign per wall, per special permitted use. The total area of the wall sign shall not exceed six square feet in size per special permitted use.

(b) Prohibited signs.

(1) All signs not expressly authorized in subsection 807(a).

(Ord. No. 2010-01, § 1, 3-4-2010)

Sec. 808. - Signs permitted in 0-I (office-institutional) district.

(a) Permitted signs.

(1) Monument sign. One monument sign per lot not to exceed five feet in height and 30 square feet in size per lot. The sign shall be erected so that no portion of the said sign shall be less than ten feet from the street right-of-way.

(2) Projecting sign, wall sign or awning sign. Either one projecting sign or one wall sign or awning sign per wall, per office/institutional use. The total area of the wall sign shall not exceed six square feet in size per office/institutional use.

(3) Window signs. Any number of non-illuminated window signs per exterior wall per business operation, provided that:

(A) The total area of window signage on any exterior wall shall not exceed 20 percent of the area of that exterior wall, and

(B) The area of one exterior wall shall not be used in the calculation of window signage permitted on another exterior wall.

(4) Temporary signs.

(A) Banner. One banner, not to exceed 60 square feet, shall be permitted per business or office use for a period not to exceed six months, or, alternatively, for a period not to exceed 60 days three times per calendar

year. Such banner shall be erected entirely upon the owner's property and shall meet all setback requirements for freestanding signs.

(B) Temporary stanchion sign. In lieu of a banner, one temporary stanchion sign no higher than six feet and with a signable area no greater than 32 square feet may be located for a period not to exceed six months, or, alternatively, for a period not to exceed 60 days three times per calendar year. No portion of the sign shall be less than ten feet from the street right-of-way. However, if said property is undeveloped the ten-foot set back requirement shall not apply.

(C) Temporary window signs. Any number of non-illuminated temporary window signs per exterior wall per business operation; provided that:

(1) The total area of window signage, including temporary window signage, on any exterior wall shall not exceed 20 percent of the area of that exterior wall, and

(2) The area of one exterior wall shall not be used in the calculation of window signage permitted on another exterior wall.

(b) Prohibited signs.

(1) All signs not expressly authorized in subsection 808(a).

(Ord. No. 2010-01, § 1, 3-4-2010)

Sec. 809. - Signs permitted in 0-C (office-commercial) districts.

(a) Permitted signs.

(1) Monument/stanchion signs. One stanchion or monument sign not to exceed 12 feet in height or a total signable area of 180 square feet. No portion of the sign shall be less than ten feet from the street right-of-way.

(2) Wall or awning sign. One wall or awning sign per office or commercial use. The total area of the wall sign shall not exceed ten square feet in area.

(3) Window signs. Any number of non-illuminated window signs per exterior wall per business operation; provided that:

(A) The total area of window signage on any exterior wall shall not exceed 20 percent of the area of that exterior wall, and

(B) The area of one exterior wall shall not be used in the calculation of window signage permitted on another exterior wall.

(4) Temporary signs.

(A) Banner. One banner, not to exceed 60 square feet, shall be permitted per business or office use for a period not to exceed 30 days, four times per calendar year. Such banner shall be erected entirely upon the owner's property and shall meet all setback requirements for freestanding signs.

(B) Flags, balloons, and similar displays. Flags, inflatable balloons, or other similar type of displays not herein before specifically identified shall be permitted for a period not to exceed 30 days, four times per calendar year. Such displays shall be erected entirely upon the owner's property and shall meet all setback requirements for freestanding signs.

(C) Temporary stanchion signs. In lieu of a banner, flags, balloons, or similar type of displays, one temporary stanchion sign no higher than six feet and with a signable area no greater than 32 square feet may be located for a period not to exceed six months. No portion of the sign shall be less than ten feet from the street right-of-way. However, if said property is undeveloped the ten-foot set back requirement shall not apply.

(D) Temporary window signs. Any number of non-illuminated temporary window signs per exterior wall per business operation; provided that:

(1) The total area of window signage, including temporary window signage, on any exterior wall shall not exceed 20 percent of the area of that exterior wall, and

(2) The area of one exterior wall shall not be used in the calculation of window signage permitted on another exterior wall.

(b) Prohibited signs.

(1) All signs not expressly authorized in subsection 809(a).

(Ord. No. 2010-01, § 1, 3-4-2010)

Sec. 810. - Signs permitted in C-1 (central business) district.

(a) Permitted signs.

(1) Monument sign. One monument sign which shall not be in excess of five feet in height and the signable area which shall not exceed 30 square feet in size, per lot. This sign shall be erected so that no portion of the sign shall be less than ten feet from the street right-of-way.

(2) Projecting, wall, or awning sign. One projecting sign, or one wall sign or awning sign per wall per business operation. Each such sign cannot exceed ten square feet in size.

(3) Window signs. Any number of non-illuminated window signs per exterior wall per business operation; provided that:

(A) The total area of window signage on any exterior wall shall not exceed 20 percent of the area of that exterior wall, and

(B) The area of one exterior wall shall not be used in the calculation of window signage permitted on another exterior wall.

(4) Temporary signs.

(A) Temporary stanchion sign. One temporary stanchion sign no higher than six feet and with a signable area no greater than 32 square feet may be located for a period not to exceed six months. No portion of the sign shall be less than ten feet from the street right-of-way. However, if said property is undeveloped the ten-foot set back requirement shall not apply.

(B) Temporary window signs. Any number of non-illuminated temporary window signs per exterior wall per business operation; provided that:

(1) The total area of window signage, including temporary window signage, on any exterior wall shall not exceed 20 percent of the area of that exterior wall, and

(2) The area of one exterior wall shall not be used in the calculation of window signage permitted on another exterior wall.

(b) Prohibited signs.

(1) All signs not expressly authorized in subsection 810(a).

(Ord. No. 2010-01, § 1, 3-4-2010)

Sec. 811. - Signs permitted in C-2 (general commercial) districts.

(a) Permitted signs.

(1) Stanchion or monument sign. One stanchion or monument sign not to exceed 20 feet in height with a total signable area of 200 square feet which is to be located adjacent to the arterial or collector street from which the primary access to the development is provided. This sign shall be erected so that no portion of the sign shall be less than ten feet from the street right-of-way.

(2) Additional stanchion or monument sign. Shopping centers developed in accordance with City of Hinesville Codes and Ordinances may have an additional stanchion or monument sign one-half the size and the height of the stanchion or monument sign described in the above paragraph (a) for all other arterial or collector streets from which access to the shopping center is provided. This sign

shall be erected so that no portion of the sign shall be less than ten feet from the street right-of-way.

(3) Wall, awning, mansard, or projecting sign. Three signs per business of any combination: wall, awning, mansard, or projecting sign, of which a total area of signage cannot exceed ten percent of the building front of the business.

(4) Window signs. Any number of non-illuminated window signs per exterior wall per business operation; provided that:

(A) The total area of window signage on any exterior wall shall not exceed 20 percent of the area of that exterior wall, and

(B) The area of one exterior wall shall not be used in the calculation of window signage permitted on another exterior wall.

(5) Temporary signs.

(A) Banner. One banner, not to exceed 60 square feet, shall be permitted per business or office use for a period not to exceed 30 days, four times per calendar year. Such banner shall be erected entirely upon the owner's property and shall meet all setback requirements for freestanding signs.

(B) Flags, balloons, and similar displays. Flags, inflatable balloons, or other similar type of displays not herein before specifically identified shall be permitted for a period not to exceed 30 days, four times per calendar year. Such displays shall be erected entirely upon the owner's property and shall meet all setback requirements for freestanding signs.

(C) Temporary stanchion signs. One temporary stanchion sign no higher than six feet and with a signable area no greater than 32 square feet shall be permitted for a period not to exceed six months. No portion of the sign shall be less than ten feet from the street right-of-way. However, if said property is undeveloped the ten-foot set back requirement shall not apply.

(D) Temporary window signs. Any number of non-illuminated temporary window signs per exterior wall per business operation; provided that:

(1) The total area of window signage, including temporary window signage, on any exterior wall shall not exceed 20 percent of the area of that exterior wall, and

(2) The area of one exterior wall shall not be used in the calculation of window signage permitted on another exterior wall.

(b) Prohibited signs.

(1) All signs not expressly authorized in subsection 811(a).

(Ord. No. 2010-01, § 1, 3-4-2010)

Sec. 812. - Signs permitted in C-3 (highway commercial) and L-1 (light industrial) districts.

(a) Permitted signs.

(1) Stanchion or monument sign. One stanchion or monument sign not to exceed 20 feet in height with a total signable area of 200 square feet which is to be located adjacent to the arterial or collector street from which the primary access to the development is provided. This sign shall be erected so that no portion of the sign shall be less than ten feet from the street right-of-way.

(2) Additional stanchion or monument sign. Shopping centers developed in accordance with City of Hinesville Codes and Ordinances may have an additional stanchion or monument sign one-half the size and the height of the stanchion or monument sign described in the above paragraph (a) for all other arterial or collector streets from which access to the shopping center is granted. This sign shall be erected so that no portion of the sign shall be less than ten feet from the street right-of-way.

(3) Wall, awning, mansard, or projecting sign. Three signs per business of any combination: wall, awning, mansard, or projecting sign, of which the total area of signage cannot exceed ten percent of the building front of the business.

(4) Window signs. Any number of non-illuminated window signs per exterior wall per business operation, provided that:

(A) The total area of window signage on any exterior wall shall not exceed 20 percent of the area of that exterior wall, and

(B) The area of one exterior wall shall not be used in the calculation of window signage permitted on another exterior wall.

(5) Temporary signs.

(A) Banner. One banner, not to exceed 60 square feet, shall be permitted per business or office use for a period not to exceed 30 days, four times per calendar year. Such banner shall be erected entirely upon the owner's property and shall meet all setback requirements for freestanding signs.

(B) Flags, balloons, and similar displays. Flags, inflatable balloons or other similar type of displays not herein before specifically identified shall be permitted for a period not to exceed 30 days, four times per calendar year. Such displays shall be erected entirely upon the owner's property and shall meet all setback requirements for freestanding signs.

(C) Temporary stanchion signs. In lieu of a banner, flags, balloons, or similar type of displays, one temporary stanchion sign no higher than six feet and with a signable area no greater than 32 square feet shall be permitted for a period not to exceed six months. No portion of the sign shall be less than ten feet from the street right-of-way. However, if said property is undeveloped the ten-foot set back requirement shall not apply.

(D) Temporary window signs. Any number of non-illuminated temporary window signs per exterior wall per business operation; provided that:

(1) The total area of window signage, including temporary window signage, on any exterior wall shall not exceed 20 percent of the area of that exterior wall, and

(2) The area of one exterior wall shall not be used in the calculation of window signage permitted on another exterior wall.

(6) Billboards. Billboards subject to the following additional requirements:

(A) Structural requirements. All billboards shall be constructed entirely out of steel, shall be supported by a single steel pole (a “monopole”) and shall have a steel face on all facings. All construction must meet applicable codes and all signs must be kept in good structural condition and well-painted at all times.

(B) Location. Billboards shall only be permitted on properties zoned C-3 (highway commercial) and L-I (light industrial) and as further limited by section 806 of article VIII.

(C) A billboard shall be located on an arterial or collector street and shall be erected so that no portion of the billboard is less than ten feet from the street right-of-way.

(D) A billboard shall not be located closer than 1,000 linear feet from another billboard.

(E) A billboard shall not be located on a lot which is currently developed for any other use.

(F) No billboard shall be more than 32 feet in sign height.

(G) No billboard face shall exceed the size limitations in signable area as provided by subsection 806(n)(7).

(7) Off-premises directional signs. The following requirements relate to all off-premises directional signs:

(A) Location. Off-premises directional signs shall only be permitted

on properties zoned C-3 (highway commercial) and L-I (light industrial). Off-premises directional signs shall be located at least five feet from any defined right of way or property line, or at least 15 feet from the edge of any paved or unpaved roadway where the right of way is undefined. No off-premises directional sign shall be closer than 50 feet to another off-premises directional sign.

- (B) *Maximum allowable display area.* Maximum allowable sign face area shall be nine (9) square feet.
- (C) *Maximum allowable height.* Maximum allowable height shall be five (5) feet above the elevation of the centerline of the closest road or driveway.

(b) Prohibited signs.

- (1) All signs not expressly authorized in subsection 812(a).

(Ord. No. 2010-01, § 1, 3-4-2010)

Sec. 813. - Signs permitted in PUD (planned urban development) districts.

- (a) Only those signs incorporated in plans for planned urban developments approved by the City of Hinesville Planning Commission and City Council are permitted in planned urban development districts.
- (b) Signs within a PUD shall be of a uniform and consistent design and color scheme.
- (c) Signs within a PUD shall be of a uniform and consistent manner of construction.
- (d) The size, height, and setback limitations for signs in a PUD shall be the same as the size, height, and setback limitations that apply to the most analogous use as identified in section 807 of this article (for a PUD that is exclusively a residential use) or section 809 of this article (for a PUD that is exclusively a non-residential use). For PUDs that include both residential and non-residential uses, the size, height, and setback limitations that apply to residential uses elsewhere in the City shall apply to the residential uses in such mixed-use PUD, and the size, height, and setback limitations that apply in O-C (office-commercial), districts shall apply to the non-residential uses in such mixed-use PUD.
- (e) The regulations of this article shall serve as minimum requirements for signs in planned urban development districts.

(f) Signs on the side of entrance. All permanent subdivision signs shall be no less than ten feet from any street right-of-way line. No sign shall be placed inside any island between lanes of traffic within the right-of-way.

(g) Plans. Prints or drawings of the plans and specifications and structural details of construction shall be submitted to the Director of Inspections for approval, prior to final plat approval, for any permanent subdivision sign.

(h) Maintenance. The City shall not be responsible to maintain any permanent subdivision sign.

(Ord. No. 2010-01, § 1, 3-4-2010)

Sec. 814. - Signs permitted in D-D (downtown development) district and permitted mixed-occupancy uses (commercial and residential) within the downtown redevelopment overlay district.

Sign allowance in the D-D (downtown development) and for permitted mixed-occupancy uses within the downtown redevelopment overlay district shall be identical to the O-C (office commercial) district.

(a) Permitted signs.

(1) *Stanchion or monument sign.* One stanchion or monument sign not to exceed 12 feet in height or a total signable area of 180 square feet. No portion of the sign shall be less than ten feet from the street right-of-way.

(2) *Wall or awning sign.* One wall or awning sign per office or commercial use. The total area of the wall sign shall not exceed ten square feet in area.

(3) *Window signs.* Any number of non-illuminated window signs per exterior wall per business operation; provided that:

(A) The total area of window signage on any exterior wall shall not exceed 20 percent of the area of that exterior wall, and

(B) The area of one exterior wall shall not be used in the calculation of window signage permitted on another exterior wall.

(4) Temporary signs.

(A) *Banner.* One banner, not to exceed 60 square feet, shall be permitted per business or office use for a period of not to exceed 30 days, four times per calendar year. Such banner shall be erected entirely upon the owner's property and shall meet all setback requirements for freestanding signs.

(B) *Flags, balloons, and similar displays.* Flags, inflatable balloons, or other similar type of displays not herein before specifically identified shall

be permitted for a period not to exceed 30 days, four times per calendar year. Such displays shall be erected entirely upon the owner's property and shall meet all setback requirements for freestanding signs.

(C) Temporary stanchion signs. In lieu of a banner, flags, balloons, or similar type of displays, one temporary stanchion sign no higher than six feet and with a signable area no greater than 32 square feet may be located for a period not to exceed six months. No portion of the sign shall be less than ten feet from the street right-of-way. However, if said property is undeveloped the ten-foot set back requirement shall not apply.

(D) Temporary window signs. Any number of non-illuminated temporary window signs per exterior wall per business operation; provided that:

(1) The total area of window signage, including temporary window signage, on any exterior wall shall not exceed 20 percent of the area of that exterior wall, and

(2) The area of one exterior wall shall not be used in the calculation of window signage permitted on another exterior wall.

(b) Prohibited signs.

(1) All signs not expressly authorized in subsection 814(a).

(Ord. No. 2010-01, § 1, 3-4-2010)

Sec. 815. - Non-conforming signs.

(a) Nonconforming signs. A nonconforming sign is any sign existing on the effective date of this ordinance which does not conform to the standards of this ordinance but which was legal at the time it was erected.

(b) Nonconforming signs shall be permitted until one of the following conditions occurs:

(1) The sign is abandoned.

(2) The permittee or property owner fails to maintain the sign in accordance with subsection 801(e).

(c) No changes in shape, size, or design shall be permitted except to make a nonconforming sign comply with all requirements of this appendix.

(d) Non-durable signs. Nonconforming signs made of paper, cloth, or other nondurable material, all temporary signs other than those permitted herein, and any signs that are not affixed to a building or the ground shall be removed within 12 months of the effective date of this ordinance.

(e) Replacement of nonconforming signs. A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, removable sign faces, or changeable copy on nonconforming signs shall be permitted; provided that, no change of a sign cabinet may be made to a nonconforming sign without bringing the entire sign into conformity with this ordinance at such time. A sign cabinet is the physical structure which surrounds the sign face and houses electrical wiring components, light sources, and/or the structural frame upon which the sign face is erected. Where the structural support of a sign is defective and needs to be replaced, such sign shall be brought into conformity with this ordinance at such time.

(f) Minor repairs and maintenance. Minor repairs and maintenance of nonconforming signs, such as repainting, electrical repairs, and neon tubing, shall be authorized. Structural repairs or changes in the size or shape of any sign shall not be allowed except to cause the sign to be brought into compliance with the requirements of this article; provided that signs damaged by fire, act of God or by other cause demonstrated by the owner of the sign by clear and convincing evidence to be outside the owner's control may be restored to their original non-conforming condition.

(Ord. No. 2010-01, § 1, 3-4-2010)

Sec. 816. - Exception to permit provisions.

The permit and permit fee requirements of this article shall not apply to the following signs, provided that the signs or devices erected or placed are located on property of the person who erects such signs or on property whose owner has given written permission for such placement.

(a) Directional signs. Directional signs, as defined in article III and as further limited by this section, not exceeding four square feet in area nor two feet in height, as erected, with lettering not exceeding six inches in height, designed and installed for the sole purpose of directing the public as to the proper movement of vehicles on, off, or within driveways and travel areas. To be eligible for this exemption, a property shall contain not more than two directional signs per street entrance.

(b) Identification plates for doors not exceeding four inches by 18 inches in size.

(c) Alarm company signs and logos not exceeding six square inches on residential properties or one square foot on commercial properties.

(d) Building numerals designating property numbering of a building or premises, such numerals not to exceed a height of six inches on residential property or a height not exceeding 12 inches on commercial, office, industrial, or mixed-use property.

(Ord. No. 2010-01, § 1, 3-4-2010)

Sec. 817. - Erecting signs on private property.

(a) No person shall place, print, nail, tack or otherwise fasten any card, banner, hand-built sign, poster, advertisement or notice of any kind, or cause the same to be done, on any private property without the written consent of the owner of such property.

(b) No person shall construct, erect, operate, use or maintain any sign without the written permission of the owner or the person in lawful possession or control of the property on which such structure or sign is located.

(Ord. No. 2010-01, § 1, 3-4-2010)

Sec. 818. - Variances.

(a) Variances from the regulations of this article shall be limited to the following hardship situations:

(1) Where compliance with the regulations of this article would constitute a physical impossibility based on existing trees, plants, natural features, signs, buildings or structures on the lot in question and the variance proposed would not create a safety hazard to vehicular traffic or pedestrians; or

(2) Where visibility of a conforming sign from the proposed street and within 50 feet of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, buildings or structures on a different lot; and

(A) Placement of the sign elsewhere on the lot would not remedy the visual obstruction;

(B) Such visibility obstruction was not created by the owner of the subject property; and

(C) The variance proposed would not create a safety hazard to vehicular traffic or pedestrians.

(b) Variances shall be limited to the minimum relief necessary to overcome the hardship. No variances shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist.

(c) Relief from the application of this article by use of variances granted by the Mayor and City Council shall be granted only upon a finding of hardship as previously defined. Hearing on such variances shall be noticed using the same time frames and notice requirements as for variances from zoning decisions.

(Ord. No. 2010-01, § 1, 3-4-2010)

Sec. 819. - Signs requiring removal.

(a) *Traffic hazards.* Any sign constituting a traffic hazard or a menace to the motoring public or pedestrians shall be removed as provided in section 820

(b) General maintenance. Every sign, including those signs for which permits are required and those for which no permit or permit fees are required, shall be maintained in a safe, presentable and good structural condition at all times. The sign owner shall be responsible for repair or replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign. If the sign is not made to comply with adequate safety and maintenance standards, the Department of Inspections shall require its removal in accordance with section 820

(c) Dangerous or defective signs. No person shall maintain or permit to be maintained on any premises owned or controlled by that person any sign that is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the premises or owner of the sign. Upon failure of the owner to remove or repair a dangerous or defective sign, the Director of Inspections shall require its removal in accordance with section 820

(d) Unlawful signs. The Director of Inspections shall require the removal of any sign which does not comply with the provisions of this article.

(Ord. No. 2010-01, § 1, 3-4-2010)

Sec. 820. - Removal procedure.

(a) The Director of Inspections shall cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous, or electrically or structurally defective sign, or a sign for which no permit has been issued or has been revoked, or which is otherwise in violation of this article.

(b) Whenever the Director of Inspections intends to remove a sign, the reasons for removal shall be stated in writing in a notice of removal. The notice of removal shall describe the sign and specify the violations which require removal. The notice shall state that if the sign is not removed or the violation is not corrected within ten business days, the sign shall be removed in accordance with the provisions of this Section.

(c) The notice of removal shall be served upon the holder of the sign permit, the owner of the property on which the sign is located, the owner of the sign, and the occupant of the property.

(d) The notice of removal may be personally served by in-hand delivery, or sent by certified or by first class mail to the address on the on the permit application, or to the last known address of the permittee, the owner of the sign, the owner of the property on which the sign is located, or the occupant of the property. If any person to whom notice of removal must be delivered cannot be located within the City and the City's mailings are returned undeliverable, the City may notify that person by posting and affixing the notice of removal on the sign itself.

(e) Any time periods provided in this section shall be deemed to commence on the date received if hand-delivered, the postmark date of any mailing, or the date of posting and affixing the notice on the sign itself.

(f) Any person having an interest in the sign or the property may appeal the notice of removal, provided such person files a written notice of appeal with the City Clerk within ten business days from the notice.

(g) Appeals shall be conducted in the same manner as set forth in section 803 of this article.

(h) If the City's final determination is to remove the sign, then the Director of Inspections shall proceed to have the sign removed or corrected to bring such sign into compliance with this article or to remove any unsafe condition.

(i) When it is determined by the Director of Inspections that the sign would cause imminent danger to the public safety and contact cannot be made with the sign owner or building or property owner, no written notice shall have to be served prior to removal. In such emergency situation, the Director of Inspections shall document the unsafe condition and may correct the danger, with all costs being charged to the sign owner or the property owner.

(j) If it shall be necessary for the City to remove the sign pursuant to the provisions of this Section, and it should be practicable to sell or salvage any material derived in the removal, the City may sell or salvage any material derived in the removal. The City may sell the same at public or private sale at the best price obtainable and keep an account of the proceeds thereof. Such proceeds, if any, shall be used to offset the cost of removal to be charged to the sign owner or property owner.

(k) Any sign removed by the City shall become the property of the City and may be disposed of in any manner deemed appropriate by the City. The cost of removal shall constitute a lien against the property on which the sign was located and shall be recoverable in the same manner as City property taxes. The cost of removal shall include all incidental expenses incurred by the City in connection with the sign removal.

(Ord. No. 2010-01, § 1, 3-4-2010)

Sec. 821. - Remedies.

(a) In addition to any other penalties provided by subsection (b) of this section, the City is authorized to seek injunctive relief against any sign erected in violation of this ordinance.

(b) Penalties. Any person found in violation of any of the provisions of this article shall be subject to a fine as provided in section 1-12 of the City of Hinesville Code of Ordinances. A separate offense shall be deemed committed for each day during or upon which a violation occurs or is permitted to continue.

(Ord. No. 2010-01, § 1, 3-4-2010)

Sec. 822. - Citizens Sign Appeals Board.

(a) Establishment of the Board. There is hereby established a commission which shall be called the "City of Hinesville Citizens Sign Appeals Board."

(b) Board members—Appointment, terms of office, election of officers, and compensation. The Board shall consist of six members appointed by the Mayor and City Council, with each such elected official responsible for the selection of one Board member. The terms of office of Board members shall be for three-year staggered terms. The Board shall elect from its membership a chairperson and such other officers as may be desired. Officers shall be elected on a calendar year basis, but may be reelected for succeeding terms. All members of the Board shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

(c) Vacancies. Any vacancy in membership of the Board shall be filled for the unexpired term by the elected official responsible for the initial selection of the departing Board member. The Mayor and City Council shall have the authority to remove any member for cause, on written charges, after a public hearing.

(d) Powers. The Citizens Sign Appeals Board shall be authorized:

(1) To hear and make recommendations to the Mayor and City Council in all hardship and other common sense appeals.

(2) To hear any and all challenges to the enforcement of any provision or requirement of the City's sign ordinance as set forth herein or later amended.

(3) To hear any and all challenges to any decision, determination, or order made by the City's Director of Inspections in enforcing the provisions of this Article and any amendments thereto.

(e) In exercising the above powers, the Mayor and City Council may reverse, affirm, or modify the Board's recommendations, and to that end shall have the powers of the Director of Inspections from whom the appeal is taken and may issue the necessary permit.

(f) Procedures of the Citizens Appeals Board.

(1) Rules and regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the procedures of this Code. The board shall meet on call of the chairman. The board shall meet within 30 days after notice of appeal has been received.

(2) Decisions. The Citizens Appeals Board shall, in every case, reach a decision and make a recommendation to the Mayor and Council without unreasonable or unnecessary delay. Each board recommendation shall be in writing and shall

include the reasons for the decision. A certified copy of the recommendation shall be promptly forwarded to the Mayor and Council

ARTICLE 9

Sec. 901. - Director of Inspections and/or Zoning Official.

(A) All provisions of the ordinance shall be enforced and administered by the Director of Inspections and Zoning Official. He/she may be provided with assistance of other people as directed by the City Council.

(B) The duties and powers of the Director of Inspections shall be:

(1) To receive and check all applications for building permits and certificates of occupancy.

(a) Prior to issuance of any building permit, the Director of Inspections or his duly appointed agent shall insure that the building, structure, or proposed use conforms in all respects to the provisions of this Zoning Ordinance and other applicable regulations. Conformance to all provisions of the Zoning Ordinance, however, shall be the responsibility of the property owner.

(b) Prior to issuance of certificate of occupancy, the Director of Inspections or his duly appointed agent shall determine that all the work completed (incl. site improvements) is in accordance with all provisions of this Zoning Ordinance and other applicable regulations. A certificate of occupancy issued in error shall be null and void upon determination of such error. Continuing maintenance of conformity to all provisions of this Zoning Ordinance shall be the responsibility of the property owner.

(2) To require any information necessary to determine the conformity of the application with the regulations of this ordinance, building codes, and other applicable codes (e.g. soil erosion, drainage). This information may include, but is not limited to:

(a) Proposed uses of building, structure or land;

(b) Placement of the building or structure on the lot;

(c) Size, dimensions or other characteristics of the building, structure and the lot itself;

- (d) Placement, size and number of signs;
 - (e) Number, size and location of parking and unloading spaces; [and]
 - (f) Any other relevant information as determined by the Director of Inspections or Zoning Official(
- (3) To inspect premises of applicant's property, building or structure.
 - (4) To issue the building permit or certificate of occupancy after compliance with this Zoning Ordinance and other applicable regulations are established.
 - (5) To notify any person responsible for violating the provisions of this appendix and to order the action necessary to correct the violation. As appropriate to correct any violation, he shall order:
 - (a) Discontinuance of illegal use of land, building or structures;
 - (b) Removal of illegal buildings or structures; or
 - (c) Discontinuance of any illegal work being done.
 - (6) To maintain records of all legal nonconformities submitted by the owners of such nonconformities
 - (7) To issue temporary permits, as provided below.
 - (8) To inform the applicant for a building permit if his proposed use, building or structure is designated as a special use and to advise said applicant of the procedure necessary to acquire the necessary authorization.

Sec. 902. - Building permit.

(A) *Building permit and/or land disturbing permit required.* It shall be unlawful to begin the excavation or filling of any lot for the construction of any building, including an accessory building, until the Zoning Official and Director of Inspections have issued the necessary permits for such work. It shall also be unlawful to locate or place any industrialized building or component thereof and/or any manufactured or mobile home on any lot, including lots within a manufactured home park, until a building permit and/or land disturbing permit has been issued by the Director of Inspections and/or the zoning official, authorizing such placement, site work, and connection to utilities. (For land disturbing and site construction permits, refer to Chapter 6 of Hinesville's Code of Ordinances).

(B) *Issuance of building permit.*

(1) The applicant shall submit to the Director of Inspections [a] dimensioned sketch or scale plan indicating the shape, size and location of all buildings to be erected, and of any building already on the lot that is to be retained.

(2) [The] applicant shall also state the intended use of all such buildings and structures.

(3) If the proposed work as set forth in the application, conforms to the provisions of this ordinance, the building codes and all other relevant codes or ordinances the Director of Inspections shall issue the building permit upon payment of the required fee.

(4) If the building permit is refused, the Director of Inspections shall give the applicant a written explanation of reasons for refusal.

(5) Building permits must be renewed if construction has not begun within six months of the initial date of issue. No more than two renewals may be approved, after which a new building permit application must be submitted in conformance with all relevant codes and ordinances.

Sec. 903. - Certificate of occupancy.

(A) *Certificate of occupancy required.* No land or building hereafter erected or altered in its use shall be used until a certificate of occupancy has been granted.

(B) *Issuance of certificate of occupancy.*

(1) Upon completion of any work (incl. site work) for which a building permit or site construction permit (land disturbing permit) has been granted, application shall be made to the Director of Inspections for a certificate of occupancy.

(2) Within three days of application, the Director of Inspections shall make a final inspection of the property and shall issue the certificate of occupancy if the work conforms to the necessary regulations.

(3) If the certificate is refused, the Director of Inspections must state such refusal in writing, with the cause.

Sec. 904. - Temporary use permit.

(1) The Director of Inspections is authorized to issue temporary use permits for the following uses, subject to the applicable conditions for each individual temporary use and provided it is determined such uses will cause no traffic congestion, and will not adversely affect surrounding areas. Appeal of a denial for a temporary use permit shall be to the City of Hinesville Mayor and City Council.

(a) Religious meeting in a tent or other temporary structure, in an approved open area for a period not to exceed 40 days.

(b) Open lot sale of pumpkins, Christmas trees, or other seasonal items in an approved open area for a period not to exceed 45 days.

(c) Contractor's office and equipment sheds, and temporary real estate sales office for a period of 12 months; provided, that such office is placed on the property to which it is appurtenant when construction, development, or sale is underway.

(d) Transient merchants wishing to locate in a C-2 (general commercial district) zone for a period not to exceed 45 days.

(2) Upon recommendation of the Director of Inspections and the Liberty Consolidated Planning Commission, the City of Hinesville Mayor and City Council may authorize issuance of a temporary use permit for the following:

(a) Carnival or circus, in approved open area, for a period not to exceed three weeks.

(Ord. No. 2004-09, § I(B), 11-18-2004)

Sec. 905. - Special permit uses.

The uses listed under the various land use districts (article V) as "special permit uses" are so classified because they more intensely dominate the area in which they are located than do other use[s] permitted in the district; however, the nature of such uses makes it desirable that they be permitted in appropriate locations and with appropriate limitations therein. The following procedure is established to integrate properly the special permit uses with other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure, and with due consideration to the adopted standards, below:

(1) When applying for a building permit, the applicant shall be informed by the Director of Inspections if the proposed use is a special permit use. Fees for special permits are set forth in the comprehensive fee resolution for this appendix on file with the City Clerk.

(2) An application for Special Permit Use shall be filed with the zoning official for review. Said application shall show the location or intended use of the site, the names of all the property owners and existing land uses within 300 feet and any other material or information pertinent to the request which the zoning official may require.

(3) The zoning official, upon receipt of a special permit use application shall cause notice of the request and the time, date, and place of the public hearing to be published in a newspaper of general circulation in the City of Hinesville. Published notice shall appear in the newspaper at least 15 but no more than 45 days before the date of the public hearing.

(4) The Liberty Consolidated Planning Commission shall hold one or more public hearings thereon. The Liberty Consolidated Planning Commission shall, within 60 days of the date of application, transmit to the Mayor and City Council its report as to the

effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utilities, and other matters related to the general welfare, and the recommendation of the Liberty Consolidated Planning Commission concerning the use thereon.

(5) The Mayor and City Council shall hold one or more public hearings and may approve or deny the special permit use, or may approve it subject to stated conditions or limitations.

(6) All special permit use applications shall be reviewed by the Liberty Consolidated Planning Commission and considered for approval by the Mayor and City Council in accordance with the following standards:

(a) The use shall be consistent with the comprehensive plan, and with the purpose and intent of the land use district in which it is to be located;

(b) The establishment, maintenance, or operation of the use shall not be detrimental to or endanger the public health, safety, or general welfare;

(c) The use shall not impede the normal and orderly development and improvement of surrounding properties for the uses permitted in the district, and shall be consistent with the character of the immediate neighborhood;

(d) Adequate measures shall be taken for ingress, egress, and parking in a manner consistent with traffic operations and safety;

(e) The use shall not have a substantial adverse effect on any known archeological, historical, or cultural resource located on or off the site;

(f) The design shall minimize adverse effects of the use on adjacent properties, including adverse visual impacts;

(g) Adequate provision shall be made for buffers, landscaping, public open space, and other improvements necessitated by the use;

(h) The use shall meet the lot and building requirements of the district in which it is located. A special permit use shall meet all requirements established for the applicable district and shall be granted from these requirements; [and]

(i) The use shall comply at all times with the approved site plan and any conditions imposed for establishment and operation of the use.

(7) In addition to the applicable regulations of this appendix, additional conditions for the establishment and operation of the use may be imposed including, but not limited to:

(a) Hours of operation and use;

(b) Restraints to minimize environmental effects such as noise, vibration, air pollution, glare, and odor;

- (c) Special yard or other open space, lot area or dimension requirements;
- (d) Height, size, or location limitations on buildings or other structures;
- (e) Increase of the required amount of street dedication, roadway width, or improvements within the street right-of-way;
- (f) Regulations of the size, location, screening, drainage, surfacing, or other improvement of a parking or truck loading area, and control of traffic generation or circulation;
- (g) Regulations of the number, size, location, height, or lighting of signs;
- (h) Re Berming, screening, landscaping, or other measure to protect adjacent or nearby property, including standards for installation and maintenance;
- (j) Regulations of the size, height, location, or materials for a fence or wall;
- (k) Regulations to protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources; [and]
- (l) Consideration of the size, style, history, and appearance of a structure to ensure architectural compatibility with other structures in the district.

(8) Signage for special permit uses shall be permitted in accordance with article VIII, , of this appendix.

(Ord. No. 2004-09, § I(B), 11-18-2004)

Sec. 906. - Penalties.

Any person violating any provision of this appendix shall be guilty of a misdemeanor, and upon conviction shall be fined. Any associated fines shall be levied by the presiding judge. Each day the violation continues constitutes a separate offense and will be treated as such. In case any building, structure or land is used, erected, repaired, converted, or maintained in violation of this ordinance, the Director of Inspections and/or zoning official or any other appropriate authority, or any City resident who would be damaged by such violation, may institute injunction, mandamus, or other appropriate action to prevent the use of the building, structure or land.

Sec. 907. - Fees.

(1) All fees for actions under this appendix shall be as set forth in a resolution on file with the City Clerk.

(2) All fees for zoning petitions and special permit uses shall be paid when petitions and special permit use applications are submitted to the zoning official.

ARTICLE 10

Sec. 1001. - Powers of the Mayor and City Council.

[The Mayor and City Council shall have the following powers:]

(1) To hear and decide appeals where an error is alleged in any order, requirement, decision or determination made by the Director of Inspections, or Liberty Consolidated Planning Commission, in the enforcement of any section or article adopted in this appendix.

(2) To hear and decide special exception to the terms of this appendix upon which the Mayor and City Council are required to pass. All safeguards provided by this appendix are to be considered when the Mayor and City Council are deciding whether to grant a special exception.

(3) To provide interpretations of the official Zoning Map. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the official Zoning Map may be made of the Mayor and City Council, and a determination shall be made by the Mayor and City Council.

(4) To hear and decide appeals for a variance from the regulations of this appendix. As used in this appendix, a variance is authorized only for height, area, and size of a structure; for size of yards and open spaces; and for any rule or regulation herein involving distance, area, height, or any other dimension, to include, by way of example but not limited to, setback distances for buildings, distances of curb cuts from corner, etc. The establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall be granted because of the presence of nonconformities in the zoning district or uses in an adjoining district. The conditions for granting the variance are as follows:

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

(b) The application of the appendix to this particular piece of property would create an unnecessary hardship; and

(c) Such conditions are peculiar to the particular piece of property involved; and

(d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the ordinance; provided,

however, that no variance may be granted for a use of land or building or structure that is prohibited by the appendix.

(5) In exercising the above powers, the Mayor and City Council may reverse, affirm, or modify the orders or requirements, and to the [that] end shall have the powers of the officer from whom the appeal is taken and may issue the necessary permit.

(6) To hear appeals concerning the decisions of the enforcement of this appendix by the Director of Inspections where an error is alleged in any order, requirements, decision or determination made by the said Director of Inspections or by the Liberty Consolidated Planning Commission in the enforcement of any section or article adopted in this appendix, or any condition of approval imposed at the time of a zoning change.

(Ord. No. 2004-09, § I(B), 11-18-2004)

Sec. 1002. - Procedure for appeals to the Mayor and City Council.

(1) Any order, requirement, decision or determination by the Director of Inspections and/or zoning official or any other administrative office or agency in the enforcement of any section or article adopted in this appendix, or condition of approval may be appealed directly to the Mayor and City Council. Such appeal to the Mayor and City Council must be in writing and must state the basis of the appeal and the error alleged to have been committed and it must be filed within 30 days after the Director of Inspections/zoning official or any other administrative official has rendered a decision.

(2) Upon receipt of such written notice of appeal, the Mayor and City Council shall give reasonable notice to interested parties and shall hold a public hearing on the appeal. The Mayor and City Council may reverse, affirm or modify the orders or requirements, but in any event shall issue a written decision on the appeal by the City [Manager].

Sec. 1003. - Court review.

Any person(s) aggrieved by any decision of the Mayor and City Council may take an appeal to the Superior Court. Said appeals to the Superior Court shall be the same as an appeal to the Superior Court from any decision made by the Court of Ordinary and as specified in chapter 6-2 of the Code of Georgia. The appeal must be made to the court within 30 days after the Mayor and City Council's decision. Otherwise, its decision is final. Request must be made for a jury trial within 30 days after filing for appeal before the Superior Court.

ARTICLE 11

Sec. 1101. - Authority.

The Mayor and City Council may amend any provisions of this appendix, including the official Zoning Map, on its own motion or on recommendation of the Liberty Consolidated Planning Commission.

(Ord. No. 2004-09, § I(B), 11-18-2004)

Sec. 1102. - Zoning amendment petition.

Petitions to amend to official Zoning Map may be initiated by the Liberty Consolidated Planning Commission or be submitted to the Liberty Consolidated Planning Commission, by the Mayor and City Council, or by any person who owns property within the zoning jurisdiction of the City. Unless initiated by the Mayor and City Council or the Liberty Consolidated Planning Commission, all petitions must be submitted by the owners of such property or the authorized agent of the owner. . A petition for an amendment affecting the same property shall not be submitted more than once every 12 months, said interval to begin with the date of the final decision by the Mayor and City Council. The 12 month interval shall not apply to petitions initiated by the Mayor and City Council or the Liberty Consolidated Planning Commission.

(Ord. No. 2004-09, § I(B), 11-18-2004)

Sec. 1103. - Procedure.

- (1)** Any person or persons desiring to submit a petition requesting a change in zoning shall file such petition with the Director of Inspections along with the appropriate supporting documents and filing fees.
- (2)** Upon filing of a petition for change in zoning, the applicant shall at his expense cause to be erected in a conspicuous place on the property in question, a sign of not less than 22 inches in width and 28 inches in length and/or four square feet. Lettering shall be black on a white background, which shall read:

NOTICE OF HEARING

FOR

REZONING

Public hearing will be held at

Hinesville City Hall

On _____(insert date)

At _____(time) P.M.

Nature of Hearing _____(from - to)

_____(insert zoning district)

Concerned persons should attend this meeting.

(3) Adjoining property owners will be notified in writing of the rezoning request prior to the public hearing by the Zoning Administrator.

Sec. 1104. - Planning and Zoning Commission review of proposed amendment.

(1) No proposed amendment to this appendix shall become effective until it is first submitted to the Liberty Consolidated Planning Commission for review and recommendation.

(2) The Liberty Consolidated Planning Commission shall review and make recommendations to the Mayor and City Council as to approval or disapproval of the amendment within 60 calendar days of the date of the public hearing.

(3) The amendment shall be deemed recommended for approval by the Mayor and City Council if the Liberty Consolidated Planning Commission fails to make any recommendation to the Mayor and City Council within 60 calendar days of the date of the public hearing.

(Ord. No. 2004-09, § I(B), 11-18-2004)

Sec. 1105. - Public hearing on proposed amendment.

(1) Upon instruction or upon receipt of a petition to amend this appendix, the Director of Inspections shall cause to be published in a newspaper of general circulation in the City:

(a) Notice of the request of the amendment; [and]

(b) Time and place for the public hearing.

(2) Published notice shall appear in the newspaper at least 15 days, but not more than 45 days prior to the scheduled public hearing.

(3) Public hearings shall be held by the Liberty Consolidated Planning Commission and the Mayor and City Council on all proposed amendments to this appendix. The following general procedures shall be followed when conducting said public hearings:

(a) The zoning petition will be read and a zoning analysis will be presented;

(b) The petitioner and other proponents of the zoning amendment will be given an opportunity to present data, evidence and opinion;

(c) Opponents to the zoning amendment will be given an opportunity to present data, evidence and opinion;

(d) During said public hearings, a maximum time limit may be imposed for the presentation of data, evidence and opinion by both proponents and opponents of the amendment under consideration. The time limit specified, however, shall be no less than ten minutes per side, and shall apply equally to both opponents and proponents of said amendment; [and]

(e) Once the presentation of data, evidence and opinion by proponents and opponents of the amendment under consideration has been completed, the public hearing shall be closed.

(4) The Liberty Consolidated Planning Commission's recommendation shall become effective only upon the favorable vote of a majority of the membership of the Mayor and City Council.

(Ord. No. 2004-09, § 1(B), 11-18-2004)

Sec. 1106. - Standards of review.

In evaluating any proposed amendment to the Zoning Ordinance of the City of Hinesville, Georgia, the Liberty Consolidated Planning Commission and the Mayor and City Council shall act in the best interest of the health, safety, morals and general welfare of the City. In doing so, one or more of the following factors shall be considered as they may be relevant to the proposed amendment:

UPDATE STANDARDS OF REVIEW

1) Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and adjoining property?

(2) Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?

(3) Does the property to be affected by the zoning proposal have a reasonable economic use as currently zoned?

(4) Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, utilities, or drainage system?

(5) Is the zoning proposal in conformity with the policy and intent of the City comprehensive land use plan?

(6) Are there other existing or changing conditions affecting the use and development of property which give supporting grounds for either the approval or disapproval of the zoning proposal?

a. Does the property have reasonable economic value as currently zoned?

- b. Does the proposed use conform to the Ft. Stewart Joint Land Use study?
- c. Does the proposed use conform to the comprehensive plan?
- d. Will there be an adverse effect on the value and usability of nearby properties?
- e. Is the proposed use suitable in view of the nearby uses?
- f. Will the proposed use create a burden on streets, schools, utilities, or the provision of public safety?
- g. Would this allow a short-term gain at the expense of our local long-term goals?
- h. Would this change cause a “domino effect” and encourage “sprawl”?
- i. Are there unique historical sites which may be adversely impacted by this zoning?
- j. Is this parcel in a flood hazard area?
- k. Are there unique conditions which support approval or denial?
- l. Is it spot zoning and unrelated to the existing pattern of development?

It is not required that the hearing body consider every factor contained in the standards of review. It shall be the duty of the applicant to show that the proposed amendment promotes the public health, safety, morality or general welfare.

(Ord. No. 2004-09, § 1(B), 11-18-2004)

Sec. 1107. - Site development plan.

A petition requesting amendment to this appendix shall be submitted to the Director of Inspections and shall be accompanied by the detailed site development plan containing the following elements:

- (1) Plot plan or survey plat showing the dimensions of the property to be rezoned.
- (2) Copy of the official Liberty County Tax Map, showing the parcel of property to be rezoned.
- (3) Copy of the most recently recorded deed documents
- (4) Location and dimensions of existing structures, rights-of-way, marshlands, boundaries, watercourses and lakes.
- (5) Sketch plan of proposed development, including structures, types of uses, access drives, setbacks, easements, proposed recreational areas, buffer zones, landscape plans, etc.

(6) In the case of residential developments, a statement of proposed number of dwelling units and net acres available for building.

(7) A certification from the City Engineer that existing water and sewer lines adjacent to the property and adjacent drainage waterways are adequate to accommodate the proposed development.

(8) In the case of commercial and industrial developments, proposed off-street parking and loading areas, signage, outdoor lighting, and landscaping.

ARTICLE XII. - LIBERTY CONSOLIDATED PLANNING COMMISSION

Sec. 1201. - Abolishment of the City of Hinesville Planning and Zoning Commission.

Subject to the provisions of Section 1203 herein below, the City of Hinesville Planning and Zoning Commission, also having previously been known as the City of Hinesville Planning Board, as created by Article VI of the Charter of the City of Hinesville, shall be abolished by the governing authority of the City of Hinesville by separate ordinance adopted contemporaneously with the adoption of this Joint Ordinance.

(Ord. No. 2009-03, § 1, 6-4-2009)

Sec. 1202. - Creation of the Liberty Consolidated Planning Commission.

Effective January 1, 2005, there is created and established the Liberty Consolidated Planning Commission, hereinafter referred to as the Commission, to succeed to the general powers, duties and responsibilities of the former Liberty County Joint Planning Commission and the former City of Hinesville Planning and Zoning Commission, as hereinafter more fully set forth. Thereafter, the City of Hinesville Planning and Zoning Commission shall accept no new applications or petitions or otherwise undertake or consider any new business with respect to matters formerly within its jurisdiction. All acts, decisions, determinations and findings heretofore made by said City of Hinesville Planning and Zoning Commission are hereby ratified and affirmed, and shall remain in force and effect until superseded by formal action of the Commission or the respective governing authority having jurisdiction over such matters, as appropriate.

(Ord. No. 2009-03, § 1, 6-4-2009)

Sec. 1203. - Unfinished business of the City of Hinesville Planning and Zoning Commission.

Notwithstanding the creation of the Commission, any applications, petitions, or other business currently pending before the City of Hinesville Planning and Zoning Commission, including any scheduled hearings or hearings in progress shall be completed by said City of

Hinesville Planning and Zoning Commission to the fullest extent practicable on or before February 28, 2005, and any recommendations made or other actions taken by said City of Hinesville Planning and Zoning Commission in connection with such pending matters shall be deemed lawful and valid in all respects. Any business of the Liberty County Joint Planning Commission, the City of Hinesville Planning and Zoning Commission, which remains unfinished as of March 1, 2005, shall be assumed, continued, and carried out by the Commission.

(Ord. No. 2009-03, § 1, 6-4-2009)

Sec. 1204. - Creation of Governing Board; chairman; powers; meetings.

There is hereby created and established the Liberty Consolidated Planning Commission Governing Board, hereinafter referred to as the Governing Board, which is vested with the authority to and responsibility for appointing the members of the Liberty Consolidated Planning Commission, approving the budget of the Liberty Consolidated Planning Commission, and for supervising certain personnel matters relating to the said Liberty Consolidated Planning Commission. The Governing Board shall consist of the following persons or their designees: Chairperson of the Liberty County Board of Commissioners, the Mayor of the City of Hinesville, the Mayor of the City of Allenhurst, the Mayor of the City of Midway, the Mayor of the City of Gum Branch, the Mayor of the City of Walthourville, the Mayor of the City of Riceboro, and the Mayor of the City of Flemington. The Chairman and the Vice-chairman of the Commission shall be ex-officio members of the Governing Board and shall be permitted to deliberate on all actions of the Governing Board (excluding his or her appointment), but shall not be a voting member of the Governing Board and shall not be counted to establish the quorum required to take action. The Governing Board shall elect from its members a Chairman and a Vice-chairman, each to serve for a term of one calendar year and until a successor is elected, and who shall be eligible for re-election to such office. The Executive Director of the Liberty Consolidated Planning Commission (or other person designated by the Governing Board) shall serve as Secretary of the Governing Board, and shall perform such duties in connection with said office as may be designated by the Governing Board from time to time. The Governing Board shall meet biannually at the call of the Chairperson of the Governing Board, and at such other times as the Chairperson of the Governing Board or a majority of Governing Board members shall determine.

Subject to the protections of sovereign and official immunity (and other doctrines and laws of the State of Georgia), the Commission shall be solely liable and responsible for its actions and those of the personnel retained to discharge its obligations and services under this article. In this connection, the Commission shall employ an Executive Director and such other employees as the Executive Director may recommend and be approved by the Governing Board. More specifically, the Executive Director shall have the responsibility of retaining, disciplining, evaluating, discharging, and otherwise managing the personnel of the Commission; provided that all such decisions shall be reviewable by the Governing Board as provided in any subsequently enacted personnel policies that may be established by the Executive Director and approved by the Governing Board. Notwithstanding that the Executive Director shall be deemed employed by the Commission, he or she shall be retained, disciplined, evaluated, discharged

and otherwise supervised by the Governing Board. In particular, and not by way of limitation, any personnel action pertaining to the Executive Director shall require a majority vote of the entire Governing Board, as well as the affirmative vote of each representative of a member jurisdiction having a funding obligation of 20 percent or more (as determined pursuant to Paragraph 4 of the Intergovernmental Agreement). For purposes of this article and all other circumstances, the Governing Board shall be deemed a component and part of the Liberty Consolidated Planning Commission (but not subject to its control), and shall have supervisory powers over its personnel as generally set forth herein and in the Ordinance. Notwithstanding the foregoing, the Governing Board shall have no involvement in or influence over the recommendations made or other functions performed by the Commission unless specifically authorized herein; provided that all decisions regarding the personnel of the Commission shall be determined and managed by the Governing Board and the Executive Director as generally set forth above or as provided in any subsequently enacted personnel policies that may be established by the Executive Director and approved by the Governing Board.

To assist the Governing Board in budget and personnel decisions, a standing executive committee of the Governing Board shall be established that consists of the representative of each member jurisdiction having a funding obligation of 20 percent or more (as determined pursuant to Paragraph 4 of the Intergovernmental Agreement), one representative of a member jurisdiction having a funding obligation of less than 20 percent (as determined pursuant to Paragraph 4 of the Intergovernmental Agreement), the Chairman of the Liberty Consolidated Planning Commission, and the Vice-chairman of the Liberty Consolidated Planning Commission. The Chairman and the Vice-chairman of the Commission shall be ex-officio members of the Executive Committee and shall be permitted to deliberate on all actions of the Governing Board (excluding any appointments or personnel actions relating to the Executive Director), but shall not be a voting member of the Executive Committee and shall not be counted to establish the quorum required to take action. The Governing Board shall elect from the members of the Executive Committee a Chairman and a Vice-chairman of the Executive Committee, each to serve for a term of one calendar year and until a successor is elected, and who shall be eligible for re-election to such office. The Executive Director of the Liberty Consolidated Planning Commission (or other person designated by the Governing Board) shall serve as Secretary of the Executive Committee, and shall perform such duties in connection with said office as may be designated by the Executive Committee from time to time. The Executive Committee shall meet at the call of the Chairperson of the Executive Committee, and at such other times as the Chairperson of the Executive Committee or a majority of members shall determine.

This Executive Committee shall review all budgets proposed by the Executive Director and make recommendations to the Governing Board, who shall approve the final budget and any modifications. The Executive Committee shall evaluate the performance of the Executive Director, screen candidates for the Executive Director when the position is vacant, and recommend any personnel actions relating to the Executive Director to the Governing Board for approval. In particular, and not by way of limitation, any personnel action recommended by the committee pertaining to the Executive Director, or any other personnel, shall require a majority vote of the entire executive committee, as well as the affirmative vote of each representative of

a member jurisdiction having a funding obligation of 20 percent or more (as determined pursuant to Paragraph 4 of the Intergovernmental Agreement).

(Ord. No. 2009-03, § 1, 6-4-2009)

Sec. 1205. - Commission membership.

The Commission shall consist of nine members who shall be residents of Liberty County and who shall be appointed by the Governing Board as provided in this article. The Governing Board shall appoint no more than four residents of any one municipality within Liberty County, and no more than four residents of the unincorporated areas of the County, to serve as members of the Commission. No member of the Commission shall be an employee or elected official of any participating local government. All members shall serve until their successors are appointed.

(a) Member professional backgrounds. At all times, the Governing Board shall endeavor to appoint to the Commission at least one member who has a professional background in the field of real estate development, at least one member who has a professional background in the field of building and construction, at least one member who has a professional background in business management, at least one member who has a professional background in general industry or industrial management, at least one member who has a professional background in the field of natural resources or environmental protection; provided that the Governing Board is not strictly obligated to appoint members from the aforementioned fields, but shall in all instances appoint members it determines to be the most qualified and appropriate, taking into consideration the desirability of having members from the various fields enumerated above. The Governing Board, in its sole discretion, shall determine what the professional background of any member is and whether a member satisfies any requirements set forth in this subsection.

(b) Original appointments; current appointments. Original appointments to the Commission shall be made by the Governing Board or its predecessor on or before December 20, 2004, and shall initially include three members who shall serve for a term of one year, three members who shall serve for a term of two years, and three members who shall serve for a term of three years. All regular appointments thereafter shall be for a term of three years; provided that any member may be appointed to successive terms. Those members of the Commission appointed by the Governing Board and serving as of the adoption of this article shall continue for the term of their office and until their successors are appointed.

(c) Quorum; voting. With respect to both the Governing Board and the Commission, an affirmative vote of a majority of the members of each such body, entitled to vote, and present shall be sufficient to permit the conduct of all business; provided, however, that in the event such affirmative majority vote of the membership of such body is made impossible due to either (i) temporary vacancy on the Board, or (ii) refusal of any member due to a conflict of interest as determined by such member, an affirmative vote

of a majority of the remaining members of such body not otherwise unable to participate as set forth in clauses (i) and (ii) hereinabove shall be sufficient to permit the conduct of all business.

(d) Vacancies. Any vacancy in the membership of the Commission arising at any time and from any cause, including, without limitation, the authorization of an increase in the number of members, or the death, resignation, incapacity, or removal of any incumbent member shall be filled for the unexpired term by the Governing Board.

(e) Removal. The Governing Board may remove any member of the Commission for due cause after written notice and a public hearing. Without limiting the foregoing, the Governing Board may consider for removal any member of the Commission who is absent from three consecutive regular meetings of the Commission or more than one-third of the Commission's meetings, regular or special, that occur within a calendar year. The Governing Board may elect not to remove a member on the grounds of excessive absence if that member demonstrates that their absence was for good cause as determined by the Governing Board or if such absence is otherwise excused by the laws of the State of Georgia. The findings and determinations of the Governing Board with respect to such matters shall be conclusive and absolute.

(Ord. No. 2009-03, § 1, 6-4-2009)

Sec. 1206. - Compensation.

All members of the Commission shall serve without compensation, but shall be reimbursed for actual expenses incurred in connection with their official duties.

(Ord. No. 2009-03, § 1, 6-4-2009)

Sec. 1207. - Officers.

The Commission shall elect from its members a Chairman and a Vice-chairman, each to serve for a term of one calendar year and until a successor is elected, and who shall be eligible for re-election to such office. The Executive Director or such other person designated by the Commission shall serve as the Secretary of the Commission.

(Ord. No. 2009-03, § 1, 6-4-2009)

Sec. 1208. - Planning staff.

Subject to the approval of the budget by the Governing Board, the Executive Director may retain such employees and contract with such consultants, and provide for their compensation and duties, as the Executive Director deems necessary for the work of the Commission, within the budget provided for the operation of the Commission by the participating local governments, or other funds lawfully available to it. The initial planning staff shall consist of a Planning Director and a Junior Planner, who shall be those persons holding equivalent positions within the Hinesville Area Metropolitan Planning Organization as of January 1, 2005; a Zoning Administrator and Planning and Zoning Technician, who shall be those persons holding

equivalent positions within the City of Hinesville Planning and Zoning Commission as of January 1, 2005; and an Administrative Assistant, who shall be that person holding an equivalent position within the Liberty County Joint Planning Commission as of January 1, 2005; all as determined by the respective entities presently employing such persons; or such other persons and positions as are currently employed by the Commission as of the date of this article.

(Ord. No. 2009-03, § 1, 6-4-2009)

Sec. 1209. - Meetings and records.

Meetings of the Commission shall be held at such times and locations within Liberty County, Georgia as the Chairman or majority of Commission members shall determine; provided that regular meetings of the Commission shall be held at least once each month on the third Tuesday in the Liberty County Commissioners' Hearing Room (or such other location as designated by the Commission and consented to by the Board of Commissioners of Liberty County, Georgia). Subject to the provisions of this article and the laws of the State of Georgia, the Commission shall adopt rules and regulations for the conduct of its meetings and the transaction of its business, and shall keep records of its resolutions, motions, transactions, findings, determinations, and recommendations. All meetings and records of the Commission shall be open and available to the public in accordance with the provisions of the Georgia Open Meetings Act, O.C.G.A. § 50-14-1 et seq., and the Georgia Open Records Act, O.C.G.A. § 50-18-70 et seq. This section shall not be construed as requiring the Commission to meet on a legal holiday or when a meeting is made impossible due to circumstances beyond the control of the Commission. In such cases, the Commission shall meet as soon as practicable following its regular meeting date, but in no event later than three business days from such date.

(Ord. No. 2009-03, § 1, 6-4-2009)

Sec. 1210. - Finances; fiscal agent.

The Commission is authorized to make such expenditures as it deems necessary for its operation, which, exclusive of gifts, shall be within the amounts budgeted by the Commission and approved and appropriated for such purpose by the participating local governments. Subject to the provisions of the Intergovernmental Agreement, the City of Hinesville, or other designated entity, shall be the fiscal agent for the Commission, and shall pay for the operation and maintenance of the Commission and all of its staff and activities as authorized in the Intergovernmental Agreement. In accordance with such Intergovernmental Agreement, every participating local government shall reimburse the City of Hinesville, or other designated entity, on a periodic basis for its pro-rata share of the Commission's expenses. Subject to the provisions of this article and the aforementioned Intergovernmental Agreement, all checks or orders of the Commission for the withdrawal of money from banking institutions shall be signed in accordance with the Commission's duly adopted operating procedures. The fiscal budget period for the Commission shall be the 12-month period beginning on July 1st on each calendar year and ending on June 30th of the following calendar year. The Executive Director shall submit a recommended budget to the Governing Board for their consideration and approval no later than April 1st of each calendar year. For those governments that operate on fiscal periods

different from that of the Commission, the Executive Director may provide those governments estimates of the funding expected from them for their specific fiscal budget period. The Governing Board shall approve a budget for the Commission no later than June 1st of each year. The Executive Director shall submit to the executive committee on or before the tenth day of the month following each calendar quarter (or at such other times as may be specified by the Executive Committee) a summary of the expenditures of the commission for the previous period.

(Ord. No. 2009-03, § 1, 6-4-2009)

Sec. 1211. - Powers, duties, and responsibilities.

Subject to the direction and control of the participating local governments, the Commission shall have the power and duty to:

(a) Conduct careful and comprehensive surveys and studies of existing conditions and probable future developments and prepare and recommend to the participating local governments such plans for the physical, social, and economic growth as will best promote the public health, safety, morals, convenience, prosperity, and/or general welfare, including efficiency and economy in the development of its jurisdiction.

(b) Prepare and maintain a comprehensive plan or parts thereof, or cause to be prepared such plan or parts thereof, for the development of or all any each of the participating local jurisdictions, and make recommendations on any amendments thereto.

(c) Prepare and recommend to participating local governments the adoption of any zoning ordinance, or resolution, or amendments or revisions to any local use or land development regulations, including zoning ordinances and maps, subdivision regulations, special ordinances, and the like, which shall be subject to the approval of the affected jurisdiction in accordance with the laws of the State of Georgia and the ordinances and resolutions of said jurisdiction.

(d) Administer zoning and other land use regulations in whatever role is delegated to it by any participating local government. To this end, the Commission may review applications for zoning map amendments or applications for land use approval and provide a recommendation to the participating local government. However, the Commission shall not be delegated any legislative authority such as the final approval of zoning map amendments or conditional or special uses.

(e) Review and approve subdivision plats; provided, however, that if the Commission is given authority to grant approval of final plats, said approval shall not constitute acceptance of public improvements which is a power reserved by the participating local governments.

(f) Prepare and recommend for adoption to any participating local government, a plat or plats, or a corridor map or maps, showing the location of the boundary lines of existing,

proposed, extended, widened or narrowed streets and linear open spaces and recreational areas, together with regulations to control the erection of buildings or other structures within such lines, within the local jurisdiction or a specified portion thereof.

(g) Make, publish, and distribute maps, plans and reports and recommendations relating to the planning and development of any local jurisdiction to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens.

(h) Conduct all hearings, and prepare all notices and advertisements, in connection with any zoning and other land use matters delegated to the Commission hereunder, to include, without limitation, such hearings, notices and related procedural matters minimally required by the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq. with respect to any such matters.

(i) Cooperate with, contract with, or accept funds from, federal, state, or local, public or semi-public agencies or private individuals or corporations, and expend such funds and carry out cooperative undertakings with said agencies, individuals, or corporations in furtherance of the public purposes enumerated herein.

(j) Perform such additional functions and services in connection with planning and zoning matters as may be required or called for from time to time by the participating local governments, and exercise, in general, such other powers as may be necessary or convenient to carry out and effectuate the purposes of this article.

The authorization to undertake these functions shall not be considered a mandate for the Commission to perform all of these functions, nor shall it prohibit the discretion of any participating local government, by law or resolution, from assigning one or more of these functions to a staff member of that government, or to another agency or commission. The powers and duties enumerated above shall be liberally construed to effectuate the intent and purpose of this article and the Commission.

(Ord. No. 2009-03, § 1, 6-4-2009)

Sec. 1212. - Incorporation in Zoning Ordinance.

To the extent required by the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., this article shall be deemed a part of the Zoning Ordinance of the City of Hinesville for all purposes; provided, however, that this article may be published and appear elsewhere within the Code of Ordinances of the City of Hinesville and its inclusion in such other Code section shall in no way invalidate the provisions hereof.

(Ord. No. 2009-03, § 1, 6-4-2009)

Sec. 1213. - No further review or recommendation.

Notwithstanding any provision in the Code of Ordinances of the City of Hinesville or any appendix thereto or related ordinance or resolution, this article and the actions taken in

accordance herewith shall not require the review, recommendation or other action on the part of the Liberty County Joint Planning Commission or the City of Hinesville Planning and Zoning Commission or any other body or agency.

ARTICLE XIII. - LEGAL STATUS PROVISIONS

Sec. 1301. - Provisions of ordinance declared to be minimum requirements.

In their interpretation and application, the provisions of this appendix shall be held to be minimum requirements, adopted for the promotion of public health, safety, morals, or general welfare. Wherever the requirements of this appendix are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards, shall govern.

(Ord. No. 2004-09, § I(B), 11-18-2004)

Sec. 1302. - Severability clause.

Should any section, subsection, or provision of this appendix be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the appendix as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

(Ord. No. 2004-09, § I(B), 11-18-2004)

Sec. 1303. - Conflicting ordinances repealed.

The provisions of any ordinance or regulations or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

(Ord. No. 2004-09, § I(B), 11-18-2004)

Sec. 1304. - Effective date.

This appendix and any amendment to it shall take effect and be in force as of its adoption by the Mayor and City Council