Chapter 18

ZONING

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ARTICLE I. INTRODUCTION.

Section 18.1 Short Title.

This ordinance shall be known and may be cited as the "zoning ordinance".

Section 18.2 Authority for Enactment.

The mayor and council of the City of Blakely enact this ordinance under the exercise of powers conferred upon it by the Georgia State Constitution, Article IX, Section II, Paragraph IV.

Said zoning ordinance is enacted expressly for the purpose of promoting the health, safety, morals, convenience, order, prosperity and the general welfare of residents within the City of Blakely.

Section 18.3 Planning Commission.

a. *Creation.* In order to guide and accomplish a coordinated and harmonious development of the city which will, in accordance with existing and future needs, best promote public health, safety, morals, convenience, order, prosperity and the general welfare, as well as efficiency and economy in the process of development, the Blakely Planning Commission, referred to here as the Planning Commission, created and established as authorized by and in accordance with the State of Georgia's Zoning Procedures Law (O.C.G.A. § 36-66-1 et seq.).

b. *Membership.* The Planning Commission shall be comprised of five members, who shall be residents of the City and be 18 years of age or older.

c. *Term of office and vacancies.* Members of the Planning Commission shall be appointed by the Mayor and City Council to four-year terms. In the appointment of the first Planning Commission, two member shall be appointed for a term of one year, one member for a term of two years, another member for a term of three years, and one for a term of four years. Members may be appointed for successive terms without limitation. Any vacancy in the membership of the Planning Commission that occurs prior to the expiration of a term of appointment shall be filled by the Mayor and City Council by appointing a new member to serve during the unexpired term.

d. *Compensation.* Members of the Planning Commission shall serve without pay or compensation; provided, however the members may be reimbursed for travel and training expenses in specific connection with their role as member of the Planning Commission, subject to budget limitations. This provision shall not obligate the City Council from a budgetary standpoint.

e. *Officers.* The officers of the Planning Commission shall consist of a chairperson, vice-chairperson, and secretary, elected by the members of the Planning Commission. All officers shall have voting privileges and obligations as members of the commission. The term of office for officers shall be one year or until their successors are elected. An officer that has served a full one-

year term may succeed himself without limitation, in the event of the resignation or removal of any officer, the commission members shall elect an individual from the commission to fill the remainder of the unexpired term. Unless otherwise determined by the commission, election of officers will normally take place during the first regular meeting in January of each calendar year.

f. *Duties of officers*. The chairperson shall preside at meetings of the Planning Commission, decide all points of order and procedure, represent the Planning Commission at official functions, appoint committees to investigate and report on matters which may come before the commission, and be responsible for carrying out policy decisions. In the absence of the chairperson, those duties shall be vested in the vice-chairperson. The secretary, or his designated agent, shall maintain the records of the Planning Commission.

g. *Records.*

1. The Planning Commission shall keep a record of its resolutions, transactions, findings, determinations, recommendations, and actions. All records of the Planning Commission shall be public record.

2. A summary of the subjects acted on at meetings and those members present at a meeting of the Planning Commission shall be written and made available to the public for inspection within no more than five business days from the adjournment of a meeting of the Planning Commission.

3. The secretary of the Planning Commission or designee shall cause summary minutes of the Planning Commission's proceedings to be kept. The minutes of a meeting of the Planning Commission shall be completed as promptly as possible, and such records shall be open to public inspection once approved by the Planning Commission, but in no case later than immediately following the next regular meeting of the Planning Commission.

h. *Meetings.* All meeting of the Planning Commission shall be open to the public. The Planning Commission shall hold regular meetings unless it is notified by the secretary that there is no business to conduct, in which case the chairperson may cancel the regular meeting. No meeting shall be held unless 48 hours' notice thereof has been provided to each member. If special meetings are called by the chairperson, the purposes of the special meeting shall be stated and no other business may be conducted at such special meeting.

i. *Quorum.* A quorum shall be required to be present for the Planning Commission to function and decide matters that come before it. A quorum shall consist of a majority of the members of the commission.

j. *Rules.* The Planning Commission may adopt rules for the conduct of its activities as long as they do not conflict with any of the provisions of this chapter, the City Charter, or this Code. Furthermore, such rules shall not be inconsistent with any applicable state laws, such rules may

establish regular meeting dates, procedures for calling special meetings, and other meeting matters. In the absence of such adopted rules, or in cases where adopted rules do not govern a given procedural question at hand, the Planning Commission shall follow the most recent edition of Robert's Rules of Order.

k. *Powers and duties of the Planning Commission*. The Planning Commission shall have all those duties necessary and reasonably implied as being necessary to carry out its duties as specified in this chapter and in the Official Code of Georgia. The powers and duties shall specifically include, without limitation, the following.:

1. To adopt and amend rules, without the need to amend this article.

2. To cooperate with the federal, state, or local, public or semi-public agencies or private individuals or corporations, and carry out cooperative undertakings with the agencies, individuals, or corporations.

3. To prepare or cause to be prepared a comprehensive plan or parts thereof, for the development of the City or parts thereof, which shall be subject to the approval of the City Council.

4. To prepare and recommend for adoption to the local governing body with jurisdiction 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 jurisdiction or a specified portion thereof.

5. To make, publish, and distribute maps, plans and reports and recommendations relating to the planning and development of the City to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens.

6. To recommend to the City Council programs for capital improvements.

7. To prepare or cause to be prepared and recommend for adoption by the City Council zoning ordinance, regulations for the subdivision of land, and any other land use regulations appropriate to manage development in the City.

8. To administer zoning and other land use regulations in whatever role is delegated to it by the City Council or as provided in this chapter. The Planning Commission shall specifically have authority and responsibility to review applications for zoning map amendments, applications for conditional use approval, applications for variances, and other related applications and provide a recommendation to the City Council.

9. To review and approve, conditionally approve or disapprove subdivision plats; provided, however, that if the Planning Commission is given authority to grant approval of final plats, the approval shall not constitute acceptance of public improvements which is a power reserved bu the City Council over the subdivision plat.

10. To review and approve, conditionally approve or disapprove applications for site design and architectural review, as more fully specified in this chapter, subject to applicable appeal provisions of this chapter.

11. To review development, building and sign permit applications and consult with the Building Inspector regarding compliance with the provisions of this chapter.

12. To exercise, in general, such other powers as may be necessary to enable it to perform its functions and promote the planning of its jurisdiction.

l. *Training and education*. It is in the best interests of the citizens to strongly encourage newly appointed members of the Planning Commission during the course of their term of appointment to attend one or more courses of training and education on matters pertaining to the operations, activities, duties, and subject matters of Planning Commissions. The following organizations and institutions among others are determined to be appropriate:

1. Training programs and seminars by the University of Georgia's Carl Vinson Institute of Government, the Georgia Institute of Technology's Graduate City and Regional Planning Program, Georgia State University, or any other institution of higher learning in the state.

2. Conferences of the Georgia Association of Zoning Administrators.

3. Planning commission workshops by the state department of community affairs.

m. *Conflict of Interest.*

1. Should any member of the Planning Commission have a financial interest in any issue that comes before the commission, the member shall disqualify himself from participating in or considering the issue and shall not sit with the commission during deliberations. If the member in question does not initially raise the perceived or actual conflict, a fellow member of the Planning Commission may raise the question of perceived conflict or actual financial conflict of interest of any other member regarding a specific issue that is before the commission.

2. If perceived or actual conflict is alleged, a majority vote of those without such alleged conflict shall determine if such perceived or actual financial conflict exists and whether the member with an alleged conflict should be allowed to participate.

3. If the majority vote is a determination that the member has an actual financial conflict of interest, the member with the financial conflict of interest shall disqualify himself from participating in or considering the issue and shall not sit with the commission during deliberations.

4. If it is determined by majority vote of members present that a perceived conflict of interest exists, but the conflict is one that does not rise to the level of financial interest, the individual member with perceived conflict shall have discretion as to whether he will vote on the matter in question, though the other members may make a recommendation to the member.

n. *Removal of Officers.*

1. Members of the Blakley Planning Commission shall be subject to removal by the Blakely City Council should they fail to attend three consecutive meetings of the Commission.

2. The Chairman of the Planning Commission shall promptly report to the City Clerk upon the occurrence of three consecutive absences by a member of the Planning Commission.

3. The City Clerk shall place the matter of the absences on the Commission Member on the agenda of the City Council who shall decide as to whether the City Council will begin the procedure to remove the member from the Planning Commission who shall decide whether the Planning Commission member has abandoned the office.

Sections 18.4 - 18.5 **Reserved**.

ARTICLE II. DEFINITIONS.

Section 18.6 Words, Terms and Phrases Defined.

[The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:]

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

Accessory Use: A use naturally and normally incidental to, subordinate to and auxiliary to the permitted use of the premises.

Alternative tower structure: means clock towers, bell towers, church steeples, light/power poles, electric transmission towers, manmade trees (without accessory buildings/structures), and similar natural or manmade alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Apartment house: A residential structure containing three or more apartments (independent dwelling units).

Bed & Breakfast: Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation. The owner and/or manager shall be a full-time on premises resident on the site of the Bed & Breakfast. (Comment: Bed && Breakfast establishments differ from rooming and boarding houses in that they are truly transient accommodations, with guests rarely staying more than a few days. The impact of a Bed & Breakfast should not be much greater than that of a private home with frequent houseguests, with the exception of possibly increased parking demand.)

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

Board of zoning appeals: The words"board of zoning appeals" or "board" shall mean the board of zoning appeals of the City of Blakely.

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

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

Building height: The vertical distance measured from the curb level to the highest point of

the roof.

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

Collation: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Commission: The work "commission" shall mean the planning commission of Blakely.

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

Conditional use: A use which within certain districts specified by this ordinance is not permitted as a matter of right may be permitted within these districts by the city council after the planning commission has (1) reviewed the proposed site plans for the use, its location within the community, its arrangement and design, its relationship to neighboring property and other conditions peculiar to the particular proposal which would determine its desirability or undesirability; (2) has found the proposal not to be contrary to the intent of this ordinance; and (3) has recommended the use as specified after a public hearing.

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

Day care facility: A day care facility is any individual or jointly owned facility designated to offer care and/or training to children unrelated to the owner or director for any part of a day–such facility may or may not be operated for profit.

Density: The number of families residing on, or dwelling units developed on an acre of land. As used in this ordinance, all densities are stated in dwelling units per gross acre.

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

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

Dwelling, single-family: A building or portion thereof used or designed for use as a residence for a single family.

Dwelling, duplex: A building either designed, constructed, altered or used for two adjoining dwelling units that are connected by a common wall and/or if two stories by a common floor-ceiling combination.

Dwelling, multiple: A building or portion thereof used or designed as a residence for three or more families living independently of each other and doing their own cooling or having separate cooling facilities in said building. This definition includes three-family houses, four-family houses and apartment houses, but does not include hotels or motels.

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

Fire wall: A4-inch masonry wall extending from the foundation to and through the roof and exterior walls, extension to be two feet beyond walls and roof. The fire wall extensions shall be maintained in case of future extension of the structure. (Designed for "zero lot line" construction where the center of the fire wall would be on the property line. This construction designed to protect the property from fire originating on the opposite side of the fire wall.

Flea market: A market at which second hand articles are displayed and sold.

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

Glare: The effects produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

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

Guest house: A building or portion thereof used or designed for use as a residence, specifically as an accessory use to the principal building.

Half-way-home: A group home facility which is licensed or supervised by any federal, state or county health/welfare rehabilitation or similar purposes.

Heavy: As applied to industrial zoning[,] relates to noise and pollution as determined by planning commission.

Height: when referring to a tower or other structure, mans the distance measured form gound

level to the highest point on the tower structure or appurtenance.

Home occupation: Any use conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Provided further, that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations of construction features, equipment, machinery, outdoor storage or signs not customary in residential areas. One non-illuminated name plate, which is not more than two square feet in area, may be attached to the building which shall contain only the name and occupation of the resident of the premises.

Industrialized building: A structure or component which is wholly or in substantial part made, fabricated, formed or assembled in or at manufacturing facilities and delivered to a building site for fabrication and installation in such assemblies that all parts or processes cannot be inspected except by disassembly, by the city building official but in lieu of such inspection bears an insignia, label or decal issued by the Georgia Department of Community Affairs to certify the unit as to construction and safety standards.

Junk Yard: The term "junk yard" includes automobile wrecking yards and includes any area of more than 200 square feet for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials or for dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses established entirely within enclosed buildings.

Kennel: Any lot or premises on which three or more dogs, four months or more old, are kept either permanently or temporarily, for purposes of sale, care, breeding or training for which any fee is charged.

Lattice tower: A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

Lot: A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, to be used, developed or build upon as a unit (lot width will be measured at the required setback line).

Light: As related to industrial zoning[,] relates to amount of pollution and noise, determination of "light" or "heavy" by planning commission.

Manufactured home: A detached single-family dwelling unit, designed for long-term occupancy, which has been prefabricated and transported to its site (with temporary attachment of wheels and towing hitches that must be removed when the dwelling is up in single-family zoning districts. Construction is such as to prevent inspection at installation. Each unit must bear the certification emblem issued by the U.S. Department of Housing and Urban Development, must be installed on foundation meeting the requirements of the appropriate zoning district, and must be

connected to utilities in accordance with applicable codes before being occupied.

Manufactured home park: "Manufactured home park" shall mean a licensed business operation which leases spaces (for periods exceeding 30 days) for manufactured homes.

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

Mobile home: A manufactured or factory built house that does not bear the certification emblem as issued by HUD or DCA (because it was built prior to June 15, 1976 or because of modification or deterioration which void the H.U.D. or DCA certification.

Mobile home park: See *manufactured home park*.

Monopole: A support structure constructed of a single, self supporting hollow metal tube securely anchored to a foundation.

Non-conforming uses: A use or activity which was not unlawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails to conform to the present requirements of the zoning district.

Open air business uses: Open air business uses may include the following:

1. Retail sales of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

2. Retail sales of fruit and vegetables.

3. Miniature golf, golf driving range, children's amusement park or similar recreation uses.

4. Bicycle, trailer, motor vehicle, boat or home equipment sales, service or rental services.

5. Outdoor display and sale of garages, swimming pools and similar use.

Open Space: Land devoted to conservation or recreational purposes and/or land designated by a municipality to remain undeveloped (may be specified on a zoning map).

Personal care home: A dwelling in which aged or infirm persons are boarded and receive personal care on a 24-hour basis. All such homes shall be licensed by the appropriate state agency.

Personal service: Establishment primarily engaged in providing services involving the care of a person or his or her apparel, etc., laundry, photographic studios, beauty shops, shoe repair, health clubs, clothing rental etc.

Photovoltaic (PV) System: A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, that generate electricity whenever light strikes them. Included in a PV system are the solar energy generation mechanisms (e.g., panels or other assemblies of solar electric cells), inverters (devices that convert Direct Current electricity produced by the system to usable Alternating Current), batteries and battery systems that store electrical energy from the PV system for future use, meters, and electric transmission wires and conduits that facilitate connections with users and/or the local power grid.

Planned unit development: A planned unit development is a single parcel of land within which a number of buildings are located or intended to be located in accordance with an overall plan of design. Examples of a planned unit development (P.U.D.) include a complex of apartment buildings or a commercial shopping center.

Pre-existing towers and antennas: means structures as set forth in subsection 18-92(c).

Scenic views: means those geographic areas containing visually significant or unique natural features, as identified in the county comprehensive plan.

Service station: A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for facilities for the temporary storage of vehicles not over 48 hours, minor repair or servicing, but not including buffing, painting, refinishing, steam cleaning, rust-proofing or high-speed washing thereof.

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

Solar Array: A number of photovoltaic modules or panels that generate solar electricity, assembled or connected together to provide a single electrical output.

Solar Array, Tracking: A solar array that follows the path of the sun to optimize the amount of amount of solar radiation received by the device. A tracking solar array may be ground mounted or building mounted.

Solar Access Easement: A recorded easement, the purpose of which is to secure the right to

receive sunlight across real property of another for continued access to sunlight necessary to operate a solar energy system.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector or solar energy system.

Solar Energy Facility: The area of land devoted to solar energy system installation. A solar energy facility may include an interconnection with the local utility power grid. Includes the term "solar farm."

Solar Energy System: The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The term applies, but is not limited to, photovoltaic (solar electric) systems and thermal solar energy systems.

Solar Energy System, Building Mounted: A solar energy system, which may include solar thermal panels, solar hot water system panels, and photovoltaic panels, which are mounted to a building or structure, to provide energy primarily for on-site use. Building-mounted solar panels may be flush-mounted (i.e., flush to the surface of a building roof or building façade in a manner that the panel cannot be angled or raised), or as one or more modules fixed to frames which can be tilted or automatically adjusted at an optimal angle for sun exposure. A mounted solar energy system is an accessory to the building or structure.

Solar Energy System, Ground Mounted: A solar energy system that is directly installed on (mounted to) the ground and is not attached or affixed to any structure. This System provides energy primarily for onsite use.

Solar Energy System, Thermal: A solar energy system that directly heats water or other liquid using sunlight, including the use of heated liquid for such purposes as space heating and cooling, domestic hot water, and heating pool water. This System provides energy primarily for onsite use.

Solar Farm: A solar energy facility, typically with multiple solar arrays, designed and used for the purpose of generating electric energy via a photovoltaic system.

Telecommunication: The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

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

Variance: A variance is relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where , owing to conditions peculiar to the particular property and not the result of any action of the applicant, a literal enforcement of this ordinance's

requirements would result in unnecessary and undue hardship.

Wireless telecommunications antenna: The physical devise through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

Wireless telecommunications equipment shelter: The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Wireless telecommunications facility: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

Wireless telecommunications tower: A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures. This term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telecommunication towers, manmade trees (with accessory buildings/structures) and other similar structures.

Visual quality: means the appropriate design, arrangement and location of tower structures in relation to the built or natural environment to avoid abrupt or severe differences.

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

Sections18.7 - 18.10 Reserved.

ARTICLE III. LIST OF ZONING DISTRICTS.

Section 18.11 Districts.

The City of Blakely is hereby divided into 12 zoning districts, to be known as follows:

TABLE INSET:

R-1A	Single-Family Residential District (most restrictive district)
R-1	Single-Family Residential District (slightly less restrictive)
R-2	Single-Family, Duplex and Multi-Family District (least restrictive residential zone)
PUD	Planned Unit Development
TH	Town House Development
O-I	Office-Institutional District
B	Neighborhood Business District
CBD	Central Business District
C	Commercial District
I	Industrial District
MH	Manufactured Home Parks
AG	Agricultural District

Section 18.12 Limited Use (L.U.) Provision.

The City of Blakely establishes the "limited use" provision for the purpose of allowing an applicant to request that a certain property be classified as a limited use. In some areas of the city, a particular land use activity selected out of a general zoning classification may have less community impact than some of the other uses within that classification. For this reason, an applicant may request a rezoning petition to limit the use of a proposed property to a specified use only (i.e. B-LU). To wit: Neighborhood Business District limited to a "beauty shop". The limited use must be among the uses permitted in the zoning district for which the limited use is taken. In the event that the conditions for which the limited use zoning was granted is violated, the property would revert to the prior zoning classification.

Section 18.13 Official Zoning Map.

The boundaries of these districts are shown on the map which is designated as the official

zoning map of the City of Blakely. The official zoning map is on file in the office of the city manager and all notations, references and other information shown thereon are a part of this ordinance and have the same force and effects as if said zoning map and all such notations, references and other information shown there were fully set forth or described herein.

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

Sections 18.14 - 18.15 Reserved.

ARTICLE IV. GENERAL PROVISIONS.

Section 18.16 Conflicting Regulations.

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

Section 18.17 Scope.

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

Section 18.18 Permitted Uses.

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

Section 18.19 Permitted Area.

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

Section 18.20 Permitted Height.

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that for roof structures for the housing of elevators, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire walls, skylights, towers, flag poles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than 15 feet the height limits of the districts in which it is located; nor shall such structure have a total area greater than 25 percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose, other than a use incidental to the main use of the building, the erection of radio and television transmitting, relay or other types of antenna towers, where permitted, shall abide by the regulations set forth by federal, state and local ordinances. (Utility water tanks exempted.)

Section 18.21 Storm Drainage.

In all zoning districts, provisions will be made for "storm water" run-off to be (1) routed to storm drainage systems or (2) retained on the property. Under no circumstances will storm water be routed to sanitary sewers. In order to prevent flooding of individual buildings, all new construction will provide for finished floor elevation not less than one foot above the crown of the street upon which it fronts. Construction of floors below that level will require engineer or architect certification of storm water disposal.

Section 18.22 Only One Main Structure (Principal Use) on a Lot.

Only one main structure or building and its customary accessory structures shall hereafter be placed or erected on any lot, except within PUD. Within the PUD, site development plans will be reviewed by the planning commission and by the city council.

Section 18.23 Substandard Lots.

Any residentially zoned lot which was of record at the time of the adoption of this ordinance that does not meet the requirements of this ordinance for yards or other area or open space, may be utilized for single residence purposes, provided the area for such yard or court in width, depth or open space is not less than 75 percent of that required by the terms of this ordinance, excepting that vacant lots having same owner and having in the aggregate a continuous frontage of 120 feet or more shall not be subject to this exception. The purpose is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

Section 18.24 Frontage.

Every residential dwelling shall front upon a public street, except in planned unit developments.

Section 18.25 Sight Distance at Intersections.

In all zoning districts, no fence, wall, hedge or shrub planting, sign, etc., which obstructs the sight lines at elevations between two and 12 feet above the roadways shall be placed on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street property lines.

Section 18.26 Reduction of Lot Area Prohibited.

No lot shall be reduced in size so that lot width, yard requirements, lot area per dwelling unit or other requirements of this ordinance are not maintained.

Section 18.27 Accessory Residential Buildings.

Accessory buildings, except as otherwise permitted in this ordinance, shall be subject to the following regulations:

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

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

3. An accessory building shall not be located on that portion of the lot nearer than 20 feet to the principal building except when structurally attached to the principal building and meets zoning and building codes that apply to main structure.

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

5. When an accessory building is to be located on a corner lot, said building shall not project beyond the front yard line required on the lot of such corner lot. (Front yard setback to be observed on both streets).

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

Section 18.28 Prohibited Uses in All Residential Districts.

1. It shall be prohibited use in all districts to park or store wrecked or junked vehicles, power driven construction equipment, appliances, used lumber or metal, or any other miscellaneous scrap or salvageable material in any quantity.

2. Tractor trailer combinations, tractors or trailers shall not be placed or stored in residentially zoned districts for more than 24 hours.

3. Kennels.

Section 18.29 Automobile Service Stations and/or Public Garages.

In order to regulate and control the problems of noise, odor, light, fumes, vibrations, dust, danger of fire and explosion and traffic congestion which result from the unrestricted and unregulated construction and operation of automobile service stations and/or garages to regulate and control the adverse effects which these and other problems incidental to the service station and/or garage may exercise upon adjacent and surrounding areas, the following regulations and requirements are provided therein for service stations and/or garages located in any zone. No service station existing on the effective date of this ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the effective date of this ordinance.

1. A service station shall be located on a lot having a frontage along the principal street of not less than 150 feet and having a minimum area of not less than 15,000 square feet.

2. A service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than 40 feet from any street lot line and not less than 20 feet from any other lot line.

3. For commercial driveways when one or more driveways serve a given frontage, no single approach shall exceed 50 feet. When a commercial establishment controls 75 feet or more of street frontage, the number of driveways shall be limited to two for the first 75 feet of street frontage and not more than one additional driveway for each additional 75 feet. No portion of a driveway shall be less than ten feet from the property line not located at an intersection. When only one lane of traffic is provided in a single driveway the width of a driveway approach shall not exceed 20 feet. Driveway will not be closer than 30 feet to any intersection.

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

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

6. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than 25 feet from any lot line and shall be arranged so that motor vehicles shall not be supplied with gasoline or services while parked upon or overhanging any public sidewalk, street or right-of-

way.

7. A service station located on a lot having an area of 15,000 square feet shall include not more than eight dispensing nozzles and two enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles. An additional two dispensing nozzles or one enclosed stall may be included with the provision of each additional 2,000 square feet of lot area.

8. Where a service station adjoins any property located in any residential zone, or is separated from any such property by a public alley only, a masonry wall five feet in height shall be erected and maintained along the common lot line or along the alley lot line. All masonry walls shall be protected by a fixed curb barrier to prevent vehicles from contacting the wall.

9. All lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent public and private property and not directed toward streets.

Section 18.30 Protective Screening.

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

1. All property zoned for commercial and industrial uses shall have a buffer strip along any rear and side property line abutting a residential district.

2. A landscaped greenbelt, not less than 20 feet wide, shall be provided and maintained along its entire length, including alleys. Such greenbelt shall be planted with deciduous trees, evergreens, flowering trees, ornamental or shrubs designed or intended to provide a visual screen at the boundaries of conflicting land uses.

3. The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawn. All landscaping shall be maintained in a healthy growing condition.

4. All planting plans shall be first submitted to the planning commission for approval as to suitability of planting materials and arrangement thereof in accordance with the provisions of this ordinance. The owner of the lot or parcel which zoning actions (rezoning) would cause the conflicting land uses will be responsible for providing the buffer as required herein. All buffer strips shall be designated on the property plat and recorded as a permanent strip.

Section 18.31 Radio, Television Stations.

Commercial radio, television and other transmitting or relay stations shall be permitted in any commercial or industrial district.

Section 18.32 Satellite Receiving Dish Antenna.

a. Satellite receiving dish antenna shall be allowed in all zoning districts.

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

1. Antenna will be erected only in a rear or side yard not closer to the street than the front of the house and the setback requirements from the property line will be the same as those required of an accessory building.

2. Location of the antenna must be so placed as not to create a hazard to traffic or public utilities.

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

d. A property owner who has in place a non-conforming antenna at the effective date of this ordinance may continue to maintain the antenna, but not more than five years.

Section 18.33 Conditional Uses.

The planning commission shall hear and recommend after a public hearing conditional uses as authorized. The application to establish a conditional use shall be approved on finding by the city council that;

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

2. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood nor affect adversely the health and safety of residents and workers.

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

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

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

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

Section 18.34 Zoning of Annexed Areas.

The Blakely Planning Commission shall make a study of any property proposed for annexing into the City of Blakely and forward its zoning recommendations to the city council for their review and action.

To insure that all lands within the City of Blakely are always under the city's zoning powers, an appropriate zoning classification will be executed and made a part of the property annexation process. If the annexation is requested by anyone other than the City of Blakely, the applicant will pay the appropriate fees for a zoning petition. In any case however, the zoning of all annexed properties will follow the same zoning policies and procedures as outlined in this ordinance.

Section 18.35 Residential Industrial Buildings.

a. **Definitions.** As used herein, the term Residential Industrial Building shall have the meaning as set forth in O.C.G.A. § 8-2-111 and any amendment thereto, as follows: any dwelling unit designed and constructed in compliance with the Georgia State Minimum Standard One and Two Family Dwelling Code which is wholly or in substantial part made, fabricated, formed, or assembled in a manufacturing facility and cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Any such structure shall not contain a permanent metal chassis and shall be affixed to a permanent load-bearing foundation. The term shall not include manufactured homes as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et. seq. All other terms contained herein shall have the definition contained within O.C.G.A. § 8-2-111, to the extent defined therein.

b. **Applicability**. To the extent required by O.C.G.A. § 8-2-112, and notwithstanding any other provision contained within this Zoning Ordinance, Residential Industrial Buildings shall not be excluded from any residential district solely because the building is a residential industrialized building or otherwise meets the definition contained herein.

Sections 18.36 - 18.40 Reserved.

ARTICLE V. NON-CONFORMING BUILDINGS AND USES.

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

Section 18.41 Non-conforming Use of Land, Continuation of Use.

The non-conforming use of land, which exists when this ordinance becomes effective, may be continued provided that:

1. No such non-conforming use of land shall in any way be expanded or extended.

2. If such non-conforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this ordinance.

3. Failure to maintain required licenses or cut-off of utilities will be evidence of "discontinuance of non-conforming use".

Section 18.42 Restoration.

Any building which houses a non-conforming use which has been destroyed or damaged by fire, explosion, act of God, or by public enemy to the extent of 50 percent of its market value–exclusive of the foundation at the time such damage occurred-shall thereafter be made to conform with the provisions of this ordinance. If such damage is less than 50 percent of its market value before said damage occurred, exclusive of the foundation, then such structure may be restored to the same non-conforming use as existed before such damage, provided however, that a building permit to initiate restoration must be obtained within six months of the occurrence of damage; otherwise the provisions of section 18.43 will apply.

Section 18.43 Discontinuance or Abandonment.

Any non-conforming use of land or building which has become vacant or closed owing to abandonment or discontinuance shall not thereafter be reopened except in conformity to the provisions of this ordinance.

Section 18.44 Change of Tenancy or Ownership.

There may be a change in tenancy, ownership or management of an existing non-conforming

use, provided there is no change in the nature or character of such non-conforming use.

Sections 18.45 - 18.50 Reserved.

ARTICLE VI. OFF-STREET PARKING AND LOADING REQUIREMENTS.

Section 18.51 Scope of Provisions.

Except as provided in this section, no application for a building permit shall be approved unless there is included with the plan for such building, improvements, or use, a plot showing the required space reserved for off-street parking and service purposes. Occupancy shall not be allowed unless the required off-street parking and service facilities have been provided in accordance with those shown on the approved plan.

Section 18.52 Parking Spaces May Not Be Reduced.

Off-street parking spaces shall not be reduced below the minimum required number for the use or facility to which they are assigned.

Section 18.53 Drainage, Construction and Maintenance.

All (except residential) off-street parking, loading and service areas shall be constructed of concrete or asphalt. All such areas shall be at all times maintained at the expense of the owners thereof, in a clean, orderly and dust-free condition.

Section 18.54 Separation from Walkways, Sidewalks and Streets.

All off-street parking, loading and service areas shall be separated from walkways, sidewalks and streets by curbing or other suitable protective device. Curbing and other protective devices must be set back a minimum of three feet to prevent vehicle overhang.

Section 18.55 Parking Area Design.

Parking stalls shall have a minimum width of nine feet and length of 20 feet. There shall be provided adequate interior driveways to connect each parking space with a public right-of-way. Interior driveways shall be at least 24 feet wide where used with 90 degree angle parking, at least 18 feet wide where used with 60-degree angle parking, at least 13 feet wide where used with 45-degree parking and at least 12 feet wide where used with parallel parking or where there is no parking, interior driveways shall be at least ten feet wide for one-way traffic movement and at least 20 feet wide for two-way traffic movement.

Section 18.56 Joint Parking Facilities.

Two or more neighboring uses of the same or different types may provide joint facilities provided the number of off-street parking spaces are not less than the use the individual requirements, i.e., shopping center, housing complex.

Section 18.57 Pavement Markings and Signs.

Each off-street parking space shall be clearly marked and pavement directional arrows or signs shall be provided in each travel way wherever necessary. Markers, directional arrows and signs shall be properly maintained so as to ensure their maximum efficiency.

Section 18.58 Number of Parking Spaces.

In order to assure a proper and uniform development of public parking areas throughout the area of jurisdiction of this ordinance to relieve traffic congestion on the streets and to minimize any detrimental effects on adjacent properties, off-street parking space shall be provided and maintained as called for in the following schedule. For any use or class of use not mentioned in this schedule, the requirements shall be the same as a similar use as mentioned therein. Parking requirements for additions to existing uses may be based only upon the new addition even if the existing use is deficient.

Section 18.59 Street Parking Requirements.

In all zoning districts off-street parking spaces for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected or enlarged, after the effective date of this ordinance, shall be provided as herein prescribed.

Required parking spaces shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this ordinance. The owner or owners of a building, structure or other land use requiring off-street parking spaces must show, to the satisfaction of the zoning administrator, that he is the record title holder of the property devoted to said principal land use and of the property proposed for off-street parking use. Surface water drainage must be piped to storm sewers or retained on property (not diverted to neighboring property).

Section 18.60 Planted Areas.

Any off-street parking facility of ten cars or more shall also provide the equivalent of one parking space per each ten cars or fraction thereof, to be planted with at least one tree with a minimum diameter (measured at the location of its greatest width) if 1 ½ inches and grass and/or ground cover. The exact location within the parking facility is optional with each design, but the planted area herein referred to shall be in addition to perimeter buffer strips and other landscaping on the property outside the parking facility.

The purpose of this requirement is to aid in providing visual definition, oxygenation, shade, wind modulation, drainage absorption and relief from other problems as may result from total coverage paving.

Section 18.61 Location of Parking Space for Other Land Uses.

The off-street parking facilities required for all other uses shall be located on the lot or within 200 feet of the permitted use requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.

Section 18.62 Off-Street Parking Standards.

TABLE INSET:

	Use	Number of Parking Spaces Required
1.	Apartment and multi-family dwelling	Two spaces for each family dwelling unit plus one space for each ten units for travel trailers, boats and other vehicles, two for office if applicable.
2.	Apartments for the elderly	One space for each family dwelling unit plus one space for each ten units for travel trailers, boats and other vehicles, two for office if applicable.
3.	Appliance store	One space for each 400 square feet of gross floor area.
4.	Auditorium, stadium	(a) One space per three assembly hall, fixed seats in largest assembly gymnasium, theater room or area, or (b) One space community recreation for each 40 square feet of center floor area available for the accommodation of movable seats; or (c) One space per each 100 square feet of gross floor area; whichever is greatest.
5.	Automobile service stations	One space (in addition to service stations area) for each pump and grease rack and one space for each two employees during period of greatest but not less than four spaces.
6.	Automobile parts accessories sales establishment	One space for each 400 square feet f gross floor area.
7.	Automobile sales and repair service station and auto washeterias	Same as use 5 above plus one space for each 500 square feet of gross floor area of the shop or washeteria.
8.	Automotive repair services and garages	One space for each 400 square feet of retail area plus two spaces for each service bay.

9.	Club or lodge	One space for each two employees plus one space for each 200 square feet of gross floor area within the main assembly area plus additional spaces for other uses permitted within the premises.
10.	Church	One space per four seats in main place of assembly.
11.	Combined uses	Parking spaces shall be the total of the spaces required for each separate use established by this schedule.
12.	Dance school	One space for each employee plus one space per 150 square feet of gross floor area plus sale and convenient loading and unloading of students.
13.	Duplex dwelling unit	Two unpaved spaces per each unit. Residential driveways will not satisfy this need.
14.	Financial institution	One space for each 250 square feet of gross floor area and two waiting spaces for each drive-thru window.
15.	Furniture store	One space for each 400 square feet of gross floor area.
16.	Grocery store (including small convenience type food store)	One space for every 250 square feet of gross floor area.
17.	Group Home	See "Senior Citizens Homes".
18.	Gym	One space for each employee plus one space fr each 150 sq ft. of gross floor area.
19.	Hospital	One space for each bed plus one space for each employee (nurse, attendant, etc.) per shift plus one space for each staff or visiting doctor.
20.	Motel	One space for each unit plus one space for each 50 sq. feet of chapel used for services.
21.	Mortuary	Six spaces per viewing room or one space for each 50 sq. ft. of chapel used for services.
22.	Office, professional building or similar use	One space for each 350 square feet of the gross floor area, plus one space for each two employees.
23.	Personal service establishment	One space for every 350 square feet of the gross floor area, plus one space for each two employees.

24.	Repair shop, auto appliance	One space for every 300 square feet of the gross floor area, plus one space for each two employees.
25.	Restaurant or place dispensing food, drink or refreshment to be consumed on the premises	One space for each 100 square feet of gross floor area plus one space for each employee.
26.	Restaurant or place dispensing food, drink or refreshment for carry out only	One space for each 150 square feet of gross floor area (with a minimum of ten spaces for this); plus one additional space for each three outdoor seats provided and providing an adequate land for thru traffic which will not obstruct the required parking and driveway for the restaurant.
27.	Retail stores	One space for each 200 square feet of gross floor area.
28.	Schools, elementary	One space for each teacher, one space for each two employees and administrative personnel and one for each classroom, plus safe and convenient loading and unloading of students.
29.	Senior citizen homes	One space for each two beds, plus one space for each employee on shift of greatest employment.
30.	Shopping center	One space for each 350 square feet of gross floor area.
31.	Swimming pool	One space for each 200 square feet of water surface area plus requirements for additional uses in association with the establishment such as a restaurant, employees, etc.
32.	Trailer park	Two spaces for each trailer site plus one space for each employee.

Section 18.63 Off-Street Loading Requirements.

On the same premises with every building structure or part thereof, erected and occupied for manufacturing, storage, warehouse, truck freight terminal, goods display, department store, wholesale store, retail store, new car dealers, market, hotel, hospital, mortuary; laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets and alleys.

Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten feet by 50 feet, with 15-foot height clearance and shall be provided according to the following

schedule:

TABLE INSET:

0–10,000 sq. ft.	One
10,001 - 90,000 sq. ft.	One space for the first 10,000 square feet plus one additional space for each additional 40,000 square feet in excess of 10,000 square feet.
90,000 - 450,000 sq. ft.	Three spaces for the first 90,000 square feet plus one additional space for each 60,000 square feet in excess of the 90,000 square feet.

Section 18.64 Minimum Number of Loading Spaces Required.

Industrial, wholesale and retail operations shall provide space as follows:

1. Off street loading spaces shall be provided as appropriate to the functions and scope of operation of individual or groups of buildings and uses.

2. Off street loading spaces shall be designed and constructed so that all maneuvering to park and unpark are kept within the property lines to the premises. Loading spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on public rights-of-way, or required parking spaces.

Section 18.65 - 18.69 Reserved.

ARTICLE VII. SIGN REGULATION.

Section 18.70 Requirements.

All signs within Blakely shall be erected, constructed and maintained in accordance with the provisions of this article and with applicable sections of the Standard Building Code and the National Electric Code.

Section 18.71 Traffic Safety.

No sign shall be erected or continued that:

1. Obstructs the sight distance along a public right-of-way (or street or driveway intersections with streets).

2. Would tend by its location, color or nature, to be confused with or obstruct the view of traffic signs or signals or to be confused with a flashing light of an emergency vehicle.

3. Uses admonitions such as: “stop”, “go”, “slow”, “danger”, etc. which might be confused with traffic directional signals.

Section 18.72 Prohibited Locations.

No sign shall be attached to or painted on any telephone pole, power pole, tree, rock or other natural object. No signs (other than those signs erected by public governmental agencies or signs required by law), shall be placed so as to overhang any public right-of-way by more than six inches.

Section 18.73 Illumination.

Illumination devices such as, but not limited to, flood or spot lights shall be so placed and so shielded as to prevent the rays or illumination therefrom being cast into neighboring properties or approaching vehicles.

Section 18.74 Maximum Area.

The maximum area of “on premises” signs shall be:

a. Point of business: 150 square ft.

b. Conditional uses: 15 square feet.

c. Residential: Two square feet.

Section 18.75 Billboards.

A billboard is defined as: Any sign, structure, or device which advertises or contains information about a business, product or service not located on the same premises as the sign.

1. Billboards will not be permitted in Industrial, Commercial or Agricultural Zones.

2. No billboard shall be located within 500 feet of any other billboard on the same side of any street, road or highway.

3. Billboards shall not be located one above another or side by side.

4. No billboard shall be located within 1,500 feet of Court Square.

5. Billboards located between 1,500 feet from the Court Square and the Blakely city limits shall not exceed 75 square feet in area, the lowest portion of any billboard in this area must be at least eight feet above grade.

6. Billboards shall be maintained in a neat and safe condition, any litter left from repairing or changing signs shall be removed from the premises as soon as repairs are made.

7. Non-conforming billboards. Billboards existing as of March 1992 which do not conform to this ordinance, but are otherwise legal at that time will be declared "non-conforming" and may remain except: Any billboard damaged by fire, lightning, obsolescence, dilapidation or other causes beyond 50 percent of its current replacement value shall not be replaced or restored except in compliance with the provisions of this article.

Section 18.76 Portable signs.

Portable signs will be permitted only as "on-premise" (at the place of business being advertised), and must meet the following requirements:

1. No flashing lights will be permitted near residences or in residential zones. Lights will be subdued or shielded so as to prevent the rays or illumination from projecting to neighboring properties or approaching vehicles.

2. No sign shall be placed on street right-of-way or in position that would obstruct the view of motorists (i.e. at intersections of streets or driveways with streets).

3. Permits will be required for installation.

4. Signs must be maintained in neat and safe condition.

Section 18.77 General Standards for Signs.

1. Do not utilize colors such as red, green, blue or yellow in any way which might be confused with traffic, safety or emergency signals.

2. No revolving or rotating beam or beacon or light that resembles or simulates any emergency light device shall be permitted as part of any sign. Flashing devices will not be permitted upon a sign.

3. Owners of signs shall be responsible for maintaining signs in a neat and safe conditions, and for compliance with the National Electric Code and the Standard Building Code.

4. Signs shall have a maximum height of 35 feet.

5. Temporary signs (i.e. political candidates, realty "for sale" etc.) shall be removed by the person posting such signs - within 15 days after the event advertised has passed.

Section 18.78 Permits Required.

1. No sign shall be erected, hung, placed or structurally altered without a permit from the building official.

2. Application for permits to erect, repair or replace any sign shall be made to the building official. Each request for permit will be accompanied by plans showing dimensions and specifications. If sign is to be illuminated, show method of lighting. Show proposed location of sign, including elevation, distance from property lines and total height. Show method of fastening to poles or buildings.

3. Each applicant shall furnish any additional information as requested by the building official.

Section 18.79 Sign Regulations in the Central Business District.

All definitions and other matters relating to signs as contained in Article VII of the Blakely Zoning Ordinance shall remain in full force and effect to the extent that they are consistent with this ordinance. The definitions, restrictions and regulations specified in sections 18.80 through 18.87

apply to the Central Business District and in some cases are specific to the buildings located on the Courthouse Square.

Section 18.80 Number of Allowed Signs per Building.

Each permitted business within the CBD may have two signs. These may be identification, window signs, canopy signs, awning signs or a combination thereof, subject to the restrictions described in this ordinance.

Section 18.81 Special Sign Allowances for Corner Buildings.

CBD structures which are located on corner buildings are allowed one additional sign in addition to the two normally allotted, to be located on the side or rear of the building. The total area of this additional sign shall not exceed 70 percent of the size of the largest sign on the building's front facade and shall cover no more than 25 percent of the secondary wall.

Section 18.82 General Regulations and Standards for Signs in the Central Business District.

In determining the appropriateness or location of new or replacement signs proposed to be placed within the CBD Zone, the building official may consult with the Southwest Georgia Regional Development Center Historic Preservation Planner or the State Historic Preservation Office when interpreting the following regulations specified in this section:

1. No general advertising signs shall be permitted in the CBD.

2. No business identification sign shall exceed 100 square feet in size.

3. No projecting sign shall exceed 25 square feet in area.

4. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.

5. The colors, materials and lighting of every sign shall be restrained and harmonious with the building and the site to which it principally relates. Signs should use no more than three colors and the general color scheme shall act to compliment the building's facade. Light lettering on a dark background is considered historically accurate. Lettering should not exceed 18 inches high.

6. No sign shall be erected or painted on the roof of any building.

7. No sign shall be closer than 24 inches to the adjacent property lines to avoid

sign messages from running together.

8. Signs that advertise an activity, business product or service no longer being conducted or available on the premises on which the sign is located must be removed upon the order of the building inspector in conformity with the provisions of section 18.89 of this ordinance.

9. The size, scale and design of the sign shall be compatible with the size, scale and design of the property, building or site upon which it is located. No wall sign shall be designed to obscure a window.

10. Sign materials shall be compatible with the period and style of the property building or site.

11. The location of signs shall not obscure any significant architectural features of the building or site.

12. Sign installation shall not irreparably damage any cornice, ornament, or similar architectural detail and shall be the least damaging method feasible for the property, building or site.

13. All addresses shall be placed on business doors or on the transom above the door. Addresses shall be painted or shall be designated by brass numbering.

14. Historically inappropriate signs are not allowed. For instance: colonial era or "Williamsburg" signage is out of time and context in a late 19th century southern town.

15. Signs may not be illuminated on Court Square with the exception of neon signs as allowed in 18.84(I). Enclosed lamp plastic signs and backlit fluorescent signs are not allowed as they are incompatible with historic properties on the square. Illumination where permitted shall be allowed with inconspicuous exterior mounted lights where appropriate having no glare. All lighting for signs shall be concealed.

Section 18.83 Sign Locations on the Court Square and N/S Main Street in CBD.

Signs shall be located as follows:

1. On or in the display windows or upper facade windows.

2. On or in the glazing of windows.

3. In the area above the transom of the store front and below the second floor windows. A transom is a small (usually hinged) window above a door or another window or the horizontal cross piece to which a window is hinged or attached.

4. On the valance of the awnings as long as they remain six feet off of the ground. A valance is an ornamental drapery, decorative board or metal strip mounted especially across the top of a window to conceal structural features.

5. Signs can be incorporated in the awning material.

6. On the fascia or the top edges of canopies. A fascia is a flat horizontal band or member between moldings especially in a classical entablature.

7. Projecting perpendicularly from the building.

8. Freestanding ground signs as allowed in section 18.84(d).

Section 18.84 Types of Signs Permitted in CBD.

Signs permitted in the CBD include the following:

a. *Identification signs.* The maximum area allowed for an on premise point of business sign will be two square feet. These identifying signs may be painted in windows, hung under canopies or awnings or may be painted on valances or skirts of approved awnings.

b. *Canopy and wall signs.* The maximum combined square footage of wall and canopy signs placed on the facade of a building by any business will be 150 square feet for one and two story buildings, or ten percent of the building facade area, whichever is less. Businesses located on corners will be allowed to exceed this limit as specified in section 18.81.

For each business occupying an entire building, the sign area of any wall sign or canopy signs placed on a building facade may not exceed ten percent of the building facade area. The building facade area is calculated by multiplying the height of the facade by the width of the facade and subtracting the area devoted to windows.

For any building which houses multiple businesses, the building facade area used to calculate the maximum size of wall and canopy signs allowed for each business will be defined as the individual business's linear frontage (on the primary facade) less the area of any window glass, times the height of the building as measured at its highest point above the business's frontage.

In addition to the size restriction above, no wall or canopy sign on a one or two story building may exceed five (5) feet in vertical dimension.

c. *Window signs.* Fifteen percent of an entire window area parallel to the street may be used as one of the two allowable signs for each ground level business. No window may be covered in excess of 30 percent.

Window signs on or above the second floor are prohibited except when a business has no ground floor frontage. Window signs on the second floor will be limited to identification and instructional signs which shall cover no more than 15 percent of the entire window area above the ground floor and no more than 30 percent of any one window.

d. *Ground signs.* A ground sign may be used, provided it does not exceed three feet in height and is no bigger than 12 square feet in area measured on one side only. Ground signs must be set back at least three feet from the right-of-way.

On the Court Square, ground signs may not be internally illuminated, must be constructed with materials compatible with the building architecture, they may only be used as identifying signs and professional signs and they may not contain other commercial advertisements of a temporary nature or be used as a base to hang temporary signs for sale or promotional events.

e. *Temporary internal window signs.* Signs pertaining to special events which refer to particular periods of time such as meetings, sales exhibitions, political campaigns and vacancy announcements shall be permitted on the building interiors provided that such signs shall be removed when no longer applicable in time, or in any case no later than ten days after the advertised event has ended.

f. *Instructional signs.* Instructional signs (such as upstairs, watch your step, etc.) measuring no more than one square foot in area will be permitted.

g. *Moving signs and devices.* No sign shall be allowed that is revolving, rotating or put in motion by the atmosphere. Items such as ribbons, strings of lights, streamers, hot air balloons, flags or similar moving, fluttering or revolving devices for the purpose of attracting attention or advertising unless a permit for a period of no more than 30 days is acquired. Flags and insignias of governments are exempted under this provision provided they are not used in connection with commercial promotions.

h. *Temporary external sign.* Banners and other exterior temporary signs of this Ordinance are prohibited except those advertising promotional events sponsored by the Merchant's Association, Chamber of Commerce or those festivals and events of a non-commercial nature. Such signs shall be removed no later than ten days after the promotion has been completed.

i. *Neon signs.* The use of simple artistic neon graphics or symbols is allowed. Examples: ice cream cone at ice cream parlor. However, new neon commercial advertising of business names or specific product brands is not allowed.

j. *Marquee signs.* Marquess signs shall only announce existing or future entertainment events, meetings or attractions.

k. Logo signs. Symbols and graphic representations conveying a message representing the principal use of the property are encouraged. These simple, uncluttered signs make for simple yet aesthetic advertising.

Section 18.85 Signs Not Permitted in the CBD.

1. Off-premise advertisement signs (billboards).

2. Portable signs on wheels or designed for wheels and other apparatuses designed to allow for illumination and the changing of lettering shall not be allowed.

3. Signs erected on or located on any street or public right-of-way, curb, curb stone, hydrant, lamp post, tree, barricade, telephone or electric light pole, other utility pole, public fence or on a fixture of a fire alarm or police system except public directory and information signs.

Section 18.86 Materials Used in Sign and Awning Construction.

a. Except for signs applied to an awning, all principals use signs located in the CBD shall be constructed of wood, brass, bronze, painted lettering, crafted metal, glass, wrought iron, carved or sandblasted stone, hand carved or sandblasted wood, gold leaf and screen print on windows and awning materials such as canvas, acrylics and vinyl coated canvas.

b. Awning construction of weather resistant, durable fabric or canvas and fixed metal, steel, aluminum, or similar material within the Central Business District shall be designed to compliment the architectural and historic character of the building. Questions of compatibility shall be directed to the Historic Preservation Commission for a recommendation on the compatibility of awning materials in the Central Business District.

Section 18.87 Materials Not Acceptable for Use in Sign Construction/awnings.

Plastic signs, plastic neon, or reflective or foam lettering, posters shall not be allowed in the Central Business District. Rigid plastic, cedar or plastic shakes, glossy or leatherette finished vinyl, or asphalt shingles are not allowed materials for awnings in the Central Business District. Internally lit awnings or canopies that emit light through the awning or canopy material shall be prohibited. Materials for awnings and signs shall be compatible with the overall design and character of the building and shall not subtract from the historical integrity of the building. Questions of compatibility shall be forwarded to the Historic Preservation Commission for a recommendation in the compatibility of sign and awning materials in the Central Business District. A Certificate of

Appropriateness from the Historic Preservation Commission shall be required for any sign or awning constructed in the historic district.

Section 18.88 Courthouse Square Signage; Colors.

Colors should contrast enough to allow the message to be read, but should complement, not compete or clash with surroundings. Color combinations such as bright red, yellow, and white currently used in many franchise businesses are not acceptable in historic areas and are not allowed in the CBD. Questions of compatibility can be forwarded to the Southwest Georgia Regional Development Center Historic Preservation Planner for a recommendation on compatibility.

Section 18.89 Non-conforming Signs in the CBD and Court Square.

Signs erected prior to the effective date of this resolution [ordinance] on [May 5, 2002] which do not conform to the sign regulations contained herein, shall not be expanded, enlarged, modified or changed in any way except in conformance with these regulations. Signs not in conformance to this ordinance which are removed during building restoration shall be made in compliance prior to their reattachment.

Minor repairs and maintenance estimated at not greater than 50 percent of the value of nonconforming signs may be made at the discretion of the owner provided that the sign area is not increased, but money invested in such repairs by a building or sign owner shall not constitute grounds or justification of a variance to retain such a sign.

Non-conforming signs which have been allowed to deteriorate so as to constitute an aesthetic nuisance or a safety hazard are subject to removal by the building official. The building official will send a written notification of the safety or aesthetic problem to the sign or property owner requesting that the sign be removed within two weeks. Should the sign not be removed within this period, the sign may be removed by the City of Blakely at the cost to the sign or property owner.

Non-conforming signs which have been abandoned shall be removed within 30 days after a business closes, ceases to operate in that location or after the effective date of this ordinance by the person who obtained the sign permit or the property owner. When the business advertised by a non-conforming sign ceases to operate on the remises where the sign is located, the sign's permit shall be considered null and void and the sign shall not be re-permitted except in compliance with this ordinance.

The following non-conforming signs with historic significance shall be exempted from the non-conforming regulations and shall be so allowed until such time that they are determined to be a safety hazard:

Quail Motel sign on South Main Street.
Masonic Lodge sign on River Street.

Section 18.90 Violations and Enforcement.

Illegal signs, unpermitted signs or signs erected in violation of this Article will be subject to the provisions of section 18.317 of the Blakely Zoning Ordinance.

ARTICLE VIII. WIRELESS TELECOMMUNICATION TOWERS.

Section 18.91 Intent.

The intent of this article is to establish guidelines for the siting of all wireless, cellular, television and radio telecommunications towers and antennas. The goals of this article are to:

a. Encourage the location of towers in nonresidential areas;

b. Minimize the total number of towers within the community necessary to provide adequate personal wireless services to residents of the county;

c. Encourage the joint use of new and existing tower sites among service providers;

d. Locate telecommunications towers and antennas in areas where adverse impacts on the community are minimized;

e. Encourage design and construction of towers and antennas to minimize adverse visual impacts; and

f. Enhance the ability of the providers of telecommunications services to deliver such services to the community effectively and efficiently.

Section 18.92 Application of Article.

a. *District height limitations.* Except as set forth in subsection (c) of this section, the requirements of this article shall govern the location of telecommunications towers that exceed, and antennas that are installed at a height in excess of 50 feet.

b. *Governmental exemption.* The provisions of this article shall not apply to governmental facilities and structures.

c. *Pre-existing towers and antennas.* Any tower or antenna for which a permit has been properly issued prior to the effective date of the ordinance from which this article is derived shall not be required to meet the provisions of this article, other than the requirements of section 18.93. Any such towers or antennas shall be referred to in this article as “pre-existing towers” or “pre-existing antennas.”

d. *Additional antennas.* If an additional antenna is co-located upon a pre-existing tower after adoption of this article, then fencing, color and landscaping requirements of Section 18.94d shall be met as part of the permitting process.

Section 18.93 Annual Registration of Telecommunications Towers.

a. On or before May 1 of each calendar year, the owner of any telecommunications tower shall register such tower with the city clerk on a form provided by the Clerk. The initial annual registration shall identify such telecommunications tower by tax parcel number, physical street address, and/or GIS coordinates, and shall describe all structures and equipment on site associated with such telecommunications tower. Annually thereafter, each subsequent registration shall identify any transfer of ownership of such tower, and/or any modifications to such tower which occurred during the preceding calendar year.

b. For all telecommunications towers which were constructed more than ten years prior to the submittal of the annual registration, at least one every three years the owner of such tower shall submit certification to the clerk that such tower was inspected and that a registered professional engineer has determined that no signs of defect, disrepair, or other hazardous condition exist.

c. The annual registration fee for each telecommunications tower shall be $100.00 for the first registration ear and $50.00 per tower per year thereafter.

d. The city clerk shall maintain an inventory of all towers or alternative tower structures, active and inactive, which are present in the city. This inventory shall include specific information about the location (latitude and longitude coordinates), height, design, tower type and general suitability for antenna co-location of each tower, and other pertinent information as may be decided by the department.

Section 18.94 General Provisions.

The following requirements apply to all wireless telecommunications facilities regardless of the zoning district in which they are to be located. These general standards are to be supplemented with the specific regulations for each zoning district found in the following sections.

a. When the proposed wireless telecommunications facility is to include a new tower, a plot plan at a scale of not less than one inch is equal to 100 feet shall be submitted. This plot plan shall indicate all building uses within 300 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.

b. The location of the tower and equipment shelter shall comply with all natural resource protection standards establishes in the Zoning Code, including those for floodplain, wetlands, and steep slopes.

c. Security fending eight feet in height shall surround the tower, equipment shelter and any guy wires, either completely or individually as determined by the City Council.

d. The following buffer plantings may be located around the perimeter of the security fence as deemed appropriate by the City Council.

1. An evergreen screen shall be planted that consists of either a hedge, planted three feet on center maximum, or a row of evergreen trees planted five feet on center maximum.

e. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

f. No new tower, except amateur radio towers, shall be permitted unless the applicant demonstrates to the satisfaction of the department and City Council that no existing tower or existing alternative tower structure can accommodate the applicant's proposed antenna. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts and shall consist of more than mere conclusory statements that no existing tower is suitable. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of one or more of the following:

1. That no existing towers or suitable alternative tower structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements.

2. That existing towers or structures do not have sufficient structural strength to support the applicant's antenna and related equipment.

3. That the applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

4. That the cost or contractual provisions required by the tower owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

5. That the applicant adequately demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

g. Any application to locate an antenna on a building or structure that is listed on a historic register, or is in a historic district shall be subject to review by the municipality's Architectural Review Board, Building Commissioner, or City Council if there is no such review board or officer.

h. The towers shall be painted a non-contrasting gray or similar color minimizing its visibility, unless other required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA). Towers or antennas shall maintain eiher a galvanized steel or concrete finish or, subject to any applicable standards of the FAA and FCC, be painted a neutral

color so as to reduce visual obtrusiveness. At all tower sites, the design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to he natural setting and building environment.

i. No advertising is permitted anywhere on the facility, with the exception of identification signage.

j. All providers utilizing towers shall present a report to the City Clerk notifying them of any tower facility located in the municipality whose use will be discontinued and the date this use will cease. If at any time the facility is discontinued for 180 days, a designated local official may declare the facility abandoned. (This excludes any dormancy period between construction and the initial use of the facility.) The facility's owner/operator will receive written notice from the City Clerk and will be instructed to either reactivate the facility's use within 180 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the municipality will remove or will contract to have removed the facility and assess the owner/operator the costs.

k. No tower under 150 feet shall be artificially lighted except to assure safety or a required by the FAA. Any tower between 150 and 200 feet in height shall follow safety marking and obstruction lighting as prescribed by the FAA. Security lighting around the equipment shelter is permitted. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. In the event that a tower requires lighting by virtue of its height, the city may require the construction of the tower at a lower height in order to avoid lighting requirements.

l. "No Trespassing" signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency.

m. Applicants will provide evidence of legal access to the tower site thereby maintaining this access regardless of other developments that may take place on the site.

n. A Conditional Use Permit must be approved by the City Council with a subsequent Building Permit issued by the City Clerk for construction of new towers in nonindustrial districts. A conditional use permit should comply with all requirements for building permits set forth in this chapter. Collation of antennas on a single tower, antennas attached to existing structures/buildings, towers located in industrial districts, or replacement towers to be constructed at the site of a current tower are permitted used and will not be subject to the Conditional use permitting process.

o. Any decision to deny a request to place, construct or modify a wireless telecommunications antenna and/or tower shall be in writing and supported by evidence contained in a written record of the proceedings of the City Council.

p. Underground equipment shelters are encouraged, especially in nonindustrial districts, and may be requested by the City Council.

q. Upon the transfer of ownership of any tower, alternative tower structure, or lot upon which such structure has ben erected, the tower permittee shall notify the department of the transaction in writing within 30 days.

Section 18.95 Non-Residential Districts.

Wireless telecommunications facilities proposed for the following zoning districts-industrial, commercial and agricultural are subject to the following conditions:

a. Sole use on a lot:

A wireless telecommunications facility is permitted as a sole use on a lot subject to the following for the relevant zoning district.

1. Minimum lot size -
2. Minimum yard requirements -
   Tower: the minimum distance to any single-family or two-family residential use or district lot line shall be 300 feet
3. Maximum height -
   Tower: 200 feet (includes antenna)
   Equipment shelter: (*maximum building height for the district*)
4. Maximum size of equipment shelter-
   300 square feet for a single shelter, or, if here is more than on, 750 square feet

b. Combined with another use:

A wireless telecommunications facility is permitted on property with an existing use subject to the following conditions:

1. The existing use on the property may be permitted use in the district or any lawful nonconforming use, and need not be affiliated with the wireless telecommunications provider. The wireless telecommunications facility will not be considered an addition to the structure or value of a nonconforming use.

2. The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance (except during construction or an emergency).

3. Minimum lot area -
   The minimum lot area shall be the area needed to accommodate the tower (and guy wires, if used), the equipment shelter, security fencing and buffer planting.

4. Minimum yard requirements -
Tower: the minimum distance to any single-family or two0-family residential use or district lot line shall be 300 feet.
Equipment shelter: shall comply with the minimum setback requirements for the primary lot.

5. Access - The service access to the equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.

6. Maximum height -
Tower: 200 feet (includes antenna)

7. Maximum size of equipment shelter -
300 square feet for a single shelter, or, if there is more than one, 750 square feet

c. Combined with an existing structure:

Where possible an antenna for a wireless telecommunications facility shall be attached to an existing structure or building subject to the following conditions:

1. Maximum height -
20 feet or 20% of the building height above the existing building or structure, whichever is greater.
2. If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on, or attached to, the building) the shelter shall comply with the following:
   (a) The minimum setback requirements for the subject zoning district.
   (b) A buffer yard may be planted in accordance with section 18.94d.
   (c) Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principle use.
   (d) The maximum size of the equipment shelter shall not exceed 300 square feet, or, if three is more than one, 750 total square feet.

Section 18.96 Residential Districts.

Wireless telecommunications facilities that include towers are not permitted in single-family or two-family residential districts with the exception of placement on any property with an institutional use (e.g., church, park, library, municipal/government, hospital school, utility) located in either of these two districts. However, antennas attached to existing buildings or structures are permitted, in applying for a permit in any residential district, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate nonresidential zone once those efforts have been exhausted, a wireless telecommunications facility may be located in a residential district subject to the following conditions:

a. General:

The wireless telecommunications facility shall be fully automated and unattended on a daily bases and shall be visited only for periodic and necessary maintenance. This shall apply to b, c, d, and e below.

b. Combined with a nonresidential use:

An antenna may be attached to a nonresidential building or structure that is a permitted use in the district; including, but not limited to, a church, a municipal or governmental building or facility, agricultural building, and a building or structure owned by a utility. The following conditions shall be met:

1. Maximum height, 20 feet above the existing building or structure.
2. If the applicant proposes to locate the telecommunications equipment in a separate shelter, the shelter shall comply with the following:
   (a) The shelter shall comply with the minimum setback requirements for the subject zoning district.
   (b) The maximum size of the equipment shelter shall not exceed 300 square feet, or if there is more than one, 750 square feet.
   (c) A buffer yard shall be planted in accordance with section 18.94d.
   (d) Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.

c. Located on a nonresidential-use property:

A tower to support an antenna may be constructed on a property with a nonresidential use that is a permitted use within the district, including but not limited to a church, hospital, school, municipal or government building, facility, or structure, agricultural use and a utility use, subject to the following conditions:

1. The tower shall be set back from any property line abutting a single-family or two-family residential lot by 300 feet.
2. Maximum height -
   Tower: 200 feet (includes antenna)
   Equipment shelter: (*the maximum building height for the district*)
3. The maximum size of the equipment shelter shall not exceed 300 square feet, or, if there is more than one, 750 total square feet.
4. Vehicular access to the tower and equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
5. In order to locate a telecommunications facility on a property that is vacant or with an agricultural use the tract shall be at least 2.5 acres.

d. Located on a residential building:

An antenna for a wireless telecommunications facility may be attached to a mid-rise or high-rise apartment building subject to the following conditions:

1. Maximum height, 20 feet above the existing building.
2. If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located in, or attached to, the building), the shelter shall comply with the following:
   (a) The shelter shall comply with the maximum setback requirements for the subject zoning district.
   (b) The maximum size of the equipment shelter shall not exceed 300 square feet, or, if there is more than one, 750 total square feet.
   (c) A buffer yard shall be planted in accordance with section 18.94d.
   (d) Vehicular access to the shelter shall, if at all possible, use th4e existing circulation system.

e. Located in open space:

A wireless telecommunications facility is permitted on land that has been established as permanent open space or a park subject to the following conditions:

1. The open space shall be owned by the municipality, county or state government, a homeowners association, charitable organization, or a private, non-profit conservation organization.
2. Maximum height -
   Tower: 200 feet (includes antenna)
   Equipment shelter: (maximum building height for the district)
3. The maximum size of the equipment shelter shall not exceed 300 square feet, or, it there is more than one, 750 total square feet.
4. The tower shall be set back from any single-family or two-family property line 300 feet.

Section 18.97 Criteria for a Conditional Use.

A wireless telecommunications facility which includes a tower may be permitted as a conditional use in a multi-family residential, institutional or commercial district, or located on an institutionally-used property in any residential district. In order to be considered for review, the applicant must prove that a newly-constructed tower is necessary in that opportunities for collocation on an existing tower is not feasible. The following steps must also be taken for the application to be considered for review in this category:

a. The applicant shall present a landscaping plan that indicates how the wireless telecommunications facility will be screened from adjoining uses.

b. The applicant shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the applicant's service area. There shall be an explanation of why a tower and this proposed site is technically necessary.

c. Where the telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided to the facility.

d. Any applicant requesting permission to install a new tower shall proved evidence of written contact with all wireless providers who supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s) shall be presented to the City Council as a means of demonstrating the need for a new tower.

e. The applicant shall comply with any other requirement of this article.

Sections 18.98 - 18.100 Reserved.

ARTICLE IX. R-1A, SINGLE FAMILY RESIDENTIAL DISTRICT

Section 18.101 Statement of Purpose.

This single-family residential district is established as a district in which the principal use of land is for low density single-family dwelling units. For the R-1A single-family residential district, the specific intent is:

1. To encourage the construction of and the continued use of the land for low density single-family residential development within the city.

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

Section 18.102 Permitted Uses.

1. Single-family detached dwellings existing at time of passage of this ordinance.

2. New single-family detached dwellings meeting the following requirements:

   (a) Minimum floor area, 1,500 square feet.

   (b) Minimum depth, front to back, not including porches or carports, 24 feet.

   (c) Minimum roof pitch, three inches or rise for each 12 inches of span.

   (d) Roof surface, composition shingles (including, but not limited to: asphaltic and fiberglass), other materials listed by Southern Code Congress (Building and Fire Prevention Codes).

   (e) Permanent foundation, including: Concrete footing around perimeter, not less than 20 inches wide by eight inches thick, with bottom of concrete not less than 12 inches below finish grade; masonry wall, at least eight inches thick up to floor level; interior piers of 8" x 16" concrete blocks or equivalent (with mortared joints) on footings not less than 24" x 24" x 8" thick.

   (f) Electric service to be installed on the house (on or near the front [builder to coordinate with electric department for service point before construction]). Service drop shall not be extended over house. Interior service panels shall not be located in: clothes closets, cabinets

or other concealed locations where panel would be hard to find for firemen or other emergency personnel. (Consult National Electric Code for permitted locations).

(g) Exterior wall surface shall be: Brick, stucco or other masonry; wood (i.e., "lapboard" or "novelty siding"); vinyl (or metal) siding with ornamental design; or other siding material approved by Standard Building and Fire Codes, but not including "sheet metal".

(h) Construction standards must comply with the Standard Building Code (edition currently adopted by city council). The National Manufactured Housing Construction and Safety Standards Act (with applicable certification emblem), or the Georgia Industrialized Building Act (with applicable certification emblem) and National Electric Code, Standard Plumbing, Standard Mechanical Code, and Standard Fire Prevention Code.

3. Accessory buildings or uses customarily incidental to single-family residential districts, when located on the same lot and not involving business or occupation.

Section 18.103 Conditional Uses.

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

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

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

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

3. Public buildings, structure or other public land uses.

4. Hospitals and clinics.

5. Nursery schools, kindergartens or day care facilities provided that all state licensing requirements are met.

6. Other uses similar to the above and compatible with the particular

neighborhood as interpreted by the planning commission and approved by the city council.

7. Unlighted signs for above uses (limited to 2' x 4').

Section 18.104 Area, Height and Placement Requirements.

(In accordance with the schedule of regulations, article XXI).

Section 18.105 Reserved.

ARTICLE X. R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 18.106 Statement of Purpose.

The R-1 Single-Family Residential District is established as a district in which the principal use of land is for medium density single-family dwellings. For the R-1 single-family residential district, in promoting the general purpose of these regulations, the specific intent of this section is:

1. To encourage the construction of and the continued use of the land for medium density single-family residential development.

2. To discourage any land use which would generate traffic on minor or local streets, other than normal traffic to serve the residents on those streets.

Section 18.107 Permitted Uses.

1. Any use listed under section 18.102, permitted uses in R1-A.

2. Single-family detached dwellings existing at time of passage of this ordinance.

3. New single-family detached dwellings meeting requirements of section 18.102(2) except minimum floor area of 1,200 square feet.

Section 18.108 Conditional Uses.

1. Any use listed under section 18.103 of the R1-A zoning district.

2. Home occupations, as limited and defined in Article II.

3. Bed & Breakfast.

Section 18.109 Area, Height and Placement Requirements.

(In accordance with the schedule of regulations, article XXI).

Sections 18.110 - 18.115 Reserved.

ARTICLE XI. R-2, TWO-FAMILY AND MULTI-FAMILY RESIDENTIAL DISTRICT

Section 18.116 Statement of Purpose.

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

Section 18.117 Permitted Uses.

1. Any use permitted in the R-1 residential district.

2. Two-family (duplex) residential.

3. Multi-family (apartments and condominiums)*

4. Manufactured homes (including mobile homes that meet the standards required by the Standard Housing Code, or better).** Minimum floor area 720 square ft.

* For development of apartment units of only one building on a given site. The PUD development standards, article XII, will apply to apartments of more than one building on a given parcel or lot.

** Requires permanent foundation, underpinned and wheels removed. Tongue to be removed if bolted on, removed or concealed if welded.

Section 18.118 Conditional Uses.

1. Any use listed in section 18.108 (conditional uses in R-1).

2. Cemeteries, provided that a complete site development plan is submitted with the application.

3. Clubs and lodges not operated for profit provided that:

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

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

4. Clinics and nursing homes.

5. Boarding homes.

6. Nursery schools, kindergartens, day care facilities.

7. Group homes and half-way houses.

8. Professional offices.

9. Signs limited to two square feet.

10. Public buildings, structures and other public land uses.

11. Other uses similar to the above and compatible with the neighborhood and environment as interpreted by the planning commission and approved by the city council.

Section 18.119 Area, Height and Placement Requirements.

(In accordance with the schedule of regulations, article XXI).

Sections 18.120 - 18.125 Reserved.

ARTICLE XII. PUD, PLANNED UNIT DEVELOPMENT.

Section 18.126 Statement of Purpose.

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

Therefore, the zoning ordinance regulations relative to area, bulk and placement may, in the planned unit development, be modified by the planning commission and city council, in the case of a plan for a large scale development which, in the judgment of the planning commission and city council, provides adequate open space and improvements for circulation, recreation, light, air and service needs of the tract when fully developed, provided that in no case may the density of the proposed planned unit development exceed 13 dwelling units per acre and provided further that the minimum site size for the residential planned unit development is two acres.

Section 18.127 General Procedures for Pud Approval.

Any proposed property for PUD development must first be zoned to the PUD zoning classification. The PUD zoning procedure will generally follow the same procedures as other zoning requests. However, the applicant for PUD zoning shall submit a preliminary site development plan of the proposed development at the same time a petition for PUD zoning is made.

No rezoning for PUD will be granted to a petitioner until the preliminary site plan is reviewed by the planning commission and approved by the city council, respecting other property rezoning criteria established by the city.

Section 18.128 Permitted Uses.

In all PUD districts, no building or land, except as otherwise provided in this ordinance, shall be erected or used except for one or more of the following specified uses:

1. Single-family dwellings meeting requirements of section 18.102 or 18.107.
2. Duplexes.
3. Multi-family dwellings.
4. Condominiums.
5. All permitted uses in commercial zoning districts.

Section 18.129 Preliminary Review.

Preliminary review is recommended as an aid to both the developer and to the city. Under this procedure, a developer provides the information which is described below and the planning commission then acts on the information provided. This review is intended to serve as a guide for the immediate inspection of the planning commission, subject to a thorough study and analysis. Changes and additions which may have to be made before a mutual agreement is reached can be made at such time without excessive engineering or other costs to the developer.

Section 18.130 Procedure for Preliminary Approval.

An application shall be submitted to the planning commission by the owner or his authorized representative for approval of a preliminary site plan of any proposed development anticipated under the planned unit development provision of this ordinance. Appropriate copies of the preliminary plan at a scale not more than 100 feet to the inch, showing the following, shall be submitted with the application.

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

2. Names of owners of adjacent property.

3. A topographic map showing the general location of exiting property lines, streets, alleys, buildings, easements, swamps, water courses and other physical site features related to the development.

4. The proposed method of water supply, sewage disposal and storm drainage.

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

6. Date, north point and graphic scale.

7. Other information required by the planning commission to insure compliance with the provisions of this ordinance.

The developer shall furnish to the planning commission a statement indicating the proposed use to which the development will be put, along with a description of the type of building and number of units contemplated. Upon receiving approval of the preliminary plan, the developer may proceed to develop the final plan. No building permit shall be issued until approval of the final plan is given.

Section 18.131 Procedure for Final Plan Approval.

An application in writing shall be submitted to the planning commission by the owner or his authorized representative for approval of the final plan for any proposed development anticipated under the planned unit development section of this ordinance.

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

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

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

4. The proposed method of water supply, sewage disposal and storm drains and other engineering data required by the planning commission to clearly indicate the general design of said utility services. It shall be mandatory that the development use city water and sewer, electric (and gas if applicable) services and that all streets in the development be paved in accordance with city standards.

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

6. The location and dimensions to the nearest foot of building lines, alleys, easements, parks and other public properties on the property to be developed.

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

8. Date, north point and graphic scale.

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

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

11. The developer shall furnish to the planning commission a statement indicating the proposed use to which the development will be put, along with a description of the type of buildings and number of units contemplated, so

as to reveal the affect of the development on traffic, fire hazards or congestion of population.

Section 18.132 Area, Height and Placement Requirements.

(In accordance with the schedule of regulations, article XXI).

Sections 18.133 - 18.135 Reserved.

ARTICLE XIII. TH, TOWNHOUSE DEVELOPMENT.

Section 18.136 Statement of Purpose.

A townhouse development contains elements that are characteristic of both single-family and multi-family communities. Allowable density is comparable to that of multi-family dwellings, while the subdivision of land permits the fee simple sale of individual structures and lots. In permitting construction of townhouses, the city council intends:

1. To encourage home ownership in the City of Blakely.

2. To increase the variety of dwelling types in the local housing market.

3. To encourage development or redevelopment of small parcels of property in suitable areas of the city.

Section 18.137 Permitted Uses.

1. Townhouses.

2. Accessory buildings.

Section 18.138 Conditional Uses.

1. Public buildings, structures and other public land uses.

2. Home occupations (as limited and defined in article II).

Section 18.139 Area, Height, Placement and Development Requirements for Townhouses.

All townhouse developments must comply with the following requirements:

1. A townhouse development shall be located on a site that measures a minimum of one-half acre.

2. Each townhouse interior lot shall be at least 25 feet in width. Each townhouse lot located on a corner shall be at least 50 feet in width. Each interior lot that is intended to be at the end of a row of townhouses shall be at least 35 feet wide. Each lot shall contain 2,080 square feet of area or more.

3. The setback from an interior side lot line shall be a minimum of ten feet for the townhouse which is located at the end of a row of townhouses. A minimum setback of 25 feet from any side street shall be maintained. Front yard setback will be no less than 20 feet.

4. An accessory building may abut an accessory building located on an adjacent lot in the townhouse development.

5. Each townhouse dwelling unit shall contain at least 800 square feet of floor area within outside walls exclusive of basements, unfinished attics, garages, porches or other such areas not normally used for human habitation.

6. No more than four townhouses shall be built in a row having the same front building line. In setting forth these requirements, the city intends to discourage the creation of long unbroken lines of townhouses. In a townhouse complex having more than four dwelling units, the required minimum offset in the building line shall be three feet. A row or grouping of townhouses shall not exceed 260 feet in length.

7. Every townhouse lot shall have the required frontage on a public street and street or alley access to rear of lot.

8. (a) A minimum of two off-street parking spaces shall be provided for each townhouse.

   (b) Each lot shall have its own parking spaces with direct access to a public alley or street. Parking spaces and driveways are permitted in the front yard of a lot is a setback of 50 feet is maintained and the front yard is properly landscaped as determined by the planning commission.

   (c) The off-street parking provided for a townhouse may be in the rear with direct access to any alley if the alley has a minimum right-of-way width of 20 feet.

9. Fire wall construction for townhouse shall extend from the foundation to and through the roof. The walls shall be 24 inch masonry walls extending two feet beyond walls and roofs. The fire wall extension requirement will be maintained for future enlargement of townhouse units.

Section 18.140 Preliminary Review.

Preliminary review is an aid to both the developer and the city. Under this procedure, a developer provides the information which is described in section 18.141 and the planning commission and city council then act on the information provided. This review is intended to serve as a guide for the immediate inspection of the city officials, subject to a thorough study and analysis. Changes and additions which may have to be made before a mutual agreement is reached can be made at such time without excessive costs to the developer.

Section 18.141 Procedure for Preliminary Approval.

An application in writing shall be submitted to the planning commission by the owner or his authorized representative for approval of a preliminary plan f any proposed development anticipated under the Townhouse District provision of this ordinance. Appropriate copies of the preliminary plan at a scale not more than 32 feet to the inch, showing the following, shall be submitted by the applicant.

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

2. Names of owners of adjacent property.

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

4. All proposed uses of the property to be developed shall be indicated on the plan including landscaping.

5. The location and layout of all proposed residential units, lots and lot numbers.

6. Date, north point and graphic scale.

The developer shall furnish to the planning commission a description of the type of residential building and number of units contemplated. Upon receiving approval of the preliminary plan, the developer may proceed to develop the final plan. No building permit shall be issued until the final plan is reviewed by the planning commission and approved by the city council.

Section 18.142 Procedure for Final Plan Approval.

An application in writing shall be submitted by the owner or his authorized representative for approval of the final plan for any proposed development anticipated under the Townhouse District of this ordinance. Appropriate copies of the final plan, at a scale of not less than 25 feet to the inch, showing the following information shall be submitted with the application.

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

2. Names of adjacent property owners.

3. A topographic area map showing the location of existing property lines, with

existing and proposed elevations, the adjoining streets, alleys, buildings, drains, easements, water courses and the other physical site features related to the development.

4. The proposed method of water supply, sewage disposal and storm drainage and other engineering data required by the city council to clearly indicate the general design of said utility services. It shall be mandatory that the development use city water, electrical, sewer and gas, if applicable services and that all streets in the development be paved.

5. The location and dimensions of lots, building lines, alleys, easements, parks and other public properties on the property to be developed.

6. All proposed uses of the property to be developed shall be indicated on the plan including landscaping.

7. Date, north point and graphic scale.

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

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

Section 18.143 The Rezoning of Any Property for Townhouse Development Will Follow Established Rezoning Policies and Procedures.

Additionally, no rezoning of property for townhouses will be effected until preliminary development plans have been reviewed and approved for the proposed site.

Sections 18.144 - 18.145 Reserved.

ARTICLE XIV. MANUFACTURED HOME AND TRAVEL TRAILER REGULATIONS

Division 1. General Provisions.

Section 18.146 Short Title.

This ordinance [article] shall be known and referred to as the manufactured home and travel trailer regulations of the City of Blakely.

Section 18.147 Authority.

This ordinance [article] is adopted under authority of Article IX, Section II, Paragraph IV, of the Constitution of the State of Georgia.

Section 18.148 Jurisdiction.

These regulations shall govern the location and occupancy of manufactured homes and travel trailers, the design and improvement of manufactured home rental communities and subdivisions for manufactured homes, within the corporate limits of the City of Blakely, Georgia. Notwithstanding any other provisions hereof, these regulations shall not be deemed to apply to manufactured homes or travel trailers so long as the same are on a sales lot or on the premises of a manufactured home manufacturer and are not occupied as residences.

Section 18.149 Definitions.

For the purpose of this ordinance [article] certain words used herein are defined as follows:

a. *Accessory structure of use.* A detached building or parcel of land necessary as an adjunct to the establishment of a manufactured home rental community or manufactured home subdivision and services rendered to its occupants. Such term shall refer to travel trailers when in storage on a residential lot.

b. *Adjoining property line.* The boundary between a manufactured home rental community, manufactured home subdivision, or a site occupied by a manufactured home, and property in another ownership and shall, for the purposes of these regulations, include street, railroad, or utility rights-of-way.

c. *Alteration.* The relocation of manufactured homes within a development or any change in the exterior dimensions of accessory structures; also, any changes to an approved plot plan.

d. *Building permit*. A duly authorized form signed by the official authorizing the location of a manufactured home or the construction of an accessory structure.

e. *Cabana.* A semi-permanent addition to a manufactured home, measuring no greater than 900 square feet.

f. *Expansion.* The enlargement of a manufactured home rental community by the provision of further utility and road improvements or the addition of manufactured homes or travel trailers to a development, in excess of the number of improved sites existing at the time of adoption of these regulations.

g. *Hardship manufactured home, travel trailer.* Temporary placement of a manufactured home or travel trailer, on lot as a second dwelling only by permission of the Blakely Planning Commission, due to documented age or medical infirmity, allowable for one year by permit.

h. *Manufactured home* (formerly known as "mobile homes"). A detached single-family dwelling unit, designed for long-term occupancy, which normally has been prefabricated and then transported to its site or to a sales lot on its own wheels, on a detachable undercarriage, or on a flatbed or other trailer conveyance and requires only minor work before occupancy, such as connection to utilities.

i. *Manufactured home pad*. That portion of a manufactured home stand equal to the length and width of the manufactured home placed on the stand.

j. *Manufactured home rental community* (formerly known, variously, as "mobile home parks," "trailer parks", or "trailer courts"). Any person or commercial business operation which leases or rents three or more spaces for permanent or temporary occupancy for manufactured homes and, under some conditions, travel trailers.

k. *Manufactured home stand.*

1. *New stand*. A site designed for the placement of a manufactured home and its cabana, accessory structures, utility connections (including water, sewer, and power) and off-street parking facilities.

2. Existing substandard. Must be approved by the Early County Health Department prior to re-occupation.

l. *Manufactured home subdivision*. A subdivision of land intended for the sale of lots to individuals for the placement and occupancy of manufactured homes.

m. *Travel trailer*. A structure designed to be towed by a motor vehicle, such structure being not more than eight feet in width when portable, and being designed as a temporary dwelling for travel, recreational, or vacation uses. For the purposes of this definition, motor homes and motor coaches are included herein.

n. *Usable area*. The net usable portion of a lot, tract, or stand, not including any additional property within the legal boundaries of the parcel which by virtue of permanent or seasonal inundation by surface water, crossing by right-of-way or easements, steep slopes, and the like, its not suitable for the construction of habitable structures or drain fields.

Division 2. General Requirements.

Section 18.150 Application.

Any occupied manufactured home located within the corporate limits of the City of Blakely for a period exceeding 48 hours shall be located within a manufactured home rental community, a manufactured home subdivision, or in a R-2 zoning district. All manufactured homes shall additionally meet the general requirements set forth in this ordinance [article].

Section 18.151 Required Certification.

No manufactured home or travel trailer shall be allowed to be located in the City of Blakely unless it can be demonstrated that it meets the requirements of the Department of Housing and Urban Development (HUD) and is constructed in conformance with the Federal Manufactured Home Construction and Safety Standard which came into effect on June 15, 1976, and bears an insignia issued by HUD certifying such conformance. Manufactured homes constructed prior to the effective date of the above standards shall bear the Mobile Home Manufacturers Association and Trailer Coach Association (MHMA-TCA) seal. Accessory structures shall require a building permit.

Section 18.152 Required Decals.

All manufactured homes in the City of Blakely, exclusive of a sales or manufacturer's lot shall be affixed with a current decal issued by the Early County Tax Commissioner. Decals provided for each calendar year shall expire on December 31 of that year. After January 1 of each year and upon payment of all taxes due on the manufactured home, a decal for the new year will be provided for attachment to the manufactured home. After April 1 of each year, an appropriate delinquency fee plus ten percent of the amount of taxes due on that manufactured home will be assessed, in addition to the normal taxes due for that calendar year. Manufactured homes with undercarriage removed and attached to a foundation or slab will not require the display of a decal but will be based in the same manner as any other residence or building.

Section 18.153 Inspection.

a. *Manufactured home rental community*. It shall be the responsibility of the building inspector to inspect all units being placed within the confines of the development prior to the placement of the manufactured home on its standard the connection of utility services and occupancy of the manufactured home. The building inspector, at his convenience, shall inspect each manufactured home rental community within the city and the manufactured homes within these

developments to determine compliance with these regulations.

b. *Subdivision*. Manufactured homes placed within a subdivision or on any lot within the corporate limits of the city shall be inspected and permitted as required in the building code adopted by the city and amended from time to time.

Section 18.154 Connection to Water and Sewer.

Prior to the allowance of permanent occupancy of any manufactured home within the corporate limits of the city, such manufactured home shall be connected to the City of Blakely sewer system and water system. Provided, however, should the owner elect to connect to a private water source, the owner shall be charged an access fee of no greater than the minimum charge of water, provided the manufactured home is within 1,000 feet of the city water system.

Section 18.155 Regulation of Occupancy.

Occupancy of manufactured homes within the jurisdiction of these regulations shall be as follows:

a. *Manufactured home rental community*. In the event a manufactured home is placed in a manufactured home rental community, it shall conform to the approved arrangements for its site with respect to location, utilities, and registration. It shall be the responsibility of the building inspector to inspect the installation of the manufactured home prior to allowing its occupancy. It shall be the development operator's responsibility to maintain a dated log book for each manufactured home within the development, indicating the name of the occupants, its vehicle license, if so equipped, and whether it has a HMHA or TCA seal. Such records shall be available for inspection by the building inspector or other building official designated by the city.

b. *Manufactured home subdivision*. In the event a manufactured home is placed within a manufactured home subdivision, a building permit shall be required prior to the placement of the home on its foundation or the connection of utilities.

Section 18.156 Re-inspections.

If at any time for any reason electrical service is discontinued to a manufactured home or travel trailer, a re-inspection shall be necessary before any electrical service will be approved.

Section 18.157 Variance Procedure.

Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of these regulations would cause an unnecessary hardship, the Blakely Planning Commission may authorize a variance, if such variance can be made without destroying the intent of these regulations. Variances must be entered into in writing in the minutes of the Blakely Planning Commission and the reason for said variance set forth.

Section 18.158 Hardship Mobile Home/Travel Trailer Variance.

The Blakely Planning Commission may approve the placement of one hardship manufactured home or travel trailer on an occupied residential lot if it is established that a genuine hardship exists only by reason of medical disability or age and the following criteria are met:

a. The subject occupant of the manufactured home or travel trailer is a relative by blood or marriage of the owner of the property, and

b. Documentation of medical disability or age infirmity is certified by a medical doctor's statement which will be valid for a one-year period. If an extension is needed after one year, a new application for a hardship variance shall be submitted, and

c. Said manufactured home or travel trailer shall be removed from the premises within 180 days when the specified disability ceases to exist, and

d. Under no circumstances shall the manufactured home or travel trailer be rented or otherwise occupied by anyone other than the approved applicant, nor shall it be used for storage or other similar uses, and

e. The manufactured home shall be connected to the water and sewer system of the City of Blakely, and

f. The Blakely Planning Commission may impose reasonable requirements which would effect the interest of the public health, safety and general welfare.

Division 3. Travel Trailers.

Section 18.159 Application.

Any travel trailer located within the corporate limits of the City of Blakely shall meet the requirements of this ordinance [article].

Section 18.160 Occupancy.

The residential occupancy of a travel trailer shall be limited to 60-day occupancy if (1) sites specifically designed for travel trailers within manufactured home communities; (2) recreation sites or areas on state owned, company owned, county owned, or municipal owned land which have traditionally been used as camping sites or which are specifically reserved in the future for such recreational pursuits; or (3) private lots which are hereafter designed for and restricted to recreational or vacation use.

When a travel trailer is located on a lot in a residential subdivision, it shall not be utilized as

a residence or occupied permanently by household members, their guest, or as a rental unit.

Section 18.161 Permanent Travel Trailers.

Any travel trailer to be located on any parcel within the corporate limits of the City of Blakely and supplied with electrical power to be used as a permanent home for more than 30 days shall be set up according to manufactured home specifications.

Section 18.162 Storage.

Travel trailers, when located on a residential lot, shall be located at least ten feet from any residence unless it is stored within a portion of the dwelling or accessory structure. Storage of travel trailers on public rights-of-way is prohibited.

Section 18.163 Connection to Water and Sewer.

In the event that a travel trailer is occupied as a temporary residence and its plumbing facilities are in use, such travel trailer shall be connected to the City of Blakely sewer system and water system. Provided, however, should the owner elect to connect to a private water source, the owner shall be charged an access fee of no greater than the minimum charge for water, provided the travel trailer is within 1,000 feet of the city water system.

Division 4. Manufactured Home Rental Communities: General Requirements.

Section 18.164 Application.

All manufactured home rental communities within the corporate limits of the City of Blakely shall conform to the minimum requirements set forth herein.

Section 18.165 Pre-existing Manufactured Home Developments.

All manufactured home rental communities existing at the time of adoption of these regulations (fully developed with utility connections, poles, etc., water and sewer infrastructure, and manufactured home pad), are hereby declared to be conforming and shall be allowed to continue to exist and operate as presently designed and improved until expanded or abandoned. However, such manufactured home developments shall at all times conform to minimum health and sanitation codes of the City of Blakely, Early County, and the State of Georgia.

Section 18.166 Plat Required.

From and after the adoption of these regulations, each new or expanded manufactured home rental community development shall be presented in plan form for approval by the Blakely Planning Commission and shall conform to the minimum design and improvement standards required herein.

Section 18.167 Public Street Access.

No new manufactured home rental community shall be developed within the City of Blakely unless the street giving access thereto has been accepted as a public street or unless such street has obtained the status of a public street prior to the effective date of these regulations.

Section 18.168 Suitability of Land.

Land which the Blakely Planning Commission finds to be unsuitable for a manufactured home rental community development due to flooding, improper drainage, topography, utility easement, or other features shall not be developed unless adequate provision can be made for correcting any unsuitable conditions.

Section 18.169 Expansion of Existing Manufactured Home Rental Communities.

A person, firm, or corporation desiring to expand an existing manufactured home rental community to include more manufactured home sites than are accommodated within such development at the time these regulations are adopted shall submit plans and specifications for such improvements to the Blakely Planning Commission for approval prior to initiating construction and improvements.

Section 18.170 Conformance to Standards for Public Health and Environmental Protection.

The developer, insofar as such regulations may pertain to his particular project, is responsible for meeting all applicable federal, state, and municipal regulations concerning the provision of safe drinking water, sewage treatment, erosion and sedimentation control, mosquito control, and impacts on wetland and waters of the State of Georgia.

Division 5. Manufactured Home Rental Communities: Platting Procedure, Requirements, and Certification.

Section 18.171 Review and Approval of Plats.

The submission, distribution, review, and approval of preliminary and final plats for proposed new (or expansions to existing) manufactured home rental communities shall be conducted in accordance with the provisions of the City of Blakely Subdivision regulations, except for modified plat requirements for manufactured home developments which are set out in the sections below.

Section 18.172 Soil and Sedimentation Review Process.

The applicant is encouraged to meet with the Natural resource and Conservation Service (formerly SCS), Flint River District with a rough draft or sketch plan of the proposed subdivision

prior to submitting an application and preliminary plat. Although this step is not a requirement, it is helpful to aid these officials in advising the developer if a soil and sedimentation control plan is necessary. If a proposed new subdivision will have new roads or drainage improvements or a significant amount of land disturbing activity, the developer must submit a soil and erosion and sedimentation control plan. The original and five copies of this plan along with a land disturbing permit application will need to be delivered to the City of Blakely to be dispensed to the building inspector and the Soil Conservation Service. The review process may take up to 45 days from the date the plan is submitted. No land disturbing, i.e., road building, land clearing, drainage installation, etc., shall be performed until the preliminary plat has been approved and signed and land disturbing permits issued.

Section 18.173 Recommended Sketch Plan.

It is recommended that the developer present a sketch plan of the proposed manufactured home rental community (or additions to existing developments) for initial review by the Blakely Planning Commission and appropriate city departments. The sketch plan should contain the following data:

a. Type of development;

b. Approximate tract boundaries and total acreage;

c. Approximate location with respect to land lot lines;

d. Existing streets on and adjacent to the tract;

e. Proposed general internal street layout;

f. Significant topographic, physical, and historic features;

g. Generalized existing vegetation, and

h. Proposed general layout and total number of stands.

Section 18.174 Preliminary Plat Requirements.

The preliminary plat may be a sketch of approximate accuracy and of a legible scale made directly on a print of a boundary survey.

The plat shall include the following information:

a. Proposed manufactured home rental community name or identifying title and total acres.

b. Name of owner of the development or his authorized agent, if any.

c. The names of all owners of all land adjacent to the proposed development.

d. A vicinity map at a scale of not less than one inch equals two miles showing the location of the proposed development.

e. Street names, right-of-way and roadway width data for any adjacent public streets and all private streets to be included in the development.

f. Location of utilities and other types of easements.

g. Stand boundary lines, stand numbers (consecutively numbered or lettered), stand sizes, areas reserved for common use, etc.

h. Topographic maps of all land to be developed, with a two-foot contour interval, or where deemed appropriate by the Blakely Planning Commission, with a one-foot contour interval.

i. Minimum stand setback lines.

j. Numerical scale, graphic scale, north arrow, data.

k. All elevations shall be based on sea level datum as determined from geodetic control monuments or U.S. Geological Survey 7 ½ m in. quad sheets, and it shall be so stated on the plat.

l. Delineation of all areas of the proposed development which lie within established Federal Emergency Management Agency (FEMA) flood plains and/or state jurisdictional wetlands and identification of panel numbers from appropriate flood boundary maps.

m. Location of all water supplies on or off the development which will bear upon the location of the on-site sewage management systems.

n. Generalized plans for storm water management, including the proposed location of drainage ways, basins, and other improvements.

o. A Natural Resource and Conservation Service approved plan for control of erosion and sedimentation.

p. Draft of proposed restrictive lease agreements or covenants, if any, to be imposed, and designation of areas subject to special restrictions.

Section 18.175 Certificate of Preliminary Plat Approval.

At such time as the preliminary plat is approved by the Blakely Planning Commission, the

following certificate of approval shall be inscribed in the plat to indicate such approval:

> Pursuant to the Manufactured Home and Travel Trailer Regulations of the City of Blakley, Georgia, all the requirements for approval having been fulfilled, this Preliminary Plat was given approval by the Blakely Planning Commission on this _____ day of _____, 200___. This approval does not constitute approval of a Final Plat. This Certificate of Approval shall expire and become null and void on _____, 200___, one year from the above date of approval.

TABLE INSET:

_____	_____
Date	Chairman, Blakely Planning Commission

Section 18.176 Construction of the Manufactured Home Rental Community.

Construction of the development may commence only after approval of the preliminary plat by the Blakely Planning Commission. The developer shall arrange periodic inspections of the course of construction. If , within one year from the date of approval of the preliminary plat by the Blakely Planning Commission, no substantive development has taken place, the approval will then be null and void. Substantive development may be evidence by (1) actual construction of utilities and/or infrastructure, (2) a demonstration of reliance and change of position as evidenced by the securing of a construction loan, purchase of construction materials, or the execution of valid contracts to commence construction work on the site within one year of approval by the Blakely Planning Commission.

Section 18.177 Final Plat Application.

The final plat application shall contain:

a. A letter of application and intent containing the name and address of a person to whom notice may be sent. The developer shall state that all required minimum improvements have been made and that the manufactured home rental community is available for occupancy.

b. A complete list of deviations, if any, from that which appeared on the approved preliminary plat.

c. A certified copy of all private covenants or lease restrictions if any, pertaining to land within the development.

d. A copy of the agreement between the developer and any other political jurisdictions, if any, regarding the arrangements for providing the necessary water and sewer

facilities.

e. An original reproducible on plastic or linen and 12 prints of the final plat.

f. Design and calculations for the storm water drainage system, including elevations and capacities of pipes and holding basins. This plan shall be designed so as to meet all applicable state and federal requirements.

g. A plan showing the location of all water, sewer, gas, and electrical system improvements, including locations of service connect ions.

h. If the proposed water/sewer system for the development requires the approval of the Georgia Department of Natural Resources, the approval shall be obtained prior to making application for approval of the final plat. The approval shall be in writing to the mayor and city council.

Section 18.178 Final Plat Requirements.

The final plat shall show the following:

a. Control points and benchmarks with necessary description and locations of such control points, including all dimensions, angles, bearings, and similar date necessary for proper locations.

b. Tract boundary lines, right-of-way lines of adjacent public streets and internal private streets, easements, other internal, private rights-of-way, and other reserved sites, with accurate dimensions, bearings, or deflections angles, radii, and area and central angle of all curves. All private streets shall be clearly labeled as such.

c. Names of internal, private streets.

d. Location, dimensions, and purposes of any easements.

e. Number or letter to identify each manufactured home stand.

f. Purpose for which sites, other than individual stands, are dedicated or reserved.

g. Minimum building setback lines on all stands and other reserved sites.

h. Location and description of monuments.

i. Names of owners of adjoining land.

j. Reference to recorded subdivision plats, if any, of adjoining platted land by recorded names, date, and number.

k. Certification by registered surveyor or registered engineer to accuracy of survey and plat.

l. Declaration of land ownership.

m. Title, numerical scale, graphic scale, north arrow, total project acreage, and date.

n. A vicinity map, shown either as an insert or on a separate sheet and at a scale of not less than one inch equals two miles, showing the location of the proposed development.

o. Delineation of flood hazard zones and the accompanying community panel number of statement that the property is not in a flood zone.

p. Topographic contour lines at two-foot intervals.

Section 18.179 Certificate of Final Plat Approval.

At such time as the final plat may be approved by the Blakely Planning Commission and subsequently by the mayor and city council, the following certificates of approval shall be inscribed on the plat to indicate such approval by these bodies.

a. Pursuant to the Manufactured Home and Travel Trailer Regulations of the City of Blakely, Georgia, all the requirements for approval having been fulfilled, this Final Plat was given approval by the Blakely Planning Commission on this _____ day of _____, 200___.

TABLE INSET:

_____	_____
Date	Chairman, Blakely Planning Commission

b. All requirements for approval having been fulfilled and approval having been made by the Blakely Planning Commission, this Final Plat was given approval by the Mayor and Council of the City of Blakely on this _____ day of _____, 200___.

TABLE INSET:

_____	_____
Date	Mayor, City of Blakely

Division 6. Development Size and Space Requirements.

Manufactured home rental communities shall conform to the requirements set forth below.

Section 18.180 Minimum Area of Tract.

A manufactured home rental community shall have a minimum size of two acres, shall front upon a highway or platted street which shall have a minimum right-of-way of 60 feet, and shall conform to the requirements of "access" contained in section 18.186.

Section 18.181 Minimum Number of Spaces.

A manufactured home rental community shall have a minimum of three spaces prepared with all improvements in place prior to final approval. The Blakely Planning Commission may allow development of a rental community in stages or parcels according to an approved construction plan.

Section 18.182 Length of Residential Occupancy.

No space within a manufactured home rental community shall be rented for residential use of a manufactured home except for periods of 30 days or more. Provided, however, in the event a manufactured home rental community fronts a state or federal highway and the development owner desires to lease space for travel trailers or for short time occupancy of a manufactured home, the developer shall prepare and reserve an area containing a minimum of six spaces improved for temporary use in an area separate and screened from view of spaces leased for permanent occupancy.

Division 7. Design Requirements.

The design of a manufactured home rental community shall conform to the following requirements.

Section 18.183 Setback.

A manufactured home rental community shall be designed so that manufactured homes and their accessory structures shall observe the following minimum distances from rights-of-way and/or property lines.

TABLE 1. SETBACK PER STAND IN FEET

TABLE INSET:

*Front	Side	Rear
25' (interior boundaries)	10'	15'
40' (exterior boundaries)	15'	15'

Section 18.184 Minimum Stand Size.

A manufactured home rental community shall be designed in such a manner that each manufactured home rental stand will have usable area of not less than 4,500 square feet.

Section 18.185 Typical Stand Layout.

The developer will provide, along with the plats submitted for preliminary and final approval, a typical manufactured home stand layout, using a 60-foot long manufactured home as typical rental. Dimension and setback shall be designated on the plat in order in insure conformity to section 18.201 of these regulations.

Section 18.186 Access.

All manufactured home rental communities shall provide a private internal collector street system, with a minimum 40-foot right-of-way, connecting with a public maintained street. Each manufactured home or travel trailer site and its parking area shall have direct access to the internal street system of the development. No individual stand, however, shall have direct access to a state or city maintained roadway.

Section 18.187 Streets.

All streets within a manufactured home rental community shall be privately owned, constructed, and maintained. Such private streets shall be well-drained, provided with a minimum hard surface of 20 feet for one-way streets and 30 feet for two-way streets, with on-street parking prohibited, and meeting the standards established by the governing authority.

Section 18.188 Parking.

Each manufactured home stand shall be provided with a minimum of two off-street parking spaces. Parking on the interior streets within a development is hereby prohibited.

Section 18.189 Density.

Density of manufactured home stands within a manufactured home rental community shall be governed by the provisions of section 18.184 of these regulations.

Section 18.190 Recreation.

Manufactured home rental community owners are encouraged to devote a minimum of five percent of the gross site area to recreational facilities for community residents.

Section 18.191 Manufactured Home Pad.

Each manufactured home stand shall be provided with a hard surface equal to the length and width of the manufactured home for which the stand is designed.

Division 8. Required Improvements.

Section 18.192 Sewerage.

All manufactured home rental communities shall be provided with a sewerage collection system designed to comply with the requirements of the City of Blakely and shall be connected to the City of Blakely sewer system by the owner developer and shall be dedicated to the City of Blakely with all necessary easements.

Section 18.193 Water.

An approved potable water supply meeting all requirements of the City of Blakely shall be provided by the developer operator and shall be connected to the City of Blakely water system by the owner developer and shall be dedicated to the City of Blakely with all necessary easements. Provided, however, should the owner developer elect to construct and maintain a private water system, the owner shall be charged an access fee of no greater than the minimum charge for water for each rental unit, provided that the development is within 1,000 feet of the city water system.

Section 18.194 Easements.

Publicly dedicated easements of proper size for their intended purpose shall be provided within the development if service to individual manufactured home stands and accessory structure uses is to be provided by a public utility system.

Section 18.195 Utility Placement.

All water, sewer, or gas lines shall be buried a minimum of 12 inches below the finished ground surface of the development and shall be provided with an adequate valve system to allow the cutoff of utility service to a manufactured home stand at the manufactured home stand and at the entrance of the utility system into the development. If overhead lines are provided within the development, such lines shall be a minimum of 15 feet above the grade of the interior streets and so placed that no wires extend over the manufactured home stand.

Section 18.196 Street Name and Traffic Control Signs.

Each internal street within the development shall be identified by the installation of a permanent street sign. Traffic control signs (stop, yield, speed limit, etc.) shall be placed throughout the development where necessary. All street name and traffic control signs shall be installed by the

city and the cost thereof paid by the developer prior to final plat approval.

Section 18.197 Lighting.

All recreation areas, community entrances, community streets, and pedestrian easements shall be illuminated to at least 0.3 candles by properly shielded lighting fixtures.

Section 18.198 Mail Facilities.

It shall be the responsibility of the developer to provide an approved mail delivery box for each manufactured home stand. For any development with a density of four units per acre or greater, a cluster mail box, of a design approved by the United States Postal Service, shall be provided at a central location to serve the residents of the community. The developer is encouraged to consult with local postal authorities as to the best type of box to be used and where it may be located to best serve the proposed community.

Section 18.199 Garbage and Refuse.

The rental community shall be provided with a garbage collection service which maintains a collection schedule of at least two collection(s) per week. Adequate containers, maintained in a rodent and vermin proof condition, shall be easily accessible to or within each manufactured home stand and in sufficient number and placement to service all manufactured home stands in the development. Refuse collection shall be provided on a weekly basis to remove debris from the development.

Refuse on an occupied manufactured home stand shall be the responsibility of its occupant and shall be removed to designated areas.

Division 9. Manufactured Home Stand Improvements.

Each manufactured home stand shall be provided with the following minimum requirements.

Section 18.200 Interior Street Access.

Each stand shall be provided with access frontage of at least 30 feet.

Section 18.201 Electric Power Supply.

Each stand shall be provided with an adequate, properly grounded, water-proof electrical receptacle with a minimum rated capacity of 200 amps. A property sized over current device shall be installed as a part of each power outlet.

Section 18.202 Sewerage Disposal.

Each stand shall be provided with the means of disposing of kitchen, bath and putrescible waste directly into an installed septic tank system or an approved community sewerage collection system.

Division 10. Manufactured Home Subdivisions.

Section 18.203 Platting and Development.

Subdivisions designed for manufactured home occupancy shall be platted and developed under the procedures established and required under the subdivision regulations of the City of Blakely.

Division 11. Enforcement.

Section 18.204 Designated Official.

The provisions of these regulations shall be enforced by the official so designated by the governing authority. Such designated official shall have the right to enter any manufactured home development area at any reasonable time for the purpose of making inspections of manufactured homes, accessory structures, and development facilities necessary to carry out his duties in the enforcement of these regulations.

Division 12. Manufactured Home Rental Community: License Required.

Section 18.205 General Requirement.

Each manufactured home rental community located within the corporate limits of the City of Blakely must obtain a license for the operation of said manufactured home rental community.

Sections 18.206 - 18.210 Reserved.

ARTICLE XV. O-I OFFICE-INSTITUTIONAL DISTRICT.

Section 18.211 Statement of Purpose.

The intent of this district is to encourage and provide suitable areas within the city for office, businesses, institutional and related activities with a minimum of interference from excess traffic and conflicting land uses.

Section 18.212 Permitted Uses.

1. Professional offices, hospitals, clinics (other than veterinary) and clinic laboratories, nursing rest homes, group homes, half-way houses and personal care homes.

2. Pharmacies, florist shops, mortuaries.

3. Nursery schools, kindergarten or day care facilities.

4. Boarding houses.

5. Financial institutions.

6. Beauty and/or barber shops and similar personal service establishments.

Section 18.213 Conditional Uses.

1. Publicly owned buildings, utilities.

2. Retail sales of goods and services.

3. Churches.

4. Other similar and compatible uses.

Section 18.214 Area, Height and Placement Requirements.

(In accordance with the schedule of regulations, article XXI).

Sections 18.215 - 18.220 Reserved.

ARTICLE XVI. AG, AGRICULTURAL DISTRICT.

Section 18.221 Statement of Purpose.

The purpose of the Agricultural District within the City of Blakely is to provide for continuing agricultural related development but where the present application of non-agricultural related zoning controls would be unreasonable or premature.

Section 18.222 Permitted Uses.

1. Agriculture related activities.

2. Single-family detached dwellings, subject to section 18.22, "only one main structure (principal Use) per lot or tract of land.

3. Cattle are permitted on tracts of not less than five acres in size, provided that not more than 1 cow per acre shall be permitted; provided further, however, that provision satisfactory to and approved by the Building Inspector shall be made to prevent any such animal from coming within a distance of 75 feet of the nearest part of any dwelling building.

Section 18.223 Conditional Uses.

1. Animal hospitals.

2. Dog kennels.

3. Churches.

4. Cemeteries.

5. Public utilities and public buildings.

6. Home occupations (as limited and defined in article II).

Section 18.224 Area, Height and Placement Requirements.

(In accordance with the schedule of regulations, article XXI).

Sections 18.225 - 18.230 Reserved.

ARTICLE XVII. B, NEIGHBORHOOD BUSINESS DISTRICT.

Section 18.231 Statement of Purpose.

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

Section 18.232 Conditional Uses.

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

2. Clubs and lodges (see section 18.103,2).

3. Childcare centers and kindergartens and special schools.

4. Professional offices.

5. Restaurants, in existing structures with no more than 2,00 square feet of floor space devoted to such use.

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

7. Churches.

8. Other uses similar to the above, subject to the following restrictions:

   (a) All business shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

   (b) All business, servicing or processing shall be conducted within completely enclosed buildings. Change of ownership would be permitted, but change in nature of business would have to be approved by planning commission.

Section 18.233 Area, Height and Placement Requirements.

(In accordance with the schedule of regulations, article XXI.)

Sections 18.234 - 18.235 Reserved.

ARTICLE XVIII. CBD, CENTRAL BUSINESS DISTRICT.

Section 18.236 Statement of Purpose.

The CBD Central Business District is intended to protect and promote suitable areas for business and commercial uses which benefit from proximity to each other, to encourage the eventual elimination of uses inappropriate to a central business area and to encourage the intensive development of a centralized business center for the City of Blakely.

Section 18.237 Permitted Uses.

1. Retail business and service establishments.

2. Financial institutions.

3. Hotels.

4. Professional offices.

5. Other uses similar to the above and subject to the following regulations.

   (a) All business establishments shall be retail or wholesale or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

   (b) All business, servicing or processing, shall be conducted within completely enclosed buildings.

Section 18.238 Conditional Uses.

1. Churches.

2. Clinics and nursing homes.

3. Publicly owned and operated buildings and public utilities.

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

5. "Loft" residential over existing businesses.

Section 18.239 Area, Height and Placement Requirements.

(In accordance with the schedule of regulations, article XXI).

Sections 18.240 - 18.245 Reserved.

ARTICLE XIX. C, COMMERCIAL DISTRICT.

Section 18.246 Statement of Purpose.

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

Section 18.247 Permitted Uses.

1. All permitted uses in the CBD District.
2. Motels, hotels.
3. Automobile sales and auto service.
4. Service stations.
5. Agricultural implement sales and service.
6. Wholesale stores, storage buildings, warehouses, mini-warehouses, distributing plants, freezers and lockers.

Section 18.248 Conditional Uses.

1. Small fabrication and manufacturing shops, when employing not more than ten employees in the office and manufacturing operations.
2. Cemeteries.
3. Churches and other religious institutions.
4. Hospitals, clinics and nursing homes.
5. Publicly owned and operated buildings.
6. Schools.
7. Open air business.
8. Residences, existing at time of passage of the zoning ordinance, or existing

structures readily adaptable to residential use in commercial zones, and providing such residences are made to conform to building, electric and plumbing codes.

Section 18.249 Protective Screening.

Protective screening requirements of C Districts adjacent to or near residential districts shall be in compliance with the regulations set forth in section 18.29.

Section 18.250 Area, Height and Placement Requirements.

(In accordance with the schedule of regulations, article XXI).

Sections 18.251 - 18.255 Reserved.

ARTICLE XX. "I" INDUSTRIAL DISTRICT.

Section 18.256 "I" Industrial District.

The intent of this section is to permit certain industries which are of a light manufacturing character to locate in planned areas of the city, so that such uses may be integrated with land use, such as commercial and residential areas. It is further intended that these light industrial uses will act as a transition between heavier industrial uses and non-industrial uses.

Section 18.257 Permitted Uses.**

1. Any use permitted in "B", "CBD", or "C" districts.
2. Bakeries, baking plant, wholesalers, etc.
3. Bottling or packaging of cleaning compounds, polishes, seeds, etc.
4. Building equipment, building materials, lumber, sand, gravel yards and yards for contracting equipment, maintenance or operating equipment or public agencies or public utilities or materials or equipment of similar nature.
5. Carpet manufacturing.
6. Carpenter and cabinet-making shops.
7. Cold storage plants.
8. Dental, surgical and optical goods manufacturing.
9. Electronic manufacturing and assembly plants.
10. Electric motors and generators, rebuilding and repairing.
11. Research and testing laboratories.
12. Pharmaceutical products manufacturing.
13. Printing, engraving and bookbinding shops.
14. Soft drink bottling establishments.
15. Tool, die, gauge and machine shops.
16. Processing agricultural products other than meat, poultry or animal products.
17. Wearing apparel manufacturing.

18. Natural gas and petroleum products storage.

19. Plastics products manufacturing, but not including processing of raw materials.

20. Warehouse, storage and transfer; electric and gas service buildings and yards, public utility buildings, telephone exchange buildings and sub-stations, gas regulator stations.

21. Building, electrical, glazing, conditioned air, painting, paper hanging, plumbing, or roofing contractors' establishments (including outside storage yards, when screened to restrict view from streets).

22. Moving or storage offices and/or warehouses.

23. Publicly owned buildings, public utility buildings and service yards including storage yards.

**Within any "I" industrial district the following special regulations will apply to all permitted uses:

1. All open portions of any lot shall be suitably graded and, except when paved or similarly improved, they shall as a minimum, be seeded and maintained in grass. Preferably, such open spaces may be further landscaped with trees, shrubs and ground cover.

2. All storage drives, access roads and parking areas shall be paved.

3. All storage operations shall be fully enclosed, screened from public view.

4. Provision shall be made for the adequate lighting of all parking areas and service drives.

5. Satisfactory provisions shall be made for storm drainage, sanitary sewerage and water supply. Whenever possible, all power and telephone lines shall be provided for by easements along rear and side lot lines.

Section 18.258 Conditional Uses.

The intent of this section is to provide for the development in desirable areas of the city, of those heavier industrial establishments which may create some nuisance and which are not properly compatible with any of the development proposed for the other districts. These uses are primarily of a manufacturing, assembling and fabricating nature. Reasonable regulations apply to uses in this district so as to permit the location of industries which will not cause adverse effects on residential

and commercial areas of the city.

Section 18.259 Uses Permitted after Approval by the Planning Commission.

1. Machinery assembly plants.
2. Canning factories.
3. Chemical plants.
4. Cement, lime, gypsum or plaster of paris manufacturing.
5. Incineration of garbage or refuse.
6. Metal stamping and pressing plans.
7. Smelting of ferrous or non-ferrous metals.
8. Stock yards, slaughter houses and meat packing plants.
9. Reformatories, prisons, correction or penal institutions, but not including prison farms.
10. Residential provisions for employees, subject to following provisions: Residences may be mobile homes or site built structures, must comply with electrical, plumbing, building and zoning codes, and must be screened to restrict view from streets (can be accomplished by location behind buildings fencing, or other means approved by the planning commission.
11. Uses similar to permitted or conditional uses listed above.

Section 18.260 Area, Height and Placement Requirements.

(In accordance with the schedule of regulations, article XXI).

Sections 18.261 - 18.265 Reserved.

ARTICLE XXI. SCHEDULE OF REGULATIONS.

Section 18.266 Schedule of Regulations.

TABLE INSET:

Zoning District	Minimum Lot Area	Minimum Lot Width Ft.	Setback From Property			Minimum Floor 1' (Living Area) Sq. Ft.	Maximum Height Ft.	Elevation*
			Front Yard Ft.	Side Yard Ft.	Rear Yard Ft.			
R-1A	15,000	100	35	15	30	1500	35	1 ft.
R-1	12,000	100	35	10	30	1200	35	1 ft.
R-2								
1 Family	9,000	75	35	10	30	720	35	1 ft.
2 Family	9,000	75	35	10	30	720	35	1 ft.
Multi-Family	4,000 per d. u.	75	35	12	30	600	35	1 ft.
PUD	Refer to Article XII		35	15	30	--	35	1 ft.
TH	Refer to Article XIII					800		
O-I	--	75	35	10	30	720	35	1 ft.
B	--	75	35	10	20	--	35	1 ft.
CBD	--	--	--	--	--	--	35	1 ft.
C	--	75	35	10	20	--	35	1 ft.
I	--	75	30	20	40		35	1 ft.
AG	5 acres	300	30	10	35	--	35	1 ft.
MH	Refer to Article					600		

*Minimum floor elevation in all districts, one foot above street level for storm drainage (or drawing by engineer or surveyor showing disposal of storm water). Any floor below street level

requires engineer or architect certification of drainage. No “storm” drainage will be routed to sanitary sewers.

ARTICLE XXII. ADMINISTRATION AND ENFORCEMENT.

Section 18.267 Enforcement.

The building official shall enforce this ordinance and is hereby given the authority and responsibility to enforce all provisions of this ordinance under the direction of the Mayor and Council which includes but is not limited to the following duties.

1. To serve as a liaison between the Blakely Planning Commission and the mayor and council keeping each body advised of pending actions pertaining to zoning.

2. To serve as a non-voting ex-officio member of the Blakely Planning Commission to provide technical assistance in matters relating to zoning requests.

3. To maintain in a timely and current manner the official zoning map reflecting thereon any and all rezoning amendments approved by mayor and council. Amendments of the official zoning map will be recorded by the building inspector within seven calendar days following approval of such action by mayor and council.

4. To perform any other zoning duties as directed by mayor and council and city manager.

Section 18.268 Permits.

The following shall apply in the issuance of any permits:

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

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

Section 18.269 Certificates of Occupancy.

It shall be unlawful to use or permit the use of any land, building, or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired or moved, until the building inspector has issued a certificate of occupancy stating that the provisions of this ordinance have been complied with.

1. *Certificate validity*. The certificate of occupancy as required for new construction of, or renovations to existing buildings and structures, in the building code, shall also constitute certificates of occupancy as required by this ordinance.

2. *Temporary certificates.* Temporary certificates of occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such temporary certificate of occupancy shall not remain in force more than six months, nor more than five days after the building or structure is fully completed and ready for occupancy and, provided further, that such portions of the building or structure are in conformity with the provisions of this ordinance.

3. *Records of certificates.* A record of all certificates of occupancy shall be kept in the office of the building inspector and copies of such certificates of occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.

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

5. *Application for certificates*. Certificates of occupancy shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or alteration of such building shall have been completed in conformity with the provisions and requirements of this ordinance. If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and the cause thereof within ten days.

Section 18.270 Fees.

Fees for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of this ordinance shall be collected by the building inspector in advance of the issuance of such permits or certificates.

The amount of such fees shall be established by the city council from time to time, and shall cover the cost of inspection and supervision resulting from the enforcement of this ordinance. The fees shall be deposited with the city clerk.

Section 18.271 Amendments.

The city council of the City of Blakely may amend, supplement or change the regulations or the district boundaries of this ordinance as established herein,. The procedure for submitting a request for an amendment to the zoning ordinance text or district boundaries of the official zoning map shall be as follows:

1. The applicant shall complete and submit to the city clerk a rezoning application not less than 15 days of the next scheduled planning commission meeting.

2. At the time of application submittal, the applicant shall deposit the appropriate fee amount with the city clerk to cover the cost of processing the application.

3. Within ten days of the next scheduled planning commission meeting, the city clerk shall compile all of the rezoning requests for the planning commission agenda, which shall be mailed to all planning commission members.

Section 18.272 Zoning Policies and Procedures.

a. The following policies and procedures are herein established to provide guidelines for the following zoning activities.

1. The adoption of a new zoning ordinance (text and map).

2. The adoption of an amendment to the zoning ordinance which changes the text of the zoning ordinance (text amendment).

3. The adoption of an amendment to the zoning ordinance which changes property from one classification to another (map amendment).

4. Procedural requirements for amendments requested by property owners for zoning amendments applicable to particular properties.

5. Procedural requirements for amendments, text or map, for changes on a larger scale, (applying to large areas on the map, or to general text, and making it impractical to post signs on individual properties affected).

b. Procedures for rezoning requests by property owners for changing zoning classification of particular properties.

1. An application for rezoning must be filed with the city clerk at City Hall on a prescribed form and fees paid as set by the council.

2. All applications for rezoning will be accompanied by a plat of the parcel(s) concerned. If boundaries of the parcel(s) conform to boundaries as shown in the plat book (county tax records), plat book page, block and parcel responsible for verifying ownership.

3. The city clerk will inform the applicant of the hearing dates. The Blakely Planning Commission will convene a hearing and make their recommendation to the city council for the official public hearing. Public notice will appear not less than 15 days or more than 45 days before the official public hearing.

4. The public notice will show: The location of property to be affected, the present zoning classification, the proposed zoning classification, and the date, time and place of both the planning commission hearing and the public hearing to be held by the city council.

5. The city clerk shall post upon the property for which rezoning is to be considered a sign of no less than 17" x 24" announcing the public hearings, showing the dates, times and places for the hearings, the present and proposed zoning classification. The sign shall be clearly visible from a public street and shall be erected no less than 15 days before the public hearing date.

6. When the boundary lines of an established zoning district are proposed for change (rezoning) the Blakely Planning Commission and the city council shall make an assessment of each such proposed rezoning, considering the following factors in their recommendations and decisions:

   (a) Existing uses and zoning of nearby property.

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

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

   (d) The relative gain to the public, as compared to the hardship imposed

upon the individual property owner by the existing (or proposed) zoning classification.

(e) The suitability of the subject property for the purposes proposed.

(f) The impact of the proposed zoning change and development on city streets, utilities and other public facilities.

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

(h) Conformity with the city's comprehensive plan.

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

8. The presider of each respective public hearing will review, for those present, the following operating procedures for the public hearing.

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

(b) The person speaking will be allowed a reasonable amount of time to express opinions and make comments.

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

(d) Appropriate minutes will be recorded by the planning commission and the city council at their respective public hearings.

9. The Blakely Planning Commission shall prepare and submit the necessary minutes, evaluations and recommendations to the city council prior to the city council's official public hearing.

10. The city council, at its official public hearing, will review the evaluations and recommendations from the planning commission and may choose to adopt, reject or modify the planning commission recommendations, or the business may be tabled, for additional study, to the next regular council meeting.

11. Any application for rezoning of a particular parcel of property which is denied by the city council may not be reconsidered for a period of 12 months after the denial except after a council decision by a two-thirds vote for reconsidering the proposal.

c. Procedural requirements for amendments, text or map, on a larger scale.

1. In the case of developing an initial zoning plan (map and text), updating or amending an existing zoning plan or considering rezoning of large areas of the city (making the posting signs on individual properties concerned impractical), the Blakely Planning Commission and the city council, will where appropriate, utilize any new existing land use studies, land use plans or other relevant documents as a resource for considering amendments.

2. Upon the completion of a preliminary zoning document by the planning commission and after the draft document has been presented to and reviewed by the city council, public hearings will be scheduled by both the planning commission and the city council. The official public hearing will be held by the city council, and public notice will be given not less than 15 days or more than 45 days prior to the official hearing date. To the extent practical the guidelines established in subsection B, paragraph 6, above, will be considered.

3. Public hearing notices will be published in the Early County News. The public notice will state the time, place and purpose of the hearing.

Sections 18.273 - 18.275 Reserved.

ARTICLE XXIII. ZONING APPEALS.

Section 18.276 Zoning Appeals made to the Mayor and City Council.

As used herein the terms "the ordinance" or "this ordinance" refer to chapter 18 of the Code of Ordinances of the City of Blakely, Georgia.

The Mayor and City Council shall have the power to hear and consider zoning appeals as set forth herein. As used in this Article XXIII, the term "board" shall refer to the Mayor and City Council acting in their capacity to hear and consider zoning appeals. The Mayor and City Council shall execute their duties under this Article in such a way that the objectives of the ordinance shall be observed, public safety secured, and substantial justice done.

The power of authority to alter of change the zoning ordinance or the zoning map is reserved to the City Council.

Section 18.277 Rules and Procedures.

The board shall have authority to adopt rules of procedure as to zoning appeals. The board may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk or zoning administrator and shall be a public records. The decisions of the board shall be by resolution, which resolution shall be sent to the appellant. No appeal requesting the same relief in regard to the same property shall be received or heard b y the board for a period of 12 months following the date if said resolution, except that this limitation shall not affect the right of said board to grant a rehearing as provided in the rules of procedure adopted by said board.

Section 18.278 Meetings.

All meetings of the board shall be held at the call of the Mayor or any member of the City Council, and at such times as the board may determine. All meetings of the board shall be open to the public, the board shall keep minutes of its proceedings showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the City Clerk or zoning administrator and shall be a public record.

The board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and compel the production of books, papers, files and other evidence pertinent to the matters before it.

Section 18.279 Appeals and Review.

An appeal may be taken to the board by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the zoning administrator. Such appeals shall be taken within such time as shall be prescribed by the board's general rules by filing with the City Clerk or zoning administrator and with the board a notice of appeal specifying the grounds thereof. The City Clerk or zoning administrator shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board, after the notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, other than by a restraining order, which may be granted by a court of record.

The board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties concerned by public notice in the Early County legal organ or by a posting on the property concerned. The board shall decide the appeal within a reasonable period of time and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The planning commission shall be notified of any such hearing and be invited to attend.

Section 18.280 Fee for Appeals.

A fee in the required amount shall be paid to the City Clerk at the time notice of the appeals is filed, unless payment of such fee is waived by the general rules adopted by the board.

Section 18.281 Powers of Board of Zoning Appeals Concerning Variances.

The board shall have the following specific powers and duties:

1. *Purpose.*

   (a) To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement of this ordinance.

   (b) To authorize upon appeal in specific cases such variances from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in unnecessary hardship so that the spirit of this ordinance shall be observed, public safety and welfare secured and substantial justice

done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the board that:

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

(2) The application of this ordinance to this particular piece of property would create an unnecessary hardship; and

(3) Such conditions are peculiar to the particular piece of property involved, and not of the making of the applicant; and

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

In exercising the above powers, the board of appeals may, in conformity with the provisions of this ordinance, reverse or affirm wholly or partly, or may modify the order, requirements, decision or determination and to that end, shall have all the powers of the officer from whom the appeal is taken in relation to this ordinance and may issue or direct the issuance of a permit.

2. *Authorization.* In hearing and deciding appeals, the board shall have the authority to grant such variances there from as may be in harmony with their general purpose and intent, so that the function of this ordinance be observed, public safety and welfare secured, and substantial justice done, including the following:

(a) Interpret the provisions of the ordinance in such a way as to carry out the intent and purpose of the plan as shown upon the zoning map fixing the use districts, accompanying and made part of this ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid. In case of any question as to the location of any boundary line between zoning districts the board shall interpret the zoning map after recommendation from the planning commission.

(b) Permit the modification of the off-street automobile parking space or loading space requirements where, in the particular instance, such

modifications will not be inconsistent with the purpose and intent of such requirements.

(c) Permit such modification of the area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or so located within relation to surrounding development or physical characteristics that it cannot otherwise be appropriately improved without such modification.

(d) Permit temporary buildings and uses for period not to exceed six months.

(e) Establish performance bonds to insure compliance of any requirement which may be deemed necessary for approving any variance.

3. *Application*. The concurring vote of two-thirds of the members of the board shall be necessary to reverse any order, requirements, decision or determination of the building inspector in favor of the applicant in any matter upon which it is authorized by this ordinance to render a decision.

4. *Standards.* In consideration of all appeals and all proposed variations to this ordinance, the board shall, before making any variations from the ordinance in a specific case, first determine that the proposed variation complies with the conditions set forth in section 18.281(1); and in addition meets the following general standards.

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

(b) The proposed use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.

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

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

5. *Conditions.* The board, acting on any appeal in connection with a request for waiver, may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the foregoing standards.

In exercising the above powers, the board may reverse or affirm wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made and to that end, shall have all the powers of the zoning administrator from who the appeal is taken in relation to this ordinance.

Section 18.282 Approval Period.

No order of the board permitting the erection or alteration of a building shall be valid for a period longer than six months unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

Sections 18.283 - 18.290 Reserved.

ARTICLE XXIV. INTERPRETATION, APPLICATION, VIOLATIONS, VALIDITY, CONFLICT AND EFFECTIVE DATE.

Section 18.291 Interpretation, Purpose and Conflict.

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

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

Section 18.292 Violations and Penalties.

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

Section 18.293 Validity.

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

Section 18.294 Conflicting Provisions Repealed.

All other ordinances and parts of ordinances in conflict with this ordinance, to the extent of such conflict and not further, are hereby repealed.

Section 18.295 Effective Date.

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

ARTICLE XXV. SOLAR PANEL USAGE.

Section 18.296 Solar Energy System, Building Mounted.

A building-mounted solar energy system shall be subject to the following regulations:

a. Location

Building mounted solar energy systems shall be allowed in all zoning districts.

b. Placement.

1. No solar energy system shall be mounted or affixed to any freestanding wall or fence.

2. Panels and building mounts shall be installed per manufacturer's specifications.

3. In residential zoning districts, the townhouse developments, the office institutional district, the neighborhood business district and in the central business district, a solar energy system for aesthetic reasons, shall not be located on the front slope of a pitched roof of a principal residential structure unless no other location for the solar energy equipment is feasible. The city may require sun and shadow diagrams specific to the installation to ensure compliance with this provision.

4. Glare: All solar panel energy systems shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.

c. Height.

Building-mounted solar panels or systems shall not exceed four feet above the height of any principal building on the site.

d. Permits and Code Compliance.

A building permit shall be required for installation of all building-mounted solar energy systems.

Section 18.297 Solar Energy System, Ground Mounted.

A ground-mounted solar energy system shall be subject to the following regulations:

a. Location

Permitted Districts:
AG, Agricultural District
C, Commercial District
I, Industrial District

Prohibited Districts:
R-1A, Single Family Residential District
R-1, Single Family Residential District
R-2, One, Two and Multiple Family Residential District
PUD, Residential Planned Unit Development
TH, Townhouse Residential District
OI, Restricted Office Institutional
CBD, Central Business District
B, Neighborhood Business District

b. Placement.

1. A ground-mounted solar energy system shall not be located within the front yard set-back area set forth on Article XXI. In district where no front yard set-back is required, the ground-mounted solar energy system shall not be located within 30 feet of the road fronting the piece of property.

2. A ground-mounted system shall not be located over a septic system, leach field area or identified reserve area unless approved by the Health Department.

3. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.

4. Panels and ground mounts shall be installed per manufacturer's specifications.

5. All ground-mounted solar energy systems shall be placed so that concentrated solar radiation or glare does not project onto near by structures or roadways.

c. Maximum Area Coverage.

A solar energy system shall not exceed 50% of the footprint of the principal building served. For residential properties located in agricultural districts, a ground-mounted solar energy system shall not exceed 25% of the footprint of the principal building served.

d. Height.

The maximum height of a ground-mounted solar energy system shall not exceed the maximum building height for accessory buildings in the zoning district in which it is located, set forth in Section 18.266.

e. Permitting.

A building permit is required for any ground-mounted solar energy system and for the installation of any thermal solar energy system.

Section 18.298 Solar Energy Facility or Solar Farm.

In districts where permitted, a "solar energy facility" or "solar farm," as defined in Section 18.6, shall be subject to the following regulations:

a. Location

Permitted Districts:
AG, Agriculture
I, Industrial

Prohibited Districts:
R-1, Single Family Residential District
R-2, One, Two and Multiple Family Residential District
PUD, Planned Unit Development
TH, Townhouse Development District
OI, Office Institutional
B, Neighborhood Business District
C, Commercial District
CBD, Commercial Central Business District
MH, Manufactured Home District

b. Mounting.

1. Solar panels or solar arrays shall be mounted onto a pole, rack or suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components, in accordance with applicable building permit requirements. Electrical components of the facility shall meet applicable electrical code requirements.

2. Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.

c. Setbacks.

A solar energy facility and its appurtenant components and structures shall be set back a minimum of 50 feet from all property lines and 100 feet from any residence.

d. Placement.

1. When located in agricultural zoning districts, the solar energy facility shall be located as much as possible to minimize impacts on prime agricultural soils.

2. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.

3. Components of the facility shall not be located over a septic system, leach field area or identified reserve area unless approved by the Health Department.

e. Screening.

The facility shall be fully screened from adjoining properties and adjacent roads using the natural topography or by installation of an evergreen buffer capable of reaching a height of 6 feet within three years of planting, with at least 75% opacity at the time of planting.

f. Height.

1. Freestanding solar panels or solar arrays shall not exceed 25 feet in height as measured from the grade at the base of the structure to the highest point.

2. Mounted solar panels or solar arrays shall not exceed eight feet above the apex of the structure on which it is mounted or the maximum height for buildings in the zoning district in which it is located.

g. Security.

1. Unless 24-hour security guards or video surveillance is provided at the installation, the solar energy facility shall be enclosed by a security fence no less than 6 feet nor greater than 8 feet in height.

2. Access gates and equipment cabinets must be locked when not in use.

h. Noise.

Inverter noise shall not exceed 40dBA, measured at the property line.

i. Glare and Lighting.

1. The solar energy system components shall be designed with an antireflective coating or at least shall not produce glare that would constitute a nuisance to occupants of neighboring properties, aircraft, or persons traveling adjacent or nearby roads.

2. If lighting is required, it shall be activated by motion sensors, fully shielded and downcast type where the light does not spill onto any adjacent property or into the night sky.

j. Maintenance and Upkeep.

Systems shall be maintained in accordance with manufacturer's specifications. The operator of the facility shall maintain the facility, including all buffer screening, in compliance with the approved plans and shall keep the facility free from weeds, dust, trash and debris.

k. Site Plan Review and Development Permit.

A site plan reviewed and approved by the Planning Division shall be required prior to issuance of a development permit. In addition to requirements for site plans generally, the site plan submission shall include the following information: The proposed location and dimensions of all solar panels, inverters, existing and proposed structures, screening, fencing, property lines, parking, access driveways and turnout locations, ancillary equipment, transmission lines, vegetation, the location of any residences on site and within 100 feet of the perimeter of the facility, the location of any proposed solar access easements, and standard drawings of solar energy system components.

l. Additional Submission Requirements.

In addition to requirements for information to be provided during the site plan review and development permitting process, the facility shall not be approved for operation until the following are submitted:

1. Copy of all lease agreements and solar access easements.

2. Where interconnection to an electric utility grid is proposed, the applicant shall submit evidence that the electrical utility provider has been informed of

the customer's intent to install a connection with the local electric utility grid. A copy of the approval from the local utility must also be provided before operation of an interconnected facility will be authorized.

3. A decommissioning plan for the anticipated service life of the facility or in the event that the facility is abandoned or has reached its life expectancy.

4. The City may require other studies, reports, certifications, and/or approvals be submitted by the applicant to ensure compliance with this section.

Section 18.299 Decommissioning.

a. The owner of a solar electrical system is required to notify the City of Blakely immediately upon cessation or the discontinuation of the operation. The solar electrical system shall be perceived to be discontinued or abandoned if no electricity is generated by such system for a period of twelve continuous months.

b. The solar electrical system owner shall then have twelve months in which to dismantle and remove the system including all solar related equipment or apparatuses related thereto included but not limited to buildings, cabling, electrical components, roads, foundations and other facilities from the property. If the owner fails to dismantle and/or remove the solar electrical system within the established time frames, the municipality may complete the decommissioning at the owner's expense."