

**ZONING ORDINANCE  
of the  
CITY OF ALBANY & DOUGHERTY COUNTY, GEORGIA**

**TITLE THREE**

**MISCELLANEOUS REGULATIONS**

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## **ARTICLE 1: SUPPLEMENTAL REGULATIONS AND MODIFICATIONS**

The regulations set forth in this article supplement or modify the district regulations appearing elsewhere in this ordinance.

### **Section 1.01 LOTS OF RECORD.**

Any lot in a zoning district permitting construction of single-family dwellings, which was on record in the Office of the Clerk of the Superior Court of Dougherty County on March 24, 1970, and which does not meet the minimum requirements of this Ordinance for lot area and/or lot width, may be utilized for single-family residential purposes under the following conditions:

- A. The area of the lot shall be at least seventy-five (75) percent of that required by this Ordinance.
- B. The width of the lot as measured at the building setback line shall be at least seventy-five (75) percent of that required by this Ordinance.
- C. The building shall be placed on the lot in such a way that the required front yard, rear yard and interior side yards can be provided. In the case of a substandard corner lot, the building may extend into the required side yard adjacent to the street; provided that the building shall have a minimum set back equal to the lesser of fourteen (14) feet from the property line along said street, or the minimum requirement of the district.

The purpose of this provision is to permit utilization of recorded lots, which lack adequate width and/or lot area, so long as reasonable living standards can be provided.

In the event the three (3) requirements listed above cannot be met, a single-family dwelling may be constructed on the lot only with approval of the Director of Planning and Development Services, including conditions that may be placed on said approval.

The more liberal terms of this Section shall not apply in the R-3 district when the same person owns adjacent lots having more than 120 feet of frontage along the same street. In such cases, the substandard lots shall be re-divided for the purpose of creating standard lots. A plat showing redivision of the lots shall be recorded in the Office of the Clerk of the Superior Court of Dougherty County before a building permit for said lots is issued. In similar fashion, the terms of this Section shall also not apply where the same person owns adjacent lots having more than 130 feet of frontage in the R-1 zoning district, and more than 160 feet of frontage in the R-2 zoning district.

Within a designated urban redevelopment area within the city limits of the City of Albany, the provisions in A, B, or C above shall apply where lots are being recombined to create a lesser number of lots. For instance, if four lots are purchased, and three new lots are created, each of those lots shall meet the requirements of A, B, or C, even though they were not pre-existing lots of record.

### **Section 1.02 CONSTRUCTION PRIOR TO ADOPTION.**

Nothing in these regulations shall be deemed to require any change in the plans, construction or designed

use of any building upon which actual construction was lawfully begun prior to the adoption of these regulations, and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within one (1) year from the date of passage of these regulations.

**Section 1.03 FRONTAGE.**

- A. Every detached single-family residence in the AG, R-E, R-G, R-1, R-2, R-3 and R-MHS, districts shall be located on a lot that fronts on a public street or on a legally established private street.
- B. In the R-3 district, a two-family residence (duplex) is permitted to be constructed on a single approved and recorded lot only if that lot fronts on a public street or on a legally established private street.
- C. In the C-R, C-1, C-5, C-6, and C-7 districts, every detached single-family residence and every two-family resident (duplex) shall be located either on a lot that fronts a street, whether public or private; or when part of a group of single-family residences or two-family residences, are permitted to be constructed in such a way that such group fronts on a private drive, private road or private court only if that group of one or two-family residences is part of an approved larger development containing two or more groups of single-family or two-family (duplex) residences, all of which are located on a single lot or single tract of land or on a subdivided lot fronting on a legally established private street, and subject to conditions placed on such approval by the Director of Planning and Development Services.
- D. In the C-R and C-6 District, one multiple dwelling is permitted to be constructed on a single approved and recorded lot only if that lot fronts on a public street, or on a legally established private street.
- E. In the C-R District, a group of multiple dwellings is permitted to be constructed in such a way that it fronts on a private drive, private road or private court if such group of multiple dwellings is part of a larger development containing two or more groups of multiple dwellings, all of which are located on a single lot or single tract of land that is fronting on a public street or a legally established private street, and subject to conditions placed on such approval by the Director of Planning and Development Services.
- F. In C districts, and M districts, every principal building shall have clear and immediate access to a public street or to a legally established private street.
- G. Where a front yard of lesser depth than specified in the Schedule of Regulations exists in front of dwellings on more than sixty (60) percent of lots of record on one (1) side of the street in any one (1) block in a R-1, R-2 or R-3 District, the depth of the front yard for any building hereafter erected or replaced on any lot in such block need not be greater than the average depth of front yards of such existing buildings.

#### **Section 1.04 SETBACKS AFTER CONDEMNATION.**

Whenever any improvements on a parcel of land becomes deficient or nonconforming with respect to the required front or side line setback requirements of this ordinance as the result of the acquisition of a portion of the property by a governmental body through the exercise of or the threat of the exercise of its powers of eminent domain, the required setback for such improvement shall, by operation of law and without any further action, become the distance between the improvement and the new property line established by such acquisition.

#### **Section 1.05 SCREENING OUTDOOR STORAGE.**

In all districts, scrap piles, junk piles, automobile salvage yards and wrecked vehicle compounds that are within 200 feet of a public street, R-District, C-R, C-1, C-5, C-6, C-7, or C-8 District or residential use shall be obscured from view from that public street, district, or residential use.

Commercial and industrial uses that require the open storage of building materials, sand, gravel, stone and lumber that are either adjacent to or across an alley from any R-Districts or C-R, C-1, C-5, C-6, C-7, or C-8 District or residential use or are within 200 feet of a public street shall also be obscured from view from the public street, District, or residential use.

Required screening to obscure such views shall be created with either (1) a building or (2) by a wall constructed of approved ornamental material in accordance with Title III Article 1, Section 1.06.

#### **Section 1.06 SCREENING WALLS AND FENCING.**

The regulations that are given in this section require the provision of protective screening walls and fences for commercial and industrial uses. The purpose for requiring screening is to insure that views and noise from businesses shall be obscured from neighboring lots zoned for residential or office use, and to intercept wind-blown trash and litter. Such walls and fences shall be a minimum of six (6) feet in height, constructed in compliance with the Building Code and, unless otherwise indicated, located either on the property line or in a location approved by the Director of Planning and Development Services. It is the legal responsibility of the owner of the property to insure that walls are installed and maintained, in good repair, and that such maintenance and repair is assumed by and carried out, whether by the owner, property user or other person.

Required screening walls and fences shall be made of the following types of materials:

- a. Clear heart redwood, heart cypress, red cedar or 0.40 retention pressure treated Southern Yellow Pine or other suitable outdoor materials with the appearance of wood.
- b. Brick, stone or other suitable like materials (required for walls in M-1 and M-2 Districts)
- c. Hard-coat stucco or tabby.
- d. Chain-link fencing is permitted in front yards and yards adjacent to a street only when located in M-districts. Other fencing, where permitted, shall be a minimum of eighty (80) percent opaque and have openings no larger than two and one-half inches (2 ½) inches in width.

A. Commercial and Mixed-Use Districts.

1. Non-residential Buildings and Lots:

Protective screening is required when the following types of buildings or uses are located on lots that are either abutting to, or are located across an alley from property located in any of the following districts: R-Districts, C-R, C-5, C-6 or C-7.

- a. Lots where new and/or used motor vehicles, mobile homes, boats, recreational vehicles, farm equipment and construction equipment are parked or stored.
- b. Storage areas for building materials such as lumber, brick, sand, gravel and stone.
- c. Motor vehicle repair garages.
- d. Car wash facilities.
- e. Restaurants, nightclubs, lounges.
- f. Grocery stores.
- g. Any building that contains, or is altered to contain, three (3) or more businesses.

These regulations apply in the case of new construction, and when occupancy of existing building changes to any of the uses mentioned above.

2. Additional Fencing Requirements for Car Wash Establishments

Additional fencing is required for car wash establishments because of the unusually large amounts of trash and litter associated with this type of business. In addition to the requirements for protective screening noted above, fencing shall also be required when a car wash establishment is located adjacent to, or is located across an alley from property located in any of the following districts: C-1, C-2, C-3, C-5, C-6, C-7, M-1, and M-2.

3. Access to alleys and Adjacent Property

This section of the zoning ordinance shall not be interpreted in such a way that it prohibits a property owner from having driveway access to an alley or to adjacent property that is zoned for commercial, industrial or office. Such driveway or other opening in the fence or wall shall not exceed twenty five (25) feet in width. Driveways located along public alleys shall comply with all relevant the driveway regulations.

B. Industrial Districts.

1. Protective screening is required whenever an M-1 or M-2 District is either adjacent to, or is located across an alley from property in any of the following districts: R-Districts, C-R, C-1, C-5, C-6 or C-7.
2. For regulations governing screening requirements for junk yards, salvage yards and used auto parts yards; and for drag strips and race tracks, see Title III Article 1. Section 1.07.



3. For screening requirements for automobile repair businesses, see Title III Article 1. Section 1.09.

**Section 1.07 JUNK, SALVAGE AND USED AUTO PARTS.**

- A. The entire boundary of junkyards, used auto parts and salvage yards shall be fenced and screened in accordance with Section 1.05.
- B. Stacking of motor vehicles or parts of motor vehicles in a salvage or used auto parts yard shall be limited to a height of two (2) vehicles high.
- C. Stacking in junk yards, used auto parts and salvage yards\* shall be limited to forty (40) feet in height. There shall be enough space provided so that if any material falls or is blown over, it shall fall on the property. The Director of Planning and Development Services shall have the authority to permit stacking in excess of forty (40) feet in height, in accordance with an Administrative Variance for a Special Exception, conditioned identification of particular measures to be put in place to prevent materials from falling or being blown over.
- D. No items for sale shall be stored or displayed on the fence or outside of the fenced area except complete units in good conditions, which have not been damaged.
- E. The entire boundary of drag strips and racetracks shall be fenced and screened in accordance with Title III Article 1. Section 1.06.
- F. Any new business or old business moving to a new location shall be in full compliance with the regulations of this Ordinance.

**Section 1.08 WRECKED VEHICLE COMPOUNDS.**

- A. Wrecked motor vehicles that have not been designated as junk or salvage shall be stored in a wrecked motor vehicle compound.
- B. The compound shall be fenced and screened in accordance with Title III Article 1. Section 1.06.
- C. Protective screening shall be in accordance with Title III Article 1. Section 1.06.

**Section 1.09 AUTOMOBILE REPAIR BUSINESSES.**

- A. The following regulations apply to automobile repair businesses that do not operate towing and wrecker services.
  1. An automobile repair business that stores automobiles on its premises for periods of less than thirty (30) days, during which time the autos are being repaired, shall not be required to “screen” fence the compound.

2. An automobile repair business that stores autos on its premises for periods in excess of thirty (30) days shall fence and screen the open areas where the autos are stored in compliance with the requirements in Title III Article 1. Section 1.06.
- B. Automobile repair businesses that operate towing and wrecker services, and which have not met the requirements that apply to "wrecked motor vehicle compounds" given in Title III Article 1. Section 1.06, shall move a wrecked automobile from the lot within seven (7) days from the time the vehicle was first towed in.

### **Section 1.10 PARKING RECREATIONAL VEHICLES.**

The purpose of this provision is to regulate the parking and storage of recreational vehicles and boats. These regulations are intended for and in the best interest of the citizens of the city to provide easy access to recreational vehicles while promoting the community's health, safety and welfare. It is permissible to park a recreational vehicle, trailer or boat in all residentially zoned areas provided it is not used as a permanent dwelling and is parked in the following manner:

- A. Such equipment and the area of parking shall be maintained in a clean, neat and presentable manner, and in a usable condition at all times.
- B. Parking is permitted on corner lots provided that it is not located closer to the side property line along a public street than the permitted distance for the main building on the lot.
- C. Parking is permitted outside on a concrete driveway, provided that:
  1. Space is not available in the rear yard or side yard, or there is no reasonable access to either the side yard or rear yard; a corner lot is always deemed to have reasonable access to the rear yard; a fence is not necessarily deemed to prevent reasonable access; and
  2. The unit shall be parked perpendicular to the front curb.
- D. The body of the recreational vehicle or boat shall be at least 15 feet from the face of any curb.
- E. No part of the unit shall extend over the public sidewalk or public thoroughfare (right-of-way) or required yard, parking area, planting area, buffer area or sidewalk.
- F. Parking is permitted only for storage purposes, and any recreational vehicle or trailer shall not be:
  1. Used for dwelling purposes. Cooking is not permitted at any time.
  2. Permanently connected to sewer lines, water lines or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
  3. Used for the storage of goods, materials or equipment other than those items considered to be part of the unit or essential for its immediate use.

- G. A unit is permitted to be parked anywhere on the premises during active loading or unloading; and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
- H. Parking shall be limited to equipment owned or leased by the occupant-owner or occupant-lessee of the lot.
- I. Recreational vehicles shall not be parked or stored on a driveway in a manner hazardous to or impeding the passage of vehicles entering the driveway or to persons passing on the sidewalk.

**Section 1.11 STREET CORNER VISIBILITY.**

In all districts, except as otherwise noted, no fence, wall, shrubbery, sign, marquee or any other obstruction to vision between the heights of three and one-half (3 1/2) feet and fifteen (15) feet above street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two streets or railroads, or of a street and a railroad right-of-way line.

**Section 1.12 DWELLINGS IN INDUSTRIAL DISTRICTS.**

The sleeping quarters of a watchman or a caretaker shall be permitted in the M-1 and M-2 districts as temporary accessory uses to the permitted use on the premises. Residences are otherwise prohibited in these districts.

**Section 1.13 RESTORING UNSAFE BUILDINGS.**

Nothing in these regulations shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe or the required compliance with lawful order. All restoration must comply with the requirements of Title III Article 3. which governs non-conforming uses.

**Section 1.14 BUILDINGS TO BE MOVED.**

Any building or structure that has been wholly or partially erected on any premises located within the jurisdiction of the City/County Commission shall not be moved to and be placed upon any other premises in the same jurisdiction until a building permit for such removal shall have been secured. Any such building or structure shall fully conform to all the provisions of these regulations in the same manner as a new building or structure. No building or structure shall be moved into the jurisdiction of the City/County Commission from outside the limits of the jurisdiction of the City/County Commission until such building permit has been secured.

Before a permit may be issued for moving a building or structure, it shall be determined if it is in a safe condition to be moved or whether it may be reconditioned to comply with the currently adopted Georgia Building Code.

**Section 1.15 ACCESSORY BUILDINGS.**

Accessory buildings, except as otherwise permitted in these regulations, shall be subject to the following

regulations:

- A. Where the accessory building is structurally attached to a main building, it shall be subject to and shall conform with all regulations of this Ordinance applicable to main or principal buildings.
- B. On parcels within R-Districts that are less than five (5) acres, an ACCESSORY BUILDING shall not be greater than thirty-five (35) feet in height or the height of the principal structure, whichever is less.
- C. An accessory building shall not be located in the front yard of any lot, or between the principal building and the street.
- D. A detached accessory building shall not be located closer than ten (10) feet to any principal building on the same lot.
- E. 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.
- F. On corner lots, a detached accessory building shall not be located closer to the side property line along a public street than the permitted distance for the main building on the lot.
- G. No accessory building shall be located on a residential lot unless a principal building is also located on the same lot.
- H. In all R-Districts an accessory building shall be set back at least 5 (five) feet from the rear lot line and interior side lot line, with the exception of detached garages and carports, which shall meet the following criteria:
  - 1. The garage/carport shall be set back at least ten (10) feet from the rear lot line and interior side lot line, with the exception of garage/carports adjacent to and accessed from a rear alley, which shall have a rear lot line setback of five (5) feet.
  - 2. On corner lots, a garage/carport shall not be located closer to the side property line along a public street than the permitted distance for the main building on the lot.
- I. One (1) private garage is permitted on each residential lot in which there are housed not more than three (3) vehicles.
- J. All accessory farm buildings for uses other than those incidental to a dwelling shall be located not less than one hundred (100) feet from any lot line or property boundary, with the exception that the main farm building shall not be less than fifty (50) feet from the front property line. This requirement shall not apply to alteration or addition to an existing barn or other existing accessory buildings that are located close to the road and that existed prior to the adoption of these regulations.
- K. Accessory building(s) in the aggregate shall not exceed the ground floor area of the principal

building; provided that, in AG Districts, this shall not apply to farm structures such as barns and similar structures that are used in support of on-site farming operations or to support animals kept that comply with all other provisions of the ordinance.

- L. In R-1, R-2, R-3, R-MHS, and R-MPH Districts, no covered metal accessory building shall exceed a floor area equal to five (5) per cent of the square footage of the lot on which it is located, nor shall it exceed sixteen (16) feet in height.

#### **Section 1.16 SWIMMING POOLS.**

All swimming pools shall comply with the following requirements:

- A. Construction Plans. Application for a permit to construct a swimming pool shall be submitted to the Planning & Development Services Department.
- B. In R-Districts and in the, C-1, C-5, C-6 and C-7 Districts, a residential swimming pool shall not be constructed between the front facade or side facade of a primary building and the street or required sidewalk area. Swimming pools shall not be located closer than ten (10) feet to the rear lot line, to an interior side lot line, or closer than 10 feet to any other structures.

In the C-1, C-2 and C-3 Districts, commercial or public swimming pools may be located within any required yard, but shall have a setback of 10 feet from the front lot line and from any lot line abutting an R-District, or C-R, C-5, C-6 and C-7 Districts.

- C. Accessory Buildings. Pool houses shall comply with all of the requirements given for "accessory buildings" in Title III Article 1. Section 1.15 of the Zoning Ordinance.
- D. Fencing. All swimming pools shall be enclosed by a fence that is at least four (4) feet in height. The fencing shall be located in such a manner that it does not obstruct visibility at road intersections. The fencing shall comply with all of the requirements pertaining to visibility that are given in Title III Article 1. Section 1.11 of the Zoning Ordinance.

#### **Section 1.17 PROHIBITED USES IN ALL RESIDENTIAL DISTRICTS AND CERTAIN COMMERCIAL DISTRICTS.**

The following shall apply to all R-Districts and the C-R, C-1, C-5, C-6 and C-7 Districts:

- A. No vehicle shall be parked or stored at anytime that is a bus; a commercial highway semi-truck; or any vehicle with more than one axle, or six wheels, or a GVW (gross vehicle weight) of seven thousand five hundred (7500) pounds, including its safe payload. The above restrictions shall not apply to private or public school buses that are in service as school buses, and noncommercial recreational vehicles up to six (6) wheels.
- B. It is prohibited to park or store any wrecked or junked vehicles, power-driven construction equipment, used lumber or metal, or any other miscellaneous scrap or salvageable material.

## **Section 1.18 SERVICE STATIONS AND PUBLIC GARAGES.**

In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion and traffic congestion that result from the unrestricted and unregulated construction and operation of gasoline service stations, and to regulate and control the adverse effects that these and other problems incidental to the service station may exercise upon adjacent and surrounding area, the following additional regulations and requirements are provided herein for service stations located in any district. All service stations erected after the effective date of these regulations shall comply with all requirements of this section. No service station existing on the effective date of these regulations 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 these regulations.

- A. 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.
- B. A service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line, and not less than ten (10) feet from any other lot line. Convenience stores that are not attached to or located within a building with any such functions are not subject to this regulation.
- C. All driveways providing ingress to or egress from a service station shall not be more than thirty (30) feet wide at the property line. Not more than one (1) curb opening shall be permitted for each fifty (50) feet of frontage or major fraction thereof along any street. No driveway or curb opening shall be located nearer than ten (10) feet to any corner or exterior lot line, as measured along the property line. No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway giving access to or from the same service station.
- D. A raised curb six (6) inches in height shall be erected along all street lot lines, except for driveway openings.
- E. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be located within a building. All gasoline pumps shall be located not less than twenty (20) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.
- F. A service station located on a lot having an area of less than 15,000 square feet shall include not more than eight (8) gasoline dispensers and two (2) enclosed stalls for servicing, lubrication, greasing and/or washing motor vehicles. An additional two (2) gasoline dispensers and/or one (1) enclosed stall is permitted with the provision of each additional 2,000 square feet of lot area.
- G. Where a service station adjoins any property located in any residential district, or is separated from any such property by a public alley only, a masonry wall six (6) 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 or barrier to prevent vehicles from contacting the wall.
- H. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to

be deflected away from adjacent and neighboring property.

- I. Service stations and auto repair businesses that operate towing and wrecker services, and that have not met the requirements of Title III Article 1. Section 1.08, shall remove a wrecked vehicle from the lot within seven (7) days from the time the vehicle was first towed in.
- J. The canopy over a pump island shall be set back at least ten (10) feet from the right-of-way line of a public street or public sidewalk.
- K. No vehicle shall be parked on or overhang a public sidewalk area.

**Section 1.19 SELF-SERVICE GASOLINE SALES.**

The following regulations shall apply when gasoline is sold in conjunction with any other business. These regulations also apply when a service station shall be exclusively "self-service" in character.

- A. The gasoline pumps shall be located not less than twenty (20) feet from any lot line, and shall be arranged so that automobiles shall not be supplied with gasoline while they are parked upon or are overhanging any public right-of-way or required sidewalk, buffer or supplemental yard.
- B. The pump islands and approach drives shall not encroach upon required parking spaces for any other commercial uses on the lot.
- C. The gasoline pumps shall be located no closer than twenty (20) feet to the main building on the lot.
- D. Canopies over the pump islands shall be set back at least ten (10) feet over from the right-of-way line of a public street.
- E. An attendant's booth located on a pump island shall not exceed four (4) feet in width or eight (8) feet in length. It shall be constructed of non-combustible material. It shall be set back at least eighteen (18) feet from the front property line.
- F. The minimum lot width shall be 100 feet.
- G. Where a service station adjoins any property located in any residential district, or is separated from any such property by a public alley only, a masonry wall six (6) 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 or barrier to prevent vehicles from contacting the wall.
- H. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.

**Section 1.20 BUILDING GRADES.**

Any building requiring yard space shall be located at such an elevation, as determined by the Building

Inspector, that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. A sloping grade, beginning at the sidewalk level, shall be maintained and established from the center of the front lot line to the finished grade line at the front of the building. The rear and side yards shall be sloped to allow for the flow of surface water away from the building without creating a nuisance. However, this shall not prevent the grading of a yard space to provide sunken or terraced areas, provided proper means area constructed and maintained to prevent the run-off of surface water from creating a nuisance on the adjacent properties. (Refer also to currently adopted Georgia Building Code.)

When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the reference level shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent properties.

Final grades shall be approved only after inspection.

#### **Section 1.21 VOTING PLACE.**

The provisions of these regulations shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a public election or referendum.

#### **Section 1.22 ESSENTIAL SERVICES.**

The erection, construction, alteration or maintenance by public utilities or governmental departments or commission, of underground or overhead gas, electrical, steam or water distribution or transmission systems, collection, communication supply or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary furnishing of adequate service by such public utilities or governmental departments or commissions, or for the public health or safety or general welfare, shall be permitted as authorized and regulated by law and other regulations of the City/County Commission in any zoning district, it being the intention hereof to exempt such erection, construction, alteration and maintenance from the application of these regulations where such exemption is reasonable and necessary for the public convenience and service.

The Albany Dougherty Planning Commission shall have the power to permit the erection and use of a building, or an addition to an existing building, or a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building structure or use, if the Commission shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.

In the M-1, M-2 and AG Districts, publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations necessary for the provision of essential services of the area by governmental units or public utilities shall be permitted on lots having the minimum area, width, yard and coverage requirements set forth for R-2 Districts.



**Section 1.23 SIGNS.**

The erection, construction or alteration of all signs and other notices that advertise a business, commercial venture or name of person or persons, shall comply with all applicable codes and ordinances.

**Section 1.24 RADIO, TELEVISION TOWERS.**

The structural plans for all commercial radio, television and other transmitting or relay antenna towers shall be approved by an engineer licensed to practice in the State of Georgia.

**Section 1.25 ANIMALS.**

No livestock shall be kept or maintained in any residential district except that for each dwelling unit the occupant is permitted to keep for his personal use domestic pets so long as they are not kept or used for commercial or breeding purposes, or as to create a nuisance. On lots that are not located within the City limits and that exceed five (5) acres in the R-E, R-G, R-1 or R-2 Districts, a fenced area with no more than two horses is permitted, provided that such fenced area is no closer than fifty (50) feet to an adjoining property line or 100 feet to an adjoining dwelling.

**Section 1.26 MOBILE HOME PARK DEVELOPMENT.**

In order to provide for a clean, safe and healthy living environment for residents living in mobile homes, the following standards are to guide the development of mobile home parks.

A. Standards for Design.

1. Minimum Lot Size: Minimum lot size shall in no case be less than four (4) acres and minimum mobile home pad size shall be in no case be less than three thousand two hundred (3,200) square feet. Where sewer is not provided, minimum lot sizes may be greater in keeping with requirements of the Georgia Health Department. Minimum lot width shall be one-hundred ten (110) feet adjacent to arterial and collector street and one hundred (100) feet on all other streets.

Minimum Yard dimensions (setbacks) for mobile home lots shall be as follows:

Side Yard: twenty-five (25) feet on arterial and collector street corner, twenty (20) feet on minor street corner and five (5) feet on interior lot lines.

Rear Yard: twenty (20) feet, except that a private garage may be five (5) feet from an alley that serves to access such private garage.

Front Yard: fifty (50) feet on arterial and collector streets and twenty-five (25) feet on minor streets.

2. Parking Requirements: Two parking spaces per unit shall be provided on each lot.

Parking areas shall be maintained with an all-weather wearing surface. Parking spaces shall be at least nine (9) by twenty (20) feet in size.

3. Minimum Park Size: A minimum area of four acres and a minimum street frontage of one hundred (100) feet shall be required to establish a mobile home park.
4. Maximum Density: No more than six (6) units per gross acre shall be permitted.
5. Maximum Lot Coverage: No mobile home and/or accessory building or combination thereof shall cover more than 40 percent of lot area.
6. Transient/temporary Recreational Vehicles: Each Mobile Home Park shall be permitted a maximum of five parking spaces to transient or temporary recreational vehicles and a business license is required for each space devoted to such use. Such spaces shall be contiguous to each other, designated on a site plan prepared in accordance with Title II Article 6 of this ordinance, and clearly signed and numbered. For the purposes of this ordinance, temporary/transient use shall be defined as the occupation of a space for a period of less than one year.
7. Roadways: Mobile home lots within Mobile Home Parks shall front upon a paved roadway having a right-of-way of not less than 42 feet and a paved surface of not less than 22 feet in width. Turnarounds shall be provided at the closed end with a minimum 40 feet radius and all streets shall have a paved driving surface of concrete or asphalt and shall be kept in good repair by the park owner.
8. Drainage: All mobile home parks shall be located on well-drained sites, properly graded to insure positive drainage.
9. Utilities: Utilities shall be provided to each lot as follows:
  - a. All mobile home parks shall have the sanitary sewer drainage system extended to each mobile home lot, and recreational vehicle space and the connection from the mobile home into the sanitary sewage system shall be made under and/or within five (5) feet of the mobile home with an airtight seal.
  - b. Each mobile home lot and recreational vehicle space shall be provided with water from an approved source. The minimum size branch service to each mobile home lot shall be  $\frac{3}{4}$  inch, and cut-off shall be installed on each branch, along with a back flow preventive device approved by a nationally recognized testing agency. All connections shall be made under and/or within five (5) feet of the mobile home.
  - c. In mobile home parks where gas distribution systems are installed, the installation shall conform to the requirements set forth by the Georgia Public Service Commission.

- d. Each mobile home lot and recreational vehicle space shall be provided with an individual electrical service of adequate size to serve the mobile home placed on it. Each service shall be mounted on a treated pole or metal pedestal and shall have a disconnecting means consisting of a circuit breaker or a switch and fuses housed in a panel approved for exterior use. The power supply wiring from the service to the mobile home shall be of a direct burial type, properly sized for service being connected and buried in the earth from the service to underneath the mobile home. If the supply cable is encased in metal or plastic pipe the minimum depth buried shall be as required by the current adopted addition of the National Electrical Code.
10. Identification: Mobile home lots shall be plainly staked off or marked. Each mobile home lot shall be permanently numbered with minimum two and one-half (2 ½) inch numbers and/or letters so they are easily read from the street. The electrical service shall also be permanently numbered for easy identification by meter readers. All lot numbers and street names shall be approved by the Director of Planning and Development Services as required by law.
11. Blocking and Tie Downs: All units shall be anchored and blocked to conform to standards found in the Georgia Code.
12. Skirting: All mobile homes shall have suitable skirting between the base of the trailer and the ground. This skirting shall be made of masonry block, wood, lattice work or other approved materials. Openings in the skirting shall not be more than two (2) inches square.

B. Submission of Plans.

A site plan shall be submitted for review showing the following items. After satisfactory review the plan shall be submitted for the issuance of a building permit. All site plans shall be in compliance with all on-site sewage disposal and tourist court development standards as required by the Georgia Department of Human Resources.

1. Title, scale, north point, date and name of site planner.
2. Existing buildings and structures.
3. Streets and sidewalks.
4. Service and maintenance building, if applicable.
5. Mobile home space consecutively numbered or lettered.
6. Driveways and parking spaces with dimensions.
7. Parks and recreational facilities, if applicable.

8. Drainage.
9. Proposed sanitary sewer system including size.
10. Proposed water distribution system and fire hydrants.
11. Proposed street lighting system and other lighting for benefit and safety of residents.
12. Site acreage.

C. Applicability to Existing Mobile Home Parks.

The provisions of this amendment or ordinance shall not apply to any part of a mobile home park presently licensed on the date this ordinance becomes effective, nor shall compliance be required as a result of change of park ownership or if any mobile home lot is vacated and then rented for another home. It shall be necessary however for any mobile home when placed on a lot after the adoption of this amendment or ordinance to comply with a setback provision so that all mobile homes thereafter placed or situated shall be located a minimum of ten (10) feet from any exterior property line.

**Section 1.27 TEMPORARY MOBILE OFFICES.**

A mobile office is permitted to temporarily be utilized for office purposes (the mobile office shall not be used for a retail sales establishment) in C-1, C-2, C-3, M-1, M-2 and AG Districts, subject to the following conditions:

- A. A permit shall be secured from the Inspection Department for each mobile office that is to be located on a lot. The permit shall be valid for a period of one year. The permit may be renewed on a year to year basis by the Director of Planning and Development Services. Before the permit is renewed, the mobile office shall be inspected to insure that it complies with all rules, regulations, codes and ordinances of the City/County. If the mobile office does not comply with such rules, regulations, codes and ordinance, the permit shall not be renewed.
- B. Mobile offices shall be located on the lot in such a way that it complies with all building placement requirements in Title II Table II.2.2.02 Minimum Lot Area and Yard Requirements.
- C. There may be more than one mobile home office on a given lot. A separate permit shall be secured from the Director of Planning and Development Services for each mobile home office.

**Section 1.28 TEMPORARY MOBILE HOME PARKS DURING DECLARED EMERGENCIES.**

During periods of emergency resulting from natural or man-made disaster, temporary mobile home parks shall be located on property approved by the City/County Commission in any zoning district. The parks shall be designed by an engineer and plans shall be approved by the Dougherty County Health Department, City/County Engineering Department and Public Works Department. Permits may be issued

after approval by the City/County Commission to establish a temporary mobile home park for a period not to exceed eighteen (18) months. Such approval shall be extended by the City/County Commission beyond eighteen (18) months only after public hearings and a demonstrated finding of necessity on behalf of the City/County Commission.

**Section 1.29 CURB CUTS AND DRIVEWAYS.**

Regulations governing curb cuts and driveways are contained in the Codes of the City of Albany and Dougherty County, including the Albany Dougherty Subdivision Regulations.

**Section 1.30 RECREATIONAL VEHICLE PARKS.**

In order to provide for a clean, safe and healthy living environment for recreational activities in Recreational Vehicle Parks, the following standards are to guide the development of RV parks. Plans meeting these minimum specifications shall be approved by the City/County Commission in those districts permitting conditional use for Recreational Vehicle Parks.

This district is established to provide developed areas that contain sites for the temporary location of assorted recreational vehicles to include travel trailers, motor homes, truck campers and tents. Such facilities cover a range of short overnight stops to longer destination type stays of several days to weeks. All site plans shall be in compliance with all on-site sewage disposal and tourist court development standards as required by the Georgia Department of Human Resources.

A. Locational Requirements

All recreational vehicles shall be placed in approved recreational vehicle spaces in RV parks or designated spaces at mobile home parks. The storage of unoccupied recreational vehicles shall be permitted only in those areas for storage on the approved final site plan.

B. Standards for Design:

1. Minimum Development Park Site Standards:

- a. Development site area: 3 acres
- b. Street frontage: one hundred and ten (110) feet on corner lots and one hundred (100) feet on other lots
- c. Side and rear yard: twenty-five (25) feet
- d. Front yard setback: fifty (50) feet
- e. Open space (exclusive of perimeter setback): twenty (20) percent
- f. Tent and cabin sites shall be provided at the discretion of park owner.

2. Minimum Lot Standard: Each lot established in a recreational vehicle park shall meet the following size requirements:

- a. Lot Size: two thousand five hundred (2,500) square feet
- b. Lot Width: thirty (30) feet

3. Setback: Minimum service building front yard setback shall be fifty (50) feet.
4. Access: Recreational Vehicle Parks shall be so located and designed that no entrance or exit shall require movement of traffic to or from the recreational vehicle park through any of the following districts: R-Districts and C-R, C-5, C-6 or C-7 District.
5. Parking Requirement: Each recreational vehicle lot shall contain a stabilized level vehicle parking pad of a suitable all-weather wearing surface material. The parking pad shall be located at least five (5) feet from a designated lot line.

Vehicle parking shall be designed to insure the smooth flow of traffic through the park by other residents entering or leaving. Parking spaces shall contain a stabilized, level area suitable for all-weather usage, improved with gravel, asphalt or a suitable grass turf.

Two parking spaces per lot shall be provided. These can be part of the parking pad. Parking spaces shall be at least nine (9) by eighteen (18) feet in size. No parking is allowed on the streets or roads fronting the recreational vehicle lot.

In addition, adequate paved parking spaces for all service buildings or recreational facilities shall be provided. The total parking requirement ratio is one (1) parking space for every five (5) recreational vehicle lots.

6. Utilities. Utilities shall be provided as follows:
  - a. Sanitary facilities shall be provided in accordance with the requirements of the State of Georgia and the County Health Department. The location of sanitary facilities shall be indicated on the plan and marked on the site.
  - b. Each recreational vehicle park shall provide either individual service lines or a common service area line delivering safe, pure, potable water. In addition, each recreational vehicle lot shall be provided with an individual electrical service mounted on a pole and pedestal and shall have a disconnecting means consisting of a circuit breaker or a switch and fuses housed in a panel approved for exterior use. A minimum combination of fifty (50) AMP shall be provided for each recreational vehicle lot.
7. Garbage and trash: Central trash collection points shall be completely screened from view from outside the park.
8. Site Conditions: All recreational vehicle spaces located in any designated flood zone shall conform to the applicable Floodplain Management Ordinance. No portion of the park subject to flooding, subsidence or erosion; and no conditions of soil, groundwater, drainage and topography shall be used for any purpose that would create hazards to persons or property, or expose the safety of persons or occupants to hazards. RV spaces shall not be exposed to objectionable smoke, noise, odors or other adverse influences.

9. Identification: Recreational vehicle lots shall be plainly staked off and marked. Each lot shall be permanently numbered with minimum two and one-half (2 ½) inch high numbers and/or letters so they are easily read from the street.
10. Facilities and Equipment: Facilities and equipment shall meet the Fire Safety Standards latest edition, NFPA 510D Standards for Recreational Vehicle Parks and Campgrounds.

C. Street Design

The principle vehicular road shall be constructed of an asphalt or concrete or other suitable all-weather material as approved by the Fire Department and Engineering Department, and shall be clearly marked as to internal circulation and direction of travel. Pavement widths for travel lanes shall be approved by the Director of Planning and Development Services and shall be no less than twenty (20) feet to comply with State Health Department regulations and fire regulations.

D. Use Restrictions

1. Removal of Vehicle Equipment Prohibited: Removal of the vehicle tag, wheels, tongue, hitch or A-frame, gas tanks or other vehicle equipment from a recreational vehicle shall be prohibited, and shall be considered prima facie evidence of permanent occupancy.
2. Attachments to Recreational Vehicles Prohibited: Attachments to recreational vehicles shall be prohibited, with the sole exceptions of pop-out units and similar structures that are integral to the recreational vehicle as originally manufactured.

- E. After all required improvements have been completed for a recreational vehicle park, or an approved construction stage of the park, the City/County Engineer shall certify completion of all improvements in accordance with construction drawings and the Building Official shall certify the completed Recreational Vehicle lots as being approved for occupancy. Until a Recreational Vehicle lot is approved for occupancy, no recreational vehicle shall be placed thereon.

F. Submission of Plans

A site plan shall be submitted to the Director of Planning and Development Services for review showing the following items and after satisfactory review the plan shall be approved for the issuance of a building permit. The minimum scale of the plans shall be one hundred (100) feet to one (1) inch or larger or smaller as approved by the City/County Engineer.

1. Title, scale, north point, date and name of site planner.
2. Existing buildings and structures.
3. Street layouts.
4. Service and maintenance building, if applicable.

5. Recreational vehicle lots consecutively numbered or lettered.
6. Street, driveways and parking spaces with dimensions.
7. Required open space areas and parks and recreational facilities, if applicable.
8. Drainage.
9. Proposed sanitary sewer system including location of communal sanitary and bathing facilities.
10. Proposed water distribution system and fire hydrants.
11. Proposed street lighting system and other lighting for the benefit and safety of residents, if applicable.
12. Proposed electrical plan and the location and size of outlet.
13. Site acreage.

**Section 1.31 SALES OFFICES FOR RESIDENTIAL SUBDIVISIONS.**

- A. The sales office shall serve only the subdivision in which it is located. It is the intention of this provision that the office not be used for the general sale of real estate throughout the City/County.
- B. A mobile home is permitted to be used as the sales office.
- C. Regardless of the number of "sections" a subdivision may contain, no more than one (1) sales office shall be permitted to serve the entire subdivision development.
- D. When ninety-five (95) percent of the lots of record in the entire subdivision have been sold, the sales office shall be removed from the subdivision, or be remodeled into a conforming use.
- E. A sales office is permitted to be located within a building that is used as a model home or a club house.

**Section 1.32 SINGLE-FAMILY IN COMMERCIAL DISTRICTS.**

A single-family residence is permitted to be located within the same building as a business, office or other non-residential use in the following commercial districts: C-1, C-2, C-3, C-5, C-6 and C-7. In making this opportunity available to land owners, the City/County Commission intends to encourage the rehabilitation of structures in the City's Central Business, and Downtown Riverfront Districts; however, this provision is not specifically limited to properties located within those districts.

The following regulations apply when one single-family residence and a non-residential use are to be



situated within the same building:

- A. The single-family residence shall contain at least 500 square feet of living area.
- B. Except for property located within the Central Business District, or Downtown Riverfront District, at least two (2) off-street parking spaces shall be provided for each single-family residence.
- C. In all cases, commercial uses occurring within the building shall not be considered hazardous, by reason of materials that are used or products that are made or stored on the premises.
- D. Prior to residential occupancy, alterations as required shall be made to insure that the building shall comply with applicable provisions of the currently adopted International Building Code, Fire Code and other City Ordinances.
- E. The following additional regulations shall apply when a both a residential and a nonresidential use are located on the first floor of the building:
  - 1. The residence shall have a minimum of two (2) exterior doors, which shall include a minimum of one (1) private entrance that is either a direct outside entrance or that enters into a foyer or lobby with a direct outside entrance, so that an occupant can leave the residence without passing through the commercial portion of the building. The occupant is permitted to have, for his own use, a private entrance that shall provide direct access between the residential and business portions of the structure. Buildings with more than four (4) residential units along the front building facade shall have individual private outside entrances into each of such units from the public sidewalk.
  - 2. Any new construction or alterations that are required shall comply with the requirements given in the currently adopted International Building Code of commercial construction.

**Section 1.33 SINGLE-FAMILY AS ACCESSORY STRUCTURES.**

In the AG, R-E, R-G, R-1, R-2 R-3, C-R and C-6 Districts, where an existing single-family residence is located on a single-family lot, detached accessory structures are permitted to be converted or constructed for residential use under the following conditions:

- 1. The detached accessory structure shall be in the rear yard of the main building with a minimum setback of at least 10 (ten) feet from the rear lot line.
- 2. On corner lots, a detached accessory structure shall not be located closer to the side property line along a public street than the permitted distance for the main building on the lot. On interior lots, a detached accessory structure shall not be located closer to the side property line than the permitted distance for the main building on the lot.
- 3. One off-street parking space shall be provided for the new residence, which parking space shall not be located in the front yard setback area or between the primary residence

and the street.

4. No more than one additional residence is permitted to be established per lot.
5. In the AG, R-E and R-G Districts, the additional unit shall not exceed fifty (50) percent of the square footage of the principal residence. In all other districts, the additional unit shall not exceed fifty (50) percent of the square footage of the principal residence, or eight hundred (800) square feet, which ever is less.
6. A permitted accessory dwelling unit may be attached to the rear of an existing single-family structure, provided it complies with all zoning requirements that apply to the principal structure.
7. Mobile homes are not permitted to be used as the second residence.

**Section 1.34 NONCONFORMING RESIDENTIAL STRUCTURES/USES DESTROYED BY THE FLOOD OF JULY 1994.**

Residential nonconforming structures/uses that were destroyed by the flood taking place in July 1994 are permitted to be repaired, renovated or rebuilt to their former condition as of July 1, 1994, provided that these structures/uses are ones that shall be permitted in the regulatory floodway. Any repaired, renovated or rebuilt nonconforming residential structure/use located in the 100-year floodway fringe shall meet the Flood Ordinance requirements. Any nonconforming structure/use abandoned or destroyed by such flood after July, 31, 1994 shall lose its nonconforming status.

**Section 1.35 DUTIES OF DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES/ZONING CERTIFICATE.**

The Director of Planning and Development Services or his designee shall have the power to grant a zoning certificate, which shall verify zoning compliance, before a building permit or use permit is issued. The Director or Building Inspector shall not approve site changes, such as site plans or building permit for grading, clearing, excavation or construction; or use changes such as moving or alteration or change in type of use or the type of occupancy, until a zoning certificate has been issued that verifies that such site changes or use changes are in conformity with these regulations. To this end, the Director shall require written statements and/or plans drawn to a scale of not less than one (1) inch equals fifty (50) feet, in duplicate and showing the following:

- A. The actual shape, location and dimensions of the lot, adjacent streets and street names. .
- B. The shape, size and location of all buildings, parking areas and other structures to be erected, altered or moved, and of any buildings parking areas and other structures already on the lot.
- C. The existing and intended use of the lot and of all such structures upon it, including in the residential areas the number of dwelling units the building is intended to accommodate.

- D. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of these regulations are being observed.
- E. Existing and proposed grades to an extent necessary to allow the Director to properly determine the results of the proposed work.

If the Director of Planning and Development Services determines that the proposed excavation, construction, moving or alteration or use of land, as set forth in the application is in conformity with the provisions of these regulations, the Building Inspector shall issue a permit. If any application for such permit is not approved, the Director shall state in writing on the application the cause for such disapproval.

**Section 1.36 INDOOR FIREARMS SHOOTING RANGES.**

All indoor firearms shooting ranges are considered an indoor special event facility and is subject to the requirements of the district in which it is located.

- A. Ranges shall be located on a lot not closer than 150 feet to any residentially zoned property.
- B. No part of the range shall be constructed closer than 150 feet to any residence or public street.
- C. The types of arms and ammunition to be allowed shall be stated.
- D. Fifteen (15) copies of the plans of the proposed range shall be submitted.

The range shall be enclosed by a minimum of 6" of 5000 p.s.i. concrete reinforced with #4 re-bar on a 6" grid, or equivalent. The plans shall be certified by a registered architect or engineer as being designed to safely withstand the use of the stated types of arms and ammunition and meet U.S.E.P.A. standards for ventilation and U.S. Department of Labor Standards for noise and bullet stopping capability.

- E. Bullet traps shall be from an established manufacturer of five years or more experience, and for which evidence is submitted of adequate design for the intended use. Said traps shall cover the entire area of the target butts (impact area).

**Section 1.37 ADULT ENTERTAINMENT ESTABLISHMENTS.**

All Adult Entertainment uses are conditional uses subject to all ordinance requirements as stated in Title II Article 4 as well as the following:

- A. No Adult Entertainment Establishment shall be located within one thousand (1000) feet of any of the following:
  - 1. Any parcel of land that is zoned for residential uses or purposes.
  - 2. Any parcel of land upon which a church, school, licensed day care center, governmental

building or space simultaneously owned, leased or rented and occupied by a government entity, library, civic center, neighborhood public park or neighborhood playground is located.

3. Any parcel of land upon which another Adult Entertainment Establishment is located.
4. Any parcel of land upon which an alcoholic beverage licensee is located.
5. Any parcel of land zoned C-8.

For purposes of this section, measurement of distances shall be from property line to property line along the shortest possible straight line, regardless of any customary or common route or path of travel (i.e. "as the crow flies"). The term "parcel of land" shall mean any quantity of land capable of being described by location and boundary, designated and used, or to be used, as a unit, and duly recorded in Dougherty County, Georgia. Distances, required by this section, shall be established by a survey performed by a surveyor licensed in the State of Georgia.

- B. A minimum of one (1) parking space shall be provided for every one hundred (100) square feet of gross building area, or for every three (3) customer seats, whichever is greater.
- C. Merchandise or activities of the establishment shall not be visible from any point outside the establishment.

#### **Section 1.38 EXCAVATION, REMOVAL AND FILLING OF LAND.**

The principal use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or byproducts, is permitted as a conditional use in the M-2 and AG Districts subject to the requirements of Title II Article 5. The fee-holder owner of the property concerned shall submit a topographic plan drawn at a scale of not less than 200 feet equals one (1) inch, which shows existing and proposed grades and topographic features and such other data as may be required by the Engineering Department. A compliance certificate may be issued in appropriate case upon the filing with the application of a Surety Bond executed by a surety company authorized to do business in the State of Georgia, in favor of the City/County Commission in an amount as established by the Engineering Department, which shall be sufficient in amount to rehabilitate the property upon default of the operator of such excavating or filling operation, and to cover court costs and other reasonable expenses. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has previously been duly issued by the Director of Planning and Development Services.

#### **Section 1.39 RESIDENCES IN AGRICULTURAL DISTRICT.**

Single-family residences and mobile homes in the Agricultural District shall be permitted according to the following standards for property under sole ownership:

- A. For the first ten (10) to fifty (50) acres: one (1) mobile home or other single-family residence.
- B. For each fifty (50) acres over fifty (50) acres and up to two hundred (200) acres: one (1) mobile home or other single-family residence per 50 acres.

- C. For over two hundred (200) acres: one (1) mobile home or other single-family residence per one hundred (100) acres.
- D. Mobile homes shall be positioned on the site in such a way that the mobile homes shall be no closer than 100 feet to each other. Each mobile home shall be set back at least one hundred (100) feet from the right-of-way line of a public road and at least one hundred (100) feet from any of the outside property lines of the farm or property on which it is located.

The City/County Commission shall be granted the power to allow a greater number of mobile homes, for a specifically designated period of time, where the owner documents that a greater number is necessary to serve by unique agricultural needs.

**Section 1.40 OUTDOOR FLEA MARKETS.**

Outdoor flea markets, as defined in Title I Article 5, are subject to the requirements of Title II Article 5 and Ordinance #92-128, Outdoor Flea Market Ordinance of the City of Albany if within corporate limits of Dougherty County.

**Section 1.41 TELECOMMUNICATION ANTENNA AND TOWERS.<sup>1</sup>**

- A. PURPOSE. The purpose of this section is to:
  - 1. Provide for the appropriate location and development of communication towers and antenna to serve the residents and businesses of the City of Albany and Dougherty County.
  - 2. Minimize adverse visual impacts of towers and antenna through careful design, siting, landscaping screening and innovative camouflaging techniques.
  - 3. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
  - 4. Lessen traffic impacts on surrounding residential areas.
  - 5. Maximize use of any new and existing communication towers so as to minimize the need to construct new towers and minimize the total number of towers throughout the City.
  - 6. Maximize and encourage use of alternative tower structures as a primary option rather than construction of additional single-use towers.
  - 7. Encourage and promote the location of new communication towers in areas that are not zoned for residential use.

**B. PERMITTED USES.**

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<sup>1</sup> In the adopting ordinances, No. 96-043 (County) and No. 96-328 (City), this amendment is referred to as “Section 1.41.”

1. Freestanding communication towers are permitted in the following zoning districts provided that all other requirements and conditions of this section (1.41) are met:
  - a. Towers not exceeding a height of one hundred fifty (150) feet are permitted only in the following zoning districts: M-1 (Restricted Industrial District), M-2 (Heavy Industrial District), C-3 (Commercial District), and AG (Agricultural District). Towers that exceed one hundred and fifty (150) feet are permitted in the M-1, M-2, C-3, and AG Districts only after special approval of the City/County Commission.
  - b. Towers not exceeding a height of one hundred fifty (150) feet are permitted in the C-8 (Commercial Recreation) District only after special approval of the City/County Commission.
  - c. Towers exceeding a height of one hundred fifty (150) feet are not permitted in the C-8 District.
2. Rooftop mounted communications towers and antennas are permitted to be located on any nonresidential buildings and alternative tower structures in the City/County so long as:
  - a. Such tower or antenna is set back from any existing or planned off-site residence and separated from any residentially zoned property at least a distance equal to two (2) times the full height of the tower and antenna, but in no event less than one hundred (100) feet;
  - b. The existing free-standing nonresidential structure other than a tower on which a tower or antenna shall be placed is fifty (50) feet in height or greater, and the tower and antenna shall add no more than twenty (20) feet total to the height of existing structure;
  - c. The number and location of antennas, communication towers or other receiving or transmitting devices located on a single structure is not excessive and does not adversely affect adjacent properties and views.
3. Prohibitions: No new cell tower shall be established if there is a technically suitable space available on an existing tower within the search area that the new tower is to serve. For the purpose of this ordinance, the search area is defined as the grid for the antenna placement.

#### C. GENERAL REQUIREMENTS FOR ANTENNAS AND ANTENNA TOWERS

The requirements set forth in this section shall govern the location and construction of all towers, and the installation of all antennas and antenna towers governed by this ordinance.

To ensure the structural integrity of communication towers, the owner of an antenna or tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. Tower owners shall conduct periodic inspections of communications towers at least once every three (3) years to ensure structural integrity. Inspections shall be conducted by a structural engineer licensed to practice in Georgia. The results of such inspection shall be provided to the governing body.

1. Regulatory Compliance: All towers and antennas shall meet or exceed current standards and

regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate communications towers and antennas. If such standards and regulations are changed, then the owners of the communications towers and antenna governed by this ordinance shall bring such communications towers and antenna into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Owners shall provide documentation showing that each communication tower is in compliance with all federal requirements. Evidence of compliance shall be submitted every twelve (12) months.

2. **Security Fencing:** Communication towers shall be enclosed by decay-resistant security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device, provided however, that such fencing shall meet all district zoning requirements, and that such fencing shall be meet buffering and screening requirements. The Governing Authority may waive such requirements for alternative tower structures.
3. No advertising is permitted on an antenna or tower.
4. No signs or illumination are permitted on a antenna or tower unless required by the FCC, FAA or other state or federal agency of competent jurisdiction, in which case the Director of Planning and Development Services shall review a report provided by the applicant indicating the available lighting alternatives, and shall approve a design that would cause the least disturbance to the surrounding uses and views.
5. **Finishes:** So as to make the antenna and related equipment as visually unobtrusive as possible, towers, antennas and electrical and mechanical equipment shall either maintain a galvanized steel finish or be painted a neutral color, or color similar to the building or supporting structure on which it is located, subject to any applicable standards of the FAA or other applicable federal or state agency.
6. **Other Structures:** At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that shall blend the tower facilities to the natural setting and built environment.
7. **Height:** In no event shall any tower or antenna exceed the height required to accomplish its intended function as certified by a registered engineer licensed by the state of Georgia. Towers shall be the minimum height necessary to provide parity with existing similar tower-supported antenna. A roof antenna shall not extend more than ten (10) feet beyond the structure to which it is attached. Related equipment and structures shall not exceed the height limitations of the zoning district in which the property is located.
8. Towers clustered at the same site shall be of similar design. A tower within five hundred (500) feet of a residentially zoned property shall be of a “stealth” construction unless otherwise approved by the City/County Commission.
9. **Landscaping:** Landscaping shall be provided as necessary to effectively screen the view of

the tower compound from adjacent public ways, public property and residential property and shall meet or exceed the following requirements:

- a. Required security fencing shall be screened with an evergreen hedge, which shall be a minimum of five (5) feet in height within three (3) years.
- b. Trees with a minimum mature height of sixty (60) feet shall be planted between the security fencing and the perimeter of the site, and shall form a minimum of three (3) rows, spaced at a minimum of twenty-five (25) feet on center for pine trees and fifty (50) feet on center for all other trees. Trees should be of a type and mix that achieve a look that is natural to or similar to the surrounding landscape
- c. Native trees and vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be removed and vegetation to be replanted to replace that lost.
- d. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed twenty (20) feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities and staff/maintenance.
- e. In lieu of these standards, the City/County Commission may allow use of any alternative detailed plan and specifications for landscape and screening, including plantings, fences, walls and other features designed to screen and buffer towers and accessory uses. The plan shall accomplish the same degree of screening achieved by the provisions above, except as lesser requirements are desirable for adequate visibility for security purposes and/or for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries and tree farms. In certain locations where the visual impact of the tower would be minimal, such as remote agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be reduced or waived by the City/County Commission.

10. Maintenance Impacts: Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector and local street, access for maintenance vehicles shall be exclusively by means of the collector street. No maintenance vehicles or equipment shall be stored where they can be viewed off site. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the tower site, unless repairs to the tower are being made.

#### 11. Principal, Accessory and Joint Uses

- a. Accessory structures used in direct support of a tower shall be allowed but not for offices, vehicle storage or other outdoor storage.
- b. Towers are permitted to be located on sites containing another principal uses, provided that all of the other siting, setback, separation and general requirements of this ordinance are met. The minimum distance between a tower and other principal use located on the same lot shall be for a monopole or lattice tower the greater of twenty (20) percent of the tower height or twenty-five (25) feet and for a guy tower, the greater of one hundred (100) percent breakpoint or twenty-five (25) feet. Tower locations shall assure compatibility of land uses and provide for the



- health, safety and welfare of individuals and structures occupying the site.
  - c. Joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas and dangerous chemicals.
12. Tower lot size: The site shall be of a size and shape sufficient to provide an adequate setback from the base of the tower, and from any anchors, to any property line abutting an R-district, C-R district, public property or public street. Such setback shall be sufficient to:
- a. Meet landscaping and/or buffer requirements.
  - b. Preserve the privacy and use of surrounding residential property.
  - c. Protect adjoining property from the potential impact of tower failure by being large enough to accommodate such failure on the site, based on the engineer's analysis, and by meeting the requirements of this section.
13. Tower setback requirements: A tower site is presumed to be of sufficient size when it meets the tower lot size requirements of the foregoing subsection (12. Tower lot size), and all of the following setback requirements:
- a. Tower setbacks:

The minimum tower setbacks, including guyed and freestanding towers, shall equal the greater of the following:

    - i. When abutting an R district, C-R district, public property or public street: twice the height of the tower to any property line.
    - ii. When not abutting an R district, C-R district, public property or public street: the greater setback of either the setback requirements of the district in which the tower is located, or the setback requirements of the adjoining zoning district.
  - b. Anchors for guyed towers, minimum setbacks:
    - i. Anchors shall be setback the greater of ten (10) feet, or the setback requirements of the district in which it is located.
    - ii. A vegetative, topographic or other buffer shall be provided, which shall obscure any view to the anchor from adjoining properties.
  - c. Other setbacks: Other associated structures, parking areas, and other use areas associated with the transmission use other than the transmission tower shall meet the setbacks required in the zoning district where the tower is located. For the purpose of encouraging and accommodating shared uses, a proposed reduction of setback requirements for a such additional structures and areas may be approved, by up to a to fifty (50) percent reduction, in order to accommodate the placement of additional buildings or other supporting equipment; provided that safety, access, visual impacts, and standards for uses are met, including the mitigation of any potential adverse effects on adjacent property.
  - d. Multiple towers: Placement of more than one tower on a lot shall be permitted, provided that all setback, design and landscape requirements are met for each tower. Structures are permitted to be located as close to each other as technically feasible, provided that the tower failure characteristics shall not lead to multiple failures in the

event that one tower fails.

14. Tower separation requirements:

- a. No free-standing communication tower shall be allowed within a one thousand (1,000) foot radius of an existing tower within a residential area.
- b. All free-standing towers constructed after the effective date of this ordinance shall conform to the following minimum tower separation requirements:

**Table III. 1.41 Tower Height and Separation Requirements**

Tower Height	Separation
<50'	300'
51-100'	500'
101-150'	750'
150'+	1000'

Towers and antennas mounted on rooftops or alternative tower structures shall be exempt from these minimum separation distances.

- D. Shared use of towers encouraged: All new towers shall be designed to structurally accommodate the maximum number of additional users technically practicable

Once a new tower is approved, additional antennas and accompanying accessory uses are permitted to be added to it in accordance with the approved share plan, if the Governing Authority finds that the standards of this ordinance are met.

- E. Special Approval of the City/County Commission: An application for special approval of the City/County Commission, for a use permitted under this ordinance only after special approval of the City/County Commission, shall include a site plan from the applicant. The application shall be handled in accordance with Title II Article 5 of this ordinance.

- F. Application Procedures: Application for a building permit for any communication tower or use of an alternative tower structure shall be made in accordance with the Zoning Ordinance. An application shall not be considered until it is complete. A complete application shall contain the following:

- 1. An inventory of the applicant's existing towers that are either within the jurisdiction of the City of Albany/Dougherty County or within one (1) mile of the border thereof, including specific information about the location, height and design of each tower. The Governing Authority may share such information with other applicants applying for administrative approvals or special-use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the City of Albany/Dougherty County; provided, however, that the Governing Authority is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

2. Site plan or plans to scale specifying the location of tower(s), guy anchors (if any), transmission building and/or other accessory uses, access, parking, fences, landscaped areas and adjacent land uses.
3. Landscape plan to scale indicating size, spacing and type of plantings required.
4. Utilities inventory showing the locations of all water, sewerage, drainage and power lines impacting the proposed tower site.
5. An environmental impact statement fully describing the effects and impacts that the proposed tower and/or antenna shall have on the environment and surrounding area including adjacent residential structures and districts, structures and sites of historic significance, streetscapes, and the radiological impact on human health.
6. A certified statement, prepared by an engineer licensed to practice in the State of Georgia, that the construction of the tower, including reception and transmission functions, shall not interfere with the usual and customary transmission or reception of radio, television, etc. service enjoyed by adjacent properties.
7. A description of anticipated maintenance needs, including frequency of services, personnel needs, equipment needs and traffic, noise or safety impacts of such maintenance.
8. A report from a professional structural engineer licensed in the State of Georgia documenting the following:
  - a. Tower height and design, including technical, engineering, economic and other pertinent factors governing selection of the proposed design. A cross-section of the tower structure shall be included.
  - b. Total anticipated capacity of the structure, including number and types of antennas which can be accommodated.
  - c. Evidence of structural integrity of the tower structure.
  - d. Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris.
  - e. When application is made with prior approval of the Federal Communications Commission, and evidence that the approval considered has met application requirements imposed by this ordinance, the approval of the FCC shall overrule any items required in Sections 1.41. E, F, G or H. However, FCC approval shall indicate that all of the items have been considered in their approval.
9. Written statements from FAA, FCC and any appropriate state review authority stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.
10. Letter of intent to lease excess space on the tower structure and to lease additional excess land on the tower site when the shared-use potential of the tower is absorbed, if structurally

and technically possible.

11. A reasonable pro rata charge may be made for shared use, consistent with an appropriate sharing of construction, financing and maintenance costs. Fees may also be charged for any structural or RF changes necessitated by such shared use. Such sharing shall be a condition of approval, if approval is granted.
  - a. The applicant shall describe what range of charges is reasonably expected to be assessed against shared users.
  - b. The applicant shall base charges on generally accepted accounting principles and shall explain the elements included in the charge.
12. The applicant shall quantify the additional tower capacity anticipated, including the approximate number of types of antennas. The applicant shall also describe any limitations on the ability of the tower to accommodate other uses, e.g. radio frequency interference, mass height, frequency or other characteristics. The applicant shall describe the technical options available to overcome those limitations and reasons why the technical options available to overcome those limitations were not chosen to be incorporated. The City/County shall approve those limitations if they cannot be overcome by reasonable technical means.
13. Evidence of the lack of space on all suitable existing towers to locate the proposed antenna and the lack of space on existing tower sites to construct a tower for the proposed antenna.
14. Each applicant shall make a good-faith effort to substantially demonstrate that no existing or planned towers can accommodate the applicant's proposed antenna/transmitter as described below:
  - a. The applicant shall contact the owners of all existing or planned towers of a height roughly equal to or greater than the height of the tower proposed by the applicant.
  - b. Such contact shall be made in a timely manner; that is, sufficiently before the filing of an application for a building or special-use permit to include a response into the application when filed.
  - c. Failure of a listed owner to respond shall not be relevant if a timely, good faith effort was made to obtain one. However, where an existing or planned tower is known to have capacity for additional antennas of the sort proposed, based on the decision regarding such tower, that application for a new tower shall not be complete until the owner of the existing or planned tower responds. Such response is to be required as a condition of approval.
  - d. The applicant shall submit to the Director of Planning and Development Services a list of all owners contacted, the date of such contract, the form and content of such contact, and a record of responses from each owner. The Director of Planning and Development Services shall maintain on file, and provide on request, such submitted lists and records of responses from each owner.
  - e. Once an owner demonstrates an antenna of the sort proposed by the applicant cannot be accommodated on the owner's tower as described below, the owner

need not be contacted by future applicants for antennas of the sort proposed.

15. The applicant shall request the following information from each owner contacted:
  - a. Identification of the site location, tax lot number, existing uses and tower height.
  - b. Whether each such tower could structurally accommodate the antenna proposed by the applicant without requiring structural changes to be made to the tower. To enable the owner to respond, the applicant shall provide each such owner with the height, length, weight and other relevant data about the proposed antenna.
  - c. Whether each such tower could structurally accommodate the proposed antenna if structural changes were made, not including totally rebuilding the tower. If so, the owner shall specify in general terms what structural changes would be required.
  - d. If structurally able, would shared use by such existing tower be precluded for reasons related to RF interference? If so, the owner shall describe in general terms what changes in either the existing or proposed antenna would be required to accommodate the proposed tower, if any.
  - e. If shared use is possible, the fee an owner of an existing tower would charge for such shared use.
16. Shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The City/County may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new tower development are presumed unreasonable.
17. Any other information that may be requested by the City/County to fully evaluate and review the application and potential impact of a proposed tower and/or antenna.

#### G. APPEALS.

Appeals from any decision of the City/County Commission shall be made to the Superior Court of Dougherty County, Georgia, within thirty (30) days of the decision.

#### H. REMOVAL OF ANTENNAS AND TOWERS.

All towers and antennas shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such towers. If, upon inspection by the Inspection Department of the City of Albany/Dougherty County, such tower is determined not to comply with the code standards or to constitute a danger to persons or property, then upon notice being provided to the owner of the tower and the owner of the property, if such owner is different, such owners shall have thirty (30) days to bring such tower into compliance. In the event such tower or antenna is not brought into compliance within thirty (30) days, the City may provide notice to the owners requiring the tower or antenna to be removed. In the event such tower or antenna is not removed within thirty (30) days of receipt of such notice, the City may remove such tower or antenna and place a lien upon the property for the costs of removal. Delay by the City in taking action shall not in any way waive the City's right to take action. The City may pursue all legal remedies available to it to ensure that

communication towers and antennas not in compliance with the Code of Ordinances of the City of Albany/Dougherty County or that constitute a danger to persons or property are brought into compliance or removed. The City may seek to have the tower or antenna removed regardless of the owners' or operators' intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

I. ABANDONED TOWERS.

1. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, whether or not the owner or operator intends to make use of the tower. The owner of an abandoned tower and the owner of the property where the tower is located shall be under a duty to remove such a tower or antenna. If such antenna and/or tower is not removed within sixty (60) days of receipt of notice from the City notifying the owner(s) of such abandonment, the City may remove such tower and/or antenna and place a lien upon the property for the costs of removal. The City may pursue all legal remedies available to it to ensure that abandoned communication towers and antennas are removed. Delay by the City in taking action shall not in any way waive the City's right to take action. The City may seek to have the communication tower or antenna removed regardless of the owners' or operators' intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.
2. If the owner of an abandoned tower wishes to use such abandoned tower or antenna, the owner shall first apply for and receive all applicable permits and meet all of the conditions of this ordinance as if such tower or antenna were a new tower or antenna.

J. PRE-EXISTING TOWERS/NON-CONFORMING USES.

1. All communication towers operative on the effective date of this ordinance shall be allowed to continue their present usage as a non-conforming use and shall be treated as a non-conforming use in accordance with the Zoning Ordinance of the City of Albany/Dougherty County, Georgia. Routine maintenance shall be permitted on such existing towers. New construction, other than routine maintenance on an existing communication tower, shall comply with the requirements of this ordinance.
2. A communication tower that has received City approval in the form of either a building permit or special-use exception, but has not yet been constructed or placed in operation, shall be considered an existing tower so long as such approval is current and not expired.

K. PUBLIC PROPERTY.

Antennas or towers located on property owned, leased or otherwise controlled by the City of Albany or Dougherty County shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the City of Albany or Dougherty County.

**Section 1.42 SPECIAL APPROVAL OF LANDFILLS.**

- A. An application for special approval of the City/County Commission shall include in its application items from the Georgia Department of Natural Resources — Environmental Protection Division Site Acceptability Study for Solid Waste Landfill as follows:
1. General Site Area.
  2. Description of General Site Area.
  3. Proximity to roads, airports and railroads.
  4. Proximity to country boundaries and national historic sites.
  5. Proximity to floodplains.
  6. Proximity to streams and wetlands.
  7. Proximity to public and domestic water supplies.
  8. Zoning and notification.
  9. Topographic Map of General Site Area (1:24,000) — where appropriate, the watershed of any downstream public water supplies should be shown; this may require topographic maps of another scale, such as 1:100,000.
  10. Topographic Map of Site (showing floodplains and wetlands exceeding two (2) acres in size).
  11. Map showing proximity of site to most significant groundwater recharge areas.
  12. Map showing proximity of site to public water supplies.
  13. Map showing domestic water supplies within one-half (½) mile of site boundaries.
  14. Description of soils and rocks.
  15. Description of geologic and/or natural hazards.
- B. Landfills shall have a two hundred (200) foot buffer between the waste disposal boundary and any wetland; surface water as depicted on a 7.5-minute U.S. Quadrangle Map, 100-year flood zone, or property line.
- C. Landfills shall have a five hundred (500) foot buffer between the waste disposal boundary and any occupied dwelling and the dwelling's operational private domestic water supply well in existence on the date of the permit application.

### **Section 1.43 ANIMAL FEED LOTS.**

All animal feed lots, chicken houses and similar uses require special approval of the City/County Commission. They are additionally regulated as follows:

1. Location: Feed lots and chicken houses shall not be located within a lime sink, shall not be located within three hundred (300) feet of any areas designated as a 100-year flood zone, and shall not be located within three hundred (300) feet of any body of surface water or a domestic or municipal well.
2. Protection against filtration and runoff: Feed lots and chicken houses shall be required to have a bottom liner to prevent infiltration into the soil and groundwater, and shall be required to maintain surface drainage on site, to prevent runoff onto adjacent properties or bodies of water.
3. Setbacks: Feed Lots and chicken houses shall be setback at least three hundred (300) feet from any abutting property **when located in the unincorporated portions of the county, and one thousand (1,000) feet from any abutting property when located within the city limits.**

## **ARTICLE 2: PARKING AND LOADING**

### **Section 2.01 OFF-STREET PARKING.**

In all zoning districts, off-street parking spaces for the storage and parking of motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, or enlarged after the effective date of these regulations, shall be provided as herein prescribed. The remodeling or alteration of present buildings would be exempt from these provisions if (1) the exterior dimensions are not changed and (2) any increase in floor space is confined within the basic structure. Required parking spaces shall be hard-surfaced with asphalt or concrete or other suitable hard surfaces.

These 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 these regulations. The owner or owners of a building, structure or other land use requiring off-street parking space shall show, to the satisfaction of the Director of Planning and Development Services, 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, or that he is the lessee of such property.

See Title II Section 2.04 for parking lot landscaping requirements.

1. Area for Parking Space. For the purpose of this section, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisle, except that one hundred eighty (180) square feet of lot area, which has a direct means of ingress and egress from an alley or street, may also be deemed a parking space.
2. Fractional Requirements. When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including one-half (1/2)



shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

3. Loading Space Limitations. Supplying required loading spaces shall not be construed as supplying off-street parking space.
4. Location of Parking Space for One- and Two-Family Dwellings within Single Family Residential Districts. The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron and/or garage. To avoid having vehicles overhanging the public right-of way, drives that serve carports and garages shall be a minimum length of twenty (20) feet as measured from the street right-of way, Parking and drive areas shall not exceed thirty (30) percent of any required front yard. In R-1, R-2 and R-3 residential districts, no parking areas or parking pads shall be located in the portion of the required front yard area that is directly in front of the residence, except that drives directly to permitted parking areas or garages shall be permitted to serve as overflow parking areas.
5. 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 500 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.
6. Usable Floor Area. For the purpose of this section, Usable Floor Area in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used by customers, patrons, clients, patients, owners and tenants, less twenty (20) percent thereof.
7. Seating Capacity or Seats. As used in this Article for parking requirements, shall mean that each twenty-one (21) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Director of Planning and Development Services specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.
8. Bed. Whenever the term "Bed" is herein referred to, it shall mean such beds as are occupied by the patients or guests of the hospital or building in question, provided however, that bassinets and incubators shall not be counted as beds.
9. Similar Uses and Requirements. In the case of a use not specifically mentioned, the off-street parking requirements shall be the same as for the use that is most similar of the uses that are mentioned.
10. Existing Off-Street Parking at Effective Date of Regulations. Off-street parking existing at the effective date of these regulations, which serves an existing building or use, shall not be reduced in size less than that required under the terms of these regulations.
11. Collective Provisions. Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses

computed separately in accordance with the table of parking requirements.

12. General Use Conditions. Except when land is used as storage space in connection with the business of a repair or service garage, the time limits for parking in off-street parking areas shall prevail as specified, it being the purpose and intention of the foregoing that the requirements of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to provide, and it shall be unlawful to permit, the storage or parking on such open land of wrecked or junked cars, or for creating a junk yard or a nuisance in such area.
13. Table of Off-Street Parking Requirements. The amount of off-street parking space required as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this section.

**Table III.2.01 Table of Off-Street Parking Requirements**

<b>Use</b>	<b>Minimum Number of Parking Spaces</b>	<b>Per Unit of Measure as Follows: ( sf = square feet)</b>
1. Banks (except drive-in only) Businesses, or Professional Offices of Lawyers, Architects, Engineers or similar or allied professions	1	Three hundred (300) sf usable space
2. Banks (drive-in only)	1	Per service window, plus one
3. Beauty parlor or barber shops	2	Each barber and/or beauty shop operator Or chair, whichever number is greater
4. Bowling Alleys	8	Each bowling lane plus required parking For any bar, restaurant or assembly space to a bowling alley.
5. Churches*	1	Six (6) seats, based on max. seating capacity in the main place of assembly.
6. Dance Halls, Exhibition Halls, Pool and Billiard Halls and Skating Rinks, Health Clubs*	1	One hundred (100) sf of floor space with a minimum of ten (10) parking spaces.
7. Lodge Halls and Assembly halls without fixed seating*	1	150 sf of floor space
8. Dance Studios, Daycare facilities for children or adults* (no additional parking is required for Family Day Care)	1	For every 10 students and one (1) for each employee
9. Elementary Schools, Junior High Schools	1	Two (2) teachers, employees or administrators plus requirements for the auditorium or assembly hall
10. Drive-in Establishments for sale and consumption off the premises or outside	1	One (1) space per window, plus two (2), plus one (1) space per fixed outside table on fixed seats
11. Establishments, other than Drive-in, for sale and consumption on the premises of beverages, food or refreshments	1.25	One hundred (100) sf of usable floor area

12. Furniture and appliance, household equipment repair shops, showroom of a plumber, decorator, electrician or similar trade, clothing and shoe repair, laundry, motor vehicle salesroom, hardware stores, whole-sale stores and machinery sales	1	Eight hundred (800) sf of usable floor area, exclusive of the usable floor area occupied in processing or manufacturing. See industrial establishments below.
13. Hospitals	1	Two (2) beds
14. Hotels	1	Guest bedroom
15. Industrial Establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing, plumbing or electrical workshops, warehouses and storage buildings	1	Two (2) employees computed on the basis of : the greatest number of persons employed at any one period during the day or night
16. Laundromat and/or Dry Cleaning Center	1	Each combination of washer-dryer machine plus one (1) space
17. Libraries and Museums	1	Two hundred (200) sf floor area
18. Mortuary Establishments, Funeral Homes	1	Sixty (60) sf floor area in slumber rooms, parlors or individual funeral service rooms
19. Motor Vehicle Car Wash		
a. Self-service operation	4	Each motor vehicle wash establishment. <u>Plus</u> off-street vehicle waiting spaces shall be in accordance with Section 6.03
b. Other than self-service operation	4	Car wash establishment operation for employee parking. In addition, off-street automobile waiting spaces shall be in accordance with Title III Section 2.04
20. Fraternity Houses, Dormitories	1	Two (2) beds
21. Professional offices of Doctors and Dentists	1	Two hundred (200) sf usable floor area
22. Public or private golf course	2.5	Hole, plus ten (10)
23. Single- or Two-Family Dwelling	2	Dwelling unit

24. Residential: Multiple Dwelling	2	Each one (1) dwelling unit
25. Rooming or Boarding Houses	1	Every bedroom, plus requirement for the dwelling itself
26. Retail store, except as otherwise specified herein	1	One hundred fifty (150) sf usable floor space
27. Sanitariums, Convents, Homes for the Aged, Convalescent Homes, Children's Homes, Nursing Homes	1	Two beds, plus one additional space
28. Senior High Schools, Colleges, Universities	1	Each teacher, employee and administrator, plus requirements for auditorium/assembly
29. Stadiums and Sports Arenas, Auditoriums and places of public assembly	1	Four (4) seats or eight (8) feet of benches
30. Tourist Home, Bed and Breakfast Inn, Motel Hotel	1	Guest bedroom plus one (1) space
31. Automobile Service Stations	4	Each station, plus one (1) space for each gasoline pump above three (3)
32. Auto Service, Sales, Repair, Collision and And Body Shop	1	Eight Hundred (800) sf usable floor area plus one (1) space per two (2) employees computed on the basis of the maximum number of employees on duty at any one time, plus two (2) spaces for each stall in a collision, body or painting shop, plus one (1) space for each stall or service area or wash rack
33. Shopping Centers in C-Districts With the specific approval of the City/ County Commission	3.5	Thousand (1,000) square feet of retail space plus parking requirements for eating and drinking and other uses as specified herein.

\* Joint Use. Parking spaces already provided to meet off-street parking requirements for theaters, stadiums, auditoriums and other places of public assembly, stores, office buildings and industrial establishments lying within one thousand five hundred (1,500) feet of a church as measured along lines of public access, and that are not normally used between the hours of 6 a.m. and 6 p.m. on Sundays and are made available for other parking, may be used to meet not more than seventy-five (75) percent of the off-street requirements of a church.

- N. Waiver of Parking Requirements in the Downtown Riverfront District. Parking requirements are waived in the River Front District shown on the zoning map attached hereto and made a part of these regulations. However, multiple-family residential projects consisting of three or more units shall provide off-street parking at the rate of two spaces per every one dwelling unit.
- O. Required Barriers. When off-street parking spaces or access aisles are located adjacent to the right-of-way line of a public street or alley, a concrete or asphalt curb measuring six (6) inches in height shall be placed along the edge of the parking space or access aisle for the purpose of preventing vehicle encroachment onto the street or alley right-of-way.
- P. Nonresidential Parking Not Permitted on Certain Residential Lots. Nonresidential and multi-family off-street parking, and access to such parking areas from a public street, including private drives, alleys or streets, shall not be permitted on any lot in single-family residential districts (R-E, R-G, R-1, R-2, R-3, RMHS, and R-MHP). In C-R districts, any non-residential off-street parking or access to such parking from a public street shall be entirely located within the lot on which the non-residential use is located. In C-6 districts, any non-residential off-street parking or access to such parking from a public street shall not be located on a parcel where the sole use is residential.
- Q. Off-Street Parking Wells. Safe access shall be provided to off-street parking wells. The access of off-street parking wells to public streets and alleys is regulated by Article I, Section 24-3 of the Code of the City of Albany and/or Dougherty County regulations.
- R. Access to Unpaved Alleys. It is the policy of the City/County Commission that the primary means of access to a residential structure shall be from a street or paved alley, not from an unpaved alley. To that end, the following regulations shall apply to construction of a single-family residence or two-family residence on a new lot in a new subdivision. (A new subdivision is defined as any part of a subdivision, whose construction plans were approved in writing by the City/County Engineer after July 1, 1980.)
1. When a single-family residence or two-family residence (duplex) is to be constructed on a lot that is adjacent to an unpaved alley, the off-street parking provided for that residential structure shall have direct access to a street. This shall not, however, prevent a resident from having secondary access to an unpaved alley for occasional vehicle use.
  2. Off-street parking space shall be provided to the rear of a residential structure only if such spaces have direct access to a street or paved alley.
  3. No structure or addition to any structure, such as a building, utility building, garage, storage building, wall, fence, greenhouse, or swimming pool, shall be permitted where the structure or addition impedes vehicular access between off-street parking spaces and a road. An adjoining alley may provide sole vehicular access to a road only when the entire length of the alley is paved.
  4. When a single-family residence or duplex is to be constructed on a lot that is adjacent to

an alley, the off-street parking provided for that residential structure shall be required to be provided with direct access to such adjacent alley. The off-street parking provided for a multiple dwelling shall be required to have direct access to an adjacent alley only if that alley has been paved in accordance with the standards of the Subdivision Ordinance, and with Article I, Section 24-3 of the Code of Ordinances of the City of Albany and/or Dougherty County, when applicable.

5. Exceptions from general policy. Sole access from single-family or duplex parking to a street may be permitted through an alley that is not paved only when either or both of the conditions listed below are jointly approved by the City/County Engineer and the Director of Planning and Development Services.
  - a. The shape, size or topography of the lot makes driveway access through a front or side yard impractical or infeasible.
  - b. The location, size and shape of existing buildings or structures on the lot make driveway access through a front or side yard impractical or infeasible. Aesthetic consideration shall not be sufficient justification to permit authorization of a driveway that does not meet the requirements of this ordinance.
6. In all of the paragraphs above, the term "direct access" refers to a well-defined driveway leading from parking pad to a street or paved alley.

## **Section 2.02 OFF-STREET PARKING.**

All parking lots established to provide parking for other than single- or two-family dwellings shall be subject to the following general requirements:

1. The construction of any parking lot shall be in accordance with the provisions of these regulations and such construction shall be completed and approved by the Building Department and the Engineering Department before actual use of the property as a parking lot. Plans for the development of any parking lot shall be submitted as specified, and prepared at a scale of not less than fifty (50) feet equals one (1) inch and indicating existing and proposed grades, drainage, water mains and sewers, surfacing and base materials to be used, and the general layout of the proposed parking lot.
2. All such parking lots shall be hard-surfaced with a pavement having asphalt or concrete or other hard surface pavement, and shall be graded and drained so as to dispose of surface water that might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain into adjoining private property.
3. All illumination for or on such parking lots shall be deflected away from adjacent residential areas and shall be installed in such manner as to allow the reduction of the amount of light in other than normal parking hours each day.
4. Side yards shall be maintained for a space of not less than ten (10) feet between the side lot lines of adjoining residential lots and the parking area. The depth of the front yard or setback line

from the street as established for houses in any block in any given residential area shall be continued and made applicable to parking space in such residential area and it shall be unlawful to use the space between such setback line and the sidewalk for the parking of motor vehicles; provided, however, that the barrier specified in Title II Section 2.01, a (5) shall be located on the setback line as herein required.

5. Whenever such parking area adjoins residential property and/or a residential street or alley, a protective wall or landscaping shall be erected and maintained between the required yard space and the area to be used for parking in accordance with Title II, Section 1.05. Location of said wall facing or landscaping a residential street shall be determined by the side yard and building setback requirements adjoining the residential district. The said wall shall be constructed in such a manner that the first twelve (12) feet back from the street shall be four (4) feet in height, and the balance shall be six (6) feet as indicated above. Bumper guards shall be provided to prevent vehicles striking said wall or shrubbery.
6. Parking lots may be built to serve as required or accessory parking. (Not mandatory) Large lots for churches, schools, day care, personal care, recreational, etc. are permitted to be built in any district, including residential.

**Section 2.03 OFF-STREET LOADING.**

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, 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 (10) feet by fifty (50) feet, with a fifteen (15) foot height clearance, and shall be provided according to the following table.

**Table III.2.03 Off-Street Loading Requirements**

Gross Floor Area In Square Feet	Loading and Unloading Spaces Required in Terms of Square Feet of Usable Floor Area
• 5,000-50,000	One (1) space
• 50,000-100,000	Two (2) spaces
• 100,000-200,000	Three (3) spaces
• Over 200,000	Four (4) spaces



#### **Section 2.04 VEHICLE WAITING AREA FOR DRIVE-THROUGHS.**

On the same premises with every building, structure or part thereof erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement where the automobile engine is not turned off, there shall be provided five (5) off-street waiting spaces for each service lane.

Self-service motor vehicle car wash establishments shall provide two (2) off-street waiting spaces for each washing stall. Motor vehicle car wash establishments, other than self-service, shall provide twenty (20) waiting spaces for each washing stall. A drying lane fifty (50) feet long shall also be provided at the exit of each washing stall in order to prevent undue amounts of water from collecting on the public street and thereby creating a traffic hazard.

An off-street waiting space is defined as an area nine (9) feet wide by twenty (20) feet long in a lane approaching a stall or window.

### **ARTICLE 3: NON-CONFORMING USES**

#### **Section 3.01 CONTINUANCE AND CHANGE IN USE.**

The lawful use of a structure or the lawful use of land existing at the time of the effective date of this ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made anywhere on the property, a nonconforming business in a structure may be changed to another business of the very same type, provided that the structure does not remain vacant or the business closed for more than one year. Application for expansion of a non-conforming use shall be made to the Director of Planning and Development Services. The use may be changed to a currently conforming use at any time.

#### **Section 3.02 NON-CONFORMING USE, DESCRIPTION.**

“Non-conforming use” and “non-conforming structure” have different meanings, and cannot be use interchangeably. A use is an activity, such as a residence or business that takes place on a piece of land. A building or structure may be constructed to contain a use. A non-conforming use is a term that applies to any activity, such as a residence or business activity, that is not a currently permitted activity, but that existed prior to the adoption of currently permitted uses. A non-conforming building or structure applies to buildings and structures that do not meet setback, height or other structural placement or volume requirements, but which existed prior to current requirements.

Non-conforming uses have a legal right to remain, since zoning cannot legally be made retroactive concerning uses. For example, a NON-CONFORMING USE could be a business, such as a grocery, located in a single-family residential zoning district that no longer permits new commercial uses, or a home located in an industrial district that no longer permits any new residences. Likewise, an open-air activity that is permitted in the district, such as parking or storage, is not considered a non-conforming use even when the lot on which the use is located does not meet other zoning district requirements such

for greenbelts, fencing, landscaping, front yard or other site requirements. Further, when a non-conforming building or structure contains a conforming use, such as a permitted business, the structure is non-conforming structure while the use is a conforming use. To give another example, a currently permitted business that is located in a building that has a non-conforming front yard depth, is not a non-conforming use, but rather a conforming use within non-conforming building. However, in the event that such building is expanded in the future, the new addition shall be required to observe the required front yard and other requirements as specified in these regulations.

A land use applies only to an activity, and not the lot or building or structure in which the activity is located and, as such, a non-conforming lot or structure has no bearing on the status of a use located within that lot or structure.

### **Section 3.03 CONTINUATION OF NON-CONFORMING USES.**

The non-conforming use of land is permitted to be continued provided that no such non-conforming use of land shall in any way be expanded or extended.

### **Section 3.04 DISCONTINUANCE OR ABANDONMENT.**

Any non-conforming use of land or building, which becomes vacant and remains unoccupied for a period of one (1) year, shall thereafter conform to the permitted use provisions of these regulations.

### **Section 3.05 NON-CONFORMING USE LOCATIONS.**

A non-conforming use is not permitted to be expanded, extended or moved to other portions of the building or parcel of land. If such non-conforming use or portion thereof is discontinued or changed to a conforming use, any future use of such building or portion thereof shall be in conformity to the permitted use regulations of the district in which such building is located.

### **Section 3.06 NON-CONFORMING ALTERATIONS.**

No building which houses a non-conforming use shall be enlarged in such a way that improves or expands the non-conforming use, except to make it comply with requirements of health and safety laws or regulations; provided further, that the cost of such work shall not exceed fifty (50) percent of the tax department appraised valuation of such building or structure at the time such work is done.

### **Section 3.07 RESTORATION.**

Any building that houses a non-conforming use, which has been destroyed or damaged by fire, explosion, Act of God or by public enemy to an extent that the remaining value is less than fifty (50) percent or more of its tax department appraised valuation, exclusive of the foundation at the time such damage occurred, shall thereafter not be permitted to house any non-conforming use. If such damage is less than fifty (50) percent of said valuation before said damage occurred, exclusive of the foundation, then such structure is permitted to be restored to house the same non-conforming use as existed before such damage, provided that such restoration shall be subject to the Administrative Review (AR) and approval for a Special Use by the Director of Planning and Development Services. Said restoration shall be

commenced within one (1) year of the date of such partial destruction and shall be diligently carried on to completion.

### **Section 3.08 NON-CONFORMING RESIDENCES.**

When a non-conforming residence exists as the principal use of any building in the M-1 or M-2 zoning districts, that building is permitted to be altered, expanded or enlarged, provided that the number of dwelling units within the building is not thereby increased. Building placement restrictions established by the Zoning Ordinance for single-family dwellings and two-family dwellings in the C-3 zoning district, and for multiple-family dwellings in the C-R zoning district, shall apply in the case of this expansion or alteration. Said expansion, alteration or enlargement shall also comply with all requirements of the currently adopted Georgia Building Code, and where there is any conflict between this Ordinance and the currently adopted Georgia Building Code, the more restrictive regulations shall apply.

The regulations given in Title III Article 1, Section 1.15 respecting accessory buildings shall also apply, in the event an accessory building, related to the non-conforming residence, is constructed.

## **ARTICLE 4: ADMINISTRATION AND ENFORCEMENT**

### **Section 4.01 ENFORCEMENT.**

Administration of the provisions of these regulations shall be the responsibility of the Director of Planning and Development Services, including related applications for permits and approvals.

### **Section 4.02 PERMITS.**

The following shall apply in the issuance of any permits.

- A. Permits required prior to commencing work. 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. 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 these regulations, showing that the construction proposed is in compliance with the provisions of these regulations and with the currently adopted Georgia Building Code.

No plumbing, electrical, drainage or other permit shall be issued until the Director of Planning and Development Services has determined that the plans for the designated use indicate that the structure and premises, if constructed as planned and proposed, shall conform to the provisions of these regulations.

An existing building shall be considered altered or repaired when changes include any changes in structural members, stairways, basic construction, type, kind or class of occupancy, light or ventilation, means of egress and ingress, or any other changes affected by or regulated by any other pertinent codes of the City/County Commission, except for minor repairs or changes not

involving any of the aforesaid provisions.

- B. Permits for New Use of Land. A building permit shall be obtained for any new use of land, whether presently vacant or where a change in land use is proposed.
- C. Permits for New Use of Buildings or Structures. A building permit shall be obtained for any change in use of an existing building or structure to a different class or type.
- D. Special Administrative Permits. The Director of Planning and Development Services shall have the authority to grant certain limited Administrative Permits as provided in the Zoning Ordinance and in the Riverfront District ordinance, and shall attach conditions as appropriate to ensure compliance with such requirements.
- E. Administrative Review (AR) The Director of Planning and Development Services shall have the authority to approve certain limited uses or limited variations to code requirements, as provided in the Zoning Ordinance and in the Riverfront District ordinance, and shall attach conditions as appropriate to ensure compliance with relevant requirements. Such administrative review may, at the Director's discretion, be forwarded to the Planning Commission when such uses or variations are part of a related Planning Commission review, or are otherwise determined by the Director to merit Planning Commission review. (See Title III Article 5. Section 5.05 C.)

#### **Section 4.03 CERTIFICATE OF OCCUPANCY.**

Until such time as the Director of Planning and Development Services shall have issued an administrative approval stating that the provisions of these regulations have been complied with, it shall be unlawful and prohibited to issue a certificate of occupancy; 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.

- A. Certificate Validity. The Certificate of Occupancy, as required by the currently adopted Georgia Building Code for new construction or renovations to existing buildings and structures, shall also constitute Certificates of Occupancy as required by these regulations.
- B. Certificates for Existing Buildings. Certificates of Occupancy shall be issued for existing buildings, structures or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures or parts thereof, or such of land, are in conformity with the provisions of these regulations.
- C. 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 (6) months, nor more than five (5) 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 these regulations.

- D. Records of Certificates. A record of all Certificates of Occupancy shall be kept in the office of the Director of Inspection Department.
- E. Certificates for Accessory Buildings to Dwelling. 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.
- F. Application for Certificates. Certificates of Occupancy shall be applied for when the application for a building permit is made and shall be issued within ten (10) days after the erection or alteration of such building shall have been completed in conformity with the provisions and requirements of the currently adopted Georgia Building Code and these regulations. If such Certificate is refused for cause, the applicant therefore shall be notified in writing of such refusal and the cause thereof within the (10) days.

**Section 4.04 ZONING ORDINANCE AMMENDMENTS.**

**A. INTRODUCTION.**

This section provides the procedures, requirements and standards for amending the Zoning Ordinance. It covers: (1) amendments to the text of the ordinance; (2) amendments to the map of the ordinance; (3) application and withdrawal requirements; (4) conditional map amendments and; (5) map labeling.

Administration of the procedures, requirements and standards for amending the Zoning Ordinance; including related applications for amending the Zoning Ordinance; is the responsibility of the Director of Planning and Development Services.

It is the intent of the City/County Commission that all zoning decisions and the manner in which zoning decisions are reached shall be in compliance with the provisions of the "Zoning Procedures Act" enacted by the General Assembly of Georgia.

**B. AMENDING THE TEXT OF THE ZONING ORDINANCE.**

**1. AMENDMENT**

The City/County Commission may amend the text of this Zoning Ordinance. It may expand, contract or delete the scope and/or nature of the existing provisions of this ordinance or it may add completely new and separate provisions.

**2. PLANNING COMMISSION REVIEW AND RECOMMENDATION**

The City/County Commission shall submit all proposed text amendments and map amendments to the Planning Commission for its review and recommendation.

**3. PUBLIC HEARING**

The City/County Commission shall hold a public hearing to inform any concerned citizens of and receive public comment on all proposed text amendments. A public hearing held pursuant to this section may be postponed or adjourned to a subsequent date by announcement made at the public hearing.

4. PUBLIC NOTICE

The City/County Commission shall publish a public notice in a newspaper of general circulation in the City/County, at least one (1) time, at least fifteen (15) days prior to the public hearing, giving the subject of all proposed text amendments and the date, time and place of the corresponding public hearings.

C. AMENDING THE MAP OF THE ZONING ORDINANCE.

1. AMENDMENT

The City/County Commission shall amend the map of the Zoning Ordinance whenever property is rezoned, by changing the depiction of the boundary lines of zoning districts, or the zoning district assigned to the property.

2. APPLICATION BY PROPERTY OWNER

Applications for amendments to the map of the Zoning Ordinance may be submitted by the owner of the property to be rezoned or by his or her designated agent. Applicants shall submit a written application, as specified by the City/County Commission, and a filing fee, as established by the City/County Commission. Agents for the property owner shall submit a letter of authorization, signed by the property owner or the chief corporate executive, as part of the application. Signs may not be posted or public notice published until the application has been completed and submitted to the Albany Dougherty Commission.

Any proposed map amendment shall first be submitted to the Albany Dougherty Planning Commission for its recommendation and report.

After the City/County Commission shall have received the recommendation and report of the Albany Dougherty Planning Commission on the proposed change, or if no recommendation is received from the Albany Dougherty Planning Commission within seventy (70) days of the date of the application, the City/County Commission may proceed to hold a public hearing in relation thereto, giving not less than fifteen (15) days notice of the time, place and object thereof by publication in a newspaper of general circulation.

The City/County Commission must take action on the application within seventy (70) days after the public hearing before the City/County Commission.

3. APPLICATION BY THE CITY/COUNTY COMMISSION

- a. The City/County Commission may at any time file, in its own name, an application for a map amendment.
- b. When the City/County Commission applies for a map amendment in its own name, the owner of that property shall be notified by certified mail, addressed to the owner, at the address that appears on the owner's ad valorem tax return of most recent date in Dougherty County. Said letter shall inform the owner of (1) the date of the application; (2) the dates, times and places of the Albany Dougherty Planning Commission Hearing and Public Hearing; (3) the intent and purpose of the rezoning and; (4) shall request that the property owner provide written or verbal comments on the proposed rezoning action to the Albany Dougherty Planning Commission.

4. PUBLIC HEARING REQUIRED

The City/County Commission shall hold a public hearing on all proposed map amendments, except for the correction of map errors which shall not change the zoning district, i.e. "on the ground" district boundaries, of the property in question as described in the Ordinance amending the zoning of that property. A public hearing held pursuant to this section may be postponed or adjourned to a subsequent date by announcement made at the public hearing.

5. PUBLIC NOTICE

Public notice in newspaper: The City/County Commission shall publish a public notice in a newspaper of general circulation in the City, at least one (1) time, at least fifteen (15) days prior to the public hearing, giving the nature and location of all proposed map amendments, current zoning district classifications and dates, times, and places of the corresponding public hearing and City/County Commission meetings.

Posted signs: The City/County Commission shall have a sign(s) posted in a conspicuous place(s) on the property to be rezoned, which shall contain information describing the proposed map amendment and the dates, times and places of the public hearings before the City/County Commission. Such a sign shall be continuously displayed for fifteen (15) days prior to the public hearing. Said sign or any part of the sign shall not be removed from said property except by an authorized agent of the City/County Commission.

Letters to abutting property owners: Letters of notification shall be mailed to property owners abutting the subject property, including owners of any property that is located directly across an abutting street or alley from the subject property, at least fifteen (15) days prior to the public hearing. Such letter shall contain the nature and location of all proposed map amendments, current zoning district classifications and dates, times, and places of the corresponding public hearing and City/County Commission meetings.

6. STANDARDS GOVERNING THE EXERCISE OF ZONING POWER

All requests for map amendment shall be evaluated in accordance with the provisions of any officially adopted Comprehensive Development Plan or any officially adopted element thereof, of which the Zoning Ordinance is such an element. All such requests shall be evaluated and determined in accordance with the following standards:

- a. Whether the zoning proposal shall permit a use that is suitable in view of the use and development of adjacent and nearby property.
- b. Whether the zoning proposal shall adversely affect the existing use or usability of adjacent or nearby property.
- c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- d. Whether the zoning proposal shall result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- e. Whether the zoning proposal is in conformity with the policy and intent of the Future Land Use Plan, and adopted Comprehensive Plan. Examples include the County policy on agricultural preservation and the policies regarding mobile home development.
- f. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

D. FREQUENCY OF APPLICATION.

No application for a map amendment or any other zoning decision as defined by O.C.G.A. for a parcel of land shall be made within the twelve (12) month period following the date of denial of the application for a map amendment or other zoning decision for the same parcel of land, except as provided herein, (see E and F below).

E. REAPPLICATION BY THE CITY/COUNTY COMMISSION.

The City/County Commission may file a map amendment application in its own name and may consider such application before the expiration of the ~~six~~ (6) month delay period following a denial of a previous map amendment application for the same property, or properties; only when said application is based upon a specific findings of fact and/or circumstances that were not previously considered in the previous map amendment application, and when it is in the public interest to do so.

F. WITHDRAWAL OF AN APPLICATION FOR MAP AMENDMENT OR OTHER ZONING DECISION.

An applicant for a map amendment or other zoning decision may withdraw and refile his application prior to the beginning of the scheduled public hearing conducted by the City/County Commission if:



1. The withdrawal is presented to the City/County Commission in writing,
2. A second application is submitted within thirty (30) days from the date of withdrawal,
3. The second application shall not extend the bounds of the property affected beyond that of the original application,
4. The second application shall include a statement specifying the specific intended use of the property, and
5. A second filing fee is paid.

If the applicant fails to comply with F (1) through (5) above, no action shall be taken by the City/County Commission. Further, reapplication may not be made until six (6) months after the date of the receipt of the original application.

If an application is withdrawn and refiled, it shall be republished and posted, and a new public hearing held.

#### G. CONDITIONAL APPLICATION FOR MAP AMENDMENTS.

##### 1. PURPOSE

Contrasting land uses often result when two (2) very different zoning districts are placed next to each other. This contrast in land uses may be avoided or reduced, while allowing the zoning district of the second district to be changed, by limiting the permitted uses of the second district to uses that are compatible with those permitted in the first zoning district. Not only may the uses of the second district be limited, but specific conditions may also be stipulated to further make the use(s) in the second district compatible with the first. This is called Conditional Zoning.

In no case shall conditions placed on map amendments have the effect of permitting uses that are otherwise prohibited in the zoning district in which it is located.

##### 2. APPLICATION FOR CONDITIONAL ZONING MAP AMENDMENT (CONDITIONAL ZONING)

Between the time an application for a map amendment is filed and the close of its scheduled public hearing, the property owner or his agent may specify conditions that further limit the use of the property that is being considered for the map amendment, he may reduce the number or type of permitted uses; or limit the nature and/or scope of the permitted uses. In addition, he may specify other acts which he will perform to lessen the negative impact of the proposed uses on the surrounding neighborhood.

##### 3. APPLICATION FOR CONDITIONAL ZONING MAP AMENDMENT

## (CONDITIONAL ZONING) BY THE CITY/COUNTY COMMISSION

Between the time an application for a map amendment is filed and the call for the final vote for approval or denial of the application by the City/County Commission, the Albany Dougherty Planning Commission and/or the City/County Commission may specify conditions under which the property shall be used if the application is approved. Such conditions may reduce the number, size or type of permitted uses, limit the location, nature or scope of permitted uses, restrict permitted uses to a specified activity, require or limit parking, access, service and other vehicular areas, improve pedestrian access, restrict the number and type of property improvements that can be made, require the property owner to carry out specific acts or property improvements that will lessen the potential negative impact of the proposed use on the surrounding neighborhood, and similar conditional zoning requirements.

After the close of the public hearing, any conditions stipulated shall not be made less restrictive than those that were presented at the time of the public hearing.

### 4. DOCUMENTATION REQUIRED FOR CONDITIONAL ZONING APPROVAL

#### a. LETTER OF INTENT AND SITE PLAN

When a property owner or his agent initiates an application for a conditional map amendment, whether or not it is modified by stipulation with the property owner or by the City/County Commission, the applicant initiating the request for map amendment shall provide four (4) copies of a letter of intent and four (4) copies of a site plan. When the City/County Commission initiates an application for a conditional map amendment, the City/County Commission shall provide four (4) copies of a letter of intent and four (4) copies of a site plan. The letter of intent shall include a detailed statement specifying what uses shall be permitted to be made of the property and how they shall be conducted.

The Site Plan shall show as a minimum: (1) the property boundaries, (2) the location of the exterior walls of all buildings on the property, (3) location of points of ingress and egress, (4) parking spaces and driveways if appropriate, (5) a title, date, scale, name of author and north orientation, (6) the placement of improvements required by the conditions. The site plan shall be drawn to scale.

#### b. CERTIFICATION

Upon approval by the City/County Commission, the letter of intent and site plan shall be certified by the City/County Clerk indicating said approval. One (1) copy of the site plan and letter of intent shall be returned to the applicant, the second copy shall be forwarded to the Director of Planning and Development Services, the third copy shall be retained by the City/County Clerk, and the fourth copy shall be filed with the record of rezoning.

5. ALTERING THE CONDITIONS.

After conditional approval is granted by the City/County Commission, alteration of the conditions as established in the certified letter of intent and site plan, including but not limited to a change in use to any other use permitted in the subject zoning district, shall be made by the City/County Commission only after referral to and receipt of a recommendation from the Albany Dougherty Planning Commission, and after holding a public hearing in accordance with established procedure.

H. MAP LABELS.

1. Zoning districts constrained by conditional map amendments shall be identified on the map of the zoning ordinance by a lower case letter "c" placed as a suffix behind the Zoning District Classification, e.g. R-1c or C-3c.
2. The date the conditional map amendment is approved by the City/County Commission shall also be placed on the map of the Zoning Ordinance in such a manner that it clearly refers to the appropriate district classification label, e.g. C-3c 12/25/99.

**Section 4.05 PERFORMANCE BONDS.**

The City/County Board Commission may impose a monetary requirement in the form of performance or surety bonds, in order insure a property owner's strict compliance with any permit, regulation or condition of zoning pertaining to physical site improvements. Such imposed monetary requirement may be a contingency to securing a zoning amendment, special approval or variance. The property owner may be required to furnish a performance or surety bond or letter of credit or cashiers check executed by a reputable surety company authorized to do business in the State of Georgia in an amount determined by the City/County Commission to be reasonably necessary to insure compliance hereunder; provided, however, that in fixing the amount of such performance or surety bond, consideration is given to the size and scope of the proposed improvement project, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel operator to comply to Court Decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding such application.

***ARTICLE 5: POWERS OF THE ALBANY DOUGHERTY PLANNING COMMISSION  
CONCERNING ZONING APPEALS AND VARIANCES***

**Section 5.01. AUTHORITY OF ALBANY DOUGHERTY PLANNING COMMISSION.**

The Albany Dougherty Planning Commission (Planning Commission) shall have the responsibility and power to hear and decide appeals to this ordinance for both the City/County Commissions. The Planning Commission shall have all of the powers, duties and responsibilities set forth in this Zoning Ordinance; it shall perform all of its duties and exercise all of its powers in such a way that the objectives of the Zoning Ordinance shall be accomplished, public safety and welfare secured, and substantial justice done.

**Section 5.02. MEETINGS.**

All meetings of the Planning Commission shall be held at the call of the Chairman or, in his absence, the Vice Chairman, and at such times as the Planning Commission may determine. All meetings of the Planning Commission shall be open to the public. The Planning Commission 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 Planning and Development Services and shall be a public record.

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

### **Section 5.03. APPEALS AND REVIEW.**

- A. Appeals taken: An appeal may be taken to the Planning Commission by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Director of Planning and Development Services. Such appeals shall be taken within sixty (60) days by filing with the Director of Planning and Development Services and with the Planning Commission a Notice of Appeal specifying the grounds thereof. The Director of Planning and Development Services shall forthwith transmit to the Planning Commission all of the papers constituting the record upon which the appealed action was taken.
- B. Stay of proceedings: An appeal shall stay all proceedings in furtherance of the appealed action, unless the Director of Planning and Development Services certifies to the Planning Commission, 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, otherwise than by a restraining order, which may be granted by a court of record.
- C. Public hearing: The Planning Commission shall set a time and place for the hearing of the appeal and give public notice and due notice thereof to the parties 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 Director of Planning and Development Services shall be notified of any such hearing.
- D. Conditions: The Planning Commission, in acting on appeals in connection with a request for waiver of specific requirements, may attach any conditions to its approval, which it finds necessary to accomplish the reasonable application of the required findings and standards, and other authorizations for approval. Such conditions shall be clearly stated in the minutes of the meeting at which the conditions were attached.
- E. Administrative powers in acting on appeals: In exercising the above powers, the Planning Commission may reverse or affirm wholly or partly, or may modify, or may make any appealed action, order, requirement, decision, or determination, as ought to be made, and to that end shall have all the administrative powers of the Director of Planning and Development Services, with regards to the regulations set forth for such appealed action.

- F. Majority vote on administrative decisions: A majority vote of an established quorum of the Planning Commission shall be necessary. to reverse any administrative order, requirement, decision or determination of the Director of Planning and Development Services in favor of the applicant in any matter upon which a decision is authorized by these regulations.
- G. Variances in acting on appeals: In hearing and deciding appeals, the Planning Commission has the authority to grant variances there from as may be in harmony with their general purpose and intent, so that the function of these regulations is observed, public safety and welfare secured, and substantial justice done, in accordance with the powers of the Planning Commission concerning variances. The specific reasons for such variance, shall be clearly put forth in the minutes of the meeting at which the variance was granted
- H. Limited powers of the Planning Commission: The power of authority to alter or change any zoning regulations or the Zoning Map is solely reserved to the City/County Commission in the manner hereinafter provided by law, and actions taken by the Planning Commission are limited to those powers specifically assigned to the Planning Commission by these regulations.

**Section 5.04. FEES.**

Any required applications fees shall be paid at the Department of Planning and Development Services at the time an application is made, and no application shall be considered completed unless and until such fee is paid, unless payment of such fee is waived by the general rules adopted by the City/County Commission. The fee amount shall be in accordance with the fee schedule then in effect.

**Section 5.05. POWERS OF ALBANY DOUGHERTY PLANNING COMMISSION CONCERNING APPEALS, SPECIAL EXCEPTIONS AND VARIANCES.**

The Planning Commission shall have the following specific powers and duties:

- A. Purpose.
  - 1. Appeals: To hear and decide appeals where it its alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of these regulations, in accordance with the foregoing regulations set forth in Title III Section 503, Appeals Heard by the Planning Commission.
  - 2. Special exceptions: To hear and decide special exceptions, in accordance with the standards for uses, and the terms of these regulations upon which the Planning Commission is required to review and pass decisions.
  - 3. Variances: To authorize in specific cases such variances from the terms of these regulations as shall not be contrary to the public interest where, owing to unusual or extraordinary conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulties or unnecessary hardship, so that the spirit of these regulations 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 meeting all the following specified findings of the Planning Commission.

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question and because of its size, shape or topography, and
- b. The application of these regulations to this particular piece of property would create an unnecessary hardship, and
- c. Such conditions are peculiar to the particular piece of property involved, and
- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations, provided, however, that no variance shall be granted for a use of land or building or structure that is prohibited by these regulations.

In exercising the foregoing powers, whenever the Planning commission grants a variance, the evidence of conformance with the above specified findings of the Planning Commission shall be stated, and the specific reasons for granting such variance shall be clearly put forth, in the minutes of the meeting at which the variance was granted.

B. Other authorized actions: In hearing and deciding appeals, special exceptions and variances, the Planning Commission shall have the authority to grant such appeals, special exceptions and variances, as may be in keeping with their general purpose and intent, so that the function of these regulations is observed, public safety and welfare secured, and substantial justice done, including the following authorized actions:

1. Require a legal survey, in cases where street layout on the ground varies from the street layout as shown on the Zoning Map, to be used in interpreting the provisions of these regulations and in carrying out the intent and purpose of the plan, as shown upon the Zoning Map that is part of these regulations. In cases of any question as to the location of any boundary line between zoning districts, the Planning Commission shall interpret the Zoning Map only upon receiving a recommendation for such interpretation from the Director of Planning and Development Services.
2. Permit the modification of the off-street automobile parking, service, or loading area requirements where, in the particular instance, such modifications shall not be inconsistent with the purpose and intent of such requirements.
3. Permit modification of regulations related to height, or to square-foot area, as may be necessary to secure an appropriate improvement of a lot that is of such shape or so located with relation to surrounding development or physical characteristics that it cannot otherwise be appropriately improved without such height or area modification.
4. Permit temporary buildings and uses for periods not to exceed six (6) months.

5. Establish performance bonds to insure compliance of any requirement that the Planning Commission may determine necessary for approving any variance.
  6. In addition to those powers enumerated in the foregoing, the Planning Commission is also specifically authorized elsewhere in the Zoning Ordinance to grant variances and/or modifications, including the following sections of the Zoning Ordinance.
    - a. Title III Article 1, Section 1.01 Lots of Record.
    - b. Title III Article 1, Section 1.15 Accessory Buildings.
    - c. Title III Article 3, Section 3.07 Restoration of Non-Conforming Uses
- C. Standards for uses: In the Planning Commission's consideration of actions for appeals, special exceptions and variances related to or involving existing uses, or uses that are otherwise permitted within the zoning district, it shall be first determined that all foregoing requirements under Title III Article 5, Section 5.05 A. and 5.05 B are met and, in addition, the following use standards related to effects and impacts of uses on adjacent property are met.
1. The proposed use shall be of such location, size and character that it shall be in harmony with the appropriate and orderly development of the surrounding neighborhood.
  2. The proposed use shall be of a location, orientation and nature that shall make safe both vehicular and pedestrian traffic related to that use, and shall be no more hazardous or of a nuisance to the surrounding area than is normal for the district involved; taking particular consideration of vehicular turning movements in relation to routes of pedestrian and vehicular traffic flow, proximity and relationship to intersections, adequacy of sight distances, access to off-street parking, interface with pedestrian routes, and safety provisions at pedestrian crossings with particular attention to minimizing child-vehicle contacts in residential districts.
  3. The proposed use shall have a location, size, intensity, site layout, time period and operating hours that is designed and implemented to eliminate any possible nuisance that might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, lights or other nuisance.
  4. Within the site on which the use is located, the location and height of buildings or structures and the location, nature and height of walls and fences shall be such that the proposed use shall not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- D. Conditions: The Planning Commission, in acting on any appeal, special exception, variance, or other authorized action, may attach any conditions to its approval that it finds necessary to accomplish the reasonable application of the foregoing requirements for findings, standards and other authorization. Such conditions shall be clearly stated in the minutes of the meeting at which the conditions were attached.
- E. Perpetuation of nonconforming conditions is not intended: In exercising the foregoing powers,

existing nonconforming conditions of lands, uses or structures, whether on the same property or on abutting or nearby properties, shall not be considered legitimate grounds for the issuance of an appeal, special exception, variance or any other authorized action by the city staff or by the Planning Commission.

**Section 5.06 NOTICE OF HEARING.**

The Planning Commission in conducting any public hearing shall fix a reasonable time for the hearing of the appeal and shall give public notice thereof and post a sign on the property in question. Upon the hearing, any party may appear in person or by agent.

**Section 5.07. APPROVAL PERIOD.**

No order of the Planning Commission permitting the erection or alteration of a building shall be valid for a period longer than six (6) 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.

**Section 5.08. ADMINISTRATIVE SITE PLAN REVIEW BY THE DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES.**

The Director of Planning and Development Services may, through an Administrative Site Plan Review, vary certain requirements as set forth in Title II, Article 6, Section 6.02.

***ARTICLE 6: ENFORCEMENT CRITERIA INTERPRETATION, APPLICATION, VIOLATIONS, VALIDITY, CONFLICT AND EFFECTIVE DATE***

**Section 6.01 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 that are imposed or required by such Ordinance or agreements, the provisions of this Ordinance shall control.



**Section 6.02 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 punished by imprisonment for a period not to exceed sixty (60) days, or by imposition of both fine and imprisonment in the discretion of the Court of proper jurisdiction. Each day that a violation is permitted to exist shall constitute a separate offense.

**Section 6.03 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 6.04 CONFLICTING PROVISIONS REPEALED.**

All other ordinances and parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

**Section 6.05 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/County Commission and are hereby ordered to be given effect immediately.