

City of Camilla

Zoning Ordinance No. 2018-09-10-1

ADOPTED OCTOBER 8, 2018
Regular Session of Mayor and Council
First Reading: September 10, 2018
Second Reading: October 8, 2018

Prepared by:

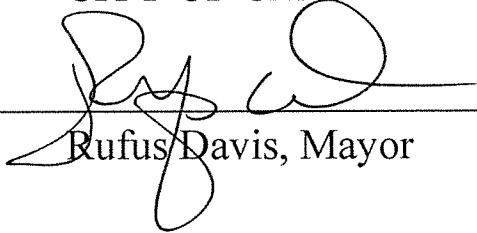


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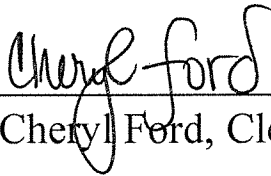
I hereby certify Zoning Ordinance No. 2018-09-10-1 was approved and adopted in its entirety at a Regular Session of the Mayor and City Council the City of Camilla, Georgia held October 8, 2018 in the Council Chambers at City Hall.

CITY OF CAMILLA



Rufus Davis, Mayor

ATTEST:



Cheryl Ford, Clerk



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ARTICLE I. INTRODUCTION

SECTION 1.01. EFFECTIVE DATE.

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

SECTION 1.02. AUTHORITY FOR ENACTMENT.

The Camilla City Council enacts this ordinance pursuant to The City of Camilla's authority to adopt plans and exercise the power of zoning granted by the Constitution of the State of Georgia, Article 9, Section 2, Paragraph 4, Planning and Zoning, and by Article 9, Section 2, Paragraphs 1 and 3; pursuant to Chapters 66 and 70 of Title 36 of the Official Code of Georgia Annotated; by the Georgia Planning Act of 1989 as amended; by The City of Camilla's authority to enact regulations and powers granted by its Charter, by local laws and by the City's general police powers; and by other powers and authority provided by federal, state, and local laws applicable hereto.

SECTION 1.03. JURISDICTION.

This ordinance shall apply to the incorporated areas of The City of Camilla.

SECTION 1.04. PURPOSE.

The purpose of these regulations shall be to promote the proper location, height, bulk, number of stories and size of buildings and other structures; to assure the appropriate sizes of yards, courts, and the use of other open spaces; the density and distribution of population; and the use of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, sanitation, protection against floods, public activities, and other purposes, so as to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to prevent urban sprawl; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; to promote desirable living conditions and the sustained stability of neighborhoods; to encourage better design of the built environment in a manner that improves the aesthetic conditions of the city so as to promote the health, safety and welfare of citizens and visitors; to protect against blight and depreciation; to secure economy in governmental expenditures; to conserve the value of

buildings and to encourage the most appropriate use of land, buildings, and structures; and for other purposes.

SECTION 1.05. SEVERABILITY OF PARTS OF ORDINANCE.

It is declared to be the intention of the Camilla City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable; and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since they would have been enacted by the city council without incorporation in this Ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 1.06. 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 annual any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction or requires larger open spaces, or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this ordinance shall control.

SECTION 1.07. VIOLATIONS AND PENALTIES.

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

SECTION 1.08. DEFINITIONS.

For the purposes of these regulations certain words and tenses, used herein, shall be interpreted or defined as follows:

- Words used in the present tense include the future tense.
- The singular number includes the plural and the plural, the singular.
- The word "person" includes a corporation, partnership, or association as well as an individual.
- The term "shall" is always mandatory and not merely directory.
- Terms not herein defined shall have the meanings customarily assigned to them.
- The term "governing body" shall mean the City Council of Camilla, Georgia.

Accessory apartment: An accessory dwelling which is subordinate to a principal structure or use which may be rented by persons not related to the owner of the property

Accessory building: A detached, subordinate structure, the use of which is clearly incidental to, customarily associated with and related to the principal structure or use of land, and which is located on the same lot as the principal structure or use. Accessory buildings shall include storage buildings, tool houses, party houses, bathhouses (used in conjunction with swimming pools) and similar uses.

Accessory use: The use customarily incidental and accessory to the principal use of a building located upon the same building site as the principal use.

Adult entertainment establishment: A restaurant, nightclub, cabaret or other establishment, which features adult entertainment. Any commercial establishment that has, as its primary purpose or business or as a secondary use, the offer for sale of any book, publication or film that depicts nudity or sexual conduct or engages in services such as bath houses, massage parlors, wrestling parlors or like activity including a restaurant, nightclub, cabaret, lounge or other establishment that features adult entertainment.

Agriculture: Agriculture shall be considered to mean the raising of soil crops and/or livestock in a customary manner on tracts of land 25 acres or more in size and shall include all associated activities. Retail selling of products raised on the premises shall be considered a permissible activity provided that space necessary for the parking of customer's vehicles shall be provided off the public right-of-way.

Airfield: Any area of land or water utilized for the landing or taking off of aircraft.

Alley: Any dedicated public way providing a secondary means of ingress to or egress from land or structure thereon.

Alteration: Any change, addition or modification in construction or type of occupancy; any change in the structural members of the building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed."

Ambulatory: In respect to a person, the ability to move from place to place by walking, either unaided or aided by prosthesis, brace, cane, crutches or hand rails, or by propelling a wheelchair; and can perceive an emergency condition, whether caused by fire or otherwise and escape without human assistance, using the normal means of egress.

Apartment: A room or suite of rooms used as dwelling for one family which does its cooking therein.

Apartment houses: A residential structure containing three or more apartment units.

Artificial lot: The area of a one-acre or larger tract to be built on that is delineated for the purposes of calculating landscape requirements. This is only for calculating landscape requirements and only for tracts that are one acre or larger.

Automobile wrecking yard, automobile used parts or auto graveyard: Means anywhere three or more vehicles not in running condition, or the parts thereof, are stored in the open or any building or structure used principally for wrecking or storage of automobiles not in running condition for automobile parts.

Basement: A portion of a building partly below grade and having less than five feet above the finished grade level of the building.

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

Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, drainage ways, or boundary lines of municipalities or counties.

Buffer: That portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established as landscaped open space for the purposes of screening and separating properties with incompatible land uses, the width of which is measured from the common property line and extends the developed portion of the common property line. A buffer consists of trees, shrubs, and other natural vegetation undisturbed by grading or site development and replanted where sparsely vegetated or where disturbed for approved access and utility crossings.

Buildable area: The buildable area of a lot is the space remaining after the minimum open space requirements of these regulations have been complied with.

Building: Any structure having a roof, supported by columns or by walls and intended for shelter, housing or enclosure of any person, animal or goods. Where roofed structures are separated from each other by party walls having no opening passage, each portion so separated shall be considered a separate building.

Building inspector: The highest ranking building official of the governing body, or his representative.

Building height: The vertical distance of a building measured from the average elevation of the finished grade to the highest point on the roof surface.

Building, principal: A building in which the principal use of the lot on which it is located is conducted.

Building setbacks: The distance any part of any structure must be from any front, rear, or side property line. Building setbacks are established in this ordinance.

Caretaker or employee residence: An accessory residence located inside or in addition to the principal structure or use of a parcel of land. Said residence must be occupied by a bona fide caretaker or the owner himself as necessary to the property's orderly operation or safety.

Clerk: The clerk of the governing body.

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

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

Curb cut: An alteration to an existing curb and gutter for the construction of a driveway to provide for ingress/egress between property and an abutting public street.

Conditional use: A use which within certain districts specified by this ordinance is not permitted as a matter of right but may be permitted within these districts by the city council after the planning commission has:

- (1) Reviewed the proposed site plans for the use, its arrangement and design, its relationship to neighboring property and other conditions peculiar to the particular proposal which would determine its desirability or undesirability; and
- (2) Has found the proposal not to be contrary to the intent of this ordinance. All conditional use applications will follow the same public notice, public hearing and review process as any application for rezoning.

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

Day care facility: A day care facility is an individual or jointly owned facility designated to offer care and/or training to children unrelated to the owner or director for any part of a day on a regular basis. Such facility may or may not be operated for profit. All playground equipment must be located in the rear and side yard. Day care is not a baby-sitting service to be used for the convenience of the parents at irregular intervals (drop-ins).

- (1) A **group center (day nursery, day care center)** is defined as a facility for six or more children, regardless of age, whose primary purpose is the care of the child for part of a day, while his parent or parents are absent from home.
- (2) A **nursery school** is defined as a school for two-, three-, and four-year old children which operates for periods not to exceed four hours a day and whose primary purpose is education and guidance for healthy emotional and social development of children.

(3) **Kindergarten** is defined as a school for four- or five-year old children which operates for periods not to exceed four hours a day and whose primary purpose is education and guidance for healthy emotional and social development.

(4) **Family day care** is defined as a service in a private home, offering care in a family setting to a maximum of five children, including the foster family's own children during part of the day while the natural parents are absent from their home.

(5) **Adult day care** is defined as personal care and supervision in a protective setting for adults outside their own home for less than 24 hours per day. The program may include the provisions of daily medical supervision, nursing and other health care support, psycho-social assistance, or appropriate socialization stimuli or a combination of these. Adult day care is available for those persons who do not require 24 hour per day institutional care, but who, because of physical and/or mental disability, are not capable of full time independent living.

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

District: A portion of the jurisdiction of the governing body within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas and other requirements are established.

Drive-in establishment: A business establishment, other than a drive-in restaurant, so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, and may include drive-in banks, drive-in cleaners, and drive-in laundries.

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

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

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

Dwelling, multiple: A building or portion thereof used or designed as a residence for three or more families living and cooking independent of each other in said building. This definition includes three family houses, four-family houses and apartment houses, but does not include hotels, motels, trailer camps or mobile home parks.

Efficiency unit: An efficiency unit is a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing not less than 400 square feet of floor area.

Erected: Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of the erection.

Essential services: The erection, construction, alteration, or maintenance by public utilities, governmental departments or commissions, of underground, surface, or overhead; gas, communication, electrical, steam, fuel or water transmission or distribution systems, sewers, pipes, conduits, cable, fire alarm and police call boxes, traffic signals, hydrant and similar accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or governmental departments for the general public health, safety, convenience or welfare.

Family: No more than six unrelated persons or one or more related persons occupying a housing unit and using common kitchen facilities and entrances, as distinguished from a group occupying a boarding house, or personal care home.

Fast food restaurant: A fast food restaurant is defined to be a restaurant that has all of the following characteristics.

(1) Its principal business is the sale of food items and beverages of the kind, which can readily be taken out of the restaurant for consumption off the premises.

(2) Utensils, if used at all, are made of plastic or other disposable materials. Food is packaged in paper or Styrofoam or other disposable containers.

(3) Service is not customarily provided to customers at their tables by employees of the restaurant.

Farm: A platted or unplatted parcel of land 25 acres or more in an area which is used for growing crops, raising livestock or other agricultural purposes.

Farm stand: A booth or stall located on a farm from which produce and farm products are sold to the general public.

Filling: Shall mean the depositing or dumping of any matter on or into the ground, except deposits resulting from common household gardening and general farm care.

Flea market: An outdoor and/or indoor facility established for the purpose of selling at retail such new or used items as household goods, tools, crafts or any other combination of new or used goods. These markets, sales and displays are those that occur continuously or frequently, and specifically more than two times per year, normally at a fixed location where a proprietor, partnership, or corporation leases to vendors a booth, commercial stall or designated area from which the vendor markets his/her goods.

Flood plain: A nearly level alluvial plain that borders a stream and is subject to flooding unless protected artificially.

Foster child: A child unrelated to a family by blood or adoption with whom he or she lives for the purposes of care and education.

Garage, private: An accessory building designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is an accessory.

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

Garden, private: A non-commercial private garden which is an accessory use to the primary use of the zoning district. The primary use must be present at the same location as the garden in any zoning district with the exception of agricultural zoning districts.

Guest house: A detached accessory dwelling unit located on the same lot with a single-family dwelling unit. A guest house may be used only by family members, guests, or family employees without payment or consideration. Occupation of guesthouses shall be temporary [30 continuous days at a maximum].

Home occupation: Any use conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Provided further, that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction, open storage or signs not customary in residential areas. Signs for home occupations are required to meet the requirements of article XIX of this ordinance. Clinics, hospitals, childcare centers, and day nurseries, among others, shall not be deemed to be home occupations.

Home occupation, residential:

- (1) The home occupation use shall only be allowed in residential zoning districts which allow home occupations.
- (2) The dwelling unit must maintain a residential appearance and there shall be no outward evidence of the occupation or impacts in appearance, noise, light, odor, traffic and utilities that would be detectable beyond the dwelling unit.
- (3) The use shall be conducted entirely within the dwelling unit and accessory structures with not more than 25 percent of a property's gross floor area devoted to the home occupation.
- (4) Only persons living in the dwelling unit on a full time basis shall be employed at the location of the home occupation.
- (5) No more than one home occupation shall be authorized for any residential dwelling unit.
- (6) No business materials or equipment shall be stored at the premises of the home occupation unless such material or equipment is stored in an area within the residence. No business

vehicles used in the home occupation shall be stored on the premises where the home occupation is undertaken.

- (7) The following businesses, uses, and activities shall be prohibited as home occupation uses: adult entertainment establishments; kennels; stables; veterinarian clinics; medical and dental clinics; restaurants, clubs, and drinking establishments; motor vehicle repair or small engine repair; funeral parlors; adult businesses; limousine service; taxi service; and wrecker service.
- (8) No motor vehicle other than a passenger automobile, passenger van or passenger truck used by the resident as a personal vehicle shall be parked on the property.
- (9) Non-conforming home occupation uses: Non-conforming uses permitted as of the date of adoption of this ordinance, shall be allowed to continue to operate under the following conditions:
- (a) No non-conforming use may be changed to another non-conforming use.
 - (b) No non-conforming use shall be increased, extended or enlarged beyond the size or scope of the use as it existed on the date of issuance of the current occupation tax certificate.
 - (c) The non-conforming use is specially designated to the current property and business owner. (The home occupational use is not transferable.)
 - (d) Violation of these conditions will result in an immediate and permanent revocation of the right to continue the non-conforming use.

Hospital: An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

Junk: Any motor vehicle, machine, appliance, scrap material or other items that are in a condition which prevents its use for the purpose for which it was originally manufactured.

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

Kennel: an establishment kept for the purpose of breeding, selling, training, or boarding animals

Laboratory: A place devoted to experimental study, such as testing and analyzing. Manufacturing of product or products is not permitted within this definition.

Landscape strip: That portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established as landscaped open space, the width of which is measured from the

common property line and extending the developed portion of the property line. A landscape strip, as distinguished from a buffer, may be disturbed by grading or site development but shall be maintained as landscaped open space. A landscape strip may consist of grass lawns, decorative planting, berms, walls, fences or other approved features designed and arranged to produce an aesthetically pleasing effect within the development.

Loading strip: An off-street space on the same parcel of property with the building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lodging house: A lodging house or rooming house is a building other than a hotel where lodging is provided for five or more persons for compensation pursuant to previous arrangement.

Lot: A parcel of land occupied or intended to be occupied by a principal building or use and any accessory building and uses customarily incident to it, and including open spaces not less in extent than those required in connection therewith by these regulations.

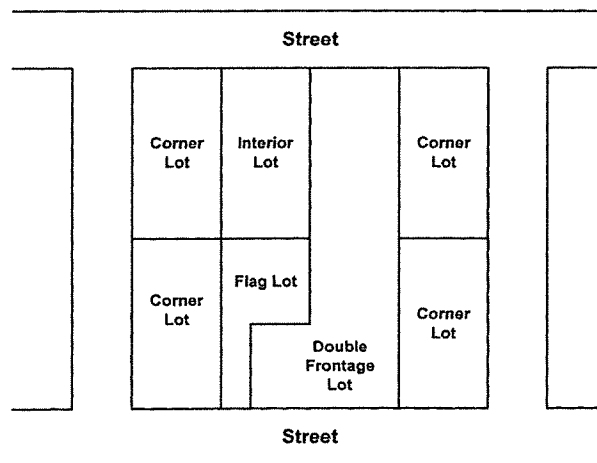
Lot area: The size of a lot measured within the lot lines as expressed in terms of acres or square feet.

Lot, corner: A lot abutting on two streets at their intersection. The minimum front yard setback shall be observed on both street frontages.

Lot depth: The mean distance between the front and rear lot lines.

Lot, double frontage: An interior lot having frontages on two or more parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one street will be designated as the front street on the plat and the request for a building permit will indicate which street is the designated front street.

Lot, flag: Lots which have adequate land area for two lots but which do not have adequate street frontage for more than one lot. The standards require access for fire protection and also require screening in the higher density residential areas to protect the privacy of abutting residences. The intent of flag lots is to provide additional housing and commercial opportunities and to promote the efficient use of land.



TYPES OF LOTS

Lot, frontage: That portion of a lot extending along a street right-of-

way line.

Lot, interior: A lot other than a corner lot.

Lot lines: The property lines bounding the lot.

- (1) **Front lot line:** On a lot abutting upon a public street, the front lot line shall mean the line separating such lot from such street right-of-way.
- (2) **Rear lot line:** Ordinarily, the lot line that is opposite and most distant from the front lot line of the lot. In the case of an irregular shaped lot the city planner shall designate the rear lot line.
- (3) **Side lot line:** Any lot line that is not a front or rear lot line.

Lot of record: A parcel of land, the dimensions of which are shown on a map or plat on file with the clerk of superior court of the county and which actually exists as shown, or any part of such parcel held in a recorded ownership separate from the ownership of the remainder thereof.

Lot width: The distance between the side lot lines, measured along the front building line and parallel to the street right-of-way.

Manufactured home: A factory built structure that is manufactured or constructed under the authority of 42 United States Code Section 5401 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home, except as may be hereafter otherwise provided.

Manufactured home park: A licensed business operation which leases spaces for permanent or for temporary occupancy for periods exceeding 30 days for manufactured homes and, under some conditions, travel trailers.

Manufactured home stand: The site designed for the placement of a manufactured home and its cabana, accessory structures, utility connections and off-street parking facilities.

Maximum lot coverage: The part or percentage of the lot that may be occupied by buildings or structures, including accessory buildings or structures.

Mobile home: A structure transportable in one or more sections which, in the travelling mode, is eight body feet or more in width or 40 body feet or more in length or when erected on the site is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems. Mobile homes were manufactured prior to June 15, 1976 and do not meet current building codes. In order to protect the health, safety and welfare of citizens mobile homes as herein defined are not authorized except as

previously existing lawful nonconforming uses and shall not be placed in the incorporated areas of the city. See section 17.02.

Modular homes: Factory built housing certified as meeting local or state building codes as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes.

Motor vehicle repair: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; overall painting; but not including undercoating of automobiles unless conducted in a completely enclosed spray booth.

Motor vehicle wash establishment: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

Non-conforming use: Any building or land use which lawfully exists at the time of adoption of this ordinance or amendments thereto and which does not now conform with the use regulations of the district in which it is located.

Nursery (tree and shrub): An area or establishment devoted to the raising and care of trees, shrubs, or similar plant materials.

Off-street parking lot: A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exits for the parking of more than two automobiles.

Open air business uses: Open-air business use shall include the following:

- (1) Retail sale of trees, shrubbery, plants, flowers, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
- (2) Retail sale of fruits and vegetables.
- (3) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.
- (4) Bicycle, trailer, motor vehicles, mobile homes, boats or home equipment sales, services or rental services.
- (5) Outdoor display and sale of prefabricated storage buildings, garages, swimming pools and similar use.

Open space, landscaped: That portion or portions of a given lot, not covered by buildings, pavement, parking access and service areas, set aside and maintained as a buffer, landscape strip or other approved open area.

Outdoor display: The open display of items, outside of any principal or accessory building that does not include walls for enclosure, that is for the primary purpose of attracting attention to the specific item from nearby or adjacent streets or roads.

Outdoor storage: The open storage of any items, whether business related or personal, outside of any principal or accessory building or structure that does not include walls for enclosure.

Parking space: An area of not less than nine feet wide and 20 feet long, for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

Place of worship: A lot or building wherein persons assemble for religious worship.

Planned unit development: A planned unit development is a single parcel of land within which a number of buildings (uses) are located or intended to be located in accordance with an overall plan of design and not in relation to a prearranged pattern of land subdivision. Examples of a planned unit development (P.U.D.) include a complex of apartment buildings, offices and a shopping center with a number of stores.

Prime farm land: Land in the city which is best suited for producing feed, forage, fiber, and oil seed crops and also available for these uses. It has the soil quality, growing season, and moisture supply needed to produce sustained good yield of crops economically if treated and managed, including water management, according to modern farming methods.

Produce stand/curb market: A permanent or semi-permanent building stand not exceeding 200 square feet of floor area intended to provide a place to sell at retail only perishable farm and garden vegetables and orchard or grove fruits, but not including buildings or structures erected by a bona fide farmer for the sale of seasonal produce grown on their land in an Agricultural Zoning District.

Recreation facility, commercial: A recreation facility operated as a business and open to the public for a fee.

Recreational vehicle: is a motor home, travel trailer, truck camper, or camping trailer with or without motive power designed for human habitation for recreational or emergency occupancy.

Reference level: The reference level for any building is seven inches above the existing curb, or in the absence of an existing curb, above the crown of the adjacent public road.

Rooming, Lodging or Boarding House: A dwelling unit within which a resident family or manager offers lodging or lodging and meals, but no other personal services, to two or more unrelated adults in exchange for monetary compensation or other consideration.

Rubbish: The miscellaneous waste material resulting from housekeeping, mercantile enterprises, trades, manufacturing offices and construction enterprises, including other waste material such as slag, stone, broken concrete, fly ash, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, and/or similar or related combinations thereof.

Screening: Also referred to in the text as "protective screening" is a visual and acoustical barrier which, through the use of buffers, natural topography, landscaping, fences, walls, beams or approved combination thereof, is of such nature and density that provides year-round maximum capacity from the ground to a height of at least six feet that screens structures and activities on the lot from view from the normal level of a first story window on an abutting lot.

Service station: A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in vehicles, and including space for facilities for the temporary storage of vehicles, minor repair or servicing.

Shopping center: Two or more commercial establishments planned and managed as a single unit with off-street parking and loading facilities provided on the property.

Single parcel ownership: Possession of a parcel of property wherein the owner does not own adjoining property.

Soil removal: Shall mean the removal of any kind or soil or earth matter which includes topsoil, sand, gravel, clay or similar materials or any combination thereof, except common household gardening and general farm care.

Stable, commercial: Any place established for gain or profit at which more than four adult horses are kept for the purpose of training, boarding, riding, sale or breeding or where instruction pertaining to the same is given for a fee.

Story: That portion of a building, other than the cellar or mezzanine, included between the surface of any floor and the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of these regulations, a basement or cellar shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servant employed in the same building including the family of the same.

(1) **Ground story:** The lowest story of a building, the floor of which is not more than 12 inches below the elevation of the reference level.

(2) **Half-story:** The part of a building between a pitched roof and the uppermost full story, said part having a finished floor area which does not exceed one-half of the floor area of said story.

(3) **Mezzanine:** Shall be deemed a full story when it covers more than 50 percent of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor above it is 24 feet or more.

Street: A thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other

thoroughfare except an alley. A public street is a street accepted by dedication or otherwise by the governing body. A private street is a street not so accepted.

Structure: Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground. Among other things, structures include buildings, manufactured homes, signs, swimming pools and fallout shelters but do not include walls or fences.

Structural alteration: Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders or any change in the width or number of exits, or any structural change in the roof.

Subdivision regulations: Regulations as adopted by the governing body governing the subdivision of land.

Swimming pool: Any structure or container intended for swimming or bathing located either above or below grade designed to hold water to a depth of greater than 24 inches.

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

Truck gardening: Truck gardening is the use of land for growing edible vegetables, fruits, and other crops for resale and commercial purposes. Household gardening by a property owner for a hobby or purely local consumption by himself and his family residing on the same premises shall not be considered to be truck gardening.

Use: The purpose for which land, premises, or a building thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Utility room: A room or space, located other than in the basement, specifically designed and constructed to house utilities, such as major home appliances.

Variances: A variance is a relaxation to the terms of this zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the particular property and not the result of any action of the applicant, a literal enforcement of the ordinance requirements would result in unnecessary and undue hardship.

Water system, community: A public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

Water system, individual: A potable water system other than a community or public water system, serving no more than two principal buildings, residence or other facility designed or used for human occupancy or congregation on one lot.

Water system, public: A system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

- (1) Any collection, treatment, storage and distribution facilities under the control of the operator of such system and used primarily in connection with such system.
- (2) Any collection or pretreatment storage facilities not under such control which are primarily in connection with such system. A public water system is either a community water system or a non-community water system.

Yard, front: A space extending the full width of the lot and situated between the right-of-way line of the abutting street and the front line of the principal building.

Yard, rear: A space extending across the full width of the lot between the rear line of the principal building and the rear line of the lot.

Yard, side: A space situated between the principal building and side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

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

ARTICLE II. ESTABLISHMENT OF ZONING DISTRICTS.

SECTION 2.01. DISTRICTS.

The incorporated portions of the city are hereby divided into thirteen (13) classes of districts known as the following:

R-1 Single Family Residential

R-2 Single Family Residential

R-3 Two Family and Multiple-Family Residential

R-PUD Residential Planned Unit Development

R-MH Residential Manufactured Home District

R-OI Restricted Office-Institutional

AG Agricultural

C-1 Neighborhood Commercial

C-2 General Business

C-3 Highway Commercial

C-PUD Commercial Planned Unit Development

I-1 Light Industrial

I-2 Heavy Industrial

SECTION 2.02. DISTRICT BOUNDARIES AND OFFICIAL ZONING MAPS.

The boundaries of the above districts are shown on the set of maps designated "Official Zoning Maps, Camilla, Georgia." These Official Zoning Maps, together with all explanatory matter thereon, are hereby adopted and incorporated herein by this reference and hereby made a part of this Zoning Ordinance. The Official Zoning Maps shall be identified by the signature of the Mayor or City Clerk and shall be labeled "Official Zoning Maps, Camilla, Georgia." Where uncertainty exists with

respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Maps, the following rules shall apply:

- (1) Where zoning district boundaries are indicated as approximately following the centerlines of roads or highways or railroad right-of-way lines extended, such centerlines or railroad right-of-way lines or such lines extended, shall be construed to be such boundaries.
- (2) Where district boundaries are indicated as approximately following the county line, or the corporate limits line of any incorporated place or the militia district line of any militia district, or the land lot line of any land lot; such county line, corporate limits line, militia district line or land lot shall be construed to be such boundaries.
- (3) Where district boundaries are indicated as approximately parallel to the centerlines of streets or highways, such district boundaries unless otherwise specifically indicated, shall be construed as being parallel thereto, and each above district boundary shall be shown at scale on the official zoning map of the city.
- (4) Where district boundaries are indicated as approximately following the centerline of streambeds or riverbeds, such centerlines or such lines extended shall be construed to be such boundaries.

SECTION 2.03. DISTRICT BOUNDARY LINES DIVIDING A LOT.

In the event that a district boundary line on the zoning map divides a lot of record held in one ownership on the date of passage of the zoning ordinance, each part of the lot so divided shall be used in conformity with the regulations established by this ordinance for the district in which each such parcel is located. Except, that if one zoning district comprises more than 75 percent of said lot area, a use allowed in the district of majority may be extended to the existing property lines beyond the district boundary line in accordance with setbacks and yard requirements of the district into which the use is encroaching, with the administrative approval of the planning director.

SECTION 2.04. LIMITED USE PROVISION.

The City of Camilla establishes the "limited use" provision for the purpose of allowing an applicant to request that a certain property be classified as a limited use. In some areas of the city, a particular land use activity selected out of a general zoning classification may have less community impact than some of the other uses within that classification. For this reason, an applicant may request a rezoning petition to limit the use of a proposed property to a specified use only, (i.e., C1-L.U.). To wit: Neighborhood business district limited to a "beauty shop." The limited use must be among the uses permitted in the zone district for which the limited use is taken. In the event that the conditions for which the limited use zoning was granted is violated, the property would revert to the prior zoning classification.

ARTICLE III. GENERAL PROVISIONS

SECTION 3.01. APPLICABILITY

Except as hereinafter specifically provided, the regulations of this article shall apply.

SECTION 3.02. CONFLICTING REGULATIONS.

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

SECTION 3.03. SCOPE.

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

SECTION 3.04. ONLY ONE PRINCIPAL BUILDING PER LOT.

Except as herein provided, there shall be no more than one principal building per lot other than within a planned unit development.

- (1) In residential zoning districts an "in-law suite" may be allowed. When such a second accessory dwelling is constructed, the following rules shall apply:
 - (a) The in-law suite shall not be larger than 75 percent of the footprint of the primary dwelling, with a maximum square footage of 800 square feet.
 - (b) The in-law suite shall be used for housing family members only. No in-law suite shall be rented to non-family members. No commercial use of the in-law suite shall be permitted.
 - (c) The in-law suite shall meet all building setback requirements for the zoning district in which it is located.
 - (d) Each in-law suite shall be so defined by permanent physical markers as to be given a numerical address and location designation.
 - (e) Each in-law suite established under this section shall meet the requirements of local construction and use codes established by the local governing authority.
 - (f) Building permits for construction will not be issued prior to the approval of each of the aforementioned conditions by the planning director, or his designee.

SECTION 3.05. SUBSTANDARD LOTS.

Any lot which was of record at the time of the adoption of the ordinance from which this ordinance derives that does not meet the requirements of this ordinance for yards or other area or open space, may be utilized for a use for which it is zoned, provided that all applicable health and safety standards are observed. The purpose is to permit utilization of recorded lots, which lack adequate width or depth as long as reasonable living or working standards can be provided. Substandard lots under the same ownership shall be combined where possible, to make standard lots, or to make the lots as close to being standard as possible.

SECTION 3.06. LOT FRONTAGE.

Every new residential lot shall abut a public street. No building shall be erected on a parcel that does not abut a public street, or road, except as otherwise provided for herein. If a property, residential or commercial, that was recorded prior to the date of adoption of this ordinance does not abut a public road, the lots shall be recombined or redivided to provide the required road frontage access, if possible, or a legal easement shall be recorded and a recorded copy submitted with the permit application before a building permit may be issued.

SECTION 3.07. SIGHT DISTANCE AT INTERSECTIONS.

In all districts, no fence, wall, hedge, shrub planting, or other plant or structure, which obstructs the site lines at elevations between two and 12 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines extended. No trees shall be permitted to remain within such distances of such intersections unless the foliage line is maintained to comply with the above site lines.

SECTION 3.08. REDUCTION OF LOT AREA PROHIBITED.

No lot shall be reduced in size so that the yard, lot width, lot area or other requirements of this ordinance are not maintained, except in cases where the size of a lot of record is reduced as a result of public dedication or condemnation for public uses and where such size reduction has been approved by the planning director. This includes lots of record at the time of the adoption of this ordinance.

SECTION 3.09. ACCESSORY BUILDINGS.

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

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

- (2) Accessory buildings, except garages, may be erected in any required yard except a front yard, providing further that in no instance shall such a building be nearer than ten (10) feet to any adjoining side lot line or rear lot line.
- (3) In residential districts, an accessory building shall not exceed the height of the primary structure and in no instance shall the square footage of the footprint of the accessory building, or combination of accessory buildings, exceed the square footage of the ground floor area of the principal building.
- (4) No detached accessory building shall be located closer than fifteen (15) feet to any principal building.
- (5) In the case of corner lots, accessory buildings shall observe front yard requirements on both street frontages.
- (6) Garages. In any residential zone, no garage shall be erected closer to the side lot line than the permitted distance for the dwelling.
- (7) Carport. In any residential zone, no carport shall be erected, constructed or altered closer to the side lot line than the permitted distance for the dwelling, nor beyond the front line of the house to which it is attached.
- (8) Manufactured homes, mobile homes or tractor-trailers shall not be used as accessory buildings.
- (9) In C-3 Highway Commercial, accessory buildings require a site plan to be drawn in accordance with section 3.16 of this ordinance. The site plan may be approved by the zoning administrator, or his/her designee, and administrative approval can be granted.

SECTION 3.10. ACCESSORY DWELLING UNITS IN DETACHED BUILDINGS.

This section applies to any accessory dwelling unit that is located in a building that is not attached to the principal dwelling.

- (1) **Guest houses**, as defined, shall be permitted as accessory dwelling units, subject to the following regulations:
 - (a) *Accessory Use.* The guest house must be an accessory use to a single-family detached dwelling already existing on the lot. No more than one guest house may be located on any lot.
 - (b) *Lot Area Requirement.* A guest house shall be permitted only on a lot having 15,000 square feet or more in area.
 - (c) *Location.* The guest house must be constructed within the rear yard of the residential lot separated by a distance of at least 15 feet from the principal building.

- (d) *Height.* The maximum height of the guest house shall be twenty (20) feet or the height of the primary structure, whichever is less.
- (e) *Architecture and Building materials.* The guest house shall have an architectural design and exterior building materials that are compatible with the principal building (single-family dwelling).
- (f) *Maximum Floor Area.* The gross building floor area of the guest house may not exceed 60 percent of the floor area of the principal dwelling.
- (g) *Use.* Guest houses shall not be rented or otherwise occupied separately from the principal dwelling, except for non-paying guests or domestic employees residing on the premises and sharing meals in the principal dwelling.
- (h) *Utilities.* All required utilities of the guest house shall be connected to the principal structure. Separate or secondary meters are prohibited.
- (i) *Building Code Compliance.* The guest house shall conform to all applicable standards for building, plumbing, electrical, mechanical, fire, health, and other applicable codes for residential units.

(2) **Accessory Apartment**, as defined, shall be permitted as accessory dwelling units, subject to the following regulations:

- (a) *Accessory Use.* The accessory apartment shall be an accessory use to a single-family detached dwelling already existing on the lot. No more than one accessory apartment may be located on any lot.
- (b) *Lot Area Requirement.* An accessory apartment shall be permitted only on a lot having 15,000 square feet or more in area.
- (c) *Location.* The accessory apartment must be constructed within the rear yard of the residential lot separated by a distance of at least 15 feet from the principal building.
- (d) *Occupancy.* The total number of occupants in the accessory dwelling unit shall comply with the occupancy standards of the building code.
- (e) *Height.* The maximum height of the accessory apartment shall be twenty (20) feet or the height of the primary structure, whichever is less.
- (f) *Architecture and Building materials.* The accessory apartment shall have an architectural design and exterior building materials that are compatible with the principal building (single-family dwelling).
- (g) *Maximum Floor Area.* The gross building floor area of the accessory apartment may not exceed 60 percent of the floor area of the principal dwelling.

- (h) *Use.* Accessory apartments may be rented or otherwise occupied separately from the principal dwelling. The property owner must occupy either the principal dwelling or the accessory apartment as the permanent residence. For purposes of this section, “property owner” means the title holder and/ or contract purchaser of the lot, and “owner occupancy” means that a property owner, as reflected in the title records, makes his/her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means.
- (i) *Property Covenant Required.* The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the principal dwelling or the accessory apartment. The applicant shall provide a covenant suitable for recording with the recorder of deeds providing notice to future owners or long-term lessors of the subject lot that the existence of the accessory apartment is predicated upon the occupancy of either the accessory apartment or the principal dwelling by the person to whom the certificate of occupancy has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this section and to provide for the removal of improvements added to convert the premises to an accessory apartment and the restoration of the site to a single family dwelling in the event that any condition of approval is violated.
- (j) *Utilities.* All required utilities of the accessory apartment shall be separate or have secondary meters.
- (k) *Building Code Compliance.* The accessory apartment shall conform to all applicable standards for building, plumbing, electrical, mechanical, fire, health, and other applicable codes for residential units.
- (l) *Parking.* One (1) parking space shall be provided for the accessory dwelling unit in addition to the principal structure (dwelling). Said parking shall be provided on an approved and permitted driveway or parking pad.
- (m) *Addressing.* Accessory apartments are required to have a separate physical address and mailing address from the principal dwelling.

SECTION 3.11. PROHIBITED IN ALL RESIDENTIAL DISTRICTS.

- (1) Any structure or equipment listed in Section 108 of the International Code Council (ICC) Property Maintenance Code.
- (2) It shall be prohibited in all residentially zoned districts to park or store in the open power driven construction equipment, used lumber or metal, or any other miscellaneous scrap or salvageable material in quantity.

(3) Vehicles larger than a regularly maintained pickup or panel truck of 7,500 pounds, or greater, gross vehicle weight capacity, tractor-trailer combinations, tractors, or trailers shall not be placed, parked, or stored in residentially zoned districts except on lots five acres or greater and shall be located in the rear yard. Vehicles so allowed shall not exceed one in number per lot. Trucks used, or intended for use, for commercial purposes, less than 7,500 pounds gross vehicle weight capacity shall be limited to no more than one per lot and shall be located in the rear yard, behind the principal building.

(4) Kennels.

SECTION 3.12. LANDSCAPING AND SCREENING.

(1) *Landscape maintenance.*

(a) All landscape installed in accordance with this section shall be maintained for a two-year period (hereinafter referred to as the "maintenance period" from the issuance date of the certificate of occupancy (CO)).

(b) The procedures for administering the inspections for landscapes are as follows:

(i) The zoning administrator shall make three inspections of the landscape improvements on a six-month interval basis. If any deficiencies exist, a written report outlining the deficiencies shall be prepared by the zoning administrator and given to the owner. The owner shall make any necessary repairs or modifications required by the report of the zoning administrator.

(ii) Forty-five days prior to the expiration date of the maintenance period, the zoning administrator shall make inspections for final landscape approval. If any deficiencies exist, a written report outlining the deficiencies shall be made and given to the owner. The owner shall make any necessary repairs or modifications required by the report of the zoning administrator.

(c) Failure to maintain landscape for the required two-year maintenance period or to make repairs reported by the zoning administrator shall be deemed to be a violation of the Zoning Ordinance and shall subject the owner of the property to the penalties provided for such a violation.

(2) *Purpose and intent.* The following regulations are designed to promote the health, safety, order, aesthetics and general welfare by protecting incompatible uses of land, providing for a more attractive urban environment, assuring adequate open space, and reducing noise, night lighting, odor, objectionable view, loss of privacy and other adverse impacts and nuisances through the use of buffers and landscaping.

(3) *Submittal of landscape plans.* A landscape plan shall be submitted to the planning and development department together with the site development plan if one is required. If a site development plan is not required by the land development ordinance, then landscape plans

must still be submitted to the planning and development department before a building permit may be issued. The following information shall be shown on the required landscape plan:

- (a) Calculation of net site area showing all existing and proposed structures, parking and access, other paved areas, and all required buffer yard areas pursuant to this Section;
- (b) Calculation of required landscape area;
- (c) Location and dimensions of areas to be landscaped and total amount of landscaped area;
- (d) Location of all trees larger than 24 inches in caliper.

(4) *Landscape area required.*

- (a) *Calculation of landscape area:* The area to be landscaped shall be calculated using the amount of disturbed area delineated in any type of development.
- (b) *Commercial or institutional uses:* A minimum of ten percent of net site area shall be landscaped. In addition:

- (i) For every 500 square feet, or fraction thereof, of required landscape area, one tree of three-inch caliper or larger is required. Up to 50 percent of the required number of trees may be replaced by five-gallon shrubs at the rate of one tree equals ten shrubs.

- (ii) For every 50 square feet, or fraction thereof, of required landscape area, one shrub a minimum of five gallons in size is required. Up to 50 percent of the required number of shrubs may be replaced by three-inch caliper trees at the rate of ten shrubs equals one tree.

- (c) *Industrial uses:* A minimum of four percent of net site area, or, at the option of the developer, a landscape area of at least 30 feet in depth along the property frontage on all public rights-of-way adjacent to the property. In addition:

- (i) For every 500 square feet, or fraction thereof, of required landscape area, one tree of three-inch caliper or larger is required. Up to 50 percent of the required number of trees may be replaced by five-gallon shrubs at the rate of one tree equals ten shrubs.

- (ii) For every 50 square feet, or fraction thereof, of required landscape area, one shrub a minimum of five gallons in size is required. Up to 50 percent of the required number of shrubs may be replaced by three-inch caliper trees at the rate of ten shrubs equals one tree.

- (d) *Landscape strip required:* All properties except those containing single family detached or attached residences, or two-family residences, shall provide landscape strips, as herein defined, of ten feet in width along the developed portion of side and rear property lines. This landscape area may account for up to 25 percent of the landscape area required by 3.12(d). It shall be the responsibility of the property owner of a lot to be used or built upon to install the required landscape strips. Installation of landscape strips may be phased in accordance with approved building plans.
- (5) *Street trees.* Trees shall be required along all parkways and roads built within a development. These trees shall be planted outside the right-of-way. The street tree requirement shall be one tree with a minimum three-inch caliper for every 30 linear feet of roadway. The trees may be placed in a linear pattern or be clustered to create a more natural effect.
- (6) *Parking lot landscape requirements.* Landscaping shall be required in all commercial, institutional, or industrial developments. A minimum of five percent of net parking area shall be landscaped. In addition:
- (a) For every 100 square feet, or fraction thereof, of required landscape area, one tree of three-inch caliper or larger is required. Up to 50 percent of the required number of trees may be replaced by five-gallon shrubs at the rate of one tree equals ten shrubs.
 - (b) For every 50 square feet, or fraction thereof, of required landscape area, one shrub a minimum of five gallons in size is required. Up to 50 percent of the required number of shrubs may be replaced by three-inch caliper trees at the rate of ten shrubs equals one tree.
- (7) *Acceptable material.* If a wall or fence is not used pursuant to this section then the following must apply:
- (a) *Multiple-family residential and non-residential property abutting single-family residential property.* Where non-residential property abuts property zoned for residential use, landscaping shall be provided along the side and rear property lines so that a solid screen five feet in height when planted is formed and will, within a year, grow to six feet. If deemed necessary by the planning director, or his designee, due to topographical changes between the multiple-family residential or non-residential and residential property, the minimum height may be increased to eight feet. At a minimum, materials shall consist of 25 percent evergreen trees a minimum of six feet tall, 25 percent ornamental and/or shade trees with a minimum three-inch caliper or in small groups of ornamental and/or shade trees six feet tall having the same effect of a three-inch caliper ornamental and/or shade tree, and 50 percent evergreen and deciduous shrubs, provided that no more than 25 of the shrubbery

may be deciduous. When planted, this landscaping shall form a continuous screen that is at least six feet in height.

- (b) *Ground cover:* Except where occupied by planting beds, all perimeter-landscaping areas shall be sodden or seeded. If seeded, grass shall be established through proper watering and fertilization as needed.

(8) *Preservation of trees.* In order to encourage the preservation of existing trees, the area within the drip line of trees of 12 to 24 caliper inches that is protected by fencing during grading and construction and is included in the required landscape area shall receive double credit toward the required landscape area. If the tree is in the buffer area, such credit can be given in the buffer area as long as the desired buffer zone effect is accomplished. Otherwise, the credit shall be given to other areas, not located in the buffer area. Any tree 24 caliper inches or over shall be preserved, unless approved for removal by the planning director, or his designee where removal of such tree is mandated by development constraints that cannot reasonably be altered. If such tree is approved for removal, the tree must be replaced by a tree, or cluster of trees, that, when planted, has an overall caliper of at least six inches.

(9) *Exemptions from landscape requirements.* The following are not subject to these landscape requirements:

- (a) Structures that do not create or expand building square footage and temporary structures such as job shacks or trailers associated with construction activities;
- (b) Change in existing structure, unless the structure is expanded in accordance with subsection (a) above;
- (c) Temporary buildings in place for a maximum of five years and erected as accessory buildings for elementary and secondary schools and institutions of higher education.

(10) *Installation and maintenance.* The owner and/or user of the property shall be responsible for installing all required landscaping and maintaining them in a neat and orderly appearance. This includes irrigating or watering, fertilizing, pruning and replanting where necessary. Where fences or walls are involved, this also includes any and all necessary maintenance and/or repair. Necessary trimming and maintenance shall be the responsibility of the property owner or user of the property to maintain the health of all plant and landscaping materials, to provide an aesthetically pleasing appearance, and to assure that all screening actually serves the purpose for which it is intended. In cases of noncompliance, the planning director, or his designee, shall be empowered to take action as provided by law to ensure maintenance of all plant and landscaping materials.

(11) *Miscellaneous requirements.*

- (a) All required landscape areas adjacent to vehicle use areas shall be protected by wheel stops, curbs, or other physical barriers.
- (b) All required landscape areas shall be located outside the exterior perimeter of the footprint of a building or structure.
- (c) With the exception of landscaping required in the side and rear yards, a minimum of 75 percent of all remaining required landscape areas shall be located in the front yard between the building line and the front property line. For lots with multiple street frontages, the minimum percentage to be placed on either frontage shall be determined by the planning director, or his designee.
- (d) No artificial plants, trees, ground cover or other artificial vegetation may be installed.
- (e) Unless otherwise specified by this section, any walls constructed pursuant to the requirements of this section shall be a minimum of six feet in height and constructed of brick, stone, or concrete block textured or coated with an architectural finish (paint, stucco, etc.). Walls shall be located in a manner that accomplishes the purposes of this section.
- (f) When fencing is provided pursuant to this section, the finished surface of the fence shall face externally to the project. Fences shall be located in a manner that accomplishes the purposes of this section and shall be constructed of solid wood or other approved material that achieves the desired visual and acoustical screening.
- (g) Areas reserved for storm water detention/retention are not permitted within buffers of landscape strips. However, exceptions may be granted by the planning director, or his designee, if, after consultation with the manager of development services, no reasonable alternatives are available or undue hardship is shown.

(12) *Modification of landscape requirements.* The planning director, or his designee, may approve minor variations in the location of required landscape materials due to unusual topographic restraints, sight restrictions, siting requirements, preservation of existing stands of native trees or similar conditions, or in order to maintain consistency of established front yard setbacks. These minor changes may vary the location of landscape materials, but may not reduce the amount of required landscape area or the required amount of landscape materials. The landscape plan shall be submitted and specify the modifications requested and present a justification for such modifications.

- (a) *Acceptable tree types:* The following is a list of example tree types that are indigenous to the area and tend to grow well. This list is not all-inclusive.

Shade trees: Black Tupelo, Bald Cypress, Florida or Southern Sugar Maple, Ginkgo or Maiden Tree, Live Oak, Overcup Oak, Scarlet Oak, Swamp Chestnut Oak, White Oak, American Beech, American Holly, Chinafir, Dawn Redwood, Deodar Cedar, Green

Ash, Japanese Cryptomeria, Japanese Pagodatree, Laurel or Darlington Oak, Loblolly Pine, Longleaf Pine, Red Cedar, Red Maple, River Birch, Sawtooth Oak, Shumar Oak, Slash Pine, Southern Magnolia, Sweetgum, Tulip Tree or Yellow Poplar, Water Oak, White Ash, Willow Oak.

Ornamental Trees: Bradford Pear, Cabbage Palmetto, Cassine Holly, Caste Tree, Chinese Pistache or Pistachio, Chinese Tallowtree, Crepe Myrtle, Croonenburg Holly, Dogwood, Fringe-Tree or Grancy Graybeard, Goldenrain Tree, Hybrid Holly, Japanese Evergreen Oak, Japanese Flowering Apricot, Japanese Maple, Japanese or Saucer Magnolia, Leyland Cypress, Lost Gordonia, Nellie R. Stevens Holly, Purpleleaf Plum, Redbay Persea, Redbud or Judas Tree, Savannah Holly, Sassafras, Sweetbay Magnolia, Trident Maple, Virginia Pine, Yaupon Holly, Weeping Yaupon Holly, Weeping Willow.

Shrubbery: Clayeria, Euonymus, Japanese Privet, California Privet, European Privet, Southern Waxmyrtle, Northern Bayberry, Pittsporum, Japan Yew, and Red Tip Photinia.

(13) *Dumpster Screening Standards.*

- (a) Dumpsters shall be kept within enclosures which comply with the following criteria a wall that is at least six (6) feet high. The outer face of the dumpster enclosure shall be located no less than five (5) feet inside any lot line. The wall may be constructed out of masonry or stockade fencing. The wall shall be decoratively finished concrete, brick, stucco, or other material matching the exterior finish (if masonry) and color of the principal building.
- (b) Dumpsters shall be maintained in good working order with no leaks, shall have functional lids and shall be free of jagged or sharp edges or other inside obstructions which could prevent the free discharge of their contents.
- (c) Dumpsters shall be emptied by a collector licensed by the city at regular intervals as necessary to prevent accumulations and overflow of refuse. Dumpsters and surrounding areas within the enclosure shall not be used for disposal of special wastes, furniture, white goods, or hazardous substances. Dumpsters and the enclosure areas shall be maintained by the property owner free of such materials and overflowing refuse at all times. If a continuous problem of insufficient dumpster capacity is proven to exist, additional or larger capacity dumpsters and enclosures or increased frequency of pick-up shall be required in order to eliminate the overflow problem.
- (d) The base of the dumpster enclosure must be poured concrete, in accordance with the requirements of the Building Code. The base shall extend three (3) feet beyond the front opening of the enclosure as an apron, and all concrete must be level with adjacent asphalt. All dumpster pads shall be at least two (2) feet larger than the

dumpster on all sides. Wheel stops or posts shall be permanently affixed to the pad at least one (1) foot inside the perimeter of the pad to prevent the dumpster from striking the enclosure during collection.

- (e) Dumpsters and dumpster enclosures shall be located in a position accessible for collection by the equipment of the city licensed collector.
- (f) The dumpster enclosure shall be required for all properties utilizing dumpsters for recycling services.
- (g) The gates of the enclosure shall be constructed of a frame with opaque or translucent walls affixed thereto, and both frame and walls shall be of a material of sufficient strength to withstand normal use. Gates shall be attached to metal posts at least three (3) inches in diameter with at least two hinges. Each gate shall have a wheel at the bottom to prevent sagging and shall have drop pins or rods to hold the gates in place in both open and closed positions. Gates shall remain closed at all times. The city licensed collector shall be required to close the dumpster gate after servicing each dumpster.
- (h) Each property owner may, at its option, provide a dumpster enclosure with a thirty-inch opening on one side, to enable a person to walk into the enclosure to deposit trash, garbage, refuse or recyclable materials.
- (i) Dumpsters and associated enclosures shall not be located on any required parking spaces.
- (j) Each property owner shall be responsible for the maintenance, upkeep and appearance of its dumpster enclosures. Property owners shall maintain dumpster enclosures in a manner which prevents the deterioration of its appearance and allows for the continued safe operation in compliance with this division.

SECTION 3.13. ANIMALS IN RESIDENTIAL DISTRICTS.

Regulations for animals in residential districts can be found in Title 4, Chapter 3 of the Camilla City Code.

SECTION 3.14. CONDITIONAL USES.

- (1) Before a building permit shall be issued for a conditional use, an application shall be made to the planning commission which, after public hearing and careful review of any applicable sections of this ordinance and the criteria below, may recommend to the city council the

issuance of such permit or approval if in the judgment of the planning commission the application meets the criteria below and will not be detrimental to the health, safety and general welfare of the city.

- (2) The public notice and procedures for the required public hearings by the planning commission and the city council shall be as set forth in Article XXI herein.
- (3) An application to establish a conditional use shall be approved following a public hearing and review by the planning commission, and a public hearing and determination by the city council that satisfactory provisions and arrangements have been made by the applicant concerning each of the following criteria, all of which are applicable to each application:
 - (a) The proposed use shall not be contrary to the purpose of this article;
 - (b) The proposed use shall not be detrimental to the use or development of adjacent properties or the general neighborhood nor affect adversely the health and safety of residents and workers;
 - (c) The proposed use shall not constitute a nuisance or hazard or otherwise provide inadequate provisions regarding the following: the number of persons who will attend or use such facility; vehicular movements, ingress and egress to the subject property and generation of traffic, noise, odor, dust or vibration generation that negatively impacts surrounding properties; or type of physical activity;
 - (d) The proposed use can be adequately serviced by public or private facilities providing necessary services such as water, wastewater treatment, stormwater management, parks, utilities, and schools;
 - (e) The proposed use will not be affected adversely by existing uses, and the proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use; and
 - (f) The parking and all development standards set forth for each particular use for which a permit may be granted can be met.
- (4) The planning commission may recommend and the city council may impose or require such additional restrictions and conditions as may be necessary to protect the health and safety of workers and residents in the community, to ameliorate any negative impacts of the proposal on surrounding properties, and to protect the value and use of property in the general neighborhood. Wherever the city council shall find, in the case of any permit granted pursuant to the provisions of these regulations that any term, conditions or restrictions upon which such permit was granted are not being complied with, said council shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

- (5) Conditional uses shall be implemented within a period of 12 months from the time the use is granted or become null and void and subject to procedures for resubmission as established above and are subject to all other applicable laws and regulations.

SECTION 3.15. VARIANCES.

- (1) The planning commission shall authorize, after public hearing, in specific cases such variances from the terms of this ordinance as will not in its opinion, be contrary to the public interest, where owing to special conditions, a literal enforcement of this ordinance will, in an individual case, result in unnecessary hardship. Such variance may be granted in such individual cases of unnecessary hardship upon consideration of the following criteria:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the ordinance to this particular piece of property would create an unnecessary hardship;
 - (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 interest or impair the purposes and intent of this ordinance, provided, however, that no variance may be granted for a use of land or building which is prohibited by this article. The city will control the actual use of properties through zoning and conditional uses and not through variance.
- (2) In exercising the above powers, the city council shall not consider any nonconforming use of neighboring lands, structures or buildings in the same district, nor permitted use of lands, structures, or buildings in other districts, as grounds for the issuance of a variance.
- (3) The public notice and procedures for the required public hearings by the planning commission shall be as set forth in Article XXI.
- (4) If the planning commission grants a variance the reason for such variance must be put forth clearly in the minutes of the meeting at which the variance was granted.
- (5) Variances shall be implemented within a period of 12 months from the time the variance is granted or become null and void and subject to procedures for reapplying and are subject to all other applicable laws and regulations.
- (6) Any person aggrieved by a final decision of the planning commission regarding a variance is authorized to seek review of such decision by the Camilla Board of Zoning Appeals for a writ of certiorari, setting forth plainly, fully and distinctly the alleged error(s). Such petition shall be filed within thirty (30) days after the final decision of the planning commission is rendered.

SECTION 3.16. SITE PLAN REVIEW.

- (1) In order to assure that the requirements of this ordinance are complied with, all applications for a building permit shall be accompanied by a building site plan which shall conform to the following list of requirements and which shall be reviewed by the city planner, or his duly authorized representative, to determine compliance with this article before a building permit is issued. A building permit application shall not be issued for proposed site plans that do not meet all of the following requirements:
 - (a) The site plan shall be drawn to scale. The planning director, or his designee, may request that the plan be drawn by a registered engineer or surveyor certified to work in Georgia if questions of flood zone locations exist within the property for which a building permit is being sought.
 - (b) The plan shall show the complete outline of each proposed building at the location it is proposed to be built. The plan shall also show the actual size of the building to be erected. The plan shall also show all existing structures located on the property and their exact dimensions.
 - (c) The plan shall show all property lines. The plans shall also show the actual dimensions of the lot to be built upon.
 - (d) The plan shall show all required property set back lines. No part of any permanent structure shall encroach upon or violate any required setback.
 - (e) The plan shall show the exact location of all easements on the property. No part of any permanent structure shall encroach upon any easement.
 - (f) The plan shall show all parking, driveways, well location, septic tank location, drainfield location, trees larger than 24 inches in caliper and landscape buffers and all other requirements as set out in this ordinance.
 - (g) The plan shall show all other structures on adjacent lots within ten feet of the appropriate property line.
 - (h) The plan shall show front, side, and rear elevations indicating the building height from finished grade.
- (2) After the Planning Director or his duly authorized representative has approved the site plan such approval shall be noted on the permit application.
- (3) Before construction begins, the builder shall locate and clearly mark all lot corners.
- (4) At the time the building inspector conducts the foundation inspection, he may undertake whatever measurements he may deem appropriate including, but not limited to, measurements from the property lines to the proposed outermost edge of the building, so as to assure compliance with the approved site plan.

SECTION 3.17. FLAG LOTS.

Flag lots shall be subject to the following regulations:

- (1) Flag lots shall be measured from the mid-point between two opposite lot lines of the flag portion of the lot.
- (2) When calculating lot area the pole portion shall not be counted.
- (3) The minimum required lot area shall be the same as that required in the zoning district in which it is located.
- (4) The access pole must be part of the flag lot and must be under the same ownership as the flag portion. An easement shall not be allowed as a means of access to a flag lot.
- (5) Flag lots shall not be permitted whenever their effect would be to increase the number of driveways taking access to a collector or arterial road. Shared driveways shall be used to eliminate additional points of access. This criterion prohibits one of the most common abuses, the use of flag lots to avoid the developmental costs of roads. These sites are best developed without flag lots, even if the cost of the lots is thereby increased, since controlling access reduces congestion on major roads.
- (6) Any land division that creates one or more lots, flag or otherwise, with or without common access shall be a minor subdivision and shall meet all applicable regulations of the city subdivision ordinance.
- (7) All applicable regulations of the subdivision regulations must be met.
- (8) Flag lots have required building setbacks that must meet the requirements in the zoning district in which it is located. The pole portion shall not be considered when determining required building setbacks.
- (9) The access pole shall have a minimum width of 30 feet and shall not be greater than or equal to the minimum required width for building in the applicable zoning district. The purpose of this maximum width criterion is to prevent an abuse of flag lots in order to circumvent the city's length versus width requirement in the subdivision of lots. The maximum length of the pole of the lot shall be no more than five times the lot width of the flag portion.

SECTION 3.18. FENCES.

Walls or fences shall be permitted in any zoning district and are not subject to setback requirements, except that in a residential zoning district:

- (1) No wall or fence shall exceed eight feet in height within a side yard or rear yard.

- (2) Any wall or fence that extends into the front yard shall not exceed four (4) feet in height, except fences enclosing stormwater facilities that may not exceed six feet in height. Any wall or fence that extends into the front yard shall not be built within (5) five feet of the right-of-way.
- (3) Fences on corner lots are required to meet the regulations for front yards on both sides facing the streets and must maintain a sight visibility clear zone
- (4) Fences enclosing tennis courts may not exceed 12 feet in height.
- (5) No wall or fence constructed of woven wire or metal fabric (hog wire, barbed wire, or similar types of fencing) shall extend into a front yard, except fences enclosing stormwater facilities that may be vinyl coated chain link. No wall or fence shall be constructed of exposed concrete block, tires, junk, wooden pallets, or other discarded materials. Chain link fences are expressly allowed in front yards.
- (6) Any wall or fence that extends into the required front yard shall be ornamental or decorative and constructed of brick, stone, wood, stucco, wrought iron, split rail, or similar material.
- (7) Any subdivision entrance, wall or fence shall not exceed eight feet in height and shall be subject to approval of the director of planning.
- (8) Above-ground electric and barb wire fences shall be prohibited in residential districts except on lots that meet or exceed the minimum requirements for the raising and keeping of livestock (five acres) and then must only be located in the rear yard.
- (9) For the purpose of measuring the height of a fence under this section, such measurements shall be made from the ground directly below the fence and not from the bottom of the fence itself.

SECTION 3.19. SIDEWALKS.

- (1) Sidewalks shall be located:
 - (a) Along the street frontage of all non-residential developments. The planning director may waive the installation of sidewalks if the development is agricultural or located on a rural road section.
 - (b) Along the street frontage of all developments within a one-half mile radius of any public school.
 - (c) Along the interior streets of all residential developments with a minimum lot size of three-quarters acre or smaller.
- (2) Sidewalks shall be installed on one side of the street if there are fewer than 100 homes in the entire development. Sidewalks shall be installed on both sides of the street if there are

more than 100 homes in the entire development. The total number of lots in a development shall be calculated using all phases of the development, including phases already completed, phases included on the approved general development plan, and phases completed by other developers with the same subdivision name.

- (3) Sidewalks in subdivisions shall be continued to the nearest arterial street.
- (4) Sidewalks shall be constructed in accordance with the latest standards set forth in the American's with Disabilities Act (ADA) Standards for Accessible Design. The latest standards can be found at <https://www.ada.gov>.
- (5) The home builder shall install sidewalks along the entire frontage of each permitted dwelling prior to the certificate of occupancy (CO) being issued for the residence. Prior to commence of construction of the residential development, the developer of the residential subdivision shall post a bond in the estimated amount of 125 percent of the total cost of the sidewalk construction and installation for a period of two years from the date that such bond that such bond is posted. At the expiration of the two-year period, sidewalks shall be constructed by the developer in front of any lots where sidewalks have not already been installed by the home builder. Any damage to existing sidewalks caused by the developer or the home builder, or their respective agents or subcontractors, during construction on individual lots shall be repaired by the individual lot permit holder prior to a certificate of occupancy being issued for the residence being constructed.

SECTION 3.20. PUBLIC WATER AND SEWER.

No building permit shall be issued and no building shall be occupied until public water and sewer, if available, are connected and in usable condition.

SECTION 3.21. COMMUNITY RESIDENCE REQUIREMENTS.

- (1) **Purpose and intent.** This section is intended to address the regulation of nontraditional living arrangements in existing single-family residential neighborhoods as well as in other zoning districts throughout the community. It is adopted in response to concerns that these types of living arrangements could impact the residential character of the neighborhoods in which they are located. This section is designed to help protect the character and stability of the city's neighborhoods while also maintaining a non-institutional setting for this type of housing.
- (2) **Applicability.** No person shall established or operate a community residence (as defined in this ordinance), or let a person occupy any rooming unit in any community residence except in compliance with the provisions of this article.

- (3) ***Business registration of existing community residence.*** No person shall operate a community residence unless he holds a valid Occupational Tax Certificate (OTC) issued in the name of the operator and for the specific dwelling. Property owners operating a community residence shall register the community residence as an existing business within one hundred twenty (120) days from the effective date of this section. It shall be unlawful to continue to use or operate a community residence in the city after one hundred twenty (120) days from the effective date of this section, unless the community residence has been registered with the city. The city shall compile and maintain a list of registered community residences.
- (4) ***Occupational Tax Certificate application requirements.*** The application for an OTC shall include the agent of the property and the resident manager as applicable. The applicant for an OTC required by this section shall file while the application the following:
- (a) A copy of the recorded plat for the property;
 - (b) A site plan, if no current as-built survey exists;
 - (c) A parking plan for the structure detailing where and how many vehicles are to be parked on site including a written statement describing the plan.
 - (d) A floor plan of each floor of the building. Said floor plan shall be drawn to an acceptable architectural scale and shall show all stairs, halls, the location and size of all windows, the location and size of habitable rooms and the exits of each floor to be occupied. The intended use of every room in the building must be indicated on the floor plans submitted. For residences with 7 or more occupants (excluding employees or managers) complete architectural plans signed by a registered architect are required, and ;
 - (e) A written statement indicating the number of persons proposed to be accommodated or allowed on each floor. Services to be provided, if any.
 - (i) Upon receipt of a complete application, the property may be assigned a conditional OTC. Conditional OTC's are granted to provide the applicant the local documentation necessary to apply for any required state license. This will be converted to permanent status when proof of state licensing is presented if applicable. Failure to provide a copy of the state license within 6 months voids the conditional OTC.
- (5) ***State license.*** When licensing is required by the state for the operation of a community residence as defined by this ordinance, proof of such license must be presented to obtain a permanent OTC. All such facilities shall display both their state license and OTC so they are plainly visible from the front doorway of the facility.
- (6) ***Inspection.*** All community residences must obtain fire and electrical inspections (where necessary, as a requirement of state or local laws) before either a certificate of occupancy or

OTC may be issued or renewed by the City. Certification evidencing satisfactory inspections must be displayed in plain view visible from the front doorway of the facility.

- (7) ***Distance separation.*** Community residences shall be separated from any other community residence by a minimum of one thousand (1000) feet as measured from the property line of the existing licensed establishment to the property line of the proposed location. The method of measurement shall be the direct route of travel along a paved or otherwise improved route appropriate for public vehicular, bicycle or pedestrian traffic.
- (8) ***Appointment of agent and agent responsibilities.*** As part of the registration process, property owners of existing and new community residences shall appoint an agent, who lives in Mitchell County, as the person responsible for the property. The designated agent shall be available to be contacted twenty-four (24) hours a day, seven (7) days a week. The agent is the party designated to receive all notices from the city concerning the use of the property. The name and telephone number of the agent responsible for the community residence will be provided by the city to any neighbors who contact the city with complaints about the community residence. The designated agent for the property shall be responsible for responding expeditiously to any complaints received by the city and problems if they occur.
- (9) ***Occupancy.*** Maximum occupancy for any structure is determined by the location's zoning designation and the International Property Maintenance Code requirements.
- (10) ***Construction, renovation, site improvements and design requirements.*** In all residentially zoned districts, the square footage of an existing dwelling shall not be enlarged by more than 25 percent to facilitate use of the structure as a community residence. In no case shall alterations be permitted to an existing community residence for the purpose of increasing the number of persons served by such facility. Exterior modification of an existing dwelling and provision of required parking shall be compatible with the residential character of the surrounding neighborhood design and scale including landscaping. Any new construction shall be compatible with the residential character, scale and materials of the surrounding neighborhood and comply with historic district guidelines where applicable.
- (11) ***Signage.*** Community residences must comply with the sign ordinance provisions in the zoning regulations for the underlying zoning district where the structure is located.
- (12) ***Parking.*** Parking congestion must be avoided. Both on-site and off-site parking shall conform to the standards contained elsewhere in this ordinance and be designed in such a way so as to be compatible with the residential character of the surrounding neighborhood.
- (13) ***Responsibility for maintenance.*** The property owner, property agent, and resident manager (where applicable) of each community residence shall be individually responsible for the maintenance of safe and sanitary conditions in every part of the community residence. This is to include the maintenance of the exterior of the structure

and landscaping. Exterior maintenance must be such that the structure's outward appearance is that of a residence, so as not to detract from the residential character of the neighborhood. Failure to meet these standards is grounds for nonrenewal of the location's OTC.

(14) **Appeals.** A variance from these requirements may be requested in cases where the strict adherence to the regulations would cause an undue hardship upon the applicant. Such a variance may only be granted to provide reasonable accommodations. The appeal process shall be governed by Article XXII of the City of Camilla Zoning Ordinance.

(15) **Reasonable Accommodation.**

(a) **Purpose.** It is the policy of the City of Camilla, pursuant to the Fair Housing Amendments Act of 1988, to provide individuals with disabilities reasonable accommodation in regulations and procedures to ensure equal access to housing, and to facilitate the development of housing for individuals with disabilities. The purpose of this section is to provide a formal procedure under which a disabled person may request a reasonable accommodation in the application of zoning policy, practice or procedures, and to establish relevant criteria to be used when considering such requests, all so as not to limit meaningful access to housing for the disabled.

(b) **Applicability.** Reasonable accommodation in the land use and zoning context means providing individuals with disabilities, or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures; or even waiving certain requirements when it is necessary to eliminate barriers to housing opportunities.

An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment. A request for reasonable accommodation may be made by an individual with a disability, his or her representative; or a developer or provider of housing for individuals with disabilities, when the application of a land use or zoning policy, practice or procedure acts as a barrier to fair housing opportunities.

This section is intended to provide for minor structural modifications and/or regulatory exceptions. Nothing in this section shall be interpreted to require the city to waive or reduce development or building fees associated with the granting of a reasonable accommodation request.

(c) **Application.** Requests for reasonable accommodation shall be in writing and provide the following information:

(1) Required information:

- Applicant's name, address, and telephone number
 - Address of the property for which the request is being made
 - The name and address of the property owner and the owner's written consent to the application
 - The current use of the property
 - General information about the nature of the disability of the subject individual(s) that are the focus of the request
 - Zoning code provision, regulation or policy from which accommodation is being requested
 - Explain how the requested accommodation relates to the needs of the disabled person(s)
- (2) Review with other land use applications: If the project for which a reasonable accommodation request is being submitted also requires some other land use approval (such as a rezoning) then the applicant shall submit the reasonable accommodation application first for a determination before proceeding with the other applications.

(d) Approval Authority.

- (i) **Director of Planning.** The Director of Planning has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter. The Director of Planning may refer the matter to the Planning Commission and or the Historic Preservation Commission as appropriate,
- (ii) **Planning Commission.** The Planning Commission has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter, when referred by the Director of Planning or when a reasonable accommodation request includes any other land use request.
- (iii) **Historic Preservation Commission.** The Historic Preservation Commission has the authority to decide upon requests for reasonable accommodation; including whether the applicant is a disabled person within the meaning of this chapter, when referred by the Director of Planning or when a reasonable accommodation request includes any exterior design modifications on historic homes.

- (e) **Notice Requirements.** No advance notice or public hearing is required for consideration of reasonable accommodation requests before the Director of

Planning. Requests for reasonable accommodation subject to review by the Planning or Historic Preservation Commissions shall require advance notice but no public hearing. In this situation, advance notice shall be accomplished by including the request in the advertisement of the meeting agenda.

(f) **Decision.** The Director of Planning shall render a written decision or refer the matter to the Planning Commission within 7 days after the application is complete. The Planning or Historic Preservation Commission shall approve, approve with conditions or deny the application, in writing, within 30 days of receiving the application from the Director of Planning.

(g) **Findings.** The reviewing authority shall approve the application, with or without conditions, if it can make the following findings:

(i) The housing will be used by a disabled person;

(ii) The requested accommodation is necessary to make specific housing available to a disabled person;

(iii) The requested accommodation would not impose an undue financial or administrative burden on the city; and

(iv) The requested accommodation would not require a fundamental alteration in the nature of a city program or law, including land use and zoning.

(h) **Appeal.** A decision by the Director of Planning may be appealed within thirty (30) days to the Planning Commission and a decision of the Planning or Historic Preservation Commission may be appealed to the Board of Zoning Appeals within thirty (30) days.

(i) **Fees.** There shall be no fee for an application requesting reasonable accommodation. If the project for which the request is being made requires other planning permit(s) or approval(s), fees for applicable applications shall apply as established. There shall be no fees for appeals to decisions on reasonable accommodation.

(16) **Definitions.**

Community Living Arrangement (CLA): Any residence, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designed through the Department of Behavioral Health and Development Disabilities (DBHDD).

Community Residence: A dwelling unit occupied by two or more typically unrelated persons as their normal place of residence, but in which separate cooking facilities are not provided for such resident persons. The term *community residence* includes but is not limited to fraternity house, sorority house, rooming house, boarding house, community living arrangement and personal care home. A retirement community, nursing home, hotel or motel or bed and breakfast inn shall not be deemed to be a group residence as herein defined.

Memory care services: means the additional watchful oversight systems, program, activities and devices that are required for residents who have cognitive deficits which may impact memory, language, thinking, reasoning, or impulse control, and which place the residents at risk of eloping, i.e. engaging in unsafe wandering activities outside the home.

Memory care unit: means the specialized unit or home that either holds itself out of providing memory care services or provisions personal services in secured surroundings.

Personal care home: A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight for two or more adults are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term *personal care home* shall not include a *child caring institution, transitional housing, a rehabilitation housing facility, a rooming house, a boardinghouse*, or any facility that provides residential services for federal, state or local correctional institutions. *Personal care home* includes a *community living arrangement*, which is an establishment licensed by the state which undertakes through their ownership or management to provide or arrange for the provision of daily personal services, care or treatment for two or more adults who are not related to the owner or administrator and whose residential services are financially supported, in whole or in part, by funds designated through the Department of Behavioral Health and Developmental Disabilities. The term also includes *memory care units* which provide memory care services in a secured environment.

Family Personal Care Home: A Personal Care home in a family type residence, non-institutional in character, which offers care for two to six adults.

Group Personal Care Home: A Personal Care home in a residence or other type of building that is non-institutional in character and offers care for seven to 12 adults.

Congregate Personal Care Home: A Personal Care home that offers care to 16 or more adults.

Personal Services: includes, but is not limited to, individual assistance with or supervision of self-administered medication, assistance with ambulation and transfer,

and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

Private home care provider: Provides "private home care services" which means an agency that is licensed to provide through its own employees or agents services at a client's residence that involves direct care to that client and includes nursing services, personal care tasks and companion or sitter tasks.

Recovery Residences: Housing for persons released from prison, jail or mental health facility who need a more restrictive environment than outpatient services to establish or maintain abstinence from alcohol and other drugs and criminal or other behavioral issues. *Recovery Residences* are categorized according to the intensity of the substance abuse services/counseling that is delivered.

Standard Recovery Residences require all residents to attend one or more hours of substance abuse services or counseling, or mental health counseling per week.

Intensive Recovery Residences require all residents to attend five or more hours of substance abuse counseling, or mental health counseling per week, delivered by certified substance abuse counselors.

Rooming, Lodging or Boarding House: A dwelling unit within which a resident family or manager offers lodging or lodging and meals, but no other personal services, to two or more unrelated adults in exchange for monetary compensation or other consideration.

Structured Housing: Housing for individuals who meet prison-release eligibility requirements but who do not have an available residence and for probationers or parolees who become displaced. Does not include substance abuse or mental health treatment, although other programs may be provided. Attendance at available programs is not required in Structured Housing.

Transitional housing facility: A building or buildings in which is provided long-term but no permanent living accommodations for more than six (6) persons who have no permanent residence and are in need of long-term housing assistance.

Child Care Institutions (CCI): Any child-welfare facility which either primarily or incidentally provides full-time room, board and watchful oversight to six or more children through 18 years of age outside of their own homes, as licensed or commissioned by Georgia Department of Human Services, Office of Residential Child Care (ORCC). This may include, at the discretion of the Planning Director, child caring facilities also regulated by ORCC for individuals up to 21 years of age, including Outdoor Child Caring Programs (OCCP), Children's Transition Care Centers (CTCC), Maternity Homes, and Runaway and Homeless Youth Programs (RHYP).

SECTION 3.22. HOME OCCUPATIONS.

The purpose of this Article is to permit business enterprises within a residence, thereby promoting small business opportunities. Such business enterprises, referred to as home occupations, are permitted in all of the residential zones, both owner-occupied and leased properties, provided the proposed occupation satisfies the definition of home occupation as stated in Article II, and to applicable City, County, or State regulations. A home occupation is not intended to provide walk-in or retail services, thereby replacing commercially zoned properties.

(1) Application Requirements

Any member of a family occupying a dwelling may make application with the Planning Director. Such application shall contain the following:

- (a) Site address, mailing address, assessor's map number, and tax lot number of the property;
- (b) A written description of the proposed home occupation in business letter format addressed to the Planning Director and containing all contact information. If the proposed location of the home occupation is a leased property a letter and signature from the property manager or owner is required; and
- (c) A nonrefundable filing fee in an amount, which shall be established, and may be changed, by general resolution or ordinance by the City Council.

(2) Level of Review

- (a) **TYPE 1: Approval by the Planning Director.** In order to administratively approve a home occupation (Type 1), the Planning Director, or his/her designee must find that the application satisfies the following standards for home occupations:
 - (i) The occupation is to be carried on within a residential building and only by members of the family occupying the dwelling unit.
 - (ii) The residential character of the main building or accessory dwelling unit must be maintained.
 - (iii) The business must be conducted in such a manner as not to give an outward appearance, nor outwardly manifest any characteristic of a business, except as permitted by Article XIX.
 - (iv) The occupation must not infringe upon the livability of the neighborhood and its residents to enjoy the peaceful occupancy of their homes.
 - (v) No increase in traffic or noise may be expected other than that attributed to normal residential usage or infrequent deliveries. Customers or clients shall

not be visiting the home occupation to conduct business; instead the business owner shall go to the customer or client.

(vi) The subject property has no outstanding general nuisance or building code violations.

(b) **TYPE 2: Administrative Review.** Home occupations that may have noticeable impacts on the neighborhood, such as an increase in traffic, noise, or odor, will require a petition of signatures of neighboring property owners. If needed, the Planning Director may schedule a public hearing before the Planning Commission.

(c) Uses that will not be permitted for a home occupation include any form of motor vehicle and/or engine repair.

(3) Referral to Planning Commission

Whenever there is a question as to whether an application satisfies the home occupation standards, such as the Type 2, the Planning Director will require a petition with the approval of all of the owners (or their representatives) of abutting or immediately adjacent properties, and two thirds (2/3) of the remaining property owners (or their representatives) within three hundred (300) feet of the exterior boundaries of the subject property. If the Planning Director does not receive the necessary signatures, the applicant shall be referred to the Planning Commission for consideration. The Planning Commission shall hold a public hearing within sixty (60) days of the date the application was filed with the City, and notice of the public hearing shall be provided as set forth in Section 21.03, with the exception that only property owners within three hundred (300) feet of the subject property shall be notified by mail, which includes all residents of adjoining property. The applicant shall be responsible for the fees associated with the home occupation application process. The application shall be approved if the Planning Commission finds that the home occupation satisfies the conditions of Section 3.22(2), above. The Planning Commission may place conditions on the approval if such conditions will effectively allow the home occupation to satisfy the criteria of Section 3.22(2).

(4) Appeal

An administrative decision by the Planning Director may be appealed to the Planning Commission, and a Planning Commission decision may be appealed to the Board of Zoning Appeals, pursuant to the provisions of Section 22.08.

(5) Effect

A business license for the home occupation shall not be issued until a seven (7) working day appeal period of an administrative approval has elapsed from the date of approval. An appeal shall automatically stay the issuance of the license until such appeal has acted thereon. In the event the Planning Commission or Zoning Board of Appeals acts to approve the home occupation when it is appealed, the business license may be issued

immediately thereafter. The business license shall indicate that the business is a home occupation and shall give the date of approval of same by the Planning Director, the Planning Commission, or the Zoning Board of Appeals. The license for a home occupation shall not be transferable, and the privileges it grants shall be limited to the person(s) named on it and to the location and activity for which it was issued.

(6) Review and Enforcement

The granting of a business license for a home occupation shall be, at a minimum, subject to an annual review by the Planning Director or Planning Commission. If it is determined that the home occupation requirements are not being completely fulfilled, the Planning Director may refer said home occupation to the Planning Commission to review in accordance with the criteria of Section 3.22(2), above.

SECTION 3.23. SOLAR ENERGY SYSTEM REGULATIONS.

It is the purpose of this regulation to promote the safe, effective and efficient use of solar energy systems installed to reduce the on-site consumption of utility supplied energy and/or hot water as a permitted accessory use while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. A solar energy system shall be permitted in any zoning district as an accessory to a principal use herein and subject to specific criteria as set forth below. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.

The installation and construction of a solar energy system shall be subject to the following development and design standards:

- (1) A solar energy system is permitted in all zoning districts as an accessory to a principal use.
- (2) A solar energy system may be roof mounted or ground mounted.
- (3) A roof mounted system may be mounted on a principal building or accessory building. A roof mounted system, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the solar energy system extend beyond the edge of the roof.
- (4) All solar systems shall not exceed the maximum building height.
- (5) The surface area of a ground mounted system, regardless of the mounted angle, shall not exceed more than 15% of the lot area.
- (6) A ground mounted system or system attached to an accessory building shall not be located within the required front yard.

- (7) The minimum solar energy system setback distance from the property lines shall be equivalent to the building setback or accessory building setback requirement of the underlying zoning district.
- (8) All mechanical equipment associated with and necessary for the operation of the ground solar energy system shall comply with the following:
 - (a) Mechanical equipment shall be screened from any adjacent property. The screen shall consist of shrubbery or trees which provide a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of the Zoning Ordinance may be used.
- (9) Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- (10) All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.
- (11) A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system provided such information is discrete and not easily visible from the public view.
- (12) A solar energy system shall not be constructed until a building/zoning permit has been approved and issued. Installer shall be approved or licensed by the solar equipment manufacturer.
- (13) The design of the solar energy system shall conform to applicable industry standards. A building permit shall be obtained for a solar energy system. Existing roof structures shall be assessed by a licensed structural engineer to assure the structural integrity of the roof to support a solar system.
- (14) The solar energy system shall comply with all applicable City Ordinances and Georgia Building Code requirements.

SECTION 3.24. ORGANIZED PRIVATE SALES (YARD SALES)

The purpose of this section is to promote and protect the public health, welfare and safety by regulating yard, garage, and porch sales that occur in residential zoned districts. It is intended to protect the property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to eliminate distractions and obstructions that may contribute to traffic accidents, and enhance community development in these areas.

(1) **Definitions.** As used in this section:

Dwelling Unit- Means a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

Multiple Dwelling Unit Property- means any single parcel or jointly owned contiguous parcels of property that contain more than one dwelling unit on that property. Multiple Dwelling Unit Properties include but are not limited to: multi-family homes, duplexes, apartment units, or manufactured home communities.

Organized Private Sale or OPS- means any garages, porch, or yard sale, or any sale of goods by an individual person organized to occur on a person's private property, residential premises, or dwelling unit. An OPS does not include retail or commercial sales of goods that occur at a business of commercial property that is in compliance with zoning codes.

Permit- means the permit required for an OPS event, by each residential premise or dwelling unit participating in the sale of goods at the OPS. Each permit shall comply with the form on file with the Clerk/ Treasurer of the City of Camilla, in order to be valid.

Residential premises- means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances in it, and the grounds, area, and facilities for the use by a single family to reside. This definition does not include a unit, structure, or facility for the use by the owner or of tenants solely for commercial or business activity.

Sign- means any structure, vehicle, or natural object, such as a tree, rock, bush or the ground itself, or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any Organized Private Sale, or Which is in the nature of, an announcement, direction or advertisement for an OPS event or events.

(2) **Limitations.** The following limitations shall apply to any OPS or any Sign within the territorial limits of the City of Camilla.

(a) No Organized Private Sale shall be permitted in any area zoned Commercial or Industrial.

(b) An Organized Private Sale may be permitted only in areas zoned Residential, so long as each Organized Private Sale Complies with Section 3.24.

(c) No Organized Private Sale shall be permitted unless the permit from the City of Camilla is obtained at least three (3) days before the start of each Organized Private Sales event and the Organized Private Sale shall:

- i. Not exceed a maximum duration of two (2) consecutive days per OPS event;
- ii. Not take place on lots, parcels, or properties not specified in the Permit;
- iii. Not be staffed by or operated by a person or persons who are not identified by name and residential address in the permit;
- iv. Not negatively affect neighboring properties by excessive trash, refuse, or parking that impedes the flow of traffic on nearby streets;
- v. Be limited to a maximum of two (2) OPS events each calendar year, per residential premises or dwelling units;
- vi. Be limited to a maximum of two (2) OPS events each calendar year, per Multiple Dwelling Unit Property;
- vii. Permit must be on hand during the entire OPS event.

(d) No sign relating to an OPS shall be placed, erected, affixed, or overhung in any public right of way or supported, braced or guyed from or to the public a sidewalk, street, alley or public thoroughfare, to traffic control, directional, or public right of way identification signs, to the surface of a public mailbox located in a public right of way, or to the property of publicly owned utilities.

- i. No signs directing and guiding traffic and parking onto private property for an OPS event shall be placed, erected, affixed, or overhung on public property.
- ii. No signs relating to an OPS event shall be placed, erected, affixed, or overhung that exceed three (3) square feet in area.
- iii. No signs relating to an OPS event shall be placed, erected, affixed, or overhung that violate the provisions of Chapter 6, Article E of the Camilla City Code.

(e) Any Sign relating to an OPS event shall only be placed, erected, affixed, or overhung on private property with the written permission of the true property owner where the sign is located.

- i. Any person who obtains written permission pursuant to this section shall maintain a copy of any written authorization, and disclose the any written authorization to the Camilla Zoning Administrator upon request.
 - ii. No sign relating to an OPS event shall be placed, erected, affixed, or overhung more than forty-eight (48) hours before the first day of the OPS event. Any person responsible for a sign relating to an OPS event shall remove any such signs within twenty- four (24) hours after the conclusion of the OPS event.
- (f) Any property manager for a Multiple Dwelling Unit Property, that is participating in the operation of an OPS, shall obtain the Permit, and each participating dwelling unit shall also obtain the permit, pursuant to Sections 3.24(2) (c),(d), and (e).
- i. There shall be one permit request for the Multiple Dwelling Unit Property and one additional permit for the persons conducting the OPS from dwelling unit contained therein for each OPS event.
 - ii. Both applicants to who the permits are issued shall be jointly and severally responsible for maintaining the OPS and Signs therewith pursuant to section Sections 3.24(2) (c),(d), and (e).
 - iii. Any member of another residential premises or another dwelling unit who participates in the operation of an OPS at another residential premises or another dwelling unit, shall also obtain the permit pursuant to section Sections 3.24(2) (c),(d), and (e), in order to participate at an OPS event that occurs at a location that is not his or her residential premises or dwelling unit.
 - iv. Both applicants to whom the permits are issued shall be jointly and severally responsible for maintaining the OPS and Signs therewith pursuant to sections Section 3.24(2) (c),(d), and (e).

(3) **Exceptions.** The provisions of section 3.24 shall not apply to the annual City of Camilla Gnats Days festival or during City of Camilla Chamber of Commerce sponsored events.

(4) **Violations.**

- (a) Any person who violates any provision of this section shall be fined not more than One Hundred Dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues to occur.
 - i. Any non-compliant signs are subject to immediate removal.

(b) This section shall be enforced by the City of Camilla Code Enforcement.

SECTION 3.25. WIRELESS TELECOMMUNICATIONS FACILITY SITING REGULATIONS

The purpose of this Wireless Telecommunications Ordinance is to ensure that residents, public safety operations and businesses in the City of Camilla have reliable access to wireless telecommunications networks and state of the art communications services while also ensuring that this objective is achieved in a fashion that preserves the intrinsic aesthetic character of the community and is accomplished according to the City of Camilla's zoning, planning, and design standards. The Telecommunications Act of 1996 preserved, with certain limitations, local government land use and zoning authority concerning the placement, construction, and modification of wireless telecommunications facilities.

To accomplish the above stated objectives and to ensure that the placement, construction or modification of wireless telecommunications facilities complies with all applicable Federal laws and is consistent with the City of Camilla's land use policies, the City of Camilla adopts this single, comprehensive, wireless telecommunications ordinance. No provisions of this Ordinance shall apply to the siting of Distributed Antenna Systems (DAS) or wireless facilities located within and intended to provide wireless coverage within a structure.

This Ordinance establishes parameters for the siting of Wireless Telecommunications Facilities. By enacting this Ordinance it is the City of Camilla's intent to:

- Ensure the City of Camilla has sufficient wireless infrastructure to support its public safety communications throughout the City of Camilla;
- Ensure access to reliable wireless communications services throughout all areas of The City of Camilla;
- Encourage the use of Existing Structures for the collocation of Telecommunications Facilities;
- Encourage the location of Support Structures, to the extent possible, in areas where any potential adverse impacts on the community will be minimized;
- Facilitate the responsible deployment of Telecommunications Facilities in residential areas to ensure comprehensive wireless services across the City of Camilla;
- Minimize the potential adverse effects associated with the construction of Monopoles and Towers through the implementation of reasonable design, landscaping, and construction practices;
- Ensure public health, safety, welfare, and convenience

(1) **Definitions.** For the purposes of this Ordinance, the following definitions apply:

Abandon – Occurs when an owner of a Support Structure intends to permanently and completely cease all business activity associated therewith.

Accessory Equipment -- Any equipment serving or being used in conjunction with a Telecommunications Facility or Support Structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

Administrative Approval -- Zoning approval that the [Zoning Administrator] or designee is authorized to grant after Administrative Review.

Administrative Review -- Non-discretionary evaluation of an application by the Planning Director or designee. This process is not subject to a public hearing. The procedures for Administrative Review are established in Section 3 (e) of this Ordinance.

Antenna -- Any structure or device used to collect or radiate electromagnetic waves for the provision of services including, but not limited to, cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

Carrier on Wheels or Cell on Wheels ("COW") -- A portable self-contained Telecommunications Facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna support structure.

Collocation -- The act of siting Telecommunications Facilities on an Existing Structure without the need to construct a new support structure and without a Substantial Increase in the size of an Existing Structure.

Concealed Telecommunications Facility -- Any Telecommunications Facility that is integrated as an architectural feature of an Existing Structure or any new Support Structure designed so that the purpose of the Facility or Support Structure for providing wireless services is not readily apparent to a casual observer.

Existing Structure – Previously erected Support Structure or any other structure, including but not limited to, buildings and water tanks, to which Telecommunications Facilities can be attached.

Major Modifications -- Improvements to existing Telecommunications Facilities or Support Structures that result in a Substantial Increase to the Existing Structure. Collocation of new Telecommunications Facilities to an existing Support Structure without Replacement of the structure shall not constitute a Major Modification.

Minor Modifications -- Improvements to Existing Structures that result in some material change to the Facility or Support Structure but of a level, quality or intensity that is less than a Substantial Increase. Minor Modifications include the Replacement of the structure.

Monopole --A single, freestanding pole-type structure supporting one or more Antenna. For purposes of this Ordinance, a Monopole is not a Tower.

Ordinary Maintenance -- Ensuring that Telecommunications Facilities and Support Structures are kept in good operating condition. Ordinary Maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example the strengthening of a Support Structure's foundation or of the Support Structure itself. Ordinary Maintenance includes replacing Antennas of a similar size, weight, shape and color and Accessory Equipment within an existing Telecommunications Facility and relocating the Antennas of approved Telecommunications Facilities to different height levels on an existing Monopole or Tower upon which they are currently located. Ordinary Maintenance does not include Minor and Major Modifications.

Replacement -- Constructing a new Support Structure of proportions and of equal height or such other height that would not constitute a Substantial Increase to a pre-existing Support Structure in order to support a Telecommunications Facility or to accommodate Collocation and removing the pre-existing Support Structure.

Substantial Increase: Occurs when:

(1) The mounting of the proposed antenna on an Existing Structure would increase the existing height of the Existing Structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

(2) The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

(3) The mounting of the proposed antenna would involve adding an appurtenance to the body of the Existing Structure that would protrude from the edge of the Existing Structure more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

(4) The mounting of the proposed antenna would involve excavation outside the current Existing Structure site, defined as the current boundaries of the leased or

owned property surrounding the Existing Structure and any access or utility easements currently related to the site.

Support Structure(s) – A structure designed to support Telecommunications Facilities including, but not limited to, Monopoles, Towers, and other freestanding self-supporting structures.

Telecommunications Facility(ies) -- Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A Telecommunication Facility can consist of one or more Antennas and Accessory Equipment or one base station.

Tower -- A lattice-type structure, guyed or freestanding, that supports one or more Antennas.

(2) Approvals required for Telecommunication Facilities and Support Structures

(a) Administrative Review

- i. Collocations and Minor Modifications shall be permitted in any zoning district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance.
- ii. New Support Structures that are less than sixty (60) feet in height shall be permitted in any zoning district except residential after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance.
- iii. Concealed Telecommunications Facilities that are less than sixty (60) feet in height shall be permitted in any residential district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance.
- iv. Concealed Telecommunications Facilities up to 100 feet shall be permitted in any zoning district other than residential after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance except as noted above.
- v. New Support Structures up to one hundred (100) feet in height shall be permitted in any Industrial District after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance.
- vi. Monopoles or Replacement poles located in utility easements or rights-of-way shall be permitted in any zoning district after Administrative Review

and Administrative Approval in accordance with the standards set forth in this Ordinance.

- vii. The use of COWs shall be permitted in any zoning district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance if the use is not otherwise exempt. If the use of the COW is either not in response to a declaration or emergency, or will last in excess of one hundred-twenty (120) days, Administrative Review and Administrative Approval shall also be required.

(b) **Conditional Use Permit.** Telecommunications Facilities and Support Structures not permitted by Administrative Approval shall be permitted in any district upon the granting of a Conditional Use Permit from the City of Camilla in accordance with the standards set forth in this Ordinance.

(c) **Exemptions.** Ordinary Maintenance of existing Telecommunications Facilities and Support Structures, as defined herein, shall be exempt from zoning and permitting requirements. In addition, the following facilities are not subject to the provisions of this Ordinance: (1) antennas used by residential households solely for broadcast radio and television reception; (2) satellite antennas used solely for residential or household purposes; (3) COWs placed for a period of not more than one hundred twenty (120) days at any location within the City of Camilla after a declaration of an emergency or a disaster; and (4) television and AM/FM radio broadcast towers and associated facilities.

(3) Telecommunications Facilities and Support Structures Permitted by Administrative Approval

(a) Telecommunications Facilities Located on Existing Structures

- i. Telecommunications Facilities are permitted in all zoning districts when located on any Existing Structure subject to Administrative Approval in accordance with the requirements of this Part.
- ii. Antennas and Accessory Equipment may exceed the maximum building height limitations within a zoning district, provided they do not constitute a Substantial Increase.
- iii. Minor Modifications are permitted in all zoning districts subject to Administrative Approval in accordance with the requirements of this Part.

(b) New Support Structures

- i. New Support Structure less than sixty (60) feet in height shall be permitted in all zoning districts except residential districts in accordance with the requirements of this Part.
- ii. Concealed Telecommunications Facilities that are less than sixty (60) feet in height shall be permitted in any residential district after Administrative Review and Administrative Approval provided that it meets the applicable Concealed Telecommunications Facility standards in accordance with this Ordinance
- iii. New Support Structures up to one hundred ninety-nine (199) feet in height shall be permitted in all Industrial Districts in accordance with the requirements of this Part. The height of any proposed support structure shall not exceed the minimum height necessary to meet the coverage or capacity objectives of the Facility. The setback of the structure shall be governed by the setback requirements of the underlying zoning district.
- iv. A Monopole or Replacement pole that will support utility lines as well as a Telecommunications Facility shall be permitted within utility easements or rights-of-way, in accordance with requirements of this Part.
 - a. The utility easement or right-of-way shall be a minimum of one hundred (100) feet in width.
 - b. The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are eighty (80) feet or greater in height.
 - c. The height of the Monopole or replacement pole may not exceed by more than thirty (30) feet the height of existing utility support structures.
 - d. Monopoles and the Accessory Equipment shall be set back a minimum of fifteen (15) feet from all boundaries of the easement or right-of-way.
- v. Single carrier Monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by Subsection (c) above.
- vi. Poles that use the structure of a utility tower for support are permitted under this Part. Such poles may extend up to twenty (20) feet above the height of the utility tower.

(c) Concealed Telecommunications Facilities

- iii. Concealed Telecommunications Facilities shall be permitted in all zoning districts after Administrative Review and Administrative Approval in accordance with the requirements below. Concealed facilities in residential

areas must not exceed sixty (60) feet and comply with the requirements below in order to qualify for Administrative Review.

- a. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.
- b. Existing Structures utilized to support the Antennas must be allowed within the underlying zone district. Such structures may include, but are not limited to, flagpoles, bell towers, clock towers, crosses, monuments, smoke stacks, parapets, and steeples.
- c. Setbacks for Concealed Facilities that utilize a new structure shall be governed by the setback requirements of the underlying zoning district.

(d) COW Facilities and Minor Modifications

- i. The use of COWs shall be permitted in any zoning district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance if the use of the COW is either not in response to a declaration or emergency by the Governor or will last in excess of one hundred-twenty (120) days.

(e) General Standards, Design Requirements, and Miscellaneous Provisions

- i. Unless otherwise specified herein, all Telecommunications Facilities and Support Structures permitted by Administrative Approval are subject to the applicable general standards and design requirements of Section 5 and the provisions of Section 6.

(f) Zoning Review Process

- i. All Zoning Review applications must contain the following:
 - a. Zoning Review application form signed by applicant
 - b. Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue zoning application. Such submissions need not disclose financial lease terms.
 - c. Site plans detailing proposed improvements which complies with Section 3.16 of the Camilla Zoning Ordinance. Drawings must depict improvements related to the requirements listed in this Part, including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements.
 - d. In the case of a new Support Structure:

- i. Statement documenting why collocation cannot meet the applicant's requirements. Such statement may include justifications, including why collocation is either not reasonably available or technologically feasible as necessary to document the reasons why collocation is not a viable option; and
 - ii. The applicant shall provide a list of all the existing structures considered as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either unavailable, or technologically or reasonably infeasible.
 - iii. Applications for new Support Structures with proposed Telecommunications Facilities shall be considered together as one application requiring only a single application fee.
 - e. Administrative Review application fee as listed in the City of Camilla Fee Schedule.
- ii. Procedure
- a. Within thirty (30) days of the receipt of an application for Administrative Review, the Planning Director shall either: (1) inform the Applicant in writing the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete. If the Planning Director informs the Applicant of an incomplete application within thirty (30) days, the overall timeframe for review is suspended until such time that the Applicant provides the requested information.
 - b. An applicant that receives notice of an incomplete application may submit additional documentation to complete the application. An applicant's unreasonable failure to complete the application within sixty (60) business days after receipt of written notice shall constitute a withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.
 - c. The Planning Director must issue a written decision granting or denying the request within ninety (90) days of the submission of the initial application unless:
 - i. The Planning Director notified applicant that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the ninety (90) day total review time is

suspended until the Applicant provides the missing information; or

- ii. Extension of time is agreed to by the Applicant.

Failure to issue a written decision within ninety (90) days shall constitute an approval of the application.

- d. Should the Planning Director deny the application, the Planning Director shall provide written justification for the denial. The denial must be based on substantial evidence of inconsistencies between the application and this Ordinance.
- e. Applicant may appeal any decision of the Planning Director approving, approving with conditions, or denying an application or deeming an application incomplete, within thirty (30) days to the Board of Zoning Appeals in accordance with this Ordinance.

(4) Telecommunications Facilities and Support Structures Permitted by Conditional Use.

- (a) Any Telecommunications Facility or Support Structures Not Meeting the Requirements of Section IV Shall Be Permitted by Special Permit in all Zoning Districts Subject to:

- i. The submission requirements of Section 4 (b) below; and
- ii. The applicable standards of Sections 5 and 6 below; and
- iii. The requirements of the conditional use permit general conditions at Code Section 3.14.

- (b) Submission Requirements for Conditional Use Permit Applications

- i. All Special Permit applications for Telecommunications Facility and Support Structures must contain the following:
 - a. Conditional Use Permit Application signed by applicant.
 - b. Copy of lease or letter of authorization from the property owner evidencing applicant's authority to pursue zoning application. Such submissions need not disclose financial lease terms.
 - c. Written description and scaled drawings of the proposed Support Structure, including structure height, ground and structure design, and proposed materials.
 - d. Number of proposed Antennas and their height above ground level, including the proposed placement of Antennas on the Support Structure.

- e. When locating within a residential area, a written technical and operational analysis of why a Monopole or similar structure at a height of less than one hundred (100) feet cannot be used.
 - f. Line-of-sight diagram or photo simulation, showing the proposed Support Structure set against the skyline and viewed from at least four (4) directions within the surrounding areas.
 - g. A statement justifying why Collocation is not feasible. Such statement shall include:
 - i. Such technical information and other justifications as are necessary to document the reasons why collocation is not a viable option; and
 - ii. A list of existing structures considered as possible alternatives to the proposed location and a written explanation why the alternatives were either unavailable or technologically infeasible.
 - h. A statement that the proposed Support Structure will be made available for Collocation to other service providers at commercially reasonable rates.
 - i. Notification of surrounding property owners within three hundred (300) feet of the proposed Telecommunication Facility and Support Structure.
 - j. Conditional Use Permit Application Fee as listed in the City of Camilla's Fee Schedule.
- ii. Procedure
- a. Within thirty (30) days of the receipt of an application for Administrative Review, the Planning Director shall either: (1) inform the Applicant in writing the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete and meet with the applicant. If the Zoning Administrator informs the Applicant of an incomplete application within thirty (30) days, the overall timeframe for review is suspended until such time that the Applicant provides the requested information.
 - b. If an application is deemed incomplete, an Applicant may submit additional materials to complete the application. An applicant's unreasonable failure to complete the application within sixty (60) business days after receipt of written notice shall constitute a

withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.

- c. A complete application for a Conditional Use Permit shall be scheduled for a hearing date as required by Article XXI of this ordinance.
- d. Applications for new Support Structures with proposed Telecommunications Facilities shall be considered as one application requiring only a single application fee.
- e. The posting of the property and public notification of the application shall be accomplished in the same manner required for any Conditional Use Permit application under this Ordinance.
- f. The Planning Director must issue a written decision granting or denying the request within one hundred-fifty (150) days of the submission of the initial application unless:
 - i. Planning Director notified applicant that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the one hundred-fifty (150) day total review time is suspended until the Applicant provides the missing information; or
 - ii. Extension of time is agreed to by the Applicant.

Failure to issue a written decision within one hundred-fifty (150) days shall constitute an approval of the application.

(5) General Standards and Design Requirements.

(a) Design

- i. Support Structures shall be subject to the following:
 - a. Shall be designed to accommodate a minimum number of collocations based upon their height:
 - 1. Support structures sixty (60) to one hundred (100) feet shall support at least two (2) telecommunications providers;
 - 2. Support structures from one hundred (100) to one hundred-fifty (150) feet shall support at least three (3) telecommunications providers;
 - 3. Support structures greater than one hundred-fifty (150) feet in height shall support at least four (4) telecommunications carriers.

- b. The compound area surrounding the Monopole must be of sufficient size to accommodate Accessory Equipment for the appropriate number of telecommunications providers in accordance with Section 5(a)(i)(a).
- ii. Concealed Telecommunications Facilities shall be designed to accommodate the Collocation of other Antennas whenever economically and technically feasible.
- iii. Upon request of the Applicant, the Planning Director or the Planning Commission may waive the requirement that new Support Structures accommodate the collocation of other service providers if it finds that collocation at the site is not essential to the public interest, or that the construction of a shorter support structure with fewer Antennas will promote community compatibility,

(b) Setbacks

- i. Property Lines. Unless otherwise stated herein, Support Structures shall be set back from all property lines a distance equal to their height measured from the base of the structure to its highest point.
- ii. Residential Dwellings. Unless otherwise stated herein, Monopoles, Towers and other Support Structures shall be set back from all off-site residential dwellings a distance equal to the height of the structure. There shall be no setback requirement from dwellings located on the same parcel as the proposed structure. Existing or Replacement structures shall not be subject to a setback requirement.
- iii. Unless otherwise stated herein, all Accessory Equipment shall be set back from all property lines in accordance with the minimum setback requirements in the underlying zoning district. Accessory Equipment associated with an existing or Replacement utility pole shall not be subject to a setback requirement.
- iv. The Planning Commission shall have the authority to vary any required setback upon request of the applicant if:
 - a. Applicant provides a letter stamped by a certified structural engineer documenting that the proposed structure's fall zone is less than the actual height of the structure.
 - b. The Telecommunications Facility or Support Structure is consistent with the purpose and intent of this ordinance.

(c) Height

- i. In non-residential districts, Support Structures shall be designed to be the minimum height needed to meet the service objectives of the applicant.
- ii. In residential districts, Support Structures shall not exceed a height equal to one hundred ninety-nine (199) feet from the base of the structure to the top

of the highest point, including appurtenances. Any proposed Support Structure shall be designed to be the minimum height needed to meet the service objectives of the applicant.

- iii. In all districts, Planning Commission shall have the authority to vary the height restrictions listed in this section upon the request of the applicant and a satisfactory showing of need for a greater height. With its waiver request the Applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the Planning Commission.

(d) Aesthetics

- i. **Lighting and Marking.** Telecommunications Facilities and Support Structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- ii. **Signage.** Signs located at the Telecommunications Facility shall be limited to ownership and contact info. FCC antenna registration (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.
- iii. **Landscaping.** In all districts, the Planning Commission shall have the authority to impose reasonable landscaping requirements surrounding the Accessory Equipment. Required landscaping shall be consistent with surrounding vegetation and shall be maintained by the facility owner. The Planning Commission may choose to not require landscaping for sites that are not visible from the public right-of-way or adjacent property or in instances where in the judgement of the Planning Commission, landscaping is not appropriate or necessary.

- (e) Accessory Equipment, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in support of the operation of the Telecommunications Facility or Support Structure. Any equipment not used in direct support of such operation shall not be stored on the site.

The Accessory Equipment must conform to the setback standards of the applicable zone. In the situation of stacked equipment buildings, additional screening/landscaping measures may be required by the Planning Commission.

(6) Miscellaneous Provisions

(a) Fencing

- i. Ground mounted Accessory Equipment and Support Structures shall be secured and enclosed with a fence not less than six (6) feet in height as deemed appropriate by the Planning Director.

- ii. The Planning Commission may waive the requirement of Subsection (i) above it is deemed that a fence is not appropriate or needed at the proposed location.

(b) Abandonment and Removal. If a Support Structure is Abandoned, and it remains Abandoned for a period in excess of twelve (12) consecutive months, the City of Camilla may require that such Support Structure be removed only after first providing written notice to the owner of the Support Structure and giving the owner the opportunity to take such action(s) as may be necessary to reclaim the Support Structure within thirty (30) days of receipt of said notice. In the event the owner of the Support Structure fails to reclaim the Support Structure within the thirty (30) day period, the owner of the Support Structure shall be required to remove the same within six (6) months thereafter. The City of Camilla shall ensure and enforce removal by means of its existing regulatory authority.

(c) Multiple Uses on a Single Parcel or Lot. Telecommunications Facilities and Support Structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.

(7) Telecommunications Facilities and Support Structures in Existence on the Date of Adoption of this Ordinance.

(a) Telecommunications Facilities and Support Structures that were legally permitted on or before the date this Ordinance was enacted shall be considered a permitted and lawful use.

(b) The provisions of this Part are limited to those structures that do not meet the height or setback requirements set forth in these regulations.

(c) Non-conforming Support Structures.

- i. Non-Conforming Support Structure. Ordinary Maintenance may be performed on a Non-conforming Support Structure or Telecommunications Facility.

- ii. Collocation and/or Minor Modifications of Telecommunications Facilities on an existing non-conforming Support Structure shall not be construed as an expansion, enlargement or increase in intensity of a non-conforming structure and/or use shall be permitted through the Administrative Approval process defined in Section IV.

- iii. Major Modifications may be made to non-conforming Support Structures utilizing the regulatory approval process defined in Section (4).

ARTICLE IV. R-1, SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 4.01. STATEMENT OF PURPOSE.

This district is composed of certain areas having a single-family residential character and undeveloped land where it is desirable and likely that similar development will occur. This district will be characterized by medium density residential development. The specific purpose of this district is to:

- (1) Encourage the construction and continued use of the land for single-family dwellings;
- (2) Prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or maintenance of single-family dwellings in the district;
- (3) Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of these regulations;
- (4) Discourage any land use that would generate traffic on minor or local streets, other than normal traffic to serve residences on those streets;
- (5) Discourage any use which, because of its size or character would create requirements and costs for public services such as fire and police protection, water supply and sewerage substantially in excess of such requirements and costs if the district were developed solely for residential purposes.

SECTION 4.02. PERMITTED USES.

- (1) Single family, detached dwellings, except for manufactured or mobile homes.
- (2) Zero lot-line housing if shown on an approved subdivision plat.
- (3) Accessory buildings or uses customarily incidental to any of the permitted uses, when located on the same lot as the primary dwelling and not involving any business, profession, trade or occupation, provided that all accessory buildings shall conform and be located as required in sections 3.09 and/or 3.10 of this ordinance.
- (4) Places of worship, in pre-existing buildings housing places of worship.
- (5) Gardens.
- (6) Community Residences. See Section 3.21.
- (7) Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
- (8) Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations.

- (9) Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
- (10) Public Utility Facilities, if essential to service this zoning district, are permitted provided:
 - (a) All structures, except for driveways, are placed 50 feet from any property line.
 - (b) All structures, except for driveways, are enclosed by a wall or woven wire fence at least but not greater than 8 feet in height.
 - (c) A ten (10) foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight (8) feet in height and provide an effective visual screen.
 - (d) The lot is suitably landscaped.
 - (e) No vehicles or equipment are stored on the premises.
- (11) Stormwater management facilities shown on an approved final site plan or subdivision plat.

SECTION 4.03. CONDITIONAL USES.

- (1) Public cemeteries, provided that a complete site development sketch is submitted with the application. The proposed site must be at least five acres and have an adequate buffer.
- (2) Places of worship, provided that the proposed site for a place of worship is not less than one acre, and a complete site development plan is submitted with the application for a building permit.
- (3) Nursery schools, kindergartens or family day care facilities provided that no play equipment be located in the front yard and that signage be compatible to the neighborhood and not larger than regulated for home occupations, provided that all state licensing requirements are met.
- (4) Social or fraternal clubs, lodges, union halls and other similar uses.
 - (a) The buildings are not placed closer than fifty (50) feet to any property lines; and
 - (b) There is a planted buffer strip at least ten (10) feet wide along the side and rear lot lines.
- (5) Bed and breakfast inn. As limited and defined in Section 1.08.
- (6) Temporary emergency construction and repair residences.

- (7) Hospitals and clinics.
- (8) Home occupations. See Section 3.22
- (9) Other uses similar to the above and compatible with the particular neighborhood and environment as interpreted by the Planning Commission and approved by the Mayor and City Council.

SECTION 4.04. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

Zoning District	Minimum Lot Area Square Footage	Minimum Lot Width	Front Yard Setback in Feet	Side Yard Setback in Feet	Rear Yard Setback in Feet
R-1	15,000 ft ²	100	30	10*	30

*Corner lot(s) require 30 foot setbacks on the non-fronting street(s)

ARTICLE V. R-2, SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 5.01. STATEMENT OF PURPOSE.

The R-2, single family residential district is designed to permit residential uses of a medium density type development of single family dwellings. For good accessibility, this district shall be located adjacent to arterial and/or collector roads. Public water and sewer shall be required. Any developments in this district shall be designed to complement adjacent, existing or planned, single-family developments.

SECTION 5.02. PERMITTED USES.

- (1) Single-family detached dwellings, except manufactured or mobile homes.
- (2) Industrialized buildings (modular homes/units).
- (3) Community Residences. See Section 3.21.
- (4) Accessory buildings or uses customarily incidental to any of the permitted uses, when located on the same lot and not involving any business, profession, trade or occupation, provided that all accessory buildings shall conform and be located as required in sections 3.09 and/or 3.10 of this ordinance.
- (5) Places of worship, in pre-existing buildings housing places of worship.

SECTION 5.03. CONDITIONAL USES.

- (1) Public cemeteries, provided that a complete site development sketch is submitted with the application. The proposed site must be at least five acres and have an adequate buffer.
- (2) Places of worship, provided that the proposed site for a place of worship is not less than one acre, and a complete site development plan is submitted with the application for a building permit.
- (3) Nursery schools, kindergartens or family day care facilities provided that no play equipment be located in the front yard and that signage be compatible to the neighborhood and not larger than regulated for home occupations, provided that all state licensing requirements are met.
- (4) Social or fraternal clubs, lodges, union halls and other similar uses.
 - (a) The buildings are not placed closer than fifty (50) feet to any property lines; and
 - (b) There is a planted buffer strip at least ten (10) feet wide along the side and rear lot lines.
- (5) Bed and breakfast inn. As limited and defined in Section 1.08.
- (6) Temporary emergency construction and repair residences.
- (7) Hospitals and clinics.
- (8) Home occupations. See Section 3.22.
- (9) Other uses similar to the above and compatible with the particular neighborhood and environment as interpreted by the Planning Commission and approved by the Mayor and City Council.

SECTION 5.04. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

Zoning District	Minimum Lot Area Square Footage	Minimum Lot Width	Front Yard Setback in Feet	Side Yard Setback in Feet	Rear Yard Setback in Feet
R-2	12,000 ft ²	100	30	10*	30

*Corner lot(s) require 30 foot setbacks on the non-fronting street(s)

SECTION 5.05. SUBSTANDARD LOTS OF RECORD.

The City of Camilla has numerous parcels that, at one time, met dimensional requirements but currently do not meet the dimensional requirements of the current ordinance. The majority of the lots in question have substandard lot widths and are very long or deep. It is the intent of this

section to provide modified standards for these identified lots of record so they can be developed without being excessively hampered with regulations on the local government level. The list and map of identified substandard lots of record can be found in the City of Camilla Planning and Zoning office.

SECTION 5.06. MODIFIED DIMENSIONAL REGULATIONS FOR SUBSTANDARD LOTS (LOTS OF RECORD).

Zoning District	Minimum Lot Area Square Footage	Minimum Lot Width	Front Yard Setback in Feet	Side Yard Setback in Feet	Rear Yard Setback in Feet
R-2	4,500 ft ²	40	25	10*	25

*Corner lot(s) require 30 foot setbacks on the non-fronting street(s)

ARTICLE VI. R-3, TWO FAMILY AND MULTIPLE-FAMILY RESIDENTIAL DISTRICT

SECTION 6.01. STATEMENT OF PURPOSE.

This district is composed of certain areas where a mixture of site built and manufactured, single-family residential structures is desirable or necessary. This district will be characterized by medium density residential development.

SECTION 6.02. PERMITTED USES.

- (1) Any use permitted in the R-1 and R-2 residential districts.
- (2) Two-family (Duplex) residential.
- (3) Multi-family (apartments and condominiums).*
- (4) Community Residences. See Section 3.21.
- (5) Townhouses (See Article IX).
- (6) Manufactured homes (See Article XVIII).
- (7) Places of worship, in pre-existing buildings housing places of worship.

SECTION 6.03. CONDITIONAL USES.

- (1) Public cemeteries, provided that a complete site development sketch is submitted with the application. The proposed site must be at least five acres and have an adequate buffer.

- (2) Places of worship, provided that the proposed site for a place of worship is not less than one acre, and a complete site development plan is submitted with the application for a building permit.
- (3) Nursery schools, kindergartens or family day care facilities provided that no play equipment be located in the front yard and that signage be compatible to the neighborhood and not larger than regulated for home occupations, provided that all state licensing requirements are met.
- (4) Social or fraternal clubs, lodges, union halls and other similar uses.
 - (a) The buildings are not placed closer than fifty (50) feet to any property lines; and
 - (b) There is a planted buffer strip at least ten (10) feet wide along the side and rear lot lines.
- (5) Bed and breakfast inn. As limited and defined in Section 1.08.
- (6) Temporary emergency construction and repair residences.
- (7) Hospitals and clinics.
- (8) Home occupations.
- (9) Nursing homes.
- (10) Boarding homes.
- (11) Group homes.
- (12) Professional offices.
- (13) Public buildings, structures and other public land uses.
- (14) Group Day Care Homes (group day care homes as limited and defined in Article II) provided that no play equipment be located in the front yard and that signage be compatible to the neighborhood and not larger than regulated for home occupations. All state licensing requirements and regulations shall also apply.
- (15) Group Personal Care Homes—as limited and defined in Article II.
- (16) Halfway homes—as limited and defined in Article II
- (17) Convalescent homes—as limited and defined in Article II.
- (18) Other uses similar to the above and compatible with the particular neighborhood and environment as interpreted by the Planning Commission and approved by the Mayor and City Council.

SECTION 6.04. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

R-3 Zoning District	Minimum Lot Area Square Footage	Minimum Lot Width	Front Yard Setback in Feet	Side Yard Setback in Feet	Rear Yard Setback in Feet
Single Family	10,000 ft ²	100	25	10	25
Two Family (Duplex)	10,000 ft ²	100	25	10	25
Multi-Family	3,300 ft ² per Dwelling Unit	100	25	15	25

ARTICLE VII. R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT

SECTION 7.01. STATEMENT OF PURPOSE.

This district is designed to provide areas of sufficient size and allowing reasonable flexibility in design and orientation for the establishment of a structure or group of structures which include multiple dwellings designed in a planned unit development of more than one building on a given site. The requirements of area, height, bulk, and placement regulations, as they are usually applicable to individual buildings and individual lots of record would in certain cases of large scale development have results affording less protection to the public health, safety and welfare than if a measure of flexibility were permitted. The permitting of these planned unit developments as special and particular land uses can, in certain cases, increase the desirability and convenience to the residents or occupants of the planned unit development without causing adverse effects on adjoining properties. This type of development will permit a creative approach to residential development. A planned unit development will provide for an efficient use of land potentially resulting in more economical networks of streets and utilities thereby lowering housing and other land development costs as well as enhancing the appearance of neighborhoods through the preservation of natural features and the provision of recreation areas and open space.

In creating this zoning district the city intends to encourage home ownership; increase the variety of dwelling types in the housing market; and allow for innovative uses of real property which may not be suitable for development for other kinds of residential uses.

SECTION 7.02. DEVELOPMENT REQUIREMENTS.

TABLE INSET:

<i>PLANNED UNIT DEVELOPMENT REQUIREMENTS</i>	
Individual Dwelling Unit Per Acre In R-PUD:	
1. Single-family	1/3 acre minimum**
2. Duplex	2 per acre
3. Multi-family	12 per acre
Building setbacks from exterior lot lines:	30 feet
Building height:	32 feet or 3 stories, whichever is less

**refers to minimum lot size versus dwelling units per acre

(1) Ownership.

There shall be unified control of the entire site. Prior to final approval of the development plan, evidence of unified control of the entire site shall be submitted to the planning commission. In addition, an agreement shall be submitted to the planning commission by all owners of the planned unit development, which includes their commitment to:

- (a) Proceed with the proposed development in accordance with the planned unit development plans as submitted, and such conditions and safeguards as may be set by the city council granting the rezoning; and,
- (b) Provide agreements and deed restrictions acceptable to the city council for completion of such development according to plans approved and for the maintenance of such areas, functions, and facilities as are not to be provided, operated or maintained by the city, pursuant to written agreement; and,
- (c) To notify and bind their successors in title to any commitments made in their petitions of PUD approval.
- (d) All plans approved shall be reviewed as a form of commitment to execute the development precisely and only as submitted to and ultimately accepted and approved by the city council. No variations, changes, departures or exceptions to the approved plans shall be permitted except through the formal amendment process.
- (e) After rezoning for a PUD in this district has been given formal approval no use shall be made of a PUD site except that which had been approved as a result of the application or the continuation of uses that existed at the time of the application.
- (f) All new roads in this district shall be curb and gutter as specified in the Subdivision Regulations and shall directly connect to existing paved public roads.

SECTION 7.03. OPEN SPACE REQUIREMENTS.

Open space, as defined in section 1.08 of this ordinance, shall be required. In addition:

- (1) The common open space shall be situated such that it will best serve residents and be totally integrated within the various uses of the development.
- (2) The development schedule must coordinate the improvement of the common open spaces, the construction of the buildings, structures and improvements in the common open space, and the construction of residential dwellings in the development.
- (3) The pedestrian circulation system and its related walkways shall be separated as completely as possible from the street or vehicular circulation system. All walks shall be of permanent nature and material and shall be constructed in accordance with the Land Development Regulations.

SECTION 7.04. ACCESS.

Private vehicular access drives not maintained by the city throughout the development shall meet all city street requirements.

SECTION 7.05. OFF-STREET PARKING.

All parking and loading in developments in this district shall meet all off-street parking and loading requirements of this ordinance and be constructed in accordance with the Subdivision Regulations.

SECTION 7.06. PROCEDURES FOR REZONING THIS DISTRICT ONLY.

- (1) A petition for rezoning land in this district shall be submitted to the city planning office the same as with any zoning request.
- (2) A written statement to accompany the zoning application must contain the following:
 - (a) An explanation of the character of the development.
 - (b) A statement of present ownership of all land included within the development.
 - (c) A general indication of the expected schedule of development.
- (3) **Preliminary development plan.** Following the official rezoning of the proposed property, the applicant shall submit a preliminary development site plan. The preliminary development plan shall include all of the following information:
 - (a) A preliminary site plan at a scale not less than 1" = 200', depicting all existing masses of trees and other natural features including the topography of the land. A preliminary solution of all storm drainage needs shall be included.
 - (b) The location and grouping of all uses and the amount of area for each, plus preliminary utility service plans.
 - (c) The tentative location of each residential density district, the number of residential units proposed for each density district, their general location, proposed lot designs and district lines. Tentative floor plans and exterior elevations, which need not be

the result of final architectural decisions but which shall adequately describe the development, shall also be included.

- (d) A preliminary vehicular and pedestrian circulation system including driveways, walkways, loading areas, parking areas including the number of parking spaces, and streets to be dedicated.
 - (e) A system of open space and recreational uses in residential projects with estimates of acreage to be dedicated for public use and that to be retained in common ownership.
 - (f) A draft of the declaration by which the use, maintenance and continued protection of the development and any of its common open space areas shall be submitted.
 - (g) A development schedule indicating the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin, the anticipated rate of development, the approximate dates when the stages in the development will be completed and the area and location of common space that will be provided at each stage.
- (4) The planning commission shall review and approve the preliminary development plan. In reviewing a development site plan in this district, the planning commission shall consider the following criteria, to the extent relevant in each case, in evaluating the merits and purpose of a multi-family development. Individual lots, buildings, streets and parking areas should be designed and situated to:
- (a) Minimize alteration of the natural features and topography.
 - (b) Minimize the adverse effects of noise and traffic on off-site residents.
 - (c) Allow for proper and adequate access for fire fighting purposes and access to service areas to provide garbage and waste collection and for other emergency and accessory services.
 - (d) Achieve a compatible relationship between development and the land as well as with adjacent developments and land.
 - (e) The proposed development should not adversely affect the orderly development of the city.
 - (f) The proposed development shall accomplish the objectives and shall meet the standards and performance criteria as outlined in this article.
- (5) **Final development plan.** Following the approval of the preliminary development plan, the applicant shall, within six months, submit to the planning commission a final development plan containing in final form the information required in the preliminary development plan. The planning commission shall review and approve the final development plan to see that it

is in compliance with the preliminary development plan. The planning commission may approve changes in the final development plan which comply with the following criteria:

- (a) The revised plan contains the same or a fewer number of dwelling units or structures and/or floor area, or
 - (b) The open space is in the same general location and in the same general amount, or a greater amount, or
 - (c) The buildings have the same or less number of stories and/or floor area, or
 - (d) The roads and drives follow approximately the same course.
- (6) **Final approval.** No building permits shall be issued until the approval process is complete and all necessary plans, drawings, specifications and other required data have been submitted and approved. No construction may commence until the entire approval process is completed and appropriate permits issued.

ARTICLE VIII. R-OI, RESTRICTED OFFICE-INSTITUTIONAL DISTRICT

SECTION 8.01. STATEMENT OF PURPOSE.

The restricted office-institutional district established in this article is intended to permit those offices and restricted business uses which will provide opportunities for local employment close to residential areas, thus reducing travel to and from work and which will provide clean, modern office buildings in a landscaped setting or the appropriate re-use of existing residential dwellings; which will provide, adjacent to residential areas, appropriate districts for uses which do not generate large volumes of traffic, traffic congestion and parking problems; and which will promote the most desirable use of land in accordance with the future land use plan. The zones are intended for those corridors in transition where residential uses are adjacent and also are still located along the corridor.

SECTION 8.02. PERMITTED USES.

All permitted uses are subject to the restrictions set forth in section 8.05 of this article.

- (1) Single family dwellings, except manufactured homes.
- (2) Family day care, group day care, adult day care and related uses.

- (3) Nursery schools, kindergartens, or day care facilities provided that no play equipment be located in the front yard and that signage be compatible to the neighborhood and not larger than regulated for home occupations. All state licensing requirements and regulations will also apply.
- (4) Places of worship, in pre-existing buildings housing places of worship.
- (5) Temporary emergency construction and repair residences.
- (6) Offices of any type; clinical, research and services (other than veterinary) not primarily related to goods of merchandise.
- (7) Operations designed to attract and serve customer or client on the premises such as office of attorney, physicians and other professions.
- (8) Pharmacies, florist shops, mortuaries.
- (9) Other uses similar to the above, subject to the restrictions set forth in section 8.05 of this article.

SECTION 8.03. CONDITIONAL USES.

All conditional uses are subject to the restrictions set forth in section 8.05 of this article.

- (1) Bed and breakfast inn.
- (2) Banks with drive in windows.
- (3) Hospitals or nursing homes.
- (4) Personal care homes for groups or families.
- (5) Community Residences.
- (6) Places of worship
- (7) Personal service establishments
- (8) Home occupations—Home occupations as limited and defined in Article II
- (9) Other uses similar to the above and compatible with the particular neighborhood and environment as interpreted by the Planning Commission and approved by the Mayor and City Council.

SECTION 8.04. PROTECTIVE SCREENING.

Protective screening for R-OI districts adjacent to or across the street (with the exception of arterial or collector roads) from residential zoning districts shall be in compliance with section 3.12 of this ordinance.

SECTION 8.05. RESTRICTIONS.

The following restrictions shall apply to all permitted and conditional businesses covered by this article.

- (1) All outdoor business operations shall be subject to the following restrictions:
 - (a) There shall be no outdoor storage or display of any kind.
 - (b) No business or activity, indoor or outdoor, shall be conducted in a manner which violates the noise ordinance or the City of Camilla, nor shall any business activities, indoor or outdoor, cause decibel levels as taken in nearby residential neighborhoods to be such that they violate the restrictions set forth for that neighborhood in the noise ordinance or the City of Camilla.
- (2) Retail businesses shall have no more than 7,000 square feet of gross floor area.
- (3) No business operations shall be conducted between the hours of 11:00 p.m. and 7:00 a.m. with the exception of normal business opening and closing activities, i.e. cleaning, restocking, etc. Nor shall any establishment be open to the public during those hours.
- (4) Unless specifically covered by this article, all other sections of this article shall apply to all establishments.
- (5) Manufactured or mobile homes are not to be used as retail, office, etc.

SECTION 8.06. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

Zoning District	Minimum Lot Area Square Footage	Minimum Lot Width	Front Yard Setback in Feet	Side Yard Setback in Feet	Rear Yard Setback in Feet
R-OI	N/A	60	30	10	30

ARTICLE IX. AG, AGRICULTURAL DISTRICT

SECTION 9.01. STATEMENT OF PURPOSE.

The AG, Agriculture district was established for the purpose of preserving, promoting, maintaining, and enhancing the use of land for commercial agricultural purposes, to prevent scattered and leap-frog non-farm growth, to protect and preserve natural resource areas and to stabilize increases in public expenditures for such public services as roads and road maintenance, police and fire protection, and schools.

This district is designed to protect and preserve prime agricultural areas for continued agricultural and agriculturally oriented uses. Their loss cannot be readily compensated, since these prime agricultural areas are relatively scarce, particularly on the national level and other areas require more capital energy and nutrients to provide equal productivity. For these reasons, land should not be converted from the AG-1 district to another zoning classification unless and until there is no other land available in the city to accommodate the nonagricultural uses.

The standards and densities prescribed for this district are intended to preserve the open character of the area and thereby to protect the business of agriculture. This district is intended not to regulate agricultural uses, but to regulate those uses which threaten agriculture. The intent of these regulations for this district is to discourage subdivision of land for typical residential type lots requiring public services such as fire and police protection, paved roads, water, sewer, etc.

This district is generally intended to apply to lands in productive farm operations including:

- (1) Lands historically producing good crop yields or capable of such yields;
- (2) Lands productive for dairying, livestock raising and grazing;
- (3) Other lands which are integral parts of such farm operations;
- (4) Land used to produce specialty crops such as cranberries, mint, sod, fruits and vegetables;
and
- (5) Lands capable of productive use through economically feasible improvements such as irrigation.

SECTION 9.02. PERMITTED USES.

- (1) Beekeeping.
- (2) Dairying.
- (3) Floriculture (cultivation of ornamental flowering plants).
- (4) Grazing.
- (5) Livestock raising.
- (6) Poultry raising.
- (7) Plant nurseries and orchards.
- (8) Raising of grain, grass, mint and seed crops.
- (9) Raising of tree fruit, nuts, and berries.
- (10) Sod farming.
- (11) Vegetable raising.

- (12) Viticulture (grape growing).
- (13) Forest and game management.
- (14) Nature trails and walks.
- (15) Greenhouses.
- (16) Single family residences except manufactured homes
- (17) Farm dwellings and related structures that remain after farm consolidation may be subdivided from the farm lot subject to the county health department requirements.
- (18) Essential services--telephone, power, etc.
- (19) Public recreation areas.
- (20) Historic sites and areas.
- (21) Agricultural products and livestock processing plants.
- (22) Commercial grain storage and drying.
- (23) Hatcheries.
- (24) Temporary housing for migratory or other farm workers, provided it meets all applicable city regulations.
- (25) Equestrian trails.
- (26) Fish farms.
- (27) Dams and flowages.
- (28) Governmental or institutional uses such as police and fire stations, highway storage garages, solid waste disposal and sewage treatment plants, gravel pits and quarries, schools, parks and campgrounds, airports and landing strips.
- (29) Places of worship, schools, and cemeteries.
- (30) Nursery schools, kindergartens, or day care facilities provided that all state licensing requirements are met.
- (31) Customary home occupations and professional offices conducted within and accessory to a permitted agricultural residence. Subject to all other applicable city regulations pertaining to home occupations.
- (32) Stables and paddocks.

- (33) The storage and sale of seed, feed, fertilizer and other products essential to agricultural production.
- (34) Industrialized buildings (modular homes/units).
- (35) Community Residences. See section 3.21.

SECTION 9.03. CONDITIONAL USES.

- (1) Bed and breakfast inns.
- (2) The sale and service of machinery used in agricultural production.
- (3) Facilities for the centralized bulk collection, storage, and distribution of agricultural products to wholesale and retail markets.
- (4) Facilities used to provide veterinarian services for livestock.
- (5) Facilities used in processing agricultural products.
- (6) Other agricultural-related, religious, utility, institutional or governmental uses to those listed in section 9.03 which are compatible with the purposes of this district, which do not conflict with agricultural use and which are found necessary in light of alternative locations available for such uses.
- (7) Any structure over 100 feet tall.

SECTION 9.04. AREA, HEIGHT AND PLACEMENT REQUIREMENTS.

Zoning District	Minimum Lot Area in Acres	Minimum Lot Width	Front Yard Setback in Feet	Side Yard Setback in Feet	Rear Yard Setback in Feet
AG	5 acres	300	30	10	30

ARTICLE X. C-1, NEIGHBORHOOD COMMERCIAL DISTRICT

SECTION 10.01. STATEMENT OF PURPOSE.

The neighborhood commercial district established in this article is intended to permit retail business, office, and service uses that are needed to serve adjacent residential areas. In order to promote such business development so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic, or late hours of operation. The intent of this district is also to encourage the concentration of local business areas in locations proposed in the future land use plan to the mutual advantage of both consumers and merchants and thereby promote the best use of land at certain strategic locations and avoid the continuance of encouraging marginal, strip business development along city/county roads.

SECTION 10.02. PERMITTED USES.

All permitted uses are subject to the restrictions set forth in section 10.06 of this ordinance.

- (1) Barber or beauty shops and similar uses.
- (2) Antique stores.
- (3) Custom dress making and tailoring establishments and similar uses.
- (4) Personal service establishment.
- (5) Eating or drinking places in existing structures with no more than 2,000 square feet of floor space devoted to such use.
- (6) Laundry, dry cleaning, coin laundry.
- (7) Business, professional, or governmental office designed to attract and serve customers or client on premises.
- (8) Household appliance repair shop without outdoor storage, display, or business operations of any type.
- (9) Retail store for food, drugs, clothing, etc. with no outdoor storage, display, or business operations of any type.
- (10) Contractor's office with no outdoor storage, display, or business operations of any type.
- (11) Veterinarian offices provided there are no outdoor kennels. Runs designed for animal exercise are allowed as long as the animals are kept inside at night.
- (12) Post office.
- (13) Medical and/or dental clinics.
- (14) Temporary trailer for emergency construction and repair of buildings.
- (15) Nursery schools, kindergartens or day care facilities provided all state licensing requirements are met.

- (16) Social or fraternal clubs, lodges, union halls and other similar uses.
 - (a) The buildings are not placed closer than fifty (50) feet to any property lines; and
 - (b) There is a planted buffer strip at least ten (10) feet wide along the side and rear lot lines.
- (17) Bed and breakfast inn.
- (18) Motor vehicle wash establishments
- (19) Other uses similar to the above, subject to the restrictions set forth in section 10.05 of this ordinance.

SECTION 10.03. CONDITIONAL USES.

All conditional uses are subject to the restrictions set forth in section 10.06 of this ordinance.

- (1) Places of worship. Provided that the proposed site is not less than one (1) acre and a complete site development sketch is submitted with the application and provision is made for off-street parking.
- (2) Service stations.
- (3) Convenience store.
- (4) Adult Care Facilities.
- (5) Community Residences. See Section 3.21.
- (6) Other uses similar to the above and compatible with the particular neighborhood and environment as interpreted by the Planning Commission and approved by the Mayor and City Council.

SECTION 10.04. PROTECTIVE SCREENING.

Protective screening for C-1 districts adjacent to or across the street (with the exception of arterial or collector roads) from residential zoning districts shall be in compliance with section 3.12 of this ordinance.

SECTION 10.05. RESTRICTIONS.

The following restrictions shall apply to all permitted and conditional business covered by this article.

- (1) All outdoor business operations shall be subject to the following restrictions:
 - (a) There shall be no outdoor storage or display of any kind.

- (b) Eating and drinking establishments are allowed to have tables outside. There shall be no more than ten tables, or up to 25 percent of the number of indoor tables, whichever number is less.
 - (c) Convenience stores may have up to two fuel pumps and as many as eight propane tanks stored in a cage outside.
 - (d) No business or activity, indoor or outdoor, shall be conducted in a manner which violates section 11-1-4 (Noise) of the Camilla City Code, nor shall any business activities, indoor or outdoor, cause decibel levels as taken in nearby residential neighborhoods to be such that they violate the restrictions set forth for that neighborhood in the nuisance ordinance of the Camilla City Code.
- (2) Retail businesses shall have no more than 7,000 square feet of gross floor area.
- (3) No business operations shall be conducted between the hours of 11:00 p.m. and 7:00 a.m. with the exception of normal business opening and closing activities, i.e. cleaning, restocking, etc. Nor shall any establishment be open to the public during those hours.
- (4) Unless specifically covered by this article, all other sections of this ordinance shall apply to all establishments.
- (5) Manufactured or mobile homes are not to be used as retail, office, etc.
- (6) Buildings constructed under this article shall not have a metal facade fronting any public road.

SECTION 10.06. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

Zoning District	Minimum Lot Area Square Footage	Minimum Lot Width	Front Yard Setback in Feet	Side Yard Setback in Feet	Rear Yard Setback in Feet
C-1	N/A	60	25	10**	10**

**Zero lot line commercial development does not require side and rear setbacks.

ARTICLE XI. C-2, GENERAL BUSINESS DISTRICT

SECTION 11.01. STATEMENT OF PURPOSE.

The C-2 General Business District is intended to project and promote suitable areas for business and commercial uses which benefit from proximity to each other, to encourage the eventual

elimination of uses inappropriate to a general business area, and to encourage the intensive development of a centralized business center for the City of Camilla.

SECTION 11.02. PERMITTED USES.

- (1) Any use listed under Section 10.02 of the C-1 zoning district.
- (2) Retail businesses and service establishments.
- (3) Financial institutions.
- (4) Commercial Planned Unit Developments in accordance with provisions of Article XIII
- (5) Hotels/Motels.
- (6) Professional Offices.
- (7) Loft dwellings—See Section 11.05
- (8) Motor vehicle wash establishments.
- (9) Public buildings, structures or other public land uses.
- (10) Other uses similar to the above and compatible with the particular neighborhood and environment as interpreted by the Planning Commission and approved by the Mayor and City Council.

SECTION 11.03. CONDITIONAL USES.

- (1) Places of worship. Provided that the proposed site is not less than one (1) acre and a complete site development sketch is submitted with the application and provision is made for off-street parking.
- (2) Clinics, convalescent homes and nursing homes.
- (3) Multiple family residential dwellings, boarding or rooming houses.
- (4) Quick-service food stores—as limited and defined in Article II.
- (5) Other uses similar to the above and compatible with the particular neighborhood and environment as interpreted by the Planning Commission and approved by the Mayor and City Council.

SECTION 11.04. RESTRICTIONS

The following restrictions shall apply to all businesses covered by this article:

- (1) No manufactured or mobile homes shall be used for commercial purposes except for manufactured home sales offices.

- (2) No buildings constructed under this article shall have a metal façade fronting any public roadway.

SECTION 11.05. PERMITTED RESIDENCES IN THE GENERAL BUSINESS DISTRICT

Loft dwelling residential uses are permitted in existing multi-story commercial buildings so long as their plans are submitted and approved by the City of Camilla Planning Commission and Mayor and City Council. The following minimum requirements shall be met prior to approval:

- (1) Minimum Floor Space Requirements and Maximum Number of Occupants shall comply with the Building Codes.
- (2) Building Codes: All loft dwelling residential renovations shall comply with all existing Commercial Building Codes and Fire Codes with fire walls.
- (3) Restrictions:
- (a) All window treatment must be off white colors with no signs, drawings or photographs incorporated therein. Nothing shall hang from the outside of the windows.
 - (b) No outside mailboxes shall be permitted; inside mailboxes or mail slots shall be used.
 - (c) No outside television or radio antennas or satellite reception dishes shall be permitted unless they are less than 36 inches and are located on roof or such a way as not to be visible from street; cable connections shall be permitted and located at the rear of the establishment.
 - (d) No daily or weekly boarding rooms shall be permitted, only complete dwelling units as defined herein.
 - (e) Outside building identification numbers shall not exceed six (6) inches in height.
 - (f) No dry of clothes shall be permitted on the outside of the building.
 - (g) Entry to the unit or to a hallway serving one (1) or more units shall be provided by a stairway opening directly to the outside at street level. All stairways shall be enclosed. No unit shall occupy street level frontage.
 - (h) All window air-conditioning units shall not be visible from any public street.
 - (i) No washing or waxing of vehicles shall be permitted.
 - (j) No recreation, entertainment, public gathering or placement of furniture shall be allowed on the sidewalks unless permitted by Mayor and City Council.
 - (k) No sales of the type commonly known as garage sales, yard sales, or estate sales shall be allowed.

(4) Parking:

- (a) Each residential unit shall have its own off-street parking space with direct access to a public alley or street between the hours of 8 a.m. – 6 p.m. (Monday through Friday). Public parking may only be used to meet this requirement with prior approval of the Mayor and City Council.

SECTION 11.06. PROTECTIVE SCREENING

Protective screening for requirements of C-2 General Business District adjacent to or near residential districts shall be in compliance with the Regulations set forth in Section 3.12.

SECTION 11.07. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

Zoning District	Minimum Lot Area Square Footage	Minimum Lot Width	Front Yard Setback in Feet	Side Yard Setback in Feet	Rear Yard Setback in Feet
C-2	N/A	60	N/A	10**	10**

**Zero lot line commercial development does not require side and rear setbacks.

ARTICLE XII. C-3, HIGHWAY COMMERCIAL DISTRICT

SECTION 12.01. STATEMENT OF PURPOSE.

The purpose of the C-3, Highway Commercial District is to provide for and encourage appropriate development along the City's major streets which will include a variety of sales and services that will both accommodate the needs of the City and the traveling public. Adequate off-street parking, adequate building set-backs and reduction of traffic hazards are prime city objectives for business development along the city's major streets.

SECTION 12.02. PERMITTED USES.

- (1) All permitted uses in the C-1 and C-2 zoning districts, except loft dwellings.
- (2) Automobile sales and auto service.
- (3) Service stations.
- (4) Agricultural equipment sales and service.
- (5) Wholesale stores, storage buildings, warehouses, mini-warehouses, distributing plants, freezers and lockers.
- (6) Small fabrication and manufacturing shops, when employing not more than ten (10) employees in the office and manufacturing operations.
- (7) Monument and statuary sales.
- (8) Manufactured housing sales.
- (9) Outdoor furniture and equipment
- (10) Tent and canopy sales.
- (11) Swimming pools and hot tub sales.
- (12) Trade shops providing that all operations are conducted entirely within the building.
- (13) Shopping centers.
- (14) Museums.
- (15) Motor vehicle wash establishments.
- (16) Public buildings, structures, or other public land uses.

SECTION 12.03. CONDITIONAL USES.

- (1) All conditional uses in the C-1 and C-2 zoning districts
- (2) Cemeteries provided that a complete site development sketch is submitted with the application.
- (3) Places of worship. Provided that the proposed site is not less than one (1) acre and a complete site development sketch is submitted with the application and provision is made for off-street parking.
- (4) Hospitals, clinics, nursing homes, and personal care homes.
- (5) Open air businesses—as limited and defined in Article II.
- (6) Flea Markets (a planted natural buffer strip of at least ten (10) feet wide along the side and rear lot lines is required).
- (7) Junk yards provided that protective screenings are provided. (See Section 3.12, Protective Screenings).
- (8) Adult entertainment businesses.
- (9) Gas stations/mini-marts—as limited and defined in Article II.
- (10) Other uses similar to the above and compatible with the particular neighborhood and environment as interpreted by the Planning Commission and approved by the Mayor and City Council.

SECTION 12.04. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

Zoning District	Minimum Lot Area Square Footage	Minimum Lot Width	Front Yard Setback in Feet	Side Yard Setback in Feet	Rear Yard Setback in Feet
C-3	N/A	60	35	10**	10**

**Zero lot line commercial development does not require side and rear setbacks.

SECTION 12.05. PROTECTIVE SCREENING.

Protective screening for C-3 districts adjacent to or across the street (with the exception of major arterial or major collector roads) from residential zoning districts shall be in compliance with section 3.12 of this ordinance.

ARTICLE XIII. C-PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT

SECTION 13.01. STATEMENT OF PURPOSE.

It is the intention of this ordinance to provide areas of sufficient size and allowing reasonable flexibility in design and orientation for the establishment of a structure or group of structures which include one or more retail sales, service and office enterprises on a single parcel of land in the form generally known as a "one stop shopping center."

In the case of a plan for a large scale development which, in the judgment of the planning commission and county commission, provides adequate open space and improvements for pedestrian and vehicular circulation, light, air and service needs of the tract when fully developed, the application of the usual requirements of area, height, bulk and placement is not intended within the planned unit development. The application of these usual restrictions in certain large scale developments may have results affording less protection to the public health, safety and welfare than if this intended measure of flexibility were permitted. The intent of this district is to increase the desirability and convenience to the users of the development without causing adverse effects on adjoining properties.

The minimum size of a commercial planned unit development district is four acres.

Within the commercial planned unit development districts, the following regulations shall apply.

SECTION 13.02. PERMITTED USES.

- (1) Any use permitted in non-residential zoning districts.

SECTION 13.03. CONDITIONAL USES.

- (1) Places of worship. Provided that the proposed site is not less than one (1) acre and a complete site development sketch is submitted with the application and provision is made for off-street parking.
- (2) Medical facilities, nursing homes, group homes and personal care homes.
- (3) Public buildings, structures or other public land uses.

SECTION 13.04. PROCEDURE FOR PROJECT APPROVAL.

- (1) A petition for rezoning land in this district shall be submitted to the city planning office the same as with any zoning request.
- (2) A written statement to accompany the zoning application must contain the following:
 - (a) An explanation of the character of the development.
 - (b) A statement of present ownership of all land included within the development.

(c) A general indication of the expected schedule of development.

(3) **Preliminary development plan.** Following the official rezoning of the proposed property, the applicant shall submit a preliminary development site plan. The preliminary development plan shall include all of the following information:

(a) A preliminary site plan at a scale not less than 1" = 200', depicting all existing masses of trees and other natural features including the topography of the land. A preliminary solution of all storm drainage needs shall be included.

(b) The location and grouping of all uses and the amount of area for each, plus preliminary utility service plans.

(c) The tentative location of each structure on the site. Tentative floor plans and exterior elevations, which need not be the result of final architectural decisions but which shall adequately describe the development, shall also be included.

(d) A preliminary vehicular and pedestrian circulation system including driveways, walkways, loading areas, parking areas including the number of parking spaces, and streets to be dedicated.

(e) A system of open space and recreational uses in residential projects with estimates of acreage to be dedicated for public use and that to be retained in common ownership.

(f) A draft of the declaration by which the use, maintenance and continued protection of the development and any of its common open space areas shall be submitted.

(g) A development schedule indicating the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin, the anticipated rate of development, the approximate dates when the stages in the development will be completed and the area and location of common space that will be provided at each stage.

(4) The planning commission shall review and approve the preliminary development plan. In reviewing a development site plan in this district, the planning commission shall consider the following criteria, to the extent relevant in each case, in evaluating the merits and purpose of a multi-family development. Individual lots, buildings, streets and parking areas should be designed and situated to:

(a) Minimize alteration of the natural features and topography.

(b) Minimize the adverse effects of noise and traffic on off-site residents.

(c) Allow for proper and adequate access for fire fighting purposes and access to service areas to provide garbage and waste collection and for other emergency and accessory services.

- (d) Achieve a compatible relationship between development and the land as well as with adjacent developments and land.
- (e) The proposed development should not adversely affect the orderly development of the city.
- (f) The proposed development shall accomplish the objectives and shall meet the standards and performance criteria as outlined in this article.

(5) **Final development plan.** Following the approval of the preliminary development plan, the applicant shall, within six months, submit to the planning commission a final development plan containing in final form the information required in the preliminary development plan. The planning commission shall review and approve the final development plan to see that it is in compliance with the preliminary development plan. The planning commission may approve changes in the final development plan which comply with the following criteria:

- (a) The revised plan contains the same or a fewer number of dwelling units or structures and/or floor area, or
- (b) The open space is in the same general location and in the same general amount, or a greater amount, or
- (c) The buildings have the same or less number of stories and/or floor area, or
- (d) The roads and drives follow approximately the same course.

(6) **Final approval.** No building permits shall be issued until the approval process is complete and all necessary plans, drawings, specifications and other required data have been submitted and approved. No construction may commence until the entire approval process is completed and appropriate permits issued.

SECTION 13.05. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

Zoning District	Minimum Lot Area Square Footage	Minimum Lot Width	Front Yard Setback in Feet	Side Yard Setback in Feet	Rear Yard Setback in Feet
C-PUD	N/A	60	35	10**	10**

**Zero lot line commercial development does not require side and rear setbacks.

ARTICLE XIV. I-1, LIGHT INDUSTRIAL DISTRICT

SECTION 14.01. STATEMENT OF PURPOSE.

The light industrial district is intended to permit certain firms, which are of a light manufacturing character to locate in planned areas of the city. Firms that utilize substantial quantities of water in manufacturing are not permitted in this district. Industrial firms in this district do not necessarily require rail frontage.

SECTION 14.02. PERMITTED USES.

- (1) Any use permitted in commercial zone districts, except loft dwellings.
- (2) Wholesale bakeries, baking plants, etc.
- (3) Bottling or packaging of cleaning compounds, polishes, etc.
- (4) Building equipment, building materials, lumber, sand, gravel storage yards and yards for contracting equipment, maintenance or operating equipment of public agencies or public utilities, or materials or equipment of similar nature.
- (5) Carpet manufacturing.
- (6) Carpenter and cabinet making shops.
- (7) Cold storage plants.
- (8) Dental, surgical and optical goods manufacturing.
- (9) Electronic manufacturing and assembly plants.
- (10) Electric motors and generators manufacturing.
- (11) Research and testing laboratories.
- (12) Pharmaceutical products manufacturing.
- (13) Printing, engraving and bookbinding shops.
- (14) Soft drink bottling establishments.
- (15) Tool, die, gauge and machine shops.
- (16) Processed agricultural products other than meat, poultry or animal products.
- (17) Textile and clothing manufacturing.

- (18) Natural gas and petroleum products storage and sales.
- (19) Plastic product manufacturing, but not including the processing of the raw materials (no actual plastic making).
- (20) Warehouse, storage and transfer, electric and gas service buildings and yards, public utility buildings, telephone exchange buildings and substations, gas regulator stations.
- (21) Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilation contractor's establishments including outside storage yards.
- (22) Moving or storage offices and warehouse.
- (23) Publicly owned buildings, public utility buildings and service yards including storage yards.

SECTION 14.03. CONDITIONAL USES.

- (1) Other uses similar to the above and compatible with the particular neighborhood and environment as interpreted by the Planning Commission and approved by the Mayor and City Council.

SECTION 14.04. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

Zoning District	Minimum Lot Area Square Footage	Minimum Lot Width	Front Yard Setback in Feet	Side Yard Setback in Feet	Rear Yard Setback in Feet
I-1	N/A	75	30	20	30

SECTION 14.05. PROTECTIVE SCREENING.

Protective screening for I-1 districts adjacent to or across the street (with the exception of arterial or collector roads) from residential zoning districts shall be in compliance with section 3.12 of this ordinance.

ARTICLE XV. I-2, HEAVY INDUSTRIAL DISTRICT

SECTION 15.01. STATEMENT OF PURPOSE.

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

SECTION 15.02. PERMITTED USES.

- (1) Any use permitted in "I-1" light industrial district.
- (2) Salvage yard as defined in article B "Definitions" under the following stipulations:
 - (a) The site must have either railroad access or direct access to a four-lane highway.
 - (b) The site must have a protective fence and screening surrounding the storage area prior to the start of operation and meet the following design and performance standards:
 - (i) The fence must be a minimum of six feet in height,
 - (ii) Be constructed of wood, chain link, or masonry, and
 - (iii) Be locked after business hours.
 - (iv) The protective screening must either meet the standards section 3.12 or the fence must hide 90 percent of any storage pile on site from off-site view.
 - (v) The fence may not be constructed of any used tin.
 - (c) The salvage yard may have junk vehicles on site, however, no more than 30 uncrushed junk vehicles shall remain on site for more than seven days.
- (3) All other uses of a manufacturing or processing nature except those subject to conditional approval.
- (4) Service stations.

SECTION 15.03. CONDITIONAL USES.

- (1) Machinery assembly plants.
- (2) Canning factories.
- (3) Chemical plants.
- (4) Cement, lime, gypsum or plaster of paris manufacturing, corrosive acid or alkali manufacture.
- (5) Incineration of garbage or refuse.
- (6) Metal stamping and pressing plants.

- (7) Smelting of any ferrous or non-ferrous metal.
- (8) Stock yards, slaughter houses and meat packing plants.
- (9) Animal husbandry facilities of not more than 1,800 square feet floor space, provided same are completely enclosed with concrete floor, solid walls and roof, have dual secure entrances at all access points, and do not otherwise violate the Code of Ordinances of the city.
- (10) Reformatories, prisons, correctional or penal institutions, but not including prison farms.
- (11) Other uses similar to the above and compatible with the particular neighborhood and environment as interpreted by the planning commission and approved by the mayor and city council.

SECTION 15.04. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

Zoning District	Minimum Lot Area Square Footage	Minimum Lot Width	Front Yard Setback in Feet	Side Yard Setback in Feet	Rear Yard Setback in Feet
I-2	N/A	100	50	30	50

SECTION 15.05. PROTECTIVE SCREENING.

Protective screening for I-2 districts adjacent to or across the street (with the exception of arterial or collector roads) from residential zoning districts shall be in compliance with section 3.12 of this ordinance.

ARTICLE XVI. R-MH, RESIDENTIAL, MANUFACTURED HOME DISTRICT

SECTION 16.01. STATEMENT OF PURPOSE.

The R-MH district (four-acre minimum) is a planned development in the city which is used to accommodate manufactured home parks, manufactured home subdivisions, and recreational vehicle parks. When such a development is proposed the party or parties must petition for the rezoning of the subject parcel to R-MH. If rezoning is granted after a public hearing, a complete site plan must be submitted to the planning commission/city council for their approval prior to any development.

SECTION 16.02. PERMITTED USES.

- (1) Recreational vehicles as defined in section 1.08.
- (2) Manufactured home parks
- (3) Manufactured home subdivisions.

SECTION 16.03. CONDITIONAL USES.

- (1) Public facilities or structures.
- (2) Home Occupations.

SECTION 16.04. MANUFACTURED HOME PARKS: GENERAL REQUIREMENTS.

All manufactured home parks located within the City of Camilla shall meet the following general requirements:

- (1) Establishment of manufactured home parks.
 - (a) From and after the adoption of this chapter, each proposed manufactured home park development shall be presented in site plan form by the developer to the planning commission/city council for review and approval and shall conform to the minimum design and improvement standards required herein.
 - (b) No private construction or public improvements shall commence on any land to be used as a manufactured home park prior to the approval and certification of the required development plans.
 - (c) A person, firm, or corporation desiring to develop a manufactured home park within the City of Camilla shall provide appropriate copies of a sketch plan of a proposed layout which shall conform to the minimum requirements stated herein and shall file said copies of said sketch plan with the planning commission for review.

SECTION 16.05. EXPANSION OF MANUFACTURED HOME PARKS.

A person, firm, or corporation desiring to expand a manufactured home park to include more manufactured homes or manufactured home sites shall submit plans and specifications for such improvements to the Planning commission for review prior to initiating construction and improvements.

SECTION 16.06. DESIGN.

The design of a manufactured home park shall conform to the following design requirements:

- (1) **Setback.** The manufactured home park shall be so designed that manufactured homes (and travel trailers) and their accessory structures shall be a minimum distance of 15 feet from adjoining property lines, 20 feet from internal park streets, and at least 30 feet from any publicly dedicated street. Manufactured home stands shall be designed so as to provide a distance of at least 30 feet between manufactured homes.
- (2) **Access.** The manufactured home park shall front upon a public street. Each manufactured home site and its parking area shall have direct access to the internal street system of the park.
- (3) **Streets.** Streets within a manufactured home park shall be privately owned, privately constructed, and privately maintained. Such private streets shall be well drained and provided with a hard surface treatment with a minimum surface of ten feet for one-way streets and 20 feet for two-way streets.
- (4) **Parking.** Each manufactured home stand shall be provided with a minimum of two off-street parking spaces. Parking on interior streets within a park is hereby prohibited. The required front yard may be used for the minimum parking, however, required side and rear yards may not be utilized for the minimum parking.
- (5) **Minimum area of tract.** A manufactured home park shall have a minimum size of four acres.
- (6) **Minimum number of spaces.** A manufactured home park shall have a minimum of ten spaces prepared with all utilities in place prior to its approval for occupancy.
- (7) **Density.** A maximum of ten manufactured home stands per acre or ten travel trailer stands per acre is allowed.
- (8) **Length of residential occupancy.** No space within a manufactured home park shall be rented for residential use of a manufactured home except for periods of 30 days or longer.
- (9) **Manufactured home inspections.** It shall be the initial responsibility of each manufactured home or trailer park operator to notify the building official to inspect manufactured homes being placed within the confines of any park under his jurisdiction, control or supervision, for compliance with the provisions of this chapter, prior to the placement of any such manufactured home on its stand and within such park and to the connection of utility services to and occupancy of the manufactured home.
- (10) **Issuance of permit.** At least once each year the building official at his convenience shall inspect each manufactured home park and the manufactured home units within said parks to determine that same are in full compliance with the codes of the City of Camilla. He shall issue a permit for such use for each manufactured home park and each manufactured home unit which in the course of each such inspection he finds to be in full

compliance with the requirements of this chapter, and such permit shall be valid for a period of one year from the date of its issue.

SECTION 16.07. MANUFACTURED HOME PARKS: IMPROVEMENTS.

Manufactured home parks constructed or reconstructed within the City of Camilla shall be provided with the following minimum improvements:

- (1) **Sewage.** The manufactured home park shall be provided with an approved sewage collection system.
- (2) **Water.** A potable water supply shall be provided by the park operator. If city water is available at the proposed site, water service shall be connected to the system and fire hydrants shall be placed within 500 feet of each manufactured home stand. If the proposed park is located within 1,000 feet of a public system, the owner or developer shall promptly enter into negotiations to receive service and shall take all steps necessary to promptly obtain same.
- (3) **Easement.** Publicly dedicated easements of proper size for their respective intended purposes shall be provided within the park if individual manufactured home stands and accessory park uses are to be serviced by a public utility system.
- (4) **Utility placement.** All water, sewer, or gas lines shall be buried a minimum of 18 inches below the finished ground surface of the park and shall be provided with adequate valve systems to follow the cutoff of utility service to a manufactured home stand at the manufactured home stand and at the entrance of the utility service from the stand to the trunk line of the utility system. If overhead service lines are provided within the park, such lines shall be a minimum of 25 feet above the grade of interior streets and so placed that no wires extend over a manufactured home stand.
- (5) **Lighting.** All recreation areas, park entrances, park streets, and pedestrian easements shall be illuminated to provide at least three tenths (0.3) foot candles of lighting.
- (6) **Garbage and refuse.** Garbage and refuse service shall conform with all city ordinances.
- (7) **Walks:**
 - (a) **General requirements.** All manufactured home developments shall be provided with safe and convenient, pedestrian accesses of adequate width for their intended use and same shall be durable and convenient to maintain.
 - (b) **Common walk system.** A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half feet.

- (c) *Individual walks.* All manufactured home stands shall be connected to common walks, or to streets, or to driveways or to parking spaces. Such individual walks shall have a minimum width of two feet.

(8) *Open Space:*

- (a) The manufactured home park shall have minimum setback from any public street of 40 feet, which shall be properly landscaped with grassed area and maintained by the owner and operator of the manufactured home park.
- (b) The manufactured home park must retain 10% of the total site area as open space for the enjoyment of all residents. As such, it shall be located appropriately to ensure reasonable access by the majority of residents and maintained by the owner and operator of the manufactured home park. This area shall not include the 40 feet of setback from public streets.
- (c) The manufactured home park shall provide one or more FEMA approved storm shelters of size and capacity so as to accommodate all the residents of the park.

(9) *Manufactured home stands.* Each manufactured home stand shall be required to be provided with the following minimum accommodations:

- (a) *Interior street access.* Each stand shall be provided with access frontage of at least 20 feet.
- (b) *Electric power supply.* Each stand shall be provided with a properly grounded, waterproofed electrical receptacle. A properly sized over-current device shall be installed as a part of each power outlet. Said fixtures shall meet the standards established by applicable city codes.
- (c) *Stand identification.* A property and street number designation or other appropriate numbering device properly identifying each manufactured home stand shall be placed at the interior side lot line at a point ten to 15 feet from the interior road system of the park. Such device shall be clearly visible from the street and shall be embossed with reflectorized glaze for the numbers. Such numbers shall be a minimum of three inches in height.

SECTION 16.08. MANUFACTURED HOME PARKS: ACCESSORY USES PERMITTED.

The following establishments of a commercial nature may be permitted as customary accessory uses in a manufactured home park, provided such uses do not occupy more than ten percent of the area of the park, are located a minimum distance of 100 feet from any adjoining property line or street or highway right-of-way, and are primarily intended for the convenience of and service to the occupants of the park:

- (1) Coin-operated laundry.
- (2) Coin-operated vending machines of types allowed under applicable codes of the City of Camilla, provided such are located within a building and are not visible from the street or from adjoining property lines.
- (3) One or more signs identifying the name of the park and the services provided therein; signs regulating traffic or provided for the convenience and welfare of park residents.

SECTION 16.09. MANUFACTURED HOME SUBDIVISIONS: GENERAL REQUIREMENTS.

The purpose of the manufactured home subdivision is to provide an area within the city where lots may be purchased by individuals for the purpose of permanently locating a manufactured home, modular home or the construction of a single-family residence. All manufactured home subdivisions shall be developed according to the requirements of the subdivision ordinance of the City of Camilla.

- (1) **Minimum subdivision size.** The minimum manufactured home subdivision size shall be four acres.
- (2) **Uses permitted.** All uses permitted in sections 16.02 and 16.03.
- (3) **Area, height, placement and development requirements.**

R-MH Zoning District	Minimum Lot Area Square Footage	Minimum Lot Width	Front Yard Setback in Feet	Side Yard Setback in Feet	Rear Yard Setback in Feet
Single Family	4 units/acre or 10,890square feet per unit	100	25	10	25

- (4) **Other requirements:**
 - (a) Any additions to a manufactured home or accessory buildings constructed on a lot shall comply with the requirements of the Building, Electrical, Plumbing and Gas Codes.
 - (b) The wheels shall be removed from each manufactured home occupying a lot in the subdivision.

- (c) Each manufactured home shall be sufficiently supported, tied down and the under carriage completely enclosed.
- (d) Before a certificate of occupancy is issued, the required permits and inspections must be obtained from the building department.

ARTICLE XVII. NON-CONFORMING BUILDINGS AND USES

SECTION 17.01. COMPLIANCE WITH ARTICLE REQUIRED.

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

SECTION 17.02. NON-CONFORMING BUILDINGS AND USES.

A non-conforming use of land or a non-conforming building which existed as of the date of adoption of this ordinance or amendments thereto, may be continued provided that:

- (1) No such use of non-conforming land or buildings shall in any way be expanded or extended with the following exceptions.
- (2) If such use of non-conforming land or buildings or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with provisions of this ordinance and all amendments thereto.

SECTION 17.03. DISCONTINUANCE OR ABANDONMENT.

Any non-conforming use of land or building which has become unused, vacant or remains unoccupied due to abandonment or discontinuance of use for a period of 180 days shall thereafter conform to the provisions of this ordinance and all amendments thereto.

SECTION 17.04. RESTORATION.

No building which houses a nonconforming use which has been destroyed or damaged by fire, explosion, act of God, or by public enemy to the extent of 50 percent of its market value—exclusive of the foundation at the time such damage occurred—shall thereafter be made to conform with the provisions of this chapter. If such damage is less than 50 percent of its market value before said damage occurred, exclusive of the foundation, then such structure may be restored to the same

nonconforming use as existed before such damage, provided however, that a building permit to initiate restoration must be obtained within six months of the occurrence of damage; otherwise the provisions of Section 17.03 will apply.

SECTION 17.05. CHANGE OF TENANCY OR OWNERSHIP.

There may be a change in tenancy, ownership, or management of an existing non-conforming use of land provided the non-conformity is not abandoned or discontinued for more than 180 days.

ARTICLE XVIII. OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 18.01. SCOPE OF PROVISIONS.

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

SECTION 18.02. PARKING SPACES MAY NOT BE REDUCED.

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

SECTION 18.03. DRAINAGE, CONSTRUCTION AND MAINTENANCE.

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

SECTION 18.04. PARKING AREA DESIGN.

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

SECTION 18.05. JOINT PARKING FACILITIES.

Two or more neighboring uses, of the same or different types may provide joint facilities provided the number of off-street parking spaces are not less than the sum of the individual requirements.

SECTION 18.06. PAVEMENT MARKINGS AND SIGNS.

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

SECTION 18.07. 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 1,000 feet of the permitted use requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.

SECTION 18.08. OFF-STREET PARKING REQUIREMENTS.

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

Required parking spaces shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this article. The owner or owners of a building structure or other land use requiring off-street parking spaces must show, to the satisfaction of the planning director, or his designee, 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.

SECTION 18.09. NUMBER OF PARKING SPACES.

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

SECTION 18.10. PLANTED AREAS.

Any off-street parking facility of ten cars or more shall also provide the equivalent of one parking space per each ten cars and each fraction thereof, to be planted with at least one tree with a

minimum diameter (measured at the location of its greatest width) of one and one-half inches, and grass and/or ground cover. The exact location within the parking facility is optional with each design, but the planted area herein referred to shall be in addition to perimeter buffer strips and to other landscaping on the property outside the parking facility.

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

SECTION 18.11. OFF-STREET PARKING STANDARDS.

TABLE INSET:

NON-HANDICAPPED PARKING STANDARDS		
#	USE	NUMBER OF PARKING SPACES
1	Apartment and multifamily buildings	2/Dwelling unit=1/every 10 spaces for boats, etc.
2	Apartments for elderly	1/Dwelling unit
3	Appliance store	1/each 400 sq. ft. GFA (gross floor area)
4	Auditorium, gym stadium, etc.	1/every 3 fixed seats in largest room; 1 each 40 sq. ft. of area available for seats; 1/each 150 sq. ft. GFA; whichever is greatest.
5	Auto fueling stations	1/each pump and 1/each 2 employees during largest shift, but not less than 4. In addition to service area.
6	Auto parts and accessories	1/each 400 sq. ft. GFA
7	Auto sales and repair; service stations and washeterias	Same as (5) above + 1/each 500 sq. ft. GFA of the shop or wash area
8	Auto service and appliance centers	1/each 400 sq. ft. of retail FA + 1/each service bay
9	Bowling alley	4/alley + requirements for any other use associated with the establishment
10	Club/Lodge/Banquet	1/each 2 employees + 1 for each 200 sq. ft. of GFA within the

	Hall/Event Center	main assembly area + requirements for each additional use.
11	Place of worship	1/each 4 seats in main place of assembly
12	Dance school	1/each employee + 1/150 sq. ft. of GFA + safe and convenient loading and unloading of students
13	Duplex dwelling unit	3/each individual unit. Residential driveways will satisfy this need.
14	Financial institution	1/each 250 sq. ft. of GFA and 2 waiting spaces for each drive through window.
15	Furniture store	1/each 400 sq. ft. of GFA
16	Golf course	2/each hole + 1/each 2 employees + requirements for any other use associated with the golf course.
17	Grocery store and convenience stores	C-2 = 1/each 250 sq. ft. of GFA C-1 = 1/each 333 sq. ft. of GFA
18	High schools, colleges, trade schools, etc.	1/each employee + 5/classroom + sufficient area for safe and convenient loading and unloading of students.
19	Hospital	1/per bed + 1/employee on shift of greatest employment + 1/each visiting staff or doctor.
20	Hotel/motel	1/guest room + 1/each 2 employees
21	Indoor and outdoor recreational facilities	1/each 150 sq. ft. of gross area devoted to the use; or 1/each 4 seats or facilities available for patron use, whichever is greater.
22	Industrial or manufacturing estab. or warehouse	2/each 3 employees on shift of greatest employment + 1/each vehicle used directly in the conduct of business
23	Kindergarten, nursery schools and day care	1/employee + 1/each 350 sq. ft. of gross floor area + safe and convenient loading and unloading of students.
25	Nursing home	1/each 2 beds + 1/employee on shift of greatest employment
26	Office or professional building	1/each 350 sq. ft. of GFA or 1/each 2 employees, whichever is greater

27	Personal services establishment	1/each 350 sq. ft. of GFA + 1/each 2 employees, whichever is greater
28	Repair shop	1/every 300 sq. ft. of GFA + 1/employee on shift of greatest employment
29	Restaurant: On-premises consumption	1/every 100 sq. ft. GFA w/minimum of 10 + 1/each employee on shift of greatest employment
30	Restaurant: Carry out w/ outdoor seats only	1/each 150 sq. ft. GFA w/minimum of 10 + 1/each 3 outdoor seats
31	Restaurant: Carry out only	1/each 150 sq. ft. GFA w/minimum of 10
32	Restaurant: On premises w/drive thru	1/each 100 sq. ft. GFA w/minimum of 10+ an adequate lane for through traffic which will not obstruct the required parking and driveway for the restaurant + 1/each employee
33	Schools, elementary	1/teacher + 1/each 2 service and administrative employees + 1/classroom + safe and convenient loading and unloading students
34	Senior citizen homes	1/each 2 beds + 1/employee on shift of greatest employment
35	Social-Event Hall	1/every 100 sq. ft. GFA. Minimum ten (10) parking spaces.
36	Shopping center: Greater than 35,000 GFA	1/each 300 sq. ft. GFA
37	Shopping center: Less than 35,000 sq. ft. GFA	1/each 350 sq. ft. GFA
38	Swimming pool: Public	1/each 200 sq. ft. of water surface area + all requirements for any additional uses such as a restaurant
39	Travel trailer park	1/each trailer stall + 1/each two employees
40	Retail stores: If not otherwise mentioned	1/each 300 sq. ft. GFA
41	Wholesale establishment	1/each employee + 1/each vehicle use directly in the conduct of business

SECTION 18.12. NUMBER OF HANDICAPPED PARKING SPACES.

In order to assure a proper and uniform development of public handicapped parking areas throughout the area of jurisdiction of this ordinance, handicapped parking space shall be provided and maintained as called for in the following schedule. Handicapped parking requirements for additions for existing uses shall be based only upon the new addition, even if the existing use is deficient.

TABLE INSET:

HANDICAPPED PARKING STANDARDS	
TOTAL REQUIRED PARKING SPACES	ADDITIONAL HANDICAPPED SPACES
Up to 25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of total
Over 1000	20 + 1 for each additional 100 over 1000

SECTION 18.13. OFF-STREET LOADING REQUIREMENTS.

On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, truck freight terminal, goods display, department store, wholesale store, 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 of adequate space for standing, loading and unloading services in order

to avoid undue interference with public use of the streets and alleys. Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten feet by 50 feet, with 15-foot height clearance, and shall be provided according to the following schedule:

TABLE INSET:

OFF STREET LOADING REQUIREMENTS		
#	GFA In Sq. Ft.	Loading Spaces
1	0--10,000	None
2	10,001--100,000	1/for first 10,001 sq. ft. + 1/each additional 40,000 sq. ft. in excess of 10,001 sq. ft.
3	100,001--500,000	1/first 100,001 sq. ft. + 1/each additional 60,000 sq. ft. in excess of 100,001 sq. ft.
4	500,000 and up	5/first 500,001 sq. ft. + 1/each additional 100,000 sq. ft. in excess of 500,001 sq. ft.

SECTION 18.14. MINIMUM NUMBER OF LOADING SPACES REQUIRED.

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

- (1) Off street loading spaces shall be provided as appropriate to the functions and scope of operation of individual or groups of buildings and uses.
- (2) Off street loading spaces shall be designed and constructed so that all maneuvering to park and unpark vehicles for loading and unloading can take place entirely within the property lines of the premises. Loading spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on public right-of-ways.
- (3) Ingress and egress to off-street loading spaces shall conform to driveway entrance regulations of the city.

ARTICLE XIX. SIGN REGULATIONS

For sign regulations, please refer to Title 8, Chapter 6, Article E of the City Code for the City of Camilla.

ARTICLE XX. ADMINISTRATION AND ENFORCEMENT

SECTION 20.01. ENFORCEMENT.

The building inspector shall enforce this chapter, and is hereby given the authority and responsibility to enforce all provisions of this chapter under the direction of the city manager which includes but is not limited to the following duties:

- (1) To serve as a liaison between the Camilla planning commission and the mayor and council keeping each body advised of pending actions pertaining to zoning.
- (2) To serve as a non-voting ex officio member of the Camilla planning commission to provide technical assistance in matters relating to zoning requests.
- (3) To maintain in a timely and current manner the official zoning map reflecting thereon any and all rezoning amendments approved by mayor and council. Amendments of the official zoning map will be recorded by the building inspector within seven calendar days following approval of such action by mayor and council.
- (4) To perform any other zoning duties as directed by mayor and council and city manager.

SECTION 20.02. PERMITS.

The following shall apply in the issuance of any permits:

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

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

SECTION 20.03. CERTIFICATES OF OCCUPANCY.

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

- (1) *Certificate validity.* The certificate of occupancy as required for new construction of, or renovations to existing buildings and structures, in the building code, shall also constitute certificates of occupancy as required by this chapter.
- (2) *Certificates for existing buildings.* Certificates of occupancy shall be issued for existing buildings, structures or parts thereof, or such use of land, are in conformity with the provisions of this chapter.
- (3) *Temporary certificates.* Temporary certificates of occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such temporary certificate of occupancy shall not remain in force more than six months, nor more than five days after the building or structure is fully completed and ready for occupancy and, provided further, that such portions of the building or structure are in conformity with the provisions of this chapter.
- (4) *Records of certificates.* A record of all certificates of occupancy shall be kept in the office of the building inspector, and copies of such certificates of occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.
- (5) *Certificates for accessory buildings to dwellings.* Accessory buildings or structures to dwellings shall not require a separate certificate of occupancy, but rather may be included in the certificate of occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.
- (6) *Application for certificates.* Certificates of occupancy shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or alteration of such building shall have been completed in conformity with the provisions and requirements of this chapter. If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and the cause thereof within ten days.

SECTION 20.04. FEES.

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

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

SECTION 20.05. AMENDMENTS.

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

- (1) The applicant for the amendment may be owner or agent of the owner of the property to be affected by the amendment or the planning commission of the City of Camilla or the mayor and council of the City of Camilla. The applicant shall complete and submit to the city clerk the application for the amendment not less than 15 days before the next scheduled planning commission meeting.
- (2) At the time of application submittal, the applicant shall deposit the appropriate fee amount with the city clerk to cover the cost of processing the application.
- (3) Within ten days of the next scheduled planning commission meeting, the zoning administrator shall compile all of the rezoning requests for the next scheduled meeting. This agenda shall be mailed to all planning commission members.

ARTICLE XXI. ZONING POLICIES AND PROCEDURES

SECTION 21.01. GENERAL CONDITIONS.

These regulations, including the official zoning maps, may be amended by the city council:

- (1) On its own motion,
- (2) On petition, or
- (3) On recommendation of the planning commission, but no amendment shall become effective unless it shall have been submitted to the planning commission for review and recommendation.

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

- (1) The adoption of a new zoning ordinance;

- (2) The adoption of an amendment to the zoning ordinance which changes the text of the ordinance;
- (3) The adoption of an amendment to the zoning ordinance which rezones property from one zoning classification to another (Map Amendment);
- (4) The adoption of an amendment to the zoning ordinance which zones property to be annexed into the City of Camilla; and
- (5) The grant of a permit relating to a conditional use.

Applications for amendment of this ordinance may be made in the form of proposals for amendments of the text of this ordinance, or proposals for amendment of the zoning map, or proposals for conditional uses. Applications for amendment shall be on forms provided by the planning director or his designee, shall be submitted to the planning director or his designee, and shall include a fee as established by the city council to defray expenses.

Applications shall be submitted by the first Friday of each month, as an established submittal deadline in order for the application to be reviewed by the planning commission the following month. Only completed applications will be accepted by the established submittal deadline. Any required site plans are due at least ten (10) days prior to the established planning commission meeting date.

No application for a zoning change affecting the same parcel of property or part thereof previously defeated shall be accepted by the planning director or his designee until the expiration of at least six months immediately following the defeat of the rezoning request by the city council.

Application forms shall be obtained from the planning director or his designee. All applications shall include but not be limited to the following:

- (1) The street address and location of the subject property.
- (2) A legal survey plat of the property in question including a locator map. Plat must include signature of registered surveyor and registration number.
- (3) The present zoning classification and the proposed zoning classification for the subject property.
- (4) All applications shall be signed by the owners or authorized agent (authorization must be on file) and include the name and address, and daytime phone number of the owner or authorized agent.
- (5) The area of land proposed to be rezoned shall be stated in acres to the nearest hundredth of an acre.
- (6) The application file number, date of application, and action taken on all prior rezoning for all or a part of the subject property.

- (7) In the case of a proposed official zoning map amendment or proposed text amendment, the application shall include a written analysis of the impact of the proposed rezoning or text amendment with respect to each of the zoning criteria set forth in section 21.05(1).
- (8) In the case of a proposed text amendment, the application also shall set forth the new text to be added and the existing text to be deleted.
- (9) In the case of a proposed conditional use, the application shall set forth the existing and proposed use, and shall include a written analysis demonstrating compliance of the proposed use with the conditional use criteria set forth in section 3.14(3), as well as details of operations regarding such proposed use.

SECTION 21.02. REFERRAL OF THE PLANNING COMMISSION.

The planning commission shall hold a properly advertised public hearing pursuant to the procedures herein and review each application in light of the comprehensive plan, the future land use map, the zoning criteria, and other facts presented at their meeting and issue a finding which recommends "approval", "approval with conditions", or "denial" of the application. The Planning Commission may recommend that conditions be attached to the proposal, such as specific site plans or written requirements for a particular use and its development, when appropriate to mitigate impacts of the proposal on surrounding properties consistent with the purposes of the Zoning Code and the Comprehensive Plan. The planning director, or his designee, will prepare a report on each application to assist the planning commission in their decision making process. The report shall address the application, other materials of record, the criteria applicable to the type of application requested, and the comprehensive plan and future land use plan. The planning commission finding shall be forwarded as a recommendation to the city council. If a quorum of the planning commission is present and fails to take action at the advertised public hearing, it will be forwarded to the city council with no recommendation. The minutes of the planning commission meeting, as well as the staff report and other documents of record, will be given to the city council so that they may take into account all issues that were raised.

SECTION 21.03. NOTICE OF PUBLIC HEARING.

- (1) *Posting of property.* Not less than 15 days nor more than 45 days prior to the date set for the public hearings before the planning commission and the city council on any application for a map amendment initiated by anyone other than the local government, the planning director shall have erected at least one sign, of no less than 17 inches by 24 inches, for every public road frontage the subject property has. If no public road abuts thereon, then such sign shall be erected along the nearest opened, public right-of-way. Signs shall be erected in such a manner as may be most readily seen by the public. Each sign shall show the application file number, the present zoning classification, the proposed zoning classification, the scheduled date, time, and place of public hearings, and the telephone number and contact to call for further information. Each notification sign shall be maintained at all times

by the planning director or his designee until a decision has been made by the city council, then removed.

- (2) *Newspaper advertisement.* Not less than 15 nor more than 45 days prior to the scheduled date of the public hearings before the planning commission and city council, notice shall be published in a newspaper of general circulation within the City of Camilla for map amendments, text amendments, and conditional uses. The notice shall include the time, place, and purpose of the hearing. If the zoning action for a map amendment is initiated by a party other than the local government, said notice shall also include the location of the property, the present zoning classification, and the proposed zoning classification of the property.
- (3) *Annexation procedures.* If the proposed zoning is for a map amendment for property to be annexed into the City of Camilla, the procedures set forth in O.C.G.A. section 36-66-4(d), as amended, shall be followed.

SECTION 21.04. PUBLIC HEARING PROCESS.

- (1) *Notice to interested parties.* A notice shall be delivered to the applicant, of the date, time, and place of hearings. All application files shall be placed in the custody of the planning department and shall be open to public inspection during regular office hours.
- (2) *Hearing procedure.* Upon the completion of a rezoning application, conditional use permit or the draft of a text amendment, public hearings will be scheduled by the Planning Director or designee before the planning commission and the city council respectively. Notice of said hearings shall be as provided herein. Printed copies of the policies and procedures governing calling and conducting of these public hearings shall be available for distribution to the general public.
 - (a) All public hearings on zoning matters shall be placed on the planning commission/city council's agenda under a section entitled "Public Hearings". After an initial presentation of a specific zoning request to the planning commission/city council by the designated planning staff, citizen comments will be heard in an orderly fashion. The planning commission/city council's chairman or designated representative will ask for those citizens speaking in favor of the request first, including the applicant, followed by those opposed to the issue.
 - (b) Citizens shall be allowed a minimum time period to be no less than ten minutes per side for presentation of data, evidence, and opinions by proponents of each zoning decision and for the presentation by opponents of each proposed zoning decision. When there is a large number of citizens wishing to testify at a given hearing, the presiding officer may invoke time limitations on individual speakers; however, the time limitation is not to be less than ten minutes per side. In such cases, these time limits shall apply to all speakers.

- (c) Citizens shall address their comments to the presiding commission as a whole. Individual attacks or cross-examination of commission/council members, city employees, or other citizens will be ruled out of order.
 - (d) After all citizen comments have been received, further discussion of the specific application is reserved for the planning commission/city council. The commission/council has the privilege to ask any questions of staff or any citizen present for clarification.
 - (e) If the planning commission is presiding over the hearing they may then vote on the application for a map, conditional use or text amendment and forward their recommendation to the city council. Failure of the planning commission to take action will result in no recommendation being forwarded to the city council.
- (3) Pursuant to O.C.G.A. § 36-67A-3, as amended, all speakers shall be required to provide names and addresses for the public record and sign a "campaign disclosure form". This form requires all those speaking in favor of, or in opposition to a rezoning disclose whether they have made campaign contributions aggregating \$250.00 or more to any member of the city council within the past two years. Such disclosure shall include the name of the councilmember(s), the dollar amount, description, and date of each such campaign contribution.
- (4) *Public hearings records standards.* The planning commission secretary and city clerk shall mechanically record the proceedings of their respective public hearings. If requested by any party, verbatim transcripts of the public hearing can be prepared, but only if requested and purchased in advance by the requesting party. Recorded tapes of public hearings shall be kept secure and not erased for one year from the date of the public hearing. A summary of the proceedings of each meeting will be made available to the public within two working days after the meeting. The record of the public hearing and all evidence (e.g., maps, drawings, traffic studies, etc.) submitted at the public hearing shall be noted as such and shall become a permanent part of the particular zoning amendment's file.

SECTION 21.05. STANDARDS FOR EXERCISE OF ZONING POWERS.

In order to provide for the public health, safety, morality, and general welfare of the citizens of the city, the following zoning criteria are established for all map amendments and text amendments. The criteria for conditional use permits are set forth in section 3.14. Copies of these standards and those in section 3.14 shall be printed and made available for distribution to the general public. The following criteria, the staff report, the recommendation of the planning commission, the record presented and any other factors relevant to balancing the above stated public interest, shall be considered by the city council in making any zoning decision for map amendments and text amendments. In addition, the city council may require that conditions be attached to the proposal, such as specific site plans or written requirements for a particular use and its development, when

appropriate to mitigate impacts of the proposal on surrounding properties consistent with the purposes of the zoning code and the Comprehensive Plan.

(1) *Zoning criteria.*

- (a) Existing uses and zoning of nearby property.
- (b) The extent to which property values are diminished by the present zoning restrictions.
- (c) The extent to which the destruction of property values, resulting from existing zoning of specific parcels promotes the health, safety, morals or general welfare of the public.
- (d) The relative gain to the public, as compared to the hardship imposed upon the individual property owner by the proposed zoning classification.
- (e) The suitability of the subject property for the zoning purposes as proposed.
- (f) The length of time the property has been vacant under the present zoning classification, considered in the context of land development in the area in the vicinity of the property.
- (g) Conformity with or divergence from the city's comprehensive plan.

ARTICLE XXII. BOARD OF ZONING APPEALS.

SECTION 22.01. CREATION OF BOARD OF ZONING APPEALS.

There is hereby established a board of zoning appeals which shall perform its duties and exercise its powers as provided herein. The board shall present its duties in such a way that the objectives of this chapter shall be observed, public safety secured, and substantial justice done.

SECTION 22.02. MEMBERSHIP AND APPOINTMENTS.

The Camilla board of appeals, hereinafter referred to as the board shall consist of five members. Members shall be appointed by the mayor and city council. None of the board members shall hold any other public office, except that one member may be a member of the planning commission. Board members shall be removed for cause, upon written charges, and after public hearing. Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.

SECTION 22.03. TERM OF OFFICE.

The term of office for each member of the board shall be for three years, however, in the appointment of the first board, two members shall be appointed for three years and two for two years and one for one year. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. If one appointee be from the planning commission and he ceases to be a member of said planning commission during the term of his appointment to the board, his membership on the board shall terminate and the governing authority may name a member of said planning commission to fill the unexpired term of its original appointee.

SECTION 22.04. COMPENSATION.

The board members shall receive no compensation for their service except that they will be reimbursed for out-of-pocket expenditures made in connection with their duties.

SECTION 22.05. RULES AND PROCEDURES.

The board shall elect one of its members as chairman, who shall serve for one year or until he is reelected or his successor is elected. The board of appeals shall appoint a secretary who may be an officer of the City of Camilla, or of the planning commission. The board shall have authority to adopt rules of procedure. Meetings of the board shall be held at the call of the chairman, or in his absence, the acting chairman. The chairman, or the acting chairman may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of said board and shall be a public record. The decisions of the board shall be by resolution, which resolution shall contain a statement of the grounds of its decision or action. The full text of the resolution shall be sent to the appellant. No appeal requesting the same relief in regard to the same property shall be received or heard by the board for a period of 12 months following the date of said resolution, except that this limitation shall not affect the right of said board to grant a rehearing as provided in the rules of procedure adopted by said board.

SECTION 22.06. ADMINISTRATIVE ASSISTANCE.

The city manager shall provide such technical, administrative, and clerical assistance and office space as is required by the board to carry out its function under the provisions of these regulations.

SECTION 22.07. MEETINGS.

All meetings of the board shall be held at the call of the chairman or, in his absence, the acting chairman and at such times as the board may determine. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records on its

findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the city manager and shall be a public record.

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

SECTION 22.08. APPEALS AND REVIEW.

An appeal by a person, firm, or corporation, or by any officer, department, board or bureau may be taken to the planning commission, where it is alleged that there is an error in any order, requirement, decision or determination made by the office of the zoning administrator or other administrative official in the enforcement and interpretation of this chapter. Such appeals shall be made within 30 days of the administrative action by filing with the City of Camilla Zoning Administrator a notice of appeal specifying the grounds thereof.

The zoning administrator shall then transmit to the planning commission all of the papers constituting the record upon which the action appealed was taken. The appeal shall stay all proceedings in furtherance of the action, appealed from unless the zoning administrator certifies to the planning commission that after the notice of appeal has been filed, that by reason of the facts stated in the notice, a stay would in the zoning administrator's opinion, cause immediate peril to life or property, in which case the proceedings shall not be stayed, other than by a restraining order, granted by a court of record.

The planning commission shall fix a reasonable amount of time for the hearing of an appeal and shall give due notice to the parties concerned including all landowners within 300 feet of the premises in question. Such notice shall be delivered personally or by mail addressed to the respective owners at the address given on the last assessment roll. The planning commission shall decide the appeal within a reasonable period of time with regard to the purpose of the ordinance. Upon the hearing, any party may appear in person or through an agent.

SECTION 22.09. FEE FOR APPEALS.

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

SECTION 22.10. POWERS OF BOARD OF ZONING APPEALS CONCERNING VARIANCES.

The board, as herein created, is a body of limited powers. The board shall have the following specific powers and duties:

- (1) *Purpose.*

- (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter.
- (b) To authorize upon appeal in specific cases such variance from the terms of the chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the chapter will, in an individual case, result in unnecessary hardship so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the board of appeals that:
 - (i) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and
 - (ii) The application of this chapter to this particular piece of property would create an unnecessary hardship; and
 - (iii) Such conditions are peculiar to the particular piece of property involved, and not of the making of the applicant.
 - (iv) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this chapter.

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

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

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

- (b) Permit the erection and use of a building or use of premises for public utility purposes upon recommendation of the planning commission.
- (c) Permit the modification of the off-street automobile parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements.
- (d) Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or so located with relation to surrounding development or physical characteristics that it cannot otherwise be appropriately improved without such modification.
- (e) Permit temporary buildings and uses for periods not to exceed six months.
- (f) Establish performance bonds to ensure compliance of any requirement which may be deemed necessary for approving any variance.

(3) *Application.* The concurring vote of two-thirds (2/3) of the members of the board shall be necessary to reverse any order, requirements, decision or determination of the building inspector in favor of the applicant in any matter upon which it is authorized by this chapter to render a decision.

The power of authority to alter or change the zoning ordinance or the zoning map is reserved to the city council in the manner hereinafter provided by law.

(4) *Standards.* In consideration of all appeals and all proposed variations to this chapter, the board shall, before making any variations from the chapter in a specific case, first determine that the proposed variation complies with the conditions set forth in section 22.10(1)(b) of this section; and in addition meets the following general standards:

- (a) The proposed use will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.
- (b) The proposed use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.
- (c) The location, size, intensity, site layout and periods of operation of any such proposed use will be designed to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.

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

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

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

SECTION 22.11. NOTICE OF HEARING.

The board of zoning appeals in conducting any public hearing shall fix a reasonable time for the hearing of the appeal and shall give due notice to the parties concerned including all owners of record of property and residence within 300 feet of the premises in question. Such notices shall be delivered personally or by mail addressed to the respective owners at the address given on the last assessment roll. The board shall decide the appeal within a reasonable period of time. Upon the hearing, any party may appear in person or by agent.

SECTION 22.12. APPROVAL PERIOD.

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