

ZONING ORDINANCE

CITY OF MOULTRIE

GEORGIA

Adoption October 17, 1972

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ZONING

Ordinance adopted, on file, etc.

Section 1. The Revision of the Zoning Ordinance of the City of Moultrie, copy of which is on file in the office of the city manager, together with the “Official Zoning Map of the City of Moultrie, Georgia”, [on file in the office of the city manager], all of which has been this day exhibited to and approved by the Mayor and Council of the City of Moultrie, and has been placed on file in the office of the City Manager of the City of Moultrie, be and the same is hereby adopted and declared operative as provided therein, and binding within the then corporate limits of the City of Moultrie, Georgia.

Section 2. The City Clerk of the City of Moultrie, Georgia is hereby authorized, directed, and empowered, to insert at an appropriate place therein a certificate to the effect that said regulations constitute an official publication of regulations pertaining to zoning, and that said publication in book form, affecting said City of Moultrie, Georgia, by authority and direction of the Mayor and Council of the said City of Moultrie, Georgia, is effective as the Zoning Ordinance of said City.

Section 3. Be it further ordained that all ordinances and parts of the ordinances in conflict herewith be and the same are hereby repealed as of the effective date hereof. (Ord. No. 15-1972, 10-17-72)

ZONING ORDINANCE
CITY OF MOULTRIE, GEORGIA

TITLE

An Ordinance to revise the Zoning Ordinance of the City of Moultrie, Georgia, to regulate restrict the use of land and buildings by dividing the City of Moultrie into districts; defining certain terms used therein; imposing regulations, prohibitions and restrictions governing the erection, construction and reconstruction of structures and buildings and the use of lands for business, industry, residence, social and other specified purposes; regulating and limiting the height and bulk of the buildings and open spaces, regulating and limiting the density of population; limiting congestion on the public streets by providing for the gradual elimination of nonconforming uses of land, buildings, and structures; establishing the boundaries of districts; creating a Board of Zoning Appeals, defining and limiting the powers and duties of said Board, and setting standards to guide actions of said Board and providing the means of enforcing said Ordinance and providing a penalty for violation of said Ordinance, repeal conflicting ordinances and for the purposes.

PREAMBLE

In accordance with the authority and intent of the Georgia General Planning and Zoning Enabling Act of 1957, as amended, the City of Moultrie, Georgia, desires to provide for the promotion of the health, safety, morals, convenience, order, prosperity and general welfare of the community, placing no undue burden upon developers, industry, commerce or residents. The City further desires to assure the provision of adequate sites for industry, commerce, and residence, to provide for the free movement of vehicles upon the proper streets and highways of the City; to protect industry, commerce and residents against incongruous and incompatible uses of land; to promote the proper use of land and natural resources for the economic well- being of the City as a whole; to assure the provision of adequate space for the parking of vehicles of customers using commercial, retail and industrial areas; and that all uses of land and buildings within the City of Moultrie be so related as to provide for economy in government and mutual support. The result of such purposes of this Ordinance, which relate to the City's Comprehensive Development Plan, will promote and protect the public health, safety, morals, convenience, order, prosperity and general welfare of the residents, shoppers, and workers in the City of Moultrie.

ARTICLE I

SHORT TITLE

Section 1.01. This ordinance shall be known as the Zoning Ordinance of the City of Moultrie.

ARTICLE II

DEFINITIONS

For the purposes of this Ordinance, 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, association, as well as an Individual.

The term “shall” is always mandatory and not merely directory.

The term “Governing Body” shall mean the City Council of the City of Moultrie.

Terms not herein defined shall have the meanings customarily assigned to them.

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

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

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

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

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

APARTMENT HOUSE: A residential structure containing three (3) or more apartments.

BASEMENT: A portion of a building partly below grade and having less than five (5) feet above finished grade level of the building.

BED AND BREAKFAST HOMESTAY: Bed and Breakfast Homestay means the limited use of a residential dwelling operated to provide overnight lodging for visitors for compensation where rooms are made available for no more than seven consecutive nights. At a minimum, breakfast must be served to guests, but guests may also be served lunch and/or dinner. All meals must be served on premises and the charge therefore must be included in the room charge. Bed and Breakfast Homestay accommodations differ from apartments, apartment houses, lodging houses, boarding houses and rooming houses in that they are truly transient accommodations, with guests rarely staying more than a few days. In addition, the owner or manager must live in the facility and must be present at all times guests are registered thereat or present on the premises. The impact of a Bed and Breakfast Homestay should not be much greater than that of a private home with frequent house guests, with the exception of the parking demand. **(Amended/Adopted by Council November 2, 2010—Ordinance #2010-88)**

BILLBOARD: Any construction or portion thereof upon which a sign or advertisement is placed, painted, or otherwise designated for the purpose of making anything known to the general public, but not including bulletin boards used to display official court or public office notices.

BLOCK: The property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream, between any of the foregoing and any other barriers to the continuity of development.

BOARD OF ZONING APPEALS: The words “Board of Zoning Appeals” or “Board” shall mean the Board of Zoning Appeals of the City of Moultrie.

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

BUILDABLE AREA: The buildable area of a lot is the space remaining after the minimum open space requirements of this Ordinance have been complied with.

BUILDING: Any structure having a roof, supported by columns or by walls and intended for the shelter, housing or enclosure of any person, animal or chattel.

BUILDING, SEPARATE: Any portion of any structure completely separated from every other portion by masonry or firewall without any window, which wall extends from the ground to the roof.

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

BUILDING HEIGHT: The vertical distance measured from the curb level to the highest point of the roof surface, if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.

BUILDING INSPECTOR: The Building Inspector of the City of Moultrie or his authorized representative.

BUILDING LINE: A line established, in general, parallel to the front street line between which line and the front street line no part of a building shall project, except as otherwise provided by this Ordinance.

CLERK: The Clerk of the City of Moultrie.

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

COMMON ELEMENTS: Mean all portions of the condominium other than units.

COMMISSION: The word “Commission” shall mean the Planning Commission of Moultrie-Colquitt County.

CONDOMINIUM: Means the property in lawful accordance with and pursuant to the “Georgia Condominium Act” (O.C.G.A. Section 44-3-30 et seq.). No property shall be deemed to be a condominium unless undivided interest in common elements are vested in the unit owners.

CONDOMINIUM UNIT: Means a unit, as defined in the Article, together with the undivided interest in the common elements appertaining to that unit.

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 confirm and qualify for license under State laws.

COURT: An open, unoccupied, unobstructed space, other than a yard, on the same lot as a building.

DAY CARE FACILITY: A day care facility is any individual or jointly owned facility designated to offer care and/or training to children unrelated to the owner or director for any part of a day on some kind of a regular basis. Such facility may or not be operated for profit. Day care is not a baby-sitting service to be used for the convenience of the parents at irregular intervals. (Drop-ins).

The purpose of day care is to assist the parent in fulfilling his responsibilities to provide care and guidance for young children considering the whole child-his physical, social and mental development and help him reach his maximum capacity for development and growth.

Types of Day Care Facilities

The Services offered and ages of children accepted by a day care facility determine the classification of the facility. The name of the facility should be descriptive of its purpose.

- a. **GROUP CARE CENTER** (day nursery, day care center) as 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.
- b. **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 the children.
- c. **KINDERGARTEN:** is defined as a school for four and 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 of the children.
- d. **FOSTER FAMILY DAY CARE:** is defined as a service in a private home, offering care in a family setting to maximum of five children, including the foster family's own children during a part of the day while the natural parents are absent from their home. Because of the special needs of the very young child, there should be no more than two (2) years in a foster family day care home.

DENSITY: The number of families residing on or dwelling units developed on an acre of land. As used in this Ordinance, all densities are stated in families per net acre of land devoted to residential use, exclusive of land in streets, alleys, parks, playgrounds, schoolyard, or other public lands and open spaces.

DISTRICT: A portion of the City of Moultrie within which, on a uniform basis, certain use 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-cleaners and drive-in laundries.

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

DWELLING, SINGLE FAMILY: “A structure, including site built homes, manufactured homes, and industrialized buildings, containing not more than one dwelling unit designed for residential use, which meets or exceeds the following standards.

1. Dwellings shall meet the minimum square footage required by Article. ARTICLE XVIII.
2. The roof shall have a surface of wood shakes, asphalt, composition, wood singles, Concrete; fiberglass, metal, or slate tiles, built-up gravel materials, or other materials approved by the Building Official. Unfinished galvanized steel or unfinished aluminum roofing shall not be permitted. There shall be a roof overhang at the eaves and gable ends of not less than twelve inches, excluding rain gutters, measured from the vertical side of the dwelling. The roof overhang requirements shall not apply to areas above porches, alcoves, and other appendages that together not exceed twenty-five percent of the length of the dwelling.
3. Dwellings shall have exterior siding materials consisting of: wood, hardwood, brick, concrete, stucco; glass, cementuous, fiber-cement, vinyl or metal lap; tile; or, stone.
4. Each dwelling shall have a code-approvable, site built, concrete, masonry, steel, or treated wood foundation capable of transferring design dead loads and live loads and other design loads unique to local home sites due to wind and water conditions that imposed by or upon the structure into the underling soil without failure. All foundations shall be designed in accordance with the manufacturer’s permanent installation instructions, the City of Moultrie adopted building codes, the State of Georgia uniform construction codes or an approved engineered design.
5. Dwellings shall not exceed a body length width ratio of 3:1.
6. Dwellings shall be constructed according to standards established either by State Minimum Standard Codes as amended from time to time for site- built homes, or the National Manufactured Housing Construction and Safety Standards Act from manufactured homes, or the State of Georgia Industrialized buildings. Each of these codes shall be applicable to the specific structure to which it applies.

- a. **Manufactured Home:** A structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et seq. The definition at the date of adoption of this part as follows:

“Manufactured Home” means a structure, transportable in one or more sections, which, in traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (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 contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this title.

- b. **Industrialized Building:** “Industrialized Building” means any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. (O.C.G.A. 8-2-111).

DWELLING, MULTIPLE: A building or portion thereof used or designed as a residence for three or more families living independently of each other and doing their own cooking 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 parks.

DWELLING, ROW OR TOWN HOUSE: A row of three or more attached single family dwellings, not more than two and one-half (2 ½) stories in height, in which each dwelling has its own front entrance and rear entrance.

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 three hundred and fifty (350) square feet of floor area.

ELDERLY HOUSING: Residential development occupied exclusively by elderly or handicapped persons as either tenants or owners. To qualify as an elderly or handicapped person or family, the occupants must meet one or more of the following definitions.

- a. **Elderly person:** a person who is 62 years of age or over.
- b. **Handicapped person:** any person who is 18 years or over and who has an impairment or a developmental disability which is expected to be of a long continued and indefinite duration and is a substantial impediment to his or her ability to live independently or to operate an automobile.
- c. **Elderly or handicapped family:**
 - (1) A family of two or more persons, one of whom is elderly or handicapped, or
 - (2) The surviving members of any family described in subparagraph (1) above living with the elderly or handicapped member of the family at the time of his or her death, or
 - (3) Two or more elderly or handicapped persons living together or one or more such persons living with an individual who assists in their care.

ERECTED: The word “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 part of the erection.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities, municipal 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; hydrants and similar accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience or welfare.

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

FARM: A platted or unplatted parcel of lands more than ten (10) acres in area.

FILLING: Shall mean the depositing or dumping of any matter on or into the ground, except deposits resulting from common household gardening.

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

FLEA MARKET: A street market at which second hand articles are displayed and sold.

FLOOR AREA RATIO (FAR): The ratio between the maximum allowable amount of floor space on all floors in a building and the total area of the lot on which the building is located. Example: A FAR of 2.0 would allow floor space of twice the lot area, or a four story building covering one-half of the lot. A FAR of 0.5 would allow floor space of one-half of the lot area, or a two-story building covering one-quarter of the lot.

FLOOR AREA, USABLE: Any floor area within outside walls of a building exclusive of area in cellars, basements, utility area, unfinished attics, garages, open porches, and accessory buildings.

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

GARAGE, PRIVATE: An accessory building designed or used for the storage of not more than three motor driven vehicles owned and used by occupants of the building to which it is accessory.

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

GOVERNING BODY: Shall mean the City Council of the City of Moultrie.

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

HOME OCCUPATION: Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly 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 the sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas. One (1) non-illuminated name plate, which is not more than two (2) feet in area, may be attached to the building which shall contain only the name and occupation of the resident of the premises. Clinics, hospitals,

barber shops, beauty parlors, and child care center day nurseries, among other, shall not be deemed to be home occupations.

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-patients' departments, training facilities, central service facilities and staff offices.

HOTEL: A building occupied or used as a more or less temporary abiding place for individuals or for groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provision is made for cooking in any individual room.

INSPECTOR: The Building Inspector of the City of Moultrie.

JUNK: For the purpose of this Ordinance, the term "Junk" shall mean any motor vehicles, machinery, appliances, product or merchandise with parts missing, scrap metals or other scrap materials that are damaged, deteriorated or in a condition which prevents their use for the purpose for which the product was manufactured. This definition specifically includes motor vehicles not moveable under their own power.

JUNK YARD: The term "Junk Yard" includes automobile wrecking yards and includes any area of more than two hundred (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: Any lot or premises on which three (3) or more dogs, four (4) months or more old, are kept either permanently or temporarily.

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

LOADING SPACE: An off-street space on the same parcel of property with 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 (5) or more persons for compensation pursuant to previous arrangement, but not open to the public or transients.

LOT: Land occupied or to be occupied by a use, building or structure and permitted accessory buildings together with such open spaces, lot area as are required by this Ordinance and having its principal frontage upon a public street or upon a private way used for street purposes. A lot needs not to be record.

LOT AREA: The total horizontal area within the lot lines as defined, of a lot. For lots fronting or lying adjacent to private streets, lot area shall be interpreted to mean that area within lot lines separating the lot from the private street, and not the centerline of said street.

LOT,CORNER: A corner lot is a lot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an angle of not more than one hundred thirty five (135) degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than one hundred thirty five (135) degrees, it is a corner lot. In the case of the corner lot with curved street line, the corner is that portion of the street lot line nearest to the point of intersection of the tangents described above.

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

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The property lines bounding the lot.

FRONT LOT LINE: In the case of a lot abutting upon one public or private street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of any other lot, the owner shall for the purpose of this Ordinance, have the privilege of electing any street lot line as the front lot line, providing that such choice, in the opinion of the Building Inspector, will not be injurious to the existing, or the desirable future development of adjacent properties.

REAR LOT LINE: Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Building Inspector shall designate the rear lot line.

SIDE LOT LINE: Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots in an interior side lot line.

STREET OR ALLEY LOT LINE: A lot line separating the lot from the right-of-way of a street or an alley.

LOT COVERAGE: The part percent of the lot occupied by buildings or structures, including accessory buildings or structures.

LOT DEPTH: That means horizontal distance from the front street line to the rear lot line, including front, rear, side, street or alley lot line.

LOT WIDTH: The mean horizontal distance between the sidelines, measured at right angles to the side lot line. Where the side lot lines are not parallel, the lot width shall be considered as the average of the width between such side lot lines.

MAJOR THOROUGHFARE: The major city streets carry a relatively large amount of vehicular traffic and may connect secondary or regional thoroughfares. These major thoroughfares are delineated on the Land Use Plan and Major Thoroughfare Plan for the City of Moultrie.

MEAN: That quantity of measurement having a value midway between two extremes and being near the average where more than two quantities or measurements are involved. Example: The mean of the series of measurements of number 1, 3, 6, 10, and 11 is the number 6.

MOBILE HOME: A structure, transportable in one or more sections, which, in traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976.”

MOBILE HOME PARK, INCLUDING TRAILER CAMP-PARK: Any premises occupied or designed to be occupied by more than one family living in mobile homes or house trailers.

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 legal use of land or structures which does not conform to the use provisions of this Ordinance at the time of adoption or any amendment thereto. *

* This definition applies to the land uses in any particular zoning district which have a legal right to remain if they were being used prior to the adoption of the Zoning Ordinance, since zoning cannot be made retroactive. For example: A NON-CONFORMING USE would be a grocery store located in a single family residential zoning district that does not apply to permit commercial uses, or a home located in a industrial zoning that does not permit residences. This definition does not apply to building or structure which is permitted in a particular zoning district but which does not meet the Zoning Ordinance requirements for building height, yard setbacks, off-street parking space or other regulations.

Likewise, a NON-CONFORMING USE is not an open air land use, such as a parking lot outside storage use, which may not meet the zoning district requirements for greenbelts or fencing, even though such an open air land use is permitted forthwith in the particular zoning district.

To further clarify the definition of a NON-CONFORMING USE a building, which has a deficient front yard, but is a use of land permitted in the zoning district wherein it is located, is not a NON-CONFORMING USE but rather a conforming use with a deficient front yard. However, should this building be expanded in the future, the new addition would have to observe the required front yard as specified in the Zoning Ordinance.

NURSERY, TREE, AND SHRUB: An area or establishment devoted to the raising, care of trees, shrubs, or other 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 exit for the parking of more than two automobiles.

OPEN AIR BUSINESS USES: Open-air business uses shall include the following:

- a. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
- b. Retail sale of fruit and vegetables.
- c. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, children's amusement park and similar recreation uses.
- d. Bicycle, trailer, motor vehicles, boats or home equipment sales, service or rental services.

- e. Out door display and sale of garages, swimming pools, and similar use.

OTHER MANUFACTURED HOMES: Any manufactured home not meeting the definition of Dwelling, Single Family.

PARKING SPACE: An area of not less than nine (9) feet wide by twenty (20) feet long, for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits being fully accessible for the storage or parking permitted vehicles.

PERSON: The word “person” includes any firm, co-partnership, corporation, and any association of natural persons acting jointly or by a servant, agent or otherwise.

PLANNED UNIT DEVELOPMENT: A Planned Unit Development is a single parcel or contiguous parcels of land within which a number of buildings 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 and a shopping center with a number of stores.

REFERENCE LEVEL: The reference level for any building within ten (10) feet of the front line is the official established sidewalk grade opposite the center of the front lot line, or where no sidewalk grade is established, the reference level is the mean level of the finished ground across the front of such building. When the mean finished grade about any portion of a building varies five (5) feet or more from that at the front, such mean may be taken as the reference level for such portion of such building.

REHABILITATION CENTER: A residential facility to be used for care and treatment for ambulatory, non-related persons who have alcohol or drug related problems, where no more than four (4) non-related patients excluding the owner and his family may be housed in a residential zone without any approval of the Planning Commission as long as the facility meets all other related requirements of the various zones. The owner must not be a patient and must live in the facility. If more than four (4) patients are to be housed in one (1) facility than request for an approval must be submitted to the Planning Commission. The Planning Commission will study and act upon each case as to its impact on the neighborhood regarding compatibility, traffic, access to business areas and suitability of facility for multi-occupancy and zoning.

ROOMING HOUSE: See “LODGING HOUSE”.

RUBBISH: Means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.

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

SINGLE PARCEL OWNERSHIP: Possession of a parcel of property wherein the owner does not own adjoining vacant property.

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

STORY: That portion of a building other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, if there be no floor above it, then the space between the floor and the ceiling next above it.

MEZZANINE: Shall be deemed a full story when it covers more than fifty (50%) percent of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor, next above it is twenty-four (24) feet or more. For the purpose of this Ordinance, a basement or cellar shall be counted as a story if over fifty (50%) percent of its height is above the level from which the height of the building is measured, or if it 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 same.

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

HALF-STORY: The part of the building between the pitched roof and the uppermost full story, said part being a finished floor area which does not exceed one-half (1/2) of the floor area of said full story.

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 City of Moultrie. A **PRIVATE STREET** is a street not so accepted, or any street designated as a private street upon a record plat.

STRUCTURE: Anything constructed or erected, which requires permanent location on the ground or attachment to something having such location.

STRUCTURE, OUTDOOR ADVERTISING: Any structure of any kind or character erected or maintained for outdoor advertising sign may be placed, including also outdoor advertising statuary.

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 substantial change in the roof.

SUBDIVISION REGULATION: Regulations governing the subdivision of land providing for the procedure for the preparation and filing of plats, tentative approval of preliminary plats, subdivision of record of final plats, approval of the plat by the Planning Commission, providing for platting regulations and requirements in regard to conformity to the City's Comprehensive Development Plan, as to streets, alleys, easements, blocks, and lots, to provide penalties for the violation thereof, as promulgated and created by the Planning Commission of the City of Moultrie.

SWIMMING POOL: The term "swimming pool" shall mean any permanent, non-portable structure or container intended for swimming or bathing, located either above or below grade design to hold water to a depth of greater than twenty-four (24) inches.

TOURIST HOME: A dwelling in which overnight accommodations are provided or offered for transient guests, including Bed and Breakfast Homestays. (Amended/Adopted by Council November 2, 2010—Ordinance #2010-88)

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

TREASURER: The City Treasurer of the City of Moultrie.

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 construed to be truck gardening.

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

UNIT: Means a portion of this condominium intended for any type of independent ownership and use.

UTILITY ROOM: A room or space, located other than in the basement, specifically designed and constructed to house any home utilities or laundry facilities.

YARD: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard is the minimum horizontal distance between the lot line and the building or structure.

YARD, SIDE: A yard between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or in the absence of either of such yards, to the front and rear lot lines, as the case may be, except that on a corner lot, the side yard adjacent to a street shall extend the full depth of the lot.

YARD, FRONT: A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the rear line or lines of the principal building of the lot.

YARD, REAR: A yard extending the full width of the lot, the depth of which is the horizontal distance between the rear lot line and the rear line or lines of the principal building on the lot.

ZONING COMPLIANCE PERMIT: A permit issued by the Building Inspector certifying that the proposed use of land is in compliance with the use provisions of this ordinance.

ARTICLE III

ZONING POLICIES AND PROCEDURES

Section 3.01. ADOPTION. The following policies and procedures are hereby adopted by the City of Moultrie to provide established guidelines for the following:

- a. The adoption of a zoning ordinance.
- b. The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance; or
- c. The adoption of an amendment to a zoning ordinance, which rezones property from one zoning classification to another.
- d. The adoption of amendments to the zoning plan sponsored by the City of Moultrie.
- e. The adoption of amendments to zoning sponsored by a citizen or property Owner.

Section 3.02. POLICIES AND PROCEDURES. Policies and Procedures for City initiated zoning activities.

- a. In the case of developing an initial zoning plan (map and text), or updating or amending an existing zoning plan, the Moultrie-Colquitt County Planning Commission and the City Council will, where appropriate, utilize any new or existing land use studies, land use plans or other relevant documents as a resource for ordinance development or ordinance amendment. The Moultrie City Council will hold at least one public hearing on any new zoning ordinance development or any proposed amendment to any existing zoning ordinance.
- b. Upon the completion of preliminary zoning document(s) by the Planning Commission, and after this draft document has been presented to and reviewed by the City Council, the official public hearing will be held by City Council and public notice of this hearing will be given no less than 15 days no more than 45 days prior to the official hearing date.
- c. Public hearing notices will be published in a newspaper of general circulation within the City of Moultrie. The public notice will state the time, place, and purposes of the hearing.
- d. All amendments to any existing zoning plan must be reviewed by both the Moultrie-Colquitt County Planning Commission and the City Council. However, when the boundary lines of an established zoning district are proposed for change, (rezoning) the City Council shall have the Moultrie-

Colquitt County Planning Commission prepare an evaluation of each such proposed rezoning considering each of the following factors:

1. Existing uses and zoning of the nearby property.
 2. The extent to which property values are diminished by the proposed zoning restrictions.
 3. 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.
 4. The relative gain to the public, as compared to hardship imposed upon the individual property owner by the proposed zoning classification.
 5. The suitability of the project for the zoning purposes as proposed.
 6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.
 7. Conformity with or divergence from the Land Use Plan.
- e. The public hearing will be convened at the advertised time and place, and will be presided over by the appropriate officials.
- f. The Presider of the public hearing will review for those present, the following operating procedures for the public hearing.
1. In order for a person in attendance to speak, the Chair must recognize him/her. Upon rising to speak, the person recognized will first identify himself/herself. The Chair may also request that the person furnish a home or business street address, as appropriate.
 2. The person speaking will be allowed a reasonable amount of time to express opinions and make comments on each separate element of the proposed revisions, which he/she wishes to address.
 3. Additional persons will be recognized per the above procedure for the purpose of addressing additional elements of the proposed revisions or to make additional points to regard to elements already addressed, but not to rehash points already made.
 4. Appropriate notes or minutes will be recorded by City Council at its respective public hearings.

- g. The Moultrie-Colquitt County Planning Commission shall prepare and submit the necessary minutes, evaluations, and or recommendations to the City Council prior to the City Council Public Hearing.
- h. The City Council at its official public hearing, will review the evaluations and recommendations from the Planning Commission and may choose to adopt or reject or modify the Planning Commission recommendations, or the business may tabled for additional study to the next regular Council meeting.

Section 3.03 PROCEDURES. Procedures for a rezoning request by citizen/property owner. **(Amended/Adopted by Council March 18, 2008—Ordinance #2008-33)**

- a. A completed application for rezoning must be filed with the Planning and Community Development Department, hereinafter the “Planning Department”, on the second Friday of the month immediately preceding the next scheduled meeting of the Planning Commission. At the time of application submittal, the applicant shall deposit the fee, as currently or hereafter set by Resolution of the City Council to cover the administrative costs associated with the application, with the Planning Department. By the posted deadline of the next scheduled Planning Commission meeting the Planning Department Director or his or her designee shall review for content all citizen/property owner requests and prepare an agenda for the next scheduled Planning Commission meeting. The agenda shall be provided to all members of the Planning Commission, the Southwest Georgia Regional Development Center, and all applicants listed thereon. The Planning Commission shall prepare and submit a written recommendation to the City Manager concerning the rezoning requests within thirty (30) days from the date at which it considered the requests. The City Manager shall distribute the recommendation to the City Council for consideration. If the Planning Commission fails to submit a written recommendation as required, the City Council may consider the request without the recommendation and take appropriate action. The Planning Commission, at any regularly scheduled meeting, may call a special meeting to consider zoning requests only if all members present approve the request for a special meeting. All members approving a special meeting pursuant to this section shall be present at the special meeting.
- a. The Zoning Administrator will inform applicant of the Public Hearing Dates. The official public hearing will be held by the City Council, and public notice will appear no less than fifteen (15) days, no more than forty-five (45) days of the official public hearing.
- b. The Public Hearing notice will name the applicant, the location of property to be affected, the present zoning class, the proposed zoning class and the date, time, and place of the Public Hearing held by the Mayor and Council.

- c. The Zoning Administrator shall have erected upon the property for which rezoning is to be considered a sign of no less than 17”x 24” announcing the public hearing, stipulating the dates, times, and places for the hearing, the present zoning class and the proposed zoning class. The sign shall be clearly visible from a public street. It shall be erected not less than fifteen (15) days before the public hearing date.
- d. In the event, the petition for rezoning a particular parcel of property is disapproved by the governing body, and then the same property may not again be considered for rezoning until the expiration of at least six (6) months immediately following the disapproval of the rezoning.

Section 3.04. DISTRICTS. The City of Moultrie is hereby divided into twenty (23) classes of districts known as follows:

R-1A	Single-Family Residential District
R-1B	Single-Family Residential District
R-1C	Single-Family Residential District (Ordinance #2007-14)
R-2	Two-Family Residential District
R-3	Multiple-Dwelling Residential District
R-4	Residential (Multi-Family) District
R-CD	Condominium District
R-PUD	Residential Planned Unit Development District
R-TH	Townhouse District
C-1	Neighborhood Business District
C-1R	Neighborhood Business District, Restricted
C-1T	Neighborhood Business District, Transitional
C-2	General Business District
C-2R	General Business District, Restricted
C-3	Commercial District
C-3R	Commercial Districted, Restricted
C-4	Special Business-Municipal Building District
C-PUD	Commercial Planned Unit Development District
M-1	Light and Service Industrial District
M-1S	Light and Service Industrial Special District
M-2	General and Heavy Industrial District
AG-1	Agricultural District
MUD	Multiple Use District

Section 3.05. MAP. The boundaries of these districts are shown on that map designated as the Zoning Map of the City of Moultrie, dated August 6, 1974, as last amended October 3, 1995, which map is made part of this ordinance by reference. The Zoning Map is on file in the office of the Clerk of the City of Moultrie and all notations,

references, and other information shown thereon as a part of this Ordinance and have the same force and effect as if said Zoning Map and all such notations, references and other information shown there were fully set or described herein.

Except for reference on said Map to a street or other designated line is made by dimensions shown on said Map, the district boundary lines follow lot lines, the center lines of the street or alleys, or such lines extended and the corporate limits of the City of Moultrie, as they existed at the time of adoption of this Ordinance.

Questions concerning the exact location of district boundary lines shall be determined by the Board of Zoning Appeals, after recommendations from the Moultrie-Colquitt County Planning Commission, according to rules and regulations which may be adopted by it.

Section 3.06. SPECIAL USE PERMITS. An application for a special use permit for a use permitted after special approval of the Planning Commission and the Mayor and Council or for a use permitted on appeal must be filed with the Zoning Administrator and handled in the same fashion as an application rezoning is handled under procedures outlined in Section 3.03 and must be passed on by the Planning Commission and approved by the Mayor and Council.

ARTICLE IV

GENERAL PROVISIONS

Except, as herein after specifically provided, the following regulations shall apply:

Section 4.01. CONFLICTING REGULATIONS. Whenever any provisions of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

Section 4.02. SCOPE. No building or structure, or part thereof, shall herein after be erected, constructed, reconstructed, or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

Section 4.03. STREET, ALLEYS, AND RAILROAD RIGHT-OF WAY. All streets, alleys, and railroad right-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, or railroad right-of-way. Where the center line of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

Section 4.04. PERMITTED USES. No building shall be erected, converted, enlarged, reconstructed or structurally altered; nor shall any building or land be used, designed or arranged for any purpose other than it is permitted in the district in which the building or land is located.

Section 4.05. PERMITTED AREA: No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area regulations of the district in which the building is located. (See Schedule of Regulations, ARTICLE XVIII.)

Section 4.06. PERMITTED HEIGHT. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height herein after established for the district in which the building is located. (See Schedule of Regulations, ARTICLE XVIII), except that penthouses and roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire and parapet walls, skylights, towers, steeples, stage lofts, and screens, flag poles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, and similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the districts in which it is located; nor shall such structure have a total area greater than twenty-five (25%) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial

purpose, other than a use incidental to the main use of the building. The erection of radio and television transmitting, relay or other types of antenna towers, where permitted, shall abide by the regulations set forth in Section 4.31 of this ARTICLE. Height restrictions for all buildings, structures and appurtenances erected beneath established aircraft approach lanes shall be as established by the Board of Appeals, after consultation with the appropriate aeronautical agency.

Section 4.07. CONTINUANCE OF A NON-CONFORMING USE. Any use or structure existing at the time of enactment or subsequent amendment of this Ordinance, but not in conformity with its provisions, may be continued with the following limitations. Any use or building, which does not conform to this Ordinance, may not be:

- a. Changed to another non-conforming use.
- b. Re-established after discontinuance for 12 months.
- c. Extended except in conformity with these regulations.
- d. Rebuilt, altered, or repaired after damage exceeding fifty (50%) percent of the fair sales value of the building immediately prior to damage.

Section 4.08. ONLY ONE MAIN BUILDING ON A LOT. Only one main building and its customary accessory structures may here after be erected on any residential lot. No open space or lot required for a building or structure shall, during its life, be occupied by or counted as open space for another building or structure.

Section 4.09. LOTS, YARDS, AND OPEN SPACES. No space which for the purpose of a building or dwelling group has been counted or calculated as part of a side yard, front yard, or other open space required by this Ordinance, may by reason of change in ownership or otherwise be counted or calculated to satisfy or comply with a yard, court, or other open space requirement of or for any other building.

In any residential district, the front and rear yard requirements of a double frontage lot shall be the same as prescribed for any single lot on the zone wherein the double frontage is located.

An open porch or paved terrace may occupy a front yard, if the unoccupied portion of the front yard furnishes a depth of not less than fifteen (15) feet. A one-story bay window may project not more than three (3) feet beyond the front line of the building.

In all residentially zoned districts where the simultaneous erection of two or more residences adjacent to each other is contemplated in the same block by the same contractor, if the building setback line is not established by existing buildings, it shall be mandatory to submit drawings showing the site plan with staggered setback lines from the front lot line, such staggered setback lines to be located in such manner that the setbacks of the residences involved will alternately vary by being increased up to a

distance of one foot beyond the minimum setback line elsewhere established in the Schedule of Regulations, ARTICLE XVIII of this Ordinance.

The minimum yard spaces, including lot area per family and maximum lot coverage required by this Ordinance for each and every building existing at the time of the passage of this Ordinance or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other building. (See Schedule of Regulations, ARTICLE XVIII for specific requirements.)

Section 4.10. MANUFACTURED HOMES AND INDUSTRIALIZED BUILDINGS AS SINGLE-FAMILY DWELLINGS. Manufactured homes qualifying as: Dwelling, Single-Family” as defined in Article II shall be allowed in all residential districts and shall be regulated uniformly with other housing constructed on site subject to the following compatibility standards:

- a. The Zoning Administrator or his/her designee shall compare the proposed manufactured home to the compliant site built and other housing located, constructed, or permitted in a two-block area of the site where the manufactured home is proposed to be located. Approval shall be granted upon the finding that the manufactured home is substantially similar in (i) size, (ii) height, (iii) scale, (iv) siding material, (v) roof material, (vi) roof style, (vii) front and side window openings, (viii) porch area and style, (ix) provision of garage and carport, including location, and (x) foundation to existing development or proposed development in the same area. The findings of the compatibility assessment shall be documented on Community Development and Planning Department approved forms. Decisions of the Zoning Administrator or his/her designee may be appealed directly to the City Council.
- b. All towing devices, wheels, axles, and hitches must be removed at the time of installation.
- c. At each exterior door there must be a roof covered landing that is a minimum of thirty-six inches.
- d. Wood, brick, or masonry must enclose any open area between the floor of the manufactured home and the ground upon which the foundation rests.
- e. “Other Manufactured Homes” and “Mobile Homes” as defined in Article II used for residential purposes (i.e., manufactured homes that do not meet the definition of “Dwelling, Single-Family”) shall be permitted within approved Residential Planned Unit Development Districts in accordance with all requirements of the district.

Section 4.11. REVIEW OF PLANS FOR CONSTRUCTION AND CHANGE OF RESIDENTIAL BUILDINGS. In all residential R-1, R-2, and R-3 Zoning Districts there shall be five (5) separate and distinct front elevations for constructing the front or face of two (2) or more buildings for every ten (10) residences so contemplated and it shall not be permissible to have two (2) like front elevations adjacent to each other. In built-up areas where scattered vacant lots are located between or beside existing dwellings at the time of applying for a permit to build in this vacant lot, it will be necessary to submit photographs of the front elevation of the existing dwellings on each side of this proposed residence so no two adjacent residences will have the same type of front elevation.

Section 4.12. USE OF SUBSTANDARD LOTS. (Amended/Adopted by Council March 18, 2008—Ordinance #2008-34). The intent and purpose of this ordinance is to permit the use of any residentially zoned substandard lot so long as reasonable living standards can be provided, to maintain it on the tax roll of the City and prevent its non-use, abandonment or its creation as, or maintenance of, a nuisance. The Director of Planning and Community Development or his or her designee is responsible for the administration including approval and enforcement of this section. A substandard lot which does not meet the minimum lot size, width or depth requirements for its zoning classification shall only be permitted provided that:

- a. Any dwelling constructed thereon meets the side setback requirements for its zoning classification;
- b. Development of the lot maintains and conforms with the character of the surrounding neighborhood as determined and approved by the Director of Planning and Community Development or his or her designee; and,
- c. The lot existed as of record on March 18, 2008, although it may be replatted so long as width, depth or size is not decreased.

Section 4.13. FRONTAGE. Every principal building shall front upon a public street, except that in the case of the planned unit developments in the R-PUD multiple residential zone, variations may be allowed by the Planning Commission with due regard for the overall health, welfare, safety and convenience of the people.

Section 4.14. DWELLING IN OTHER THAN MAIN STRUCTURE. No residential structure shall be erected upon the rear of a lot or upon a lot with another dwelling except guesthouses.

Section 4.15. STREET ACCESS. No building shall be erected on a lot, which does not abut a publicly dedicated or maintained street.

Section 4.16. SITE DISTANCE AT INTERSECTIONS. In all Districts, other than the General Business Districts, no fence, wall, hedge, or shrub planting which obstructs the site lines at elevations between two (2) and twelve (12) feet above the roadways shall be placed or permitted to remain on any corner lot with in the triangular area formed by the street property lines and a line connecting them at points twenty-five (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 4.17. REDUCTION OF LOT AREA PROHIBITED. No lot shall be reduced in size so that lot width, yard requirements, lot area per dwelling unit, or other requirements of this Ordinance are not maintained.

Section 4.18. ACCESSORY BUILDINGS. Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- a. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to maintain or principal buildings.
- b. Accessory building shall not be erected in any required yard except a rear yard, providing further that in no instance shall such a building be nearer than three (3) feet, to any adjoining side lot line or rear lot line.
- c. An accessory building, not exceeding one (1) story or fourteen (14) feet in height may occupy not more than twenty-five (25%) percent of any non-required yard; provided that in no instance shall the accessory building exceed the ground floor area of the principal building.
- d. An accessory building shall not be located on that portion of the lot in the area of the principal building except when structurally attached to the principal building.
- e. No detached accessory building, other than a garage, shall be located closer than fifteen (15) feet to any principal building.
- f. In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on said streets in the same block or adjacent blocks.
- g. When an accessory building is to be located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot.
- h. Garages. In any residence zone, no garage shall be erected closer to the side lot line than the permitted distance for the dwelling, unless the garage shall be completely to the rear of the dwelling in which event, the garage may be erected three (3) feet from the side and the rear lot line. No garage or portion thereof shall extend into to the required front yard area. No garage or portion thereof shall extend beyond four (4) feet of the front line of the dwellings except in

commercial zones. Attached garages of fireproof construction may be erected to extend beyond the front line of the house in those areas which are being developed according to a common plan that includes the construction of attached garages extending beyond the front line of the house, except that such garages shall not encroach in or upon the minimum front yard area as required by this Ordinance, and provided the cornice, eaves or overhang shall not extend more than six (6) inches into the required side yard area.

- i. 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 more than four (4) feet beyond the front line of the house to which it is attached, provided no portion of said carport shall extend into the required front yard area.

Amendment--Ordinance #907 Adopted January 13, 2004—“Accessory buildings subject to the requirements of Article IV, Section 4.18, and to the requirement that materials used in the construction of said accessory building shall be compatible with the primary structure shall be permitted”.

Section 4.19. PROHIBITED USES IN ALL RESIDENTIAL DISTRICTS

- a. The parking or storing in open area of boats in excess of twenty-four (24) feet, unoccupied house trailers, buses, or converted buses, shall not be permitted for periods of more than the first fifteen (15) consecutive days out of any ninety (90) days; provided, however, that buses belonging to a church may be parked off public streets on property on which the church is situated in residential districts, and school buses may be parked off public streets on private property in residential districts. Such permit shall be conspicuously posted in parked or stored vehicle or boat.
- b. Commercial highway trailers shall not be parked or stored residentially zoned property at any time.
- c. It shall be prohibited use in all residentially zoned districts to park or store wrecked or junked vehicles, power driven construction equipment, used lumber, metal, or any other miscellaneous scrap or salvageable material in quantity.
- d. Tractor-trailer combinations, tractors, or trailers shall not be placed or stored in residentially zoned districts.

Section 4.19.1. PROHIBITED USES IN ALL AGRICULTURAL, BUSINESS, COMMERCIAL AND INDUSTRIAL DISTRICTS.

- a. Mobile homes, as defined by this Ordinance, may not be retrofitted or altered in any manner for use in any of the Agricultural, Business, Commercial, and Industrial Districts.

- b. Any type of prefabricated, modular or mobile unit or structure for use in any of the Agricultural, Business, Commercial and Industrial Districts in the City of Moultrie, must be fabricated or manufactured under authority of; and bear the official seal of; the Standard Building Code Congress International, Inc., in addition; it must comply with all locally adopted codes and ordinances.

Section 4.20. FILLING STATIONS AND PUBLIC GARAGES. In order to regulate and control the problems of noise, odor, light, fumes, vibrations, dust, danger of fire and explosion, and traffic congestion which result from unrestricted and unregulated construction and operation of gasoline service or filling stations, and to regulate and control the adverse effects which these and other problems incidental to the filling station may exercise upon adjacent and surrounding areas, the following additional regulations and requirements are provide herein for filling stations located in any zone. All filling stations erected after the effective date of this Ordinance shall comply with all requirements of this section. No filling station existing on the effective date of this Ordinance shall be structurally altered as to provide a lesser degree of conformity with the provisions of this section than existed on the effective date of this Ordinance.

- a. A filling station shall be located on a lot having a frontage along the principal street of not less than one hundred forty (140) feet, and having a minimum area of not less than fourteen thousand (14,000) square feet.
- b. A filling station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line, and not less than ten (10) feet from any other lot line.
- c. All driveways providing ingress to or egress from a filling station shall not be more than fifty (50) feet wide at the property line. No driveway or curb opening shall be located nearer than ten (10) feet to any corner, as measured along the property line. No driveway shall be located nearer than thirty (30) feet to any other driveway giving access to or from the filling station.
- d. Raised curb six (6) inches in height shall be erected along all street lot lines, except for driveway openings.
- e. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material, or if any part of the lot is not surfaced than that area shall be landscaped and separated from all surface area by a low barrier or curb.
- f. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or services while parked upon or over-hanging any public sidewalk, street or right-of-way.

- g. A filling station located on a lot having an area of fourteen thousand (14,000) square feet shall include not more than eight (8) gasoline pumps and two (2) enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles. An additional two (2) gasoline pumps and/or one (1) enclosed stall may be included with the provision of each additional two thousand (2,000) square feet of lot area.
- h. Where a filling station adjoins any property located in any residential zone, or is separated from any such property by a public alley only, a masonry wall five (5) feet in height shall be erected and maintained along the common lot line or along the alley lot line. A fixed curb or barrier to prevent vehicles from contacting the wall shall protect all masonry walls.
- i. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded to be deflected away from adjacent and neighboring property.
- j. The total gasoline storage capacity of each filling station shall not exceed twenty thousand (20,000) gallons.
- k. No fuel tank shall be filled at a gasoline service station, except through a hose connected to a pump of a type approved by the Underwriters Laboratories, Incorporated.
- l. No gasoline or inflammable liquid shall be kept or conveyed in open receptacles or in glass bottles or other breakable containers on the premises of a gasoline service station, except in glass bottles of not more than eight (8) ounces capacity used for sample purposes, and shall not be used for cleaning purposes on such premises. No glass container gasoline pump shall be installed in any building.
- m. All combustible waste and rubbish, including crankcase draining, shall be kept in metal receptacles fitted with a tight cover until removed from the premises. No gasoline, oil, grease, or inflammable liquid shall be allowed to flow into or be placed in the drainage system. Oil and grease shall not be allowed to accumulate on the floor. Sawdust shall not be kept in any gasoline service station or place of storage therein, and sawdust or other combustible material shall not be used to absorb oil, grease, or gasoline.
- n. All gasoline service station proprietors and attendants, upon being notified by any city inspector of the presence of gasoline or volatile liquids in sewers, shall cooperate in ascertaining the reason therefore. There shall be constantly maintained in good working order at least one (1) two and one-half (2 ½) gallon fully charged, portable foam type fire extinguisher at each gasoline service station.

Section 4.21. OCCUPANCY: TEMPORARY GARAGES, ACCESSORY BUILDING TRAILER DWELLINGS, and BASEMENT APARTMENTS.

Buildings erected after the effective date of this Ordinance as garages, accessory buildings, except guesthouses, or trailer dwellings, except where located in properly licensed trailer park, shall not be occupied for dwelling purposes. No basement or cellar apartment shall be used or occupied for dwelling purposes at any time.

Section 4.22. BUILDING GRADES. Any building requiring yard space shall be located at such an elevation as determined by the Building Inspector, that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. A sloping grade, beginning at the sidewalk level, shall be maintained and established from the center of the front lot line to the finished grade line at the front of the building. The rear and sided yards shall be sloped to allow for the flow of surface water away from the building without creating a nuisance. However, this shall not prevent the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the run-off of surface water from creating a nuisance on the adjacent properties. (Refer also to City Building Code.)

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

Final grades shall be approved by the Building Inspector only after inspection.

Section 4.23. BUILDINGS TO BE MOVED. Any building or structure which has been wholly or partially erected on any premises located within the City shall not be moved to and placed upon any other premises in the City until a building permit for such removal shall have been secured under Section 19.03 of this Ordinance. No building or structure shall be moved from the City from outside the City limits until such building permit has been secured. Any such building or structure shall fully conform to all the provisions of this Ordinance in the same manner as new building or structure.

Before a permit may be issued for moving a building or structure, the Building Inspector shall inspect same and shall determine if it is in a safe condition to be moved; whether it may be reconditioned to comply with the Building Code and other City requirements for the use and occupancy for which is to be used, and whether or not it will be of similar character with the buildings in the area where it is to be moved. Also, clearances will be obtained from all utility companies insuring that utilities are discontinued and all facilities accounted for. Special inspection fees may be charged to cover costs of inspecting the old site and the new site of said building or structure. Providing these conditions can be complied with, a building permit shall be issued for the moving of said building or structure; this permit to carry the verification on the Building Inspector.

Section 4.24. EXCAVATIONS OR HOLES. Removal and filling of land, the construction, the maintenance or existence within the City of Moultrie of any unprotected unbarricaded, open and dangerous excavations, holes, pits, or wells, or of any

excavations, holes, or pits which constitute or are reasonably likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued pursuant to this Ordinance of the Building Code of the City of Moultrie, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Building Inspector and provided further, that this section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Georgia, County of Colquitt, City of Moultrie or other governmental agency.

Section 4.25. EXCAVATION, REMOVAL AND FILLING OF LAND. The use of land for the excavation, removal, filling, or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish, or other wastes or by-products, is not permitted in any zoning district except under a certificate from, and under the supervision of the Building Department. Such certificate may be issued in appropriate cases upon the furnishing of bond, by company authorized to do business in the State of Georgia, running to the City in an amount as established by the Engineering Department which will be sufficient in amount to rehabilitate the property upon default of the operator of such excavating or filling operation, and to cover court costs and other reasonable expenses. This regulation does not apply to normal soil removal for basement or foundation work when the Building Department has previously duly issued a building permit. Costs of a permit to fill or excavated may be allocated to the Building Department to defray the City's costs and in accordance with Section 19.06 of this Ordinance.

Section 4.26. RESTORING UNSAFE BUILDINGS. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building, or structure declared unsafe by the Building Inspector or the required compliance with his lawful order, except as specified in ARTICLE V of this Ordinance.

Section 4.27. CONSTRUCTION BEGAN PRIOR TO ADOPTION OF ORDINANCE. Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designed use of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance, and upon which building actual construction has been diligently carried on, and provided further that such building shall be completed within one (1) year from the date of passage of this Ordinance.

Section 4.28. VOTING PLACE. The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as voting place in connection with a municipal or other public election.

Section 4.29. APPROVAL OF PLATS. No proposed plat of a new subdivision shall hereafter be approved by either the City Council or the Planning Commission unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this Ordinance and unless such plat fully conforms with the statutes of the State of Georgia and the ordinances of the City of Moultrie.

Section 4.30. ESSENTIAL SERVICES. The erection, construction, alteration, or maintained by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, steam, or water distribution or transmission systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary furnishing of adequate service by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare, shall be permitted as authorized and regulated by law and other ordinances of the City of Moultrie in any use district, it being the intention hereof to exempt such erection, construction, alteration and maintenance from the application of this Ordinance.

The Board of Zoning Appeals shall have the power to permit the erection and use of the building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building structure or use, if the Board shall find such use, height, area, or structure reasonably necessary for the public convenience and service, provided such building, structure, or use is designed, erected and landscaped to conform harmoniously with general architecture and plan of such district.

Section 4.31. PROTECTIVE SCREENING. In order to provide adequate protective screening for residential areas adjacent to or near non-residential areas, the following regulations shall apply:

- a. **Adjacent Residential Property.** Where a C-1, C-2, C-3, C-PUD, M-1, or M-2 Districts abuts directly upon a residentially zoned district, a landscaped greenbelt, not less than twenty (20) feet wide, shall be provided and maintained along its entire length by the users of the C-1, C-2, C-3, C-PUD, M-1, OR M-2 property. In addition, the C-1, C-2, C-3, C-PUD, M-1, OR M-2 District shall be screened from such contiguous residentially zoned district by either a building housing a permitted use or else by an ornamental masonry wall or chain link fence five (5) feet in height above grade, between said greenbelt areas and the commercial and industrial use in said C-1, C-2, C-3, C-PUD, M-1, OR M-2 District. Such greenbelt shall be planted with deciduous trees, evergreens, flowering trees, and/or ornamental trees set not closer than six (6) feet to the fence or wall.

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

All planting plans shall be first submitted to the Planning Commission for approval as to suitability of planting materials and arrangement thereof in accordance with the provisions of this Ordinance.

Where vehicles or open air display generally exceed a five (5) foot height, said wall or chain link fence shall be increased to a height not exceeding ten (10) feet, providing further that all such walls shall be of uniform height around the premises and the design of such wall is first approved by the Planning Commission.

If, in the opinion of the Planning Commission, the greenbelt would serve no good purpose, the Commission may waive such requirements and provide only the wall or fence between the residential and C-1, C-2, C-3, C-PUD, M-1, OR M-2 Districts, provided it abuts a non-conforming use in a residential area.

- b. **Residential Property Across Alley.** Any C-1, C-2, C-3, C-PUD, M-1, or M-2 District on which a drive-in business, open air display, commercial parking lot, or other open use is conducted shall be separated along its entire length from any adjacent residentially zoned district, located across a public alley of not less than twenty (20) feet wide, by either a building housing permitted use or by an ornamental masonry wall five (5) feet in height above grade located preferably, on the residential side of said public alley. Greater wall height may be required in accordance with paragraph “a” above.
- c. **Waiver of Wall or Fence Requirement.** Where required walls or fences are provided on the business side of public alleys, wall, or fence requirements may be waived to provide necessary entrance to or exit from required off-street parking and loading areas, provided approval is secured from the Planning Commission as to suitability of width and location of such openings in said wall or fence.
- d. **Adjacent Commercial or Industrial Property.** Where an R-3 Districts abuts directly upon a commercially or industrially zoned district, unless the requirement is already fulfilled by abutting property, a landscaped greenbelt shall be provided and maintained along its entire length by the users of the R-3 District. Such greenbelt shall be a minimum of four (4) feet in width and be deciduous trees, evergreens, flowering trees, and/or ornamental trees.

Section 4.32. ANIMALS. No livestock shall be kept or maintained in any zone other than the AG (Agricultural District), except that for each dwelling unit, the occupant may keep for his personal use domestic pets, so long as they are not kept or used for commercial purposes, or in such numbers as to create a nuisance by reason of noise or offensive odors and in no event shall kennels be maintained either for private or commercial use.

Section 4.33. SIGNS (Ordinance #260, Adopted 11/15/77)

- a. **General Provisions:** This section provides the detailed standards for the installation or placement of signs needed to implement the policy of the *Colquitt County Consolidated Comprehensive Management Plan* to promote the development of local sign ordinances in order to retain scenic views.
- b. **Permit Requirements:** A permit shall be required for the erection, placement, or replacement of any sign, except as provided in Table 4.33-1. Failure to obtain a permit shall be a violation of this ordinance, subject to the enforcement procedure provided in Article XIX and penalties provided in Article XXI, Section 21.02. Compliance with this section is required, even when a permit is not, and any sign that is not expressly permitted by this section is prohibited.
- c. **Master Signage Plan:** No permit shall be issued for a new or replacement sign for any use displaying more than one sign except upon submission of a master signage plan. A master signage plan consists of one or more scaled drawings showing the location, type, size, and design of all existing signs appurtenant to the lot or parcel, and the proposed sign or signs. A master signage plan must be submitted with any application for a new development that proposes to display more than one sign, and with the first application for a building permit for a new or replacement sign to be displayed by an existing use that displays one or more signs.
- d. **Placement of signs:** No sign shall be placed:
 1. In or over any public right-of-way, except as provided in “n” and “o” of this section,
 2. On any tree or other natural feature; or on a utility pole,
 3. On a vehicle or trailer parked in a visible location for the primary purpose of displaying the sign, or
 4. Where it creates a traffic safety hazard by obscuring traffic control signs or signals, confuses drivers by appearing to be a traffic control sign or signal or the lights of a public safety or maintenance vehicle, or obstructing vision at intersections or driveways.

Pennants and fringe pennants only shall be attached to buildings and emanate to and/or be suspended from permanent rigid poles or similar structures; use of pennants and fringe pennants to accentuate the architectural features of a building shall be prohibited.

- e. **Sign Types:** The types of signs permitted in each zoning district are shown in Table 4.33-1.
- f. **Number of Signs:** The maximum number of signs permitted in each zoning district is shown in Table 4.33-2. Nothing in that table shall be construed to allow the total area of signs on any lot to exceed the overall sign area limitations of “h.” Where the number of signs permitted is expressed as a ratio with street frontage, every lot, or parcel is permitted one sign, regardless of its frontage, but additional signs shall be permitted only with the addition of a full increment of frontage.
- g. **Size of signs:** The maximum size of individual signs permitted in each zoning district shall be as shown in table 4.33-3. Nothing in table 4.33-3 shall be construed to allow the total area of signs on any lot or parcel to exceed the overall sign area limitations of “h.”
 - 1. The size permitted is for one face of a sign. Signs which have two faces (freestanding, projecting, and suspended signs, and some banners) will actually have double the display area permitted by Table 4.33-2.
 - 2. The size of a sign face shall be calculated as the area of the smallest simple geometric shape (circle, square, rectangle, or triangle) that will encompass the outer limits of the sign’s copy, including both words and graphics. Decorative or contrasting borders are part of the copy.
- h. **Total Area of Signs:** The Maximum total area of signs permitted on any lot or parcel shall be as shown in Table 4.33-4.
- i. **Height of Signs:**
 - 1. The height of freestanding and building signs is limited to the height of the building façade on which the sign is placed; however, the maximum height of any freestanding sign shall be 20 feet, except in the MUD, where it shall be 4 feet.
 - 2. Fringe pennants must be installed at a minimum height of 10 feet.
- j. **Illumination of Signs:**
 - 1. Signs with a constant source of illumination shall be permitted in all commercial, manufacturing, and mixed-use districts. Electrical signs and spotlights or other fixtures used for the indirect illumination of signs shall be allowed only in the C-3, M-1, and M-2 Districts and shall be installed so as to not cause a nuisance resulting from the light and/or glare and in accordance with the City’s electrical and fire codes.

2. No animated, flashing, blinking, or moving signs shall be permitted, except that animated public service message signs displaying the time of day, temperature, and/or announcements of community events shall be permitted in all commercial and manufacturing zoning districts.
- k. **Temporary Signs/Portable Signs:** Portable signs shall be allowed only as temporary signs and shall be permitted as shown in tables 4.33-1, 4.33-2, and 4.33-3, but only:
1. Upon approval of a permit when required as shown in Table 4.33-1;
 2. For a limited term, not exceeding 60 days in a given year; and
 3. Upon the posting of a bond, irrevocable letter of credit, or other financial surety guaranteeing removal within the specified term in the amount specified by the City Council.
 4. Temporary internal window signs in the Mixed Use District (MUD) pertaining to special events which refer to particular periods of time such as meetings, sales exhibitions, political campaigns and vacancy announcements shall be permitted on the building interiors provided that such signs shall be removed when no longer applicable in time, or in any case no later than ten (10) days after the advertised event has ended.
 5. Portable signs, excepting trailer signs and real estate signs, shall be used to promote non-commercial events only.
- l. **Flying Paraphernalia, inflatable signs, and balloons:** Flying paraphernalia, inflatable signs, and balloons may be used for commercial and non-commercial promotional events for no more than seven (7) calendar days up to four times per calendar year.
- m. **Banners:**
1. Every business, service, entity, or other organization located in the City shall be permitted to display 2 banners.
 2. The maximum size of any such banner displayed shall be no more than 50 square feet.

3. Each banner displayed shall be made from vinyl or canvas with a minimum weight of 8 ounces. Each banner shall have metal grommets placed 15 inch on centers around the perimeter to which rope or nylon tape is to be attached and in the corners for attachment. All edges of each such banner shall be hemmed and reinforced by adding reinforcing materials such as rope or nylon tape to the edges.
 4. Each banner shall be mounted on the building housing the primary use or attached to a permitted freestanding sign. A banner displayed pursuant to this subsection shall not be mounted between columns on a building or similar solid structure, self-supporting poles, wires or other such devices.
 5. Banners shall be removed at the end of the advertised event or sale.
- n. **Design of Signs:** RESERVED
- o. **Signs In Public Rights-of-Way:** No sign shall be placed in any public right-of-way, except traffic control signs and public notices placed by public agencies.
- p. **Signs Over Public Rights-of-Way:** No sign shall extend over a public right-of-way, except that:
1. Awnings, canopies, banners, and projecting signs may extend up to 7 feet over a public sidewalk (measured from the face of the supporting building), but shall not extend to within more than 2 feet of the near curb or property line, whichever is closer to the building;
 2. Suspended signs may hang over a public sidewalk that is covered by an arcade, awning, or canopy; and,
 3. Any awning, canopy, banner, or signs extending over a public sidewalk shall have a minimum clearance of 8 feet.
- q. **Maintenance of Signs:** Every sign permitted by this ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the Building Official, or if any sign shall be unlawfully installed, erected or maintained in violation of any provisions of this ordinance, the owner thereof or the person or firm using the same shall, upon written notice by the Building Official forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, the Building Official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or user of the sign.

- r. **Identification of Signs:** All permanent signs shall bear a weatherproof label identifying the owner, including, the owner's name, address, and telephone number. Identification labels may be attached to the signs or its supporting structure.

- s. **Abandoned Signs:** Any sign that is not structurally sound, or that no longer serves to inform or attract the public, including illegible signs and signs advertising or identifying abandoned uses, shall be considered abandoned and its removal required. Abandoned signs shall be removed within 45 days of the adoption of these regulations, or within 45 days of the abandonment of the use to which the sign was appurtenant. Abandonment shall not be a matter of the owner's intent, but shall be considered to occur whenever a use has ceased to operate for more than 6 months.

- t. **Exempt Signs:** The following signs shall be exempt from the provisions of this section.
 - 1. Official notices authorized by a court, public body, or public safety official.
 - 2. Directional, warning, or information signs authorized by federal, state, or municipal governments.
 - 3. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
 - 4. One (1) flag of a government or non-commercial institution per business or institution flown at the location of the institution or business or at an auxiliary location.
 - 5. Religious symbols and seasonal decorations within the appropriate public holiday season.
 - 6. Banners displayed by a public entity as a public service.
 - 7. Signs advertising festivals, special public events, etc., provided such signs shall not be closer than any right-of-way line of any public street and do not exceed 150 square feet in area cumulatively on one piece of property. Such signs shall be approved by the Community Development and Planning Director.
 - 8. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
 - 9. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 6 square feet in area.

u. **Non-Conforming Signs:** Signs in existence on the effective date of this amendment to the Zoning Ordinance shall be subject to the provisions of Article V of this Ordinance.

v. **Definitions:**

1. Awning. An awning is a fabric shelter over a window or door that is supported by a rigid framework attached to a building. Awnings may be used to display a logo.
2. Banner Sign. A building sign made of fabric, plastic, or a similar lightweight material and hung from a building or pole or framework attached to a building. Banners may also be freestanding signs, but are regulated as such.
3. Billboard. Any construction or portion thereof upon which a sign or advertisement is placed, painted, or otherwise designated for the purpose of making anything known to the general public, but not including bulletin boards used to display official court or public office notices.
4. Building Sign. Any sign attached to a building. Several types of building signs are defined in this section.
5. Canopy Sign. A building sign that is part of a fabric, plastic, or similar shelter supported by a non-combustible rigid framework attached to a building, and sheltering the building's entrance and/or windows.
6. Construction Sign. A construction sign is a wall or freestanding sign that identifies a building under construction or to be constructed. These signs include no advertising or promotional material, but identify the building's planned use, owners or operators, designers, construction contractors, and financiers.
7. Cornerstone Sign. A cornerstone sign is carved or cast into a building, or a metal plaque permanently attached to a building. It carries no commercial message, but may include the building's name, the date of its completion, and the names of owners, architects, contractors, etc.
8. Directional, Address Sign. Any sign used to display the address of a building or use, or to identify points of access, the direction of travel, and similar functions in off-street parking and loading areas. Such signs include no advertising or promotional copy. On-site directional signs are used to identify points of access, the direction of travel, and handicapped parking spaces, and to perform similar functions in off-street parking and loading areas. They include no advertising or promotional copy, but may include a logo. Off-site

directional signs identify and provide directions to an off-highway use. They include no advertising or promotional copy, but may include a logo.

9. Flag. A piece of fabric of distinctive design attached to poles, wires, or ropes that is used as a symbol, as a signaling or attention-getting device, or as a decoration.
10. Freestanding Sign. Any sign that has its own supporting structure, rather than being attached to and supported by a building.
11. Logo. A logo is a simple graphic symbol used to identify a business, use, or product.

Section 4.33v. Definitions. (Amended/Adopted by Council May 5, 2009—Ordinance #2009-58)

Multiple-Message Sign. Signs which change the message or copy on the sign face mechanically or electronically by movement or rotation of panels or slates, or by changing the electronic display on the sign face.

12. Nameplate. A wall sign that identifies the occupants and/or address of a residence.
13. Outdoor Advertising Sign. Any card, cloth, paper, metal, glass, plastic, wood, plaster, stone or sign of other material of any kind, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term “placed” as used in the definition of “ Outdoor Advertising Sign,” and “ Outdoor Advertising Structure” shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or other fastening, affixing or making visible in any manner whatsoever.
14. Pennant. A flag or banner tapering usually to a point or swallow tail and used for identification or signaling.
15. Pennant, Fringe (a.k.a., streamer). Pennants with an ornamental border consisting of short straight or twisted threads or strips hanging from cut or raveled edges.
16. Point of Sale Sign. Signs advertising sales or promotions of soft drinks, tobacco products, etc. made of cardboard, metal, or similar durable material attached non-permanently to freestanding sign poles, poles supporting canopies, and lighting poles generally displayed at convenience stores or similar type of business.

17. Portable Sign. Any sign that is not permanently attached to a building or the ground. Portable signs are permitted only as temporary signs. See “28” below.
18. Projecting Sign. A projecting sign is attached to the wall of a building and projects away from the wall. Projecting signs do not extend above the roofline of the building to which they are attached. See section “n” above regarding signs that project over a public sidewalk.
19. Real Estate Sign. Real estate signs are wall signs, round signs that indicate the property on which they are placed is for sale, lease, or rent. Real estate signs are permitted for a limited time.
20. Replacement. To construct, restore, or erect a new or refurbished sign in place of a pre-existing sign. For the purposes of regulations pertaining to signs, the term “replacement” does not include the temporary removal of an existing sign for repair or refurbishment.
21. Residential Sign. A residential sign is any type of sign (freestanding or attached to a building) permitted in the zoning district and appurtenant to a residential building. The maximum allocated area of residential signs may be used for any purpose, including the display of the address or the name of the occupants, advertising an approved home occupation, advertising space for rent of the sale of the property, and promoting political candidates. Any dwelling may also display, without a permit, two temporary signs of no more than six square feet each, announcing the short term sale of used household goods (i.e., a garage sale or yard sale), provided those signs are placed no more than two days before the sale and removed within one day after the sale and that all provisions of Section 90-56 of the City of Moultrie Code of Ordinances are met.
22. Roof Sign. Any building sign that project above the building façade. The only kind of roof sign permitted by these regulations is an integral roof sign, in which the sign is designed into the roof structure, and does not project or extend above the highest point of the roof.
23. Roofline. For the purposes of this section, the highest point of building’s roof.
24. Sandwich Sign. Sandwich signs are small self-supporting freestanding signs that are temporarily placed on a sidewalk, plaza, or other open area.
25. Sign. Any object or structure used to identify, advertise, or in any way attract or direct attention to any use, building, person, or product by any means, including, but not limited to the use of lettering, words, pictures, and other graphic depictions or symbols.

26. Suspended Sign. Suspended signs are attached to the ceiling of an arcade or the framework of a canopy and hang over a sidewalk.
27. Traffic Control Sign. Standard regulatory signs installed by public agencies, including stop and yield signs, speed limit signs, etc. When installed on private premises, such signs are directional.
28. Temporary Sign. Any freestanding or building sign permitted in the zoning district, but displayed for sixty (60) or fewer days in a given year.
29. Wall Sign. A building sign painted directly on the wall of a building or attached to the wall of a building, and parallel with the wall to which it is attached. Wall signs extend no more than eighteen inches (18") from the building to which they are attached. Wall signs do not extend above the roofline of the building to which they are attached.
30. Window Sign. A sign that appears within the frame of and is directly affixed to window. Window displays of merchandise are not signs, provided that no part of the display is affixed to the window.

Section 4.33 SIGNS.

(Subsection added-Amended/Adopted by Council May 5, 2009-Ordinance #2009-58—adding subsection)

Multiple-Message Signs: Signs which change the message or copy on the sign face mechanically or electronically by movement or rotation of panels or slates, or by changing the electronic display on the sign face. These signs are only permitted in a C-3 Zoned District.

1. No multiple-message sign may change its message or copy, or any pictures or images that are part of the message, more frequently than once every ten (10) seconds.
2. When the message of a multiple-message sign is changed mechanically, it shall be accomplished in three (3) seconds or less. When the message of a multiple-message sign is changed in an electronic manner, through the use of light emitting diodes, backlighting or other light source, the transition shall occur within one-half (1/2) second.
3. When multiple-message sign is located within one hundred fifty (150) feet of any residentially zoned district, the display of the multiple messages shall discontinue between the hours of 10:00 p.m. and 6:00 a.m. and the sign shall be static and not display more than one (1) multiple-message sign per lot, and said sign shall be permitted only on a ground sign or freestanding structure, and not on any wall sign or window sign.

Section 2. That Article IV, Section 4.33 of the Zoning Ordinance of the City of Moultrie, Georgia be amended by adding thereto a new sub-section within section 4.33v to read as follows:

TABLE 4.33-1 PERMITTED SIGNS BY TYPE AND ZONING DISTRICT
N= not permitted, E= permitted in compliance with these regulations, no permit required,
P= permitted in compliance with these regulations, permit required

SIGN TYPE	ZONING DISTRICT			
	R-1A, R-1B, R-1C, R-2, R-3, R-4, R-CD, R-PUD, R-TH, AG-1	C-1, C-1R, C-1T, C-2, C-2R, C-3, C-3R, C-4, C-PUD	M-1, M-1S, M-2	MUD
Freestanding Signs				
Residential	E	E ¹	E ¹	E ¹
Directional, address	P ²	E	E	E
Banner	N	E	E	E
Flags	N	E	E	E
Pole / Pylon Attached Product	N	E	N	N
Point of Sale Signs				
Outdoor Advertising (Off-premise)	N	N	P	N
Other	P	P	P	P
Building Signs				
Residential	E	E ¹	E ¹	E ¹
Directional, address	P ²	E	E	P
Awning	N	P	P	P
Banner	N	P	P	N
Canopy	N	P	P	P
Cornerstone	E	E	E	P
Nameplate	E	E	E	P
Projecting	N	P	P	P
Roof	N	N	N	N
Suspended	N	P	P	P
Wall	P ²	P	P	P
Window	N	P	P	E
Flags	N	E	N	P
Temporary Signs				
Construction	E ²	E	E	E
Portable	E	P	P	P
Sandwich	N	P	P	P

¹ – Permitted so non-conforming residential structures can replace existing signs and residential structures on non-residential premises. ² – Not permitted for single or two family dwellings, but permitted for multiple dwelling, multi-family, condominium, and townhouse structures, churches, schools, and similar uses where permitted in these zoning districts.

TABLE 4.33-2 MAXIMUM NUMBER OF SIGNS BY TYPE AND ZONING DISTRICT

N= not permitted, NL= no limit

SIGN TYPE	ZONING DISTRICT			
	R-1A, R-1B, R-1C, R-2, R-3, R-4, R-CD, R-PUD, R-TH, AG-1	C-1, C-1R, C-1T, C-2, C-2R, C-3, C-3R, C-4, C-PUD	M-1, M-1S, M-2	MUD
Freestanding Signs				
Residential	1	1	1	1
Directional, address	NL	NL	NL	NL Onsite, 1 Off-site
Banner	N	See Section 4.32(l)	See Section 4.32(l)	See Section 4.32(l)
Flags	N	1 Flag every 25 feet	N	1 Flag every 100 feet
Pole / Pylon Attached Product Point of Sale Signs	N	2 per Commercial Center 0-.5 Acres	N	N
		3 per Commercial Center .51-1 Acres		
		4 per Commercial Center 1.01 or greater Acres		
Outdoor Advertising (Off-premise) (signs per lineal feet) ¹	N	N	1:600	N
Other (signs per lineal feet of street frontage) ¹	N	1:200	1:200	1:200
Building Signs				
Residential	1	1	1	1
Directional, address	NL	NL	NL	NL
Awning	N	NL	NL	NL
Banner	N	See Section 4.32(l)	See Section 4.32(l)	See Section 4.32(l)
Canopy	N	NL	NL	NL
Cornerstone	1	1	1	1
Nameplate	1	1	1	1
Projecting (signs per street frontage)	N	1	1	1
Roof	N	N	N	N
Suspended (per principal business entrance)	N	1	1	1
Wall	1 ²	NL ³	NL ³	NL ³

SIGN TYPE	ZONING DISTRICT			
	R-1A, R-1B, R-1C, R-2, R-3, R-4, R-CD, R-PUD, R-TH, AG-1	C-1, C-1R, C-1T, C-2, C-2R, C-3, C-3R, C-4, C-PUD	M-1, M-1S, M-2	MUD
Window	N	NL	NL	NL
Flags	1	N	1	P
Temporary Signs				
Construction	1 ²	1	1	1
Portable (signs per lineal feet of street frontage) ¹	1:50	1:200	1:200	1:200
Sandwich	N	1	1	1

¹ – A full increment, i.e. an additional 200 feet, is required for each additional sign. ² – Not permitted for single or two family dwellings, but permitted for multiple dwelling, multi-family, condominium, and townhouse structures, churches, schools, and similar uses where permitted in these zoning districts. ³ – The number of signs is not limited, but the size of individual signs and the total coverage of all signs are limited. See Tables 4.32-3 and 4.32-4.

TABLE 4.33-3 MAXIMUM SIZE OF INDIVIDUAL SIGNS BY TYPE AND ZONING DISTRICT
N= not permitted. ALL NUMBERS IN SQUARE FEET UNLESS OTHERWISE INDICATED

SIGN TYPE	ZONING DISTRICT			
	R-1A, R-1B, R-1C, R-2, R-3, R-4, R-CD, R-PUD, R-TH, AG-1	C-1, C-1R, C-1T, C-2, C-2R, C-3, C-3R, C-4, C-PUD	M-1, M-1S, M-2	MUD
Freestanding Signs				
Residential	4	4	4	4
Directional, address	4	6	6	6
Banner	N	120	60	N
Flags	N	20	N	20
Pole / Pylon Attached Product	N	10	N	10
Point of Sale Signs				
Other	N	120	120	1-200 linear ft. of frontage – 50 sq. ft./side 200-300 linear ft. of frontage – 75 sq. ft./side Over 300 – 100 sq. ft./side
Building Signs				
Residential	4	4	4	4
Directional, address	4	6	6	6
Awning (% of surface)	N	40%	40%	40%
Banner	N	120	60	N
Canopy (% of surface)	N	25%	25%	25%
Cornerstone	4	4	4	4
Nameplate	4	4	4	4
Projecting (signs per street frontage)	N	60	60	24
Roof	N	N	N	N
Suspended (per principal business entrance)	N	6	6	6
Wall for building façade <5,000 (sq ft or % of façade, whichever is less)	48/10%	200/15%	200/15%	60/15%

SIGN TYPE	ZONING DISTRICT			
	R-1A, R-1B, R-1C, R-2, R-3, R-4, R-CD, R-PUD, R-TH, AG-1 <u>AMENDMENT</u>	C-1, C-1R, C-1T, C-2, C-2R, C-3, C-3R, C-4, C-PUD <u>Ordinance #927</u>	M-1, M-1S, M-2 <u>Effective 10/5/04</u>	MUD
Wall for building >5,000 (% of façade)	N/A	7%	7%	5%
Window	N	No one window may be covered in excess of 30%.	NL	No one window may be covered in excess of 30%.
Flags	N	20	N	20
Temporary Signs				
Construction	8	32	32	32
Portable	8	64	64	32
Sandwich	N	8	8	8

TABLE 4.33-4 MAXIMUM TOTAL AREA OF ALL SIGNS BY ZONING DISTRICT

SIGN TYPE	ZONING DISTRICT			
	R-1A, R-1B, R-1C, R-2, R-3, R-4, R-CD, R-PUD, R-TH, AG-1	C-1, C-1R, C-1T, C-2, C-2R, C-3, C-3R, C-4, C-PUD	M-1, M-1S, M-2	MUD
MAXIMUM TOTAL AREA OF SIGNS (Excluding permitted directional, address; cornerstone, window, and temporary signs)				
Residential	4 sq. ft.	4 sq. ft.	4 sq. ft.	4 sq. ft.
Signs with conditions for multiple dwelling, multi-family, condominium, and townhouse structures, churches, schools, and similar uses where permitted in these zoning districts.	10%	10%	N/A	10%
Commercial and industrial developments – as a percentage of the principal building(s) facing the street(s)	10%	15%	15%	10%

Section 4.34. RADIO, TELEVISION OWNERS. All commercial radio, television and other transmitting or relay antenna towers shall be permitted in any business, commercial, or industrial district which has access upon a major thoroughfare. The structural plans for such towers must be approved by the City Engineering Department and a permit issued.

Section 4.35. SITE DEVELOPMENT PLAN. (Ordinance #149, Adopted 4/2/74). Prior to an amendment to the Zoning Map of the City of Moultrie, upon the request of an owner to prospective developer concerning all zones except R-1A, R-1B, R-PUD, and C-PUD, the applicant for the proposed amendment shall present to the Planning Commission a site development plan. Before approval or denial of such proposed amendment, the Planning Commission shall review the site development plan for compatibility with requirements of this Ordinance and may impose other special requirements on the plan it deems necessary in order to properly evaluate the proposed amendment. As a minimum, the Planning Commission may require the following to be shown on the plan:

- a. The title under which the proposed development is to be recorded along with the present name of the owner.
- b. A topographic map showing the general location of existing property lines, streets, alleys, buildings, easements, water bodies, and other physical site features which relate to the development.
- c. The proposed method of water supply, sewage disposal, and storm drainage.
- d. All proposed uses of the property to be developed, including proposed locations of structures, streets, and refuse areas.
- e. Date, North Point, Scale.

In the event of action on the request by the Planning Commission, subsequent approval thereof by the Mayor and Council shall constitute rezoning for such planned use only.

Section 4.36. Any building or manufactured building that is built for use in the City of Moultrie, Georgia, shall conform to the requirements of the latest edition and amendments of the “Southern Standard Building Code” and the “National Electrical Code.”

Section 4.37. SATELLITE RECEIVING ANTENNA.

- a. Satellite Receiving Antenna shall be allowed in all zones.
- b. In all Residential Zones, R-PUD and AG-1 zones the following requirements will apply:

1. Antenna will be erected in a rear yard and the setback requirements from the property line will be the same, as those required of an accessory building.
2. Location of the antenna must be approved by the Building Inspection Department before installation can begin.
- c. In all other zoning districts, antenna will be so placed as not to create a hazard to traffic or public utilities.
- d. A property owner who has in place a non-conforming antenna at the effective date of this Ordinance may continue to maintain the antenna.

Section 4.38. BED AND BREAKFAST HOMESTAYS.

(Amended/Adopted by Council November 2, 2010—Ordinance #2010-88).

It is the purpose and intent of the Mayor and Council that any Bed and Breakfast Homestay accommodations differ from apartments, apartment houses, lodging houses, boarding houses and rooming houses in that they are truly transient accommodations, with guests rarely staying more than a few days and enjoying at least a morning meal on the premises. In addition, the owner or manager of a Bed and Breakfast Homestay must live on the immediate premises and must be present at all times guests are registered thereat or present on the premises. The impact of a Bed and Breakfast Homestay will not be much greater than that of a private home with frequent house guests, with the exception of the parking demand.

a. Bed and Breakfast Homestays may only be permitted as a conditional use granted to the owner(s) thereof upon approval by the Planning Commission after application by the owner(s) or potential purchaser pursuant to a written contract of the premises proposed for use as such and the holding of a public hearing and the subsequent approval by the Mayor and Council upon finding that:

- (1) The proposed use will not be contrary to the purpose of this ordinance;
- (2) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood and will not effect adversely the health, peace, enjoyment and safety of area residents and businesses;
- (3) The proposed use will not constitute a nuisance or hazard because of the number of persons using the facility, vehicular movement, noise or fume generation, or the type of activity;
- (4) The proposed use will not affect adversely the existing use(s) and the proposed use will be on a lot of sufficient size to satisfy the space requirements for said use;
- (5) All required parking, development, building, and safety standards will be met at all times. All parking will be on the premises or immediately adjacent thereto. There will be only one parking space per guestroom plus one additional space to be utilized by the owner or agent thereof. The owner

or manager will at all times be domiciled on the premises and a resident thereof. Further, the size and location of proposed parking areas will not have an adverse impact on adjacent properties or the surrounding neighborhood;

(6) No existing structures, which contribute to the character of the premises or neighborhood, will be removed in order to provide the required parking;

(7) The proposed number of rooms to be utilized for visitors in the structure will be compatible with the surrounding land area and is reasonable with respect to the size of the structure and the size of the lot on which the structure is located;

(8) The Bed and Breakfast Homestay will be located in a structure or in a combination of structures on a single lot which was originally constructed for use by a single-family or an inn and which has a minimum heated floor area of 2,500 square feet. The addition of fire escapes, handicap ramps, and wider doorways may be permitted in order to meet building codes. All modifications made will be in keeping with the exterior architectural detailing of the structure. Alterations, which return the structure to its original appearance, may be permitted;

(9) Only one exterior sign not exceeding 8 square feet in area will be used;

(10) Breakfast will be served and individual guestrooms shall not contain cooking facilities. Lunch and/or dinner may also be served. All meals shall be served on the premises;

(11) Alcoholic beverages will not be sold, provided, dispensed, possessed or made available, by or to the owner, manager, any agent thereof or any guest except in compliance with all federal, state, and local laws and regulations; and,

(12) All Bed and Breakfast Homestays will be subject to and comply with the hotel/motel tax of the City of Moultrie.

b. Required registration and reporting forms shall be obtained from the City of Moultrie.

c. In addition to all other requirements and restrictions set forth herein, the Mayor and Council may impose such additional restrictions and require such additional standards as it deems necessary to protect the health, peace, enjoyment and safety of residents and businesses in the area and to protect the value and use of properties in the general neighborhood.

d. Whenever the Mayor and Council find that the holder of any permit granted hereunder is not complying with any term, condition, or restriction under which the permit was granted, it may revoke such permit after giving due notice to all parties concerned and granting full opportunity for a hearing.

e. A conditional use permit issued pursuant to this section shall only be to the applicant(s) at the time of application and shall be non-transferable, non-assignable, non-delegable or alienable.

f. A permit issued pursuant to this section shall be void and not subject to reinstatement except by new application at such time as the holder(s) thereof:

(1) Fail(s) to report or pay for the purposes of hotel/motel taxation for any period such that said reporting or payment is more than fifteen (15) days past due;

(2) Ceases to operate as a Bed and Breakfast Homestay for a period of six consecutive calendar months, or any portion thereof;

(3) Voluntarily surrenders the permit issued;

(4) Fails to hold or renew any other license or permit required;

(5) Elects in writing to be released from any term, condition or restriction required in the permit or any other requirement of a Bed and Breakfast Homestay; or,

(6) Ceases to have an ownership interest in the property upon which the Bed and Breakfast Homestay is located.

g. No entity shall advertise in any form or media, or promote, refer to, designate or utilize the term "Bed and Breakfast" unless such entity holds a valid permit pursuant to this section.

h. No activities or may be conducted on the premises unless all the premises and activity is in compliance with all other federal, state and local laws, rules, regulations, and zoning requirements and all appropriate licenses and permits are issued and maintained.

i. In the event additional activities or special events are permitted pursuant to preceding subsection (h) they shall be subject to the following restrictions:

(1) Hours shall be limited to the following hours:

i. 8:00 a.m. to 10:00 p.m. each day, Monday through Thursday;

ii. 8:00 a.m. to 11:30 p.m. each day, Friday through Saturday;

iii. 8:00 a.m. to 8:00 p.m. Sunday; and,

iv. 8:00 a.m. New Years Eve to 1:00 a.m. New Years Day;

(2) At least one off-duty law enforcement officer must be present for traffic and crowd control for up to each seventy five (75) persons present on the premises; and,

(3) The number of persons present on the premises remains in compliance with all federal, state, and local rules, laws, regulations and fire and safety codes at all times;

j. Any violation of the provisions of this article regarding Bed and Breakfast Homestays, or any other violation of any ordinance contained in this Code relating to Bed and Breakfast Homestays shall be a misdemeanor. In addition thereto, any such violation shall be cause for revocation or nonrenewal of any business license issued thereto.”

ARTICLE V

NON-CONFORMING BUILDINGS AND USES

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

Section 5.01. CERTIFICATE OF OCCUPANCY. At any time after the adoption of this Ordinance, should the City become aware of a non-conforming use, the owner of said non-conforming use shall be notified by the Building Inspector of the provisions of this Section, and that his property constitutes a non-conforming use.

Section 5.02. NON-CONFORMING USE OF LAND, CONTINUATION OF USE. The non-conforming use of land, where no building or structure is involved, which exists when this Ordinance becomes effective, may be continued provided that:

- a. No such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property.
- b. If such non-conforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this Ordinance.
- c. Any sign, billboard, commercial advertising structure, or similar object which lawfully existed and was maintained at the time of this Ordinance became effective may be continued, although such use does not conform with the provisions of this Ordinance; provided further, that all such non-conforming signs, billboards, commercial outdoor advertising structures and objects, and their supporting members located in R-1, R-2, and R-3 Districts, shall be completely removed from the premises within ten (10) years of the passage of this Ordinance or amendments thereto.

Section 5.03. CHANGE. A non-conforming use may be changed to another non-conforming use of the same or greater restrictions provided no structural changes are made in the building. Whenever a non-conforming use has been changed to a

conforming use, or to use a permitted in a district of greater restriction, it shall not thereafter be changed to non-conforming use.

Section 5.04. EXTENSION PROHIBITED. A non-conforming use may not be extended throughout other portions of the building. If such non-conforming use or portion thereof is discontinued or changed to a conforming use, any future use of such building or portion thereof shall be in conformity to the regulations of the district in which such building is located.

Section 5.05. MOVING. No non-conforming use or non-conforming building may be removed to any other part of a parcel of land upon which same was conducted at the time of the adoption of this Ordinance.

Section 5.06. ALTERATIONS. No building which houses a non-conforming use shall be enlarged or structurally altered, except to make it comply with requirements of health and safety laws and ordinances; provided further, that the cost of such work shall not exceed fifty (50%) percent of the market value of such building or structure at the time such work is done.

Section 5.07. RESTORATION. Any building which houses a non-conforming use which has been destroyed or damaged by fire, explosion, Act of God, or by public enemy to the extent of fifty (50%) percent of its market value-exclusive of the foundation at the time such damage occurred- shall thereafter be made to conform with the provisions of this Ordinance. If such damage is less than fifty (50%) percent of its market value before said damage occurred, exclusive of the foundation, then such structure may be restored to the same non-conforming use as existed before such damage, provided that such restoration shall be subject to the approval of the Board of Zoning Appeals. Said restoration shall be commenced within one (1) year of the date of such partial destruction and shall be diligently carried on to completion.

Section 5.08. DISCONTINUANCE OF ABANDONMENT. Any non-conforming use of land or building which has become vacant or remains unoccupied owing to abandonment or discontinuance for a period of twelve (12) months shall thereafter conform to the provisions of this Ordinance.

Section 5.09. NON-CONFORMING USES—RECORD OF. Within twelve (12) after the adoption of this Ordinance, the Building Inspector shall prepare a record of all known non-conforming uses and occupations of land, buildings, and a structure, including tents and trailer coaches, existing at the time of such ordinance or amendment. Any amendments to said ordinance shall follow the same procedure. Such records shall contain the names and addresses of the owners of record of non-conforming use of any occupant, other than the owner; the legal description of the land, and the nature and extent of use. Such list shall be available at all times in the Office of the City Clerk.

Section 5.10. CHANGE OF TENANCY OR OWNERSHIP. There may be a change in tenancy, ownership, or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.

Section 5.11. REMOVAL OF NON-CONFORMING USE, BUILDING OR STRUCTURE. The Planning Commission may, from time to time, recommend to the City Council the acquisition of such private property as does not conform in use or structure to the regulations of the various districts defined in this Ordinance; and the removal of such use or structure.

The Planning Commission shall submit its reasons and estimates of cost and expenses of such acquisition and the removal of the non-conformity, and of the probable resale price of the property to be acquired after removal of the non-conformity as obtained from the appropriate City department, Board or Commission. The Planning Commission shall recommend that portion of the difference between the estimated cost of acquisition and removal of the non-conformity, and the probable resale price which, in their opinion, should be assessed against a benefited district.

Whenever the City Council has under advisement the acquisition by purchase, condemnation or otherwise as provided by law of any such non-conforming building, structure or use, a preliminary public hearing thereon shall be held before that body; provided that not less than fifteen (15) days notice of time, place, and purpose of such public hearing shall first be published in a paper circulating in the City of Moultrie and that the City Clerk shall send by mail addressed to the respective owners of any such properties at the addresses given in the last assessment roll, a written notice of the time, place, and purpose of such hearing; and provide further that, if the cost and expense of any portion thereof is to be assessed to special district, the City Assessor shall be directed to furnish the City Council with tentative special assessment district and the tentative plan of assessment; the names of the respective owner of the property in such district, and the addresses thereof in the last assessment roll. The City Clerk shall also send to the said respective owner the tentative assessment.

Wherever the City Council, after such public hearing, shall declare by resolution that proceedings be instituted for the acquisition of any non-conforming building, structure or use in accordance with the laws of the State of Georgia, and the Charter of the ordinances of the City of Moultrie, the City Clerk shall send by registered mail a certified copy of such resolution to the respective owners of the properties and to the owners of the properties in any special district at the addresses given in the last assessment roll.

Upon the passing of title in the private property so acquired to the City of Moultrie, the City Council shall cause the discontinuance or removal of the non-conforming structure. The City Council shall thereafter order such property sold or otherwise disposed of, but only for a conforming use. The City Council shall confirm the cost and expense of such project and report any assessable cost to the City Assessor who shall then prepare an assessment roll in the manner provided for in the Charter and the ordinance of the City of

Moultrie. Such an assessment roll may, in the discretion of the City Council, be in one or more, but not to exceed five (5), annual installments.

Section 5.12. Classification B-1, B-2, B-3, and B-4 shown on the Zoning Map dated August 24, 1971, should be referred to as C-1, C-2, C-3, and F-1 referred to as AG-1 under this Ordinance.

ARTICLE VI

PARKING AND LOADING REQUIREMENTS

Section 6.01. PARKING REQUIREMENTS. In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space 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 provide elsewhere in conformance with this Ordinance. The owner or owners of a building, structure or other land use requiring off-street parking space must show, to the satisfaction of the Building Inspector, 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 for a period of not less than twenty-five (25) years.

- a. **Area for Parking Space.** For the purpose of this section, three hundred (300) square feet of usable lot area shall be deemed a parking space for one (1) vehicle, including access aisle, except that one hundred eighty (180) square feet of lot area which has a direct means of ingress or egress from an alley or street may also be deemed a parking space.
- b. **Fractional Requirements.** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including one-half shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
- c. **Loading Space Limitations.** Loading space as required in Section 6.03 shall not be construed as supplying off-street parking space.
- d. **Location of Parking Space for One and Two Family Dwellings.** The off-street parking facilities required for one and two family dwellings shall be located on same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.
- e. **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 five hundred (500) feet of the permitted use requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.
- f. **Usable Floor Area.** For the purpose of this section, usable floor area in the case of offices, merchandising, or service types of uses, shall mean the gross floor area used or intended to be used by customers, patrons, clients, patients, owners, and tenants, les than twenty (20%) percent thereof.

- g. **Seating Capacity for Seats.** As used in this Article for parking requirements, shall mean that each twenty (20) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Building Inspector specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.
- h. **Bed.** Whenever the term “Bed” is herein referred to, it shall mean such beds as are occupied by the patients or guest of the hospital or building in question, provided, however, that bassinets and incubators shall not be counted as beds.
- i. **Similar Uses and Requirements.** In the case of a use not specifically mentioned, the requirements for off-street parking facilities for use which is so mentioned, and which said use is similar, shall apply.
- j. **Existing Off-Street Parking at Effective Date of Ordinance.** Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size less than that required under the terms of this Ordinance.
- k. **Collective Provisions.** Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table under Section 6.01, 1.
- l. **Table of Off-Street Parking Requirements.** The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this Section.

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows:
1. Business or Professional Offices of Lawyers, Architects, Engineers, or similar Allied Professions	1	Two hundred (200) square feet of usable floor area
2. Banks	2	Two Hundred (200) square feet of usable floor area
3. Barber Shops	2	Each barber
4. Beauty Parlor	3	Each beauty shop operator

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows:
5. Bowling Alleys	8	Each bowling lane plus required parking for any bar, restaurant, or assembly space attached to a bowling alley
6. Churches	1	Four (4) seats based on maximum seating capacity in the main place of assembly therein.
7. Dance Halls, Exhibition Halls, Pool and Billiard Halls, Skating Rinks, Lodge Halls, And Assembly Halls without fixed seats	1	Forty (40) square feet of usable floor space with a minimum of ten (10) parking spaces
8. Drive-In Banks	3	Each teller window
9. Drive-In Eating Establishment	1	Twenty-five (25) square feet of usable floor space with a minimum of forty (40) spaces parking
10. Elementary Schools, Junior High Schools	1	Two (2) teachers, employees, or administrators in addition to the requirements of the auditorium or assembly hall
11. Establishment other than Drive-In establishments for sale or consumption on the premises of beverages, food, or refreshments	1	One hundred (100) square feet of usable floor area
12. Furniture and appliance, household equipment repair shops, showroom of a plumber, decorator, electrician or similar trade; clothing and shoe repair, laundry, motor vehicle salesroom,	1	Eight hundred (800) square feet of usable floor area, exclusive of the usable floor area occupied in processing or manufacturing (for which requirements see industrial establishments below)

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows:
hardware stores, wholesale stores, and machinery sales		
13. Hospitals	1.5	Each bed
14. Hotels & Motels, excluding restaurants, Assembly rooms, Service Establishments, and retail stores	1	Guest bedroom
15. Industrial establishments,, including manufacturing research and testing laboratories, creameries, bottling works, printing, plumbing, or electrical workshops, warehouses, and storage buildings	1	Two (2) employees computed on the basis of the greatest number of persons employed at any one period during the day or night
16. Laundromat and/or Dry Cleaning Center	1	Each combination of washer- dryer machine plus one (1) space
17. Libraries and Museums	1	Two hundred (200) square feet of floor space
18. Mortuary Establishments, Funeral Homes	1	Seventy-five (75) square feet of floor space in the slumber rooms, parlors, or individual funeral service rooms. The requirements for the Chapel are the same as those for a church
19. Motor Vehicle Car Wash a. Self-service operation	4	Each motor vehicle wash establishment. In addition, off- street automobile waiting spaces shall be in accordance with Section 6.04
b. Other than self service operation	4	Car wash establishment for employee parking, in addition,

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows:
		off-street automobile waiting spaces shall be in accordance with Section 6.04
20. Fraternities, dormitories	1	Two (2) beds
21. Professional offices of Doctors, Dentists	1	One hundred (100) square feet of usable floor area
22. Residential-Single or Two Family Dwelling	1	Dwelling unit
23. Residential-Multiple Dwelling	3	Every two (2) dwelling units
24. Retail store, except as otherwise specified herein	1	One hundred fifty (150) square feet of usable floor space
25. Sanitariums, convents, homes for the aged, convalescent homes, children's homes	1	Two (2) beds
26. Senior High Schools	1	Each teacher, employee, or administrator in addition to the requirements of the auditorium or assembly. If no auditorium or assembly increase to 3 for each 2 teachers.
27. Stadiums and Sports Arenas	1	Four (4) feet over seven (7) feet of benches
28. Tourist Home	1	Guest bedroom
29. Automobile Service Stations	4	Each station plus one (1) additional space for each gasoline pump above three
30. Service garages, Auto Sales Rooms, Auto Repair, Collision or buffing shops	1	Eight hundred (800) square feet of usable floor area plus one (1) space for each two (2) employees computed on the

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows:
31. Shopping Center in C-PUD Districts or other Commercial Areas (if over 35,000 square feet of gross floor area)	1	basis of the maximum number of employees on duty at any one time, plus one (1) space for each of the maximum number of salesman on duty at any one time
Shopping Center in C-PUD Districts or other commercial areas (if 35,000 square feet or less of gross floor area)	1	200 square feet of gross floor area
Shopping Center in C-PUD Districts or other commercial areas (if 35,000 square feet or less of gross floor area)	1	235 square feet of gross floor area

m. **Joint Use.** Parking spaces already provided to meet off-street parking requirements for theaters, stadiums, auditoriums, and other places of public assembly, stores, office buildings and industrial establishments lying within fifteen hundred (1,500) feet of a church as measured along lines of public access, and that are not normally use between the hours of 6:00 a.m. and 6:00 p.m. on Sundays, and are made available for other parking, may be used to meet not more than seventy-five (75%) percent of the off-street parking requirements of a church.

n. **Housing for the Elderly Parking Requirements.** Amount of required parking shall be a minimum of one (1) space per unit; applicable only in the downtown commercial district as shown on the City’s Comprehensive Zoning Map and defined by the City Planning Commission.

Section 6.02. OFF-STREET PARKING DEVELOPMENT REGULATIONS. All parking lots established in the Off-Street Parking Districts A, B, and C shall be subject to the following general requirements:

1. The construction of any parking lot shall be in accordance with the requirements of the Building Code and provisions of this Ordinance and such construction shall be completed and approved by the Building Department and the Engineering Department before actual use of the property as a parking lot. Plans for the development of any parking lot must be submitted

in triplicate to the Building Department prepared at a scale not less than fifty (50) feet equals one (1) inch and indicating existing and proposed grades, drainage, water mains, and sewers, surfacing, and basement materials to be used and the general layout of the proposed parking lot. The plans are to be prepared in a presentable form by person or persons competent in such work.

2. All such parking lots shall be hard surfaced with a pavement having an asphalt or concrete binder, and shall be graded and drained to dispose of surface water, which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain in to adjoining private property.
3. All illumination for or on such parking lots shall be deflected away from adjacent residential areas and shall be installed in such a manner as to allow the reduction of the amount of light in other normal parking hours each day. The source of illumination in all parking lots abutting a residential area shall not be more than thirteen (13) feet above the parking lot surface.
4. Side yards shall be maintained for a surface not less than six (6) feet between the side lot lines of the adjoining residential lots and the parking area. The depth of the front yard or setback line from the street as established for houses in any block in any given residential area shall be continued and made applicable to parking space in such residential area and it shall be unlawful to use the space between such setback line and the sidewalk for the parking of motor vehicles; provided, however, that the barrier specified in Section 6.02 (5) below, shall be located in the setback line as herein required.
5. Whenever such parking area joins residential property and/or a residential street or alley, a protected wall shall be erected and maintained between the required yard space and the area to be used for parking in accordance with Section 4.29. Location of said wall facing a residential street shall be determined with such regard to side yard and building setback requirements adjoining the residential district as may required in the particular commercial, office or industrial zoning district. The said wall shall be constructed in such a manner that the first twelve (12) feet, starting at the street, shall be two (2) feet in height, the second twelve (12) feet back from the street will be four (4) feet in height, and the balance shall be six (6) feet as indicated above. Bumper guards of a type described in Section 6.02 (6) below shall be provided to prevent vehicles said wall or shrubbery.
6. In all cases where such parking lots abut public sidewalks, concrete curbing, at least six (6) inches high, set end to end, shall be placed so that a motor vehicle cannot be driven or parked with any part thereon extending within two (2) feet of a public sidewalk. In all cases where necessary for the protection of the public and the adjoining properties, streets, and sidewalks, curbs as described above, shall be installed.

7. Adequate means of ingress and egress shall be provided and shown on the plan submitted. Minimum shall be fifteen (15) feet wide for one way and 24 feet wide for two-way traffic.
8. Where street setback lines are provided, by ordinance or establish through the adoption of a Street or Traffic Plan, such setback lines shall be maintained.
9. All land between the boundaries of the parking lot and the barriers referred to in this Section, as well as the surface of the parking lot area, shall be kept free from tall grass, weeds, rubbish, refuse and debris, and shall be landscaped to conform with the neighborhood.
10. No repairs or service to vehicles and no display of vehicles for purpose of sale shall be carried on or permitted on such premises.

Section 6.03. 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 adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets and alleys.

Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten (10) feet by fifty (50) feet, within fifteen (15) foot height clearance, and shall be provided according to the following schedule:

Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in Terms of Square Feet of Usable Floor Area
0 - 2,000	NONE
2,000 – 5,000	One (1) Space
5,000 – 20,000	One (1) Space plus one (1) space for each 20,000square feet in excess of 20,000 square feet
20,000 – 100,000	Four (4) spaces plus one (1) for each 20,000 square feet in excess of 20,000 square feet

Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in Terms of Square Feet of Usable Floor Area
100,000 – 500,000	Five (5) spaces plus one (1) space for each 40,000 square feet in excess of 100,000 square feet
Over 500,000	Fifteen (15) spaces plus one (1) space for each 80,000 square feet in excess of 500,000 square feet

Section 6.04. OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES. On the same premises with every building, structure, or part thereof erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement where the automobile engine is not turned off, there shall be provided three (3) off-street waiting spaces for each service window.

An off-street waiting space is defined as an area nine (9) feet wide by eighteen (18) feet long.

Self-service motor vehicle car wash establishments shall provide four (4) off-street waiting spaces for each washing stall. Motor vehicle car wash establishments, other than self-service, shall provide twenty-five (25)-waiting spaces for each washing stall. A drying lane fifty (50) feet long shall also be provided at the exit of each washing stall in order to prevent undue amounts of water from collecting on the public street and thereby creating a traffic hazard.

ARTICLE VII

R-1A, R-1B, AND R-1C SINGLE FAMILY RESIDENTIAL DISTRICTS

“Section 7.01. STATEMENT OF PURPOSE. The Single Family Residential District is established as a district in which the principal use of land is for single family dwellings. In promoting the general purpose of this Ordinance, the specific intent of this Section is:

- a. To encourage the construction of, and the use of land for, single-family dwellings.
- b. To prohibit business, commercial, or industrial uses of the land, and to prohibit any other uses which would substantially interfere with development or maintenance of single family dwellings.
- c. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.
- d. To discourage any land use which would generate traffic on minor or local streets, other than normal traffic associated with serving the residences on those streets.
- e. To discourage any use which, because of its character or size, would create requirements, costs for public services such as fire and police protection, water supply, and sewage, substantially in excess of normal requirements, and costs if developed solely for single family dwellings.
- f. To permit the continuation of agricultural uses of open lands in such a manner that their future use, as desirable residential areas, will be guaranteed.”

Ordinance #2007-14 Amendment 7/24/07

Section 7.02. PERMITTED USES.

- a. Single family detached dwellings.
- b. Churches and other facilities normally incidental thereto, provided that there is adequate access to all required off-street parking areas and that there is no parking in the required front yard.

Board of Appeals may on a proper application grant a variance from such requirements for reasons and in circumstances provided by general state law. (Note: This paragraph was amended by Ordinance #143, adopted 2/19/74)

- c. Public, parochial and private kindergarten, elementary, intermediate and/or high schools offering courses in general education, not operated for profit.
- d. Publicly owned and operated buildings, libraries, parks, parkways and recreational facilities.
- e. Public hospitals, but not including institutions for the care of the feeble-minded or insane, provided that the hospital is adjacent to a major or secondary thoroughfare as defined on the City's Comprehensive Development Plan.
- f. Nursery schools, day nurseries, and child care centers; provided that for each child so cared for, there is provided and maintained a minimum of one hundred (100) square feet of outdoor play area. Such play area shall have a total minimum area of at least one thousand (1,000) square feet.
- g. Private non-commercial recreational areas.
- h. Municipal buildings and uses.
- i. Public utility buildings, telephone exchange buildings, electric transformer stations, and sub-stations, and gas regulator stations, but not including service or storage yard, when operating requirements necessitate the locating within the district in order to serve the immediate vicinity.
- j. Temporary buildings for use incidental to construction work for a period not to exceed one (1) year, subject to renewal.
- k. 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. One (1) private garage for each residential lot in which there are housed not more than four (4) automobiles, not more than one (1) of which may be a commercial vehicle not larger than a regularly manufactured pick-up or panel truck of 7,500 lbs. gross vehicle weight capacity, which shall be housed within a garage and provided said commercial vehicle is owned and operated by a member of a family which resides in said living unit.

Provided further, that all accessory buildings shall conform and be located as required in Section 4.16.

- l. Home occupations as limited and defined in ARTICLE II.
- m. Off-street parking and loading in accordance with the requirements of ARTICLE VI of this Ordinance.
- n. Residential Planned Unit Development, in accordance with the provisions of ARTICLE X.

Section 7.03. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.
(In accordance with the attached Schedule of Regulations, ARTICLE XVIII).

ARTICLE VIII

R-2, TWO-FAMILY RESIDENTIAL DISTRICT

Section 8.01. STATEMENT OF PURPOSE. The Two Family Residential District is established as a district in which the principal use of land is for single and two family dwellings based upon a plan to make the most appropriate use of scattered parcels of land within neighborhood or on major thoroughfares. The specific intent of this Article is to insure that only such residential uses as can be properly designed and built will be allowed in this district, so as not to over-crowd the land, cause parking or traffic congestion, or to have injurious effects on adjacent single family residential property.

Section 8.02. PERMITTED USES. In all R-2 Districts, no building or land, except as otherwise provided in this Ordinance, shall be erected or used except for one or more of the following specified uses:

- a. Any use permitted in the R-1A and R-1B, Single Family Residential District, as enumerated in Section 7.02 of this Ordinance.
- b. Two-Family Dwellings
- c. Off-Street parking and loading in accordance with the requirements of ARTICLE VI of this Ordinance.
- d. Residential Planned Unit Development, in accordance with the provisions of ARTICLE X.

Section 8.03. USES PERMITTED AFTER SPECIAL APPROVAL OF PLANNING COMMISSION.

- a. Professional Offices to include the following occupations: Dentists, attorneys, accountants, architects, engineers, doctors, and other related medical facilities not including veterinarians.
- b. Office uses resulting from any of the following occupations: Executive, administrative, accounting, insurance, realty, clerical, stenographic and drafting. The above uses shall not be construed to eliminate the offices of recognized manufacturer's agents. There shall be no accessory structures permitted.

Section 8.04. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS. (In accordance with the attached Schedule of Regulations, ARTICLE XVIII).

ARTICLE IX

R-3, MULTIPLE DWELLING RESIDENTIAL DISTRICT

Section 9.01. STATEMENT OF PURPOSE. The R-3, Multiple dwelling Residential District is designed to permit residential use of land with various types of multiple dwellings and related uses. This area would be located near major streets for good accessibility and to be designed to complement adjacent single family areas. Various types and sizes of residential accommodations for ownership or rental, would thereby be provided to meet the needs of the different age and family groups in the community without over-taxing existing community facilities, utilities, or services.

Section 9.02. PERMITTED USES. In all R-3 Districts, no building or land, except as otherwise provided in this Ordinance, shall be erected or used except for more than one of the following specified uses:

- a. All uses permitted in R-2 District, subject to all requirements for such uses in zoning districts where first permitted.
- b. Multiple Dwellings, including apartment houses, row or town house dwellings, provided that in any multiple dwelling structure, no more than ten (10%) percent of the dwelling units may be efficiency units, and further provided that in no case may the density of such multiple dwellings exceed 13.5 dwelling units per dwelling units per acre not with-standing any other provisions of this Ordinance. (NOTE: This paragraph amended by Ordinance #143, adopted 2/19/74.)
- c. Special Approval: Hospitals, sanitariums, rest rooms, residences for aged persons and orphanages subject to the following requirements:
 1. Buildings designed for or occupied by any of these uses shall be located at least fifty (50) feet from any exterior property line and shall be located on a site having an area of at least two (2) acres with the exception of elderly housing located in the downtown commercial district as shown on the City's Comprehensive Zoning Map and defined by the City Planning Commission where the property size shall be at least one (1) acre.
 2. The building height shall be limited to two and one-half stories or thirty-five (35) feet, which may be increased to a maximum of five (5) stories by the provisions of an additional five (5) feet of setback from all exterior property lines for each additional story.
 3. The proposed site shall front upon a major street of not less than sixty (60) foot right-of-way and provide direct access to all parking and loading areas directly from said street.

4. Density requirements for property in the Downtown Commercial District designated for the use and occupancy by the elderly will allow thirty-four (34) units per acre; or two and one-half (2 ½) times the density requirements for other zones.
- d. Community garages serving the principal residential building, containing space for no more than two (2) passenger vehicles for each dwelling unit in the principal building in the lot.
- e. Maintenance and management buildings to serve the multiple dwellings.
- f. Private swimming designed and operated only for occupants.
- g. Signs when located on the same lot pertaining to the use of the particular building or buildings, provided that they shall not over-hang any public right-of-way; shall not be illuminated; shall not exceed twelve (12) square feet in area; shall not project higher than one (1) story or twenty (20) feet above the level of the ground, which ever is lower; and shall not indicate any other information except the name or address of the building or management thereof. For community facility uses, a bulletin board with an area not exceeding sixteen (16) square feet in area nor located closer to eight (8) feet to any property in a Single-Family Residential Zone is also permitted. Signs for off-street parking areas, open or closed, are permitted, providing they do not exceed two (2) square feet in area and are not higher than seven (7) feet above curb level.
- h. Residential Planned Unit Development, in accordance with the provisions of ARTICLE X.
- i. Off-street parking and loading in accordance with the requirements of ARTICLE VI.

In connection with all the above uses, the following requirements shall be complied with before any building permit is issued. The developer shall furnish the Building Inspector with two (2) copies of the letter of intent and the development plans for any use permitted in the R-3 District, drawn to scale, showing the general location of all buildings, roads, parking areas, open areas, sidewalks and street lighting. Typical elevations of all four (4) sides of the proposed buildings and proposed number of dwelling units by type (e.g., number of bedrooms) shall be submitted. Two (2) copies of the proposed protective covenants shall also be submitted whereby the developer proposed to regulate the development if the property is to be subdivided or if requested by the Building Inspector. Only those uses specifically permitted in this Section shall be allowed in an R-3 District. In order to clarify the type of permitted uses, the following uses, among others, are specifically prohibited.

1. Rental offices, as accessory to a multiple dwelling, row or town house dwelling or efficiency projects.

2. Tourist home, lodging house, or boarding home.
3. Motel or hotel

Section 9.03. USES PERMITTED AFTER SPECIAL APPROVAL OF PLANNING COMMISSION.

- a. Professional Offices.

Section 9.04. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.
(In accordance with the attached Schedule of Regulations, ARTICLE XVIII).

ARTICLE IX-A

R-4, RESIDENTIAL (MULTI-FAMILY DISTRICT)

Section 9-A-01. USES PERMITTED.

- a. Any use permitted in a Residential R-3 District.
- b. Multi-Family Dwellings.
- c. PERMISSIBLE ON APPEAL AFTER APPROVAL OF PLANNING COMMISSION AND THE MAYOR AND COUNCIL.
 1. Any use permissible on appeal in an R-3 District
 2. Uses permitted in C-2 Districts

In R-4 Districts, where the Planning Commission permits the construction of any structures, other than a dwelling, requirements will be the same as those of a C-2 District.

NOTE: This Article was added to the Zoning Ordinance by Ordinance #102, dated 11/21/72.

ARTICLE IX-B

R-CD, CONDOMINIUM DISTRICT

Section 9-B.01. CONDOMINIUM DISTRICT. A condominium development is one, which permits the sale of individual living units, intended for independent ownership and use, together with an undivided interest in the common elements appertaining to that unit. All condominium developments permitted under this Article must be in strict compliance with the “Georgia Condominium Act” (O.C.G.A. Section 44-3-70 et seq.). In permitting the construction of condominiums, the City Council intends:

- a. To encourage home ownership in the City of Moultrie.
- b. To increase the variety of dwellings types that are available to the local housing market.
- c. To encourage the development of small parcels of property in older areas of the City.

Section 9-B.02. PERMITTED USES.

- a. Accessory uses and structures incidental to any permitted use.
- b. Customary home occupations.
- c. Signs and outdoor advertising in accordance with the provisions of this Zoning Ordinance.
- d. Community facilities including electric transformer station, gas regulator station, or telephone exchange, private golf courses, and club houses, neighborhood recreation centers or swimming pools, non-commercial clubs or lodges and public uses.
- e. Condominiums.
- f. Private and public schools.

Section 9-B.03. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.

- a. In accordance with the attached schedule of regulations, ARTICLE XVIII.
- b. In addition to the requirements stated in ARTICLE XVIII, all condominium developments in R-CD zone must comply with the following additional standards:
 1. A condominium development shall be located on a site that measures a minimum of one-half acre in area.

2. Each interior condominium lot shall be at least twenty-four (24) feet in width. Each condominium located on a corner shall be at least forty-nine (49) feet in width. Each interior condominium lot that is intended to be at the end of a row of condominiums shall be at least thirty-four (34) feet wide.
3. The setback from an interior side lot line shall be a minimum of ten (10) feet and from a street side lot line shall be a minimum of twenty-five (25) feet for the condominium which is located at the end of a row of condominiums.
4. An accessory building may abut an accessory building located on an adjacent lot in the condominium district.
5. On sites that equal or exceed one (1) acre in area, a condominium development shall not exceed seven (7) dwelling units (lots) per net acre. Net acreage excludes land area devoted to street and alley right-of-way, and holding ponds.
6. No more than four (4) condominiums shall be built in a row having the same building line. In setting forth this requirement, the City Council intends to discourage the creation of long unbroken lines of condominiums. In a condominium complex having more than four (4) dwelling units, the required minimum offset in the building line shall be three (3) feet. A row or grouping of condominiums shall not exceed two hundred fifty (250) feet in length.
7. Every condominium lot shall front on a public street.
8. No more than one (1) single-family residence shall be located on a condominium lot.
9. A plat showing property to be subdivided in to condominium shall be prepared in accord with all requirements of the Subdivision Ordinance. The plat shall be submitted to the Moultrie/Colquitt County Planning Commission for its review and approval.
10. a. Two (2) paved off-street parking spaces shall be provided for each condominium.
 - b. The off-street parking for a condominium may have direct access to an alley only if the alley has a minimum pavement width of twenty (20) feet and a minimum right-of-way width of thirty- (30) feet. When a condominium sub-division will occupy a portion of a block, the developer shall pave the alley to whichever intersecting street is lower in elevation, relative to the lots.

- c. Each condominium lot shall have its own parking space -with direct access to a public alley or street. Parking spaces and driveways are permitted on the front yard on major thoroughfares as shown on the City's major thoroughfare map if a setback of 35 feet is maintained and the front yard property landscaped as determined by the Planning Commission. Otherwise, parking shall be in the rear. The minimum setback in all instances shall be 35 feet.

11. Firewalls construction for a condominium shall extend from the foundation to and through the roof. The wall shall be an eight- inch fire-rated masonry wall.

Section 9-B.04. PRELIMINARY REVIEW. Preliminary review is an aid to both the developer and the City. Under this procedure, a developer provides the information, which is described in Section 9-B.05 below, and the Planning Commission then acts on the information provided. This review is intended to then serve as a guide for the immediate inspection of the Planning Commission, subject to a thorough study and analysis. Changes and additions, which may have to be made before a mutual agreement is reached, can be made at such time without excessive engineering costs to the developer.

Section 9-B.05. PROCEDURE FOR PRELIMINARY APPROVAL. An application in writing shall be submitted in triplicate to the Planning Commission to the owner or his authorized representative for approval of a preliminary plan of any proposed development anticipated under the condominium district provision of this Ordinance. Three (3) copies of the preliminary plan at a scale of not more than one hundred (100) feet to the inch, showing the following, shall be submitted by the applicant.

- a. The title under which the proposed development is to be reached and the name of the present owner.
- b. Names of owners of adjacent property.
- c. A topographic map showing the general location of existing property lines, streets, alleys, buildings, easements, swamps, watercourses, and other physical site features which relate to the development.
- d. The proposed methods of water supply, sewage disposal, and storm drainage.
- e. All proposed uses of the property to be developed shall be indicated on the plan, including landscaping.
- f. The location and layout of all proposed residential units.
- g. Date, north point, and graphic scale.

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

Section 9-B.06. PROCEDURE FOR FINAL PLAN APPROVAL. An application in writing shall be submitted in triplicate to the Planning Commission by the owner of his authorized representative for approval of the final plan for any proposed development anticipated under the condominium district provisions of this Ordinance. Eight (8) copies of the final plan, at a scale not less than one hundred (100) feet to the inch, showing the following information shall be submitted with the application:

- a. The title under which the proposed development is to be recorded, the legal description of the land to be developed, the name of the present owner, and the name and address of the technical author of the plan.
- b. Names and owners of adjacent property and general information as to boundaries thereof as well as the existing zoning on such tracts.
- c. A topographic area map showing the location of existing property lines, the adjoining streets, alleys, and other physical site features which relate to the development.
- d. The proposed method of water supply, sewage disposal, and storm drains and other engineering data required by the Planning Commission to clearly indicate the general design of said utility services. It shall be mandatory that the development uses the City water and sewer services and that all streets in the development be paved.
- e. The size and capacity of existing sewer, water, storm drains, and thoroughfares in the area.
- f. The location and dimensions to the nearest foot of lots, building lines, alleys, easements, parks, and other public properties on the property to be developed.
- g. All proposed uses of the property to be developed shall be indicated on the plan, including landscaping.
- h. The location and layout of proposed residential units.
- i. Date, north point, and graphic scale.
- j. Proposed development restrictions and/or protective covenants to be imposed upon the property after development.

- k. Bearings and distances of all courses of the exterior boundary of the proposed development and its area in acres to the third decimal place.

Section 9-B.07. That the schedule of regulations in the ARTICLE XVIII be amended by inserting information hereto attached as “Exhibit A”, relating to the lot size setback, building height, minimum yard setback per yard in feet, minimum floor area with dwelling unit and parking requirements between the information contained in the table for R-PUD and C-1 and by adding the foot notes shown on said exhibit on the bottom of the schedule of regulations and after foot note q respectively.

Section 9-B.08. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**EXHIBIT A
SCHEDULE OF REGULATIONS**

Zoning District	Minimum Size Lot at Setback		Maximum Height of Building		Maximum Yard Setback Per Yard in Ft. (unobstructed)				Minimum Floor Area Per Dwelling Unit*	Maximum Lot Coverage in Percent	Parking Requirements
	Area Total	Width in Feet	In Stories	In Feet	Front	Least One	Total of Two	Rear			
R-CD Condominium District	2,800	24, 34, or 49	3		30			30	1,000		qq

qq Refer to Section 9-B.03.

ARTICLE X

R-PUD RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT

Section 10.01. RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT. It is the intention of this section to provide areas of sufficient size and allowing reasonable flexibility in design and orientation for the establishment of a structure, or group of structures, which includes multiple dwellings designed in a planned unit development of more than one building on a given site. The requirements of the 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 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 use 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.

Therefore, the Zoning Ordinance regulations relative to area, height, bulk, and placement may, in the Planned Unit Development District, be modified by the Planning Commission in the case for a large scale development which, in the judgment of the Planning Commission, provides adequate open space and improvements for circulation, recreation, education, light, air, and service needs of the tract when fully developed, provided that in no case may the density of the proposed planned unit development exceed 13.5 dwelling units per acre and provided further that the minimum site size for the residential planned unit development is three (3) acres. (NOTE: Density amended by Ordinance #143, dated 2/19/74)

Within the Residential Planned Unit Development District, the following regulations shall apply:

Section 10.02. PERMITTED USES. In all R-PUD Districts, no building or land, except as otherwise provided in this Ordinance, shall be erected or used except for one or more of the following specified uses:

- a. Multiple dwellings, including apartment houses, row, or town house dwellings.
- b. Community garages serving the principal residential building, containing space for no more than two (2) passenger vehicles for each dwelling unit in the principal building on the lot.
- c. Maintenance and management buildings to serve the multiple dwellings.
- d. Private swimming pools designed and operated only for occupants of the principal multiple dwellings and their personal guests.

- e. Signs when located on the same lot pertaining to the use of the particular building or buildings, provided they shall not overhang any public right-of-way; shall not be illuminated; shall not exceed twelve (12) square feet in area; shall not project higher than one story or twenty (20) feet above the level of the ground, whichever is lower; and shall not indicate any information except the name or address of the building or management thereof.
- f. Community buildings in the nature of club houses, libraries, reading rooms, community facilities, such as laundry rooms and wash rooms and entertainment centers provided that all of the uses listed in this section are designed and operated only for the occupants of the multiple dwellings which are the principal buildings and their personal guests.
- g. Mobile home parks, provided that the density of the proposed mobile home park shall not exceed ten (10) dwelling units per acre and provided further that the minimum size of the proposed mobile home park shall be not less than five (5) acres, and meet design standards as approved by City Council.
- h. Accessory buildings and uses as defined in ARTICLE II of this Ordinance.
- i. Off-street parking and loading in accordance with requirements of ARTICLE VI.
- j. Only those uses specifically permitted in this section shall be allowed in an R-PUD District. In order to clarify the type of permitted uses, the following uses, among others, are Specifically Prohibited.
 - 1. Rental offices, as accessory to a multiple dwelling, row or town house dwelling, or efficiency unit projects.
 - 2. Tourist home lodging house or boarding home.
 - 3. Motel or hotel.

Section 10.03. PRELIMINARY REVIEW. Preliminary review is recommended as an aid to both the developer and the City. Under this procedure, a developer provides the information, which is described below, and the Planning Commission then acts on the information provided. This review is intended to then serve as a guide for the immediate inspection of the Planning Commission, subject to a thorough study and analysis. Changes and additions, which may have to be made before a mutual agreement is reached, can be made at such time without excessive engineering cost to the developer.

Section 10.04. PROCEDURE FOR PRELIMINARY APPROVAL. An application in writing shall be submitted in triplicate to the Planning Commission by the owner or his authorized representative for approval of a preliminary plan of any proposed development anticipated under the Residential Planned Unit Development District, provision of this Ordinance. Three (3) copies of the Preliminary Plan at a scale not more

than one hundred (100) feet to the inch, showing the following, shall be submitted with the application:

- a. The title under which the proposed development is to be recorded and the name of the present owner.
- b. Names of owners of adjacent property.
- c. A topographic map showing the general location of existing property lines, streets, alleys, buildings, easements, swamps, watercourses, and other physical site features which relate to the development.
- d. The proposed methods of water supply, sewage disposal, and storm drainage.
- e. All proposed uses of the property to be developed shall be indicated on the plan.
- f. Date, north point, and graphic scale.

The developer shall furnish to the Planning Commission a statement indicating the proposed use to which the development will be put, along with the description of the type of residential building and number of units contemplated. Upon receiving approval of the Preliminary Plan, the developer may proceed to develop the Final Plan. No building permit shall be issued until approval of the Final Plan is given by the Planning Commission.

Section 10.05. PROCEDURE FOR FINAL PLAN APPROVAL. An application in writing shall be submitted in triplicate to the Planning Commission by the owner or his authorized representative for approval of the Final Plan for any proposed development anticipated under the Residential Planned Unit Development District of this Ordinance. Eight (8) copies of the Final Plan, of a scale not less than one hundred (100) feet to the inch, showing the following information shall be submitted with the application:

- a. The title under which the proposed development is to be recorded, the legal description of the land to be developed, the name of the present owner, and the name and address of the technical author of the plan.
- b. Names and owners of adjacent property and general information as to boundaries thereof as well as the existing Zoning on such tracts.
- c. A topographic area map showing the location of existing property lines, the adjoining streets, alleys, buildings, drains, easements, swamps, water courses, and other physical site features which relate to the development.
- d. The proposed method of water supply, sewage disposal, and storm drains, and other engineering data required by the Planning Commission to clearly indicate the general design of said utility services. It shall be mandatory that the

developments use the City water and sewer services and that all streets in the development be paved.

- e. The size and capacity of existing sewer, water, storm drains, and thoroughfares in the area.
- f. The location and dimension to the nearest foot of lots, building lines, alleys, easements, parks, and other public property to be developed. All lots in a preliminary plan shall be designated by consecutive numbers beginning with the number one, (1).
- g. All proposed uses of the property to be developed shall be indicated on the plan.
- h. Date, north point, and graphic scale.
- i. Proposed development restrictions and/or protective covenants to be imposed upon the property after development.
- j. Bearings and distances of all courses of the exterior boundary of the proposed development and its area in acres to the third decimal place.
- k. The developer shall furnish the Planning Commission a statement indicating the proposed use to which the development will be put, along with a description of the type of residential buildings and number of units contemplated, so as to reveal the effect of the development on traffic, fire hazards, or congestion of population.

Section 10.06. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS. (In accordance with the attached Schedule of Regulations, ARTICLE XVIII of this Ordinance.)

Section 10.07. MOBILE HOMES. Any mobile home located within the City limits of the City of Moultrie for a period exceeding forty-eight (48) hours exclusive of a sales or manufacturing lot, shall be located within a mobile home park meeting requirements and minimum standards set forth herein. Mobile homes shall meet the following general requirements of the codes of the City of Moultrie.

- a. **Health.** If the use of City water and/or sewage is waived by the Mayor and Council, prior to the allowance of permanent occupancy of a mobile home site within the City of Moultrie, such mobile site shall be connected with an approved water source and an approved sewerage disposal system in such a manner as to comply with the Georgia Department of Public Health and Georgia Water Quality Control Board regulations and the Georgia Health Code, and the Colquitt County Public Health requirements, which codes are insofar as they are applicable, hereby made apart of these regulations to the same extent as though herein set out in full.

b. **Occupancy.** Occupancy of a mobile home within the jurisdiction of this regulation shall be as follows:

1. **Mobile home park.** In the event, a mobile home is placed in a mobile home park; it shall conform to the site arrangements for its site with respect to location, utilities, and registration. It shall be the responsibility of the park operator to notify the Building Inspector of the mobile home prior to allowing its occupancy. It shall be his further responsibility to maintain a dated log book indicating the name of the mobile home owner, the name of the occupants, its license, of so equipped, and whether it has a MHMA, TCA, OR GMHI seal for each mobile home within the park. Such records shall be available for inspection personnel or other City Officials.
2. **Temporary occupancy of a mobile home.** If in the event a mobile home located outside of a mobile home park is approved as a temporary residence by the Planning Commission, an occupancy permit stating the case number and the duration of the occupancy shall be issued after the Building Inspector has reviewed and ascertained complete compliance with any requirements and conditions imposed by the Planning Commission.

The owner shall place a decal on said mobile home in a conspicuous place. Said decal will be valid for a period specified by the Planning Commission. Prior to the issuance of occupancy permit the owner, his agent, or the resident of the trailer shall file an affidavit with the Building Inspector affirming the conditions approved by the Planning Commission. A copy of this affidavit is attached as Appendix A hereto.

c. **Non-conforming mobile homes.** All mobile homes located within the City limits of the City of Moultrie at the time of the adoption or subsequent amendment of these regulations, but not in conformity with its provisions, are hereby declared to be nonconforming.

The building Inspector shall within twelve (12) months of the date of the adoption of these regulations, make a list of the non-conforming mobile homes within the City. The owner of non-conforming home shall be notified by the Building Inspector of the provisions of these regulations.

Within thirty (30) days after receipt of said notice the owner shall apply for and be issued a Certificate of Occupancy for the non-conforming use. If the owner of a non-conforming use fails to apply for a Certificate of Occupancy within thirty (30) days after receipt of foregoing notice, the use ceases to be non-conforming and is hereby declared to be in violation of this Ordinance. The Building Inspector and City Attorney shall take appropriate action to enjoin such violation.

If a mobile home is removed from a non-conforming location, or if it is destroyed beyond 50% of its assessed valuation, except as hereinafter provided in non-conforming mobile home Park, it shall be replaced by another mobile home or travel trailer.

Present mobile home parks which do not meet the requirements of this Ordinance are non-conforming, and such parks shall be inspected by the Building Inspector within thirty (30) days of the enactment of this Ordinance to insure that there is no expansion of spaces in such parks or other expansion there without the entire mobile home park being brought in to conformity with this Ordinance. Nothing contained herein shall prevent free use and reuse of such existing non-conforming spaces, provided, that, if any or all of such non-conforming mobile home park is abandoned for a period of six (6) months, the part so abandoned shall not again be used as a part of such non-conforming mobile home park.

- d. **Storage of mobile homes.** All mobile homes, which are stored on a private lot, exclusive of a sales or manufacturers lot, shall be affixed with a decal provided by the Building Inspector. The owner or agent of the owner of said mobile home shall complete and file an affidavit with the Building Inspector indicating his knowledge of the terms of this regulation and his affirmation that said mobile home is not permanently occupied by himself, members of his family, or other persons. Said decal and affidavit shall expire on January 1 of each calendar year. A new decal will be issued during the month of January for all mobile homes so situated. A fee of five (\$5) dollars shall be required. The required form is attached as Appendix B hereto.

Mobile homes, other than travel trailers, shall not be stored in an R-1 District for more than ninety (90) days.

APPENDIX A

Decal Number

Date

TEMPORARY OCCUPANCY OF A MOBILE HOME

Permission has been granted by _____ to
Board of Adjustment

_____ to use a mobile home as a residence
Name of Occupant or Occupants

The mobile home is a _____ Model _____
Year Make

The mobile home will be placed on the lot in accordance with the following requirements:

1. _____
2. _____
3. _____

I understand that permission for occupancy has been granted to _____

And that this permission expires _____

I will affix the decal to the front of the door of the mobile home.

Signature

APPENDIX B

Decal Number

Date

REQUEST FOR TEMPORARY STORAGE OF A MOBILE HOME

I request permission to store a mobile home at _____
Street Address or Lot No.

For a period of _____ weeks. The mobile home measures
Feet by _____ feet, will be located _____ feet from rear
Property line, _____ feet from nearest side lot line.

The mobile home is a _____ Model _____
Year Make

I understand that the mobile home may not be used as a residence and that no utility connections are allowed. I also understand that the decal must be affixed to the front door of the mobile home and this permit will expire December 31 of this year.

Signature

ARTICLE X-A

R-TH, TOWN HOUSE DISTRICT

Section 10-A.01. TOWNHOUSE DISTRICT. A town house development contains elements that are characteristic of both single-family and multi-family communities. Allowable density is comparable to that of multi-family dwellings, while the subdivision of land permits the sale of individual structures and lots. In permitting construction of town houses, the City Council intends:

- a. To encourage home ownership in the City of Moultrie.
- b. To increase the variety of dwelling types that are available to the local housing market.
- c. To encourage redevelopment of small parcels of property in older areas of the City.

Section 10-A.02. PERMITTED USES.

- a. Accessory uses and structures incidental to any permitted use.
- b. Customary home occupations.
- c. Signs and outdoor advertising in accordance with the provisions of this Zoning Ordinance.
- d. Community facilities including electric transformer station, gas regulator station, or telephone exchange, private golf courses and club houses, neighborhood recreation centers, or swimming pools, non-commercial or lodges or public uses.
- e. Town houses.
- f. Private and public schools.

Section 10-A.03. AREA, HEIGHT, BULK, & PLACEMENT REQUIREMENTS.

- a. In accordance with the attached Schedule of Regulations, ARTICLE XVIII.
- b. In addition to the requirements stated in ARTICLE XVIII, all town house developments in the R-TH zone must comply with the following additional standards:

1. A town house shall be located on a site that measures a minimum of one-half acre in area.
2. Each interior town house lot shall be at least 24 feet in width. Each town house lot located on a corner shall be at least 49 feet in width. Each interior town house lot that is intended to be at the end of a row of town houses shall be at least 34 feet wide.
3. The set back from an interior side lot line shall be a minimum of 10 feet and from a street lot line shall be a minimum of 25 feet for the town house which is located at the end of a row of town houses.
4. An accessory building may abut an accessory building located on an adjacent lot in the Town house district.
5. On sites that equal or exceed one (1) acre in area, a town house development shall not exceed seven (7) dwelling units (lots) per net acre. Net acreage excludes land area devoted to street and alley right-of-way, and holding ponds.
6. No more than four (4) town houses shall be built in a row having the same building line. In setting forth this requirement, the City Council intends to discourage the creation of long unbroken lines of town houses. In a town house complex having more than four (4) dwelling units, the required minimum offset in the building line shall be three (3) feet. A row or grouping of town houses shall not exceed 250 feet in length.
7. Every town house lot shall front on a public street.
8. No more than one (1) single-family residence shall be located on a town house lot.
9. A plat showing property to be subdivided into town house lots shall be prepared in accord with all requirements of the Subdivision Ordinance. The plat shall be submitted to the Moultrie/Colquitt County Planning Commission for its review and approval.
- 10 a. Two paved off-street parking spaces shall be provided for each town house.
 - b. The off-street provided for a town house may have direct access to an alley only if the alley has a minimum pavement width of twenty (20) feet and a minimum right-of-way width of thirty (30) feet. When a town house subdivision will occupy a portion of a block, the developer shall pave the alley to whichever intersecting street is lower elevation, relative to its lots.

- c. Each town house lot shall have its parking spaces with direct access to a public alley or street. Parking spaces and driveways are permitted on the front yard of major thoroughfares as shown on the City's major thoroughfare map if a setback of 50 feet is maintained and on other streets if a setback of 35 feet is maintained and the front yard properly landscaped as determined by the Planning Commission. Otherwise, parking shall be in the rear. The minimum setback in all instances shall be 35 feet.

11. Fire wall construction for a town house shall extend from the foundation to and through the roof. The wall shall be an 8-inch fire rated masonry wall.

Section 10-A.04. PRELIMINARY REVIEW. Preliminary review is an aid to both the developer and the City. Under this procedure, a developer provides the information, which is described in Section 10-A-05, below, and the Planning Commission then acts on the information provided. This review is intended to then serve as a guide for the immediate inspection of the Planning Commission, subject to a thorough study and analysis. Changes and additions, which may have to be made before a mutual agreement is reached, can be made at such time without excessive engineering costs to the developer.

Section 10-A.05. PROCEDURE FOR PRELIMINARY APPROVAL. An application in writing shall be submitted in triplicate to the Planning Commission by the owner or his authorized representative for an approval of a preliminary plan of any proposed development anticipated under the Town House District provision of this Ordinance.

Three (3) copies of the Preliminary Plan at a scale not more than one hundred (100) feet to the inch, showing the following, shall be submitted by the applicant.

- a. The title under which the proposed development is to be recorded and the name of the present owner.
- b. Names of owners of adjacent property.
- c. A topographic map showing the general location of existing property lines, streets, alleys, buildings, easements, swamps, water courses, and other physical site features which relate to the development.
- d. The proposed methods of water supply, sewage disposal, and storm drainage.
- e. All proposed uses of the property to be developed shall be indicated on the plan including landscaping.
- f. The location and layout of all proposed residential units.
- g. Date, North Point, and Graphic Scale.

The developer shall furnish to the Planning Commission a statement indicating the proposed use to which the development will be put, along with the description of the type of residential building and number of units contemplated. Upon receiving approval of the Preliminary Plan, the developer may proceed to develop the Final Plan. No building permit shall be issued until approval of the Final Plan is given by the Planning Commission.

Section 10-A.06. PROCEDURE FOR FINAL PLAN APPROVAL. An application in writing shall be submitted in triplicate to the Planning Commission by the owner or his authorized representative for approval of the Final Plan for any proposed development anticipated under the Town House District provisions of this Ordinance. Eight (8) copies of the Final Plan, at a scale of not less than one hundred (100) feet to the inch, showing the following information shall be submitted with the application:

- a. The title which the proposed development is to be recorded, the legal description of the land to be developed, the name of the present owner, and the name and address of the technical author of the plan.
- b. Names and owners of adjacent property and general information as to boundaries thereof as well as the existing zoning on such tracts.
- c. A topographic area map showing the location of existing property lines, the adjoining streets, alleys, buildings, drains, easements, swamps, water courses, and other physical site features which relate to the development.
- d. The proposed method of water supply, sewage disposal, and storm drains, and other engineering data required by the Planning Commission to clearly indicate the general design of said utility services. It shall be mandatory that the developments use the City water and sewer services and that all streets in the development be paved.
- e. The size and capacity of existing sewer, water, storm drains, and thoroughfares in the area.
- f. The location and dimensions to the nearest foot of lots, building lines, alleys, easement, parks, and other public properties on the property to be developed.
- g. All proposed uses of the property to be developed shall be indicated in the plan including landscaping.
- h. The location and layout of all proposed residential units.
- i. Date, North Point, and Graphic Scale.
- j. Proposed development restrictions and/or protective covenants to be imposed upon the property after development.

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

Section 10-A.07. That the Schedule of Regulations, in ARTICLE XVIII, be amended by inserting the information hereto attached as “Exhibit A” relating to lot size setback, building height, minimum yard setback per yard in feet, minimum floor area with dwelling unit and parking requirements between the information contained in the table for R-PUD and C-1 and by adding the foot notes shown on said exhibit to the bottom of the Schedule of Regulations and after footnote q respectively.

Section 10-A.08. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be declared unconstitutional, the remaining portions thereof shall not be affected thereby and shall remain in full force and effect.

It is the intention of the City Council and it is hereby enacted that the provisions of this Ordinance shall become and be part of the Code of the City of Moultrie, Georgia, and that sections of this Ordinance be renumbered or relettered to accomplish such intention.

CITY OF MOULTRIE

_____ By
Mayor

_____ Attest
Clerk

Read first and second times

Read third time and passes

EXHIBIT A
SCHEDULE OF REGULATIONS

Zoning District	Minimum size Lot at Setback		Maximum Height of Building		Minimum Yard Setback per Yard in Ft. (unobstructed)				Minimum Floor Area per Dwelling Unit	Maximum Lot Coverage In Percent	Parking Requirements
	Area Total	Width in Feet	In Stories	In Feet	Front	Least One	Total of Two	Rear			
R-TH Town House District	2,800	24, 34 or 49	3		30			30	1,000		r

r. Refer to Section 10-A-03.

ARTICLE X-B

MULTIPLE USE DISTRICT

Section 10-B-01. Multiple Use District. A multiple use district contains elements that are characteristic of both residential (R01A, R-1B, R-2, R-3, R-4, R-PUD) and commercial (C-2, C-3, C-PUD) communities. Residential units will be allowed to exist upon the same premises as an existing commercial use so long as the primary use of the premises is for commercial business uses and that the residential use is secondary. In permitting construction of residential uses on commercially zoned property, the City Council intends:

- a. To encourage the growth of family owned and operated business and the development of commercial planned residential and commercial use of the downtown area in the City of Moultrie.
- b. To increase the variety of businesses and dwelling types that are available to local enterprise and housing markets.
- c. To encourage redevelopment of commercial property that has become vacant and/or deteriorating in downtown Moultrie.

Section 10-B-02. Permitted Uses.

- a. Accessory uses and structures incidental to any permitted use.
- b. Signs and outdoor advertising in accordance with the provisions of this Zoning Ordinance.
- c. Community facilities incidental to any permitted use and including private club houses, neighborhood recreation centers, or swimming pools, non-commercial clubs or lodges and public uses.
- d. Residential housing and commercial businesses as per review and approval by the Planning Commission.

Section 10-B-03. Area, Height, Bulk, and Placement Requirements.

- a. Must be reviewed and approved by the Planning Commission.
- b. Each residential unit shall have its own off-streets parking space with direct access to a public alley or street. The alley must have a minimum pavement width of twenty (20) feet and a minimum right-of-way width of thirty (30) feet. Public parking may be used to meet this requirement with prior approval of the Planning Commission.
- c. Firewall construction, as required by the building and fire codes shall extend from the foundation on through the roof to a height of at least eighteen (18) inches. The wall shall

have at least two- (2) hour fire rating and must have the approval of the Building Official and Fire Marshal.

Section 10-B-04. Preliminary Review. Preliminary review is an aid to both the developer and the City. This review is intended to then serve as a guide for the immediate inspection of the Planning Commission, subject to a thorough study and analysis. Changes and additions, which may have to be made before a mutual agreement is reached, can be made at such time without excessive engineering costs to the developer.

Section 10-B-05. Procedure for Preliminary Approval. An application in writing shall be submitted in triplicate to the Planning Commission by the owner or his authorized representative for approval of a preliminary plan of any proposed development anticipated under the Multiple Use District provision of this Ordinance. Three (3) copies of the Preliminary Plan at a scale not more than one hundred (100) feet to the inch, showing the following, shall be submitted by the applicant.

- a. The title under which the proposed development is to be recorded and the name of the present owner.
- b. Names of owners of adjacent property.
- c. A topographic map showing the general location of existing property lines, streets, alleys, buildings, easements, and other physical site features which relate to the development.
- d. The proposed methods of water supply, sewage disposal, and storm drainage.
- e. All proposed uses of the property to be developed shall be indicated on the plan including landscaping.
- f. The location and layout of all proposed residential units.
- g. Date, North Point, and Graphic Scale.

The developer shall furnish to the Planning Commission a statement indicating the proposed use to which the development will be put, along with a description of the type of residential building and number of residential units and commercial uses contemplated. Upon receiving approval of the Preliminary Plan, the developer may proceed to develop the Final Plan. No building permit shall be issued until approval of the Final Plan is given by the Planning Commission.

Section 10-B-06. Procedure for Final Plan Approval. An application in writing shall be submitted in triplicate to the Planning Commission by the owner or his authorized representative for approval of the Final Plan for any proposed development anticipated under the Multiple Use District provisions of this Ordinance. Fifteen (15) copies of the Final Plan, at a scale of not less than one hundred (100) feet to the inch, showing the following information shall be submitted with the application:

- a. The title under which the proposed development is to be recorded, the legal description of the land to be developed, the name of the present owner, and the name and address of the technical author of the plan.
- b. Names and owners of adjacent property and general information as to boundaries thereof as well as the existing zoning on such tracts.
- c. A topographic area map showing the location of the existing property lines, the adjoining streets, alleys, buildings, drains, easements, and other physical site features which relate to the development.
- d. The proposed method of water supply, sewage disposal, and storm drainage and other engineering data required by the Planning Commission to clearly indicate the general design of said utility services. It shall be mandatory that the developments use the City water and sewer services and that all streets be paved.
- e. The size and capacity of existing sewer, water, storm drains, and thoroughfares in the area.
- f. The location and dimensions to the nearest foot of lots, building lines, alleys, easements, parks, and other public property to be developed.
- g. All proposed uses of the property to be developed shall be indicated on the plan including landscaping.
- h. The location and layout of all proposed residential units and commercial uses.
- i. Date, North Point, and Graphic Scale.
- j. Proposed development restrictions and/or protective covenants to be imposed upon the property after development.
- k. Bearings and distances of all courses of the exterior boundary of the proposed development and its area in acres to the third decimal place.

ARTICLE XI

C-1 NEIGHBORHOOD BUSINESS DISTRICT

Section 11.01. STATEMENT OF PURPOSE.

(Amended/Adopted by Council July 5, 2011—Ordinance #2011-99)

The Neighborhood Business District established in this Article is intended to permit retail business and service uses, which are needed to serve nearby residential areas. In order to promote such business development in so far as possible and appropriate in each area, uses are prohibited which would create hazards, offensive or loud noises, vibration, smoke, glare, heavy truck traffic, or late hours of operation. This District is also intended to encourage the concentration of local businesses in areas and locations proposed in the Comprehensive Development Plan to the mutual advantage of both the consumers and merchants, and thereby promote the best use of land at certain strategic locations and avoid marginal, strip, business development along major streets.”

Section 11.02. PERMITTED USES. (Amended/Adopted by Council July 5, 2011—Ordinance #2011-99).

- a. Appliance stores, including repairing and servicing.
- b. Art and antique shops.
- c. Bakeries employing not more than ten (10) persons, provided that at least seventy-five (75) percent of all baked goods produced are sold on said premises.
- d. Health clubs, spas, and other similar activities.
- e. Bicycle stores.
- f. Book, stationery, camera or photographic supply stores, and newsstands.
- g. Churches.
- h. Confectionery stores.

- i. Convenient stores.
- j. Clothing, shoe, millinery, dry good and notion stores.
- k. Dance studios.
- l. Ice cream parlors.
- m. Drugstores.
- n. Furniture and home furnishings stores.
- o. Florist, nursery, and gift shops.
- p. Grocery, fruit, vegetable, and catering stores, and meat markets and delicatessens.
- q. Hardware and paint stores.
- r. Jewelry stores.
- s. Beverage stores, including sales of alcoholic beverages.
- t. Barber and beauty shops.
- u. Dressmaking and tailoring shops.
- v. Laundry and dry cleaning pickup stations, and self-service laundries.
- w. Libraries.
- x. Mini warehouses/storage.
- y. Museums.

- z. Public recreational facilities.
- aa. Shoe repair shops.
- bb. Schools (public or private).
- cc. Garden supply stores.
- dd. Any other retail sales or service establishment similar in character to those permitted in Section 11.02(a) through 11.03(u); provided that such use is compatible with the Statement of Purpose and intent of this District as stated in Section 11.01.
- ee. Professional and business offices, including banks and financial institutions.
- ff. General farming and horticulture, except the raising of livestock and poultry shall not be permitted.
- gg. Accessory buildings and uses located either on the same lot or parcel of land as the main structure or an adjoining lot or parcel of land under the same ownership and customarily incidental to the permitted or conditional use, provided that the requirements of Section 4.18 are met.
- hh. Cafes, grills, lunch counters, and restaurants.
- ii. Children's homes and orphanages, nurseries, day nurseries, nursery schools, and childcare centers.

Section 11.03. USES PERMITTED AFTER SPECIAL APPROVAL OF THE PLANNING COMMISSION AND THE MAYOR AND COUNCIL. (Amended/Adopted by Council July 5, 2011—Ordinance #2011-99)

- a. Other uses similar to the above, subject to the following restrictions:
 - 1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

2. All business, servicing, or processing except for off-street parking or loading shall be conducted within completely enclosed buildings.
 - b. Convalescent and nursing homes, in accordance with all applicable City, County, and State health and fire regulations.
 - c. Multiple dwellings, including row or terrace dwellings, apartment houses and efficiency units subject to all requirements for such dwelling units in the R-3 Districts.
 - d. Public utility buildings, telephone exchange buildings, electric transformer stations, substations, and gas regulator stations.
 - e. Accessory structures and uses customarily incidental to the above permitted uses in accordance with Section 4.07 subject to the following restrictions:

Garages to be used exclusively for the storage of passenger motor vehicles and/or commercial vehicles of not less than 15,000 lbs. Gross vehicle weight and which are to be used in connection with a business or other use permitted and located in a C-1 District.
 - f. Off-street parking and loading in accordance with the requirements of ARTICLE VI of this Ordinance.”

Section 11.04. PROTECTIVE SCREENING. Protective Screening for C-1 Districts adjacent to or near residential districts shall be in compliance with the regulations set forth in Section 4.31 of this Ordinance. . (Amended/Adopted by Council July 5, 2011—Ordinance #2011-99)

Section 11.05. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.
 (In accordance with the attached Schedule of Regulations, ARTICLE XVIII.) **(Amended/Adopted by Council July 5, 2011—Ordinance #2011-99)**

Section 11.06. C-1R CLASSIFICATION.
(Amended/Adopted by Council July 5, 2011—Ordinance #2011-99)

There is established a special Neighborhood Business District to be designated C-1R with permitted uses as specified for C-1 Districts; provided, however, that the developer of land in such a District must submit in writing an application stating the specific use for such land to, and receive the approval of such use by, the Planning Commission before any permits therefor shall be issued. The Planning Commission shall review such applications with regard to the statement of purpose set forth in Section 11.01 and the compatibility of the proposed use with the neighborhood.

In addition, the developer shall furnish to the Planning Commission a plat of the proposed use with the following information:

1. A site plan drawn to scale;
2. All property and/or parcel lines and dimensions; the location and dimensions of each building and the square footage of each building or each use;
3. The layout and location of off-street parking, total number of spaces, ingress and egress location and dimensions, driving lanes, pedestrian ways, sidewalk, curb lines, loading and unloading zones and screening walls, if required;
4. Drainage patterns;
5. Existing zoning of surrounding property;
6. Proposed method of water supply, sewage disposal, and storm drainage;
7. All proposed uses of the property to be developed shall be indicated on the plat; and,
8. Typical elevations front, side, and rear of all buildings to be developed.”

Section 11.07. C-1T CLASSIFICATION.

(Amended/Adopted by Council July 5, 2011—Ordinance #2011-99)

There is established a Special Neighborhood Business District to be designated C-1T with permitted uses as specified for C-1 Districts; provided, however, retail establishments in such districts shall operate only between the hours of 7:00 A.M. and 7:00 P.M. local time. In cases of owner occupied single-family residences that are not non-conforming uses within this commercial zone, the 50% damage standard for repair or replacement shall not apply so that such residences may be re-established; provided, however, such restoration shall be commenced within one (1) year of the date of such damage or destruction and shall be diligently carried on to completion.”

ARTICLE XII

C-2 GENERAL BUSINESS DISTRICT

Section 12.01. STATEMENT OF PURPOSE. The general Business District as established in this ARTICLE is intended to be that permitting a wider range of business and entertainment activities than that permitted in the Local Business District. The permitted uses would serve not only nearby residential areas, but also people further away for types of businesses and services usually found in major shopping centers and central business districts at the juncture of principal streets. These uses would generate larger volumes of vehicular traffic; would need more off-street parking and loading, and would require more planning to integrate such districts with adjacent residential areas.

Section 12.02. PERMITTED USES.

- a. Any retail business or service establishment or public utility use itemized under Section 11.01 for C-1 Districts.
- b. Automobiles, motorcycles, trailer, or boat showrooms.
- c. Motor vehicle wash establishments when completely enclosed in a building, subject to the requirements of ARTICLE VI.
- d. Automobile service stations subject to regulation of Section 4.20.
- e. Blueprinting.
- f. Bus passenger stations.
- g. Business schools, colleges, or private schools operated for profit.
- h. Carpet, rug, linoleum, or other floor covering stores.
- i. Catering establishments.
- j. Commercial Planned Unit Development in accordance with the provisions of ARTICLE XIV.
- k. Clothing or costume rental establishments.
- l. Department stores.
- m. Eating or drinking establishments.
- n. Electrical, glazing, heating, painting, paper hanging, plumbing, roofing, or ventilation contractors' establishments, excluding outside storage yards.

- o. Exterminators.
- p. Furniture stores.
- q. Hotels and motels.
- r. Interior decorating establishments.
- s. Medical or dental laboratories for research or testing, not involving any danger of fire or explosion, nor of offensive noise, vibration, smoke, odorous matter, heat, humidity, glare, or other objectionable effects.
- t. Monument sales establishments, with incidental processing to order, but not including the shaping of headstones.
- u. Mortuary establishments.
- v. Moving or storage offices.
- w. Musical instrument repair shops.
- x. Office or business machine stores, sales, or rental.
- y. Outdoor sales space for the sale of new and used automobiles, boats, or house trailers not exceeding twenty (20) feet in length.
- z. Photographic developing or printing establishments and studios
- aa. Physical culture or health establishments, including gymnasiums, reducing salons, masseurs, or steam baths.
- bb. Printing establishments.
- cc. Private clubs.
- dd. Public auction rooms.
- ee. Publicly owned buildings, public utility buildings, and service yards, but not including storage yards.
- ff. Radio and television studios.
- gg. Sign painting shops.
- hh. Studios for music, dancing theatrical instruction.

- ii. Taxidermist shops.
- jj. Television, radio, or household appliance repair shops.
- kk. Theatre, dance halls, assembly halls, or similar places of assembly.
- ll. Typewriter or other small business machine repair shops.
- mm. Umbrella repair shops.
- nn. Upholstering shops dealing directly with consumers.
- oo. Venetian blind, window shade, awning shops, custom shops, including repairs.
- pp. Wedding chapels or banquet halls.
- qq. Any service establishment of an office-showroom nature, or workshop in the nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer, or an establishment doing radio, television, or home appliance repair, photographic reproduction, and similar establishments that require a retail adjunct and of no more objectionable character than the aforementioned.
- rr. Other uses similar to the above and subject to the following regulations:
 - (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods provided on the premises shall be sold at retail on the premises where sold.
 - (2) All business, servicing, or processing except for off-street parking, loading and those open air uses indicated as being permissible in sub-section below, shall be conducted within completely enclosed buildings.
- ss. Governmental office or other governmental use; public utility offices, exchanges, transformer stations, pump stations, and service yards, but not including outdoor storage yards.
- tt. Open air business uses, subject to the following:
 - (1) The minimum area of the site shall be ten thousand (10,000) square feet.
 - (2) The minimum storage frontage shall be one hundred (100) square feet.
 - (3) There shall be provided all around the sides of the site, except at entrances, exits, and along the sides of premises enclosed by buildings, a fence or wall five (5) feet in height in order to intercept windblown trash and other debris. Where the sides abut any residentially zoned districts, the requirements for protective screening shall be as specified in Section 4.31.

- (4) Lighting shall be installed in a manner which will not create a driving hazard on abutting streets, or which will not cause direct illumination on adjacent properties.
 - (5) Before approval is given for any use, a site plan shall be first submitted to the Planning Commission for review as to suitability of location of entrances and exits to the site, parking area, fencing, lighting, and other design features.
 - (6) All open-air business uses shall comply with all city and county health regarding sanitation and general health conditions.
- uu. Bowling alley, when located at least one hundred and fifty (150) feet from any property zoned in a residential classification.
 - vv. Drive-in establishment or open front store, subject to the requirements of the City's Code of Ordinances, provided that the entrance or exit to or from any such use is located at least twenty-five (25) feet from the intersection of any two (2) streets; that all such uses shall have direct access to a major thoroughfare as defined in the City's Comprehensive Development Plan; that all lighting or illuminated display shall not reflect onto any adjacent residential zone; and that consideration is given to the proximity of existing places of congregation of children (e.g., schools) and their relationship to traffic safety and sanitations.
 - ww. Accessory structures and uses customarily incidental to the above permitted uses. Outdoor advertising signs and billboards subject to all ordinances established by the City of Moultrie, and is regulated by Section 4.33 of this Ordinance.
 - xx. Off-street parking and loading in accordance with ARTICLE VI of this Ordinance.
 - yy. Churches and other facilities normally incidental thereto, provided that there is adequate access to all required off-street parking areas and that there is no parking in the required front yard.
 - zz. Existing flea markets not in enclosed buildings subject to the following:
 - (1) The minimum area of the site shall be twenty thousand (20,000) square feet.
 - (2) The minimum street frontage shall be one hundred (100) square feet.
 - (3) There shall be provided around all sides of the display area, except at entrances, exits, and along all sides of premises enclosed by buildings, a fence or wall a minimum of 5 feet in height above grade screen the view of the market from thoroughfares. Where the side abuts any residentially zoned districts, the requirements for protective screening shall be as specified in Section 4.31.

- (4) Lighting shall be installed in a manner which will not create a driving hazard on abutting streets, or which will not cause direct illumination on adjacent properties.
- (5) Before approval is given for any use, a site plan shall be first submitted to the Planning Commission.
- (6) All flea markets shall comply with all city and county health regulations regarding sanitary facilities and general health conditions.
- (7) Signs shall be installed in accordance with the provisions of Section 4.33.
- (8) Off-street parking in accordance with provisions of ARTICLE VI.
- (9) Flea markets will not be permitted on streets designated as major thoroughfares according to the City Street and Road Classification Plan.
- (10) Flea markets shall not be granted special approval by the Planning Commission in areas where their location would contribute to the depreciation of the business district or disrupt the stability of the business district.
- (11) Flea markets existing on the date of the adoption of this Ordinance shall have 6 months from said date to comply with fencing, screening, and sanitary requirements.

All future flea markets, except for off-street parking or loading, shall be conducted in a completely enclosed building.

Section 12.03. PROTECTIVE SCREENING. Protective Screening for C-2 Districts adjacent to or near residential districts shall be in compliance with the regulations set forth in Section 4.31.

Section 12.04. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS. (In accordance with the attached Schedule of Regulations, ARTICLE XVIII of this Ordinance.)

Section 12.05. C-2R CLASSIFICATION. There is established a special general business district to be designated C-2R with permitted uses as specified for C2 Districts; provided, however, the developer of land in such a district must submit to the Planning Commission and receive its approval of the specific use for such land and also receive the approval of the Mayor and Council of the specific use of land before any permits therefore shall be issued. Both the Planning Commission and the Mayor and Council shall review such applications with regard to the statement of purpose set forth in Section 12.01 and compatibility of the proposed use with the neighborhood.

ARTICLE XIII

C-3, COMMERCIAL DISTRICT

Section 13.01. STATEMENT OF PURPOSE. The Commercial District as established in this Article is intended to be that permitting retail as well as wholesale business activities, including certain small fabricating and manufacturing operations which require a central location and which can be serviced from major thoroughfares, The intent of this District is to permit those uses in areas designated on the Comprehensive Development Plan, which can be integrated with nearby residential areas without adverse effects, and which will benefit by being near a labor supply and related retail activities. The permitted uses in this district are principally orientated to those having infrequent vehicular access and are not like those retail business activities in the Local Business or General Business District which generate considerable pedestrian traffic, As such, they are appropriately located along major thoroughfares.

Section 13.02. PERMITTED USES.

- a. All permitted uses in a C-2 District, subject to regulations set forth in Schedule of Regulations, ARTICLE XVIII.
- b. Commercial Planned Unit Developments in accordance with the provisions of ARTICLE XIV.
- c. Wholesale stores, storage buildings, warehouses, distributing plants, freezers and lockers.
- d. Small fabrication and manufacturing shops, when employing not more than ten (10) employees in an office and manufacturing operations, such as small tool and dye shops, dental, surgical, and optical goods manufacturing; provided that there shall no pressing or stamping operations, and that all operations shall meet the minimum performance standards where applicable as set forth under Section 13.03.
- e. Truck Sales.
- f. Machine Sales.
- g. Mobile home sales.
- h. Boat sales.
- i. Moving, transfer, and storage operations.
- j. Lumber building material, and hardware stores.
- k. Off-street parking and loading in accordance with ARTICLE VI.

1. Churches and other facilities normally incidental thereto, provided that there is adequate access to all required off-street parking areas and that there is no parking in the required front yard.

Section 13.02-A. USES PERMITTED AFTER SPECIAL APPROVAL OF THE PLANNING COMMISSION. Game rooms are permitted after special approval of the Planning Commission subject to the following regulations:

1. The minimum distance from a residential area shall be five hundred (500) feet as measured from the nearest property lines and one thousand three hundred twenty (1,320) linear feet as measured along the lines of public access to the property from the nearest property lines.
2. A detailed site plan showing the building location on the lot, setbacks, landscaping, lighting, and distance to the nearest residential area shall be submitted for Planning Commission review.
3. Applicants for special use permits for game rooms shall demonstrate compliance with all provisions of Chapter 10, Article IV of the Code of Ordinances, City of Moultrie, at the time of application.

Section 13.03. PROTECTIVE SCREENING. Protective Screening for C-3 Districts adjacent to or near residential districts shall be in compliance with the regulations set forth in Section 4.31.

Section 13.04. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS. (In Accordance with the attached Schedule of Regulations, ARTICLE XVIII.)

Section 13.05. C-3R CLASSIFICATION. There is established a special commercial district to be designated C-3R with permitted uses as specified for C-3 Districts; provided, however, the developer of land in such a district must submit to the Planning Commission and receive its approval of the specific use for such land and also receive the approval of the Mayor and Council of the specific use of such land before any permits therefore shall be issued. Both the Planning Commission and the Mayor and Council shall review such applications with regard to the statement of purpose set forth in Section 13.05 and compatibility of the proposed use with the neighborhood.

ARTICLE XIII-A

C-4, SPECIAL BUSINESS AND MUNICIPAL BUILDINGS DISTRICT

(NOTE: This Article was added to the Zoning Ordinance by Ordinance-102, adopted 11/21/72)

Section 13-A-.01. USES PERMITTED.

1. Drug Store.
2. Super market
3. Dry-cleaning and laundry pick-up agencies.
4. Launderette
5. Filling station
6. Beauty parlor
7. Bakeries
8. Delicatessen
9. Barber shop
10. Sporting goods and photo supplies
11. Restaurants and cafes
12. Infants and children's wear stores
13. Shoe store
14. Radio, television, and electrical shops
15. Women's wear
16. Florist
17. Men's wear
18. Gift, stationery, and books
19. All other similar type retail stores catering to neighborhood traffic
20. Municipal buildings, such as City Halls, city utility buildings, fire stations, automobile parking

ARTICLE XIV

C-PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT

Section 14.01. COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT. It is the intention of this section to provide areas of sufficient size and allowing reasonable flexibility in design and orientation for the establishment of a 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 for a plan for a large scale development which, in the judgment of the Planning 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 the adjoining properties.

The minimum size of a Commercial Planned Unit Development District is 4 acres.

Within the Commercial Planned Unit Development Districts, the following regulations shall apply:

Section 14.02. USES PERMITTED

1. Automobile car wash establishments.
2. Automobile service stations in accordance with the provisions of Section 14.06.
3. Bake shops, provided that at least 75 percent (75%) of all baked goods produced on the premises are sold at retail on said premises
4. Barber shops.
5. Beauty shops.
6. Banks.
7. Bicycle rental or repair shops.
8. Billiard halls.
9. Carpet, rug, linoleum, or other floor covering stores.

10. Clothing establishments.
11. Custom dressmaking, millinery, and tailoring.
12. Department stores.
13. Eating and drinking places in which there is no dancing or floor show, or other live entertainment involving more than one person.
14. Furniture stores.
15. Laundry and dry-cleaning, pickup and delivery stations and laundries operated by customers, such as laundrettes, laundromats, and the like.
16. Offices of the following nature:
 - a. Medical and dental offices, not including veterinarian establishments, or any type of medical facility permitting overnight patients.
 - b. Realtor offices.
 - c. Insurance offices.
17. Photographic developing or printing establishments and studios.
18. Studios for instruction in music, dancing, or theatrical arts.
19. Shops and stores for the sale of art supplies, beverages, including liquor outlets, confections, delicatessens, drugs, dry goods, flowers, food stuffs (including meats), gifts, hardware, small household appliances, jewelry, leather goods, music, notions, paint, periodicals, radio, television, and the like, sewing machines for the household use only, sporting goods, stamps or coins, stationery, sundry small household articles, tobacco or wearing apparel.
20. Television, radio, household appliance repair shops.
21. Typewriter or small business machine repair shops.

22. Upholstering shops dealing directly with customers.
23. Venetian blind, window shades, or awning shops, custom shops, including repairs, limited to 2,500 square feet of floor area per establishment.
24. Other uses similar to the above, subject to the Planning Commission approval as compatible with the use or uses surrounding property and subject to the following restrictions:
 - (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
 - (2) All business, servicing, or processing except for off-street parking or loading shall be conducted within completely enclosed buildings.
25. Public utility buildings and uses but not including service or outdoor storage yards.

Section 14.03. ACCESSORY USES.

1. Accessory buildings, structures and uses customarily incidental to the above uses when located on the same premises.
2. Signs advertising goods or services offered for sale on the premises and the name of the establishment, provided such signs are in conformity with regulations set forth in Section 4.33.

Section 14.04. OFF-STREET PARKING AND LOADING. In accordance with the following regulations:

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the provisions of ARTICLE VI.

Section 14.05. OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES. On the same premises with every building, structure or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement, such as drive-in cleaning establishments, where the automobile engine is not turned off, there shall be provided three (3) off-street waiting spaces for each service window, with the exception of drive-in banks, which shall require six (6) off-street waiting spaces for each service window.

An off-street waiting space is defined an area nine (9) feet wide by eighteen (18) feet long.

Self-service motor vehicle car wash establishments shall provide four (4) off-street waiting spaces for each washing stall. Motor vehicle car wash establishments other than self-service shall provide twenty-five (25) waiting spaces for each washing stall. A drying lane fifty (50) feet long shall also be provided at the exit of each washing stall in order to prevent undue amounts of water from collecting on the public street and thereby creating a traffic hazard.

Section 14.06. AUTOMOBILE SERVICE STATIONS. In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion, and traffic congestion which result from the unrestricted and unregulated construction and operation of gasoline service or filling stations, and to regulate and control the adverse effects which these and other problems incidental to the filling station may exercise upon adjacent and surrounding areas, the following additional regulations and requirements are provided herein for filling stations located in the Commercial Planned Unit Development District.

- a. Automobile service stations shall be located having a frontage along the principal street of not less than one hundred forty (140) feet, and having a minimum area of not less than fourteen thousand (14,000) square feet.
- b. Automobile service station buildings housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line and not less than ten (10) feet from any other lot line.
- c. All driveways providing ingress to or egress from an automobile service station shall be not more than thirty (30) feet wide at the property line. No more than one (1) curb opening shall be permitted for each fifty- (50) feet of frontage or major fraction thereof along any street. No driveway or curb opening shall be located nearer than ten (10) feet to any corner or exterior lot line, as measured along the property line. No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway giving access to or from the same filling station.
- d. Raised curb six (6) inches in height shall be erected along all street lot lines, except for driveway openings.
- e. The entire service station area, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material, or, if any part of the lot is not so surfaced, then that area shall be landscaped and separated from all surface areas by a low barrier or curb.
- f. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street, or right-of-way.

- g. An automobile service station located on a plot having an area of fourteen thousand (14,000) square feet shall include not more than eight (8) gasoline pumps and two (2) enclosed stalls for servicing, lubricating, greasing, and/or washing motor vehicles. An additional two (2) gasoline pumps and/or one (1) enclosed stall may be included with the provision of each additional two thousand (2,000) square feet of plot area.
- h. Where an automobile station adjoins any property located in any residential zone, or is separated from any such property by a public alley only, a masonry wall six (6) feet in height shall be erected and maintained along the common lot line or along the alley lot line. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.
- i. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded to be deflected away from adjacent and neighboring property.
- j. The total gasoline storage capacity of each filling station shall not exceed twenty thousand (20,000) gallons.
- k. No automobile service station shall be located nearer than five hundred (500) feet, as measured from any point on the property line, to any private or public school, or playground.
- l. Outdoor storage or parking of vehicles other than private automobiles or tow trucks associated with the business shall be prohibited between the hours of 10:00 P.M. and 8:00 A.M.
- m. No fuel tank shall be filled at a gasoline service station except through a hose connected through a pump of a type approved by the Underwriters Laboratories, Incorporated.
- n. No gasoline or inflammable liquid shall be kept or conveyed in open receptacles or in glass bottles or other breakable containers on the premises of a gasoline service station, except in glass bottles of not more than eight (8) ounces capacity used for sample purposes, and shall not be used for cleaning purposes on such premises. No gasoline pump shall be installed in any building.
- o. All combustible waste and rubbish, including crankcase draining, shall be kept in metal receptacles fitted with a tight cover until removed from the premises. No gasoline, oil, grease, or inflammable liquid shall not be allowed to accumulate on the floor. Sawdust shall not be kept in any gasoline service station or place of storage therein, and sawdust or other combustible material shall not be used to absorb oil, grease, or gasoline.
- p. All automobile service station proprietors and attendants, upon being notified by any City Inspector of the presence of gasoline or volatile liquids in sewers shall cooperate in ascertaining the reason therefore. There shall be constantly maintained in good

working order at least two fully charged portable foam type fire extinguishers (2 ½ gallon capacity) at each gasoline service station.

Section 14.07. PROCEDURE FOR PROJECT APPROVAL. In connection with all of the above uses, the following requirements shall be complied with before any permit is issued. The developer shall furnish the Building Inspector with two copies of the Letter of Intent and the Development Plans for any use permitted in the Commercial Planned Unit Development District, drawn to scale, showing the general location of all buildings, roads, parking areas, open areas, sidewalks and street lighting. Typical elevations of all four sides of the proposed building, proposed number of units by type and floor space shall be submitted (e.g., furniture sales, and 800 square feet.) Two (2) copies of any proposed protective covenants shall also be submitted whereby the developer proposes to regulate the development, if the property is to be subdivided, or if requested by the Building Inspector.

The Building Inspector shall refer the proposal as submitted to the Planning Commission for approval.

Section 14.08. PROCEDURE FOR PRELIMINARY AND FINAL APPROVAL. (Shall be in compliance with ARTICLE X, Section 10.03-10.05 of this Ordinance.)

ARTICLE XV

DESIGN STANDARDS FOR COMMERCIAL DEVELOPMENT

(Adopted 2/18/03)

Section 15.01 STATEMENT OF PURPOSE. Design standards for commercial development established in this article are intended to visually indicate proximity to downtown by keying off of the historic commercial and industrial styles present in town, to maintain the character of the rural highway experience with informal architecture, required building setbacks, and landscaping while allowing for flexibility in design, and to re-establish, promote, and/or preserve the rural landscape. The intent of the district also is to implement further the following policies of the Comprehensive Plan: To further identify scenic views and determine strategies for retaining such areas, to protect viable and stable neighborhoods from uses not in keeping with their established character and use, to guide commercial growth and development should to commercial clusters and away from strip development, and to encourage the strategic development of the East By-Pass (a.k.a. Veterans Parkway) in order to maintain its integrity as a major U. S. Highway.

Section 15.02 APPLICABILITY OF STANDARDS. The design standards for commercial development shall be applicable to all commercial zones- C-1, C-1R, C-1T, C-2, C-2R, C-3, C-3R, C-4, C-PUD. In the C-1, C-1R, C-1T, C-2, and C-2R Districts, the standards of Building Zone 1 as established in the criteria of Section 15.05 shall apply in order to protect viable and stable neighborhoods from uses not in keeping with their established character. In the C-3, C-3R, C-4, C-PUD, the standards of Building Zone 1 or Building Zone 2 as established in the criteria of Section 15.05 shall apply to allow greater flexibility in the design options, since such districts typically are oriented towards major thoroughfares and outside of neighborhoods.

Section 15.03 PROCEDURAL REQUIREMENTS FOR APPROVAL OF PERMIT. At the time of submission of building plans for plan review for building permit approval, the applicant shall submit detailed architectural drawings demonstrating compliance with the design standards. No plans shall be accepted without drawings in sufficient detail to allow Community Development and planning staff to assess compliance. Within ten- (10) business days, the Community Development and Planning Director, or his/her designee shall review the architectural drawings and determine if the proposed design complies with the standards established in Section 15.05.

If the proposed design does not meet the standards, the Community Development and Planning Director, or his/her designee, shall submit to the applicant in writing via certified mail with return receipt the standards with which the proposed design does not comply. The applicant shall have ten (10) business days from receipt of the notification to resubmit architectural drawings demonstrating compliance with the standards. Failure to resubmit architectural drawings within the specified time period will result in denial of the application for a building permit. The applicant shall have the right to appeal the decision of the Community Development and Planning Director, or his/her designee, to the Moultrie-Colquitt County Planning Commission only after the applicant has resubmitted architectural drawings in accordance with the process above and the Community Development and Planning Director, or his/her designee, has determined the revised drawings do not comply with the design standards.

Section 15.04 PERMITTED USES. All permitted uses in a C-1, C-1R, C-1T, C-2, C-2R, C-3, C-3R, C-4, C-PUD subject to the standards of this article and the regulations set forth in the Schedule of Regulations, ARTICLE XIX, shall continue to be permitted in compliance with the standards of this article.

Section 15.05 DESIGN CRITERIA. (Amended by Ordinance #2008-39 on June 3, 2008)

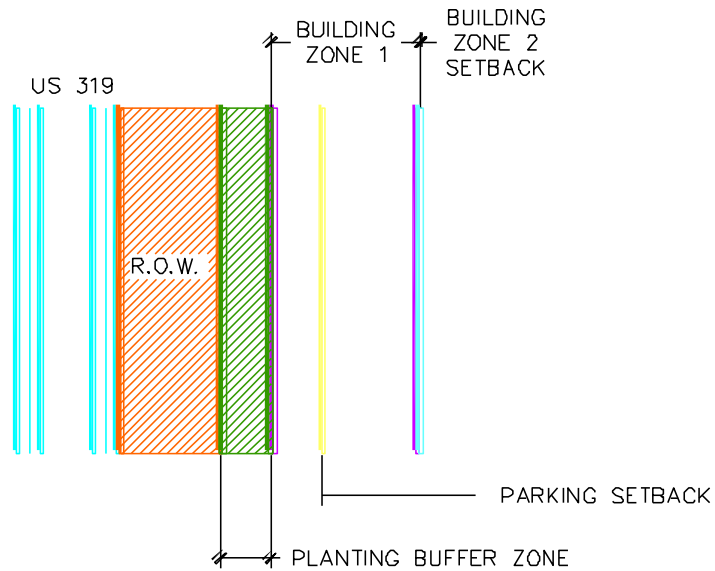
a. Building Zones

Commercial developments shall meet the criteria of the building zones in which they are constructed. Figure 15.A depicts the building zone divisions. The purpose of the two different building zones is to provide flexibility in development options along major thoroughfares. The following standards shall define the building zones. Where there may be conflicting requirements, the standards shall supersede the Schedule of Regulations in Article XVIII:

	Zone 1	Zone 2
Setback from Right-of-Way	Minimum established in Article XIX to 150 ft.	150 ft. minimum
Minimum Road Frontage	None	200 feet
Architecture requirements	Compliance with the standards of Section 15.05.d required	Flexible design standards
Building Size	< 5,000 square feet per building	Greater than 5,000 square feet permitted
Building Height	40 feet	75 feet
Parking Lots ¹	Rear and Side of business	No limitations on location
Landscaping	All natives in informal arrangement	Non-natives permitted, arrangement close to building permitted
Native Buffer Planting	Groupings not required	50 feet wide strip required adjacent to right-of-way

¹ – Parking Zone Requirements: Minimum one (1) shade tree, 3' caliper, per 7 parking spaces. Minimum 7% of total parking area shall be landscaped with even distribution. Landscaped areas shall be planted to have 80% ground coverage within 5 years.

Figure 15.A – Setback Zones for Development



Building Zone 1

- Architecture to meet criteria of design standards
- All native planting
- Rear parking

Building Zone 2

- More lenient standards for architecture
- Non-native plants adjacent to buildings
- Front or side parking

b. Development Options

For the purposes of this article, commercial development shall be classified into two (2) categories: (1) Individual businesses with single and shared accesses and (2) Limited access business clusters.

- (1) In order to provide a functional and aesthetically desirable arrangement of buildings, parking, and landscaping, commercial developments in the first category shall be designed as in Figure 15.B or in a similar manner to meet the intent of these standards.
- (2) In order to provide a functional and aesthetically desirable arrangement of buildings, parking, and landscaping, commercial developments in the second category shall be designed as Figure 15.C or in a similar manner to meet the intent of these standards.

c. Landscaping and Buffer Zone Standards

- (1) Sites without trees on site.

Business developed within Building Zone 2 shall be required to plant a 50 foot wide strip of native vegetation in front of their building and parking facilities to buffer the view from the road. Business signage would be allowed to be placed to be visible from the road. Trees shall be planted in a randomized 10' x 10' grid fashion. Costs can be mitigated by planting seedlings or by planting fewer, but larger specimens.

- (2) Sites with trees on site.

All trees in the 50 foot wide buffer strip shall be preserved. New planting may be necessary and shall be required to meet the density of a 10' x 10' randomized grid planting. Any trees removed for a building site shall be replaced on site.

d. Architectural Standards

The goals of the architectural standards are to encourage an informal character of the rural highway experience in undeveloped corridors of the City of Moultrie, to preserve the context and character of the City of Moultrie, and to encourage creativity and high quality design and construction. The concepts that serve as the basis for the architectural standards are to:

- (1) Locate new construction within the designated building zones.

FIGURE 15.B – Development Option 1 – Individual Businesses with Single and Shared Accesses

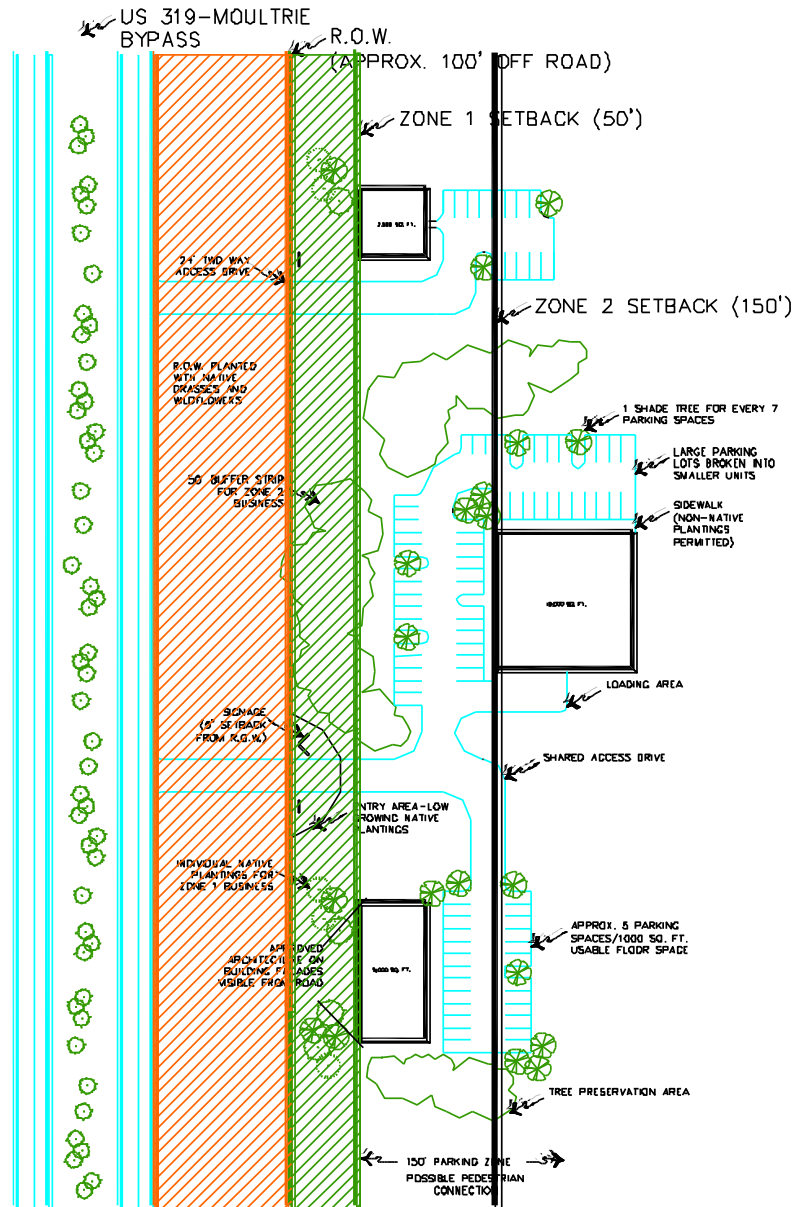
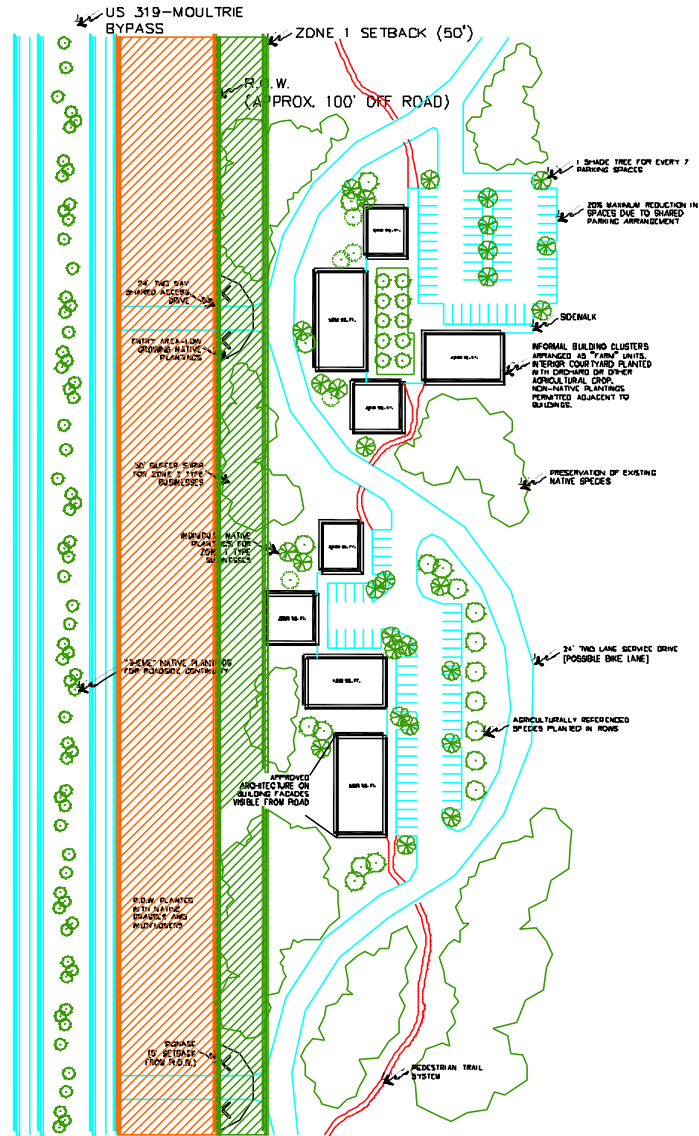


FIGURE 15.C – Development Option 2 – Limited Access Business Clusters



- (2) Group businesses when possible into informal clusters to appear as “farm units.”
- (3) Restrict height to preserve rural appearance.
- (4) Make buildings pedestrian friendly at street level.
- (5) Draw upon existing architectural styles that are easily translated into contemporary designs.
- (6) Use existing commercial and industrial buildings in Moultrie for design ideas.
- (7) Not imitate historic styles that can appear “fake.”
- (8) Provide extra amenities that promote good environmental practices.

In order to achieve the above goals and implement the above design concepts, new commercial development shall meet the following design standards as applicable:

(1) Building Orientation

- (a) Buildings shall be oriented towards the commercial corridor that abuts it.
- (b) The building shall be oriented to clearly demarcate and allow pedestrian entry and access into the building.
- (c) The building shall be oriented to allow for the location of parking in accordance with paragraph “a” of Section 15.05.

(2) Setbacks

- (a) New construction shall be located only in the building zones defined in paragraph “a” of Section 15.05.
- (b) Setbacks shall determine the degree of flexibility in architectural standards. New construction in Building Zone 1 shall meet all of the architectural standards established in this subsection. New construction in Building Zone 2 shall be subject to less stringent architectural standards contingent upon meeting the buffer requirements of Section 15.05.c.

(3) Scale

- (a) Buildings shall be intimately scaled to provide a pedestrian friendly atmosphere. Scale shall be determined by the distance across a space in relationship to surrounding buildings. The distance to height ratio shall not exceed four (4).
- (b) The scale of new buildings shall be compatible with neighboring buildings.

(4) Massing

- (a) Buildings over 5,000 square feet in Building Zone 1 shall be broken up to look like multiple buildings rather than one large “box.” Figure 15.D illustrates a possible arrangement for buildings over 5,000 square feet.
- (b) The massing of buildings shall be varied to add interest to the structure. This shall be achieved by varying the horizontal and vertical planes of the exterior walls and varying the height of distinct elements. Figure 15.E illustrates desirable versus undesirable elements.

FIGURE 15.D – ARRANGEMENT OF BUILDINGS OVER 5,000 SQ. FT.

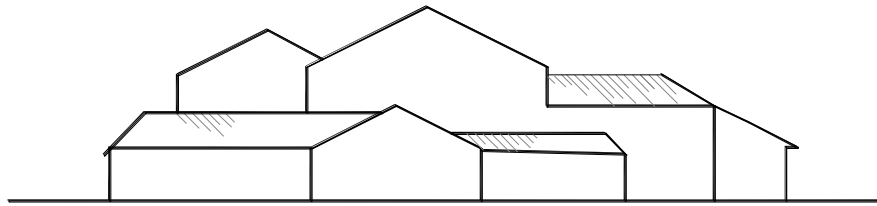
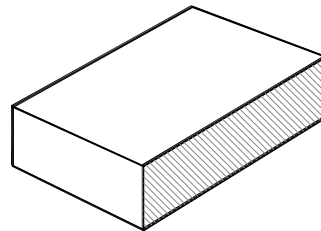
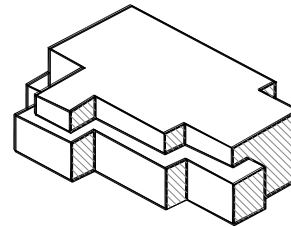
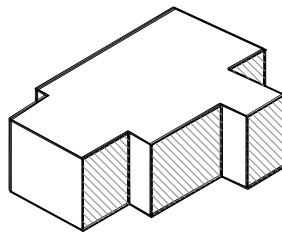


FIGURE 15.E –DESIRABLE VERSUS UNDESIRABLE MASSING ELEMENTS



UNDESIRABLE



DESIRABLE VARIED MASSING

(5) Rhythm

- (a) Openings, such as windows and doors, materials and textures, and architectural features shall be used to visually “break up” the walls.
- (b) The window/door opening solid to void ratio shall be 50% wall to 50% window or door openings on the first floor and 70% wall to 30% window or door openings on upper floors within Building Zone 1. The Community Development and Planning Director may approve a 60% wall to 40% window or door openings on the first floor in Building Zone 1 if the applicant provides information that the variation in the ratio will maintain the existing character of the area in which the building is to be located.

(c) The window/door opening solid to void ratio shall be 60% wall to 40% window or door openings on the first floor and 80% wall to 20% window or door openings on upper floors within Building Zone 2. The Community Development and Planning Director may approve a 70% wall to 30% window or door openings on the first floor in Building Zone 2 if the applicant provides information that the variation in the ratio will maintain the existing character of the area in which the building is to be located.

(6) Materials

(a) The type of external materials used shall consist of one or two primary materials and textures. Required wall materials in Building Zone 1 and desirable wall materials in Building Zone 2 shall include brick, wood siding (weatherboard or board and batten), cementitious fiber board siding, cast concrete block with texture, and non-synthetic stucco.

(b) Accent materials, such as terra cotta, shall be used to provide variety to the structure. Figure 15.F illustrates a desirable use of accent material.

FIGURE 15.F – Example of use of Accent Material



(c) Buildings within Limited Access Business Clusters shall use compatible materials.

(d) Reflective exterior materials shall not be used.

(e) Figure 15.G shows the required roofing materials in Building Zone 1 and desirable roofing materials in Building Zone 2.

FIGURE 15.G – Roofing Materials



Built-up Roofing for Flat Roofs using Gravel roofing

Asphalt Shingles

Metal (Standing Seam or V-Crimp, not corrugated)

(7) Architectural Styles

The intent of the architectural standards is not to hinder creativity, but to create a sense of cohesion in the community. For this reason, it is necessary to establish desirable versus undesirable architectural styles. Desirable architectural styles shall be required in Building Zone 1 and preferred in Building Zone 2.

Desirable	Undesirable
Prairie	Colonial/Colonial Revival
Craftsmen	Neoclassical
Art Deco / Art Modern	Victorian

(8) Roofing

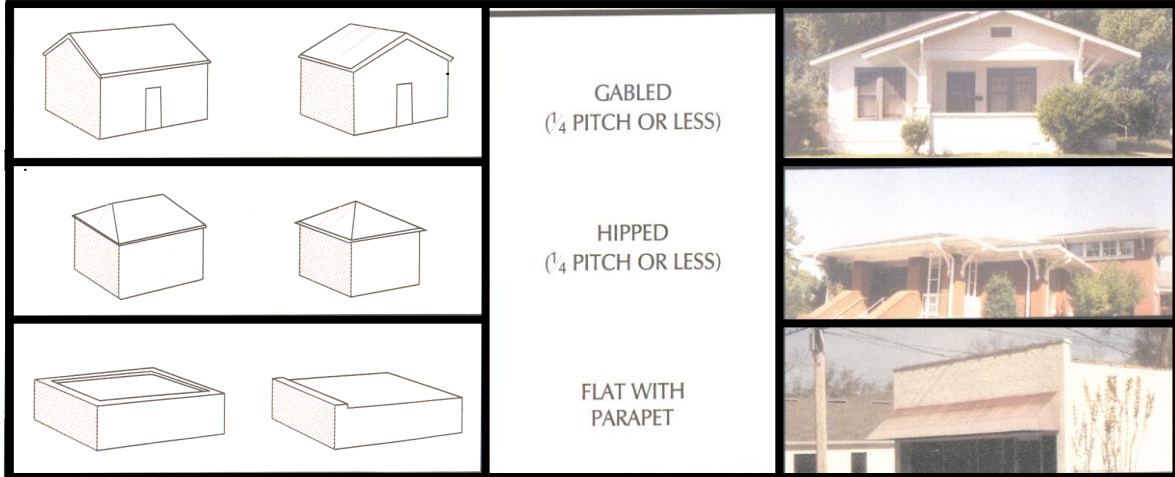
Roofing styles shall be designed to be appropriate for the general architectural style of the building. Gabled (1/4 pitch or less), hipped (1/4 pitch or less), flat with parapet, or gabled with parapet (1/4 pitch or less) roofs shall be required as appropriate to the general architectural style in Building Zone 1 and preferred in Building Zone 2. Figure 15.H illustrates acceptable options for roofs.

(9) Detailing

As with roofing, architectural details shall be designed to be appropriate for the general architectural style of the buildings. Simple cornices, simple window/door lintels, simple brick details, flat or arched openings, and simple pilasters shall be required as appropriate to the general architectural style in Building Zone 1 and preferred in Building Zone 2. Figure 15.I illustrates acceptable options for details.

Figure 15.H – Roof styles

**ROOFS
DESIRABLE**



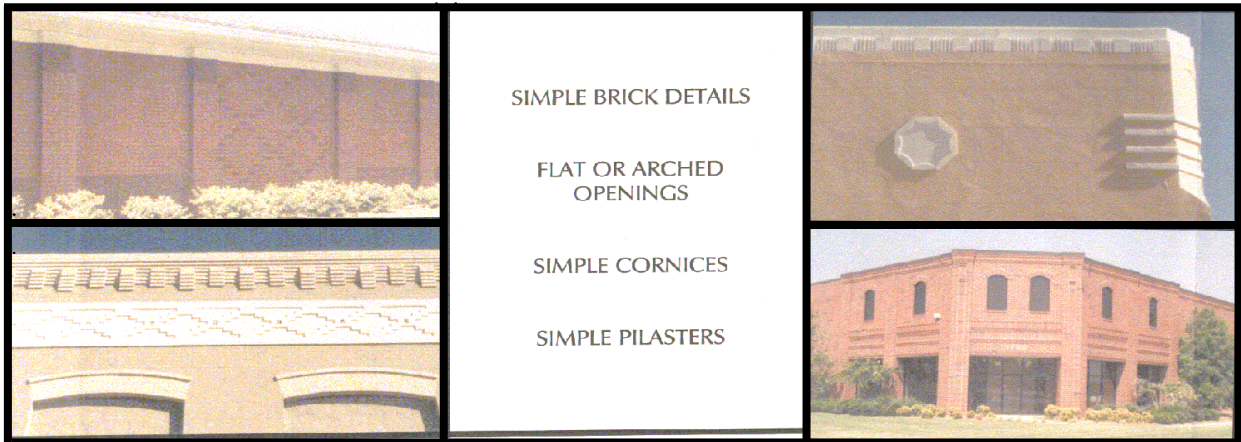
UNDESIRABLE FLAT WITHOUT PARAPET, MANSARD

**ROOFS
DESIRABLE**



Figure 15.I – Detailing

**DETAILS
DESIRABLE**



UNDESIRABLE VICTORIAN-ERA WOODWORK, CLASSICAL COLUMNS

**DETAILING
DESIRABLE**

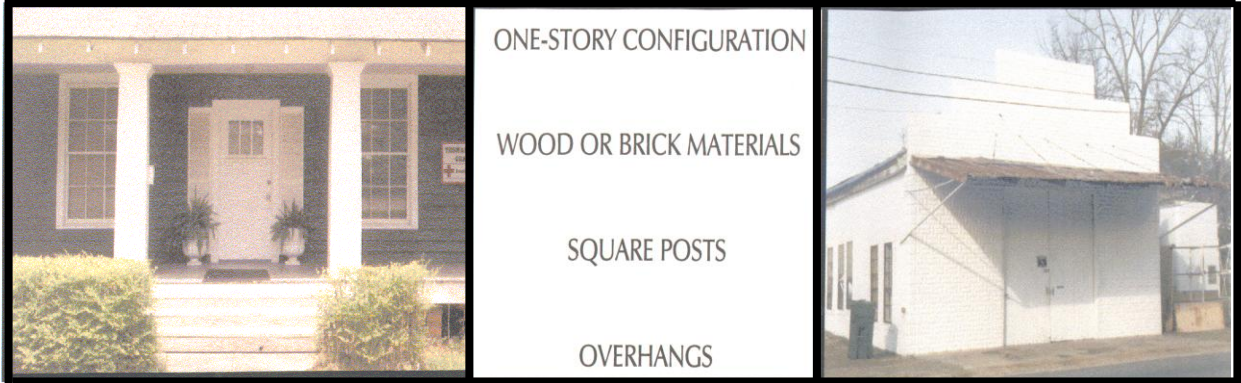


UNDESIRABLE VICTORIAN-ERA WOODWORK, DENTILLED CORNICES

(10)Other Architectural Features

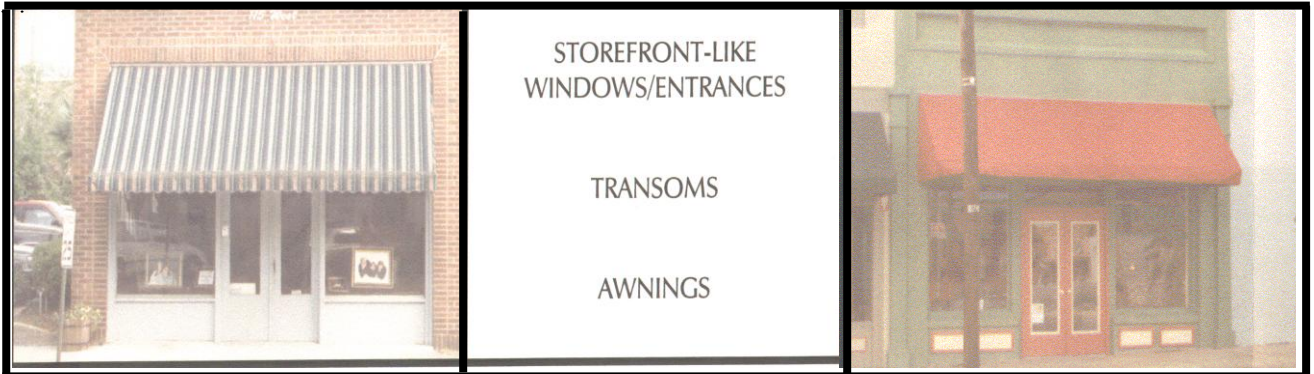
While not mandatory in either Building Zone, the incorporation of other architectural features to assure compatibility and to maintain the character of an area shall be encouraged. Other architectural features shall include porches, transoms, and awnings. Figure 15.J illustrates desirable features.

**PORCHES
DESIRABLE**



UNDESIRABLE TWO-STORY CONFIGURATION, PORTICOS, STONE VENEERED POSTS, TURNED POSTS OR ROUND COLUMNS

**FIRST FLOOR
DESIRABLE**



UNDESIRABLE SMALL WINDOW OPENINGS

Note: Exhibit A attached—Architectural Standards for New Construction

ARTICLE XVI

M-1, LIGHT AND SERVICE INDUSTRIAL DISTRICT

Section 16.01. STATEMENT OF PURPOSE. The intent of this Article is to permit certain industries, which are of a light manufacturing character to locate in, planned areas of the City. So that such uses may be integrated with land uses, such as commercial and residential areas, limitations are placed upon the degree of noise, smoke, glare, waste, and other features of industrial operations so as to avoid adverse effects. It is further intended that these light industrial uses act as a transition between heavier industrial uses and non-industrial uses and not necessarily require railroad access or major utility facilities.

Section 16.02. PERMITTED USES.

- a. Bakeries
- b. Bottling or packaging of cleaning compounds, polishes, seeds, etc
- c. Carpenter and cabinet making shops
- d. Cold storage plants
- e. Confection manufacturing
- f. Creameries
- g. Dental, surgical, and optical goods manufacturing
- h. Dry-cleaning and carpet cleaning
- i. Electric and gas service buildings
- j. Jewelry manufacturing
- k. Laboratories, research, and testing
- l. Laundries
- m. Pattern making shops
- n. Pharmaceutical products manufacturing
- o. Printing, engraving, and bookbinding shops
- p. Soda water and soft drink bottling establishments
- q. Toiletries and cosmetic manufacturing
- r. Tool, die, gauge, and machine shops manufacturing small parts
- s. Warehouses (storage and transfer); electric and gas service buildings and yards; public utility buildings; telephone exchange buildings, and sub stations, gas regulator stations. Railroad transfer and storage tracts. Heating and electric power generating plants and all necessary uses; water and gas tanks and/or freight terminals; railroad right-of-way
- t. Off-street parking and loading in accordance with the requirements of ARTICLE VI

Section 16.02.1. USES PERMITTED AFTER SPECIAL APPROVAL OF THE COMMISSION AND CITY COUNCIL. All permitted uses in a C-3 District, subject to regulations set forth in the Schedule of Regulations, Article XIX.

Section 16.03. INDUSTRIAL PERFORMANCE STANDARDS.

- a. **Automatic Screw Machines.** Permitted only when operated with noise silencers, and when located not less than three hundred (300) feet from any zoned residential district.
- b. **Stamping Machines, Punching Presses, and Press Brakes.** Must be placed on shock absorbing mountings and on a suitable reinforced concrete footing. No machine shall be loaded beyond the capacity as prescribed by the manufacturer.

For Punch And Stamp Presses, other than hydraulic presses, up to twenty (20) tons capacity permitted when two hundred (200) feet from the nearest residential zone.

For Hydraulic Presses, up to one hundred fifty (150) tons capacity permitted when two hundred (200) feet from the nearest residential zone.

All Press Brakes must be located at least three hundred (300) feet from the nearest residential zone.

- c. **Hot Forgings, Steam, or Board Hammers.** Not permitted.
- d. **Noise.** Shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness. Noise as measured at the street or property line may not exceed sixty (60) decibels, and must comply with the requirements of the City's Code of Ordinances.
- e. **Odor.** The emission of obnoxious odors of any kind shall not be permitted.
- f. **Gases, Smoke, Dust, Dirt and Fly Ash.** The emission of gasses, smoke, dust, dirt, and fly ash shall in no manner be unclean, destructive, unhealthful, hazardous, or deleterious to the general welfare. Such emission shall be in strict conformance with all applicable State and County health laws as pertaining to air pollution and smoke abatement.
- g. **Glare and Heat.** Glare and heat from arc welding, acetylene torch cutting or similar processes shall be performed behind solid walls or frosted glass, not less than fifteen (15) feet high as measured from the ground level adjacent to the structure concerned.
- h. **Fire and Safety Hazards.** The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all state rules and regulations. Further, all storage tanks of liquid material above ground shall be located not less than one hundred fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or other type of retaining wall which will contain the total capacity of all tanks so enclosed.

- (1) Must not contain soluble substance in concentration that would increase the viscosity to greater than 1.1 specific viscosity.

Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than the greatest depth to the bottom of the buried tank.

- i. **Sewage Wastes.** No industrial sewage wastes shall be discharged into sewers that will cause chemical reaction, either directly or indirectly, with the materials of construction, or to impair the strength or durability of sewer structures; cause restriction of the hydraulic capacity of sewer structures; cause placing of unusual demands on the sewage treatment equipment or process; or cause limitation of the effectiveness of the sewer treatment process; cause danger to public health and safety; or cause obnoxious conditions inimical to the public interest. Specific conditions as follows:

- (2) Acidity or alkalinity must be neutralized to pH of 7.0 as a daily average on a volumetric basis with a maximum temporary variation of pH 5.0 to 10.0.
- (3) Must not contain more than 10 PPM of the following gasses; Hydrogen, Sulfide, Oxides, or Nitrogen, or any of the Halogens.
- (4) Must not contain more than 5 PPM of Sulfur Dioxide.
- (5) Must not contain any flammable substance with a flash point lower than 187 degrees F.
- (6) Must not contain any explosive substance.
- (7) Must have a temperature within the range of 32 degrees and 150 degrees.
- (8) Must not contain grease, oil, or other substance that will solidify or become viscous at temperature between 32 degrees and 150 degrees.
- (9) Must not contain insoluble substance in excess of 10,000 PPM or exceeding a daily average of 500 PPM.
- (10) Must not contain total solids (soluble and insoluble substance) in excess of 20,000 PPM, or exceeding a daily average of 2,000 PPM.
- (11) Must not contain insoluble substance having a specific gravity greater than 2.65.
- (12) Must not contain insoluble substance that will fail to pass a No. 8, Standard Sieve, or having any dimension greater than ½ inch.

- (13) Must not contain gasses or vapors, either free or occluded in concentrations toxic or dangerous to humans or animals.
- (14) Must not have a chlorine demand greater than 15 PPM.
- (15) Must not contain more than 100 PPM of any antiseptic substance.
- (16) Must not contain any phenols in excess of .05 PPM.
- (17) Must not contain any toxic or irritating substance, which will create conditions hazardous to public health and safety.
- (18) Must not contain in excess of 100 PPM or exceed a daily average of 25 PPM, of any grease or any oily substance.

All of the preceding standards and regulations are to apply at the where the industrial or commercial type wastes are discharged in to a public sewer, and all chemical and/or mechanical corrective treatment must be accomplished to practical completion before this point is reached.

Section 16.04. PROTECTIVE SCREENING. Those sides of a lot or parcel in an M-1 and M-2 District which abut an R-1A, RJ-1B, or an R-PUD District shall be provided with protective screening as specified in Section 4.31.

Section 16.05. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS. (In accordance with the attached Schedule of Regulations, ARTICLE XVIII.)

Section 16.06. WATCHMAN, CUSTODIAN, CARETAKER RESIDENCES: One (1) dwelling-including a mobile home-shall be permitted only as an accessory building for the exclusive use of a watchman, custodian, or caretaker when located on the same tract as the industrial use for which it serves, provided that the residence is necessary for the property's orderly or safety, and that all required setbacks can be met.

ARTICLE XVI-A

M-1S. LIGHT AND SERVICE INDUSTRIAL SPECIAL DISTRICT.

Uses permitted, uses permissible on appeal, and uses prohibited in an M-1S District shall be the same as those for an M-1 District respectively, and all other regulations set out in this chapter applying to an M-1S District. In addition, to all sides of the abutting property zoned in a residential classification, there shall be provided and maintained a solid masonry wall at least seven (7) feet in height as measures from the general level of the ground, provided this requirement may be waived by the Mayor and Council along such abutting property in a non-conforming use.

(NOTE: The Article was added to the Zoning Ordinance by Ordinance #102, adopted 11/21/72.)

ARTICLE XVII

M-2, GENERAL AND HEAVY INDUSTRIAL DISTRICT

Section 17.01. STATEMENT OF PURPOSE. The intent of this article is to provide for the development in desirable areas of the City based upon the Comprehensive Development Plan, of those heavy commercial and industrial which may create some nuisance and which are not properly associated with or compatible with any of the development proposed for the other land use districts. These uses are primarily of a manufacturing, assembling, and fabricating nature requiring good access by road and/or railroad, and needing special sites or public utility services. 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 17.02. PERMITTED USES.

- a. All permitted uses in an M-1 District.
- b. All other uses of a manufacturing or processing nature, subject to the conditions set forth in Section 16.03 which follows:

Section 17.02.1. USES PERMITTED AFTER SPECIAL APPROVAL OF THE PLANNING COMMISSION AND CITY COUNCIL. All special uses in an M-1 District, subject to regulations set forth in the Schedule of Regulations, Article XIX.

Section 17.03. INDUSTRIAL PERFORMANCE STANDARDS.

- a. **Automatic Screw Machines.** Permitted only when operated with noise silencers, and when located not less than three hundred (300) feet from any zoned residential district.
- b. **Stamping Machines, Punch Presses.** Must be placed on shock absorbing mountings and on a suitable, reinforced concrete footing. No machine shall be loaded beyond the capacity as prescribed by the manufacture.

For Punch and Stamp Presses, other than hydraulic presses. Up to fifty (50) tons capacity when located at least two hundred fifty (250) feet from the nearest residential zone.

Up to one hundred (100) tons capacity when located at least three hundred (300) feet from the nearest residential zone.

Up to one-hundred fifty (150) tons capacity when located at least five hundred (500) feet from the nearest residential zone.

For Hydraulic Presses. Up to five-hundred (500) ton capacity when located at least two hundred fifty (250) feet from the nearest residential zone.

Up to seven-hundred fifty (750) tons capacity when located at least three hundred (300) feet from the nearest residential zone.

- c. **Noise.** Shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness. Noise as measured at the street or property line may not exceed sixty-five (65) decibels, and must comply with requirements of the City's Code of Ordinances.
- d. **Odor.** The emission of obnoxious odors of any kind shall not be permitted.
- e. **Gasses, Smoke, Dust, Dirt, and Fly Ash.** The emission of gasses, smoke, dust, dirt, and fly ash shall in no manner be unclean, destructive, unhealthy, hazardous, or deleterious to the general welfare. Such emission shall be in strict conformity with all applicable state and county health laws pertaining to air pollution and smoke abatement, and to the City's Code of Ordinances.
- f. **Glare and Heat.** Glare and heat from arc welding, acetylene torch cutting or similar process shall be performed behind solid walls or frosted glass not less than fifteen (15) feet high, as measured from the ground level adjacent to the structure concerned.
- g. **Fire and Safety Hazards.** The storage and handling of flammable liquids, liquefied petroleum gasses and explosives shall comply with all state rules and regulations. Further, all storage tanks of liquid materials above ground shall be located not less than one hundred fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or other type of retaining wall which will contain the total capacity of all tanks so enclosed. Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than the greatest depth to the bottom of the buried tank.
- h. **Sewage Waste.** No industrial sewage waste shall be discharged in to sewers that will cause chemical reaction, either directly or indirectly, with the materials of construction to impair the strength of durability of sewer structures; cause mechanical action will destroy or damage the sewer structures; cause restriction of the hydraulic capacity of sewer structures; cause placing of unusual demands on the sewage treatment equipment or process; cause limitations of the effectiveness of the sewage treatment process, cause danger to public health and safety; or cause obnoxious conditions inimical to the public interest.

Specific conditions controlling sewage waste area follows:

- 1) Acidity or alkalinity must be neutralized to a pH7.0 as a daily average on a volumetric basis with a maximum temporary variation of pH5.0 to 10.0.

- 2) Must not contain more than 10 PPM of the following gasses: Hydrogen Sulfide, Oxides of Nitrogen, or any of the halogens.
- 3) Must not contain more than 5 PPM of Sulfur Dioxide.
- 4) Must not contain any explosive substance.
- 5) Must not contain any flammable substance with a flash point lower than 187 degrees F.
- 6) Must have a temperature within the range of 32 degrees and 150 degrees F.
- 7) Must not contain grease, oil, or other substance that will solidify or become viscous at temperatures between 32 degrees and 160 degrees.
- 8) Must not contain insoluble substance in excess of 10,000 PPM or exceeding a daily average of 500 PPM.
- 9) Must not contain total solids (soluble or insoluble substance) in excess of 20,000 PPM or exceeding daily average of 2,000 PPM.
- 10) Must not contain soluble substance in concentrations that would increase the viscosity greater than 1.1 specific viscosities.
- 11) Must not contain insoluble substance having a specific gravity greater than 2.65.
- 12) Must not contain insoluble substance that will fail to pass a No. 8, Standard Sieve, or having any dimension greater than ½ inch.
- 13) Must not contain gasses or vapors either free or occluded, in concentration toxic or dangerous to humans or animals.
- 14) Must not have chlorine demand greater than 15 PPM.
- 15) Must not contain more than 100 PPM of any antiseptic substance.
- 16) Must not contain phenols in excess of .05 PPM.
- 17) Must not contain any toxic or irritating substance, which will create conditions hazardous to public health and safety.
- 18) Must not contain in excess of 100 PPM or exceed a daily average of 25 PPM of any grease or oil or any oily substance.

All of the preceding standards and regulations are to apply at the point where industrial or commercial type wastes are discharged in to a public sewer, and all chemical and/or mechanical corrective treatment must be accomplished to practical completion before this point is reached.

- b. **Open Storage.** All storage of building materials, sand, gravel, stone, lumber, equipment, and other supplies shall be located within an area not closer than fifty (50) feet from any street right-of-way line. The storage of lumber, coal, or other combustible material shall not be less than twenty (20) feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All such open storage shall be screened from all streets, and on all sides which abut any R-1A, R-1B, R-2, and R-3. R-PUD, C-1, C-2, or C-3 District by a solid eight (8) foot masonry wall sufficient to serve as a permanent retaining wall.

Junk yards, when permitted, shall be entirely enclosed on all sides by said eight (8) foot wall or fence, and junk and other scrap material shall be piled no higher than the required wall or fence.

Section 17.04. PROTECTIVE SCREENING. Those sides of a lot or parcel in an M-2 District, which abut any residential district with protective screening in accordance with Section 4.31 in addition to those requirements as may be necessary as set forth in Section 16.03 for open storage and junk yards.

Section 17.05. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS. (In accordance with the attached Schedule of Regulations, ARTICLE XVIII.)

Section 17.06. WATCHMAN, CUSTODIAN, CARETAKER RESIDENCES: One (1) dwelling-including a mobile home-shall be permitted only as an accessory building for the exclusive use of a watchman, custodian, or caretaker when located on the same tract as the industrial use for which it serves, provided that the residence is necessary for the property's orderly operation or safety, and that all required setbacks can be met.

ARTICLE XVIII

AG-1, AGRICULTURAL DISTRICT

Section 18.01. STATEMENT OF PURPOSE. The Agricultural District is established as a district in which the principal use of land is for farming, dairying, forestry operations, and other agricultural activities. For the Agricultural District in promoting the general purpose of this Ordinance, the specific intent of this Article is:

To protect land needed and used for agricultural pursuits from encroachment by untimely and unplanned residential, commercial, or industrial development, and;

To allow the continuation of existing agricultural pursuits in areas where, in accordance with the recommendations of the Comprehensive Development Plan, future residential, commercial or industrial development is anticipated but where the present application of zoning controls for future, more extensive land uses would be unreasonable and premature.

Section 18.02. PERMITTED USES.

- a. Single-family farm dwellings related to agricultural operations.
- b. Single-family dwellings when situated on a parcel of land the minimum size of which is five (5) acres.
- c. Farm buildings and greenhouses.
- d. Farms, including livestock and poultry raising, dairying, horticulture, farm forestry, sod farming, and other similar bona fide agricultural enterprise or use of land and structure.
- e. Truck gardening.
- f. Tree and shrub nurseries.
- g. Dog kennels.
- h. Churches, in accordance with the provisions of Section 7.02b of this Ordinance.
- i. Cemeteries.
- j. Public, parochial, private and other schools offering courses in general education not operated for profit.
- k. Municipal government buildings and uses.

- l. Public utility buildings and uses.
- m. Publicly owned and operated parks and other recreational facilities.
- n. Semi-public and private recreation facilities not operated for profits.
- o. Off-street parking in accordance with ARTICLE VI of this Ordinance.
- p. Home occupations as limited and defined in ARTICLE II of this Ordinance.
- q. Accessory uses customarily incidental to any of the above uses, when located on the same premises.

Section 18.03. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS. (In accordance with the attached Schedule of Regulations, ARTICLE XVIII.)

EXHIBIT A

SCHEDULE OF REGULATIONS

ARTICLE XVIII Zoning District	Minimum Size Lot At Setback		Maximum Height of Building		Minimum Yard Setback Per Yard In Ft. (unobstructed)				Minimum Floor Area Per Dwelling Unit*	Maximum Lot Coverage In Percent	Parking Requirements
	Area Total	Width In Feet	In Stories	In Feet	Front	Least One	Total of Two	Rear			
R-1A Single Family Residential District	12,500	100	3	35	(f) 30	(d) 10	(d) 20	30	1350	30	
R-1B Single Family Residential District	10,000	75	3	35	(f) 25	(d) 10	(d) 20	30	900	30	
R-1C Single Family Residential District	6,500	65	3	35	(f) 25	(d) 10	(d) 20	25	900	35	
R-2 Two-Family Residential District	© 10,000	75	3	35	(f) 25	(d) (g) 5	(D) (G) 20	30	850	35	
R-3 Multi-Dwelling Residential District	© 7,500	75	3	35	25	(d) (g) 15	(d) (g) 30	30	650	40	
R-PUD Residential Planned Unit Development District	(a) (k)	(a) (k)	(a) (k)	(a) (k)	(a) (k)	(a) (k)	(a) (k)	(a) (k)	(a) (k)	(a) (k)	
R-CD Condominium District	2,800	24, 34, or 49	3		30			30	1,000		Qq

C-1 Neighborhood Business District		60	1	20	15	(h) (i)	(h) (i)	(h) (i)		30	(m)
C-2 General Business District						(h) (i)	(h) (i)	(h) (i)			
C-3 Commercial Business District					(h) 20	(i) 5	(h) (i) 10	(h) (i)	(i)		(m)
C-PUD Commercial Planned Unit Development District	(a) (o)	(a) (o)	(a) (o)	(a) (o)	(a) (o)	(i) (h) (a) (o)	(a)(h) (l)(o)	(a)(h) (l) (o)	(a) (o)	(a) (o)	(n) (a) (o)
M-1 Light&Service Industrial District		75		120	30	20	40	40		40	
M-2 General&Heavy Industrial District		100			50	30	60	50		40	
AG-1 Agricultural District	10 acres	400	3	(e) 35	(e) 35	(e) 25	(e) 50	(e) 50	800	30	
R-TH Town House District	2,800	24, 34, or 49	3		30			30	1,000		R

(a)(b)(c) etc. denotes references to footnotes to Schedule of Regulations, Pages 83-84

For industrial Performance Standards for M-1, Light & Service Industrial District, Refer to Page (p)

For Industrial Performance Standards for M-2, General & Heavy Industrial District, Refer to (g)

*Includes floor area within outside walls of a building exclusive of areas in cellars, Basements, utility areas, unfinished attics, garages open porches, breezeways, and accessory buildings.

r. refer to Section in 10-A-03.
qq. Refer to Section 9-B-03.

AMENDED 7/24/07 (R-1C Zoning District)

FOOTNOTES TO ARTICLE XVIII.

SCHEDULE OF REGULATIONS.

- a. **PLANNED UNIT DEVELOPMENTS.** The requirements of area, height, bulk, and placement regulations, as they are usually applicable to individual buildings in lots of record, would in certain cases of large-scale developments 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 exceptions can, in certain cases, increase the desirability and convenience to the residents or occupants of the planned unit development without causing adverse effects in adjoining properties.

Therefore, the Zoning Ordinance regulations relative to area, height, bulk, and placement may be modified by the Planning Commission in the case for a plan of a large-scale development which, in the judgement of the Planning Commission, provides adequate open space and improvements for circulation, recreation, education, light, air, and service needs of the tract when fully developed, provided that in no case may the density of the proposed planned unit development exceed that of the Zoning Ordinance requirements, and provided further that the minimum site size for residential planned unit development is three (3) acres and commercial planned unit development is four (4) acres.

- b. In the M-1, M-2, and AG Districts, publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations necessary for the provision of essential services to the area by governmental units or public utilities will be permitted on lots having the minimum area, width, yard, and coverage requirements set forth in the R-1 District of this Ordinance.
- c. Semi-detached dwellings constructed in R-2 or R-3 Districts shall have a minimum lot area of 20,000 square feet. Multiple dwellings constructed in R-2 or R-3 Districts shall comply with the following regulations:

Lot Area-10,000 square feet for the first dwelling unit plus the additional lot area requirements as follows:

Type of Dwelling Unit	Minimum Area In Square Feet	Additional Lot Space In Square Feet
Efficiency Unit	800	350
One Bedroom Unit	1,000	600
Two Bedroom Unit	1,500	800
Three Bedroom Unit	2,000	1,000
Each Additional Bedroom	200	150

- d. In all residential districts, the width of side yards, which abut upon a street on the same side on which other residential lot front, shall not be less than the required front yard setback for, said other residential lots. All buildings, structures, and accessory uses shall maintain such required yard space.

- e. All accessory farm buildings for uses other than those incidental to dwelling, shall be located not less than one hundred (100) feet from any dwelling and not less than twenty-five (25) feet from any lot line or property boundary, with the exception that the main farm barn building shall not be less than one hundred and fifty (150) feet from the front property line. This requirement shall not apply to alteration or addition to any existing barn or accessory buildings which are located close to the road and which existed prior to the adoption of this Ordinance.
- f. Where a front yard of lesser depth than specified in the Schedule of Regulations exists in front of dwellings on more than sixty (60%) percent of the lots of record on one side of the street in any one block in R-1A, R-1B, and R-2 Districts, the depths of the front for any building hereafter erected or replaced on any lot in such block need not be greater than the average depth of front yards of such existing buildings.
- g. For every lot for which a multiple residential dwelling is erected, there shall be provided a side yard on each side of the lot. Each side yard shall be increased beyond the yard spaces indicated by one (1) foot for each ten (10) feet or part thereof by which the length of the multiple, row, or terrace dwelling exceeds forty (40) feet in over all dimensions along the adjoining lot line.
- h. Side yard restrictions may be waived in C-1, C-2, and C-3 Districts to allow for party wall construction, subject to approval from the Planning Commission, provided that a platted alley adjoins the rear of the property and provided that continuous building development shall not exceed five hundred (500) feet.
- i. The minimum floor area per dwelling unit shall not include area basements, open unheated breezeways, and porches, attached garages or utility rooms,
- j. Where motels are permitted in a C-3 District, a minimum of two hundred and fifty (250) square feet of floor area per motel unit shall be provided.
- k. Refer to section 10.01 (R-PUD).
- l. Refer to Section 4.31 (Protective Screening)
- m. Refer to Section 6.01 (Parking Requirements).
- n. Refer to Section 14.04 (Off-street Parking and Loading).
- o. Refer to section 14.01 (C-PUD).
- p. Refer to Section 15.03 (Industrial Performance Standards-M-1).
- q. Refer to Section 16.03 (Industrial Performance Standards-M-2).
- r. Refer to Section 9-B.03 (Standards for Condominiums).

- s. Refer to Section 10-A-03b (Standards for Town House Developments).
- t. Elderly housing units constructed in R-3 districts shall have a minimum floor space in square feet as follows:

Type of Dwelling Unit	Minimum Floor Space in Square Feet
No efficiency units allowed	
One bedroom unit	516
Two bedroom unit	730
Three bedroom unit	930

- u. If, at any time in the future, for whatever reason, should such elderly housing development become obsolete, incompatible with the surrounding community, economically inefficient, etc., the owner must submit a conversion plan of the property and buildings for approval by the Moultrie-Colquitt County Planning Commission before any new use or occupancy will be permitted.

ARTICLE XIX

ADMINISTRATION AND ENFORCEMENT

Section 19.01. ENFORCEMENT. The provisions of this Ordinance shall be administered by the Building Inspector and his deputies and others as designated by the City Manager.

Section 19.02. DUTIES OF BUILDING INSPECTOR. The Building Inspector shall have the power to grant zoning compliance and occupancy permits to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or issue a zoning compliance permit or a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Building Inspector shall require that every application for a zoning compliance permit for excavation, construction, moving, or alteration or change in type of use or the type of occupancy be accompanied by written statements and plans or plats drawn to a scale of not less than one (1) inch equals fifty (50) feet, in duplicate in showing the following in sufficient detail to enable the Building Inspector to ascertain whether the proposed work or use is in conformance with this Ordinance.

- a. The actual shape, location, and dimensions of the lot.
- b. The shape, location, and size of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
- c. The existing and intended use of the lot and of all such structures upon it, including in the residential areas the number of dwelling units which the building is intended to accommodate.
- d. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
- e. Existing and proposed grades to an extent necessary to allow the Building Inspector to properly determine the results of the proposed work.

If the proposed excavation, construction, moving, or alteration, or use of land, as set forth in the application is in conformity with the provisions of this Ordinance, the Building Inspector shall issue a zoning compliance permit. If any application for such permit is not approved, the Building Inspector shall state in writing on the application for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.

The Building Inspector is, under no circumstances, permitted to grant exceptions to the actual meaning of any clause, order, or regulations, contained in this Ordinance to any person making application to excavate, construct, move, alter, or use either buildings, structures, or land within the city.

The Building Inspector is, under no circumstances, permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his duties as Building Inspector.

The Building Inspector shall record all non-conforming uses existing at the effective date of this Ordinance within twelve (12) months after the adoption of this Ordinance for the purpose of carrying out the provisions of ARTICLE V.

The Building Inspector shall be under the day-to-day supervision of the City Manager.

Section 19.03. PERMITS. The following shall apply in the issuance of any permits:

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

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

“Alteration” or “Repair” of an existing building or structure shall include any changes in structural members, stairways, basic construction, type, kind, or class of occupancy, light or ventilation, means of egress and ingress or any other changes affecting or regulated by the Building Code, the City’s Minimum Housing Code or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions. (See also definition of term, “Alteration” in ARTICLE II.)

- b. **Permits for New Use of Land.** A building permit shall also be obtained for the new use of land, whether presently vacant or a change in land use is proposed.
- c. **Permits for New Use of Buildings or Structures.** A building permit shall also be obtained for any change in use of an existing building or structure to a different class or type.
- d. **Permits for Temporary Buildings.** A permit shall also be obtained for temporary buildings. This permit shall be for a period of one (1) year, subject to renewal by the Board of Zoning Appeals.

Section 19.04. CERTIFICATES OF OCCUPANCY. It shall be unlawful to use or permit the use of any land, building, or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved until the Building Inspector has issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with.

- a. **Certificate Validity.** The certificate of occupancy as required for new construction of, or renovations to existing buildings and structures, in the Building code, shall also constitute Certificates of Occupancy as required by this Ordinance.
- b. **Certificates for Existing Buildings.** Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof; or existing uses of land if after inspection, it is found that such buildings, structures, or parts thereof; or such use of land, are in conformity with the provisions of this Ordinance.
- c. **Temporary Certificates.** Temporary Certificates of Occupancy may be issued for a part of a building or structure, prior to the occupation of the entire building or structure, provided that such Temporary certificate of Occupancy shall not remain in force more than six (6) months, nor more than five (5) days after the building or structure is fully completed and ready for occupancy and, provided further, that such portions of the building are in conformity with the provisions of this Ordinance.
- d. **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.
- e. **Certificate for Accessory Buildings to Dwellings.** Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy for the principal dwelling, building, or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.
- f. **Application for Certificates.** Certificates of Occupancy shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or alteration of such building shall have been completed in conformity with the provisions and requirements of this Ordinance. If such certificate is refused for cause, the applicant shall therefore be notified of such refusal and the cause thereof within ten (10) days.
- g. **Certificates fro Non-Conforming Buildings and Uses.** Reference is made to ARTICLE V.

Section 19.05. INSPECTION: NOTICE REQUIRED: BUILDING INSPECTOR'S DUTIES

In order to insure compliance with the provisions of this Ordinance, the Building Inspector will be notified as construction or alteration reaches the following stages:

1. Prior to completion of the footings and prior to the erection of any foundations.
2. Upon completion of work authorized by the building permit. Until inspection is completed, no further work shall be accomplished. At each inspection, the Building Inspector shall insure that all work accomplished complies with the applicable provisions of this Ordinance. If he determines that any provision of this Ordinance has been violated, he shall immediately suspend the building permit, and such suspension shall remain in effect until correction of all violations shall have been approved by the Building Inspector.

Section 19.06. FEES. Fees for inspections and issuance of permits or certificates or copies thereof requires or issued under the provisions of this Ordinance shall be collected by the Building Inspector in advance of the issuance of such permits or certificates.

The amount of such fees shall be established by the City Council, from time to time, and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance. The fees shall be deposited with the City Clerk.

Section 19.07. AMENDMENTS. The City Council of the City of Moultrie may upon recommendation from the City Planning Commission, amend, supplement, or change the regulations of the district boundaries of this Ordinance as established herein. The procedure for submitting a request for an amendment to the Zoning Ordinance text or district boundaries of the official Zoning Map shall be as follows:

1. The applicant shall complete and submit the Zoning Administrator a rezoning application within fifteen (15) days of the next scheduled Planning Commission meeting. Completed applications submitted less than fifteen (15) days will not be considered for that meeting.
2. At the time of application submittal, the applicant shall deposit the sum of seventy-five dollars (\$75.00) with the Zoning Administrator to cover the cost of processing the application and other miscellaneous costs incurred.
3. Within five (5) days after the rezoning petition has been received, the Zoning Administrator shall forward the application to the chairman of the Planning Commission for his review to insure that the application has been completely filled out and contains sufficient information so that the Planning commission can consider the request.

4. Within ten (10) days of the next Planning Commission meeting, the Zoning Administrator shall compile all of the rezoning requests which have been reviewed and accepted by the Chairman of the Planning commission for content and compile an agenda for the next scheduled meeting. This agenda shall be mailed to all Planning Commission members, the Southwest Georgia Planning Commission and all applicants listed on the agenda. In addition, a notice shall be placed in the Moultrie newspaper for three consecutive days notifying the public of the proposed zoning change and the location, date, and time of the Planning Commission meeting at which the proposed changes are to be discussed. The Zoning Administrator shall also place a sign on the property in order to notify the general public of the proposed zoning change and to indicate the location, date, and time of the next Planning Commission meeting.
5. The Planning Commission shall have thirty (30) days within which to submit its report to the City Council concerning a zoning request. Said thirty (30) days shall be measured from the date at which the Planning Commission considered the request. The recommendation of the Planning Commission shall be submitted by the City Manager to the City Council. If the Planning Commission fails to submit a report within the thirty (30) day period, the City Council may consider the request without the recommendation of the Planning Commission.
6. A called meeting may be approved to consider a zoning request at a regular meeting of the Planning Commission, provided the request meets all of the requirements as outlined above, if all members present at the regular meeting approve the request for a special meeting. It will be the duty of each member voting on such request to be present at the called meeting.

Section 19.08. PERFORMANCE BONDS. Where in the Zoning Ordinance there is delegated to the Board of Zoning Appeals of the City Planning Commission the function of establishing certain site improvements as a contingency to securing a zoning amendment, special approval or variance, the Board of Zoning Appeals of the City Planning Commission may, to insure strict compliance with any regulation contained herein or required as a condition of the issuance of a permit, require the permittee to furnish performance or surety bond executed by a reputable surety company authorized to do business in the State of Georgia in an amount determined by the Board of Zoning Appeals or the City Planning Commission to be reasonably necessary to insure compliance hereunder; provided, however, that in fixing the amount of such performance or surety bond, the Board of Zoning Appeals or the City Planning Commission shall take into consideration the size and scope of the proposed improvement project, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel operator to comply to Court Decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding such application.

ARTICLE XX

BOARD OF ZONING APPEALS

Section 20.01. 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 in Section 11 of the General Planning Enabling Act of 1957, No. 358, as amended, in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done.

Section 20.02. OFFICES OF THE BOARD OF ZONING APPEALS. The Chairman of the Board shall be elected annually by the members of the Board. A secretary of the Board shall also be selected annually.

Section 20.03. MEETINGS. All members 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 proceedings showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the City Clerk 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, paper, files, and other evidence pertinent to the matters before it.

Section 20.04. APPEALS AND REVIEW. An appeal may be taken to the Board by any person, firm, or corporation, or by an officer, department, board, or bureau affected by a decision of the Building Inspector. Such appeals shall be taken within such time as shall be prescribed by the Board Zoning Appeals by general rules by filing with the Building Inspector and with the Board a Notice of Appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

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

The Board shall select a reasonable time and place for the hearing of the appeal and give public notice and notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing either in person or duly authorized agent or attorney. The City Planning Commission shall be notified of any such hearing and be invited to attend.

Section 20.05 FEES FOR APPEALS. (Amended/Adopted by Council March 18, 2008—Ordinance #2008-35). Any applicant seeking an appeal shall submit the appropriate fee, as currently or hereafter set by Resolution of the City Council, along with the application to the Planning and Community Development Department.

Section 20.06. 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:

a. **Purpose:**

- (1) 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 Ordinance.
- (2) To hear and decide special exceptions to the terms of this Ordinance upon which such board is required to pass under this Ordinance.
- (3) To authorize upon appeal in specific cases such variance of the terms of the Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in unnecessary hardship so that the spirit of this Ordinance shall be observed, public safety, and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of appeals that:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question and because of its size, shape, or topography and
 - (b) The application of this Ordinance to this particular piece of property would create an unnecessary hardship and
 - (c) Such conditions are peculiar to the particular piece of property involved, and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance, provided, however, that no variance may be granted for use of land or building or structure that is prohibited by this Ordinance.

In exercising the above powers, the Board of Appeals may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decisions, or determination, and to that end shall have all

the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

- b. **Authorization:** In hearing and deciding appeals, the Board shall have the authority to grant such variances there from, minor in nature only, as may be in harmony with their general purpose and intent, so that the function of this Ordinance be observed, public safety, and welfare secured, and substantial justice done, including the following:
- (1) Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of the Ordinance, where street layout actually on the ground varies on the street layout as shown on the map aforesaid. In case of any question as to the location of any boundary line between zoning district, the Board shall interpret the Zoning Map after recommendation from the City Planning Commission.
 - (2) 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.
 - (3) Permit such modification of the height and area regulations as may be necessary to secure an appropriate 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.
 - (4) Permit renewal of permits for temporary buildings and uses for periods not to exceed six (6) months.
 - (5) Permit a limited increase in the number of employees permitted in processing activities in the C-2, General Business District, and C-3, Commercial District, but only when such increase will not adversely affect the character of the establishment, will not be detrimental to or affect the character of surrounding residential development, and will not increase traffic or parking congestion.
 - (6) Establish performance bonds to insure compliance of any requirement, which may be deemed necessary for approving any variance.
- c. **Application.** The concurring votes 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 Ordinance 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 of the City of Moultrie in the manner hereinafter provided by law.

d. **Standards.** In consideration of all appeals and all proposed variations of this Ordinance, the Board shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation complies with the conditions set forth in Section 20.06 a; and in addition meets the following general standards:

- (1) 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.
- (2) 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 contact in residential districts.
- (3) The location, size, intensity, size layout and period 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.
- (4) 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 the adjacent land and buildings or unreasonably affect their value.

e. **Conditions.** The Board of Zoning Appeals, in 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 may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, and determination as ought to be made, and to that end shall have all the powers of the Building Inspector from whom the appeal is taken.

Section 20.07. 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 public notice

and post a sign on the property in question. Upon the hearing, any party may appear in person or by agent.

Section 20.08. APPROVAL PERIOD. No order of the Board permitting the erection or alteration of a building shall be valid for a period longer than six (6) months unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

ARTICLE XXI

INTERPRETATION, APPLICATION, VIOLATIONS, VALIDITY, CONFLICT AND EFFECTIVE DATE

Section 21.01. INTERPRETATION, PURPOSE, AND CONFLICT. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, prosperity, and general welfare.

It is not intended by this Ordinance to interfere with, or abrogate, or annul any ordinance, rules, regulations, or permits previously adopted or issued and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this Ordinance, nor is it intended by this Ordinance to interfere with, or abrogate, or annul any easements, covenants or any other agreement 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 21.02. VIOLATIONS AND PENALTIES. Any person violating or neglecting or refusing to comply with any of the provisions of this Ordinance shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished by imposition of a fine not to exceed three hundred (\$300.00) dollars or by imprisonment for a period not to exceed one hundred (100) days, or by imposition of both fine and imprisonment in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 21.03. VALIDITY. This Ordinance and the various articles, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, or clause or adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 21.04. CONFLICTING PROVISIONS REPEALED. All other ordinances and parts of ordinances in conflict with this Ordinance, to the extent of such conflict and not further, are hereby repealed.

Section 21.05. EFFECTIVE DATE. The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people of the City of Moultrie and are hereby ordered to be given effect twenty (20) days from and after the date of its passage and subsequent publication as required by law.

I hereby certify that the above Ordinance was passed at a regular session of the City Council of the City of Moultrie, Georgia held at 7:30 P.M., October 17, 1972, at Council Chambers, Municipal Building, Moultrie, Georgia. I further certify that the Ordinance was reprinted August 2011 incorporating therein all amendments thereto, which had been adopted up to that time.

Brenda Ellison, Assistant City Clerk