

APPENDIX A – ZONING

ARTICLE I. - INTRODUCTION

Section 1. - Enactment.

In accordance with the authority granted by the Constitution of the State of Georgia as enacted by the Georgia General Assembly and Ratified by General Election, the City Council of Pooler, Georgia, hereby ordain and enact into law the City of Pooler Zoning Ordinance. As part of this ordinance so enacted into law is "The Official Zoning Map of Pooler, Georgia."

Section 2. - Title.

This chapter shall be known as the "Zoning Ordinance of the City of Pooler, Georgia." The map herein referred to, which is identified by the title, shall be known as the "The Official Zoning Map of the City of Pooler, Georgia."

Section 3. - Purpose.

The zoning regulations and districts as herein set forth have been made for the purpose of promoting the public health, safety, morals, general welfare, convenience and prosperity of the citizens of the City of Pooler, Georgia. The regulations and arrangements of districts have been designed to lessen congestion in the streets, to secure safety from fire, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of water, sewer, schools, parks and other public requirements and to encourage the most appropriate use of land throughout the city.

Section 4. - Scope.

This ordinance of the City of Pooler, Georgia:

- (A) regulates the location, height, bulk, number of stories and size of buildings and other structures; the percentage of lot which may be occupied; the sizes of yards and other open spaces; the density and distribution of population;
- (B) [regulates] the uses of buildings; structures and lands for trade, industry, residence, recreation, conservation, water supply, sanitation, public safety, public activities;
- (C) [regulates] the preservation of scenic areas, protection against floods, rising waters and erosion, and other purposes;
- (D) creates districts for said purposes and establishes the boundaries thereof;
- (E) defines certain terms used herein;
- (F) provides for the method of administration, appeal and amendment, enforcement, duties and the provision of penalties for violation.

Section 5. - Severability and conflict.

If any section, subsection, clause [or] provision of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of these regulations which is not invalid or unconstitutional. Where the provisions of this ordinance are in conflict with other ordinances, the most restrictive provisions shall be enforced.

Section 6. – Interpretation of Definitions.

Words and phrases specifically relating to a category of land use not defined in this Development Code shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by reference to the North American Industrial Classification System (NAICS).

ARTICLE II. – DEFINITIONS

Definitions related to land use are:

Accessory building. A subordinate building or use which is incidental to the primary use of the main building or land. An accessory use is one which supports the main use of the building.

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

Administrative Office. Building or space to conduct the management and business affairs of a commercial enterprise including order taking, payroll, accounts payable, accounts receivable, tax preparation, and advertising functions only.

Adult gift shop. An establishment that sells products related to adult sexual or erotic entertainment, such as vibrators, lingerie, clothing, pornography, and other related products.

Adult media store. An establishment having more than ten percent of its stock-in-trade books, magazines, publications, video tapes, or film that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

Adult movie theater. An enclosed building used for presenting film or video material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

Agriculture. The production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nut, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Aisle. The traveled way, which is not the public right-of-way, by which cars directly enter and depart parking spaces.

Alley. A public thoroughfare or way, not more than 30 feet in width except for necessary turnarounds, and which normally provides a secondary means of access to abutting property.

Alteration. Any change in size, shape, character, occupancy or use of a building or structure.

Alteration of structure. Any change in the support members of the building, such as bearing walls, columns, beams or girders.

Assisted living care. Personal services, which includes, but is not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing,

grooming, dressing, and toileting. O.C.G.A.31-7-12.2

Assisted living community. A personal care home with a minimum of 25 beds that is licensed as an assisted living community pursuant to Code Section 31-7-3.

Average natural grade.—The average natural elevation of the ground surface prior to filling or construction. (See “building height”)

Bar. Any place devoted primarily to the retailing and drinking of malt, vinous, or other alcoholic beverages, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises.

Bay. Three or more parking spaces adjacent to one another and aligned side-by-side.

Bed and breakfast inn. A business establishment operated within a dwelling by the owner or occupant, offering temporary lodging and one or more meals to guests while away from their normal places of residence.

Blighted area. An area characterized by deteriorating and/or abandoned buildings; inadequate or missing public or community services; and vacant land with debris, litter, lack of sanitation facilities, trash and junk accumulation, and impacted by adverse environmental nuisances, such as noise, heavy traffic, and odors.

Boardinghouse. A building other than a hotel or motel where for compensation and by arrangement for a definite period of time, meals or lodging or both are provided for three or more persons. (See Convalescent Home, Family Care Home)

Buffer. Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use of property from another so as to visually shield or physically block noise, lights, or other nuisances.

Building. Any structure except a trailer, which has a roof, designed or built for the support, enclosure, shelter, or protection of persons, animals, possessions, or property of any kind.

Building height. The vertical distance from the average natural grade of the building footprint or from the base flood elevation established by FEMA, whichever is higher above mean sea level, to the highest point of the roof or other structure of the building not otherwise exempted from height regulations.

Building Official. The person or persons designated by the City Council to enforce the provisions of this ordinance and charged with the responsibility for building inspection and construction permitting.

Building setback line (front yard). A line extending across the front of the lot from side lot line to side lot line and lying between the property line and vertical wall of the structure or vertical plate line of porches or carports. (See illustration figures 2 and 3)

Business services. Any activity where the primary function is to support commercial office uses, such as secretarial, graphics, advertising, accounting and similar services.

Caretakers dwelling. An accessory building or portion of a primary structure used or designed for use as a residence, specifically, as an accessory use to the principle structure. By no means shall such a use be considered a separate primary structure, eligible for a minor subdivision if either resulting lot created will be substandard in size.

Carports. A structure intended for vehicle storage not completely enclosed by walls and doors.

Church. A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses that are non-commercial in nature.

Commercial use. Activity involving the sale of goods or services carried out for profit.

Condition of fact. Statement of [or] presentation including but not limited to drawings, planning data, and engineering data that the proposed use of land meets the intent of the zoning district for which it is proposed.

Conditional use. A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving agency.

Condominium: A building, or group of buildings, in which dwelling units, or floor area, are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

Convalescent home. A building, or portion thereof, wherein for compensation, living accommodation and care are provided for persons suffering from illness, other than mental or contagious, which is not of sufficient severity to require hospitalization, or for persons requiring further institutional care after being discharged from a hospital other than a mental hospital. (See Boardinghouse, Family Care Home)

Convenience store. Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches other than freshly prepared foods, such as salads, for off-site consumption.

Drive. Short private access that leads to a home or business.

Drive-through. A facility designed to accommodate pickup of food, merchandise or services by motor vehicle momentarily at rest in a driveway expressly designed for that purpose.

Driveway. Paved portion of a public street providing an unobstructed passage from the roadway to an off-street area used for driving, servicing, parking, or otherwise accommodating motor vehicles.

Duplex. A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof. A duplex can be located on an individual lot with a property line along the common wall between units.

Dust-free parking. An area with a constructed surface designed to support automobiles and trucks in a manner by which the surface material will not be carried away by wind, storm water, or normal use. Asphalt and cement serve as ideal materials for dust-free parking surfaces.

Dwelling. Any building or portion thereof which is designed for or used for residential purposes.

Dwelling, multifamily. A building designed for three or more families living independently from one another.

Dwelling, one-family. A building, designed for one family, not containing more than one dwelling unit intended for residential use. Dwelling unit may be attached (zero lot line) or detached as required by the zoning for the district which it is located.

Dwelling, two-family. A building designed for two families living independently from one another. Dwelling units can be attached. (see duplex)

Dwelling unit. A space, area or portion of a building designed for and occupied by one family as a dwelling unit, with cooking, *bathing*, and *sleeping* facilities for the exclusive use of such family.

Dwelling unit, single family attached townhome. Three or more dwelling units for families living independently from each other built on separate fee simple parcels attached by a common wall from ground to roof.

Easement. A grant of one or more property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Energy conservation device. Any device, such as a solar heating unit, which is designed to alter energy use patterns so as to provide the same level of services while requiring less total energy expenditures.

Erected. Built, constructed, reconstructed, moved upon or any physical operations on the premises required in building. Excavation, fill, drainage, and the like shall be considered a part of erection.

Essential services. Any structure, or facility (not including buildings over 200 square feet in interior area) required by a utility owned by the city or franchised to operate within the city limits, which by its nature, is customarily required to be located in a specific proximity to the area it services, as determined by the City Engineer.

Expressway. See *Street, expressway*.

Family. One or more persons occupying a dwelling unit, living as a single, nonprofit housekeeping unit; provided that a group of four or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

Family day care home. A private residence operated by any person paid to supervise and care for three but not more than six children under 18 years of age who are not related to such persons and whose parents or guardians are not residents in the same private residence. This service may be provided for a duration of less than 24 hours per day. A certificate of registration for such activity issued by the Georgia Department of Human Resources is required. (See Convalescent Home, Boardinghouse)

Farmer's market. A place where farmers sell their products directly to consumers.

Fences. An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Floor area. The area within the perimeter of the outside walls of the building with no deduction for corridors, stairs, closets, thickness of wall, columns or other features but excluding utility rooms not accessible from the interior of a dwelling, unenclosed porches, terraces or breezeways and carports or garages.

Frontage of a building. The length of the side of a wall of a building approximately parallel to and nearest to a street.

Garage apartments. An accessory building or portion of a primary structure used or designed for use as a residence, specifically, as an accessory use to the principle structure. Such use may be rented where permitted if it meets occupancy standards of a dwelling unit.

Governing body. The Pooler City Council.

Greenhouses. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

Guest home. Living quarters within a detached accessory building located on the same lot or parcel of land as the primary structure, used exclusively for housing members of the family occupying the main building and their non-paying guests. Such quarters shall not be rented or otherwise used as a separate dwelling. By no means shall such a use be considered a separate primary structure and eligible for a minor subdivision if either resulting lot created will be substandard in size.

Hazardous substance. A substance which, by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful, is likely to cause death or injury. Such substance is regulated by the federal government under the Resource Conservation and Recovery Act.

Hardship. See *Variance, hardship.*

Height of building (see building height)

Home business office. An office within a dwelling which is secondary to the use of the structure for dwelling purposes. The office may be for service or trade workers who customarily work at different locations, such as electricians, plumbers, appraisers, or individuals who work at home, such as writers or computer programmers. Home business (telephone use only) offices are not offices for customer servicing. Customers are prohibited from visiting the office and there may be no signs indicating the presence of such office on the premises.

Home occupations. An occupation customarily carried on within a home by the owner or spouse of the owner for gain or support, involving the sale of only those articles, products, or services produced on the premises, conducted entirely within a dwelling unit and conducted entirely by persons residing in that dwelling unit, using only that equipment as is customarily found in a home and involving no display of articles or products.

Hotel. A building which is open to the public, for compensation, providing lodging or board, or both, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all times.

Impervious surface. Any permanent material that prevents or significantly limits the absorption of stormwater into the ground. This includes but is not limited to buildings, swimming pools, decks, patios, accessory structures, and asphalt, brick, or concrete surfaces.

Injunction. A writ granted by a court of equity whereby one is required to do or refrain from doing a specified act.

Kennel. Any place or premises where four or more dogs or cats over four months of age are kept.

Land, developed. A lot for which building plans have been reviewed and approved by the city administration and physical construction has begun.

Land, improved. A lot which has usable water and sewer service immediately accessible to the site as determined by the City Engineer.

Lot. A developed or undeveloped parcel or tract of land in one ownership, legally transferable as a single unit of land. The following provides a list of various lot descriptions:

1. *Corner lot.* A lot abutting upon two or more streets at their intersection.
2. *Interior lot.* A lot, the side lines of which do not abut on a street.
3. *Through lot.* An interior lot having frontage on two or more streets, not at their intersection.
4. *Flag lot.* A lot with access provided to the bulk of the lot by means of a narrow corridor. (See figure 1)

Lot area, usable. The lot area less easements, setbacks, and areas not suitable for construction (e.g. wetland and floodways).

Lot, business. Front line of business lots shall have a five-foot plot provided for the purpose of beautification. This shall consist of plantings of shrubbery and grass for the enhancement of the location.

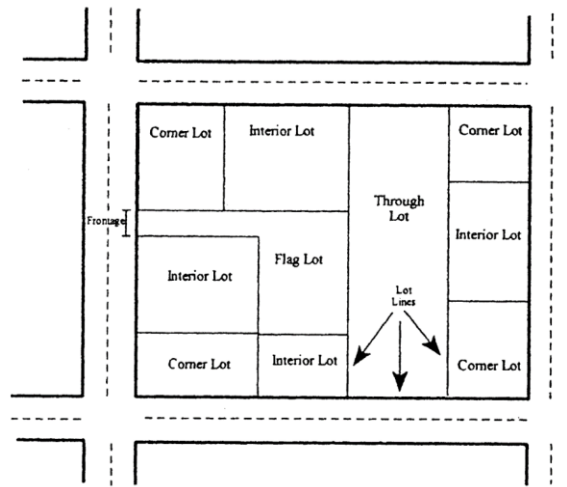
Lot depth. The average distance between the front and rear lot lines.

Lot line, front. The lot line that abuts a street. A lot adjacent to more than one street will have more than one front lot line.

Lot line, rear. The lot line that does not intersect with a street or is not a front lot line.

Lot line, side. Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is a side lot line. A side lot line separating a lot from another lot or plots is an interior or side lot line.

Lot width. The horizontal distance between the side lot lines of a lot measured at the front yard building setback line.



Lots and their Frontage

Live adult entertainment. An establishment devoted to adult entertainment, either with or without a liquor license, presenting distinguished and characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas. Such entertainment includes but is not limited to wet T-shirt contests, bikini mudwrestling, topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainment for observation by patrons.

Mandamus (writ of). A writ issued by a superior court commanding the performance of a specified official act or duty.

Marquee. A canopy or covered structure projecting from and supported by a building when such canopy or covered structure extends beyond the building, building line, or property line.

Manufactured housing. A factory-built, single family structure that is manufactured under the authority of 42 USC Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is designed to be used as a place of human habitation with or without a permanent foundation when connected to the required utilities. It is not constructed with a permanent hitch or other device allowing transportation of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached

to its body or frame.

Mobile home. A form of manufactured housing, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length. When erected on site, a mobile home is 320 or more square feet and is built on a permanent chassis. The finished structure is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. Mobile home structures include plumbing, heating, air-conditioning, and electrical systems contained therein and were manufactured prior to June 15, 1976.

Modular home. A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with regulations of the International Building Code, or the National Manufactured Housing Construction Act as amended. For the purposes of this ordinance, modular home shall be construed to be a single-family dwelling.

Motel. A building or group of buildings containing sleeping accommodations and customary accessory uses for rental primarily to automobile transients with exterior access to rooms.

Museum. A building in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited.

Neighborhood. An area of a community with characteristics that distinguish it from other areas and that may include distinct ethnic or economic characteristics, development history, design and construction standards, housing types, schools, or boundaries defined by physical barriers, such as major highways and railroads or natural features, such as rivers.

Net acre of residential land. Net acre of residential land shall be defined as any portion of lot area reserved for, or intended to be used for, residential buildings, open space, recreation space, and similar accessory uses, excluding areas devoted to streets, driveways, parking and loading facilities, and similar uses or structures. Net residential land shall further be fined as the difference between "gross land area" less "car area" and any area devoted to nonresidential uses of structures, offices, institutional uses, commercial uses, and similar uses.

Nonconforming use. A structure or land lawfully occupied by a use at the time of the adoption or subsequent amendment of this ordinance which is not permitted in the district in which such structure or land is located.

Non-profit military museum. A museum complex which is organized and operated by a 501(c)(3) non-profit corporation for the purpose of commemorating military service and educating.

Nursing home. A freestanding facility or distinct part or unit of a hospital required to be licensed or permitted as a nursing home under the provisions of Chapter 7 of this title which is not owned or operated by the state or federal government. O.C.G.A. 31-8-162

Occupied. Arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

Off-site parking. Any vehicular parking area located on a lot other than that which the parking serves.

Park. A tract of land designated and used by the public for active and passive recreation.

Parking. The temporary, transient storage of motor vehicles used for transportation. It shall not include storage of new or used motor vehicles for sale, services, rental or any other purpose other than specified above. "Parking" as defined herein shall apply only to storage of motor vehicles.

Parking space. The space required to park one automobile, which shall be a minimum of nine feet wide and 20 feet long, exclusive of passageways.

Person. Individual, association, firm, partnership, or corporation.

Personal care home. A building or group of buildings, a facility or place in which is provided two or more beds and other facilities and services, including room, meals, and personal care for nonfamily ambulatory adults for compensation. O.C.G.A. 31-7-12.

Planned Unit Development (PUD). Land under unified control to be planned and developed in single development operation or a definitely programmed series of development operations; such development may include a program for establishment, operation, and maintenance of common open spaces, areas, facilities, and improvements available for common use by occupants of the district; and a development consisting of principal and accessory structures and uses substantially related to the character of the district, which will be developed according to comprehensive and detailed plans for streets, utilities, lots, or building sites, and the like.

Porch. A roofed-over space attached to the outside of an exterior wall of building, which has no enclosure other than exterior walls of such building.

Public use. Buildings, structures and uses of land owned, operated, or maintained by a government unit or government agency, including but not restricted to public easements, public schools, fire stations, recreation sites and facilities and water treatment facilities.

Recreational vehicle. A vehicular type structure, primarily designed as temporary living quarters for recreation, camping, or travel use which either has its own power or is mounted on or drawn by another vehicle which is self-powered.

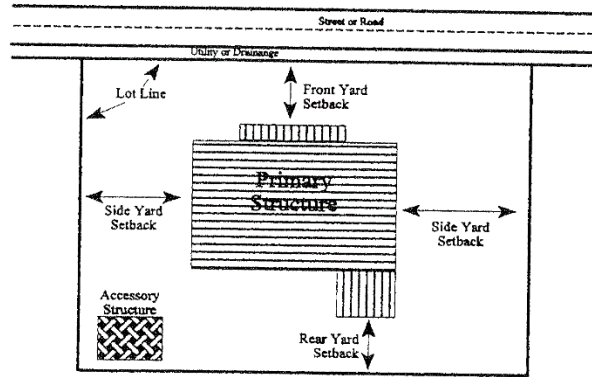
Refuse. See *Solid waste*.

Remodeling, redecorating, or refinishing. Any change, removal, replacement or addition to walls, floors, ceilings, and roof surfaces or coverings which do not support any beam, ceiling, floor, load-bearing partition, columns, exterior walls, stairways, roofs or other structural elements of a building or a structure.

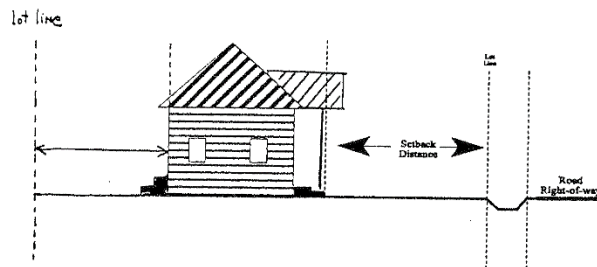
Restaurant. A building or part of a building where food is prepared and served for compensation for consumption on the premises.

Roof. Any structure or material serving as the top of an enclosure or protective of an area intended for occupancy by people or animals, or storage of goods or materials. A roof may be a permanent impervious structure or may be porous, such as screening or canvas.

Room. For the purpose of determining the required plot area, room shall mean an unsubdivided portion of the interior of a dwelling, having a floor area of 80 square feet or more intended or adaptable for living and/or sleeping purposes. Space in a dwelling used only for bathroom, storage, hallway, utilities or similar purposes shall not be included as a room under this definition.



**How to Measure Setback Distance
(top view)**



**How to Measure Setback Distance
(sideview)**

Setback. The minimum horizontal distance between the line of the building or structure measured perpendicular to the building at its closest point (including walls, balconies, car ports, and awnings) and the property line from which the setback distance is required.

Sewage. The total organic waste and wastewater generated by residential, industrial, and commercial establishments.

Shipping container. A reusable steel container having suitable strength to withstand shipment, storage, and handling of intermodal freight.

Shopping center. A group of commercial establishments, built on a site that is planned, developed, owned or managed as an operating unit and provides off street parking as required in this ordinance.

Sign, principal use. A sign which directs attention to a business, commodity, service, or other activity, conducted upon the premises upon which such sign is located. (See Chapter 66 Sign Regulations)

Site-built dwelling. A residential structure built completely, at its original location, from issuance of permit to Certificate of Occupancy.

Site development plan. A detailed plan showing proposed buildings, uses or reuses of all land, open space, location of major structures, recreation areas, schools and public facilities and such other planning elements and reasonable design criteria as may be deemed necessary by the Planning Commission and the City Council.

Solid waste. Unwanted or discarded material, including waste material with insufficient liquid content to be free flowing.

Story. The portion of the building included between the surface of any floor and the surface of the floor next above, or, if there is no floor above, the space between the floor and the ceiling next above.

Street. A public or private vehicular way, open to the general public use and having a pavement or roadbed width of not less than 24 feet, which affords the principal means of access to abutting property. Streets are divided into four classes: major arteries, collector streets, minor streets and expressways.

- a. *Major arteries.* Those streets which are designated as arterials on the major thoroughfare plan and which are used or intended primarily for fast or heavy traffic. Street with 10,000 or more average daily trips with a minimum right-of-way width of 150' and a minimum pavement width of 48'.
- b. *Major collector.* Those streets which carry traffic from minor streets to the major system of arterial streets and highways. Street with 2,501-9,999 average daily trips with a minimum right-of-way width of 80' and a minimum pavement width of 48'.
- c. *Minor collector.* Those streets which carry traffic from minor streets to the major system of arterial streets and highways, including the principle entrance streets of a residential development and streets for circulation within such a development. Street with 251-2,500 average daily trips with a minimum right-of-way of 60-80' (as determined by public works director) and a minimum pavement width of 24'.
- d. *Minor streets.* All other public ways which provide a means of vehicular access to abutting properties. Street with 250 or less average daily trips with a minimum right-of-way of 60' and a minimum pavement width of 24'.
- e. *Streets, marginal access.* Those minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties, and protection from through traffic.
- f. *Expressway.* A divided multi-lane major arterial street for through traffic with partial control of access and with grade separations at major intersections.

Structure. Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground. Among other things, structures include buildings, industrialized buildings, manufactured homes, billboards, swimming pools, advertising signs, satellite dishes, and fall-out shelters but does not include walls or fences.

Structural alteration. Any change in supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

Swimming pool. A water filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above surface pool having a depth of more than 30 inches, designed, used, and maintained for swimming and bathing.

Townhouse. A dwelling unit located in a row of three or more attached dwelling units with no other dwelling unit located above or below another, and with each dwelling unit having at least one interior party wall and a private exterior entrance.

Use, principal. The principal purpose of which a lot or the main building may be used.

Use, temporary. A temporary use of building established in connection with a construction project or real estate development, excluding facilities for sleeping or cooking.

Variance. An authorization by the City Council granting relief and doing substantial justice in the use of property, where literal enforcement of this ordinance will result in an unnecessary hardship upon the use of such property.

Variance, hardship. A departure from the provisions of a zoning ordinance relating but not limited to setbacks, side yards, frontage requirements, and lot size that, if applied to a specific lot, will significantly interfere with the permitted use of the property.

Vehicle. Any automobile, truck, bus, trailer, camper, motorcycle or motor home used to transport people or goods.

Warehouse. A building used primarily for the storage of goods and materials.

Water supply system. The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.

Yard. An open space at grade between a building and the adjoining lot lines or road right-of-way, unoccupied and unobstructed by any portion of a structure from the ground upward.

Yard, front. A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at its closest point (including walls, balconies, car ports, and awnings) to the front lot line.

Yard, rear. A space extending the full width of the lot between any building and the rear lot line and measured perpendicular to the building at its closest point (including walls, balconies, car ports, and awnings) to the rear lot line.

Yard, side. A space extending from the front yard to the rear yard between the principle building and the side lot line and measured perpendicular from the side lot line to the closest point of the principle building (including walls, balconies, car ports, and awnings).

Zoning action. For the purpose of this ordinance, a zoning action includes a zoning map amendment, a text amendment, a variance, conditional use permission, site plan approval, or any other permitting process guided by the content of this ordinance.

ARTICLE III. - GENERAL PROVISIONS

Section 1. - Nonconforming uses.

- (A) *Purpose and intent.* The purpose of a zoning ordinance is to have orderly use of property. Nonconforming uses that existed legally prior to the adoption or change of a zoning ordinance create land uses that do not conform to the zoning ordinance. It is the purpose of this nonconforming use provision to allow legally existing nonconforming uses to be retained with certain limitations to protect adjacent property owners and the public from inconsistencies created by nonconforming uses. It is the intent that over time all nonconforming uses will be eliminated. Any request for a continuance of a nonconforming use or any change in an existing nonconforming use needs the approval of the Building Official and the Zoning Administrator. An expansion of a nonconforming use would also need the approval of the City Council. Any decision of the Building Official and the Zoning Administrator may be appealed to the City Council.

- (B) *Continuance of nonconforming uses.* A nonconforming use of a building, structure or land that was legal prior to enactment of an amendment or adoption of the zoning ordinances shall be allowed to legally continue even though such use does not conform with the provisions of the chapter, subject to the following:
- (1) The nonconforming use cannot be expanded to occupy a greater area of land or building area;
 - (2) A nonconforming use cannot be changed to another nonconforming use;
 - (3) A nonconforming use, which is changed to a conforming use, shall not be permitted to revert to the original nonconforming use;
 - (4) The nonconforming use of the building, structure or land cannot be intensified or escalated, for example, by increasing the number of deliveries, employees or customers coming to the nonconforming use, or by an increase in noise, dust, fumes, or other pollutants emanating from the nonconforming use; or
 - (5) A nonconforming use cannot be reinstated after it has been abandoned. It shall be prima facie evidence of abandonment for the owner and/or operator of the nonconforming use to discontinue the nonconforming use for six months, or fail to obtain a new or renew an existing business license as required under the City of Pooler Code of Ordinances.
- (C) *Continuance of nonconforming structure or building.* A building or structure that is nonconforming or that contains a nonconforming use at the time of enactment of the ordinance from which this chapter is derived or at the time of enactment of an amendment to this chapter may be retained, except that it shall not be:
- (1) Enlarged, altered or rebuilt, except for repairs necessary to maintain the structure or building in a safe and sanitary condition; or
 - (2) Rebuilt, altered or repaired after damage or deterioration exceeding 75 percent of its replacement cost at the time of destruction, except in conformity with this chapter.
- (D) *Restoration to a safe condition.* Nothing in this ordinance shall prevent the restoration of any building or structure to a safe or sanitary condition when required by the proper authorities.
- (E) *Errors and violations.* The issuance or granting of a permit or approval of plans and/or specifications shall not be deemed or construed to be approval for any violation of any provision in this ordinance. No permit presuming to give the authority to violate or cancel the provisions of this ordinance shall be valid except insofar as the work or such which it authorizes is lawful.

Section 2. - Access to public street required.

No building shall be constructed or erected upon a lot, or parcel of land, which does not abut upon a public street, publicly approved street, or permanent easement of access to a public street. Such easement shall serve no more than two lots and must have a minimum width of 25 feet unless an easement of lesser width was of record prior to the adoption of this ordinance.

Section 3. - Preexisting substandard lots.

The purpose of this article is to grant relief to preexisting substandard lots that would create undue hardship to an individual case and allow the issuance of the building permits upon the said substandard lots. In order to qualify for relief under this article, the applicant must demonstrate the following:

- (A) Failure to grant a building permit on this substandard lot would create a real, undue hardship;
- (B) Demonstrate that at the time of the adoption of the zoning ordinance enacted on October 5, 2020, or at any date subsequent to its adoption, including the time which application for relief under this article has been requested, the applicant did not own any contiguous property to said lot;

When applicant has demonstrated all of the above requirements of this article to the satisfaction of the City Council for the City of Pooler, then the Building Official shall issue a building permit for said substandard lot.

Section 4. - 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 any other premises in the city until a permit for such removal is secured from the building and zoning department. Any such building or structure shall conform to all the provisions of this ordinance in the same manner as a new building or structure. No building or structure shall be moved into the city from outside the city until such compliance has been shown and such permit has been secured. Before a permit may be issued for moving a building or structure, the Building Official shall inspect the same and shall determine if it is in compliance with all city and state regulations.

Section 5. - Off-street parking and unloading.

(A) *Single family residential districts.* Off-street parking spaces shall be provided on every lot on which any of the following uses are hereby established. Driveways must serve only one lot. Common driveways are not permitted in this district. Off-street parking spaces shall include adequate maneuvering areas and shall be provided with vehicular access to a street or lane. All parking spaces shall be:

- (1) Made of a dust-free material;
- (2) Have a minimum width of eight feet and an area no less than 160 square feet exclusive of passageways; and,
- (3) Equal in number to at least the minimum requirements for the specific use set forth below:
 - a. *Number of spaces.* A minimum of one and three-fourths (1.75) spaces per dwelling. Non-residential uses require additional parking spaces.
 - b. *Recreational vehicles.* If the camping and recreational equipment is parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line of the lot.
 - c. *Nursing homes, hospitals.* One parking space for each five patient beds plus one space for each staff doctor, plus one space for each employee on the largest shift.
 - d. *Theaters, auditoriums, churches, gymnasiums and other places of assembly.* One parking space for each four seats provided in the main auditorium or for each 50 square feet of floor area available for the accommodation of movable seats in the largest assembly room or area.
 - e. *Public and private elementary and secondary schools (except assembly halls, auditoriums and gymnasiums used in conjunction therewith).* One parking space for each 200 square feet of gross floor area devoted to such use.
- (4) *Residential curb cuts.* Paving of driveways is not required for property that fronts exclusively on unpaved city-maintained roads, otherwise, the property owner shall pave all driveways from the right-of-way line to the edge of the paving.
 - a. No more than two combined entrances and exits shall be allowed for any parcel of property, having a frontage less than 200 feet on any one street. Additional entrances or exits for

parcels having a frontage in excess of 200 feet may be permitted at the rate of one entrance/exit for each additional 100 feet of frontage.

- b. The distance between any two curb cuts on the same side of the street shall be more than ten feet on local roads, 25 feet on collector, and 35 feet on arterial.
- c. The width of any driveway shall not exceed 18 feet at the right-of-way line and 24 feet measured at the edge of pavement.

(B) *Two family residential districts.* Off-street parking shall be provided for each dwelling unit in a manner that does not require backing out onto the street and meets the requirements for residential curb cuts. A parking plan shall be submitted and approved by the City Planner and all parking spaces must conform to all requirements listed above for single family districts.

(C) *Multifamily residential districts.* A minimum of 1.75 parking spaces per unit shall be required. Additional parking shall be required for clubhouse and other non-residential uses. A parking plan shall be submitted and approved by the City Planner and all parking spaces must conform to all requirements listed above for single family districts. A common parking area shall be designated for the storage of campers, boats, or other recreational equipment. Curb cuts for multifamily residential dwellings shall meet the following requirements:

- (1) No more than two combined entrances and exits shall be allowed for any parcel where the frontage is less than 300 feet on any one street. On parcels with less than 150 feet of frontage, only one combined entrance and exit shall be allowed (two one-way driveways shall be allowed in lieu of the one two-way). Additional entrances or exits for parcels of property having a frontage in excess of 300 feet may be permitted at the rate of one entrance/exit for each additional 150 feet of frontage;
- (2) All driveways shall be constructed so as to be at least 12½ feet from any side of the property line; and
- (3) Maximum width of any driveway shall not exceed 35 feet measured at the end of the radii (minimum 12½-foot radius).

(D) *Commercial districts.* Off-street parking spaces shall be provided on every lot on which any of the following uses are hereby established. Such spaces shall include adequate maneuvering areas and shall be provided with vehicular access to a street or lane. All parking facilities shall have a base of either concrete or asphalt; pervious concrete, porous asphalt, and permeable pavers (with or without an underdrain) shall be used to the greatest extent possible. Parking lot bioswales, bioretention, and other low impact development (LID) practices shall be integrated into the parking lot design to the greatest extent possible. Parking shall be no closer than ten feet to the street, road, or rights-of-way. The parking plan including the design detail for LID practices, shall be submitted and approved by the City Planner and City Engineer prior to the issuance of a permit.

(1) *Number of spaces:*

- (a) *Motels and hotels.* Four-fifths (0.8) of one space for each room, and one space for each employee. Additional parking spaces may be provided in such a manner to accommodate parking of trucks, buses, campers, etc.
- (b) *Retail businesses.* Except as provided below, one space for each 250 square feet of total floor area.
- (c) *Offices, including banks.* One space for each 300 square feet of total floor area.

- (d) *Filling and Gas station.* One-half space for each gas pump, plus one space for each service bay or similar facility.
- (e) *Grocery stores (not in a shopping center).* If 10,000 square feet or less, 5 spaces per 1,000 square feet of total floor area; and if greater than 10,000 square feet of total floor area, 4.0 spaces per 1,000 square feet of total floor area.
- (f) *Shopping centers.* If 10,000 square feet or less, 5 spaces per 1,000 square feet of total floor area; and if greater than 10,000 square feet of total floor area, 4.5 spaces per 1,000 square feet of total floor area.
- (g) *Business not covered.* Any use not listed above shall meet the requirements of the most similar use as determined by City Council.

Minimum Parking Spaces Required by Use		
Use	Minimum Number of Parking Spaces:	Required for Each:
Single, Two or Multi - Family Residence	1.75	Dwelling Unit
Theaters, auditoriums, churches, gymnasiums and other places of assembly	0.75	4 seats in main auditorium, or
	0.75	50 sf in the largest assembly room
Public and Private elementary and secondary schools	0.75	200 square feet of gross floor area
Hotel or Motel	0.8	Room
	1	Employee
Offices: General, Administrative and Professional, including banks	1	300 sf of floor area
Filling and Gas Station	0.5	Pump, plus
	1	Service bay
Grocery Store (not in shopping center)	5	1,000 sf of total floor area for stores under 10,000 square feet
	4	1,000 sf of total floor area for stores over 10,000 square feet
Shopping Centers	5	1,000 sf of total floor area for stores under 10,000 square feet
	4.5	1,000 sf of total floor area for stores over 10,000 square feet
Business not listed above	Most similar use as determined by Council	1,000 sf of total floor area
Manufacturing	1	Each two employees at maximum employment on a single shift.

(2) *Parking lot dimensions.* Each automobile parking space shall be not less than 180 square feet, nor less than nine feet wide, nor less than 20 feet deep, exclusive of passageways. In addition, there shall be provided adequate interior driveways to connect each parking space with a public right-of-way.

(a) *Exemptions.* The provision of this subsection shall be waived upon the determination by the Zoning Administrator that the parking lot does not serve more than ten vehicles and is not

available for visitor or customer use.

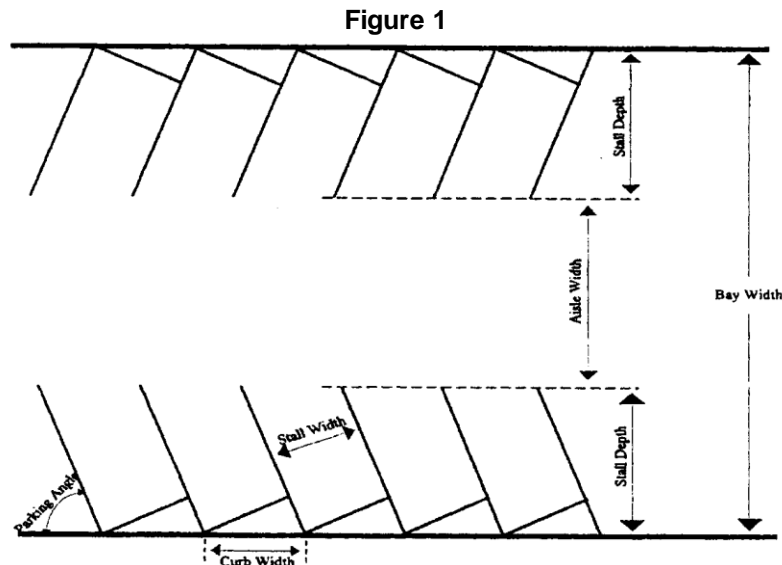
- (b) *Angled parking.* Aisle width and stall depth may vary based on parking angle. The following table provides the minimum standards:

PARKING LOT STANDARDS					
Parking Angle	Curb Width (in feet)	Stall Depth (in feet)	Stall Width (in feet)	Aisle Width (in feet)	Bay Width (in feet)
90°	9.0	20.0	9.0	24.0	64
60° one way	9.2	18.0	9.0	19.0	55
60° two way	9.2	18.0	9.0	23.0	59
45° one way	11.3	15.0	9.0	16.0	46
45° two way	11.3	15.0	9.0	19.5	49.5

- (c) *Handicapped parking spaces.* All spaces required and designated for handicapped accessible parking must meet all guidelines associated with the Americans with Disabilities Act. Handicap accessible parking spaces shall be counted as part of the total number of parking spaces required under this Article.

(3) *Commercial delivery to businesses and industrially zoned establishments.*

- (a) All deliveries to businesses and industrially zoned establishments shall be made, when physically possible, by rear door only.



- (b) This section shall not apply where no rear entry presently exists or where the delivery of a specific item by rear entry is physically impossible; however, no building plans shall be approved by the building department from the effective date of this chapter when said plans do not provide access for commercial deliveries to the rear of retail business establishments.

- (c) No area designated or used for commercial deliveries may extend or result in the extension of vehicles onto a public right-of-way.
- (4) *Curb cuts* for commercial land uses shall meet the following requirements:
 - (a) No more than two combined entrances and exits shall be allowed for any parcel where the frontage is less than 300 feet on any one street. On parcels with less than 150 feet of frontage, only one combined entrance and exit shall be allowed (two one-way driveways shall be allowed in lieu of the one two-way). Additional entrances or exits for parcels of property having a frontage in excess of 300 feet may be permitted at the rate of one entrance/exit for each additional 150 feet of frontage; (as mentioned above)
 - (b) All driveways shall be constructed so as to be at least 12½ feet from any side of the property line; and,
 - (c) Maximum width of any driveway shall not exceed 35 feet measured at the end of the radii (minimum 12½-foot radius);
- (E) *Industrial district:* Off-street parking spaces shall be provided on every lot on which any of the following uses are hereby established. Such spaces shall include adequate maneuvering areas, shall be provided with vehicular access to a street or lane and meet all parking surface material and lot dimensional standards set forth for commercial districts. All parking plans utilizing parking in any setback must be referred to planning and zoning for review with final approval by Mayor and Council as part of the site plan approval. No parking, except herein authorized, shall be provided within any required front setback with the exception that in planned industrial parks, two-axle vehicles shall be allowed to park within said setback so long as no parking shall occur within 20 feet of the right-of-way. Under no circumstances shall any vehicle over two axles be allowed in the front setback. Parking shall be equal in number to at least the minimum requirements for the specific use set forth below:
 - (1) *Number of spaces:*
 - (a) *Manufacturing.* One space for each two employees at maximum employment on a single shift.
 - (b) *Other uses.* Shall meet requirements set forth in subsection (D) commercial districts.
 - (2) *Commercial delivery to businesses and industrially zoned establishments:*
 - (a) All deliveries to businesses and industrially zoned establishments shall be made, when physically possible, by rear door only.
 - (b) This section shall not apply where no rear entry presently exists or where the delivery of a specific item by rear entry is physically impossible; however, no building plans shall be approved by the building department from the effective date of this chapter when said plans do not provide access for commercial deliveries to the rear of retail business establishments.
 - (c) No area designated or used for commercial deliveries may extend or result in the extension of vehicles onto a public right-of-way.
 - (3) *Curb cuts for industrial land uses shall meet the following requirements:*
 - (a) No more than two combined entrances and exits shall be allowed for any parcel where the frontage is less than 300 feet on any one street. On parcels with less than 150 feet of frontage, only one combined entrance and exit shall be allowed (two one-way driveways shall be allowed in lieu of the one two-way). Additional entrances or exits for parcels of property having a frontage in excess of 300 feet may be permitted at the rate of one

entrance/exit for each additional 150 feet of frontage; (as mentioned above)

- (b) All driveways shall be constructed so as to be at least 12½ feet from any side of the property line; and,
- (c) Maximum width of any driveway shall not exceed 35 feet measured at the end of the radii (minimum 12½-foot radius).

Section 6. - Schedule of development regulations.

Structure placement, lot size, number of structures, impervious surface, and building height vary by zoning district. Two tables are provided, on the pages to follow, that list these requirements by zoning district. An application for permit that cannot meet these requirements has two options. One is to apply for a variance and the other is to apply for a rezoning of the subject property to a zone with less restrictive requirements. These procedures are found in article V, administration and enforcement procedures.

(A) Schedule of residential district dimensional requirements.

Zoning District	Minimum Lot Area (sq/ft)		Units per acre	Min. Lot Width at Building Line (ft)	Max. Impervious Surface (Surface / Lot Size)	Min. Yard Setback Distance (ft)			Max. Height of Building (ft)
	Single Family	Two-Family	Multifamily			front	rear	side	
R-1A	8,500	not permitted	not permitted	60	60%	30	20	10	35
R-1B	22,000	not permitted	not permitted	80	60%	40	30	20	35
R-1C	44,000	not permitted	not permitted	125	60%	50	30	20	35
R-2A	7,500	11,250	not permitted	50	60%	30	20	10	35
R-2B	10,000	15,000	not permitted	60	60%	30	20	10	35
R-2C	5,000	7,500	not permitted	50	60%	25	20	20*	35
R-A	44,000	Not permitted	not permitted	150	60%****	30	10	10	<u>35</u>
RA-1	44,000	Not permitted	not permitted	150	60%****	30	10	10	35
RA-2	44,000	Not permitted	not permitted	150	60%****	30	10	10	35
R-3A	10,500	15,000	12	none	60%	40	20	20	50
R-3B	10,500	15,000	16	none	60%	40	20	20	50
R-3C	10,500	15,000	20	none	60%	40	20	20	50
R-4	See section 31.1								
MH-1	10,500	no permitted	not permitted	80	60%	30	20	10	20
MH-2A	6,000	not permitted	not permitted	60	60%	35	20	10	20
MH-2B	44,000	not permitted	not permitted	150	60%	50	30	30	20
MH-3	4,000***	not permitted	not permitted	none	60%	20	5**	5**	20

*At least 20 feet on one side with an allowable zero lot line on the other side.

**As long as there is at least 20 feet between each manufactured home.

***4,000 square feet refers to stand size. A minimum of five acres of land is required for a mobile home park in MH-3.

**** 60% max impervious surface for first 44,000 sq/ft, 8% max impervious surface on each acre hereafter.

(B) *Schedule of commercial and industrial zoning district minimum yard requirements.*

Schedule of minimum yard requirements				
Zone	Front Yard*	Rear Yard**	Side Yard	Height of Building
C-1***	40	10	10	45
C-2	60	10	10	60
C-P	30	20	20	50
I-1	60	20	20	45
I-2	80	40	40	50

*Corner and through lots must meet front yard setbacks on each side that fronts a street right-of-way.

**Through lots do not have a rear yard.

***In C-1 districts, corner and through lots are only required to have the required minimum front yard setback at the building front. Other yards with road frontage shall have a minimum 30 feet of building setback.

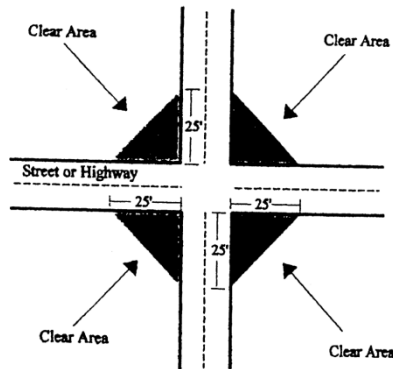
(C) *Buildings above 35 feet.* For a building height in excess of 35 feet, in no event shall a building permit be granted without the following restrictions:

- (1) Structure beyond 35 feet in height shall have safe-guards consisting of fire escapes, sprinkler systems, smoke detectors and non-combustible materials and any other fire protection equipment deemed necessary at the time by the City Council.
- (2) Before a permit can be granted on said request, an affidavit of the builder and owner must be executed agreeing to same to be completed within an agreed upon reasonable time.
- (3) Federal Aeronautics [Aviation] Administration (FAA) approval must be granted in certain areas of the city prior to requesting permission to construct structures above 35 feet. See City Planner for distinction.

Section 7. - Obstruction to vision at street intersections.

Intersection requirements are intended to ensure better vehicle safety on the public roads of the city. A clear sight triangle gives motorists a view of other oncoming motorists when approaching a road intersection.

Figure 2



Sight Triangles at an Intersection

On corner lots within all zoning districts no parking lot, fence, shrubbery, or other obstruction to the traffic sight vision, utility poles, light poles, or sign standards, shall exceed a height of three feet within a triangular area formed by the intersection of the right-of-way lines of two streets and a diagonal line which intersects the right-of-way lines at two points, each 25 feet from the intersection of the right-of-way lines. In the case of a rounded corner 25 feet from the point of intersection of their tangents; provided however, signs, lights, or similar objects which located at least 12 feet above the finished grade shall be permitted.

Section 8. - Prohibited uses in residential districts.

Under no circumstances shall the following be permitted in any residential zoning district:

- (A) In open areas, the parking or storing of unoccupied house trailers or converted buses in excess of 24 feet shall not be permitted.
- (B) Commercial tractor trailers or rigs shall not be parked or stored on residentially zoned property at any time with the exception of trailers used for supply and equipment storage at a properly permitted construction site.
- (C) It shall be a prohibited use in all residentially zoned districts to park or store power driven construction equipment, used lumber or metal, or any other miscellaneous scrap or savable material in quantity.
- (D) Temporary use of recreational vehicles on private property for dwelling purposes. No recreational vehicle shall be used for dwelling purposes on any lot in a residential district unless the lot is permitted as an RV park.

Section 9. - Single family residential standards.

All single-family residences, whether site built or manufactured housing, must meet the following standards:

(A) *Structure and design standards:*

- (1) Corrugated metal or plastic panels are prohibited as roofing materials with the exception of being used as materials for skylights or patio covers.
- (2) The exterior wall shall be material similar to traditional site-built housing. These materials may include clapboards, simulated clapboards such as conventional vinyl or metal siding over a minimum covering of one-half inch exterior wood sheathing, wood shingles, shakes, stucco, brick, brick veneer, concrete block, or similar materials, but shall not include smooth, ribbed, or corrugated metal or plastic panels.
- (3) The minimum horizontal dimension of the unit as installed on the site shall be 24 feet in all districts except MH-3 mobile home park district.
- (4) All principal structures shall be placed on a permanent foundation. For the purposes of this section, a permanent foundation shall mean a concrete slab, concrete footers, foundation wall, pilings or post construction which complies with the city building code.
- (5) In no case shall wheels, any undercarriage or transporter unit be left on any structure.
- (6) All units must meet wind loading requirements of Federal Emergency Management Administrator and the International Building Code.

(B) *Manufactured home safety standards.* For the purposes of public safety, all manufactured homes or other such forms of mobile, modular, or manufactured housing are subject to the following requirements:

- (1) *Manufactured home stand requirements.* Prior to the issuance of a manufactured home relocation permit the owner of the parcel or lot for which the manufactured home is to be placed must have an approved mobile home stand. Such stand must have the following:

- a. *Street access.* Each manufactured home stand shall be provided with access frontage to a width of at least 30 feet to a public or private street or road.
- b. *Electric power supply.* Each manufactured home stand shall be provided with an adequate, properly grounded, waterproofed electrical receptacle with a minimum rated capacity of 100 amps. A properly sized over current device shall be installed as a part of each power outlet as per the International Building Code.
- c. *Sewerage disposal.* Each manufactured home stand shall be provided with the means of disposing of kitchen, bath, and putrescible waste directly into a properly installed and inspected septic tank system or an approved community sewerage collection system.

- (2) *Manufactured home tie down requirements.* All manufactured homes shall be tied down in accordance to this table below unless the manufacturer's installation requirements call for more or the home is to be placed on a lot that is in or adjacent to a flood hazard area.

Length of Manufactured Home (not including draw bar)	Minimum Number of Vertical Ties	Minimum Number of Diagonal Ties	Number of Required Anchors per Home
0 to 40 feet	2	3	6
41 to 60 feet	3	5	10
61 to 84 feet	3	6	12

This table is based on a minimum working load per tie of 3,150 pounds with a 50 percent overload (4,725 pounds total).

- a. Multiple-wide manufactured homes shall only be required to have diagonal ties and anchors in accordance with the chart above unless the manufacturer's installation instructions require more.
- b. Single section manufactured homes shall have diagonal and vertical ties and anchors in accordance with the chart above unless manufacturer's instructions require more.

- (3) *Manufactured home siding, stairs, and foundation requirements:*

- a. All manufactured homes shall have siding materials consisting of either wood, masonry, concrete, stucco, masonite, or metal lap. The exterior siding material shall extend to ground level except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.
- b. Skirting and/or siding must be in place within 30 days from the date the re-location permit is issued.
- c. Stairs and landings shall comply with Section 112 - Stairway Construction of the Georgia Building Code and must adhere to the following:
 1. The height of the riser shall not exceed 7¾ inches, and treads, exclusive of nosing shall not be less than nine inches wide.
 2. Every tread less than ten inches wide shall have a nosing, or effective protection, of approximately one inch over the level immediately below that tread.
 3. The width of the landing shall not be less than the width of the stairways they serve.

4. Every landing shall have a minimum dimension measured in the direction of travel equal to the width of the stairway. Such dimension need not exceed four feet when the stair has a straight run.
5. All stairways having treads located more than three risers above a floor or grade shall be equipped with a handrail not less than 30 nor more than 34 inches above the leading edge of the tread.
6. The minimum width of any stair serving as a means of egress shall be a minimum of 36 inches.
7. If handicapped ramps are added, they must be at least three feet wide and the slope of the ramp shall not exceed one foot for every 12 feet.

(4) Foundation requirements on all manufactured homes are as follows:

- a. Supports or piers shall not be more than two feet from the exterior end wall.
- b. All grass and organic material shall be removed and the foundation must be placed on stable soil.
- c. Cross over wires must be placed between the two halves.
- d. All nails or staples shall be removed or sealed.
- e. Dryer vents must be vented to the exterior of the manufactured home; not underneath.

(5) *Manufactured home development in flood hazard areas.* Due to the danger of placing a mobile home in a flood hazard area the following anchor requirements are required if a mobile home is placed on a lot which is located in or adjacent to a flood hazard area as described by the Federal Emergency Management Association [Agency].

Length of Manufactured Home (not including draw bar)	Minimum Number of Vertical Ties	Minimum Number of Diagonal Ties	Number of Required Anchors per Home
0 to 40 feet	2	4	8
41 to 60 feet	3	6	12
61 to 84 feet	3	8	16

This table is based on a minimum working load per tie of 3,150 pounds with a 50 percent overload (4,725 pounds total).

(6) *Manufactured home additions and auxiliary structures.* Any significant feature added to a manufactured home that was not part of the manufactures' original design is considered to be either an addition or an auxiliary structure.

- a. All habitable spaces added to the manufactured home shall be constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act or within the provisions of the Georgia State Building Codes.
- b. All auxiliary structures (such as porches, decks, awnings, cabanas, stairs, etc. unless provided and approved by the manufacturer) shall be entirely self-supporting, unless designed and approved by a professional engineer or registered architect. All such

structures shall be constructed in accordance with the Georgia State Building Codes.

- (C) *Temporary use of recreational vehicles on private property for dwelling purposes.* No recreational vehicle shall be used for dwelling purposes on any lot in a residential district unless the lot in question is permitted as an RV park.

Section 10. - Manufactured home park requirements.

All manufactured home parks located in the city limits of Pooler must meet the following requirements:

(A) *Dimensional requirements:*

- (1) The tract of land for a manufactured home park shall comprise an area of not less than four acres (gross minimum). The tract of land shall consist of a single plot so dimensioned and related as to facilitate efficient design and management of not less than a minimum of 12 manufactured home units.
- (2) Manufactured home lots (spaces) shall be a minimum of 40 by 100 feet and a minimum area of 4,000 square feet.
- (3) The lot (space) coverage in a manufactured home park shall not be more than 60 percent.

(B) *Setback requirements:*

- (1) *Front.* At least 20 feet from front lot line, or 35 feet from center of road.
- (2) *Side.* At least five feet, with a 20-foot minimum between manufactured homes.
- (3) *Rear.* At least five feet from the rear adjoining lot line, with a minimum of 20 feet between manufactured homes.

- (C) *Parking requirements.* A minimum of two paved off-street parking spaces shall be provided for each manufactured home lot.

- (D) *Water supply.* Where the public water supply is available, it shall be used exclusively. The development of an independent water supply to serve the manufactured home park shall be made only after written approval of plans and specifications has been granted by the county health officer.

- (E) *Sewerage disposal.* Where the city sewerage system is available, it shall be used exclusively. In lieu of this, an adequate sewerage disposal system must be provided and be approved in writing by the county health officer.

- (F) *Refuse.* A proposal for refuse collection, storage and disposal shall be submitted, and approved by the city, along with the manufactured home park site plans.

- (G) *Utilities.* Underground utilities shall be provided within the manufactured home park and shall meet all applicable codes and ordinances.

- (H) *Lighting.* Street lighting shall be provided, not to exceed 200 feet separation, including park entrance.

- (I) *Streets.* Streets shall be two-way and a minimum of 20 feet of pavement. On-street parking shall be prohibited. All manufactured home spaces shall abut upon an interior drive, which shall have

unobstructed access to a public street or highway, when a manufactured home park consists of more than 25 units.

- (J) *Recreation.* When manufactured home park consists of less than 25 units, a minimum of 5,000 square feet shall be reserved for recreation. When manufactured home park consists of 25 or more units, a minimum of ten percent of the total area reserved for manufactured homes shall be set aside as a recreation area. (This ten percent shall not include bodies of water.) Such recreation areas shall be made safe from traffic by an enclosure or other device.
- (K) *Buffers.* Manufactured home parks shall have visual buffers such as shrubbery and/or fencing six feet in height with 80 percent visual density between the park and adjacent nonmanufactured home residential uses. Said buffers must be properly maintained at all times.
- (L) *Fire hydrants.* Manufactured home parks shall have an acceptable fire protection system with a suitable number of fire hydrants to cover the entire area of the park. Each fire hydrant must be placed and connected to lines necessary to provide ample fire protection to a radius of 250 feet. Such system must be approved by the City Planner prior to plan submittal.

Section 11. - (Reserved)

Section 12. - Accessory structures.

- (A) *Principal structure on lot.* Only one principal building and its customary accessory buildings may be designated per lot, except for R-A zone (See schedule of residential dimensional requirements table).
- (B) *Location of detached accessory structures on residential lots.* A detached accessory structure in either a residential district or on any lot containing a principal building whose first floor is used for residential purposes are exempted from the schedule of regulations in section 4 of this article, but, shall conform to the following regulations:
 - (1) Must be located behind the front of the primary structure,
 - (2) Must be located at least 30 feet from any public or private street,
 - (3) In specific zoning districts certain setbacks apply and are listed in the table below.

Zoning District	Minimum Side and Rear Yard Setbacks for interior lot lines (in feet)
R-1A	5
R-1B	10
R-1C	10
R-2A	5
R-2B	5
R-2C	not permitted
R-3A	not permitted
R-3B	not permitted
R-3C	20
R-4	See section 13.1

R-A	5
RA-1	5
RA-2	5
MH-1	10
MH-2A	10
MH-2B	10
MH-3	10
C-1	10
C-2	10
C-P	20
I-1	20
I-2	40

- (4) No detached accessory building shall be more than two stories in height.
- (5) No detached accessory building shall be located nearer than six feet to the principal building.
- (C) *Location of attached accessory structures on residential lots.* An attached accessory structure in either a residential district or on any lot containing a principal building, the ground floor of which is used for residential purposes shall be considered as an integral part of the principal building and shall be constructed, altered or otherwise be developed in accordance with the regulations governing side yard, rear yard and front yard setbacks for principal buildings in the district.
- (D) *Temporary use of accessory structures.* An approved relocatable trailer may be used as a temporary office for use on a commercial or industrial construction site provided the following criteria are met and a permit is issued by the City Manager.
1. At no time shall the relocatable trailer be used for living purposes.
 2. The relocatable office trailer must connect to the city's water and sewer system if the trailer has restroom and/or water facilities installed. Also, plumbing and electrical services must be approved by the Building Official prior to occupying the premises.
 3. Said relocatable office trailer shall be removed from the construction site within 15 days after completion of the project.
 4. If work stops on said project for more than 60 days, trailer shall be removed within 15 days.
- (E) *Temporary use of accessory structures in residential developments.* One relocatable trailer is permitted as a temporary sales office, for use in a major residential subdivision of 20 lots or more as long as the following criteria is [are] met and permit is issued by the City Manager.
1. Permit is issued in developer's name.
 2. At no time shall the temporary office trailer be used for living purposes.
 3. Must be set up on a lot of record within the setbacks specified by the zoning ordinances applicable to that development.

4. The relocatable office trailer must connect to the city's water and sewer. Also, plumbing and electrical services must be approved by the Building Official prior to occupying the premises.
 5. Sales office meets the requirements of the latest edition of the Georgia Accessibility Code.
 6. Sales office must be removed within six months of the date the approved plat for the residential subdivision is recorded or until a model home is completed, whichever comes first.
- (F) *Temporary use of dwelling unit or manufactured home as a model home.* New dwelling units or manufactured homes completely constructed or installed in accordance with all the provisions of the Code of Ordinances of the city may be used as temporary sales offices/model homes as long as the following criteria are met and a permit is issued by the City Manager:
- (1) Permit is issued in developer or general contractor's name who owns such model or manufactured home.
 - (2) Dwelling unit may only be used by sales personnel and may not be occupied as a dwelling unit while being used as a temporary sales office/model home.
 - (3) Each temporary sales office/model home must have at least six off-street parking spaces available for use by sales personnel or customers.
 - (4) Use as a temporary sales office/model home must terminate upon the later of the expiration of 18 months from the date the permit is issued or the date on which more than 90 percent of the platted and recorded lots or spaces in that residential subdivision or mobile home dwelling district have completed residential structures located thereon which have been sold or leased by the developer or general contractor.
 - (5) For good cause shown, the City Council of the city may, by resolution, extend the termination date for a temporary sales office/model home.

Section 13. - (Reserved)

Section 14. - Swimming pool requirements and placement.

All swimming pools shall comply with the following requirements:

- (A) Application for permit to construct a swimming pool must be submitted to the Building Official. The structural plans must be approved by the Building Official prior to the issuance of a permit and the beginning of construction and/or excavation,
- (B) Swimming pools may only be located in either the side or rear yard and must be at least ten feet from any property line,
- (C) Swimming pool construction must meet all requirements of the Chatham County Public Health design standards,
- (D) All swimming pools must be confined within a fenced area. The fence must be a minimum of four feet in height and all gates must be lockable, self closing, and self latching. Fencing material shall have no opening larger than six inches in diameter,
- (E) No swimming pools shall be placed across, on, or beneath any easements nor shall any utility easement be granted which bisects a swimming pool and,

- (F) Must have a plan to contain all water run-off. Drainage must be contained on site or diverted to an existing drainage handling facility.

Section 15. - Decks and patios.

Patios, as defined in this ordinance, no higher than one foot above the average natural grade may be placed anywhere within the property boundaries. Decks, as defined in this ordinance, and patios that extend beyond one foot of [above] the average natural grade shall be required to be setback at least five feet from any property line.

Section 16. - Communication equipment.

- (A) Structural plans for all commercial radio, television, cellular and other transmitting or relay antenna towers must be approved by an engineer licensed to practice in the State of Georgia and a permit issued by the Building Official.
- (B) Only communication equipment located on public property may exceed 35 feet above the average natural grade.
- (C) Communication towers must meet all front, rear, and side yard setbacks.
- (D) All towers shall be designed and constructed to withstand a wind velocity of not less than 125 miles per hour.

Section 17. - Secondary dwelling structures.

Where permitted, secondary dwelling structures must adhere to the following requirements as per their respective category:

- (A) *Garage apartments.* Garage apartments may only be permitted on a lot with a single family dwelling and provided that such shall only be permitted in a rear yard, there is adequate parking for two single-family dwelling units, and the lot on which such use is to be established meets 1½ of the minimum lot area requirements for the zoning district. Garage apartments may not have a living area greater than one-half of the primary structure's total living area. Garage apartments may be rented for compensation as long as the owner resides in the primary structure.
- (B) *Caretakers dwelling.* Caretakers dwellings may only be permitted in commercial and industrial zones and intended to house only persons employed by the permitted commercial or industrial use.
- (C) *Guest home.* Guest homes may only be permitted on a lot with a single family dwelling and provided that such shall only be permitted in a rear yard, there is adequate parking for two single-family dwelling units, and the lot on which such use is to be established meets 1½ of the minimum lot area requirements for the zoning district. Guest homes may not have a living area greater than one-third of the primary structure's total living area. Guest homes are intended for housing members of the family occupying the main building and their non-paying guests and shall not be rented, sold or otherwise used as a separate dwelling.
- (D) *Non-residential mobile structures as temporary use.* The City of Pooler Zoning Administrator shall have the authority to issue a permit subject to the following conditions. Upon a finding by the Zoning Administrator that such action may be detrimental to the surrounding neighborhood, the Zoning Administrator shall deny the petition. Such use shall be permitted subject to the following conditions:

- (a) Such mobile home units shall be allowed only for use by schools or churches, where permitted.
- (b) Any permit issued under these conditions shall be valid for only 12 months with option to renew for an additional 12 months and the residents adjacent to property be notified that a mobile structure would be located in their neighborhood; a "B" would be placed by the zone to indicate that the petition would go before the Mayor and Council.
- (c) Placement of the mobile unit must be compatible with the established development pattern so as not to adversely affect the adjoining and surrounding properties.
- (d) The mobile unit must be placed on a tract of land at least 20,000 square feet in size.
- (e) When a mobile unit is placed upon an occupied lot, it shall be considered the principal use upon such lot and shall comply with all regulations established for the district and for the use to be placed within the unit.
- (f) The mobile unit shall be provided with skirting completely enclosing any open space that exists between the ground and the bottom of the mobile unit. Such enclosure shall be visually compatible with the neighborhood.
- (g) The mobile unit shall be provided with a foundation designed to support the maximum load during all seasons and approved by the Building Official.
- (h) No additions shall be made to the mobile unit.
- (i) Steps that are compatible with conventional residential construction shall be provided to all exterior entrances.
- (j) The mobile unit shall be located on the tract of land in a manner consistent with the location of building on adjoining lots.

There may be no more than one secondary dwelling allowed per lot and it may only be placed in a manner which meets the schedule of development regulations listed in section 6 of this article.

Section 18. - Home occupations.

Application for a home occupation shall be filed with the Occupational Tax Clerk upon forms furnished by the City of Pooler. Home occupations require an annual fee and subject to inspection if necessary. There is no fee or annual inspection for home business offices as long as its operation meets the home business office parameters. Home occupation permits may be renewed as long as the operation follows the home occupation parameters. The parameters for each of these uses are listed as follows:

- (A) *Home occupation.* If permitted in a zoning district, a home occupation must comply with the following requirements:
 - (1) Is carried on by either the owner of the dwelling, his/her spouse, or primary occupant;
 - (2) Is conducted entirely within the principal building;
 - (3) Utilizes not more than 20 percent of the total floor area of the principal building;
 - (4) Produces no alteration or change in the character or exterior or change in the principal building from that of a residential dwelling;

- (5) Involves the sale or offering for sale of articles produced or assembled on the premises or products not produced on site, but, related and accessory to the service provided;
- (6) Does not generate pedestrian or vehicular traffic or demand for parking, beyond that which is normal to the particular neighborhood;
- (7) Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition;
- (8) Only operates between 7:00 a.m. and 7:00 p.m.; and,
- (9) Displays no sign or external indication of the home occupation.
- (10) No more than one vehicle used in the conduction of the business may be parked at the home location;

Deviation from the parameters of a permitted home occupation will result in the revocation of all applicable permits associated with the use and its operation.

Section 19. - Child-care facilities.

Where permitted, child-care facilities must adhere to the following requirements as per their respective category:

- (A) *Family day care home.* Such facilities, when located in a district as a permitted use, shall have a minimum of 100 square feet of outdoor play area for each child. Such outdoor play area shall be enclosed by a fence not less than four feet in height.
- (B) *Child-care center.* Such facilities, when located in a district as a permitted use, shall comply with the following minimum regulations:
 - (1) A minimum of 100 square feet of outdoor play area shall be provided for each child. Such outdoor play area shall be enclosed by a fence not less than four feet in height.
 - (2) Such uses shall only be permitted on a lot or plot of ground which abuts a collector street, major arterial or secondary arterial. The City Council shall be authorized to waive this requirement, if on the basis of evidence presented, it finds that the traffic to be generated by a particular use can be accommodated on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets. Provided that approval for any center established requiring access along residential or lesser classified street shall be limited to a maximum of 75 children during the daytime hours and no greater than 50 children between the hours of 9:00 p.m. and 6:00 a.m.
 - (3) The architectural character including the orientation and exterior appearance of any structure shall be characteristic of the neighborhood within which such structure is located.
 - (4) Such use shall provide the number of off-street parking spaces required for educational and institutional uses as set forth in section 5, off street parking and unloading, plus safe and functional off-street patron pick-up and delivery spaces.

- (5) There shall be no on-site outdoor recreation activities after 9:00 p.m.
 - (6) Where an abutting use is residential, visual buffers shall be provided so as to shield all parking areas and play areas, and outdoor activity areas from the abutting property. Such buffer shall consist of trees or of the vegetation of such height and depth as determined by the City Council of an appropriately designed fence, wall or a combination thereof.
- (C) *Nursery school.* This type of establishment is secondary use to a church or large business intended only for patrons or employees of such primary establishment. Such facilities, when located in a district as a permitted use, shall comply with the following minimum regulations:
- (1) A minimum of 100 square feet of outdoor play area shall be provided for each child. Such outdoor play area shall be enclosed by a fence not less than four feet in height.
 - (2) Such use shall provide the number of off-street parking spaces required for educational and institutional uses as set forth in section 5, off street parking and unloading, plus safe and functional off-street patron pick-up and delivery spaces.
 - (3) There shall be no on-site outdoor recreation activities after 9:00 p.m.
- (D) *Preschool.* This type of child care establishment is specifically dedicated to providing a structured educational format. Hours of operation shall be limited to those customary of public schools. Such use shall provide the number of off-street parking spaces required for educational and institutional uses as set forth in section 5, off street parking and unloading, plus safe and functional off-street patron pick-up and delivery spaces.

Section 20. - Adult care facilities.

Adult care facilities in Pooler are listed and defined into three major classes: family personal care homes, group personal care homes, and congregate personal care homes. The requirements for these uses are as follows:

- (A) *Family personal care home.* This use is limited to six or fewer persons including supervisory personnel and staff and must meet the following requirements:
- (1) Such use shall comply with the Georgia Department of Human Resources, "Standards for Adult Daycare" as amended.
 - (2) The parking layout and design shall be characteristic of the neighborhood within which such use is located.
 - (3) When the building housing such use is located within 150 feet of a dwelling unit, the use shall operate only between the hours of 6:30 a.m. and 7:00 p.m.
 - (4) The use shall only be established in a building designed as and occupied as a one or two family dwelling structure.
- (B) *Group and congregate personal care homes.* This use allows around the clock operation and the following requirements apply to all personal care home regardless of the zoning district for which they are located:
- (1) Such use shall provide the number of off-street parking spaces required for nursing homes and hospitals as set forth in section 5(A)(3), off street parking and unloading, plus safe and functional off-street patron pick-up and delivery spaces.

- (2) At least one staff person must reside in the home.
- (3) Visiting hours must be limited to hours of 6:30 a.m. and 7:00 p.m. when such use is located in a residential neighborhood.
- (4) Such use shall only be permitted on a lot which abuts and has vehicular access to a collector street, major arterial or secondary arterial. The City Council may waive this requirement if, on the basis of evidence presented, it finds that the traffic to be generated by a particular use can be accommodated on other streets without creating traffic congestion and traffic hazards to the neighborhood served by such streets.
- (5) Such use shall comply with the Georgia Department of Human Resources, "Standards for Adult Daycare" as amended.
- (6) The parking layout and design shall be characteristic of the neighborhood within which such use is located.
- (7) When the building housing such use is located within 150 feet of a dwelling unit, the use shall operate only between the hours of 6:30 a.m. and 7:00 p.m.
- (8) Where the use abuts a lot occupied by a one or two-family dwelling, visual buffers shall be provided so as to shield all parking areas and outdoor activity areas from the abutting property. Such buffer shall consist of trees or other vegetation of such height and depth as determined by the Planning Commission or of an appropriately designed fence or wall or a combination thereof as approved by the planning and zoning commission.
- (9) Only one non-illuminated or indirectly illuminated sign not to exceed three square feet in area shall be permitted. Provided that where such use is adjacent to or directly across from a non-residential use or district, the City Council may allow a principal use sign of up to 12 square feet in area when it is to be located on the side of the property facing the non-residential use or district and where the sign design is found to be in keeping with the character of the neighborhood.
- (10) A site plan shall be submitted to the Planning Commission and City Council for review and approval prior to issuance of either a building permit or an occupancy permit.

Section 21. - Country clubs.

Wherever permitted, country clubs must meet the following requirements:

- (A) Such clubs shall be non-profit and shall not be open to the general public but shall be operated only for the benefit of dues-paying members.
- (B) Any building or structure established in connection with such uses shall be set back not less than 100 feet from any property line, except where such property line is a street line, in which the front yard setback established for this district shall apply.
- (C) A site development plan shall be submitted to the Planning Commission and City Council for review and approval prior to the issuance of a building permit.
- (D) The site on which such uses are to be established shall be not less than five acres in size.

Section 22. - Animal hospitals.

The following regulations shall apply to development of all animal hospitals, veterinary clinics, and animal boarding places.

- (A) The use shall front a major arterial street, provided that where all pens, runs or buildings housing such animals are located at least 100 feet from any property line, such use may be located on a lesser classified street.
- (B) All buildings housing animals shall be designed and constructed with a Sound Transmission Class Rate (STC) as set forth in Architectural Graphic Standards of at least 52, if located within 100 feet of any property line.
- (C) All outdoor runs, pens and animal sheds housing more than five animals shall be located at least 100 feet from any other residential district property.
- (D) No animals shall be allowed in any outdoor run located within 100 feet of a property line between the hours of 6:00 p.m. and 7:00 a.m.
- (E) A site development plan shall be submitted to the Planning Commission and governing body for review and approval.
- (F) All runs or pens located within 100 feet from any property line or street right-of-way shall be screened by an architecturally designed solid fence with landscaping.
- (G) All parking areas shall be screened by a minimum three-foot high hedge or solid fence.

Section 23. - Drive-in theaters.

Where permitted, shall meet the following requirements:

- (A) A site development plan shall be submitted to the Planning Commission and governing body for review and approval.
- (B) The theater screen, projection booth or other building shall be set back not less than 50 feet from any property line.
- (C) Driving and parking areas shall be treated with a suitable material to prevent dust.
- (D) Ingress and egress from a public street shall be so designed and constructed as to provide for safe traffic movement.
- (E) Central loudspeakers shall be prohibited.
- (F) The theater screen shall not face an expressway, major arterial or secondary arterial.
- (G) The theater sign [site] shall be enclosed by a wall or fence of adequate height to screen the parking area from view of surrounding property. Such fence shall be separated from adjoining property by shrubbery and landscaping.

Section 24. - Churches and other places of worship.

Where permitted, shall meet the following requirements:

- (A) Any building or structure established in connection with such use shall be set back not less than 50 feet from any property lines, except where a property line is the right-of-way of a street, in which case the setback established for the particular class of street in the zoning district the

building or structure is located shall apply. The City Council shall be authorized to reduce the setback requirements of this section in the case of a particular church or place of worship if on the basis of evidence presented, it finds that a reduction in the setback would be in keeping with the purposes of this ordinance, and would not create conditions which would be detrimental to the adjoining properties or the neighborhood.

- (B) Such uses shall only be permitted on a lot or plot of ground which abuts a collector street, major arterial or secondary arterial. The City Council shall be authorized to waive this requirement, if on the basis of evidence presented, it finds that the traffic to be generated by a particular church or place of worship can be accommodated on other streets without creating traffic congestion and traffic hazards on such streets which would be detrimental to the neighborhood served by such other streets.

Section 25. - Adult entertainment establishments.

Adult entertainment establishments are classified into three categories; (1) adult media store, (2) adult movie theater, (3) live adult entertainment, [and adult gift shops](#). Where permitted each use shall meet the following requirements respectively:

(A) Regulations for all adult entertainment establishments:

- (1) In no case shall alcohol be served or allowed on the premises of any adult entertainment establishment,
- (2) No minors shall be allowed on the premises of an adult entertainment establishment at any time,
- (3) Suitable exterior lighting is required for all off-street parking and loading areas,
- (4) An adult entertainment establishment shall not be located within one mile of an existing adult entertainment establishment, establishment serving alcoholic beverages, school, church or public park, and
- (5) May only be open to the public between the hours of 7:00 p.m. and 11:00 p.m. Monday through Saturday.

(B) Regulations for adult media stores:

- (1) Required parking and all public entrances shall be limited to the front yard and front of the structure,
- (2) Product advertisements, displays, or other promotional material shall not be shown or exhibited so as to be visible to the public from the exterior of the structure, and
- (3) The interior of the store shall be adequately lighted so that every portion thereof is readily visible to the clerk or other supervisory personnel from the counter or other regular station.

(C) Regulations for adult movie theaters:

- (1) Required parking and all public entrances shall be limited to the front yard and front of the structure,
- (2) Product advertisements, displays, or other promotional material shall not be shown or exhibited so as to be visible to the public from the exterior of the structure,

- (3) All building openings, entries, windows, etc., shall be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public area, and
- (4) No loudspeakers or sound equipment shall be used in a way that can be discerned by the public from public or semi-public areas.

(D) *Regulations for live adult entertainment establishments:*

- (1) All patrons must use valet parking provided by the owner,
- (2) All patrons must follow a dress code created by the owner and approved by the City Council,
- (3) Must have one security person per every 20 patrons, and
- (4) All entertainment shall be limited to one room in the structure.

(E) *Regulations for Adult Gift Shop:*

Product advertisements, displays, or other promotional material shall not be shown or exhibited so as to be visible to the public from the exterior of the structure.

Section 26. - Recreational vehicle park.

(A) *Definitions.*

- (1) *Recreational vehicle park* means any facility consisting of two or more spaces for motor homes or recreational vehicles providing lodging and other accommodations for tourists and travelers, and includes recreational vehicle courts, recreational vehicle parks, and any similar place by whatever name called, and any facility or establishment operated in conjunction with a recreational vehicle court as described herein.
- (2) *Independent trailer* means a trailer which has its own holding tank for waste and/or can be connected directly to a sewer connection.

(B) A recreational vehicle park is subject to the following:

- (1) *General requirements.* A recreational vehicle park shall meet the following general requirements:
 - a. The park shall be primarily for recreational use by persons with independent transportable recreational housing. Each unit shall be required to use city water and sewage where available and in accordance with all other city ordinances.
 - b. The land on which the park is developed shall be under unified control and shall be planned and developed as a whole in a single development operation or programmed series of development operations for recreational vehicles. Subsequent subdivision of lots or conveyance of sites to individual owners by any means is prohibited.
 - c. The principal and accessory uses and structures shall be substantially related to the character of the development in the context of the district of which it is a part.
 - d. The park shall be developed according to comprehensive and detailed plans that include streets, utilities, lots, and building sites, and approved by the City of Pooler site plan approval process.
 - e. The park shall have a program for provision, maintenance and operation of all areas, improvements, and facilities for the common use of all or some of the occupants of the park,

but will not be provided, operated, or maintained at general public expense.

- f. A 20-foot buffer shall be maintained along the perimeter of the park along with a six-foot privacy fence.
- g. Continuous parking for any recreational vehicle shall be restricted to a period of no more than 180 days in any 120-month period. (See subsection (B)(5)c.) No person shall reside in said park for more than 180 continuous days.

(2) *Allowable uses.* The allowable uses in a recreational vehicle park include the following:

- a. Recreational vehicles.
- b. No tents or any other dependent units shall be allowed.
- c. Convenience establishments for the sale or rental of supplies or for provision of services, for the satisfaction of daily or frequent needs of occupants, within the park may be permitted. These establishments may provide groceries, ice, sundries, bait, fishing equipment, self-service laundry equipment, bottled gas, and other similar items needed by users of the park. These establishments shall be designed to serve only the needs of the occupants within the park and shall not, including their parking areas, occupy more than five percent of the area of the park, and shall not be located as to attract patronage from outside the grounds, nor have the adverse effects on surrounding land uses.

(3) *Site design requirements for site plan approval.* The following site design requirements shall be met:

- a. The minimum land area for a recreational vehicle park shall be six acres.
- b. The maximum density for a recreational vehicle park shall be nine spaces per gross acre. Storage spaces shall be included in the density calculation.
- c. Individual spaces shall take access to internal streets and shall not take direct access to adjoining public rights-of-way.
- d. Access to the recreational vehicle park shall be from a collector or arterial roadway.
- e. Internal streets (minimum 20 feet) shall provide safe and convenient access to spaces and appropriate park facilities. Alignment and gradient shall be properly adapted to topography. Construction and maintenance shall provide a well-drained surface that is of adequate width to accommodate anticipated traffic.
- f. Recreational vehicle spaces shall be so located in relation to internal streets as to provide for convenient vehicular ingress and egress if the space is intended for use by wheeled units. Where back-in or back-out spaces are used, appropriate maneuvering rooms shall be provided in the adjacent internal street and within the space.
- g. Spaces shall be so related to pedestrian ways and principal destinations within the park as to provide for convenient pedestrian access to such destinations by the pedestrian systems.
- h. Minimum dimensions are specified for spaces, and each must be at least 25 feet by 60 feet except that no more than ten percent of total spaces may be 25 feet by 50 feet.
- i. Recreational vehicle sites shall be at least 15 feet apart, edge to edge, and the center of all camping units shall be at least 30 feet from the edge of the campground road, and the separation from the edge of the campground road and the independent recreation vehicle

shall be a minimum of ten feet.

- j. A lighting plan shall be required to include cut-off type lamp fixtures with the following illumination: minimum of four foot candle (average) at all intersections; minimum of two foot candle (average) throughout the remainder of the park.
- k. A detailed landscape plan must be submitted and approved by the planning and zoning commission.
- l. Each recreational vehicle site shall contain at least one reinforced surface parking space incorporated into the site itself and shall be level from side to side with sufficient crown to provide adequate drainage.
- m. All sites must conform to the National Fire Protection Association 1194 Standard for Recreational Vehicle Parks and Campgrounds, and Fire Safety Rules and Regulations shall be conspicuously posted by management (NFPA 1194-9).
- n. Emergency vehicles shall have ready access to locking mechanisms on any gate that restricts access.
- o. Each recreational vehicle park shall have a written evacuation plan approved by the City of Pooler.

(4) *Solid waste disposal.*

- a. All parks shall provide fly-proof, watertight, rodent-proof containers for the disposal of refuse. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse for recreational vehicle areas shall be collected at least once a week, and the developer shall provide the waste collection services. No other waste collection service shall be used by any recreational vehicle other than the waste collection service provided by the developer.
- b. No garbage cans, service yards, wood piles, or storage piles shall be allowed. All rubbish, trash, and garbage shall be regularly removed from recreational vehicles and shall not be allowed to accumulate in the recreational vehicle or on the recreational vehicle site. No rubbish, garbage or trash shall be placed on the common area outside the recreational vehicle, temporary or otherwise. All trash receptacles and trash bins shall be kept within the individual recreational vehicles or disposed of in the designated trash receptacles provided by the developer.

(5) *Regulations.*

- a. *Animals and pets.* No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any part of the recreational vehicle park, except that dogs, cats, birds and fish may be kept by the respective tenants in their respective recreational vehicles, provided that they are not kept, bred, or maintained for any commercial purpose and do not endanger the health of the general population. No chained animals, kennels, fences or invisible fences for animals are allowed. No more than two dogs or cats may be kept by the respective tenants in their respective recreational vehicles. No potbellied pigs, venomous snakes, or any dog deemed dangerous or vicious by any governmental authority may be brought onto or kept on the property at any time. All animals in the recreational vehicle park shall be under the direct and immediate control of a person either by leash or other restraint. Pet owners shall be responsible for the removal of all animal waste from the recreational vehicle park.
- b. *Patios and common area.* No planting or gardening shall be done, no fences, hedges or walls shall be erected or maintained upon the property except such as are installed in accordance with the initial construction of the property or approved by the City of Pooler and

no exterior clothesline shall be permitted upon the property.

- c. *Leasing of parking spaces.* Parking spaces may be leased to individuals or entities provided the occupancy is for no more than six months during any 12-month period, and such occupancy is only for the lessee and his immediate family. No recreational vehicle may be rented to a person other than tenant of the parking space. No person shall reside in the recreational vehicle park for no more than 180 continuous days regardless of which vehicle they are residing in.
 - d. *Nuisances.* No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the property and development. No immoral, improper, offensive or unlawful use shall be made of any portion of the property, and all vivid laws, ordinances and regulations of all governmental agencies having jurisdiction shall be observed. No tenant shall do or keep anything or cause or allow anything to be done or kept in his recreational vehicle or on the common area which would result in an increased risk or hazard to the property or the City of Pooler. All recreational vehicles shall meet the National Fire Protection Association 1192 Standard in effect. All recreational vehicles must be operational at all times. No major repairs may be performed within the recreational vehicle park.
 - e. *Home occupations.* No home occupation, industry, business, trade or profession or any kind, whether commercial or otherwise, shall be conducted, maintained or permitted on any part of the properties. The use for habitual parking for commercial vehicles in any parking area or portion of the common area is prohibited. The term "commercial vehicle" includes all trucks and vehicular equipment of a commercial nature that are larger than a standard passenger vehicle.
 - f. *Parking.* All vehicles shall be parked in each respective recreational vehicle's designated parking area. Any vehicle parked on the street or common areas shall be towed at the vehicle owner's expense. Additional parking spaces shall be provided for visitors and guests. The parking of commercial vehicles, trucks with a load capacity of one ton or more, boats, or buses is prohibited. No disabled vehicle shall be parked on any parking space for more than 24 hours. Any vehicle or trailer parked on any portion of the property in violation of this paragraph or any of the property's rules and regulations, the developer or the City of Pooler may place notice on the vehicles specifying the nature of the violation and stating after 24 hours, the vehicle may be towed. Said notice shall conform to all requirements of state law and local ordinances.
 - g. *Signs and business activities.* No advertising, signs, billboards, unsightly objects, or nuisance shall be erected, placed, or permitted on the property, nor shall any business activity be allowed. However, this shall not apply to the business activities or signs of the developer, his agents, or assigns during the construction and leasing period. All such activities and signage must comply with all provisions of the City of Pooler's ordinances.
 - h. *Campfires are prohibited.* Outdoor cooking is allowed on grills equipped with legs.
 - i. Maximum occupancy of any recreational vehicle site will be limited to the sleeping occupancy rating, as rated by the manufacturer, for the recreational vehicle on site. Exception to the occupancy rating will apply to day use only and will be allowed only as it does not interfere with the quiet enjoyment of all surrounding recreational vehicle sites.
- (6) Violation of any of the provisions of this section shall be punishable by up to six months in jail and/or a \$1,000.00 fine per violation.

- (C) *Issuance of permits.* It shall be unlawful for any person, firm, or corporation to operate a recreational vehicle court without having first obtained a valid permit and occupational tax certificate. Such permit shall be issued by the City of Pooler or its duly authorized representative, subject to supervision and direction by the City of Pooler. Further, all provisions of O.C.G.A. § 31-28-2 must be met.
- (D) *Denial, suspension, and revocation of permits.* The City of Pooler may suspend or revoke permits where the health, sanitation, and safety of the public require such action. When, in the judgment of the City of Pooler or its duly authorized agents, it is necessary and proper that such application for a permit be denied or that a permit previously granted be suspended or revoked, the applicant or holder of the permit shall be notified thereof in writing and shall be afforded an opportunity for hearing as for the appeal of denial of a business registration certificate. In the event that such application is finally denied or such permit finally suspended or revoked, the applicant or holder thereof shall be given notice in writing, which notice shall specifically state the reasons why the application or permit has been suspended, revoked, or denied.
- (E) *Administrative review of local government order.* Any person substantially affected by any final order of the City of Pooler denying, suspending, revoking, or refusing to renew any permit provided under this chapter may secure review thereof by appeal to the Mayor and Council of the City of Pooler.
- (F) *Standards for health, sanitation, and safety.*
- (1) The City of Pooler shall have the power to adopt and promulgate rules and regulations to ensure the protection of the public health. Such rules and regulations shall prescribe reasonable standards for health, sanitation, and safety of recreational vehicle courts with regard to:
 - a. Location, drainage, and maintenance of grounds;
 - b. Size, ventilation and maintenance of laundry rooms, where provided;
 - c. Installation of all electrical equipment and exposed wiring;
 - d. Heating appliances and equipment, and installation thereof;
 - e. Water supply, plumbing fixtures, and installations;
 - f. Sewage disposal;
 - g. Garbage and refuse disposal;
 - h. Control of vermin;
 - i. Accident prevention; and
 - j. Spacing of recreational vehicles and lighting of recreational vehicle parks.
 - (2) The City of Pooler is empowered to adopt and promulgate supplementary rules and regulations consistent with those adopted and promulgated by the City of Pooler.
- (G) *Inspection of premises.* The City of Pooler and its duly authorized agents are authorized and empowered to enforce compliance with this chapter and the rules and regulations adopted and promulgated under this chapter and, in conjunction therewith, to enter upon and inspect the premises of a recreational vehicle court at any reasonable time and in a reasonable manner.
- (H) *Penalty.* Any person, firm, or corporation operating a recreational vehicle court without a valid permit shall be guilty of a City of Pooler ordinance violation.

(Ord. of 6-15-2009, § I)

Editor's note— Ord. of June 15, 2009, § I, changed the title of § 26 from campsites and RV parks to recreational vehicle court.

Section 27. – Zoning Buffer Requirements

- (A) Zoning buffers; where required.

(1) On a property to be used for any multi-family use (duplexes, townhouses, apartments or mobile home park), a buffer must be provided along a side or rear lot line that abuts any agricultural zoning district or agricultural use; any single-family use or zoning district; any single-family, recreational or open space area.

(2) On a property to be used for any office, institutional or commercial use, a buffer must be provided along a side or rear lot line that abuts any agricultural zoning district or agricultural use; any single-family or multi-family use or zoning district; any single-family, multi-family, recreational or open space area.

(3) On a property to be used for any industrial use, a buffer must be provided along a side or rear lot line that abuts any agricultural zoning district or agricultural use; any single-family or multi-family use or zoning district; any single-family, multi-family, recreational or open space area.

(4) Where multiple uses or uncertainty exist, the buffer requiring the greatest width shall apply.

(B) Zoning buffers; timing of installation.

Buffers are required to be created at the time of construction of any infrastructure or new development of a building or site.

(C) Zoning buffer standards.

(1) Buffer areas shall contain no driveways, access easements, parking areas, patios, storm water detention facilities, or any other structures or accessory uses except for a fence, wall or earthen berm constructed to provide the visual screening required to meet the standards of this Zoning Code.

(2) Underground utilities including closed storm drains may be permitted to cross perpendicular to a buffer if the screening standards of this Zoning Code will be subsequently achieved.

(3) Vehicular access through a buffer may be allowed only as a condition of rezoning, Conditional Use Application or Planned Development zoning approval by the City Council.

(D) Width of buffer.

Along a side or rear lot line	Single-family or Two-family District	Multifamily District	Commercial District	Industrial District	Agricultural District	Manufactured Home District
Single-family or Two-family District	None	50	60	100	25	50
Multifamily District	50	None	50	100	25	35
Commercial District	60	50	None	100	50	35
Industrial District	100	100	100	None	100	100
Agricultural District	25	25	50	100	None	50
Manufactured Home District	50	35	35	100	50	None

(E) Minimum required screening.

A required zoning buffer must create a barrier that substantially blocks the sight lines, noise transmission, and the transfer of artificial light and reflected light up to a height of no less than 6 feet at the property line (or such greater height as required by conditions of zoning approval on a particular property).

(F) Natural buffers.

Natural buffers shall be composed of healthy plants which possess growth characteristics of such a nature as to produce a dense, compact visual screen not less than six feet in height. Natural buffers may contain deciduous or perennial vegetation but shall contain existing or planted evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.

(G) Structural buffers.

A structural buffer shall provide a continuous visual screen throughout its entire length, and may consist of any combination of the following, as approved by the City Planner: Opaque fencing constructed of cedar, redwood, treated and stained or painted wood, vinyl replicating wood, or other suitable all-weather material; masonry walls of brick or stone; concrete block walls treated with a decorative finish; planted or natural vegetation; or earthen berms. Structural buffers shall meet the following criteria:

(1) Structural buffers shall be vegetated throughout the minimum area required for the buffer around any fences or walls and upon any earthen berms, which may include ground covers, shrubs and trees.

(2) All earthen berms shall have a maximum side slope of 50% (1 foot of vertical rise to 2 feet of horizontal run). Earthen berms shall not be constructed within the drip line of any existing trees that will remain on the property; new trees that overhang the berm may be planted after the berm is constructed.

(3) Trees shall be located or planted within any structural buffer at a density of no less than one tree for each 25 feet of buffer length or portion thereof. New deciduous trees shall have a caliper of no less than 2 inches upon planting, and new evergreens shall be at least 6 feet tall when planted.

(4) Fences and freestanding walls shall present a finished and decorative appearance to the abutting property and shall be located no closer to the property line than 2 feet. Shrubs, ground covers, or other vegetation shall be provided between the fence or wall and the property line so as to provide a decorative effect, following professional landscaping standards for spacing, location and design

(H) Buffers for trash receptacles in all districts

All exterior non-residential trash receptacles and multifamily residential with common trash receptacles shall be screened from public view on three sides and on the fourth side by a gate that screens the receptacles from view. The enclosure and gate should be a minimum of 6' in height and shall be made of a solid material such as block or a solid panel fence.

ARTICLE IV. - ZONING DISTRICTS

Section 1. - Establishment of zoning districts.

Classification of districts. In order to classify, regulate and restrict the uses of land, buildings, structures and other open spaces about buildings, the City of Pooler is divided into districts as follows:

- (1) R-1 (A-C), One-family residential district
- (2) R-2 (A-C), Two-family residential district
- (3) R-3 (A-C), Multifamily residential district
- (3.1) R-4 Townhouses and condominiums district
- (4) MH-1, Manufactured home dwelling district
- (5) MH-2 (A-B), Manufactured home dwelling district
- (6) MH-3, Manufactured home park district
- (7) C-1, Commercial, light district
- (8) C-2, Commercial, heavy district
- (9) C-P, Commercial-professional district
- (10) I-1, Industrial, light district
- (11) I-2, Industrial, heavy district
- (12) R-A, Residential-agriculture district
- (13) RA-1, Residential-agriculture, limited district
- (14) RA-2, Residential-agriculture, two-family dwelling district
- (15) [Deleted]
- (16) PUD, Planned unit development
- (17) Main Street Overlay district
- (18) P, Planned District

Section 2. - Districts shown on maps.

The boundaries of the various districts are shown on a zoning map of Pooler, which is located in the office of the city hall. The zoning map of the incorporated area is hereby made a part of this ordinance; and all notations, references, and other information shown thereon shall be as much a part of this ordinance as if all the matter and information set forth by said maps were fully described herein.

Section 3. - Interpretation of zoning district boundaries.

When uncertainty exists with respect to the location of boundaries of any zoning district as shown on the zoning map of the City of Pooler, the following rules shall apply:

- (A) Unless otherwise specifically indicated, where district boundaries are indicated on the zoning map as approximately following the center line of a street, highway, railroad right-of-way line, stream bed or river bed or such center lines extended, then such center lines shall be construed to be such district boundaries.

- (B) Where district boundaries are indicated on the zoning map as approximately following the corporate limits line of the city, then such corporate limits line shall be construed to be such district boundaries.
- (C) Where district boundaries are indicated on the zoning map as being set back from a street, road, highway, railroad, stream or river and parallel thereto, then such district boundaries, unless otherwise specifically indicated, shall be construed as being at the scaled distance from the center line of such street, road, highway, railroad, stream or river and as being parallel thereto.
- (D) Where a district boundary divides a lot, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of the lot; provided, however, that such extension shall not include any part of such lot which lies more than 50 feet beyond the district boundary; and provided further, that this provision shall not apply to a through lot. In the case of a through lot, the restriction of the district applying to adjoining lots which front on the same street as the lot frontage in question shall apply.

Section 4. - Conditional uses.

Within each zoning district a particular list of land uses are set aside from the uses permitted by right. These conditional uses may only be permitted after the applicant has submitted the proper application information, the Planning Commission has reviewed the application at a public hearing and the City Council has approved the use based on the application information.

- (A) *Restrictions on conditional uses.* No conditional use may be:
 - (1) Extended to occupy a greater area of the land unless authorized to [do] so by the governing body.
 - (2) Extended to occupy a greater area of building or structure unless such additional area of building or structure already exists as part of the building or structure, and is clearly designed to house the same kind of use as the conditional use occupying the building unless authorized to do so by the City Council.

Section 5. - R-1A, one-family residential dwelling district.

- (A) *Purpose of district.* This district is defined as an area designated for the development of one-family dwellings, with limited nonresidential uses. This district is composed of certain lands and structures in the city limits having a medium density, predominantly one-family character and additional open areas where it is desirable and likely that similar development will occur. Certain non-residential uses such as schools, parks, and public utilities intended primarily to provide service to the adjacent neighborhood are permitted after applications are submitted to the Pooler Planning Commission for review and approved by the City Council.
- (B) *Permitted uses.* Within the R-1A district, no building, structure or land shall be used except principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1 Only one primary residence will be allowed per lot.

Section 6. - R-1B, one-family residential dwelling district.

- (A) *Purpose of district.* This district is defined as an area designated for the development of one-family dwellings, with limited nonresidential uses developed at a low density.
- (B) *Permitted uses.* Within the R-1B district, no building, structure or land shall be used except principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1

Section 7. - R-1C, one-family residential dwelling district.

- (A) *Purpose of district.* This district is defined as an area designated for the development of one-family dwellings, with limited nonresidential uses to have a lower density to protect the natural amenities of the area, and to encourage and provide an orderly transition to urban uses.
- (B) *Permitted uses.* Within the R-1C district, no building, structure or land shall be used except principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1

Section 8. - R-2A, two-family residential dwelling district.

- (A) *Purpose of district.* This district is defined as an area designated for the development of up to two-family dwellings, with compatible nonresidential uses. Provisions are made for the placement of duplex units, either singly or in groups, on a lot or tract of land. This is not intended to be a high density area..
- (B) *Permitted uses.* Within the R-2A district, unless otherwise permitted by this ordinance, no building, structure or land shall be used except for the principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1

Section 9. - R-2B, two-family residential dwelling district.

- (A) *Purpose of district.* This district is defined as an area designated for the development of up to two-family dwellings, with compatible nonresidential uses. This district allows a mixture of dwelling units while increasing the lot and setback requirements to provide for a balanced and attractive residential area.
- (B) *Permitted uses.* Within the R-2B district, no building, structure or land shall be used except principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1.

Section 10. - R-2C, two-family residential dwelling district.

- (A) *Purpose of district.* This district is defined as an area designated for the development of up to two-family dwellings, with compatible nonresidential uses. This district allows two-family dwellings with increased lot and setback requirements to create a low density development.
- (B) *Permitted uses.* Within the R-2C district, no building, structure or land shall be used except principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1.

Section 11. - R-3A, multifamily residential dwelling district.

- (A) *Purpose of district.* This district is defined as an area designed for the development of multifamily dwellings, with compatible nonresidential uses. Certain nonresidential uses such as a clubhouse, a sales office, recreational center and facilities intended primarily to provide service to the residents are permitted after applications are submitted and approved in the site development plan. Due to the high concentration of persons and vehicles, this district shall be situated where they are well served by public and commercial services and have convenient access to thoroughfares. Density in the R-3A zoning district is based on net acre of residential land.
- (B) *Permitted uses.* Within the R-3A district, unless otherwise permitted by this ordinance, no building, structure or land shall be used except principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1.

Section 12. - R-3B, multifamily residential dwelling district.

- (A) *Purpose of district.* This district is defined as an area designated for the development of multifamily dwellings, with compatible nonresidential uses allowing for a greater development density in the form of more units per net acre of residential land.
- (B) *Permitted uses.* Within the R-3B district, no building, structure or land shall be used except principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1

Section 13. - R-3C, multifamily residential dwelling district.

- (A) *Purpose of district.* This district is defined as an area designated for the development of multifamily dwellings, with compatible nonresidential uses allowing for a greater development density in the form of more units per net acre of residential land.
- (B) *Permitted uses.* Within the R-3C district, no building, structure or land shall be used except principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1

Section 13.1. - R-4 townhouses and condominiums district.

- (A) *Purpose of district.* This district is defined as an area designated for the development of multi-family dwellings in the form of row houses, townhouses and condominiums. Certain nonresidential uses such as clubhouse, a sales office, recreational center and facilities intended primarily to provide service to the residents are permitted after applications are submitted and approved in the site development plan. Due to the high concentration of persons and vehicles, this district shall be situated where they are well served by public and commercial services and have convenient access to at least one major street. This district must be located within a gated community and contain private roads.
- (B) *Permitted uses.* Within the R-4 district, no building, structure or land shall be used except principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1
- (C) The dimensional requirements shall be as follows:
 - (1) Density shall be limited to ten dwelling units per net acre;
 - (2) Buildings shall have a maximum of five dwelling units per building;
 - (3) Minimum unit width shall be 20 feet;
 - (4) Maximum impervious surface shall be 60 percent;
 - (5) Minimum setback distance for each building shall be 25 feet for front yard (measured from back of curb); 20 feet rear setback (measured from property line), and 20 feet side yard (measured from building to building, building to improvements, or building to property line, as the case may be); and
 - (6) Maximum height of building shall be 45 feet.
- (D) A site development plan shall be approved by the Mayor and Council of the City of Pooler for all multi-family developments located within the R-4 district. The site development plan shall include an off street parking plan, an amenity plan, and a buffer plan. The approved plan shall constitute the approved use for the site and any subsequent change in land use for the property that is not consistent with the approved plan shall be resubmitted in the same manner and shall require review and a

recommendation by the Pooler Planning and Zoning Commission and review and approved by the Mayor and Council.

Section 14. - MH-1, manufactured home dwelling district.

- (A) *Purpose of district.* This district is defined as an area desirable to place not more than one single-family manufactured home per lot. This district is composed of certain limited areas in the city limits where it is desirable to place manufactured home(s).
- (B) *Permitted uses.* Within the MH-1 district, no building, structure or land shall be used except principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1

Section 15. - MH-2A, manufactured home dwelling district.

- (A) *Purpose of district.* This district is defined as an area which may be designated for development of one-family manufactured homes as a planned subdivision. This district is composed of single-family dwellings on individual lots within an approved subdivision. The dwellings may be site-built, modular or manufactured homes. Said subdivision must meet all applicable ordinances for MH-1 unless otherwise defined herein.
- (B) *Permitted uses.* Within the MH-2 district, no building, structure or land shall be used except principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1. A copy of recorded plat must be submitted and approved by the city Building Official showing manufactured home locations and improvements, prior to placing the manufactured home on a lot.

Section 16. - MH-2B, manufactured home dwelling district.

- (A) *Purpose of district.* This district is defined as an area which may be designated for development of one-family manufactured homes as a planned subdivision. This district has increased lot dimension and yard setback requirements to allow for the lowest density of the MH districts.
- (B) *Permitted uses.* Within the MH-2B district, no building, structure or land shall be used except principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1

Section 17. - MH-3, manufactured home park district.

- (A) *Purpose of district.* This district is defined as an area set aside to allow the location of manufactured home parks. This district is composed of single-family manufactured homes on individual lots or on a stand within an approved manufactured home park. Said park shall meet all applicable requirements of article III, section 10 of this ordinance.
- (B) *Permitted uses.* Within the MH-3 district, no building or structure shall be used except principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1

Section 18. - C-1, light commercial district.

- (A) *Purpose of district.* This district is defined as an area designated for the development of light commercial properties with land uses of less than two acres. This district is composed of lands and structures used primarily for the retailing of goods and the furnishing of services. Regulations within this district are intended to permit and encourage full development of the necessary uses while at the same time protecting nearby residential properties from the possible adverse effects of the commercial activity. All site plans for development in the C-1 district must be submitted to the Building Official for review by the Planning Commission, and the City Council for approval. See article V of this ordinance for the site plan approval process.
- (B) *Permitted uses.* In a C-1, light commercial district, land may be used and buildings or structures may be erected or used for the principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1 after a site plan has been submitted to the Building Official, the Planning Commission has reviewed the site plan and made comments, and the City Council has granted site plan approval at a regularly scheduled meeting.
- (D) *Conditional uses.* conditional uses may be permitted after review by the Planning Commission and approval by City Council. (In addition, refer to article VII, section C, paragraph 6 for extension of conditional uses:)

All other uses not listed as permitted or conditional uses shall require the approval of the City Council through the ordinance text amendment process

Cross reference— Businesses, ch. 26.

Section 19. - C-2, heavy commercial district.

- (A) *Purpose of district.* This district is defined as an area designated for the development of heavy commercial properties. This district is composed of lands and structures primarily for the retailing of goods and the furnishing of services in areas with heavy traffic concentration. Regulations for this district are designed to be more strict due to the concentration of people vehicles. All site plans for development in the C-2 district must be submitted to the Building Official for review by the Planning Commission, and the City Council for approval. See article V of this ordinance for the site plan approval process.
- (B) *Permitted uses.* Within the C-2 district no building, structure or land shall be used except principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1 after a site plan has been submitted to the Building Official, the Planning Commission has reviewed the site plan and made comments, and the City Council has granted site plan approval at a regularly scheduled meeting.

Any use not otherwise classified, shall be submitted to the Pooler Planning Commission for review and shall require the approval of the City Council through the ordinance text amendment process.

Section 20. - C-P, commercial-professional.

- (A) *Purpose of district.* This district is defined as an area designated for the development of professional offices along with retail sale of goods and services in a manner which will meet the needs of the community without adversely affecting nearby residential uses. This district is composed of lands and structures used primarily for the retailing of goods and the furnishing of services. Regulations within

this district are intended to permit and encourage full development of the necessary uses while at the same time protecting nearby residential properties from possible adverse effects of the commercial activity. All site plans for development in the C-P district must be submitted to the Building Official for review, and the Pooler City Council for approval. See article V of this ordinance for the site plan approval process.

- (B) *Permitted uses.* In a C-P, commercial-professional district, land may be used and buildings or structures may be erected or used for the principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1 after a site plan has been submitted to the Building Official, the Planning Commission has reviewed the site plan and made comments, and the City Council has granted site plan approval at a regularly scheduled meeting.

When residential construction is approved as a conditional use, all requirements of the sections applicable to the type of construction will apply. However, zero lot lines will not be permitted for residential construction.

Any use not otherwise classified, shall be submitted to the Pooler Planning Commission for review and shall require the approval of the City Council through the ordinance text amendment process.

Cross reference— Businesses, ch. 26.

Section 21. - I-1, light industrial district.

- (A) *Purpose of district.* This district is established to provide land for light industrial uses which are not significantly objectionable with regard to noise, odor, fumes, etc., to surrounding properties. This district's regulations are designed to provide a compatible environment for uses generally classified as light industrial in nature; to protect and reserve undeveloped areas within the city that are suitable for such light industries; and to discourage encroachment by residential, commercial, or other uses that may adversely affect the industrial character of the district. Lands within this district should be located in relation to the major thoroughfare network of the city, as well as rail and airport if possible, and designed so that uses within the district do not disrupt normal traffic flow patterns within the city. Planned industrial parks are encouraged within this district.
- (B) *Permitted uses.* Property and buildings in an I-1, light industrial district shall permit principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1 provided that such uses are conducted in such a manner that noxious odors, fumes, dust and similar particles, or noise are not emitted or detectable beyond the property lines of the lots on which the uses are located.
- (C) *Conditional uses* may be permitted in accordance with the provisions contained in article V, section 7, and if additional conditions which may be required are met.

Any use not otherwise classified, shall be submitted to the Pooler Planning Commission for review and shall require the approval of the governing body through the ordinance text amendment process.

Cross reference— Businesses, ch. 26.

Section 22. - I-2, heavy industrial district.

- (A) *Purpose of district.* It is the intent of this district to provide land for those heavy industrial uses that may create nuisances and therefore may not be compatible with uses of other zoning districts. Land within this district is intended for industrial operations which require buildings and open areas for the fabrication, processing, extraction or repair of raw materials or manufactured products. Uses in this district should be located so as to discourage the disruption and/or congestion of traffic in the city. Furthermore, it is the intent of this district to discourage any encroachment by residential developments

or other uses capable of adversely affecting the industrial character of this district.

- (B) *Permitted uses.* Property and buildings within the I-2, heavy industrial district shall permit principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1
- (C) *Conditional uses.* may be permitted in accordance with the provisions contained within article V, section 7, and if additional conditions which may be required are met. Any industrial use that may produce injurious or noxious noise, vibration, smoke, gas, fumes, odor, dust, fire hazard or other objectionable conditions as a result of its operation (such uses shall be located a minimum of 200 feet from adjoining property lines and must be in conformance with all applicable rules and regulations administered by the Environmental Protection Division of the Georgia Department of Natural Resources),

Any use not otherwise classified, shall be submitted to the Pooler Planning Commission for review and shall require the approval of the City Council through the ordinance text amendment process.

Cross reference— Businesses, ch. 26.

Section 23. - R-A, residential-agricultural district.

- (A) *Purpose of district.* This district is defined as an area designated for mixture of one and two family residential, agriculture, and limited commercial uses in a rural manner whereby forest and agricultural uses are protected from adverse impacts of urban sprawl. The purpose of this district is to protect those rural areas within the urban expansion areas of the city for future urban development and to protect certain rural areas against strip development which can lead to traffic congestion, traffic hazards and roadside blight.
- (B) *Permitted uses.* Within the R-A district, unless otherwise permitted by this ordinance, all uses shall be submitted to the Building Official for review, and approved by the City Council. No building, structure or land shall be used except for principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1.
 - (1) Manufactured home (principal use) - no more than one manufactured home or manufactured home shall be permitted on a lot. When a manufactured home is placed upon an unoccupied lot, it shall be considered the principal use upon such lot and shall comply with all regulations established for a one-family dwelling in this district.
 - (2) Manufactured home (second dwelling unit).
 - (a) A single-family residential dwelling may be established as a second dwelling unit on a lot with an existing single-family dwelling provided it shall be permitted only in a rear yard and that the lot on which such use is to be established meets the minimum lot area and lot width requirement for two-family dwellings.
 - (b) The single family dwelling shall be so located as to be not less than 20 feet from any residential structure on said lot or adjoining lot.
 - (c) If the principal use is a manufactured home, the second dwelling unit must be a site built dwelling.
 - (3) Non-residential mobile structures as temporary use (see general provisions, article III for specific regulations),
- (C) *Conditional uses.* The conditional uses may be permitted upon applications being submitted to the Pooler Planning Commission for review and approved by the City Council. Site development plan is

required to accompany the application.

Cross reference— Animals, ch. 14.

Section 24. - RA-1, residential-agricultural, limited district.

- (A) *Purpose of district.* The purpose of this district is to protect those rural areas within the urban expansion areas of the city for future urban development and to protect certain rural highway roadside areas against strip development which can lead to traffic congestion, traffic hazards and roadside blight.
- (B) *Permitted uses.* Within the RA-1 district, unless otherwise permitted by this ordinance, all uses shall be submitted to the Building Official for review and approved by the City Council. No building, structure or land shall be used except for principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1.

Cross reference— Animals, ch. 14.

Section 25. - RA-2, residential-agricultural, two-family dwelling district.

- (A) *Purpose of district.* This district is defined as an area much like the RA-1 district; but, the primary dwelling structure must be site-built. However, the secondary dwelling unit may be a manufactured home. This district is composed of certain limited areas in the city limits to create an environment in which one-family dwellings, two-family dwellings and certain non-dwelling uses are permitted in order to promote the stability and character of medium density residential development with functional open space.
- (B) *Permitted uses.* Within the R-A2 district, unless otherwise permitted by this ordinance, all uses shall be submitted to the Building Official for review and approved by the City Council. No building, structure or land shall be used except for principal uses, accessory uses and temporary uses that are allowed by right or by Conditional Use approval listed on Table 4.1.

Cross reference— Animals, ch. 14.

Section 26. - Planned Unit Developments (PUD).

- 1. *Purpose of district.* The purpose of the PUD district is to encourage flexibility in land planning that will result in improved design, character and quality of new mixed use developments; to promote the most appropriate use of land; to facilitate the provision of streets and utilities; and to preserve the natural and scenic features and open space.
- 2. *General conditions.* Any area may be zoned as a PUD district if any one or more of the following general conditions are met:
 - a) More than one principal land use is proposed for development on a parcel under single ownership and management.
 - b) Separate land uses, which would not otherwise be permitted to locate within the same zoning district, are proposed for development on one or more adjacent parcels under single ownership or management.

3. *Specific requirements.* In order to qualify for a PUD district, a project must first meet each of the following specific requirements:
 - a) The site must contain not less than 500 acres and must adjoin, or have direct access to, at least one major street.
 - b) The site shall be in one ownership, or if in several ownerships, the application shall be filed jointly by all owners under single management.
4. *Density requirements:*
 - a) The proposed net density level of the entire PUD District shall not exceed four dwelling units per acre.
 - b) The proposed net density for any individual zone within the PUD shall not exceed the following:
 - i) For one-story housing - six dwelling units per acre
 - ii) For two-story housing - 12 dwelling units per acre
 - iii) For three-story housing - 18 dwelling units per acre
5. *Administrative procedures for PUD zoning.* Requests pertaining to the establishment of a PUD district shall be considered as an amendment to the zoning ordinance and shall be administered and processed accordingly. Requests must include a master plan submittal which may vary from other existing ordinances and regulations concerning use, setbacks, lot size, density, bulk and other requirements. Applicants seeking PUD zoning shall meet with appropriate staff/board/commission members for a preliminary review prior to making an application for rezoning. A general outline of the proposal along with supporting concept plans shall be submitted. The appropriate staff/board/commission members will furnish the applicant with comments prior to the final master plan submittal. The final master plan will then be submitted to the Planning Commission for review, public hearing and comment, and then forwarded to City Council for approval. All portions of the master plan shall comply with the requirements of this ordinance.
6. *Preliminary PUD zoning.* Prior to obtaining a PUD zoning amendment, the applicant may file for preliminary PUD zoning which would establish the total allowable net density, total residential units and total acreage allowances for all proposed land use zones such as residential, commercial and industrial. Final PUD zoning, as outlined in this ordinance, is required prior to beginning any improvements or development within the property.
7. *The preliminary development plan.* The preliminary outline along and supporting concepts shall include the following:
 - (1) *Existing features.*
 - a) The bearings and distances of the boundary lines pertaining to the property to be divided.
 - b) The location of any streams, natural drainageways, and other waterways which exist on the property.
 - c) If in an urban district, the distance and direction to public waterlines and sanitary sewer lines.
 - d) The name, location, and right-of-way width of existing streets either on the property or on the land adjoining the property.
 - e) The location of railroads, public or private rights-of-way or easements, and parks or other public spaces, either on the property or adjoining the property.

(2) *Proposed design features.*

- a) The location of, purpose, and width of any major proposed drainage or utility easement.
- b) The location of proposed streets and lanes.
- c) The proposed land use for the PUD.

8. *Development standards.* Specific standards must be set forth in the PUD master plan which shall include, at a minimum:

- a) Land use master plan showing the location, net acreage, and gross acreage of each type of residential, office and industrial zone, including open space in the PUD and the existing land uses of property adjacent to the PUD. The master plan shall also include the approximate location of major circulation systems and utility systems with each zone.
- b) Residential density standards showing the maximum number and type(s) of dwelling units at build-out. Except as otherwise provided in this paragraph, density is based on the total net acreage of the PUD. Net acreage is defined as the total area of high ground, excluding wetlands, for the entire PUD and must be identified within the zoning text of the master plan submittal. In those PUD districts in which the developer constructs an 18-hole golf course (6,000 yards, par 70 from the rear tee) within the designated PUD, developer density shall be determined by gross acreage as opposed to net acreage and shall include for purposes of calculation of density wetlands for the entire PUD.
- c) Standards for single-family, multifamily, commercial and industrial structures, including: height limitations, setbacks, lot coverage, lot size, parking, buffers and other appropriate standards.
- d) Standards for commercial and industrial use, including: height limitations, setback, lot coverage, size parking, buffers, non-residential traffic, and other appropriate standards.
- e) Standards for major roadway circulation systems including the right-of-way width, pavement width, and design and utility locations.
- f) Location, dimensions, and purpose of any easements.
- g) Permitted uses within each zone.
- h) A plan for the proposed phasing and a build-out schedule of development within the PUD.
- i) The master plan shall also include the expected limits of the 100-year flood where appropriate.

9. *Amendment of master plan.*

- a) Approved master plan may be revised subject to the approval of the Zoning Administrator/review board without additional review and approval by the Pooler Planning Commission and City Council in the following limited situations:
 - i) minor changes in the location of roads or width of street or right-of-way within the PUD;
 - ii) change in the allocation of housing density within the PUD so long as the overall approved density is not increased;
 - iii) minor changes in land use zone boundaries and/or locations so long as the individual land use acreage allocations and densities are not exceeded;
 - iv) changes in the proposed build-out and phasing schedule.

Any site plan approvals, subdivision plats or permits needed for these changes may be secured using normal procedures.

Any changes to a master plan not listed above shall require that revised PUD master plan be submitted to the Planning Commission and City Council for approvals prior to any approvals of site plans or subdivision plats involving such changes.

Section 27. - Main Street overlay district.

- (A) *Declaration of purpose, scope and intent.* The City of Pooler has identified U.S. Highway 80 as a major transportation corridor through the city, which was once the only paved east west link between Savannah and Macon and historically has been Pooler's "Main Street". It has also generated development along its corridor going back to the 1920's and that trend continues to the present, more in the form of redevelopment and infill development.

Therefore, the purpose of the Main Street overlay district is to provide the City of Pooler a means to unify, coordinate and control the execution of development in a practical and aesthetic manner that enhances and protects the future prosperity of the district without undue burden on owners or developers. The purpose and intent of the Main Street overlay district design standards shall be:

- (1) To implement the comprehensive plan;
 - (2) To attract new businesses, residents, patrons and visitors;
 - (3) To promote main street style / urbanism design standards by offering development incentives;
 - (4) To provide an attractive gateway to the community.
 - (5) In fulfilling the purpose and intent of the overlay district, mayor and council shall consider the effect of this ordinance on properties which are adjacent to the overlay district in all decisions. Where development within the overlay district may pose an adverse effect on adjacent properties, mayor and council may place additional requirements, including without limitation, design standards, height requirements, architectural design standards, types of materials, etc., on projects in the Overlay District.
- (B) *Main Street overlay district defined.* The Main Street overlay district begins at 1-95 and includes both sides of Highway 80 extending westward to the city limits of Pooler. The entire corridor is commercially zoned excluding a small section, which is zoned I-1, Light Industrial. Also, included are the lots that front Collins Street, also known as the abandoned Central of Georgia railroad right-of-way. The official boundaries of the Main Street overlay district are shown on the official zoning map of the City of Pooler.
- (C) *Allowed uses.* The allowed uses within the overlay district shall be those as allowed by the underlying zoning district of the parcel. However, due to the desire to make this a unique mixed use area within the city, mixed use buildings with upper story residential uses (second floor or greater) are allowed within the limits of the overlay district.
- (D) *Definitions.*

Building frontage on front street. Building frontage percentage on a front street shall mean the minimum percentage of a front yard street that has a building façade, wall or a public space within an area from five to 15 feet from the front street. The standard shall only apply to front streets and shall not apply to side, corner or rear yards. All buildings shall have at least one required front yard setback. For buildings that front on multiple streets, the owner shall determine which streets shall be identified as a front street.

Mixed use. Any development or building that includes residential and nonresidential principal uses.

Upper story residential. One or more residential dwelling units located above a floor which contains one or more commercial uses.

- (E) *Design standards.* Along with the standard requirements for site plan, the following design standards shall be shown on all site plans and shall be considered in evaluating proposed developments within the Main Street overlay district:
- (1) *Setbacks.* It is recognized that the typical setback standards of the base zoning districts do not allow for or encourage the style of pedestrian oriented development desired within this district. Therefore, the minimum setback from any public right of way within the overlay district shall be five feet. It is desired to have buildings and publicly accessible spaces constructed to front on the public right-of-ways, with parking to rear of the property, either to the back or sides of the building. There shall be a minimum 5-foot side yard setback unless the building is proposed as a common

wall development, then the minimum setback shall be zero feet. The minimum rear yard setback shall be ten feet.

Corner cutouts, notches or increased setbacks may be necessary to meet sight distance requirements at driveway and street intersections. Such sight distance requirements shall be based on the current GDOT and AASHTO calculations based on the road / street speed and traffic volume.

- (2) *Parking.* Parking standards shall be in accordance with the City of Pooler Appendix A-Zoning, Article III, Section (5)(D). However; alternatives to the established parking requirements may be granted to developments which provide a study and have a mixture of uses whose peak parking requirements do not coincide in time and thereby may share parking spaces, or if there is nearby public parking that can serve the proposed development. Similarly, unique site designs that exhibit creative ways to save trees, increase open space or otherwise minimize the negative impact of parking areas, etc. may be considered in approving a deviation from the stand parking criteria. This deviation may be approved based on the consideration and merits of the parking study and does not have to meet the required considerations of Section 9 for a variance.

A by-right 25 percent reduction to the required parking shall be granted if the development is designed in such a manner that places a building and / or publicly accessible; greenspace, plazas or other hardscape areas (not including parking) between five feet and 15 feet from the front property line for a minimum of 60 percent of the front street frontage.

- (3) *Building heights.* Buildings heights shall have a by-right height allowance of the base zoning district. However; up to 60 feet in height can be requested if the project is mixed used in nature and places a building and / or publicly accessible; greenspace, plaza or other hardscape areas (not including parking) between five and 15 feet from the front property line for a minimum of 60 percent of the front street frontage. In all situations, the requirements of Section 6 of the zoning code for buildings over 35 feet must be addressed.

- (4) *Buffers / Screening.*

- a. Where parking lots are not screened by building placement / massing from being visible on public rights-of-way or to adjacent properties, which are a non-residential zoning or uses, one of the following must be provided.

- A 36-inch-high wall made of pierced or solid brick (or other construction material complimentary to the architecture).

- A solid hedge of evergreen plant material. Initial installation shall be a minimum 24 inch height and shall be a species that can be maintained at 36 inches high and spaced appropriately to grow to a solid hedge within two years. This hedge must be perpetually maintained to ensure no gaps develop due to poor plant health or death.

- b. For areas where the adjacent zoning is a residential zone, the following standards will apply.

- Where properties are developed in the desired style of the overlay district, with parking to the rear or sides of the property and the building frontage on a front street of 60 percent or greater, one of the following must be provided.

° A 6-foot height wall made of pierced or solid brick (or other construction material complimentary to the architecture) or

° A solid hedge of evergreen plant material. Initial installation shall be a minimum six feet in height and shall be a species that can be maintained at a minimum of six feet high and spaced appropriately to grow to a solid hedge within two years. This hedge must be perpetually maintained to ensure no gaps develop due to poor plant health or death.

- Where properties are developed in a conventional nature, with parking to the front and the building to the rear, the following must be provided.

° A 20-foot-wide buffer, composed of plant material and a 6-foot height wall made of pierced or solid brick (or other construction material complimentary to the architecture). The wall shall be placed in the middle of the buffer to allow maintenance of the landscape by the property owner to both sides of the wall.

- c. All exterior non-residential trash receptacles and multifamily residential with common trash receptacles shall be screened from public view on three sides and on the fourth side by a gate that screens the receptacles from view. The enclosure and gate should be made of materials compatible with that of the primary structure.
 - d. Loading docks and truck parking shall be screened from public view using building mass, screen walls, roll down doors and/or landscaping.
 - e. All service yards, exterior utility equipment and any other service areas or equipment are to be screened so as not to be visible at ground level from public rights of-way or other private properties. This includes mechanical equipment on rooftops.
- (5) *Trees/Open space.* It is recognized that the urban style of development envisioned for this overlay district may not be compatible with the city's typical minimum requirement of 20 percent open space and 15 trees per acre on any site. Therefore, the minimum open space shall be reduced to ten percent and a payment in lieu [of] tree planting based on Section 42-199(c) of the City of Pooler Tree Protection Ordinance shall be allowed for any development that places a building and / or publicly accessible; greenspace, plaza or other hardscape areas (not including parking) between five and 15 feet from the front property line for a minimum of 60 percent of the front street frontage. Should the site be developed in a conventional manner, with parking between the building and front street and / or the building setback over 15 feet from the front street, the standard 20 percent required minimum shall be required.
- (6) *Utilities.* Newly installed utility services and service revisions necessitated by exterior alterations shall be located underground.
- (F) *Architectural design standards and materials.* Within the overlay district, consistency in architectural design and use of materials is desired. Therefore, the standards below regarding exterior materials and architectural design features must be employed within the corridor. Architectural plans shall be submitted to the building and zoning department for review of compliance with these standards.
- (1) *Siding.* Wood clapboard, wood board and batten, wood shingle siding, brick, natural stone, stucco, tabby, faced concrete block, and any cement based artificial siding material which closely resembles the natural materials listed above. Siding may be left natural or painted, stained or, in the case of wood, weathered. Other materials such as architectural metal panels, etc. may be considered on a case by case, design by design basis. Painted or stained surfaces shall conform to the colors listed below.
 - (2) *Roofs.* Wood shingles, slate shingles, multi-layered asphalt shingles, metal raised seam or tiles. Other roofing material or solutions such as green roofs, etc. may be allowed.
 - (3) *Desired features.* Pitched roofs, roof overhangs, covered porches, canopies, awnings, trellises, pergolas and other similar structures.
 - (4) *Colors.* Earth tones (greens, tans, light browns, terra cotta, etc.), grays, pale primary and secondary colors (less than 50 percent color value), white cream tones, and the like. Dramatic accents and / or primary colors, may be only be used for small areas such as trim, logos, or to distinguish an architectural feature. In no instance, shall the combination of dramatic accent color or primary colors compose more than ten percent of any building façade.
 - (5) *Building scale and storefront requirements.*

- a. *Discontinuous building massing.* Every building shall reduce its perceived height and bulk by dividing the building mass into smaller scale components. Building walls exceeding 100 continuous horizontal linear feet shall utilize offsets, such as projections, recesses, and changes in floor level, to add architectural interest and variety, and to relieve the negative visual effect of a simple long wall.
 - b. *Variation in building silhouettes.* Variation in the roofline of buildings and offsets in pitched roofs and gables shall be required. Parapets in building masses exceeding 100 continuous linear feet shall be varied in height and projection and shall use decorative elements such as crown moldings, dental, brick soldier courses, or similar detail.
 - c. The length of facade without intervening fenestration, architectural detailing or entryway shall not exceed 30 feet.
 - d. Fenestration treatment shall be provided for a minimum of 50 percent of the length of the front street frontages. A maximum of 25 percent of the required fenestration treatment shall be permitted to utilize architectural detailing in place of glass materials to meet the fenestration treatment requirements.
 - e. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances and windows may be counted towards fenestration requirements.
- (6) *Exterior materials and features prohibited.*
- a. Plywood, cinderblock, unfinished poured concrete, un-faced concrete block, plastic and/or metal not closely resembling a natural material.
 - b. Partial (less than three sides) mansard roofs, flat roofs without a pediment, unarticulated roofs having a length exceeding 100 feet.
 - c. Incongruous architectural details or color contrasts.
 - d. Unscreened chain link or woven metal fences.
 - e. Reflective materials as the main building feature, to include highly reflective glass.
- (7) *Corporate or logo architecture.* Prototypical buildings that are designed for repetition to project a company or chain image may be rejected altogether. However, these designs may be acceptable if they conform to the above categories or adapt their features to fit the above categories.
- (G) *Lighting.* In general, lighting is to be the minimum required for each use that will provide safety, security and building / landscape accents on each developed site, but not impose direct illumination or light trespass beyond the site. Lighting needs and designs are to be specifically tailored to each site which means that they could be quite different, one site to another. Fully shielded luminaries shall be provided for all high intensity exterior lighting.
- (H) *Signage.* The provisions of the City of Pooler Sign Ordinance Chapter 66. Article I, shall apply to all signs within the Main Street overlay district, with the following modifications:
- (1) All freestanding signs shall be monument style signs, which shall be constructed of the same or architecturally compatible material as the principle building.
 - a. The sign shall not exceed 100 square feet with a maximum height of 15 feet.
 - (2) No pylon signs, pole signs or billboards will be allowed in this district.
 - (3) Any corner lot shall be allowed one additional freestanding sign on the second street frontage.
- (I) *Permit fees; limit.* Notwithstanding any provision contrary to the Charter or Code of Ordinances, any applicable building permit fees for any development (construction including the erection of a new building or the alteration of an existing building in connection with its renovation or addition) within the district shall not exceed \$5,000.00, provided the development is and remains in compliance with all rules and regulations of the district. At any time, if the development is found not in compliance, the

permit fee limit shall be nullified and any and all fees applicable to the development shall be retroactively applied and due to the city.

([Ord. of 9-18-2017, § I](#); [Ord. of 10-15-2018, § I](#); [Ord. of 5-20-2019, § I](#))

Section 28 - "P" Planned District.

(A) The purpose of this district shall be to provide areas within which comprehensive development plans shall be prepared by the developer and approved by Pooler City Council to secure an orderly development pattern. Such district shall be considered an "overlay" district and the uses permitted in such district shall be those uses permitted in the zoning district which is overlaid.

Property may be placed in the "P" overlay classification on a finding by Pooler Planning Commission and approved by Pooler City Council:

- (1) Such rezoning would be in the community's interest.
- (2) Unplanned and uncoordinated development could result in potential problems in such areas as traffic flow, schools, recreation, open spaces, and public facilities.
- (3) To ensure an orderly growth and development, it is appropriate to acquire approval of specific development plans by the Pooler City Council.
- (4) To ensure development is consistent with the Comprehensive Plan.

(B) Development Plan Required.

Such plan shall promote an environment of stable and desirable character in harmony with the established or proposed land use patterns in surrounding area.

Before an area shall be designated as a Planned District on the Zoning Map of the City of Pooler, a general development plan shall be submitted to the Pooler Planning and Zoning Commission for review and recommendation to the Pooler City Council. The Pooler Planning and Zoning Commission may recommend to disapprove, approve, or modify the plan in order to secure an orderly development pattern in accordance with the purpose of this chapter.

The Pooler City Council may on its own motion approve a Planned District. Following such approval, the developer shall be required to submit a general development plan to the Pooler Planning Commission for review and recommendation, however, no development shall take place until a specific development plan has been approved by the Pooler City Council as set forth in (D) of this Section.

(C) General Plan.

The general plan for a proposed Planned District shall include proposed uses and overall development standards and shall indicate the proposed use or reuse of all land, open spaces, location of major streets, recreation area, school sites, religious centers, and such other plan elements and reasonable design criteria as may be deemed necessary by the Pooler Planning Commission.

(1) General Development Plan Content:

The general development plan shall include:

- (a) All proposed uses, building arrangements, and lot arrangements
- (b) Pedestrian and traffic access
- (c) Parking calculation and areas
- (d) Arrangement, size, and design of buildings, lighting, and signage
- (e) Scale, building height, and density and relation to proposed uses to one another and those of adjacent properties
- (f) General layout and discussion of the provision of public facilities, including proposed public and private roads (including estimated trip generation), water/sanitary sewer

(including estimated average daily demand), and stormwater infrastructure to serve current and projected needs

(g) Buffers and other measures to protect adjacent properties from noise, glare, unsightliness, or other objectionable features; and

(h) Other plan elements and reasonable design criteria as may be deemed necessary by the City of Pooler.

(D) Specific Development Plan.

Following approval of the general development plan by Pooler City Council, no development shall take place until a detailed specific development plan or preliminary subdivision plat, where required, have been submitted to the Pooler Planning and Zoning Commission for review and recommendation and the Pooler City Council for final approval.

If property within a "P" (Planned) district is to be developed in phases, such detailed specific development plan may be submitted in phases.

Specific development plans as approved and certified by Pooler City Council shall be certified to the Building Inspector for the issuance of applicable permits. Development requiring subdivision actions shall be processed in accordance with the provisions of the City Code. No development shall take place within a Planned District that is not shown on a specific development plan as approved and certified by Pooler City Council.

(1) Standards.

Development standards shall be applied as provided elsewhere in this chapter for the particular underlying zoning district. Provided that Pooler City Council may approve variances from these requirements at the request of the developer on a finding that such variances would:

(a) Be in keeping with the overall character of the area.

(b) Would not be contrary to the purpose and intent of this chapter.

(c) Would not be detrimental to existing or proposed surrounding uses.

(d) Would serve public purposes to a degree equal to or greater than the standards replaced.

(e) Meet the Pooler variance standards outlined in Article V. Procedure for Administration and Enforcement, Section 10. Standards and Zoning Ordinance Map Amendment.

(2) Specific Development Plan Content:

Specific development plans shall include all aspects of the development and prepared by a Professional Engineer to practice Civil Engineering in the State of Georgia. All submittals must be signed and dated with the designers P.E. stamp. It must include all necessary technical reports, documentation, and designed consistent with the most recently adopted engineering standards and specifications of the City of Pooler, all City Ordinances, and all Applicable State and Federal laws and regulations. As part of the Specific development plan submittal, the applicant shall include any permits from State and Federal agencies as required by law. Items shall include, but may not be limited to:

(a) Existing site features:

(i) Existing built features (buildings, driveways, parking, undeveloped areas, etc.) at current elevation from established benchmark

(ii) Existing contours at 1-foot intervals

- (iii) Tree survey
- (iv) Ownership and adjacent use of surrounding properties
- (v) Adjacent roads, including names and route number if state or federal route, right of way width, and curb cuts within 500 feet; existing improvements inside adjacent road widths such as turn lanes, drainage systems, sidewalks/pathways, utilities
- (vi) Existing drainage features on or around the site, jurisdictional wetlands with existing buffers as required by the US Army Corps of Engineers, floodplain limits (Provide FEMA map reference and date of FEMA map); state waters and required buffers by the Georgia Environmental Protection Division
- (vii) Existing utilities and easements on or around the site
- (viii) Cut/fill computations for fill place in the regulated flood plan, or provide FEMA no-rise certificate
- (ix) Other as may be deemed necessary by the City of Pooler

(b) Proposed development features:

- (i) All built features at finished elevation from established benchmark
- (ii) Amenities and open spaces
- (iii) On-site public and private streets, right of way lines, curb and gutter, curb radius at intersections, fire access, sidewalks, pedestrian paths, parking areas; signage and pavement markings; traffic impact study as appropriate in Article V, Section 11; proposed off-site improvements as necessary; copy of GDOT permits
- (iv) On-site water/sewer improvements and connections to existing systems (including invert elevations), consistent with the most recently adopted engineering standards and specifications of the City of Pooler; proposed off-site improvements as necessary
- (v) On-site stormwater infrastructure improvements and connections to existing systems (with detailed hydrology and hydraulic reports), including easements consistent with the most recently adopted engineering standards and specifications of the City of Pooler; low impact development and green infrastructure best management practices; proposed off-site improvements as necessary
- (vi) Lighting plans consistent with the illumination standards in Chapter 74 - Streets, Sidewalks, and Other Public Place, Article VI – Outdoor Lighting.
- (vii) Landscape plan prepared in accordance with Chapter 42-Environment, Article VI- Tree Protection.
- (viii) Buffers between zoning districts
- (ix) Erosion and sediment control plans
- (x) Development requiring subdivision actions shall be processed in accordance with the provisions of Appendix B -Subdivisions of the Pooler Code of Ordinances; and
- (xi) Other as may deemed necessary by the City of Pooler

(E) Overlay District Designations.

When an area is rezoned to a "P" (Planned District) the letter "P" shall be placed in front of the standard zoning district identification for the area in question; e.g. an area zoned C-2 which is rezoned to a "P" Planned District shall be indicated as a P-C-2 on the official zoning map for the City of Pooler.

ARTICLE V. - PROCEDURES FOR ADMINISTRATION AND ENFORCEMENT

It shall be unlawful for any person to commence excavation for, or construction of any building or structure, or moving of any existing building or structure without first obtaining a permit from the Building Official. No permit shall be issued for the construction or alteration of any building or structure until proper approval has been granted and fees have been submitted in accordance with the provisions of this ordinance.

Section 1. - Permits required for construction.

The following is a list of permits needed for construction of a building or structure or the movement of a building or structure that may be needed for any type of land development in the City of Pooler, Georgia.

- (A) *Building permit.* A building permit issued by the administrative officer [Building Official] is required in advance of the initiation of construction, erection, moving or alteration of any building or structure. All applications for building permits shall be accompanied by a plat or plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the location of the building on the lot, the number of dwelling units the design is to accommodate, and such other information as may be essential for determining whether the provisions of this ordinance are being observed. A record of such application and plats or plans shall be kept by the administrative officer [Building Official]. A building permit is also required for swimming pools, fences, and lawn irrigation systems.
- (B) *Relocation permit.* A relocation permit is required anytime a manufactured home, mobile home, trailer, out building, house or structure is moved from any location to any lot or parcel within the city limits of Pooler. Electrical, mechanical and plumbing permits are included within this permit. Buildings used for the purpose of storage only with no need for electricity or plumbing are exempt from this requirement.
- (C) *Sign permit.* Prior to the erection of a sign for either on premises or off premises advertising, the Building Official must first issue a permit in accordance with the sign regulations set forth in the City of Pooler Sign Ordinance. Permits are required for both temporary signs as well as permanent signs.
- (D) *Demolition permit.* Prior to destruction of a building, structure, or sign, a demolition permit is needed. Such permit may be attained from the City of Pooler Building and Zoning Department.
- (E) *Electrical permit.* An electrical permit is needed before installing any electrical wiring or fixtures. This permit is not needed if a re-location permit or building permit has already been issued on the structure.
- (F) *Plumbing permit.* A plumbing permit is needed whenever a plumber installs a new plumbing system in an existing structure. This permit is not needed if a re-location permit or building permit has already been issued on the structure.
- (G) *Mechanical permit.* A mechanical permit is needed before a licensed installer may install any mechanical device such as a heating and/or cooling system for air or water. This permit is not needed if a re-location permit or building permit has already been issued on the structure.

- (H) *Subdivision of land.* Whenever a lot, parcel, or tract of land is divided into two or more parts, the owner must submit a preliminary subdivision plat to the Building Official. The preliminary plat shall be reviewed at a public meeting held by the Planning Commission and then by the City Council at a public hearing to follow. Once the preliminary plat is approved by City Council, required infrastructure improvements may be permitted on the property. After the required infrastructure improvements are completed and inspected by the building inspector [official], a final plat may be submitted to the Building Official. The final plat shall be reviewed at a public meeting held by the Planning Commission and then by the City Council at a public hearing to follow. Once the final plat is approved by the City Council, all parcels created by the subdivision may be recorded in the Office of the Superior Court of Chatham County and subsequently become real estate. Subdivisions of three lots or less may be considered a minor subdivision where the preliminary and final plat procedure are combined into one. However, subdivisions of four lots and more or any division where infrastructure improvements are required will be considered as major subdivisions and must endure the complete process.

Section 2. - Permits or actions required by this ordinance.

The following are permits that may be required depending on the construction and particular land use district for which it will take place:

- (A) *Conditional use permits.* There are specific land uses permitted in certain zoning districts only after a review by the Planning Commission, a public hearing has been held by the City Council, and the City Council has determined that the use is appropriate based on certain criteria. These uses are listed throughout article IV and the criteria is listed in section 7 of this article.
- (B) *Site plan approval.* All building or land development activities other than residential one and two family structures, regardless of the zoning district, must present an approved site plan of the building or land development activity to the Building Official prior to the issuance of any building and/or land development permits.
- (C) *Zoning variance.* Where strict enforcement of this ordinance may present an unnecessary hardship upon a lot or parcel of land, the owner may apply for a zoning variance. Such action requires a public hearing by the Planning Commission and approval by the City Council at a scheduled meeting.
- (D) *Amendment to the zoning map.* An amendment to the zoning map is considered to be an amendment to the zoning ordinance. Such action requires a public hearing by the Planning Commission and approval by the City Council at a scheduled meeting.
- (E) *Amendment to the text of this ordinance.* An amendment to the text of the zoning ordinance follows the same process as an amendment to the zoning map. However, a text amendment requires different materials to be included with the application.
- (F) (Reserved).
- (G) *Permits required in conjunction with permits in this ordinance.* The following are permits required by other government entities that may be applicable to a development project in Pooler:
- (1) *Land disturbing activity permit.* Under the Georgia Soil Erosion and Sedimentation Act (O.C.G.A. § 12-7-7), any disturbance of land of over 1 1/10 of an acre requires a land disturbing permit from the City of Pooler Building Official.

- (2) *Construction in wetlands.* In conjunction with Georgia DNR, the United States Army Corps of Engineers maintains the authority to delineate the location of wetlands and is responsible for permitting any land disturbing activity in them under Section 404 of the Federal Clean Water Act.
- (3) *Individual well systems.* If an individual well system is required for any land development, a well permit is required from the Georgia Department of Public Health.
- (4) *Individual sewer systems.* If a lot or parcel is not served by city sewer utilities a permit is required from the Chatham County Board of Health.
- (5) *Entrances on state and federal highways (curb cuts).* If the development of a lot, tract, or parcel requires an entrance onto a State or Federal Highway, a permit is required by the Georgia Department of Transportation.
- (6) *Shallow wells for irrigation only.* If a property owner decides to use a shallow well for the irrigation of his or her landscape, a well drilling permit must be obtained from the City of Pooler Building Official and the pump installation and design must meet the plumbing codes set forth by Southern Building Code Congress International and the laws of the state.

Section 3. - Fees.

Fees for each individual permit or zoning action are subject to change by the City of Pooler City Council. Please see schedule of fees adopted by City Council which are displayed in the Pooler Building and Zoning Office.

Section 4. - Application for permits or actions under this ordinance.

- (A) *Minimum requirements for all applications.* All applications for permits, zoning matters, or any action requested of the City of Pooler shall be dated upon submission and require the following minimum information:
 - (1) Name, address and signature of applicant. (All applications shall be signed and shall state the name and address of the applicant, who must be the owner of the property or the authorized agent or attorney for the owner of the property. If the applicant is the agent of the owner, then said agent shall file, simultaneously with said petition, a notarized letter signed by the owner, authorizing said agent to file on his behalf),
 - (2) Brief description of the land development activity and use of the land thereafter to take place on the subject property,
 - (3) Address and location of the subject property for which such land development activity shall take place,
 - (4) Name and address of owner of the subject property. Note: Applicant must either have proof of ownership of the property or signed and notarized affidavit from the owner granting the applicant permission to conduct such land development activity,
 - (5) Current zoning and use of the property or properties,
 - (6) Name and address of all adjacent property holders; and,
 - (7) Name and address of participating contractors (building and construction, surveyor, architect, engineer, installer, developer, etc.),

- (8) The application number, date of application, and action taken on all prior applications filed for the reclassification of the whole or part of the land proposed to be reclassified,
- (9) If within two years immediately preceding the filing of the applicant's application for a zoning action, the applicant has made campaign contributions aggregating to more than \$250.00 to any member of the City Council or any member of the City Planning Commission, it shall be the duty of the applicant and the attorney representing the applicant to disclose the following in the application:
 - a. The name of the local government official to whom the campaign contribution or gift was made,
 - b. The dollar amount of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the map amendment and the date of each contribution, and
 - c. An enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of the application for the zoning action,
 - d. In the event that no such gift or contribution was made, the application shall affirmatively so state.
- (10) Prior to consideration of any application under this article, the applicant must not be delinquent for any monies owed to the City of Pooler.
 - a. If applicant is not the owner, this section shall apply to the owner of subject property;
 - b. If applicant is not an individual, this section shall apply to officer(s), director(s), limited partner(s) or principal(s) of said entity.

No application shall be accepted which fails to meet these requirements.

- (B) *Additional application requirements for a conditional use permit.* All applications for uses permitted in a zoning district for conditional use must also include the following minimum information:
 - (1) A more detailed description of the activities, number of units, and hours of operation of the proposed conditional use,
 - (2) A preliminary site plan which includes items (1), (2), (3), and (6) of subsection (c) of this section,
 - (3) A proposed starting date of land disturbance or construction, date of completion for all improvements, and use opening or date of first occupancy; and
 - (4) A list of activities undertaken by the developer and subsequent occupant to mitigate all adverse impacts upon the surrounding properties before, during, and after the completion of development activities.
- (C) *Additional application requirements for all site plan requirements and approval.* The site development plan shall include, but not be limited to the following:
 - (1) The location, size and other pertinent data of all land uses on the site including types, location and height of buildings, parking, open areas and landscaping,
 - (2) Dimension setback lines from property lines and street right-of-way lines,
 - (3) Adjacent thoroughfares and all curb cuts within 500 feet, including:
 - a. Proposed new cut(s) onto public rights-of-way with turning radii, and width, and

- b. Dimensions of all rights-of-way,
- (4) Drainage plan to conform with city engineering department standards,
- (5) Location of all utilities,
- (6) Tabulated data including at least:
 - a. Gross density of dwelling units,
 - b. Parking ratio per dwelling unit,
 - c. Percent and amount of land coverage by use, and
 - d. Percent and amount of floor area by use and by type.
- (7) Topographical map showing existing and proposed contours at one-foot intervals and natural features, and

The Planning Commission may require elevations or other engineering or architectural drawings covering the proposed development. The City Council will not act upon a zoning decision that requires a site plan until the site plan has met the approval of the City Engineer or his designee.

- (D) *Additional application requirements for a zoning variance.* Applications for a zoning variance shall be submitted to the Building Official. All applications for a zoning variance must also include the following minimum information:

- (1) Site plan and/or architectural rendering of the proposed development depicting the location of lot restrictions.
- (2) A survey of the property signed and stamped by a State of Georgia Certified Land Surveyor.

No application for a site plan with a zoning variance request, which has been previously denied, shall be accepted by the Zoning Administrator until the expiration of at least 12 months immediately following the defeat by the City Council of such variance request. However, if the request is for a lesser relaxation of the standards or for a different request, then an application and revised site plan may be submitted.

- (E) *Additional application requirements for a zoning ordinance or map amendment.* Applications for amendment of these regulations may be in the form of proposals to amend the text of these regulations or proposals to amend the zoning map. Applications for amendment shall be submitted to the Zoning Administrator. No application for a zoning change requesting the same zoning district classification and affecting the same parcel of property or part thereof shall be accepted by the Zoning Administrator until the expiration of at least six months immediately following the defeat of the rezoning request by the City Council. However, if the request is for a different land use classification than the previous request, an application will be accepted. All applications for zoning ordinance or map amendments must also include the following minimum information:

- (1) *Text amendment.* In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.
- (2) *Map amendment.* An application for a map amendment shall include the following information:
 - a. A legal description of the land by lot, block, and subdivision designations, or if none, by metes and bounds,
 - b. The property identification number from the tax records of Chatham County,
 - c. The present and proposed land uses of the property petitioned for rezoning and all adjoining properties if under the same ownership,

- d. The names, addresses, and zip codes, at the date of filing of owners of property being rezoned and of property owners adjacent to and across any public right-of-way from the property being proposed for rezoning, including properties diagonally across an intersection,
- e. The area of the land proposed to be reclassified stated in square feet if less than one acre, and in acres if greater than one acre,
- f. All known previous applications for a map amendment affecting the same premises; and,
- g. A scaled map or plat, which shall be attached to each of the application forms required. Said map or plat shall show the property referred to in the application and all adjoining lots or parcels of land which are also under the same ownership.

Section 5. - Public notice.

After a completed application has been filed, the next step in the approval process for a zoning action required by this ordinance is to set a date for a public hearing on the matter and render proper notice to the public. Proper public hearing notice procedures are as follows:

- (A) *Legal notice.* Notice of public hearings before the Planning Commission and the City Council as required by this section shall be published within a newspaper of general circulation within the city in which are carried the legal advertisements of the city and shall state the time, place and purpose of the hearing and shall also include the location of property that is the subject of the zoning action, the present zoning district of said property, and the proposed zoning district or proposed zoning action of said property. Such notice for the official public hearing before the City Council shall be published at least 15 days; but, not more than 45 days prior to the date of the hearing.
- (B) *Signs posted.* Where a zoning action of property is initiated, a designated official of the city shall post a sign at least 15 days prior to the City Council public hearing, in a conspicuous place on the property for which an application for a proposed zoning action has been submitted. The sign or signs will contain information as to the current zoning district, the proposed zoning district or zoning action, and the date, time and location of the public hearings before the Planning Commission and the City Council.
- (C) *Supplemental Notification to adjacent property owners.* At least seven days prior, but not more than 45 days before the date of the public hearing a notice setting forth the date, time and place for such public hearing shall be sent by mail to the applicant, the planning and zoning commission, and all owners of property located adjacent to or across a public right-of-way from the property being proposed for rezoning. The notice shall also include the location of the property, its present zoning classification and the proposed zoning classification. The names and addresses of owners of such properties to be notified shall be provided by the applicant as set forth herein; provided, however, where a map amendment is initiated by the Planning Commission such names and addresses of owners of property located adjacent to or across a public right-of-way from property being proposed for rezoning shall be provided by the Zoning Administrator. Failure to send notices or failure of the property owner to receive notification shall not affect the validity of any zoning action. This procedure exists as a supplement to the legally required notification procedures.

Section 6. - Public hearing requirements.

Whenever a zoning action takes place, a hearing must be held before the public. When an applicant requires more than one zoning action or subdivision procedure for a development project, a separate public hearing must be held for each procedure or action. In the City of Pooler there are two public hearings held

for each zoning action or subdivision procedure. One before the Planning Commission and the other before the City Council. The public hearing before the City Council is by record the official public hearing. The purpose of each public hearing is to discuss information pertinent to the particular action or procedure. During the hearing the following rules and actions shall be followed:

- (A) *General rules of conduct.* Whenever a public hearing is required by this ordinance or by state law prior to approving a zoning action, such public hearing, whether conducted by the City Council or the Planning Commission, shall be conducted in accordance with the following procedures:
- (1) The public hearing shall be called to order by the presiding officer.
 - (2) The presiding officer shall explain the procedures to be followed in the conduct of the public hearing.
 - (3) If the subject of the hearing is initiated by an applicant other than the City Council, the petitioner requesting such zoning decision, or the applicant's agent, shall be recognized first and shall be permitted to present and explain the request for the zoning decision. Thereafter, all individuals who so desire shall be permitted to speak in favor of the zoning decision.
 - (4) If the request is initiated by the City Council, all members of the City Council shall be allowed to speak as they are recognized by the mayor or presiding officer, regardless of whether such City Council member speaks in favor of or in opposition to the proposed zoning decision. Thereafter, all individuals who so desire shall be permitted to speak in favor of the zoning decision.
 - (5) After all individuals have had an opportunity to speak in accordance with section 6(a)(3) above, those individuals present at the public hearing who wish to speak in opposition to the requested zoning decision shall have an opportunity to speak.
 - (6) When any person wishes to speak at a public hearing, he shall raise his hand and, after being recognized by the presiding officer, shall stand and give his name, address, and make any comment appropriate to the proposed zoning decision. If within two years immediately preceding the filing of the applicant's application for a zoning action, the speaker has made campaign contributions aggregating to more than \$250.00 to any member of the City Council or any member of the City Planning Commission, it shall be the duty of the speaker to disclose the following information five days prior to the official public hearing:
 - a. The name of the local government official to whom the campaign contribution or gift was made;
 - b. The dollar amount of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the map amendment and the date of each contribution; and
 - c. An enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of the application for the zoning action.
 - d. In the event that no such gift or contribution was made, the applicant shall affirmatively so state. Campaign disclosure forms are available at the Pooler City Hall during normal hours of operation. Also, campaign disclosure forms shall be made available to the public at the Planning Commission public hearing for use at the official public hearing before the City Council.
 - (7) No time limit shall be imposed upon any person speaking at a public hearing, but all speakers are urged to make their comments brief and avoid repeating other comments.

- (8) The applicant shall have an opportunity, after all comments in opposition have been made, to make summary remarks concerning the proposed zoning decision.
 - (9) Thereafter, the presiding officer shall announce that the public hearing for the requested zoning decision is closed, and the City Council or the Planning Commission, as the case may be, shall immediately and openly discuss the proposed zoning decision and vote on action which they are authorized to take.
- (B) *Actions specific to the Planning Commission during a public hearing.* In all zoning actions in the City of Pooler, the Planning Commission is a recommending body and all final decisions must be made by the City Council. However, the Planning Commission has an important role in the public hearing process. This role is as follows:
- (1) All proposed zoning actions shall be reviewed by the Planning Commission in a public hearing in accordance with the procedures set forth in section 6(A).
 - (2) The Planning Commission shall review and consider a recommendation to the City Council with respect to the application for a zoning action. The Planning Commission may decide to make no recommendation or it may make any of the following recommendations with respect to an application for a zoning action: approval, denial, deferral, withdrawal without prejudice, reduction of the land area for which the application is made, change of the zoning district requested, or imposition of zoning conditions; and
 - (3) The Planning Commission shall submit its recommendation on a zoning action application to the City Council prior to the scheduled public hearing in which the City Council will consider the application for a zoning decision. If the Planning Commission fails to submit a recommendation prior to the public hearing, the Planning Commission's recommendation shall be deemed one of approval.
- (C) *Actions specific to the City Council during a public hearing.*
- (1) Before taking action on a proposed amendment and after receipt of the Planning Commission recommendations and reports thereon, the City Council shall hold a public hearing on the proposed amendment at their next scheduled meeting.
 - (2) So that the purpose of this zoning ordinance will be served and so that health, public safety and general welfare will be secured, the City Council may in its legislative discretion:
 - a. Approve or deny the proposed zoning action as submitted,
 - b. Reduce the land area for which the application is made,
 - c. Change the zoning district to one other than that requested; or,
 - d. Add or delete zoning conditions as the City Council deems appropriate. If conditions are imposed on a zoning, the minutes should reflect explicitly the conditions and a written copy attached to the minutes as part of the record. Once conditional zoning is applied, the zoning conditions can be changed. A change in a zoning condition would be subject to the Zoning Procedures Law, O.C.G.A. 36-66-1, requiring notice and a public hearing.
 - (3) An action to defer a decision on the proposed amendment shall include a specific meeting date to which the proposed amendment is deferred. The City Council may also approve a withdrawal of an application, and if so stipulated by the City Council in its decision to approve withdrawal, the 12-month limitation on re-filing of the application for the same property shall not apply.
- (D) *Public hearings records standards.* The city clerk or an agent of the city clerk shall mechanically record the proceedings of all zoning public hearings. If requested by any party, verbatim

transcripts of the public hearing can be prepared, but only if requested and purchased in advance by the requesting party, who must arrange at his expense for a certified court reporter to record and transcribe the hearing and furnish the original of the transcript to the City Council for its records. The record of the public hearing and all evidence (e.g., maps, drawings, traffic studies, etc.) submitted at the public hearing shall be noted as such and shall become a permanent part of the particular zoning action's file.

Section 7. - Standards for conditional use permission.

Land uses listed in article IV of this ordinance that are permitted as conditional uses must follow an administrative procedure prior to the issuance of any land development permit.

- (A) *Review criteria.* The Planning Commission shall hear and make recommendation upon such uses in a district that are permitted as conditional uses. The application to establish such use shall be approved by the City Council on a 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 or adversely affect the health and safety of residents and workers,
 - (3) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement acquainted with the use, noise or fumes generated by or as a result of the use, or type of physical activity associated with the land use,
 - (4) The proposed use will not be affected adversely by the existing uses of adjacent properties,
 - (5) The proposed use will be placed on a lot which is of sufficient size to satisfy the space requirements of said use,
 - (6) The parking and all development standards set forth for each particular use for which a permit may be granted will be met; and,
 - (7) The action will not adversely impact adjacent or nearby properties in terms of property values, by rendering such properties less suitable and therefore less marketable for the type of development to which they are committed or restricted in order to promote the public welfare and protect the established development pattern.
- (B) *Additional mitigation requirements.* The Planning Commission may suggest and the City Council may impose or require such additional restrictions and standards (e.g., increased setbacks, buffer strips, screening, etc.):
 - (1) As may be necessary to protect the health and safety of workers and residents in the community; and
 - (2) To protect the value and use of property in the general neighborhood.
- (C) *Adherence to requirements.* Provided that wherever the City Council shall find in the case of any permit granted pursuant to the provisions of these regulations, noncompliance of any term, condition, or restrictions upon which such permit was granted, the City Council shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity

for a public hearing.

- (D) *Permit longevity.* Conditional use permission granted by the City Council shall be valid for a period of 12 months from date of approval. Such approval is based on information provided in the application. Building permits may only be granted for plans consistent with the approved application. Any deviation from the information submitted will require separate approval by City Council.

Section 8. - Site plan approval.

The site plan approval process is intended to provide the general public, Planning Commission, and City Council with information pertinent to how a new development will affect the surrounding area and the city as a whole. Site plan approval does not constitute approval of any other zoning action or permit.

- (A) *Process.* Upon submittal of the site plan, the City Planner or Zoning Administrator will review the site plan for noticeable discrepancies and determine if there is a need to apply for other zoning actions. The site plan is then forwarded to the City of Pooler Engineer and public works department for additional review and comment(s). The Engineer and public works department will submit comments to the City Planner or Zoning Administrator, who shall then provide such comments to the applicant. The applicant is responsible for addressing all comments from the city, and when the site plan has fewer than ten outstanding comments, it shall be submitted for review by the planning and zoning commission. After the first public meeting is held before the planning and zoning commission, and all outstanding comments have been addressed by the applicant, the final site plan approval may commence at any regularly scheduled meeting of the City Council.
- (B) Site plan approvals pursuant to this article are valid for a period of one year from the date of approval, after which the approval expires.
- (C) If a person or entity submits a site plan more than one year following its approval to the Building Official for issuance of a building and/or land development permit, the site plan must be resubmitted for new approval, adhering to all applicable rules and provisions for new site plans, including fees assessed in accordance with section 3 of this article. The city shall not have a duty to retain site plans for which approval has expired except as may be required by state law.
- (D) *Standards for site plan approval.* In order to promote the public health, safety, and general welfare of the City of Pooler against the unrestricted development upon property, the following standards and any other factors relevant to balancing the above stated public interest will be considered, when deemed appropriate, by City Council in approving any site plan:
 - (1) Whether the site plan is consistent with the Comprehensive Plan for the City of Pooler and any other small area plans;
 - (2) Whether the site plan provides for adequate pedestrian and traffic access;
 - (3) Whether the site-plan provides adequate space for off-street parking and loading/unloading zones where applicable;
 - (4) Whether the site plan provides for appropriate location, arrangement, size, and design of buildings, lighting, signs, giving due consideration to the applicable zoning district(s);
 - (5) Whether the site plan is appropriate in scale and relation to proposed use(s) to one another and those of adjacent properties;

- (6) Whether the proposed development site is adequately served by existing or proposed public facilities, including roads, water, sanitary sewer, and stormwater infrastructure;
- (7) Whether the proposed development site is adequately served by other public services to account for current or projected needs;
- (8) Whether the site plan provides adequate protection for adjacent properties against noise, glare, unsightliness, or other objectionable features;
- (9) Whether the site plan provides adequate landscaping, including the type and arrangement of trees, shrubs, and other landscaping, which may (or may not) provide a visual or noise-detering buffer between adjacent properties; and
- (10) Whether the site plan provides for improvements in accordance with all applicable federal, state, and local laws including without limitation the Code of Ordinances for the City of Pooler.

Section 9. - Variances.

- (A) *Standards.* After an application has been submitted to the Zoning Administrator, reviewed by the Planning Commission, and a public hearing has been held by the City Council, the City Council may grant a variance from the strict application of the provisions in this ordinance only if at least two of the following findings are made:
 - (1) That there are unique physical circumstances or conditions beyond that of surrounding properties, including irregularity, narrowness, or shallowness of the lot size or shape, or exceptional topographical or other physical conditions, peculiar to the particular property,
 - (2) That because of such physical circumstances or conditions, the property cannot be developed in strict conformity with the provisions of the zoning ordinance, without undue hardship to the property,
 - (3) That granting the variance will not result in authorization of a use not otherwise permitted in the district in which the property is located or cause substantial detriment to the public good.
- (B) *Height variances.* For residential height variances the petitioner shall be required to add two feet to each side yard set back for each one foot above 35 feet in height and have safe guards consisting of sprinkler systems, smoke detectors and any other fire protection equipment deemed necessary at the time by City Council. Where a rear yard abuts a side yard of the adjacent lot, the petitioner shall be required to add two feet to the rear setback for each foot above the 35 feet height, and have safe guards consisting of sprinkler systems, smoke detectors, and any other fire protection deemed necessary at the time by City Council.
- (C) *Permit longevity.* After a variance has been granted by the City Council it shall be valid for a period of 12 months from date of approval. Such approval is based on information provided in the application. Building permits may only be granted for plans consistent with the approved application. Any deviation from the information submitted will require separate approval by City Council.

Section 10. - Standards for zoning ordinance or map amendment.

In order to promote the public health, safety, and general welfare of the City of Pooler against the unrestricted use of property, the following standards and any other factors relevant to balancing the above stated public interest will be considered, when deemed appropriate, by the City Council in making any

zoning decision:

- (A) Is this request a logical extension of a zoning boundary which would improve the pattern of uses in the general area?
- (B) Is this spot zoning and generally unrelated to either existing zoning or the pattern of development of the area?
- (C) Could traffic created by the proposed use or other uses permissible under the zoning sought traverse established single-family neighborhoods on minor streets, leading to congestion, noise and traffic hazards?
- (D) Will this request place irreversible limitations on the area as it is or on future plans for it?
- (E) Is there an imminent need for the rezoning and is the property likely to be used for the use requested?
- (F) Will the proposed use substantially conflict with existing density patterns in the zone or neighborhood?
- (G) Would the proposed use precipitate similar requests which would generate or accelerate adverse land use changes in the zone or neighborhood?
- (H) Will the action adversely impact adjacent or nearby properties in terms of:
 - (1) Environmental quality or livability resulting from the introduction of uses or activities which would create traffic, noise, odor or visual hazards or the reduction of light and air that is incompatible with the established development pattern.
 - (2) Property values, by rendering such properties less suitable and therefore less marketable for the type of development to which they are committed or restricted in order to promote the public welfare and protect the established development pattern.
 - (3) Will the action create development opportunities of such increased intensity that stormwater runoff from the site cannot be controlled within previous limits, with [which] results in adverse impacts upon existing down-stream drainage problems or potential problems?
- (I) Will the action result in public service requirements such as provision of utilities or safety services which, because of the location or scale of the development, cannot be provided on an economic basis and therefore would create an actual burden to the public?

Section 11. - Traffic Impact

To protect the health, safety, and general welfare of the community, it has been determined to be necessary to adopt the following traffic impact requirements for the transportation system of the City of Pooler. Transportation is paramount to any community and studies shall be conducted to promote continued mobility of the system and provide improvements when adverse impacts arise. The traffic impact ordinance shall establish a minimum standard of traffic operations for the transportation system and provide for an administrative process to assure that no development is undertaken that would result in a lowering of the level of traffic operations below that established minimum standard. Dependent upon the impacts generated by the development, one of the following submissions will be required.

(A) Technical Memorandum

A Technical Memorandum is required when the project is likely to add less than 100 peak hour trips, and the adjacent intersection(s) are presently estimated to be operating at Level of Service (LOS) E or F. The

scope for preparing a technical memorandum, which is a significantly scaled-down version of a traffic study, must be reviewed and approved by the City of Pooler. At a minimum, the potential impacts to intersections adjacent to the project should be evaluated. The technical memorandum shall be prepared under the direction of, and signed by, a Professional Engineer, registered in the State of Georgia to practice either Traffic or Civil Engineering.

(B) Traffic Impact Study

Shall be prepared under the direction of, and signed by, a Professional Engineer, registered in the State of Georgia to practice either Traffic or Civil Engineering.

A traffic impact study, if required, must be performed in accordance with the general guidelines recommended in the Institute of Transportation Engineers (ITE) publication, Traffic Access and Impact Studies for Site Development, unless otherwise specified in this article or as directed by the city. A traffic study must include the projected traffic from all previously approved projects that are not yet in place at the time of the study. The extent of the study area must be clearly defined by the developer and approved by the city prior to actually initiating the study. And the study must, as a minimum, include a thorough analysis of the A.M. and P.M. peak-hour traffic over the study area.

(1) Study Warrants

A traffic impact study shall be required if one of the following conditions is met:

(a) Land Use Intensity Warrant

This warrant is met when 175 residential lots or 100 peak hour trips are generated as defined in the ITE publication, Traffic Access and Impact Studies for Site Development.

(b) Level-of-Service Warrant

This warrant is satisfied when Level of Service (LOS) "D" exists on the adjacent street, or the proposed development causes the LOS to drop to a "D". LOS determination should be in accordance with the procedures described in the Transportation Research Board Highway Capacity Manual.

(c) Roadway Modifications Warrant

This warrant is met when the proposed development is expected to significantly impact a road segment identified for improvement in the Transportation Improvement Program. It is also met when projected traffic will require modifications to the roadway system, such as turn lanes and deceleration lanes, to accommodate site generated traffic.

(d) Special Cases

This warrant is satisfied when traffic generated from the development compromises the existing roadway system and may create safety, operational or other traffic problems in the vicinity of the site. This includes, but is not limited to, proposed driveways located within the functional limits of intersections, sight distance restrictions, requests for median openings, and recurring accidents on the adjacent street.

(2) Study Procedure

The impact study should be conducted under the supervision of a licensed and experienced traffic/transportation engineer. The study report will need to be certified and is the responsibility of the developer. Required components of a traffic impact study are:

(a) Land Uses

A description of the land uses in the proposed development and any known proposed uses for other property in the surrounding area.

(b) Existing Transportation System

A description of the existing transportation system with the study area and its existing capacities and structural ability to carry the additional traffic being generated.

(c) Trip Generation

Trip generation estimations of the daily vehicular traffic, street am and pm peak hour volumes, and site am and pm peak hour volumes are to be obtained using the most recent edition of the ITE Trip Generation manual. Adjustments must be made for pass-by trips and mixed-use internal capture.

(d) Trip Distribution

Show method of trip distribution on existing street roadway network.

(e) Recommendations

Identify measures to be implemented by the developer to mitigate the traffic impact, including onsite, proposed entrances and offsite roadway improvements.

(f) Improvement Analysis

Show proposed programming of physical and operational improvements to accommodate site traffic. Additional analysis may be required and is site specific. This information includes:

- (i) Traffic signal warrant analysis using the FHWA Manual on Uniform Traffic Control Devices. The analysis
- (ii) Internal circulation and parking. Safety analysis which may include accident experience, restricted sight distance, pedestrians and bicycles.
- (iii) Capacity analysis and required storage at all proposed access points and intersections within the study area, using the current edition/version of the Highway Capacity Manual/Software.
- (iv) Neighborhood impacts, including cut through traffic, increased delay and proposed mitigation.
- (v) Distance from existing median openings if a median opening is being requested.
- (vi) Queuing if the proposed driveway is within the functional limits of an intersection.
- (vii) For an unsignalized intersection, the average total delay per vehicle shall not exceed 45 seconds.
- (viii) For a signalized intersection, the volume to capacity composite ratio shall not exceed 1.10 and the average total delay per vehicle shall not exceed 60 seconds.

(ix) The delays referred to in (8) and (9) above shall be calculated according to the methodology described in the Highway Capacity Manual, latest edition.

(3) Evaluation and determination

Each required traffic impact study will be evaluated by the city as to its technical accuracy and its impact on the established minimum standard of traffic operations. The cost of this evaluation shall be reimbursed to the city by the developer; and each evaluation shall produce a determination that a proposed project either complies with the standard or it does not comply.

(a) If it is determined that a proposed project complies with the established minimum standard of traffic operations, a development permit shall be issued for the project, provided it meets all other applicable city codes and ordinances.

(b) If it is determined that a proposed project will not comply with the established minimum standard of traffic operations, the developer may:

(i) Reach an agreement with the city on a plan to mitigate the negative impact the project will have on traffic; or

(ii) Delay implementation until traffic is reduced in the corridor by other capital improvements to the point where the proposed project complies with the established minimum standard of traffic operations.

(iii) If a developer reaches an agreement with the city on a plan to mitigate the negative impact of a project in accordance with b.(i) above, a development permit shall be issued for the project, provided the mitigation plan is fully implemented as a part of the permitted work, and provided the project, including the mitigation plan, meets all other applicable city codes and ordinances.

(iv) If a developer delays implementation of a project in accordance with b.(ii) above, a development permit shall be issued for the project upon completion of other capital improvements that reduce traffic to the point where the project is able to comply with the established minimum standard of traffic operations, provided the project meets all other applicable city codes and ordinances, as well as all other portions of this article.

(4) Expiration of determination

(a) For any project for which a traffic impact analysis is required by this article, a traffic impact determination must be issued prior to final site plan approval or preliminary plat approval. That determination shall expire if a developer fails to secure a development permit for the project within 90 days of the date the determination is made.

(b) A traffic impact determination shall expire if a developer fails to initiate construction on a project within 90 days of the issuance of a development permit.

(c) A traffic impact determination shall expire if a developer ceases work on a project for more than 60 consecutive days after a development permit is issued.

(d) If a traffic impact determination expires for any of the above reasons, the developer, if he wishes to pursue the proposed project, shall be required to repeat the entire analysis and evaluation process, and shall have no vested rights as a result of the expired determination.

Section 12. - Enforcement.

- (A) *Zoning enforcement officer.* The City Council shall provide for the enforcement of this chapter by appointing a Building Official, who shall, jointly with other inspections personnel, have the right to withhold building permits. The Building Official shall not have the authority to grant approval to any building permit that does not meet the requirements of the zoning ordinance.
- (B) *Violations.* Any building or structure that is erected, altered, converted, or maintained in violation of this Code shall be subject to a minimum penalty of \$500.00. Continuance of a violation shall be considered a separate and distinct offense for every day the violation is continued. Furthermore, such structure that is in violation of this Code is not eligible to petition for a variance or other zoning action and will be subject to fines until the structure is brought within compliance of this Code.
- (C) *Enforcement of violations.* When the Building Official finds that any provision of this ordinance is being violated, the Building Official or agent thereof shall execute the following procedures:
 - (1) Thirty days prior to legal action by the city, send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional notices may be sent at the Building Official's discretion.
 - (2) Fifteen days prior to legal action by the city, send a final notice by certified mail stating the action the Building Official intends to pursue if the violation is not corrected and shall advise that the Building Official's decision may be appealed to the City Council at the next scheduled meeting.
 - (3) Upon approval by City Council the Building Official shall file the complaint with the Clerk of the Municipal Court of Pooler.
 - a. Upon receipt of the complaint, the clerk of the municipal court shall cause the complaint and a hearing notice to be issued and served upon the owner of and any parties in interest in the property or sign which is involved in or is the subject of the complaint. Such hearing shall be held before the judge of the municipal court not less than ten days nor more than 30 days after service of the complaint.
 - b. Complaints or orders issued by the municipal court pursuant to the provisions of this ordinance shall, in all cases, be served upon each person in possession of said property, each owner, and each party in interest; and the return of service signed by the public officer or his agent or an affidavit of service executed by any citizen of this state, other than the resident initiating the complaint; and the return of such public officer or agent thereof or the affidavit of such citizen that such party or parties were served either personally or by leaving a copy of the complaint or order at the residence shall be conclusive as to such service.
 - c. If any of the owners and parties in interest reside out of the city, service shall be perfected by causing a copy of such complaint or orders to be served upon such party or parties by the sheriff or any lawful deputy of the county of the residence of such party or parties or such service may be made by any citizen; and the return of services signed by the public officer or his agent or an affidavit of service executed by any citizen of this state, other than the resident initiating the complaint; and the return of such sheriff or lawful deputy or the affidavit of such citizen that such party or parties were served either personally or by leaving a copy of the complaint or order at the residence shall be conclusive as to such service.
 - d. Nonresidents of this state shall be served by posting a copy of such complaint or orders in a conspicuous place on premises affected by the complaint or orders. Where the address of such nonresidents is known, a copy of such complaint or orders shall be mailed to them by

registered or certified mail.

- e. In the event either the owner or any party in interest is a minor or an insane person or person laboring under disabilities, the guardian or other personal representative of such person shall be served and if such guardian or personal representative resides outside the county or municipality or is a nonresident he shall be served as provided for in subsection (C)(3)d. of this section. If such guardian or personal representative or in the event such minor or insane person lives outside the city or is a nonresident, service by leaving a copy at the place of his residence which shall be sufficient evidence as to the service of such person or persons; in the case of other person who live outside of the city or are nonresidents, service shall be perfected by serving the judge of the probate court of the county wherein such property is located who shall stand in the place of and protect the rights of such minor or insane person or appoint a guardian ad litem for such person.
 - f. In the event the whereabouts of any owner or party in interest is unknown and the same cannot be ascertained by the Building Official in the exercise of reasonable diligence, the Building Official shall make an affidavit to that effect. Then the service of such complaint or order upon such persons shall be made in the same manner as provided in subsection (C)(3)d. of this section or service may be perfected upon any person, firm, or corporation holding itself out as an agent for the property involved.
 - g. A copy of such complaint or orders shall also be filed in the proper office or offices of the Pooler Municipal Court and such filing of the complaint or orders shall have the same force and effect that appropriate lis pendens notice may contain a statement to the effect that a lien may arise against the described property and that an itemized statement of such lien is maintained on a lien docket maintained by the city clerk.
- (D) *Complaints regarding violations.* Whenever the zoning enforcement officer receives a written, signed complaint alleging a violation of this ordinance, he or she shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.
- (E) *Persons liable for violations.* The owner, tenant, or occupant of any building or land or part thereof and any architect, engineer, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Section 13. - Other city actions affected by City Council shall not approve an alcohol beverage license to any establishment that is not in compliance with this ordinance.

- (B) *Occupational taxes.* No business shall receive an occupational tax certificate unless such business is in compliance with this ordinance.
- (C) *Chatham County tax assessment.* Zoning actions conducted by the City Council of Pooler may affect the tax assessed value of a lot or parcel in Pooler. It is the responsibility of the land owner to notify the assessor of such changes.

Section 14 – Appeal of Administrative Decision

(a) Appellant.

Any person aggrieved by an administrative action or interpretation of an administrative official may initiate an appeal directly to the City Council.

(b) Initiation of administrative appeal.

(1) An administrative appeal shall be taken within 30 days of the action or interpretation appealed from, by filing the appeal in writing with the **Zoning Administrator**. The **Zoning Administrator** shall transmit a notice of said appeal to the City Council specifying the grounds thereof.

(2) The holder of or applicant for a development permit or a building permit may appeal any action taken by an administrative official, including the following:

a. The suspension, revocation, modification or approval with conditions of a development permit or building permit upon finding that the holder is not in compliance with the approved erosion and sedimentation control plan or other approved plans.

b. The determination that the holder is in violation of development permit or building permit conditions or requirements.

c. The determination that the holder is in violation of any other provision of this Development Code.

(3) The **Zoning Administrator** may initiate an administrative appeal independently when an interpretation or clarification of the meaning of words or phrases, of the particular boundaries of a zoning district or of any other provision of this **zoning ordinance** is needed.

(c) Temporary suspension of legal proceedings.

An appeal of an administrative decision stays all legal proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is made certifies to the City Council, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in such administrator's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order granted by a court of competent jurisdiction due cause shown.

(d) Action by the City Council.

(1) Upon receiving a notice of an administrative appeal, the **Zoning Administrator** shall assemble such memos, papers, plans or other documents from the appellant as may constitute the record for the appeal or as may provide an understanding of the issues involved.

(2) The **Zoning Administrator** shall transmit the administrative appeal request and all related documentation to the City Council such that the administrative appeal request can be considered by the Council within 30 days of the filing of the appeal with the Planning Director.

(3) The City Council, upon an administrative appeal by an aggrieved party (or at the independent request of the **Zoning Administrator**), shall consider the appeal within 30 days of the filing of the appeal with the **Zoning Administrator**, and may:

a. Decide appeals from any order, determination, decision or other interpretation by any person acting under authority of this **zoning ordinance**, where a misinterpretation or misapplication of the requirements or other provisions of this **zoning ordinance** is alleged.

b. Interpret the use of words or phrases within the context of the intent of this **zoning ordinance**.

c. Determine the boundaries of the various zoning districts where uncertainty exists.

d. Interpret such other provisions of this **zoning ordinance** as may require clarification or

ex-tension in specific or general cases.

(4) Decisions of the City Council.

In exercising its powers on administrative appeals, the City Council may, in conformity with the provisions of this **zoning ordinance**, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination and to that end shall have all the powers of the official from whom the appeal is taken and may issue or direct the issuance of a permit.