

**The Comprehensive Land Development  
Resolution for the Incorporated Area of  
the  
*City of Roberta,  
Georgia***



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# THE COMPREHENSIVE LAND DEVELOPMENT RESOLUTION FOR THE INCORPORATED AREA OF THE CITY OF ROBERTA, GEORGIA

## Table of Contents

<b>ARTICLE I. Introduction</b>	<b>6</b>
Section 1.1. Introduction	6
Section 1.2. Title	6
<b>ARTICLE II. DEFINITIONS OF TERMS USED IN THIS RESOLUTION</b>	<b>7</b>
Section 2.1. General	7
Section 2.2. Specific Definitions	7
<b>ARTICLE III. ESTABLISHMENT OF DISTRICTS</b>	<b>19</b>
Section 3.1. Division of the incorporated Area of the City into Districts	19
Section 3.2. Incorporation of the Zoning Map	19
Section 3.3. Map Amendment	20
Section 3.4. Rules for Determining Boundaries	20
Section 3.5. Comprehensiveness of Zoning Districts	20
<b>ARTICLE IV. APPLICATION OF REGULATIONS</b>	<b>21</b>
Section 4.1. Use	21
Section 4.2. Yards and Other Spaces	21
Section 4.3. Densities	21
<b>ARTICLE V. INTENT AND USE REQUIREMENTS BY DISTRICTS</b>	<b>22</b>
Section 5.1. Intent of Districts	22
Section 5.2. Residential Districts	22
5.2.8. Table of Land Use Regulations for Residential Districts.	24
Section 5.3. Commercial Districts	29
5.3.4. Table of Land Use Regulations for Commercial Districts.	31
Section 5.4. Industrial Districts	36
5.4.2. Table of Land Use Regulations for Industrial Districts.	36
Section 5.5. Planned Unit Development District	38
Section 5.6. Other	41
<b>ARTICLE VI. OTHER REQUIREMENTS BY DISTRICTS</b>	<b>42</b>
Section 6.1. Minimum Lot Area, Lot Width, Maximum Lot Coverage and Minimum Setbacks	42
<b>ARTICLE VII. GENERAL PROVISIONS FOR ALL DISTRICTS</b>	<b>47</b>
Section 7.1. Building Heights	47
Section 7.2. Non-Conformities	51
Section 7.3. Off-Street Automobile Parking	53

Section 7.4. Off-Street Loading and Unloading Space _____	57
Section 7.5. Control of Curb Cuts and Vision Clearance _____	58
Section 7.6. Storage and Parking of Trailers and Commercial Vehicles _____	58
Section 7.7. Screening, Buffering and Lighting _____	59
Section 7.8. Minimum Distance Between Buildings _____	59
<b>ARTICLE VIII. SPECIAL PROVISIONS FOR SPECIFIC USES _____</b>	<b>60</b>
Section 8.1. Standards for Manufactured Homes _____	60
Section 8.2. Manufactured Home Parks _____	62
Section 8.3. Campgrounds and Travel Parks _____	65
Section 8.4. Townhouses _____	66
Section 8.5. Accessory and Temporary Buildings _____	67
Section 8.6. Fallout Shelters _____	67
Section 8.7. Home Occupations _____	67
Section 8.8. Automobile Service Stations _____	68
Section 8.9. Signs _____	70
Section 8.10. Cemeteries _____	72
Section 8.11. Performance Standards for Non-Residential Uses _____	73
Section 8.12. Long Term Storage Facility _____	73
<b>ARTICLE IX. EXCEPTIONS AND MODIFICATIONS _____</b>	<b>75</b>
Section 9.1. Yard Requirements _____	75
Section 9.2. Access to Public Streets _____	75
Section 9.3. Front and Side Yard Setbacks for Dwellings _____	75
Section 9.4. Additional Dwellings on a single lot _____	75
<b>ARTICLE X. ZONING ADMINISTRATION _____</b>	<b>76</b>
Section 10.1. Duties and Powers of the Zoning Administrator _____	76
Section 10.2. Establishment of the Joint Board of Appeals/ Planning and Zoning Commission _____	76
Section 10.3. Duties and Powers of the Board of Zoning Appeals _____	77
Section 10.4. Policies, Procedures and Standards for Zoning Decisions _____	78
Section 10.5. Policies and Procedures for Zoning Hearings _____	79
Section 10.6. Appeals for Administrative Review and Variances From the Zoning Regulations _____	80
Section 10.7. Zoning Map Amendments _____	81
Section 10.8. Special Exceptions _____	82
<b>ARTICLE XI. PROCEDURES FOR SUBDIVISION PLAT APPROVAL _____</b>	<b>84</b>
Section 11.1. Platting Authority _____	84
Section 11.2. Pre-Application Review _____	84

Section 11.3. Procedure for Preliminary Plat Approval _____	85
Section 11.4. Preliminary Plat Specifications _____	86
Section 11.5. Final Plat Procedure _____	88
Section 11.6. Final Plat Specification _____	89
Section 11.7. Recording of Final Plat _____	91
<b>ARTICLE XII. GENERAL PRINCIPLES OF DESIGN _____</b>	<b>92</b>
section 12.1. Suitability of Land _____	92
Section 12.2. Access _____	92
Section 12.3. Conformance to the Master Comprehensive Plan _____	92
Section 12.4. Zoning and Other Regulations _____	93
Section 12.5. Planned Unit Development _____	93
Section 12.6. Name of Subdivision _____	93
Section 12.7. Required Design Standards _____	93
Section 12.8. Blocks _____	93
Section 12.9. Lots _____	94
Section 12.10. Monuments _____	95
Section 12.11. Mailboxes _____	95
<b>ARTICLE XIII. REQUIRED SUBDIVISION IMPROVEMENTS _____</b>	<b>96</b>
Section 13.1. Classification of Streets _____	96
Section 13.2. Streets _____	96
Section 13.3. Special Classification of Streets for Construction _____	99
Section 13.4. Additional Street Design Requirements _____	100
Section 13.5. Basic Construction Requirements for All Classes of Streets _____	100
Section 13.6. Roadway Surfacing and Paving _____	101
Section 13.7. Installation of Utilities _____	102
Section 13.8. Sidewalks and Street Signs _____	102
<b>Article XIV. SUBDIVISION ADMINISTRATION _____</b>	<b>104</b>
Section 14.1. Administrative Procedures _____	104
Section 14.2. Modifications From the Subdivision Regulations _____	105
<b>ARTICLE XV. PROCEDURE FOR REQUESTING A TEXT AMENDMENT _____</b>	<b>106</b>
Section 15.1. Amendments to the Text of the Regulations _____	106
<b>ARTICLE XVI. PERMITS, ENFORCEMENT AND REMEDIES _____</b>	<b>107</b>
Section 16.1. Permits and Certificates _____	107
Section 16.2. Violation _____	108
Section 16.3. Zoning Enforcement _____	108
Section 16.4. Subdivision Enforcement _____	108

Section 16.5. Remedies _____	108
<b>ARTICLE XVII. LEGAL STATUS PROVISIONS _____</b>	<b>109</b>
Section 17.1. Conflict with Other Laws _____	109
Section 17.2. Validity _____	109
Section 17.3. Repealed Resolutions _____	109
Section 17.4. Effective Date _____	109
<b>ARTICLE XVIII. WASTE DISPOSAL _____</b>	<b>110</b>
Section 18.1. Statement of Purpose _____	110
Section 18.2. Definitions _____	110
Section 18.3. Permits and Fees _____	110
Section 18.4. Compliance and Penalties _____	112
Section 18.5. Municipal Waste _____	112
Section 18.6. Industrial Waste _____	112
Section 18.7. Agricultural Waste _____	113
Section 18.8. Legal Status _____	113
<b>ARTICLE XIX. DUMPING &amp; LITTERING _____</b>	<b>114</b>
Section 19.1. Definitions _____	114
Section 19.2. Dumping, Depositing Litter on Public or Private Property or Waters _____	114
Section 19.3. Prima facie Evidence; Rebuttable Presumption _____	114
Section 19.4. Receptacles to Be Provided _____	114
Section 19.5. Household Garbage _____	115
Section 19.6. Dumping from Another County _____	115
Section 19.7. Scavengers Prohibited _____	115
Section 19.8. Transport of Litter _____	115
Section 19.9. Enforcement and Violations _____	115
<b>ARTICLE XX. OCCUPATION TAX AND BUSINESS LICENSES _____</b>	<b>117</b>
Section 20.1. Levy and Scope _____	117
Section 20.2. Definitions _____	117
Section 20.3. Levy on Business and Corporations _____	117
Section 20.4. Due Date _____	117
Section 20.5. Change of Address _____	117
Section 20.6. Displaying License _____	118
Section 20.7. Transferring Business License _____	118
Section 20.8. Exemptions _____	118
Section 20.9. Administration _____	118
Section 20.10. Penalties _____	118

<b>ARTICLE XXI. PROTECTION OF CITY BRIDGES, DITCHES AND ROADS</b>	<b>119</b>
Section 21.1. Purpose	119
Section 21.2. State Routes, Truck Routes and Major Highway Systems To Be Used	119
Section 21.3. Use of Residential Streets	119
Section 21.4. Use of Unimproved Road System	119
Section 21.5. Bridge Load Limits	119
Section 21.6. Permit Required for Road and Ditch Crossing	119
Section 21.7. Pipe Required for Ditch Crossing	119
Section 21.8. Ditch line, Back slopes and Shoulders to be Repaired	120
Section 21.9. Use of Right-of-Way	120
Section 21.10. Violations	120
<b>ARTICLE XXII. REPAIR, CLOSING OR DEMOLITION OF BUILDINGS AND STRUCTURES</b>	<b>121</b>
Section 22.1. Finding and Applicability	121
Section 22.2. Definitions	121
Section 22.3. Procedure for Unfit Building or Structure	121
<b>ARTICLE XXIII. SELF-INSPECTION OF SEWER LINES BY PLUMBERS AND UTILITY CONTRACTORS</b>	<b>126</b>
Section 23.1. Finding and Applicability	126
Section 23.2. City of Roberta Exemption	126
<b>ARTICLE XXIV. INSPECTION POLICY</b>	<b>127</b>
<b>ARTICLE XXV. SWINE REGULATIONS</b>	<b>128</b>
Section 26.1. Intent	128
Section 26.2. Location to Residential Areas	128
Section 26.3. Remedy of Property	128
Section 26.4. Enforcement and Violation	128

## ARTICLE I. INTRODUCTION

### **SECTION 1.1. INTRODUCTION**

A Resolution of the City Council of Roberta, Georgia, establishing zoning districts and regulating the uses of land therein; and specifying general zoning regulations; adopting a map for the purpose of indicating land districts; defining said districts; providing for rezoning and redistricting; establishing certain building and zoning regulations in each of the said districts; regulating land uses and accessory uses; prescribing the percentage of land area which may be occupied under varying circumstances; providing for variances and non-conforming uses; establishing a Board of Zoning Appeals; providing for the regulation of subdivision of land; adopting general subdivision regulations; defining certain of the terms herein used; providing a method of administration and practice and procedure; providing penalties for violation; providing remedies for enforcement hereof; to repeal all conflicting laws and resolutions; and for other purposes.

The City Council of Roberta, Georgia, under the authority of Article IX of the Constitution of the State of Georgia, 1983, and for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and the general welfare of the incorporated area of the City, and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; hereby ordains and enacts into law an official Land Development Resolution for the incorporated area of the City of Roberta.

### **SECTION 1.2. TITLE**

This resolution shall be known and may be cited as “The Comprehensive Land Development Resolution for the Incorporated Area of the City of Roberta, Georgia.” **(Adopted October 5, 2010)**

## **ARTICLE II. DEFINITIONS OF TERMS USED IN THIS RESOLUTION**

### **SECTION 2.1. GENERAL**

Except as specifically described herein, all words shall have the customary dictionary meaning. Words used in the present tense include the future tense and words used in the future tense include the present. Words used in singular number include the plural and words used in the plural include the singular. The word "person" includes an individual and a firm, corporation, association, organization, trust, company or partnership or other entity. The word "lot" includes "plot" or "parcel". The word "building" includes "structure".

The word "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designated to be used or occupied". The word "map" or "zoning map" means the "Official Zoning Map of the Incorporated Area of the City of Roberta".

### **SECTION 2.2. SPECIFIC DEFINITIONS**

When used in this resolution the following words and phrases shall have the meaning given to this section:

**Abutting:** The condition of two adjoining properties having a common property line or boundary, including cases where two or more lots adjoin only a corner or corners, but not including cases where adjoining lots are separated by a street, alley or easement.

**Accessory Use:** A use customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use or building.

**Agricultural:** The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for storing the products. The term shall include incidental retail sales by the producer of products raised on the farm.

**Airport:** A transportation terminal facility where aircraft take off and land.

**Alley:** A dedicated public way, which is primarily for vehicular service access to the rear or side of properties otherwise abutting on a street and is not intended for general traffic circulation.

**Alteration:** To include without limitation any enlargement or diminution of a building or structure, addition, relocation, demolition, repair, remodeling, change in number of living units, development of or change in open space, or other change including moving a facility. This excludes ordinary maintenance for which no building permit is required.

**Apartment/Apartment Unit:** A dwelling unit containing one (1) room or a suite of rooms used as an individual dwelling unit within a portion of a building and usually used for rental purposes.

**Automobile Repair Garage:** A building or portion thereof, other than a private or parking garage, designed or used for the storage, servicing, repairing, or equipping, of motor driven vehicles.

**Automobile Service Station:** Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories, and incidental services including facilities for lubricating, washing and cleaning, or otherwise servicing automobiles, but excluding painting and major repair.

**Block:** A piece or parcel of land entirely surrounded by public highways or streets, other than alleys.

**Boarding House:** A building other than a hotel where, for compensation and/or by prearrangement, meals, or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.

**Board of County Commissioners:** The Board of County Commissioners of Crawford County, Georgia.

**Board of Zoning Appeals:** The Board of Zoning Appeals as established by the Board of County Commissioners and the Roberta City Council of Crawford County, Georgia.

**Buffer:** A portion of a lot or land area providing visual separation of one use from another and mitigating the effects of one land use upon another through the use of distance, vegetation, and screening. A dense planting of shrubs and trees established and maintained a height of not less than six feet (6') on a strip of land not less than ten feet (10') in width. A buffer may also be referred to as a screen.

**Building:** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, goods, equipment, or property of any kind.

**Building, Accessory:** A structure detached from the principal building that:

- Is subordinate to and serves a principal building or a principal use;
- Is subordinate in area, extent, and purpose to the principal building served;
- Is located on the same lot as the principal building served, except as otherwise expressly authorized by this ordinance;
- Is customarily incidental to the principal building.

**Building, Alterations of:** Any change in the supporting members of a building (such as bearing walls, beams, columns, and girders) except such change as may be required for its safety; any addition to a building; any change in use resulting from moving a building from one location to another.

**Building, Height of:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building; including parapets, except that the distance shall be measured to the average height between the eaves and ridge for gable, hip, and gambrel roofs and to the deck line of a mansard roof.

**Building, Main:** A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the lot on which it is situated.

**Building Setback Line:** A line across a lot, generally parallel to the street right-of-way line, indicating the limit beyond which buildings or structures shall be erected. A line parallel to a street right-of-way line, edge of a stream, or other property line established on a parcel of land or lot for the purpose of prohibiting construction of a building or structure in the area between such building line and right-of way, stream bank, or other property line.

**Business:** A commercial entity operating in the City of Roberta with an approved Business License.

**Carport:** A shelter for one (1) or more automobiles that is not enclosed on at least two (2) sides by walls or doors.

**Clinic:** An establishment where human patients are examined and treated on an outpatient basis by one (1) or more physicians, dentists or other medical personnel and where patients are usually not lodged overnight.

**Club:** Buildings and facilities owned or operated by a corporation, association, person or persons for social, educational, or recreational purposes, but not primarily for profit or to render a service to the general public.

**Commercial:** A use or occupancy by persons generally engaged in the buying and/or selling of commodities and services.

**Community Sewer System:** A privately owned sewer system meeting the minimum standards set by the Environmental Protection Division of the Georgia Department of Natural Resources.

**Community Water System:** A privately owned water system meeting the minimum standards set by the Environmental Protection Division of the Georgia Department of Natural Resources.

**Comprehensive Plan (Master Plan):** The various maps, plats, charts and descriptive and explanatory material and all textual matter approved by the Roberta/Crawford County Planning Commission for the purpose of guiding and shaping the growth of any portion of the incorporated area of the City of Roberta.

**Council:** Mayor and City Council of the City of Roberta, Georgia.

**District:** A section of the incorporated area of the City of Roberta within which certain regulations and requirements, or various combinations thereof, are applicable under the provisions of the City of Roberta Zoning Ordinance.

**Day-Care Center:** Any place operated by a person, society, agency, corporation, or institution, or any other group wherein are received for pay seven (7) or more children under eighteen years of age for group care, without transfer of custody, for more than four (4) hours and less than twenty-four (24) hours per day.

**Day-Care Home:** Any place operated by any person who receives for pay three (3) to six (6) children under seventeen years of age for group care, without transfer of custody, for more than four (4) hours and less than twenty-four (24) hours per day.

**Drive-In Establishments:** An enterprise business activity or other use of land consisting of sales or service activity rendered to the public who normally receive the products or services while in automobiles upon the premises, including, but not limited to, automobile service stations, drive-in restaurants and drive-up banks.

**Dwelling:** Any building that is designed for or used for permanent residential purposes.

**Dwelling, Multifamily:** A building designed for or occupied exclusively by three (3) or more families living independently of each other. The term multifamily dwelling applies to buildings attached to each other on one (1) lot with vertically stacked units.

**Dwelling, Single-Family:** A building designed for or occupied exclusively by one (1) family. For regulatory purposes, the general term is not to be construed as including the special form of one (1)-family dwelling defined as manufactured home or portable housing for recreational or other temporary used or a single-family attached dwelling.

**Dwelling, Single-Family, Attached:** Herein defined as a townhouse. Refer to the definition of townhouse.

**Dwelling, Farm Tenant:** A residential structure located on a farm and occupied by a farm worker employed by the owner of the farm.

**Dwelling, Two-Family (Duplex):** A building designed for and occupied exclusively by two (2) families living independently of each other with individual kitchen and bathroom facilities and having the exterior proportions, scale, features, and appearance of a single-family dwelling.

**Dwelling Unit:** A single unit for occupancy by one (1) family for cooking, living and sleeping purposes.

**Easement:** A grant by a property owner for the use for a specific purpose (or purposes) of a piece of land by the general public, a corporation, or a person or persons.

**Fallout Shelter:** A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

**Family:** One (1) or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, motel or hotel, as herein defined.

**Floodplain:** The area adjoining any watercourse that has been or may hereafter be inundated by flood-waters.

**Flood-way:** The channel of any watercourse, and those portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the flood water of said watercourse efficiently.

**Floor Area, Gross:** The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including: the attic space providing headroom for less than seven feet (7'); unusable basement or cellar space not used for retailing; uncovered steps or fire escapes; open porches; accessory water or cooling towers; accessory off-street parking spaces; and accessory off-street loading berths.

**Floor Area, Ground:** The floor area of the grade level of a building, thus excluding basement or upper stories.

**Frontage, Lot:** The distance for which the front boundary line of the lot and the street line are coincident.

**Frontage, Street:** All the property on the side of a street between two intersecting streets (crossing or terminating), or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

**Garage, Apartment:** A dwelling unit for one (1) family erected above a private garage detached from the main dwelling.

**Garage, Parking:** A building designed or used on a commercial basis for the temporary storage of operable motor vehicles.

**Garage, Private:** An accessory building or a portion of a main building used for the parking or storage of automobiles of the occupants of the main building. A carport is considered a private garage.

**Gun Club:** Any location used primarily for the discharge of firearms not in pursuit of wild game or fowl, such as firing ranges or for target practice.

**Home Occupation:** An occupation for gain or support conducted only by the members of a family residing on the premises and entirely within the main dwelling.

**Hospital:** A building or group of buildings providing health services, primarily for on-patient and medical surgical care for the sick or injured, including as an integral part of the institution, the related facilities as laboratories, out-patient departments, training, and similar facilities which are an integral part of the principal use.

**Hotel:** A building in which lodging or board and lodging are provided for more than twenty (20) persons and offered to the public for compensation and in which ingress and egress to and from each sleeping room is generally made through the interior of the building.

**Hunting Club:** Any location, tract of land or camp used substantially for the pursuit of wild game, fowl or fish and used only incidentally for target practice or zeroing firearm sights.

**Institution, Non-Profit:** A non-profit corporation or a non-profit establishment.

**Junk Yard:** A lot, land, or structure, or part thereof, where used or second-hand materials are bought and sold, exchanged, stored, disassembled or handled; including but not limited to, waste paper, rags, scrap metal, or discarded material; A junk yard includes automobile wrecking yards for the collecting, dismantling, storage, or salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof. A vehicle not in running condition includes any vehicle that does not have a current State of Georgia license tag. Three (3) or more such vehicles constitute a collection.

**Kennels:** Any location where raising, grooming, caring for, or boarding of dogs, cats, or other small animals for commercial purposes is carried on.

**Kindergarten:** A school for pre-elementary school children.

**Landing Area:** The area of an airport used for landing, taking-off, or taxiing of aircraft.

**Laundromat:** A business that provides home-type washing, drying, and/or ironing with coin-operated machines for public use.

**Laundry and Dry-Cleaning Pick-Up:** A business that provides only for the convenience of taking and picking up of laundry, such as establishments not having any equipment for processing of the laundry.

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

**Long Term Storage:** Parking or storage of commercial vehicles, trailers, RVs, boats, and other heavy equipment for more than 24 hours.

**Lot:** A portion of a subdivision or other parcel of land, intended as a unit for transfer of ownership or for building development.

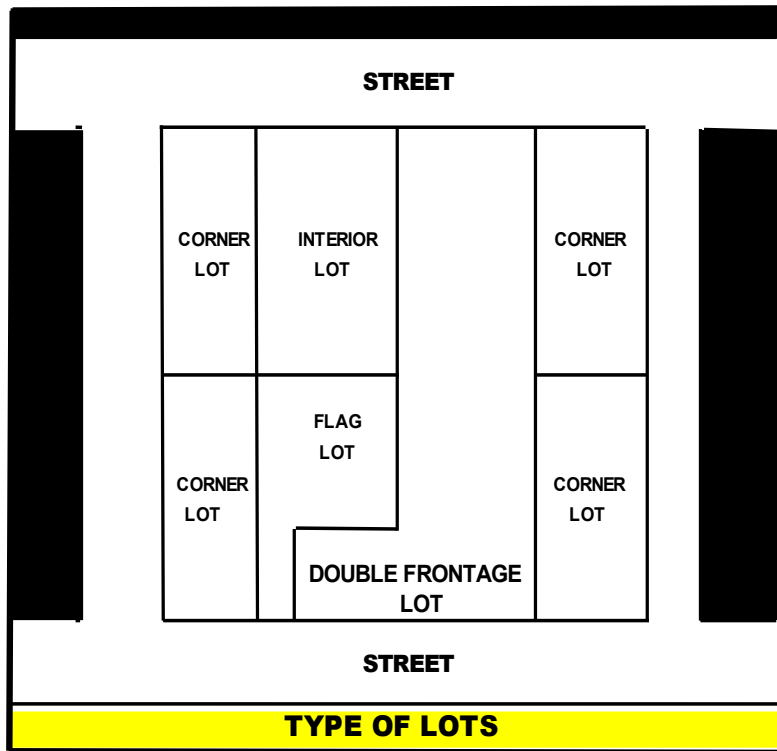
**Lot, Depth of:** A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

**Lot of Record:** A lot or parcel of land whose existence, location, and dimensions have been recorded in the office of the Clerk of the Superior Court of Crawford County.

**Lot, Corner:** A lot bounded on two (2) adjacent sides by streets.

**Lot Double Frontage:** A lot having frontage on two (2) streets as distinguished from corner lot.

**Lot, Interior:** A lot having only one (1) side abutting a street.



**Lot, Width:** The distance between lot sidelines measured at the building line.

**Manufactured Home:** A dwelling fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.), which first became effective on June 15, 1976. The term manufactured home includes a structure, transportable in one (1) or more sections, which in the traveling mode, the body is eight feet (8') or more in width or forty feet (40') or more in length, or when erected on-site, is three hundred twenty square feet (320 sq. ft.) or more in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

**Manufactured Home Park:** Any lot where manufactured homes are customarily parked for a longer period of time than thirty (30) days for living or sleeping purposes, or where spaces are set aside and offered for rent for use by manufactured homes for living or sleeping purposes, including any land, building, structure, or facility used by occupants of manufactured homes on such premises. A parcel of land containing not less than five acres under single ownership which has been planned and improved for the placement of five (5) or more manufactured homes.

**Manufactured Home Space:** A plot of ground within a manufactured home park designed for the accommodation of one manufactured home.

**Manufactured Home Subdivision:** A subdivision designed and intended for residential use where residence is primarily in manufactured homes.

**Maximum Probable Flood Elevation Line:** That line, established by the County Commissioners adjacent to and generally paralleling a water course below which the land would be expected to be inundated by a flood of a one-hundred-year frequency magnitude or greater.

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

**Mobile Home Park:** Any lot where mobile homes are customarily parked for a longer period of time than thirty (30) days for living or sleeping purposes, or where spaces are set aside and offered for rent for use by mobile homes for living or sleeping purposes, including any land, building, structure, or facility used by occupants of mobile homes on such premises.

**Mobile Home Subdivision:** A subdivision designed an intended for residential use where residence is primarily in mobile home.

**Mobile Home Space:** A plot of ground within a mobile home park designed for the accommodation of one mobile home.

**Modular Home:** A dwelling unit constructed on-site in accordance with State code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

**Motel:** A building or a group of buildings containing sleeping accommodations for rental primarily to automobile transients and in which ingress and egress to and from each sleeping room is generally to the outside of the building.

**Non-Conforming Lot:** A lot that the area, dimension, or location of which was legal prior to this resolution, or amendment thereto, but which is not allowed under this resolution or amendment thereto.

**Non-Conforming Structure:** A building or structure that the size, dimensions, or location of which was legal prior to this resolution, or amendment thereto, but which is not allowed under this resolution or amendment thereto.

**Non-Conforming Use:** A building, structure, or use of land existing at the time of the enactment of this resolution or at the time of a Zoning Amendment and which does not conform with the regulations of the use district in which it is located.

**Open Space:** A yard area, parcel, or area of land or water set aside, dedicated, designated, or reserved for public or private use in an essentially undeveloped or unimproved state that would (1) conserve and enhance natural or scenic resources; (2) protect streams or water supply; (3) promote conservation of soils or wetlands; (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or (5) enhance passive or active recreation areas.

**Parking Lot:** A surfaced area designed and/or used for the temporary parking and storage of four (4) or more motor vehicles and that is available to the general public and which may be provided for compensation, free, or as an accommodation to clients, customers, or employees.

**Parking Space:** The area required for parking one automobile, which in this resolution is held to an area of two hundred square feet (200 sq. ft.), excluding passageways, and so arranged as to accommodate a standard automobile and to provide necessary maneuvering space.

**Planning Commission:** The Roberta/Crawford County Planning Commission, as established by the city and county governments in accordance with Georgia General Act No. 358, 1957 as amended.

**Planned Unit Development (PUD):** A parcel of land which is developed as an integrated unit under single ownership or control, which includes two (2) or more main buildings and where the specific requirements of a given district may be modified and where the minimum area is fixed.

**Plat:** A map, plan, or layout of a county, city, town, section, or subdivision indicating the location and boundaries of individual properties.

**Playschool:** A school for prekindergarten age children.

**Principal Use:** The primary purpose for which land or building is used.

**Professional:** When used in connection with “use” and “occupancy” a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including accountants, architects, engineers, and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stock brokers, and administrative agencies considered professional in character. The term, however, does not include repairs or sales of tangible personal property stored or located within the structure nor any use that would create any loud noise or noxious odors.

**Public Sewer System:** A publicly owned sewer system meeting the minimum standards set by the Environmental Protection Division of the Georgia Department of Natural Resources.

**Public Water System:** A publicly owned water system meeting the minimum standards set by the Environmental Protection Division of the Georgia Department of Natural Resources.

**Public Way:** Any piece of land over which the general public has a right of usage, whether acquired through prescription, by adverse use of the general public, or otherwise.

**Restaurant:** A commercial establishment characterized by table service where food and beverages are prepared, served, and consumed primarily within the principal building. The term encompasses cafes, grills, and lunch counters and includes outdoor customer dining areas and carry-out/take-out service but excludes without limitation drive-in and drive-thru restaurants.

**Restaurant, Drive-In:** An eating and/or drinking establishment that caters to motor-driven vehicle business where the person being served may consume food and/or drink while sitting in a motor-driven vehicle.

**Right of Way:** An area or strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission, oil or gas line, water main, sanitary or storm sewer, shade trees or other special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the sub-divider on which such right-of-way is established.

**Right of Way Line:** The dividing line between a lot, tract, or parcel of land contiguous to street, railroad, or other public utility rights-of-way.

**Rooming House:** A building other than a hotel or motel where, for compensation and by prearrangement for definite periods of time, lodging for three (3) or more individuals in addition to the owner or manager, but not more than twenty (20) persons, who are not members of a resident family.

**Shopping Center:** A group of primary retail and/or service commercial establishments planned and developed as a unit.

**Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or marks, or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and used as an indoor or outdoor display.

**Sign Size:** The smallest square, rectangle, triangle, circle, or combination thereof encompassing the entire advertising area, excluding architectural trim and structural supports.

**Sign, Outdoor Advertising:** A structural poster panel or printed sign, either free-standing or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located.

**Sign Structure:** A structure composed of one or more poles which is located on the ground or on top of another structure and which supports no more than two (2) signs.

**Sign Structure Facing:** The surface of the sign upon, against, or through which the message of the sign is exhibited, not including architectural trim and structural supports.

**Site Plan:** The drawing(s), which put forth the pattern of development to take place on a particular piece of land.

**Special Exception:** A Special Exception is the requirement that a land owner seek specific permission from the Roberta City Council in order to use a particular parcel of property in a manner requiring such Special Exception as reflected in the various charts and tables listed throughout the Roberta LDR. Any such Special Exception granted will be void if not acted upon in the manner described in the request for such Special Exception within 12 months immediately following the issuance or if such use ceases for a period of 12 months following the commencement of such specifically authorized use. (Amended June 4<sup>th</sup>, 2013)

**Story:** That portion of a building, other than a cellar, included between the surface of the floor and ceiling above it.

**Street:** A public way dedicated to and accepted by a governing body for the use of vehicular or pedestrian traffic by the general public and may be referred to as a street, highway, parkway, road, avenue, drive, boulevard, lane, place, etc.

**Street, Dead-End:** A street that has one (1) terminus open for vehicular or pedestrian access and the other terminated on a temporary basis without a permanent vehicular turnaround.

**Street Line:** A right-of-way or property line of a street as indicated by dedication or by deed or plat of record.

**Street, Private:** A roadway contained within a private street easement that is privately owned and maintained.

**Structure:** Anything constructed or erected, the use of which required a location on the ground, or attached to something having a location on the ground.

**Sub-divider:** Any person who undertakes the subdivision of land as herein defined.

**Subdivision:** Any division of a tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, legacy or building development, and includes all division of land involving a new street or a change in existing streets, and includes re-subdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following is not included in this definition: The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of these regulations.

**Townhouse:** A single-family attached dwelling unit that is erected in a row as part of a single building, on adjoining lots, each being separated from the adjoining unit or units by an approved fire-resistant party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line.

**Travel Trailer Park:** A lot, parcel, or tract of land having as its principal use the rental of space for transient occupancy by two or more travel trailers, for a period of less than thirty (30) days, including any accessory buildings, structures, and uses customarily incidental thereto.

**Travel Trailer; Portable Recreational Housing Units:** General terms used interchangeably and intended to include travel trailers, pick-up campers, motorized homes, converted buses, tent trailers, tents, or similar devices designed and intended for use as temporary portable recreational housing but containing not more than three hundred square feet (320 sq. ft) of floor area.

**Truck Refueling Terminal:** A mixed commercial use of property on one (1) parcel providing facilities for the refueling, maintenance and/or servicing of heavy trucks and which may include related service facilities for such vehicles and their drivers, including but not limited to dispensing of motor fuels and petroleum products directly into motor vehicles, restaurants, lodging, shower and laundry facilities, truck service, overnight truck parking and/or storage, and a parking area of one (1) acre or more in association with the above services.

**Variance:** A departure from any provision of this resolution for a specific parcel, except use, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not as a result of the action of the applicant, a literal enforcement of this resolution would result in unnecessary and undue hardship.

**Waste Disposal Facility:** A facility for end-of-the-line storage of incineration of solid and/or liquid waste including but not limited to household garbage, yard waste, and non-hazardous industrial by-products.

**Yard:** A space on the same lot with a main building, such space being open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

**Yard, Front:** An open, unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

**Yard, Rear:** An open space on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected to the side lines of the lot. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

**Yard, Side:** An open, unoccupied space, on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

**Zoning Administrator:** The person or persons designated by Crawford County to interpret and enforce the provisions of this resolution.

### **ARTICLE III. ESTABLISHMENT OF DISTRICTS**

#### **SECTION 3.1. DIVISION OF THE INCORPORATED AREA OF THE CITY INTO DISTRICTS**

For the purpose of this resolution, the incorporated area of the City of Roberta is hereby divided into the following types of districts:

<b>LAND USE CATEGORY</b>	<b>SHORT TITLE</b>	<b>DISTRICT NAME</b>
<b>RESIDENTIAL:</b>		
	R-AG	Agricultural Residential District
	R1-AG	Residential Agricultural
	R-1	Single-Family Residential District
	R-2	Single-Family Residential District
	R-3	Multifamily Medium-Density Residential District
	R-4	Multifamily High-Density Residential District
	R-MH	Manufactured Home Residential District
<b>COMMERCIAL:</b>		
	C-1	Neighborhood Service Commercial District
	C-2	General Commercial District
	C-3	Central Business District
<b>INDUSTRIAL:</b>		
	I-G	General Industrial District
<b>PLANNED DEVELOPMENT:</b>		
	PUD	Planned Unit Development District

#### **SECTION 3.2. INCORPORATION OF THE ZONING MAP**

Said districts are bounded as shown on the sectional atlas property maps contained in one (1) volume entitled, "Official Zoning Map for the incorporated area of the City of Roberta, Georgia" dated 2000, or any subsequent map adopted and certified by the Roberta City Council, hereinafter called "official Zoning Map" or simply "map" and which, with all notations, references, including dates of amendments, and other information shown thereon is hereby made part of this resolution as if all the matter and information set forth by said map were fully described herein. Said map shall be made public record and shall be kept permanently in the office of the Zoning Administrator, where said map shall be accessible to the general public.

### **SECTION 3.3. MAP AMENDMENT**

If in accordance with provisions of this resolution, changes are made in the district boundaries or other information portrayed on the Official Zoning Map, changes shall be made on the map within seven (7) days after the amendment has been approved by the Roberta City Council. A notation, certified by the Zoning Administrator, shall be entered on the map at the time any change is made, which shall include the date of the amendment and a numerical entry referring to the application on file with the Zoning Administrator which states a brief description of the nature of the changes. No amendment to this resolution that involves matter portrayed on the map shall become effective until after such change, with appropriate date and notation has been made on said map.

### **SECTION 3.4. RULES FOR DETERMINING BOUNDARIES**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following rules shall apply:

- 3.4.1 Unless otherwise indicated, the district boundaries are indicated as approximately following property lines, land lot lines, center lines of streets, highways, alleys, or railroads, shorelines of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.
- 3.4.2 Where district boundaries are approximately parallel to the center lines of streets, highways, or railroads, or right of way of the same, or the center lines of streams, reservoirs, or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Maps. If no distance is given, such dimensions shall be determined by the use of the scale shown of the Official Zoning Maps.
- 3.4.3 Where a public road, street, or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley.

### **SECTION 3.5. COMPREHENSIVENESS OF ZONING DISTRICTS**

The purpose of this resolution and the accompanying map is to place all portions of the incorporated area of the City of Roberta in zoning districts. Should any area appear either by reference to the maps or by interpretation to be inadvertently or otherwise omitted from a classification district, that area or areas are hereby placed in an R-1 Single Family Residential District and subject to all the regulations pertaining thereto until such time as the Planning Commission and the Roberta City Council can determine its proper zoning district classification.

## **ARTICLE IV. APPLICATION OF REGULATIONS**

### **SECTION 4.1. USE**

No building or land shall hereafter be used or occupied and no building thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is or is to be located. No more than one principal use per lot shall be permitted except as provided herein.

### **SECTION 4.2. YARDS AND OTHER SPACES**

No part of a yard or open space, or loading space, or off-street parking space about any building, required for the purpose of complying with the provisions of this resolution shall be included as part of a yard, or off-street parking, or loading space, or open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than two feet (2') beyond the yard area requirements.

### **SECTION 4.3. DENSITIES**

No building shall hereafter be erected, moved, or altered so as to accommodate or house a greater number of families than is specified in the regulations herein for the district in which the building is or is to be located.

## **ARTICLE V. INTENT AND USE REQUIREMENTS BY DISTRICTS**

### **SECTION 5.1. INTENT OF DISTRICTS**

1. To protect the character of existing neighborhoods;
2. To prevent excessive density of population in areas which are not adequately served with water, sewerage facilities, and fire protection;
3. To ensure that adequate and suitable areas will be available in the city to provide housing for a growing population;
4. To protect residential areas from the blighting effects of the traffic, noise, odors, and dust generated by incompatible commercial and industrial activity;
5. To provide for and accommodate growth and expansion of commercial and industrial activities; and
6. To prevent blight and slums and to promote orderly growth and development by grouping compatible uses together and by separating incompatible uses.

In order that the various other purposes of this chapter may be accomplished, there are hereby established within the city the above-mentioned zoning districts, identified as follows:

### **SECTION 5.2. RESIDENTIAL DISTRICTS**

**5.2.1. Agricultural-Residential District (R-AG).** This district provides for areas of very low density residential development and compatible agricultural uses in combination therewith; to maintain the rural character of the of the district; to ensure rural and open areas or sparsely developed areas of the City are not subject to premature, scattered and inefficient growth patterns; to protect the use of land adjoining roads passing through the rural portions of the city against strip development which can lead to traffic congestion and traffic hazards; to preserve rurally oriented, single-family areas; and to regulate the development areas in a coordinated and orderly manner.

**5.2.2. Agricultural 1-Residential District (R1-AG).** This district is established to protect rural areas in the same manner as the R-AG district and is intended to protect single family residential areas by limiting certain types of development such as manufactured home parks or subdivisions, offensive type farming or commercial operations, etc. These districts are designed to enhance further development of existing single-family residential areas as well as to preserve high potential single-family residential areas for future growth.

**5.2.3. Single-Family Residential District (R-1).** This district is intended to be used for single-family residential areas with low population densities. Additional permitted uses, by special exception, include limited accessory, institutional, and public buildings and uses normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment

**5.2.4. Single-Family Residential District (R-2).** This district is intended to be used for single-family residential areas with low to medium population densities. Additional permitted uses by special exception include limited accessory, institutional, and public buildings and uses normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment.

**5.2.5. Two-Family Residential District Multifamily Medium-Density (R-3).** This is a residential district to provide for a medium population density. The district permits an intermixture of dwelling types; more categories of dwellings; and a location of residential uses where they are well served by public and commercial services. This district is intended for single-family attached, duplex, and multifamily dwellings. An intermixture of dwelling types is permitted. Development within R-3 District should be well served by public and commercial services. Open space should be provided for throughout the development and should be accessible and available for recreational use by residents. This district may serve as a transitional area to buffer low- and medium-density residential areas from non-residential areas.

**5.2.6. Multifamily High-Density Residential District (R-4).** This residential district to provide for high population density that allows more dense residential development designed to take advantage of the economy and convenience afforded by more intensive development. This district is to provide for single-family attached dwellings, multifamily dwellings, and also allows options to increase housing variety and opportunities. Open space should be provided for throughout the development and should be accessible and available for recreational use by residents. Public water and sanitary sewer are required for developments within R-4 districts. Certain uses that are more compatible with intensive residential uses are permitted.

**5.2.7. Manufactured Home Residential District (R-MH).** The intent of this district shall be to provide adequate locations and densities for manufactured home parks, individual manufactured homes, and other permitted uses within this district. The R-MH district allows residential development designed to take advantage of the economy and convenience afforded by non-site built residential uses.

**5.2.8. Table of Land Use Regulations for Residential Districts.**

P = Permitted Use; SE = Allowed by Special Exception

LAND USE CATEGORY	DISTRICT							REFERENCE
	R-AG	R1-AG	R-1	R-2	R-3	R-4	R-MH	
<b>AIR TRAVEL</b>								
Airplane Landing Fields	P	SE					P	
Flight Strips	P	SE					P	
Helicopter Ports	P	SE					P	
<b>ACCESSORY BUILDINGS AND USES</b>								
Accessory Buildings	P	P	P	P	P	P	P	1
Fall Out Shelters	P	P					P	Section 8.6
Farm Tenant Dwelling	P	P					P	2
Home Occupations	P	P	SE	SE	SE	SE	P	Section 8.7
Home Swimming Pool	P	P	P	P	P	P	P	3
<b>AGRICULTURAL</b>								
Agricultural	P	P						4
Forestry	P	P						4
Livestock Production	P	P						18
Poultry Production	P	P						4
Growing of Crops	P	P						
Gardening	P	P						
Greenhouse	P	P						
Temporary or Portable Sawmills	P	P						5
<b>COMMERCIAL</b>								
Animal Kennels	P	SE						
Clubs and Lodges						SE		7
Garages, Bodyshops, Carpentry Shops and other Trade Shops	SE	SE						10
Motocross, Motorcycle Race Tracks	SE							8
Neighborhood Convenience Stores	SE	SE						9
Plant Nursery	P	P						
Sale of Products and Commodities raised on the premises	P	P						10
Signs	P	P	P	P	P	P	P	Section 8.9
Business Service Establishments								24, Section 8.12
Retail Trade Establishments								34, Section 8.12
Offices for Professional Services								Section 8.12
Specialty Service Restaurants								25, Section 8.12
<b>EDUCATIONAL FACILITIES</b>								

LAND USE CATEGORY	DISTRICT							REFERENCE
	R-AG	R1-AG	R-1	R-2	R-3	R-4	R-MH	
Public, Private Schools	P	SE	SE	SE	SE	SE	SE	12
Public, Private Libraries	P	SE	SE	SE	SE	SE	SE	12
Kindergartens, Playschools	P	SE	SE	SE	SE	SE	SE	12
Day Care Centers, Day Care Homes	P	SE	SE	SE	SE	SE	SE	12
Studio offering instruction in art, music, dancing, drama, or similar cultural activity								
<b>HEALTHCARE FACILITIES</b>								
Clinics								13
Convalescent or Nursing Homes								13
Hospitals	P	SE				SE		22
Medical, Dental or Chiropractic Office, Clinic and/or Laboratory								
Rest Homes	P	SE				SE		13
Sanitariums	P	SE				SE		13
<b>PUBLIC</b>								
Public Buildings								
Cemeteries	SE	SE	SE	SE			SE	14
Churches or other places of worship and related accessory buildings	P	P	SE	SE	SE	SE	SE	15
<b>RECREATION, COMMERCIAL OR PUBLIC</b>								
Gun Clubs	SE							16-17
Hunting Clubs	P	P						
Parks	P	P	SE	SE	SE	SE	SE	16
Privately Owned and Operated Community Clubs or Associations	P	P	SE	SE	SE	SE	SE	16
Recreation Areas	P	P	SE	SE	SE	SE	SE	16
Riding Stables and Academies	P	P						16
<b>RESIDENTIAL</b>								
Individual Mobile Home	P	SE					P	19
Mobile Home Parks							P	20 & Section 8.2
Multifamily Dwellings					P	P		
Single-family Attached Dwelling (Townhouse)				SE	P	P		Section 8.4
Single-family Dwelling	P	P	P	P	P	P	P	
Two-family Dwellings (Duplex)				SE	P	P		

UTILITIES								
Public and Private Utility Structures and Buildings	SE	SE	SE	SE	SE	SE	SE	21 & Section 7.7
Quarries and Strip Mining Operations	SE	SE					P	22
Solid Waste Landfills	SE							23

1. Permitted when located on the same lot or parcel of land as the main structure and customarily incidental thereto and provided the requirements in Section 8.5 are met.
2. When located on the same lot or tract as the principal residence, on the basis of one residence structure for each five (5) acres in addition to the minimum lot area required for the principal residence, and subject to all the requirements of this district.
3. Provided the location is not closer than ten feet (10') to any property line and the pool is enclosed by a wall or fence of at least four feet (4') in height and provided approval from the County Health Department has been obtained.
4. No structure for an intensive animal or poultry operation and no stockpile of manure, lagoon, or other structure for the storage or disposal of agricultural waste shall be located within one thousand feet (1,000') of the nearest residence owned by one other than the applicant or within three hundred feet (300') from the nearest property line. No structure used in connection with an intensive animal or poultry operation shall be located on a tract of less than fifty (50) acres, and for each forty foot by five hundred-foot (40' x 500') poultry house in excess of two (2), and additional five (5) acres shall be required. The operation must be conducted in accordance with all applicable city, state and federal regulations such as, but not limited to, water quality, health and environmental standards. All animals (except those generally recognized as pets) shall be kept in a structure, corral, pen or fenced area.
5. Time not exceeding twelve (12) months for the cutting of timber on adjacent land and provided no stationary machine operation is located closer than two hundred feet (200') to any property line.
6. Provided that food service facilities are used only by members and their guests. When operated by the owner resident of the property provided the following provisions are met:
  - a) Not more than one (1) non-family member is employed;
  - b) All work is performed in a completely enclosed building;
  - c) The building is located behind the residence and is not closer than fifty feet (50') from any property line nor closer than three hundred feet (300') from the nearest adjoining residence;
  - d) Any outside storage of vehicles shall be screened in accordance with Section 7.7;
  - e) Uses, processes, or equipment employed shall be limited to those, which are not objectionable by reason of odor, dust, bright lights, smoke, noise or vibration.
7. Motor cross, Motorcycle Race tracks including all off road type vehicle tracks provided that:
  - a) All tracks are located at least three thousand feet (3,000') from the nearest
    - i. residence and six thousand feet (6,000') from the nearest church;
  - b) All concession stands, parking lots, and spectator stands are adjacent to the track;

- c) Sanitary restroom facilities with running water and septic tanks are provided;
  - d) Track is serviced by an approved public road;
  - e) All operations must be approved by the Zoning Administrator and County Health Department.
8. Neighborhood Convenience Stores, provided that no building for such purposes is located within fifty feet (50') of any property line and that they are located on a lot fronting an arterial or collector street, and selling only the following:
- a) Groceries;
  - b) Non-prescription drugs;
  - c) Sporting goods;
  - d) Books, magazines, newspapers
  - e) Hardware;
  - f) Notions;
  - g) Beer and wine to be consumed off the premises;
9. Sale of products and commodities raised on the premises, provided that no structure for such sales shall be closer than twenty-five feet (25') to either the front or side property lines.
10. **Within R-1, R-2, R-3, R-4 Districts**  
Excluding business and trade schools.
11. **Within R-1, R-2, R-3, R-4 Districts**  
Provided that at least one hundred square feet (100 sq. ft.) of outdoor play area is provided for each child and that such play area is enclosed by a fence at least four feet (4') in height.
12. **Within R-4 District**  
Provided that the lot fronts on an arterial or major collector street.
13. Provided they are abutting a State or Federal highway.
14. Provided they are located on a lot fronting an arterial or collector street and are placed not less than twenty feet (20') from any property line.
15. **Within R-AG, R1-AG Districts**  
Provided that:
- a. No building is located within one hundred (100) feet of any property line;
  - b. The proposed use described above is located on a lot no less than five (5) acres in size; and
  - c. A screen or buffer is provided in accordance with Section 7.7 if the Planning and Zoning Office determines that a screen or buffer is needed for safety or aesthetic reasons.

**Within R-1, R-2, R-3, R-4 Districts**

Provided that no building for such purpose is located within one hundred feet (100') of any property line.

17. Provided that:
- a) Areas used for the discharge of firearms are located at least three thousand feet (3,000') from the nearest residence and six thousand feet (6,000') from the nearest church with the exception of those areas used solely for the discharge shotguns such as skeet ranges, etc. These type areas shall only be required to

locate fifteen hundred feet (1,500') from any residence and three thousand feet (3,000') from any church.

- b) Shooting areas must be approved by the Planning and Zoning Board and must meet all other applicable guidelines outlined in this text.

18. Provided that no structure, pen, or corral housing animals shall be closer than two hundred feet (200') to any property line.

19. **Within R1-AG District**

In passing upon requests to allow individual manufactured homes as special exceptions to these regulations, the Zoning Review Board shall consider factors relevant to the case at hand, including, but not necessarily limited to the following:

- a) The degree of compatibility of the proposed use with land uses in the surrounding area.
- b) The degree to which the proposed use is or is to be buffered or screened from view or separated by distance from adjoining land uses with which it may conflict.
- c) The degree of conformity of the proposed use with duly adopted land use or other physical development plans or policies for the area.

20. As provided in Section 8.2 and additional permitted uses as follows:

- a) Service and auxiliary buildings located and specifically designed to serve only the residents of one manufactured home park, not to include automobile or manufactured home repair facilities of any type.
- b) Manufactured home park management office and maintenance storage for tools, equipment, and supplies used in maintaining a manufactured home park.
- c) Residence for the exclusive use of a watchman, caretaker, owner, or manager of a manufactured home park.
- d) Recreation, assembly and laundry facilities for the exclusive use of the manufactured home park residents and their guests.

21. Provided installation is properly screened as required by Section 7.7 and is required for service of the immediate area. No office shall be permitted and no equipment shall be stored on site.

22. Quarries and strip-mining operations are subject to the requirements of the Georgia Surface Mining Act of 1968, H.B. 969 and provided that all operations are screened from the view of adjoining roads and properties.

23. Provided such landfills have written approval from the Georgia Department of Natural Resources and complies with the operation of a solid waste landfill.

24. Must be conducted within a completely enclosed building not exceeding two thousand five hundred square feet (2,500 sq. ft) of gross floor area.

25. Which may include outside seating areas, but not including drive-ins or drive-through facilities.

## **SECTION 5.3. COMMERCIAL DISTRICTS**

**5.3.1. Neighborhood Service Commercial District (C-1).** The intent of the district shall be to provide limited commercial uses in proximity to surrounding neighborhoods. This district is intended to discourage the random sprawl of commercial development by concentrating neighborhood-serving businesses in neighborhood market areas rather than in a strip or linear pattern. Objectives of this district are to accommodate the automobile but provide environments that facilitate pedestrian access. Development within this district should be pedestrian friendly and human scaled, with wide sidewalks, lighting, landscape planting, and shall respect the scale and design of existing neighborhoods and fit into the street scape. This district may serve as a transitional area between residential, pedestrian areas and areas of higher vehicle traffic and more intense commercial development.

**5.3.1.1. Required Conditions for Neighborhood Service District (C-1).** The following conditions shall apply to all uses within the C-1 District.

1. All sales, business, servicing, storage, or processing shall be conducted within a completely enclosed building except where the nature of the activity makes it impossible; for example, off-street loading, automobile parking for customers while on the premises, and the sale of automobile fuel at service stations.
2. Uses, processes, or equipment employed shall be limited to those that are not objectionable by reason of odor, dust, bright lights, smoke, noise, or vibration.
3. No sale of beer or wine for consumption on the premises, except establishments where meals are sold.
4. Products to be sold only at retail.
5. No sale, display, or storage of secondhand merchandise except as incidental to sale of new merchandise.

**5.3.2. General Commercial District (C-2).** The intent of this district is to provide a range of commercial uses that supply commodities or services for both the community and regional market; to collect and consolidate such uses primarily on arterial streets and at major intersections; to minimize strip development along streets and roadways; and to provide adequate locations buffered by lighter commercial areas for those commercial activities which are frequently incompatible in close proximity to residential areas due to services, operations, or processes that are objectionable by reason of color, dust, bright lights, smoke, noise, vibration, traffic volume and/or congestion, and exterior activities, storage, or displays.

**5.3.2.1. Required Conditions for General Commercial District (C-2).** The following conditions shall apply to all uses within the C-2 District.

1. All businesses, servicing, storage or processing shall be conducted within a completely enclosed building except where the nature of the activity makes it impossible, as for example, off-street loading, automobile parking for customers while on the premises, miniature golf courses, and the sale of automobile fuel at service stations.
2. Uses, processes, and equipment employed shall be limited to those which are not objectionable by reason of odor, dust, bright lights, smoke, noise or vibration

**5.3.3. Central Business District (C-3).** The intent of this district is to recognize and protect the historic and current vital core of the city; to foster its continued existence as a commercial center for business, government, and service enterprises for the whole community; to encourage development of this district as a shopping, dining, and activity center for residents, tourists and the surrounding region; and to reinforce its small town architecture, character and feel, and its pedestrian atmosphere, scale and movement by grouping specialized uses which benefit from close proximity to each other and by fostering full utilization of existing structures and infrastructure by allowing mixed land uses, contiguous construction and shared parking facilities.

**5.3.3.1. Required Conditions for Central Business District (C-3).** The following conditions shall apply to all uses within the C-3 District.

1. All sales, business, servicing, storage, or processing shall be conducted within a completely enclosed building except where the nature of the activity makes it impossible; for example, off-street loading, automobile parking for customers while on the premises, and the sale of automobile fuel at service stations.
2. Uses, processes, or equipment employed shall be limited to those that are not objectionable by reason of odor, dust, bright lights, smoke, noise, or vibration.

**5.3.4. Table of Land Use Regulations for Commercial Districts.**

P = Permitted Use; SE = Allowed by Special Exception

LAND USE CATEGORY	DISTRICT			REFERENCE
	C-1	C-2	C-3	
<b>ACCESSORY BUILDINGS AND USES</b>				
Accessory Buildings and Uses	P	P	P	1
Fallout Shelters	P	P	P	Section 8.6
<b>COMMERCIAL</b>				
Antique Shop		P	P	
Appliance, Radio or Television Repair Shop	P	P	P	
Art and/or Camera Store	P	P	P	
Automobile Repair Garage, Mechanical and Body Garage		P	P	2
Automobile Service Stations	P	P	P	Section 8.8
Automobile, Travel Trailer, Farm Equipment and Implements, and Mobile Home Sales (new and used)		P	P	4
Bakery	P	P	P	
Bank, Savings & Loan Association	P	P	P	
Barber Shop, Beauty Shop or Combination Thereof	P	P	P	
Bars, Taverns, and Night Clubs		P	P	
Bicycle Repair Shop	P	P	P	
Book, Magazine, Newspaper Store	P	P	P	
Public Transit Terminals		P	P	
Candy Store	P	P	P	
Clothing Store	P	P	P	
Commercial Parking Garage		P	P	4
Delicatessen	P	P	P	
Dressmaker, Seamstress, Tailor	P	P	P	
Drugstore or Pharmacy	P	P	P	
Dry Cleaning or Laundry Establishment	P	P	P	
Dry Cleaning Self Service and/or Laundry Self Service Facility	P	P	P	
Florist Shop	P	P	P	
Food Locker Plant		P	P	5
Fruit, Nut and/or Vegetable Store	P	P	P	
Furniture Repair or Upholstering		P	P	6
Furniture, Office Furniture and Equipment			P	
General Farming Equipment and Horticulture Sales		P	P	
Gift or Curio Shop	P	P	P	

LAND USE CATEGORY	DISTRICT			REFERENCE
	C-1	C-2	C-3	
Grocery Store	P	P	P	
Hardware Store	P	P	P	
Hobby and/or Toy Store	P	P	P	
Household Furnishings	P	P	P	7
Insurance Agency	P	P	P	
Jewelry Store	P	P	P	
Locksmith or Gunsmith	P	P	P	
Long Term Storage	SE	P		Section 8.12.
Meat, Fish and/or Poultry Shop	P	P	P	8
Motels and Hotels		P	P	9
Notion, General or Variety store	P	P	P	
Office for Governmental, Business, Professional, or General Purpose	P	P	P	10
Package Liquor Store	P	P	P	
Paint Store	P	P	P	
Personal Loan Agency or Branches Thereof	P	P	P	
Pet Shop	P	P	P	11
Photographic Studio	P	P	P	
Printings, Blueprinting, Book Binding, Photostatting, Lithography, & Publishing Establishments		P	P	
Produce Sales and Farmers Markets		P	P	
Real Estate Agency	P	P	P	
Record Shop	P	P	P	
Restaurants, cafeterias, grills, and lunch counters having a size under 6,000 square feet	P	P	P	12
Restaurants, including Drive-in Establishments		P	P	13
Secretarial and/or Telephone Answering Service	P	P	P	
Shoe Repair Shop	P	P	P	
Signs	P	P	P	Section 8.9
Sporting Goods Store	P	P	P	
Temporary Uses Including Sale of Christmas Trees, Tents for Revivals, Carnivals, Church Bazaars, Sale of Seasonal Fruit and Vegetables from Roadside Stands		P	P	14
Truck Refueling Terminals		P	P	15
Undertaking or Mortuary Establishments and Ambulance Services		P	P	
Veterinary Hospital, Kennel, or Clinic		P	P	16
<b>EDUCATIONAL FACILITIES</b>				
Kindergartens, Playschools	P	P	P	

LAND USE CATEGORY	DISTRICT			REFERENCE
	C-1	C-2	C-3	
Day Care Centers, Day Care Homes	P	P	P	
Studio Offering Instruction in Art, Music, Dancing, Drama, or Similar Cultural Activity	P	P	P	
<b>HEALTHCARE FACILITIES</b>				
Convalescent or Nursing Homes		P	P	
Hospitals		P	P	
Medical, Dental or Chiropractic Office, Clinic and/or Laboratory	P	P	P	
Sanitariums		P	P	
<b>PUBLIC</b>				
Church, Synagogue, or Other Place of Worship	SE	SE	SE	
Places of Assembly, including Auditoriums, Stadiums, Coliseums, and Dance Halls		SE	SE	
Publicly Owned and Operated Building, Facility, or Land	P	P	P	17
<b>RECREATION/ENTERTAINMENT</b>				
Amusement Enterprises		P	P	18
Privately Owned and Operated Community Clubs or Recreational Area		P	P	
Theaters	P	P	P	19
Theaters, Drive-in		P	P	20
Travel Trailer Parks		P	P	Section 8.3
<b>UTILITIES</b>				
Public Utility Structure and Buildings, including Electric and Natural Gas Substations, Telephone Exchanges, Radio and Television Stations, and Similar Structures for the Storage of Supplies, Equipment or Service Operations when properly screened		P	P	Section 7.7
Public Utility Substation or Other Installation when properly screened	P	P	P	21, Section 7.7

1. When located on the same lot or parcel of land as the main structure and customarily incidental thereto, provided that the requirements in Section 8.5 are met.
2. Provided all operations are conducted in a building. Within one hundred feet (100') of a residential district, no openings other than a stationary window shall face a residential district. An automobile repair garage shall not store or otherwise maintain any parts or waste material outside such buildings.
3. The area need not be enclosed, but any mechanical or body repair must be conducted entirely within a structure which shall not have any openings, other than a stationary window, within one hundred feet (100') of a residential district and provided further that all vehicles on a used vehicle or equipment sales lot must be in operating condition at all times.
4. Provided no entrance or exit be on the same side of the street or directly across from educational or recreational facilities and that the curb breaks be limited to two (2) for each one hundred feet (100') of street frontage, each not to exceed thirty feet (30') in width and not closer than twenty feet (20') to a street intersection.
5. Renting lockers for the storage of food, including sale or retail, delivery, and cutting package of meats but not including slaughtering.
6. Not furniture manufacturing.
7. Not a furniture store.
8. Provided that no slaughtering is done on the premises.
9. Provided water source and sewage disposal is approved by the County Health Department if not attached to a public sewer.
10. No storage of vehicles or equipment on the premises is permitted except emergency vehicles.
11. Provided all animals are housed within the principal building such that no sound is perceptible beyond the premises and approval from Crawford County Health Department has been obtained.
12. Not including drive-in restaurants.
13. Provided that when such a drive-in establishment abuts a residential district, it shall be separated from such district by a six-foot (6') high masonry wall with landscaping and having no light shining directly into residential districts.
14. Such use not permitted for a period to exceed two (2) months in any calendar year.
15. Provided that acceleration and deceleration lanes of at least two hundred feet (200') are provided for trucks entering and leaving the site and that truck traffic so generated will not create a safety hazard or unduly impede traffic movement.
16. Provided any structure used for such purpose shall be a minimum of one hundred feet (100') from any residential district.
17. Overnight storage of vehicles or equipment other than emergency vehicles on the premises is not permitted.
18. Such as Miniature and Par-3 Golf, Golf Driving Ranges, Skating Rinks, and similar enterprises, but excluding "go-kart" type miniature auto racing tracks.
19. Not including Drive-in Theaters.
20. Provided acceleration and deceleration lanes of at least two hundred feet (200') in length are provided for the use of vehicles entering or leaving the theater and the volume or

concentration of traffic will not constitute a safety hazard or unduly impede highway traffic movements, and provided the screen is not visible from any expressway, freeway, arterial or collector street located within two thousand feet (2,000') of such screen.

21. Provided there is neither commercial operation nor storage of vehicles or equipment on the premises, and that such use is adequately screened as required by Section 7.7.

## SECTION 5.4. INDUSTRIAL DISTRICTS

**5.4.1. General Industrial District (I-G).** The intent of this district shall be to create and protect areas for industrial uses and to provide performance standards for this operation of such uses. This district encourages the orderly development of areas containing uses that may be obnoxious by reason of emission of odors, dust, smoke, gas, noise, heat, or vibration. This district may include commercial uses consistent in character with heavy industrial uses. Uses in this district not conducted within a building must be screened pursuant to Section 7.7

### **5.4.2. Table of Land Use Regulations for Industrial Districts.**

P = Permitted Use; SE = Allowed by Special Exception

LAND USE CATEGORY	I-G	REFERENCE
<b>AGRICULTURAL</b>		
Agricultural Processing	P	1
Forestry Processing	P	1
Livestock Processing	P	1
Poultry Processing	P	1
<b>COMMERCIAL</b>		
Car Wash	P	2
Auto Auction	P	
Long Term Storage	P	
<b>EDUCATIONAL FACILITIES</b>		
Vocational and Technical Schools	SE	3
<b>INDUSTRIAL</b>		
Building and Lumber Supply	P	4
Contractor Storage and Equipment Yard	P	5
Ice Plant	P	
Junk or Salvage Yard	P	6
Manufacturing of any commodity or product	P	7, Section 8.11
Storage tanks	P	8
Trade Shop	P	9
Truck Terminals	P	10
Wholesale Warehouses for distribution of materials or commodities.	P	
<b>RESIDENTIAL</b>		
Dwelling for Watchman or Caretaker	P	11

1. Provided that the operation is conducted on a tract of land not less than ten (10) acres in area, and that no structure containing poultry or livestock and no storage of manure or odor or dust producing substance or use shall be located within two hundred feet (200') of a property line. All animals (except those generally recognized as pets) shall be kept in a structure, pen, or corral.

2. Provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process sufficient to contain a number of vehicles (at 200 sq. ft. per vehicle) equal to one-third (1/3) of the practical hourly capacity of the washing machines and in addition that curb breaks be limited to two (2), each not to exceed thirty feet (30') in width, and located not closer than twenty feet (20') to an intersection.
3. Includes any agency that provides training for the purpose of education for jobs in industry-related fields.
4. Provided entire storage area is properly screened as required in Section 7.7, or for a greater height as required to adequately screen such areas, and that any machine operations are conducted entirely within a building which shall not have any opening facing a residential district, other than a stationary window, within one hundred feet (100') of a residential district.
5. When located entirely within a building or fenced area as required in Section 7.7.
6. Provided the following provisions are met:
  - a) No such operation shall be permitted to locate closer than fifty feet (50') to a residential district and no closer than twenty feet (20') to any property line.
  - b) No such operation shall be permitted to locate on or facing a state or federal highway.
  - c) All such operations shall be completely enclosed by a buffer or wall, except driveway areas, having a minimum height of six feet (6'), but in no case less than such a height as will effectively screen all operations from view.
  - d) The number of vehicular driveways permitted on any single street frontage shall be limited to one (1) per five hundred feet (500') with a maximum of twenty feet (20') driveway width.
7. Includes processing, fabrication, repair and servicing of any commodity or product. Subject to performance standards for nonresidential uses given in Section 8.11.
8. For the storage of gasoline, liquefied petroleum gas, oil or other inflammable liquids or gases. Must be outside and above ground. Provided that all pertinent rules and regulations of the Georgia Safety Fire Commission are met and facilities used for the storage of inflammable liquids or gases are not located and closer than fifty feet (50') of any residential district.
9. Including sheet metal, roofing, upholstery, electrical, plumbing, venetian blind, cabinet making and carpentry, rug and carpet cleaning, and sign painting provided that all operations are conducted entirely within a building which shall not have any opening facing a residential district other than stationary windows, within one hundred feet (100') of any residential district.
10. Provided that acceleration and deceleration lanes of at least two hundred feet (200') are provided for trucks entering or leaving hazard or unduly impede traffic movement.
11. Including a manufactured home, for the exclusive use of a watchman or caretaker when located on the same tract as the industrial use and subject to all dimensional and area requirements of the R-2 Multifamily Residential District.

## **SECTION 5.5. PLANNED UNIT DEVELOPMENT DISTRICT**

**5.5.1. Planned Unit Development District (PUD).** This district is a floating district that may be located within any residential or commercial district if it meets all the standards for a Planned Unit Development. PUD's shall be planned as integral units and may be residential, commercial, or a combination of land uses. The approval process for a Planned Unit Development involves rezoning the property upon approval of a developer's application for a specific planned development project. The purpose of Planned Unit Development regulations is to offer developers the benefits of efficiency, economy, and flexibility by encouraging unified development of large sites, while deriving for the city the advantages of improved appearance, compatibility of uses, optimum services by community facilities and better handling of vehicular access and circulation. PUD's should preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments. Review of the development plan by the Planning Commission assures that such large-scale developments are consistent with the objectives of the City's Comprehensive Plan.

**5.5.2. Required Conditions for Planned Unit Development District.** Any area may be rezoned as a Planned Unit Development District if the following conditions are met.

- a) The characteristics of the specific site plan and uses proposed for the subject property would be compatible with the surrounding area if the development were limited to those plans and uses as submitted.
- b) Separate land uses, which would not otherwise be permitted to locate within the same zoning district are proposed for development on a parcel under single or multiple ownership or management.
- c) Exceptions or variations from the size, setback, frontage, density, uses, or other standards that are required in the conventional zoning districts are being proposed as a part of a planned development.
- d) The area is not located within a C-3 Central Business or an I-G General Industrial District.

**5.5.3. Specific Requirements.** In order to qualify for a Planned Unit Development District zoning classification, a proposed development must first meet each of the following specific requirements:

- a) The site utilized for the proposed development must contain an area of not less than twenty (20) acres.
- b) The site must have a minimum width between any two opposite boundary lines of four hundred fifty linear feet (450 ft.) and must adjoin or have direct access to at least one arterial or collector street. The site must have a sixty-foot (60') access to a public street.
- c) The area proposed shall be in one ownership or management. Land within a planned unit development district shall not be subdivided and sold to others prior to completion of the installation of required improvements.

**5.5.4. Uses Within a Planned Unit Development.** It is the intent of the Planned Unit Development District to provide maximum flexibility with regard to the mixture of land uses. Within a Planned Unit Development District, any land use may be permitted if such use or uses can be shown to provide an orderly relation and function to other uses in the development and to existing land uses, as well as with due regard to the comprehensive plan of the City of

Roberta. The permitted use or uses of property located in the Planned Unit Development shall be determined at the time the zoning district and development plan is approved, and development within the district shall be limited to those uses specifically requested as part of the application and approved by the Roberta City Council. Any addition of uses, change of plans, or increase in size or density shall require a separate application for amendment to the original approved Planned Unit Development and shall follow the same process as any other zoning ordinance amendment.

**5.5.5. Guidelines for Design.** The following principals for proposing and mixing land uses are recommended:

**5.5.5.1. Site Design, General.** The proposed development should be designed so as to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood.

**5.5.5.2. Privacy.** Personal and individual privacy should be maintained and balanced with the provision of public and common areas.

**5.5.5.3. Variety.** Interest and variety should be sought, by means of street design and changes in and mixtures of building types, heights, facades, setbacks, planting, or size of open space, the design should be harmonious as a whole and not simply from street-to-street.

**5.5.5.4. Traffic and Parking.** No through or commercial traffic should be permitted; streets should curve so as to discourage fast movement of traffic; group parking areas should be screened as defined in Section 7.7, so that the vehicles are substantially hidden from the street.

**5.5.5.5. Open Space.** Preserve the natural amenities of the land through maintenance of conservation areas and open spaces. A minimum of at least twenty percent (20%) of the gross area of the site should be retained in open space.

**5.5.5.6. Building Heights.** Height of particular buildings shall not be a basis for denial or approval of a plan; provided any structures in excess of thirty-five feet (35') shall be designed and platted to be consistent with the reasonable enjoyment of neighboring property and the efficiency of existing public services and facilities.

**5.5.5.7. Density of Housing Types.** Manufactured homes, two-family dwellings, townhouses, and multi family dwelling units should not comprise more than thirty percent (30%) of the total dwelling units with the proposed development.

**5.5.5.8. Density of Retail and Service Uses.** Within a primarily residential development, commercial and office uses, if proposed, should be scaled so that they primarily serve the occupants of the development. Commercial and office uses within the development should be at the front of the development and be accessed by an arterial or collector road.

**5.5.5.9. Screening.** Structures or buildings located at the perimeter of the development should be permanently screened in a manner that sufficiently protects the privacy and amenities of the adjacent, existing uses.

**5.5.6. Minimum Lot and Setback Requirements.** There shall be no requirements for minimum lot size, minimum lot width, lot coverage, yards and building setbacks, or height requirements that apply to Planned Unit Developments. Dimensional requirements shall be as

proposed by the applicant of the Planned Unit Development and as approved by the Planning Commission via a detailed site plan. If the Planned Unit Development is subject to approval by the County Health Department, the County Health Department may increase minimum lot area and lot width requirements when the said Department determines that an increased area or width is necessary for health reasons.

**5.5.7. Procedure for Approval of a Planned Unit Development District.** The filing of a plan for a Planned Unit Development shall be considered an amendment to the zoning regulations and shall meet the requirements for amendments specified in this resolution. An application for rezoning to the Planned Unit Development District may be considered simultaneously with, or to be combined with, preliminary plat approval as required by this code if preliminary plat approval is requested simultaneously by the applicant and if said rezoning application for the Planned Unit Development District contains all information required for a preliminary plat as shown in Section 11.4 and any other additional information as stated in Section 5.5.8 below. Applications for special exceptions and variances are not necessary when proposing a Planned Unit Development. In addition, the following regulations shall apply:

- a) The Planning Commission shall review the proposals prior to submitting a recommendation to the Roberta City Council. The Planning Commission may make reasonable recommendations to protect adjoining residential lots or uses, or to protect the PUD from adjacent uses.
- b) Approval by the Roberta City Council subsequent to a public hearing constitutes creation of the Planned Unit Development District.

**5.5.8. Additional Information to Be Provided.** In addition to the requirements for preliminary plat approval described in Section 11.4, the following information shall be provided by a written report or as additional information on the preliminary plat.

- a. The proposed title of the project and the name of the engineer, architect, designer, or landscape architect, and the development.
- b. Plans for protection of abutting properties, including buffers, screening, and landscaping.
- c. Proposed location, intended use, and character of all buildings, including a tabulation of the total number of dwelling units.
- d. A location map showing the position of the proposed development in relationship to the surrounding area.
- e. A tabulation of total number of acres in the project, gross and net, and the square footage thereof proposed to be devoted to different dwelling types, commercial uses, other non-residential uses, off-street parking, streets, parks, schools, and other public and private reservations.
- f. A general description of the proposal, stating the purpose and goals of the development, and the design features incorporated for meeting these goals.
- g. A discussion of the proposed standards for development, including restrictions on the use of the property, density standards and yard requirements and restrictive covenants.

**5.5.9. Final Plat Required.** A final plat shall be required in accordance with the provisions stated in Section 11.5 of this resolution.

**5.5.10. Review Standards.** In considering and acting upon applications for rezoning to the Planned Unit Development District, the Planning Commission and the Roberta City Council may consider and base their recommendation and decision, respectively, on the following information:

- (a) Conformity to the purpose and intent of the Planned Unit Development District
- (b) Quality of site design
- (c) Integration of a variety of land uses, building types, and densities
- (d) Preservation of natural features
- (e) Compatibility with adjacent land uses
- (f) Provision and type of open space and the provision of other amenities designed to benefit the general public
- (g) Conformity with the Comprehensive Plan
- (h) Adequacy of utilities and other public works

#### **5.5.11. Miscellaneous Provisions**

**5.5.11.1. Amendments and Additions.** Amendments or additions to an approved plan or to the boundaries of a PUD shall be accomplished subject to the same regulations and procedures applicable to a new application.

**5.5.11.2. Deed Restrictions.** The Planning Commission may require filing of deed restrictions to help carry out the intent of this resolution and specifically the intent of the PUD District.

**5.5.11.3. Performance Bond Required.** A performance bond equal to one-half (1/2) the total cost of the proposed development may be required by the Planning Commission.

### **SECTION 5.6. OTHER**

**5.6.1. Airport Hazard District.** This district is composed of lands and structures located within the flight approach areas or navigable airspace of any active airport. The regulations are intended to prevent the development of high residential densities or the concentration of large numbers of persons in those areas endangered by low flying aircraft in the process of landing or taking off and to protect flying aircraft by limiting the height of buildings and trees.

**ARTICLE VI. OTHER REQUIREMENTS BY DISTRICTS**

**SECTION 6.1. MINIMUM LOT AREA, LOT WIDTH, MAXIMUM LOT COVERAGE AND MINIMUM SETBACKS**

**6.1.1. Uses not served by Public or Community Water System.** All uses, regardless of district, location, not served by a public or community water system shall have a minimum lot area of forty three thousand five hundred sixty square feet (43,560 sq. ft.); such lots shall have a minimum lot width (measured at building line) of two hundred feet (200'), and the maximum lot coverage shall be twenty five percent (25%).

**6.1.2. Corner Lots.** For corner lots, front yard requirements shall apply to yards in both intersecting streets.

**6.1.3. Table of Requirements by District and Use.** Within the zoning districts listed herein, the following requirements shall apply, unless otherwise specified within these regulations.

*6.1.3.1. Agricultural-Residential (R-AG) and Agricultural 1-Residential (R1-AG)*

	<b>R-AG</b>	<b>R1-AG</b>
<b>LOT</b>		
<b>Lot Area, minimum square footage *</b>		
With Septic Tank & Well	43,560 / 65,340	43,560 / 65,340
With Septic Tank	43,560 / 65,340	43,560 / 65,340
With Sewer	43,560	43,560
<b>Lot Coverage, maximum</b>		
With Septic Tank & Well	25%	25%
With Septic Tank	25%	25%
With Sewer	25%	25%
<b>Lot Width, minimum footage</b>		
With Septic Tank & Well	200	200
With Septic Tank	200	200
With Sewer	200	200
<b>MINIMUM SETBACKS</b>		
Front Yard Arterial & Collector Street	60 feet	60 feet
Front Yard Minor Streets	60 feet	60 feet
Rear Yard	45 feet	45 feet
Side Yard, per side	20 feet	20 feet

*\*Square Footage Requirements depend on the location of the lot. Refer to Section 6.1.3.*

**6.1.3.2. Single-Family Residential District (R-1), Single-Family Residential District (R-2)**

	R-1	R-2
<b>LOT</b>		
<b>Lot Area, minimum square footage *</b>		
With Septic Tank & Well	43,560	43,560
With Septic Tank	25,000	15,000
With Sewer	15,000	12,000
<b>Lot Coverage, maximum</b>		
With Septic Tank & Well	20%	20%
With Septic Tank	20%	20%
With Sewer	20%	20%
<b>Lot Width, minimum footage</b>		
With Septic Tank & Well	150	150
With Septic Tank	100	100
With Sewer	85	75
<b>MINIMUM SETBACKS</b>		
Front Yard Arterial & Collector Street	40 feet	50 feet
Front Yard Minor Streets	30 feet	30 feet
Rear Yard	35 feet	35 feet
Side Yard, Interior Lot, per side	15 feet	10 feet
Side Yard, Corner Lot Arterial & Collector Streets/	30 feet	25 feet
Side Yard, Corner Lot Minor Streets	30 feet	25 feet

\*Square Footage Requirements depend on the location of the lot. Refer to Section 6.1.3.

**6.1.3.3. Two-Family Residential District (R-3), Multi-Family Residential District (R-4)**

	<b>R-3, R-4</b>					
	Single Family	Two Family	Single Family, Attached <sub>1</sub>	Single Family, Semi-Detached <sub>2</sub>	Multi-Family <sub>3</sub>	Other Permitted Uses
<b>LOT</b>						
<b>Lot Area, minimum square footage *</b>						
With Septic Tank & Well	43,560 /65,340	43,560 /65,340	-	-	-	-
With Septic Tank	30,000 /65,340	30,000 /65,340	-	-	-	30,000
With Sewer	6,000	9,000	3,000	6,000		75,000
<b>Lot Coverage, maximum</b>						
With Septic Tank & Well	25%	25%	-	-	-	-
With Septic Tank	25%	25%	-	-	-	25%
With Sewer	35%	35%	50%	35%		35%
<b>Lot Width, minimum footage</b>						
With Septic Tank & Well	200	200	-	-	-	-
With Septic Tank	150	150	-	-	-	150
With Sewer	60	75	18	60		60
<b>MINIMUM SETBACKS</b>						
Front Yard Arterial & Collector Street	60 feet	60 feet		60 feet	60 feet	60 feet
Front Yard Minor Streets	35 feet	35 feet		35 feet	35 feet	35 feet
Rear Yard	45 feet	45 feet		45 feet	45 feet	45 feet
Side Yard, per side	20 feet	20 feet		20 feet	20 feet	20 feet

\*Square Footage Requirements depend on the location of the lot. Refer to Section 6.1.3.

1. The developer of single-family attached dwellings is required to set aside an additional twenty-five thousand square feet (25,000 sq. ft.) of common open space and cannot be used for any other purpose except as open space, see Section 8.4. No side yard is required for interior townhouses in a row development. On interior lots, the side yard requirement for both end townhouses is ten feet (10').
2. All single-family attached and semi-detached dwellings shall be connected to a public or community sewer system. No septic tanks or other method of disposing of waste will be permitted.
3. All multifamily dwelling units shall be connected to a public or community sewer. No septic tanks, or other method of disposing of waste, will be permitted in any multifamily dwelling unit developments.

**6.1.3.4. Manufactured Home Residential District (R-MH)**

	<b>R-MH</b>	
	Individual Manufactured Homes	Manufactured Home Parks
<b>LOT</b>		
<b>Lot Area, minimum square footage *</b>		
With Septic Tank & Well	43,560	Section 8.2
With Septic Tank	25,000	Section 8.2
With Sewer	15,000	Section 8.2
<b>Lot Coverage, maximum</b>		
With Septic Tank & Well	-	Section 8.2
With Septic Tank	20%	Section 8.2
With Sewer	20%	Section 8.2
<b>Lot Width, minimum footage</b>		
With Septic Tank & Well	-	Section 8.2
With Septic Tank	100	Section 8.2
With Sewer	85	Section 8.2
<b>MINIMUM SETBACKS</b>		
Front Yard Arterial & Collector Street	50 feet	Section 8.2
Front Yard Minor Streets	30 feet	Section 8.2
Rear Yard	35 feet	Section 8.2
Side Yard, Interior Lot, per side	15 feet	Section 8.2
Side Yard, Corner Lot Arterial & Collector Streets/	50 feet	Section 8.2
Side Yard, Corner Lot Minor Streets	30 feet	Section 8.2

\* Square Footage Requirements depend on the location of the lot. Refer to Section 6.1.3.

**6.1.3.5. Neighborhood Service Commercial District (C-1), General Commercial District (C-2), Central Business District (C-3), General Industrial District (I-G)**

	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-G</b>
<b>LOT</b>				
<b>Lot Area, minimum square footage *</b>				
With Septic Tank & Well	43,560 / 65,340	43,560 / 65,340	43,560 / 65,340	43,560 / 65,340
With Septic Tank		30,000 / 65,340	30,000 / 65,340	30,000 / 65,340
With Sewer		3,500	None	10,000
<b>Lot Coverage, maximum</b>				
With Septic Tank & Well	50%	50%	50%	50%
With Septic Tank		50%	50%	50%
With Sewer		50%	100%	50%
<b>Lot Width, minimum footage</b>				
With Septic Tank & Well	200	200	None	200
With Septic Tank		150	None	150
With Sewer		30	None	75
<b>MINIMUM SETBACKS</b>				
Front Yard Arterial & Collector Street	40 feet	40 feet	None	50 feet
Front Yard Minor Streets	25 feet	25 feet	None	30 feet
Setback, Rear Yard <sup>1</sup>	25 feet	25 feet	None	25 feet
Setback, Side Yard <sup>2</sup>	25 feet	25 feet	None	25 feet

\* Square Footage Requirements depend on the location of the lot. Refer to Section 6.1.3.

1. When the rear of a commercial property borders a residential district, a buffer is required along the entire property line. This buffer shall correspond with the design requirements in Section 7.7.
2. When the side yard of a commercial property line borders a residential district, the side yard setback shall be a minimum of fifty feet (50'). With the side yard area only off-street parking shall be permitted. A buffer is required as above. If the side yard borders a railroad right-of-way, no side yard is required provided that the railroad right-of-way does not border a residential district.

## **ARTICLE VII. GENERAL PROVISIONS FOR ALL DISTRICTS**

### **SECTION 7.1. BUILDING HEIGHTS**

No building or structure shall hereafter be erected, moved or altered which does not comply with the following height requirements.

**7.1.1. Maximum Building Height.** The maximum building height for buildings or structures within all zoning districts shall be thirty-five feet (35').

**7.1.2. Height Obstructions.** The purpose of these provisions is to prevent the construction of objects that, because of their height, illumination or reflectivity, electrical emissions, and/or air emissions, represent an obstruction or safety hazard to air traffic operating in and out of Robins Air Force Base.

**7.1.3. Definitions.** The following definitions shall be used to interpret the requirements of this section.

- 1) **Approach-Departure Surface:** This surface is symmetrical about the RAFB runway center line extended, begins as an inclined plane (glide angle) two hundred feet (200') beyond each end of the primary surface to the center line elevation of the runway end, and extends for fifty thousand feet (50,000'). The slope of the approach-departure clearance surface is 50:1 (one-foot change in elevation for each fifty feet (50') in distance from the starting point) along the extended runway (glide angle) center line until it reaches an elevation of five hundred feet (500') above the established airfield elevation, at which point it becomes a horizontal surface. It then continues horizontally at this elevation to a point at fifty thousand feet (50,000') from the start of the glide angle. The width of this surface at the runway end is two thousand feet (2,000'). It then flares uniformly, with an end width of sixteen thousand feet (16,000') at a distance fifty thousand feet (50,000') from both starting points.
- 2) **Conical Surface:** This inclined surface extends outward and upward from the outer periphery of the inner horizontal surface for a horizontal distance of seven thousand feet (7,000'). The slope of the conical surface is 20:1 (one-foot change in elevation for each twenty feet (20') in distance from the starting point), with an inner elevation of one hundred fifty feet (150') above the established airfield elevation and an outer elevation of five hundred feet (500') above the established airfield elevation.
- 3) **Clear Zone Surface:** This surface defines the limits of the obstruction clearance requirements in the vicinity contiguous to the end of the primary surface. The length and width (for a single runway) of a clear zone surface is three thousand feet (3,000') by three thousand feet (3,000').
- 4) **Established Airfield Elevation:** The altitude, measured in feet above mean sea level (MSL), of the Robins Air Force Base main runway surface. This elevation is hereby declared to be two hundred ninety-five feet (295') MSL.
- 5) **Height:** The true highest altitude of a structure or natural feature (including trees, protruding rocks, or natural ground surface) as measured in feet above mean sea level.
- 6) **Inner Horizontal Surface:** This surface is a plane, oval in shape that extends seven thousand five hundred feet (7,500') from the RAFB airfield runway center line at a height of one hundred fifty feet (150') above the established airfield elevation.
- 7) **Obstruction:** Any structure or natural feature (including trees, protruding rocks, or natural ground surface) which exceeds the height limitation defined by the primary surface, clear zone surface, approach-departure clearance surfaces, inner horizontal

surface, conical surface, outer horizontal surface, or transitional surfaces established for Robins Air Force Base (RAFB).

- 8) **Outer Horizontal Surface:** This surface is a horizontal plane that begins at the outer edge of the conical surface and extends for thirty thousand feet (30,000') at a height of five hundred feet (500') above the established airfield elevation.
- 9) **Primary Surface:** This surface defines the limits of the obstruction clearance requirements in the immediate vicinity of the landing area. The primary surface comprises surfaces of the runway, runway shoulders, and lateral safety zones and extends two hundred feet (200') beyond the runway end. The width of the primary surface for the RAFB runway is two thousand feet (2,000'), or one thousand feet (1,000') on each side of the runway center line.
- 10) **Structure:** Any stationary or mobile object constructed or installed by man, including, without limitation, buildings, towers, cranes, smoke stacks, earth formations, and overhead transmission lines.
- 11) **Transitional Surfaces:** These surfaces connect the primary surfaces, clear zone surfaces, and approach-departure clearance surfaces to the outer horizontal surface, conical surface, and other horizontal or transitional surfaces. The slope of the transitional surface is 7:1 (one foot (1') in elevation for each seven feet (7') in distance from the starting point) outward and upward at right angles to the runway center line extended.

**7.1.4. Application.** These regulations shall apply to all lands within the City of Roberta that are overlaid by the primary surface, clear zone surface, approach-departure clearance surfaces, inner horizontal surface, conical surface, outer horizontal surface, or transitional surfaces established for Robins Air Force Base. These boundaries of these surfaces are shown on the Robins Air Force Base Environs Supplemental Zoning Map / Overlay of Crawford County, Georgia. All development activity within these areas shall comply with the performance standards in Section 7.1.5 below in addition of the requirements of the underlying zoning district. Where conflicting standards and requirements exist, the more stringent standards and requirements shall apply.

**7.1.5. Performance Standards.** All development within the areas governed by these height requirements shall comply with the following performance standards.

- a) **Height Limitation.** No structure shall be built which, by virtue of its finished height, would constitute an obstruction within the meaning of these regulations. Where the development or redevelopment of land within the areas affected by these regulations will involve substantial grading and/or site preparation, the zoning officer and/or Board of Zoning Appeals may require the applicant to remove any existing obstructions (either natural or man-made) on the site as a condition of development plan approval.
- b) **Use Restrictions.** No use may be made of land or water located within the RAFB approach-departure surfaces that would:
  - a) Create or result in electrical interference with navigational signals or radio communication between RAFB and aircraft operating within the affected areas;
  - b) Produce or reflect light in a sufficient intensity or manner that would make it difficult for pilots to distinguish between airport lights and other light sources, result in glare in the eyes of pilots using the base airport, or otherwise impair visibility in the vicinity of the base. All proposed light sources that could conflict with this requirement (except structure lighting required under FAR Part 77) shall be properly shielded or directed away from a pilot's field of vision;

- c) Emit smoke or particulate matter which, in sufficient quantities or concentrations, would impair pilot visibility in the vicinity of the base or clog aircraft engines; or
- d) Attract large flocks of birds, which would constitute a hazard to air navigation in the vicinity of the base. No solid waste disposal facility or landfill may be sited within areas affected by these regulations.

**7.1.6. Review Procedures.** The standard zoning compliance process for the City of Roberta shall apply to the areas affected by these regulations. However, any applicant proposing to construct a structure that is:

- a) Located within the RAFB outer horizontal surface or the approach-departure horizontal surface and would exceed two hundred feet (200') in height as measured from its tallest point to the finished ground level; or
- b) Located within the RAFB primary surface, clear zone surface, inner horizontal surface, conical surface, approach-departure glide angle surface, or any transitional surface and would exceed one hundred feet (100') in height as measured from its tallest point to the finished ground level;

Shall comply with the following review procedures, in addition to the normal zoning compliance process.

**7.1.6.1. FAA Review.** The applicant shall submit a copy of the application for FAA review under FAR Part 77, if applicable. A copy of the FAR Part 77 review transmittal letter and application shall be submitted to the Zoning Administrator and/or Board of Zoning Appeals to document compliance with this requirement. The Zoning Administrator and/or Board of Zoning Appeals may condition any approval upon FAA approval under FAA Part 77 review.

**7.1.6.2 RAFB Civil Engineer's Office Review.** The City of Roberta shall provide a copy of an application for zoning compliance within the affected areas, including the development plan and a copy of the FAR Part 77 review transmittal letter and application as required, to the staff of RAFB and the staff of the Middle Georgia Regional Development Center (MGRDC), within five (5) days of submittal by applicant. The staff of RAFB will provide a written recommendation to the Zoning Administrator and to MGRDC within ten (10) days of receipt. The Zoning Administrator and/or Board of Zoning Appeals may condition any approval upon RAFB recommendations.

**7.1.7. Submission Requirements.** An applicant shall submit a preliminary plan in accordance with the applicable requirements of these regulations for any development application that satisfies the special review requirements in Section 7.1.6 above. The zoning officer may require the applicant to submit any or all of the items specified below, if the additional information is necessary to ensure compliance with the performance standards in Section 7.1.5 above.

**7.1.7.1. Imaginary surface boundaries.** The applicant may be required to delineate on the preliminary plan the boundaries of any primary surface, clear zone surface, approach-departure clearance surfaces, inner horizontal surface, conical surface, outer horizontal surface, or transitional surfaces, if the location of the aforementioned surface boundaries with respect to the proposed development site or proposed structure locations is in question. All maps prepared to show the location of these boundaries shall be drawn to a scale designated by the Zoning Administrator.

**7.1.7.2. Location of structures.** The applicant may be required to delineate the placement of all existing and proposed buildings and structures, including any existing or proposed tree stands.

**7.1.7.3. Specification of uses.** The applicant may be required to specify the proposed uses to occur within each structure or activity area on the development site.

**7.1.7.4. Surface elevation bench marks.** The applicant may be required to show the surface elevation of all structures (above mean sea level) and the maximum height in feet of any structure. For residential subdivisions, the zoning officer may require the applicant to show surface elevations for the property in five-foot contours with sufficient benchmarks to verify contour elevations.

**7.1.7.5. Narrative description.** The applicant may be required to prepare a narrative describing the location of the site, its total acreage, existing character and use; the concept of the proposed development or use, such as proposed residential density, and the relation of the proposed development plan to the comprehensive plan.

**7.1.7.6. Variances.** Any applicant wishing to erect a new structure, increase the height of an existing structure, permit the growth of any tree, or commit the property to a use that is not in compliance with the regulations prescribed in these regulations may apply to the regulations prescribed in these regulations may apply to the Board of Zoning Appeals for a variance. The application for variance must be submitted in the form and manner specified in these regulations, and it must be accompanied by a written determination from the Federal Aviation Administration and the RAFB Civil Engineer's Office stating that the proposed structure will not be located within a normal aircraft flight track, that the requested height variance will not be excessive, and that all appropriate measures will be taken by the applicant to prevent any negative impacts on safe navigation within the protected air space surrounding RAFB. Such variances shall be issued only where it is duly determined that a literal application or enforcement of these regulations will result in unnecessary hardship, and the relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit and intent of these regulations. In addition, the Board of Zoning Appeals may solicit the testimony of a qualified professional, at the expense of the applicant, to evaluate the proposed development plans and issue any professional findings or opinions that would assist the board in reaching a decision regarding the variance request. The selection of a qualified professional shall be done by the Board of Zoning Appeals.

**7.1.8. Exemptions.** No building or structure shall hereafter be erected, moved or altered so as to exceed the height limit that is specified herein for the district in which it is located, except for the following buildings and structures:

- 1) Churches, schools, hospitals, sanitariums and other public and semi-public and public utility buildings, there shall be no restriction on height on such buildings, provided the front, side, and rear yards required in the district in which such building is to be located shall be increased an additional one foot (1') for each one foot (1') that the building exceeds the maximum height permitted in the district.
- 2) Barns, silos, grain elevators, or other farm structures; belfries, cupolas and domes; monuments, water towers, transmission towers, windmills, chimneys, smokestacks, flag poles, radio towers, masts, and aerials.

- 3) Bulkheads, water tanks, and scenery lofts and similar structures provided that such structures shall not cover more than twenty four percent (24%) of the total roof area of the building on which such structures are located.
- 4) None of these exceptions to height limits shall apply to signs or outdoor advertising signs or poster panels, which shall be subject to all height limitations of the district in which they are located.

## **SECTION 7.2. NON-CONFORMITIES**

Within the districts established by this resolution or amendments that may later be adopted, there exist lots, structures, uses of land and characteristics of use which were lawful before this resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this resolution or future amendments. It is the intent of this resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

**7.2.1. Incompatibility of Non-Conforming Uses.** Non-conforming uses are declared by this resolution to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination, shall not be extended or enlarged after passage of this resolution by attachment on a building or premises of additional signs intended to be seen from off the prohibited in the district in which such use is located.

**7.2.2. Avoidance of Undue Hardship.** To avoid undue hardship, nothing in this resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this resolution and upon which actual building construction has begun.

**7.2.3. Single Non-Conforming Lots of Record.** A single lot of record which does not meet the requirements for area or width, or both that are applicable in the district existing at the effective date of adoption or amendment of this resolution may be used or sold for the erection of those buildings and accessory buildings necessary to carry out the permitted uses in that district, provided:

- a) Yard dimensions and lot coverage requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located;
- b) Variance for yard dimensions and lot coverage requirements shall be obtained only through action of the Board of Zoning Appeals.
- c) Location requirements of accessory buildings and uses are met as provided for in Section 8.5;
- d) Parking space requirements for all districts as provided for in Section 7.3;
- e) Such lot must not have continuous frontage with other lots in the same ownership;
- f) In residential districts, buildings shall be limited to single-family detached dwellings.

**7.2.4. Non-Conforming Lots of Record in Combination.** If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this resolution and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this resolution nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this resolution.

**7.2.5. Non-Conforming Uses of Land.** Where, at the time of adoption of this resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this resolution the uses may be continued so long as they remain otherwise lawful, provided:

- a) No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this resolution;
- b) No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this resolution;
- c) If any such non-conforming uses of land are voluntarily discontinued for a period of more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this resolution for the district in which such land is located;
- d) No additional structure not conforming to the requirements of this resolution shall be erected in connection with such non-conforming use of land.

**7.2.6. Non-Conforming Structures.** Where a lawful structure exists at the effective date of adoption or amendment of this resolution that could be built under the terms of this resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

- a) No such non-conforming structure shall be enlarged or altered in a way which increases its non-conformity, but a structure or portion thereof may be altered to decrease its non-conformity;
- b) Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means to the extent of more than fifty percent (50%) of its current replacement value, it shall not be reconstructed except in conformity with the provisions of this resolution;
- c) Should such structure be voluntarily moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which located after it is moved.

**7.2.7. Non-Conforming Uses of Structures and Land in Combination.** If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this resolution that would not be allowed in the district under the terms of this resolution, the lawful use may be continued so long as it remains otherwise lawful; subject to the following provisions:

- a) No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, voluntarily moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

- b) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
- c) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this resolution, but no such use shall be extended to occupy any land outside such building;
- d) When a non-conforming use of a structure, or structure and land in combination is voluntarily discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
- e) Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure to the extent of more than fifty percent (50%) of its current replacement value, shall eliminate the non-conforming status of the land.

**7.2.8. Repairs and Maintenance.** On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs including remodeling, or repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

## **SECTION 7.3. OFF-STREET AUTOMOBILE PARKING**

Off-street automobile parking space shall be provided on every lot on which any permitted use is established in accordance with this resolution.

**7.3.1. Minimum Size of Off-Street Parking Space.** An off-street parking space shall be at least ten feet (10') wide and twenty feet (20') in length with a minimum net area of two hundred square feet (200 sq. ft.), excluding area for egress and ingress and maneuverability of vehicles.

**7.3.2. Exceptions to Parking Space Provisions.** Parking space for all uses shall be located on the same lot with the main buildings to be served, except as provided below:

- a) If an off-street parking space cannot be reasonably provided on the same lot on which the principal use is conducted, the Planning and Zoning Board may permit (by special exception) such space to be provided on other off-street property, provided such space lies within four hundred feet (400') of an entrance to the principal building and provided that such space is located within a zoning district which permits the principal use. Such vehicle parking space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- b) The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that up to one-half of the parking space required for an existing church whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at nights or on Sundays.
- c) An area reserved for off-street parking in accordance with the requirements of this resolution shall not be reduced in area or changed to any other use unless the permitted use that it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Board of Zoning Appeals.

- d) Off-street parking existing at the effective date of this resolution in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

**7.3.3. Parking Space Requirements for All Districts.** Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley, and shall be equal to the minimum requirements for the specific land use set forth.

LAND USE CATEGORY	PARKING SPACES Minimum
<b>RESIDENTIAL</b>	
Single-family dwelling	Two (2) spaces for each dwelling unit
Multiple-family dwelling	One and a half (1-1/2) space per dwelling unit for efficiency apartments for which one space per dwelling unit shall be provided and housing for the elderly for which one space for each two dwelling units shall be provided.
Hotels	One (1) space for each one room plus one (1) additional space for each five (5) employees.
Motels, Tourist Courts and Homes, Mobile Homes and Travel Trailer Parks	One (1) space for each guest bedroom, mobile home or travel trailer space, plus one (1) additional space for a resident manager or owner.
Boarding and rooming houses, dormitories	One (1) space for each bedroom.
<b>PUBLIC ASSEMBLY</b>	
Church and other places of worship	One (1) space for each four- (4) seats in the main auditorium or sanctuary.
Private clubs, lodges, and fraternal buildings not providing overnight accommodations	One (1) space for each five (5) active members.
Theaters, auditoriums, coliseums, stadiums, and similar places of assembly	One (1) space for each four- (4) seats.
Libraries, museums	One (1) space for each five hundred (500) square feet of gross floor area.

<b>LAND USE CATEGORY</b>	<b>PARKING SPACES Minimum</b>
Schools, including kindergartens, playschools, and day care centers	One (1) space for each four (4) seats in assembly hall, or one (1) space for each employee, including teachers and administrators, whichever is greater, plus five (5) per classroom or high school and colleges.
Skating rinks, dance halls, exhibition halls, pool halls, pool rooms, and other places of amusement or assembly without fixed seating arrangements.	One (1) space for each one hundred (100) square feet of floor area or ground area used for amusement or assembly.
Bowling Alleys	Four (4) spaces for each alley
<b>HEALTH FACILITIES</b>	
Hospitals, sanitariums, nursing homes, for the aged, and similar institutional uses	One (1) space for each four (4) beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees, including nurses.
Kennels and animal hospitals	One and a half (1-1/2) spaces for every one hundred (100) square feet of waiting room area, plus one (1) space for each two (2) employees.
Medical, dental, and health offices and clinics	One (1) space for each two hundred (200) square feet of floor area used offices and similar purposes.
Mortuaries and funeral parlors	Five (5) spaces per parlor or chapel unit, or one (1) space per four (4) seats, whichever is greater.
<b>COMMERCIAL</b>	
Automobile service and repair establishments	One (1) space for each regular employee plus one (1) space for each two hundred fifty (250) square feet of floor area.
Food stores	One (1) space for each one hundred (100) square feet of floor area designated for retail sales only.
Restaurants, including bars, cafes, taverns, nightclubs, lunch counters, and all similar dining and/or drinking establishments.	One (1) space for each four (4) seats provided for patron use, plus one (1) space for each seventy-five (75) square feet of floor area provided for patron use but not containing seats.

<b>LAND USE CATEGORY</b>	<b>PARKING SPACES Minimum</b>
Office building, including banks, business, commercial, and professional offices.	One (1) space for each three hundred (300) square feet of ground floor area, plus one (1) space for each five hundred (500) square feet of upper floor space.
General business, commercial, or personal service establishments catering to the retail trade but excluding food stores.	Three (3) spaces for each two hundred (200) square feet of floor area designed for retail sales only.
Government offices	One (1) space for each three hundred (300) square feet of ground floor area plus one (1) space for each five hundred (500) square feet of upper floor area and one (1) space for each governmental vehicle.
Shopping centers	For each square foot of building area there shall be two (2) square feet of parking area.
Furniture stores	One (1) space for each five hundred (500) square feet of the gross floor area.
Public utilities, such as telephone exchanges and substations, radio, and TV stations, and electric power and gas substations	A parking area equal to twenty-five percent (25%) of the gross floor area.
<b>INDUSTRY</b>	
Commercial, manufacturing, and industrial establishments, not catering to the retail trade.	One (1) space for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.
Wholesale establishments	One (1) space for every fifty (50) square feet of customer service area, plus two (2) spaces for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.

**7.3.4. Site Requirements.** All off street parking, other than for one- and two-family dwellings, shall be laid out, constructed, and maintained in accordance with the following requirements:

- a) All parking areas shall be hard surfaced with asphalt or concrete. The City Council of the City of Roberta may grant relief from this requirement when it determines that strict application of the paving requirement would result in negative environmental impacts or that an alternative surface would be more compatible with the character of the site. Within environmentally sensitive areas, the city council may approve alternative surfacing materials, including but not limited to porous asphalt, pervious concrete, turf block, gravel, wood mulch, cobbles, or other permeable materials that provides effective stormwater infiltration and water quality protection. Areas shall be maintained in a dust-proof condition, and the remainder of the lot shall be so mulched, seeded, sodded, or otherwise protected so that erosion and washing are prevented. **(amended 4/20/2026)**
- b) Lighting facilities shall be so arranged that light is reflected away from adjacent properties.
- c) The parking lot shall be adequately drained.
- d) A buffer shall be provided along those lot lines of the parking area that abut residential districts. A substantial bumper rail of wood, metal, or concrete shall also be installed on the inside of the buffer where the buffer is adjacent to a parking space or driveway.
- e) A raised curb of at least six inches (6") shall be erected along all parking and parking lot areas except for driveway openings, and those lot lines abutting residential districts where the requirements in Section 7.3.4. (d) shall prevail.
- f) No off-street parking space or driveway shall be designed or constructed so as to require the backing of vehicles into the right-of-way of a public street.

## **SECTION 7.4. OFF-STREET LOADING AND UNLOADING SPACE**

Off-street loading and unloading spaces shall be provided as hereinafter required by this resolution.

**7.4.1. Size of Off-Street Loading Spaces.** Each off-street loading space shall have minimum dimensions of fourteen feet (14') in height, twelve feet (12') in width, and fifty-five feet (55') in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by smaller trucks, the Board of Zoning Appeals may reduce the minimum size.

**7.4.2. Connection to Street or Alley.** Each required off-street loading space shall have access to a street or alley via a driveway that offers satisfactory ingress and egress for trucks.

**7.4.3. Floor Area over 10,000 Square Feet.** There shall be provided for each hospital, institution, hotel, commercial, or industrial building or similar use requiring the receipt or distribution of materials or merchandise, and having a floor area of more than ten thousand square feet (10,000 sq. ft), at least one (1) off-street loading space for each ten thousand square feet (10,000 sq. ft) of floor space or fraction thereof. Such space shall be located as not to hinder the free movement of pedestrians and vehicles over sidewalk, street, or alley.

**7.4.4. Floor Area Less than 10,000 Square Feet.** There shall be provided for each commercial or industrial building requiring the receipt or distribution of material or merchandise and having a floor area of less than ten thousand square feet (10,000 sq. ft.), sufficient off-street

loading space (not necessarily a full space if shared by an adjacent establishment) so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, or alley.

**7.4.5. Bus and Trucking Terminals.** There shall be provided sufficient space to accommodate the maximum number of buses or trucks to be stored or be located at the terminal at any one time.

**7.4.6. Location of Off-Street Loading Spaces.** All required off-street loading spaces shall be located on the same lot as the building that they are intended to serve, or on an adjacent lot when shared with the use occupying said adjacent lot.

**7.4.7. Permanent Reservation.** Area reserved for off-street loading in accordance with the requirements of this resolution shall not be reduced in area or changed to any other use unless the permitted use which is served is discontinued or modified, except where equivalent loading space is provided and approved by the Board of Zoning Appeals.

## **SECTION 7.5. CONTROL OF CURB CUTS AND VISION CLEARANCE**

The requirements for controlling curb cuts and maintaining vision clearance shall be as follows:

**7.5.1. Curb Cuts.** No curb cuts shall exceed fifty feet (50') in length, nor shall curb cuts be closer than twenty feet (20') to an intersection of two streets measured along the curb line.

**7.5.2. Vision Clearance.** In all use districts, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of two and one-half (2 ½') and ten feet (10') from the ground level shall be permitted within twenty-five feet (25') of the intersection of the right-of-way lines of two streets or railroad lines, or a street intersection with a railroad line.

## **SECTION 7.6. STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES**

Commercial vehicles and trailers of all types, including travel, boat, camping, and hauling, shall not be parked or stored on any lot occupied by a dwelling or any lot in any residential district except in accordance with the following requirements:

**7.6.1. Storage of Commercial Vehicles.** No more than one commercial vehicle per dwelling shall be permitted; and in no case shall a commercial vehicle carrying explosives, gasoline other than in the fuel tank used for propelling the vehicle, or liquefied petroleum products be permitted. The Board of Zoning Appeals may grant a variance to the terms of this provision based upon the following:

- a) The commercial vehicles were parked or stored on said residential lot prior to the adoption of these regulations.
- b) The owner or operator of said commercial vehicle does not have an alternate parking space.
- c) The commercial vehicles are not parked within a public street right-of-way on which no parking is allowed.
- d) The commercial vehicles are parked on residential lots in R-AG, R-1, or R-MH zoning districts.
- e) The location of said commercial vehicles creates no adverse safety hazards.

**7.6.2. Storage of Trailers.** Travel trailers, hauling trailers, or boat trailers shall be permitted if parked or stored behind the front yard building line.

**7.6.3. Occupancy of Travel Trailer.** A travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area except in a travel trailer park authorized under this resolution except in accordance with the following requirements:

- a) Hunting club members may occupy travel trailers in R-AG and R1-AG districts on a temporary basis provided that:
  - 1. Travel trailers are properly screened from any residence and from all Federal, State, or city roads and meet any other screening guidelines set forth in this resolution or felt necessary by the Zoning Administrator.
  - 2. Located at least one thousand feet (1,000') from any residence.
- b) Private land owners may temporarily house guest traveling in motor homes or travel trailers on their property for two (2) weeks provided that they are properly screened and meet all other guidelines outlined in this resolution.

**SECTION 7.7. SCREENING, BUFFERING AND LIGHTING**

**7.7.1. Screening of Outdoor Activity.** In any Commercial or Industrial District, any operation not conducted within a building, such as drive-in businesses, outdoor recreation, outdoor storage of materials, and outdoor servicing activities, shall be enclosed by wall or fence of solid appearance or tight evergreen hedge not less than six feet (6') in height where necessary to conceal such areas or facilities from a residential district adjoining or facing across a street in the rear or on the side of the principal building or use.

**7.7.2. Minimum Screening Requirements.** In any district where reference is made requiring adequate screening or buffering of a specified operation, such screen or buffer shall be a wall or fence of uniform material, solid in appearance or tight evergreen hedge not less than six feet (6') in height.

**7.7.3. Outdoor Lighting.** Outdoor lighting of all types shall be directed so as to reflect away from all residential dwellings and property lines and shall be so situated as not to reflect directly into public right-of-way.

**SECTION 7.8. MINIMUM DISTANCE BETWEEN BUILDINGS**

The following minimum distances between buildings shall be required unless otherwise specified within this resolution:

Front-to-Front arrangement-----	40 feet
Front to Rear arrangement -----	50 feet
Rear-to-Rear arrangement-----	30 feet
Side-to-Side arrangement-----	20 feet
All other combinations -----	20 feet

## **ARTICLE VIII. SPECIAL PROVISIONS FOR SPECIFIC USES**

### **SECTION 8.1. STANDARDS FOR MANUFACTURED HOMES**

**8.1.1. Dwellings to Conform to State Code.** All dwellings constructed or placed after the effective date of this amendment shall conform to the state minimum standard codes as presently set forth in O.C.G.A Section 8-2-20 and as the same may be amended from time to time.

**8.1.2. Design Standards for Manufactured Homes.** All manufactured homes located within the City of Roberta shall meet the following minimum design standards: **(Amended 6-7-11)**

1. No such home is located within 300 feet of any property zoned R-1.
2. The home shall have a minimum width of sixteen (16) feet.
3. All roof surfaces exposed to view shall be covered with asphalt, fiberglass shingles, wood shakes, clay tiles, slate or similar materials.
4. The exterior siding shall consist of wood, hardboard, vinyl, brick, masonry, or stone; and shall be comparable in composition, appearance and durability to the exterior siding commonly used in site-built dwellings.
5. The home shall be placed on a permanent perimeter foundation, which meets the requirements of the International Residential Code and/or any other applicable codes as adopted as a part of this resolution.
6. The home shall be completely underpinned except for proper ventilation and access openings. The home shall be underpinned with masonry materials, finished concrete or similar materials as approved by the Building Inspector. Installation shall be in accordance with the Rules and Regulations for Manufactured Homes as required by the State of Georgia.
7. Utility meters shall be mounted to the home. Axles, tongues, and all other transporting equipment and towing apparatus shall be removed before occupancy.
8. The home shall be comparable in assessed value and aesthetics to dwellings in the surrounding area (within 300 feet). The home shall further be compatible in size, exterior siding material and roof material.
9. The home shall have a minimum roof pitch ratio of 3:12 (three to twelve) which means having a pitch equal to at least three (3) inches of vertical height (rise) for every twelve (12) inches of horizontal run.
10. The home shall have a permanent landing installed at each doorway. The landing at the main entrance shall have a minimum area of 120 square feet. All other landings shall have a minimum area of 80 square feet. Steps shall be attached to all landings and must lead to ground level. Front landings and steps shall be completely underpinned with the same materials as the home. Landings and steps construction must meet the requirements set forth in the International Residential Code.

11. A minimum of 18 inches of crawl space (from the lowest structural member) shall be maintained under the entire home.
12. A Certificate of Occupancy will not be issued until all provisions have been complied with.

**8.1.3. Occupancy Permit.** The Zoning Administrator shall not issue an occupancy permit for any dwelling place that does not meet the requirements of this resolution as amended.

**8.1.4. Standards for Pre-Owned Manufactured Homes.** These standards are applicable to any pre-owned manufactured home that is proposed to be moved into or relocated within the city. Mobile homes, which are defined as manufactured housing that do not conform to the Federal Manufactured Housing Construction and Safety Standards Act (the HUD Code), are not allowed to be moved into or relocated within the city.

**8.1.4.1. AMENDED June 7, 2011. DELETED MANUFACTURED HOME AGE REQUIREMENTS TO COMPLY WITH SENATE BILL 384.**

**8.1.4.2. Required Inspection.**

- (1) All pre-owned manufactured homes moved into or relocated within the City of Roberta must bear an approval seal of either HUD or the Georgia Department of Community Affairs.
- (2) Any pre-owned manufactured home to be moved into or relocated within the city must pass an inspection by the Building Official. This inspection will cover, but not be limited to:
  - a. Sanitary facilities.
    1. Every plumbing fixture, water, and waste pipe shall be in sanitary working condition free from leaks or obstructions.
    2. Both cold and hot water must be supplied.
    3. Water heating facilities must be in safe working condition.
  - b. Exterior condition.
    1. Every habitable room shall have at least one window that can be opened facing directly to the outdoors.
    2. The exterior of the home shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to the occupied spaces.
    3. The exterior siding shall be free of rot and rust and must be uniform in appearance.
    4. Roofs shall be structurally sound and have no obvious defects, which might admit rain or cause moisture to collect on the interior portion of the home.
  - c. Safety of operating systems (electrical, heating, etc.), including:

- (3) Heating facilities should operate in a safe, working condition. Where a central heating system is not provided, each manufactured home shall be provided with facilities whereby a heating appliance may be connected.
  1. Unvented fuel burning heaters shall be prohibited except for gas heaters listed for unvented use and the total input rating of the unvented heaters is less than thirty (30) BTU per house per cu. Ft. of room content.
  2. Unvented fuel burning heaters shall be prohibited in bedrooms.
  3. Distribution panels shall be in compliance with the approved listing, complete with required breakers or fuses, with all unused openings covered with blank covers approved and listed for that purpose. Connections shall be checked for tightness. Panels shall be accessible.
  4. Electrical systems (switches, receptacles, fixtures, etc.) shall be properly installed, wired and shall be in working condition. The home shall be subjected to an electrical continuity test(s) to assure that all metallic parts are properly bonded.
- b. The presence of operable smoke detectors.
- c. Interior condition:
  1. Every floor, interior wall and ceiling shall be in sound condition.
  2. Condition and operability of doors and windows shall be to property maintenance code standards.

#### **8.1.4.3. Timing of Inspection**

- (1) For a pre-owned manufactured home being relocated from any site within the city, whether incorporated or unincorporated, the inspection shall be conducted prior to moving the home from the site. If the home has already been moved to the site, the inspection must be conducted prior to connecting the manufactured home to a water supply, to a sanitary disposal system, and to permanent power.
- (2) For a pre-owned manufactured home being moved into the city from another county or state, the inspection shall be conducted at the new home site prior to connecting the manufactured home to a water supply, to a sanitary waste disposal system, and to permanent power.

## **SECTION 8.2. MANUFACTURED HOME PARKS**

In any district where manufactured home parks are permitted, the applicant shall submit to the Zoning Administrator a layout of the park subject to the conditions of this section. The Zoning Administrator shall submit to the Planning Commission one copy of the manufactured home park plan for its review and recommendations. The Zoning Administrator shall base his decision to issue the necessary permits, as required by the resolution, on the recommendations of the Planning Commission.

**8.2.1. Minimum Standards for Manufactured Home Parks.** The following minimum standards shall apply to each manufactured home park:

- a) Minimum lot area per park: five (5) acres
- b) Minimum lot width for portion used for entrance and exit shall be fifty feet (50')
- c) No manufactured home shall be located closer than thirty feet (30') to the right-of-way line of any roadway within the park, nor shall they be located closer than fifty feet (50') to the right-of-way line of any street adjacent to the park.

**8.2.2. Minimum Standards for Each Manufactured Home Space.** The following minimum standards shall apply to each manufactured home space:

- a) Minimum lot size per unit: 6,000 square feet
- b) Minimum lot width per unit: 60 feet
- c) Minimum lot depth per unit: 100 feet
- d) Minimum side yard per unit: 10 feet
- e) Minimum front yard per unit: 30 feet
- f) Minimum rear yard per unit: 10 feet

**8.2.3. Minimum Spaces Required Prior to Occupancy.** The minimum number of spaces completed and ready for occupancy before the first occupancy is permitted shall be five (5).

**8.2.4. Manufactured Home to Meet Code.** No manufactured home shall be permitted or admitted to any park unless it is in good repair and meets all applicable laws and regulations including either the code of the United States Department of Housing and Urban Development or of the Georgia Department of Community Affairs.

**8.2.5. Commercial Establishments in Manufactured Home Park.** Convenience establishments of commercial nature, including stores, laundry, dry cleaning establishments, pick-up laundry and dry-cleaning agencies, beauty shops and barber shops may be permitted in manufactured home parks provided that such establishments and the parking areas primarily related to their operations meet the following conditions:

- a) Shall not occupy more than ten percent (10%) of the area of the park;
- b) Are subordinate to the residential use and character of the park;
- c) Shall be located, designed and intended to serve frequent trade or service needs of persons residing in the park;
- d) Shall present no visible evidence to their commercial character from any portion of any residential district outside the park; and
- e) Excepting for the sale of alcoholic beverages.

**8.2.6. Minimum Street Standards for Manufactured Home Park.** The following minimum standards shall apply to streets within each manufactured home park:

- (1) General: Streets shall be provided on the site where necessary to furnish principal traffic-ways for convenient access to manufactured home stands and the other important facilities on the property;

- (2) Definition: Streets located within manufactured home parks shall be classified as minor or major streets. Major streets are those which carry traffic from minor streets to the system of streets and highways outside the manufactured home park. Minor streets are those which are used primarily for access to manufactured home stands;
- (3) Recognition of Existing Facilities: The street system shall be designed to recognize existing easements, utility lines, etc., which are to be preserved; and to permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems;
- (4) Circulation: The street system should provide convenient circulation by means of minor streets and properly located major streets. Closed ends of dead-end streets should be provided with an adequate paved vehicular turning circle at least eighty feet (80') in diameter.
- (5) Pavement Widths: Pavements should be of adequate widths to accommodate the parking and traffic load in accordance with the type of street. Pavement widths may be reduced by two (2') feet if adjacent sidewalk is provided.
  - (a) All entrance streets and other major streets with guest parking both sides: 36 feet minimum
  - (b) Major streets with no parking: 20 feet minimum
  - (c) Minor street with parking on one side: 28 feet minimum
  - (d) Minor or cul-de-sac street with no parking: 20 feet minimum
  - (e) One-way minor street with no parking (generally acceptable only if less than five hundred feet (500') total length and serving less than twenty-five (25) manufactured home stands): Eleven feet (11') minimum
- (6) Alignment and Gradient: Streets should be adapted to the topography and should have suitable alignment and gradient for traffic safety, satisfactory surface and ground water drainage, and proper functioning of sanitary and storm sewer systems.
- (7) Intersections: Street intersections should generally be at right angles. Offsets at intersections and intersections of more than two streets at one point should be avoided.
- (8) Extent of Improvements: The street improvements shall extend continuously from the existing improved street system to the site. They shall provide suitable access to the manufactured home stand and other important facilities on the property, adequate connections to existing or future streets at the boundaries of the property, and convenient circulation for vehicles.
- (9) Grading: Streets shall be graded for their full width to provide suitable finish grades for pavement and any sidewalks with (1) adequate surface drainage and (2) convenient access to the manufactured home stands and other important facilities on the property.
- (10) Edging: Pavements and surfacing other than cement concrete shall be protected at the edges by suitable means where necessary to prevent raveling of the wearing surface and shifting of the pavement base.
- (11) Sub-grade: The sub-grade shall be well drained, uniformly graded, and compacted.

(12) Flexible Pavement:

- (a) Where a pavement base is necessary, it should be a minimum of four inches (4") thick and composed of crushed stone, gravel, or other appropriate durable material compacted to the maximum practical density.
- (b) The wearing surface should be of bituminous concrete and a minimum of one and one-half inches (1 ½") thick compacted to the maximum practical density.

(13) Rigid Pavement: Where Portland cement concrete is used, it should not be less than five inches (5") thick on a prepared sub-grade constructed in accordance with accepted practices, with expansion joints where driveways and walk abut each other or the curb.

**8.2.7. Minimum Parking Standards for Manufactured Home Park.** The following minimum standards shall apply to parking spaces in manufactured home parks:

- (1) Numbers: Car parking spaces shall be provided in sufficient number to meet the needs of the property and their guest without interference with normal movement of traffic. Such facilities should be provided at the rate of at least one car space for each manufactured home lot plus an additional car space for each four (4) lots to provide for guest parking, for two (2) car tenants, and for delivery and service vehicles.
- (2) Location: Required car parking spaces should be located for convenient access to the manufactured home stands. Usually one car space should be located on each lot and the remainder located in adjacent parking bays.
- (3) Size:

Width: 10 feet

Length: 20 feet

**8.2.8. Approval from Health Department.** In addition to meeting the above requirements the manufactured home park site plan shall be accompanied by a certificate of approval from the County Health Department.

**SECTION 8.3. CAMPGROUNDS AND TRAVEL PARKS**

**8.3.1. Travel Trailer Parks and Campgrounds.** In any district where travel trailer parks are permitted, the applicant must submit a layout of the park subject to the following conditions:

- a) No travel trailer park shall be located except with direct access to a City, County, State, or Federal Highway, with a minimum lot width of not less than fifty feet (50') for portion used for entrance and exit. No entrance or exit shall be through a residential district, or shall require movement of traffic from the park through a residential district.
- b) A travel trailer park shall have a minimum lot area of three (3) acres.
- c) Space in travel trailer parks may be used by travel trailers provided they meet any additional laws, ordinances and resolutions of the Roberta City Council.

- d) Management headquarters, recreational facilities, toilets, showers, laundry facilities, and other uses and structures customarily incidental to operation of a trailer park are allowed, provided:
  - 1. Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent (10%) of the area of the park.
  - 2. Such establishments shall be restricted in their use to occupants of the park.
  - 3. Such establishments shall present no visible evidence of their commercial character, which would attract customers, others than occupants of the park.
- e) No space shall be so located that any part intended for occupancy for sleeping purposes shall be within fifty feet (50') of the right-of-way line of any freeway, expressway, or collector street, or within twenty-five feet (25') of the right-of-way of any minor street.
- f) In addition to meeting the above requirements, the travel trailer park site plan shall be accompanied by a certificate of approval of the County Health Department.

#### **SECTION 8.4. TOWNHOUSES**

Within the district permitting townhouses including Planned Unit Development District, the following requirements shall apply:

- 8.4.1 No more than ten (10) or fewer than three (3) continuous townhouses shall be built in a row with approximately the same (but staggered) front line.
- 8.4.2 No side yard is required except that on corner and interior lots the end of the building in any townhouse grouping shall conform to the side yard requirements of that district.
- 8.4.3 Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks; and no off-street parking space shall be more than one hundred feet (100') by most direct pedestrian route, from a door of the dwellings unit it intends to serve. Maneuvering incidental to parking shall take place entirely within the townhouse complex.
- 8.4.4 All townhouse complexes shall be required to tie into the public or community sanitary sewer system. No other means of waste disposal shall be permitted.
- 8.4.5 All other requirements within the district in which the townhouses are located shall prevail.
- 8.4.6 In group development projects involving townhouses, and in all townhouse projects, additional common open space shall be provided as required under Section 6.1.5.4. (1). No buildings, parking, storage, or other use shall be made of this open space.
- 8.4.7 Provision for the maintenance of all common parking, open access, and other spaces and areas shall be included in the deed restriction of the properties.

## **SECTION 8.5. ACCESSORY AND TEMPORARY BUILDINGS**

**8.5.1. Accessory Buildings.** The location of accessory buildings and uses in residential districts must meet the following requirements:

- a) Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a roof, and therefore such requirements applicable to the main building shall be applicable to the accessory building.
- b) A detached accessory building in which flammable materials are stored shall not be closer than twenty feet (20') to the main building or closer than ten feet (10') to the lot line. No accessory building can be so situated to interfere or restrict minimum light, air, and health standards as determined by the health official.
- c) A detached accessory building may not be more than two (2) stories in height and may not be constructed on more than thirty percent (30%) of the rear yard.
- d) No detached accessory building may be located in front of the building setback line.

**8.5.2. Temporary Buildings.** Temporary buildings used in conjunction with construction work only may be permitted in any district and shall be removed immediately upon completion of construction.

## **SECTION 8.6. FALLOUT SHELTERS**

Fallout shelters are permissible as principal or accessory uses and structures in any district, subject to the following conditions:

- a) If any portion of the structure extends above the ground, that portion above the ground must comply with the yard and lot coverage regulations of the district in which it is located, and the site plan for such shelter must be approved by the Zoning Administrator.
- b) If the structure is completely underground, it need not comply with yard requirements or percentage of lot coverage requirements.
- c) A fallout shelter, underground or above ground, shall be confined to a side or rear yard and shall not be located in the front yard between the main building and the street on which it fronts.
- d) Fallout shelters may contain or be contained in other structures or may be constructed separately.

## **SECTION 8.7. HOME OCCUPATIONS**

**8.7.1. Special Requirements.** Home occupations, where permitted, must meet the following special requirements prior to the issuance of a Home Occupation Permit.

- a) The applicant must be the owner of the property on which the home occupation is to be located, or must have written approval of the owner of the property if the applicant is a tenant.
- b) The home occupation shall be operated only by the members of the family residing on the premises and no article or service shall be sold or offered for sale except as may be produced by members of the immediate family residing on the premises.

- c) The home occupation shall be restricted to the main building only and shall not occupy more than twenty-five percent (25%) of the floor area with said building.
- d) The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, vibration, electrical disturbance, or radio activity or other conditions that will be a nuisance to the surrounding area.
- e) Any business sign placed on the premises shall not be larger than nine square feet (9 sq. ft.) in sign area and unlighted.

**8.7.2. Expiration.** A permit for home occupations shall expire under the following conditions:

- a) Whenever the applicant ceases to occupy the premises for which the home occupation was issued, no subsequent occupant of such premises shall engage in any home occupation until he shall have been issued a new permit after proper application.
- b) Whenever the holder of such a permit fails to exercise the same for any period of six (6) consecutive months.

## **SECTION 8.8. AUTOMOBILE SERVICE STATIONS**

Within the districts permitting automobile service stations, the following requirements shall apply:

**8.8.1. Location.** The property on which an automobile service station is located shall not be within one hundred feet (100') of any residential district, or any property containing a school, public playground, church, hospitals, public library, or institution for children or dependents.

**8.8.2. Site Requirements.** An automobile service station shall have a minimum frontage on the primary street of one hundred twenty feet (120') and a minimum area of twelve thousand square feet (12,000 sq. ft.). All buildings shall be set back forty feet (40') from all street right-of-way lines and all canopies shall be set back fifteen feet (15') from all street right-of way lines except in the C-2 district in which these setbacks shall be eighty feet (80') and thirty feet (30') respectively.

**8.8.3. Access to Site.** The following provisions shall apply to vehicular entrances or exits at an automobile service station:

- a) Shall not be provided with more than two (2) curb cuts for the first one hundred twenty feet (120') of street frontage or fraction thereof.
- b) Shall contain an access width along the curb line of the street of not more than forty feet (40') as measured parallel to the street at its narrowest point and shall not be located closer than twenty feet (20') to a street intersection or closer than ten feet (10') to the adjoining property.
- c) Shall not have any two driveways, or curb cuts, any closer than twenty feet (20') at both the right-of-way line and the curb or edge of the pavement along a single street.

**8.8.4. Gasoline Pump Islands.** All gasoline pump islands shall be set back at least thirty feet (30') from the right-of-way line. When the pumps are perpendicular to the right-of-way the pump island shall be sixty feet (60') from the right-of-way line.

**8.8.5. Off-Street Parking.** A minimum of two (2) off-street parking spaces are required with an additional off-street parking space for each lubrication and wash bay.

**8.8.6. Other Site Improvements.** In addition to the above requirements, the following additional site improvements shall be adhered to:

- a) A raised curb of at least six inches (6") in height shall be erected along the street property lines, except for driveway openings.
- b) A solid fence buffer or wall six feet (6') in height shall be erected along all adjacent property lines facing any residential lot.
- c) Exterior lighting shall be arranged so that it is deflected away from adjacent properties.
- d) Signs, whether permanent or temporary, shall not be placed within the public right-of-way and shall be arranged so that they do not obstruct visibility for drivers or pedestrians.
- e) All drives, parking storage, and service areas shall be paved and curbed and a good stand of grass shall be maintained on the remainder of the lot.
- f) All commercial or rental vehicles parked at the premises shall be screened from the adjacent street view.

**8.8.7. Storage of Inflammable Products.** Outside above-ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gases shall be prohibited at any automobile service station in all zoning districts.

## **SECTION 8.9. SIGNS**

The provisions of this section shall govern the location, size, set-back, and height of signs in each of the use districts established in this resolution in order to ensure safe construction, light, air, and open space, to reduce hazards at intersections, to prevent the accumulation of trash, and to protect property values of the entire community.

### **8.9.1. General Provisions**

- a) All types of signs, except outdoor advertising signs, shall be allowed without a permit in all zoning districts where they are permitted uses.
- b) All outdoor advertising signs shall be subject to the same side yard and height limitations imposed upon buildings or structures in the use district in which said sign is located, except as otherwise provided herein.
- c) For the purpose of computing sign size, both sides of a "V-type" or double-faced outdoor advertising sign shall be considered.
- d) Rooftop outdoor advertising signs or sign structures shall not extend beyond or overhang any exterior wall of the building upon which secured.
- e) No outdoor advertising sign or sign structure shall be placed upon any street highway right-of-way.
- f) No outdoor advertising sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection; or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing, as required in Section 7.5.2.
- g) No outdoor advertising sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape.
- h) No portion of any outdoor advertising sign shall be less than ten feet (10') above the level of a sidewalk or other pedestrian thoroughfare, nor shall be less than sixteen feet (16') above the level of a public driveway, alley, or street.

**8.9.2. Signs Other than Outdoor Advertising Signs as Permitted Uses.** Signs for the purpose of conveying information, knowledge, or ideas to the public about a subject directly relating to the premises on which it is located shall be permitted in the following zoning district provided the specified requirements are met:

#### **8.9.2.1. R-AG, R-1, R-2 and R-MH Residential District.**

- a) A single non-illuminated professional or announcement sign per lot, not exceeding two (2) square feet in area and attached wholly to a building.
- b) "For Sale" or "For Lease" signs not exceeding two square feet (2 sq. ft.) in size are allowed for a period of ninety (90) days.

- c) Permanent signs not exceeding twelve square feet (12 sq. ft.) in size identifying subdivisions of ten (10) or more lots, or church bulletin boards not exceeding eighteen square feet (18 sq. ft.) in size.

**8.9.2.2. C-1 Commercial Districts.**

- a) Professional or announcement signs having not more than twelve square feet (12 sq. ft.) of size.
- b) Signs pertaining to the sale or lease of property upon which it is located.
- c) Principal use identification signs limited to forty square feet (40 sq. ft.) in size.

**8.9.2.3. C-2 and C-3 Commercial Districts.**

- a) Professional or announcement signs having not more than twelve square feet (12 sq. ft.) in size.
- b) Signs pertaining to the sale or lease of property upon which it is located.
- c) One sign or billboard pertaining to the principal use of a building or the lot for each lot with one hundred feet (100') or less of lot frontage with one (1) additional sign for each additional one hundred feet (100') or less of lot frontage under single ownership provided said sign shall not exceed four hundred square feet (400 sq. ft.) in size per structure facing. Where two signs, each not exceeding two hundred square feet (200 sq. ft.) in size per structure facing, are supported by the same sign structure, one above the other, they shall be considered as a single sign.

**8.9.2.4. I-G General Industrial District.**

One (1) sign or billboard pertaining to the principal use of a building on the lot for each lot with seventy-five feet (75') or less of lot frontage with one (1) additional sign for each additional seventy-five feet (75') or less of lot frontage under single ownership, provided said sign shall not exceed four hundred square feet (400 sq. ft.) in size per structure facing. Where two signs, each not exceeding two hundred square feet (200 sq. ft.) in size per structure are facing and are supported by the same sign structure, one above the other, they shall be considered as a single sign.

**8.9.3. Outdoor Advertising Sign as Permitted Uses.** For the purpose of this resolution the Georgia Outdoor Advertising Law, Section 95A-913 through 95A-934, governing outdoor advertising adjacent to any state-aid-road which is also a part of the interstate or primary systems of highways is hereby made a part of this resolution and shall govern the placement and maintenance of signs in addition to the following provisions. Whenever this resolution is at variance with the state law the most restrictive shall govern.

**8.9.3.1. C-2 and C-3 Commercial Districts.** Outdoor advertising signs such that the total sign area, including the sign area of all signs other than outdoor advertising signs which are located on the same lot, shall not exceed one thousand square feet (1,000 sq. ft.) of display size on any one lot.

**8.9.3.2. I-G General Industrial Districts.** Outdoor advertising signs such that the total sign size including the sign area of all signs other than outdoor advertising signs shall not exceed fifteen hundred square feet (1,500 sq. ft.) of display size in any one lot.

**8.9.4. Signs Prohibited in all Districts.** The following signs are prohibited in all zoning districts:

- a) Any sign erected or painted upon a sloping roof, fence, tree, stand-pipe, fire escape, or utility pole.
- b) Any sign that has the word "Stop" or "Danger" prominently displayed and /or which is a copy or imitation of official traffic control signs.
- c) Any sign which contains flashing or intermittent red, green, or amber illumination which could interfere with the effectiveness of, or obscure, an official traffic sign, device, or signal.

**8.9.5. Maintenance and Removal of Outdoor Advertising Signs and Other Sign Structures**

- a) All outdoor advertising signs and other sign structures shall be kept in good repair and a proper state of preservation.
- b) Outdoor advertising signs and other sign structures which are no longer functional, or are abandoned, shall be removed, or relocated, at the owner's expense, in compliance with the provisions of this resolution within thirty (30) days following dysfunction.
- c) Any legally established non-conforming outdoor advertising sign or other sign structure shall be permitted without alteration in size or location, provided that the requirements of Section 7.2 of this resolution are adhered to and provided that nothing herein shall prevent maintenance, repairing, or posting of legally established non-conforming signs.
- d) In the event of the destruction, partial or complete, of an outdoor advertising sign or other sign structure, the owner thereof shall have the right to reconstruct, rebuild, renovate, or repair said sign substantially to the same condition as before said destruction, provided the provisions of Section 7.2 of this resolution are met.

**SECTION 8.10. CEMETERIES**

Within the districts permitting cemeteries, the following requirements shall apply:

- 8.10.1 The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.
- 8.10.2 Any new cemetery shall be located on a site containing not less than twenty (20) acres.
- 8.10.3 All structures shall be set back no less than twenty-five feet (25') from any property line or street right-of-way line.
- 8.10.4 All graves or burial lots shall be set back not less than twenty-five feet (25') from any property line or minor street right-of-way lines, and not less than fifty feet (50') from any collector, arterial, or expressway right-of-way line.

- 8.10.5 The entire cemetery property shall be landscaped and maintained.
- 8.10.6** No private/family cemeteries permitted. **(Amended August 19, 2008)**
- 8.10.7 Applicant must meet all requirements and guidelines from the Health department. **(Amended August 19, 2008)**
- 8.10.8 Applicant must meet any/all State and Federal requirements/guidelines. **(Amended August 19, 2008)**
- 8.10.9 A permit fee will be assessed at the rate of \$50/acre at the time of issuance of permit. **(Amended August 19, 2008)**

## **SECTION 8.11. PERFORMANCE STANDARDS FOR NON-RESIDENTIAL USES**

**8.11.1. General Requirements.** The manufacturing, processing, fabrication, repair, and servicing of any commodity or product are subject to the following conditions:

- a) Any such use as determined by the Zoning Administrator that may be obnoxious or offensive by reason of the emission of odors, dust, smoke, gas, noise or vibration shall be referred to the Environmental Protection Division of the Georgia Department of Natural Resources; and
- b) Prior to issuing a Building Permit, the applicant shall provide the Zoning Administrator with written approval of the nature, plans, and specifications of the said use from the Environmental Protection Division of the Georgia Department of Natural Resources; and
- c) All other requirements within the district in which these industrial activities can be located shall be met.

## **SECTION 8.12. LONG TERM STORAGE FACILITY**

Within the districts permitting long-term storage facilities, the following requirements shall apply:

### **8.12.1. General Requirements**

- a) Minimum site area shall be (one) 1 acre

### **8.12.2. General Development Standards**

- a) Site plan, sealed engineered if required by the city, showing the number of parking stalls, circulation, setbacks, buffers, fencing, lighting layout, drainage, grading, and stormwater facilities, if applicable.
- b) Traffic access memorandum, including coordination with GDOT, if applicable.
- c) Landscape and buffer plans.
- d) Operations and security plan.
- e) Proof of water and sewer or approved septic, for restrooms, if required.

### **8.12.3. Operating Standards**

- a) Truck storage spaces must be minimum twelve (12) feet wide by seventy-five (75) feet long.
- b) Adequate maneuvering space must be provided so trucks can enter and exit without backing onto public streets.
- c) Parking and storage areas must be adequate to support heavy vehicles and provide proper drainage. Materials for ground support include paved gravel, millings, compacted earth, or other stabilized surfaces approved by the city.
- d) Fencing is encouraged for security but is not required.
- e) Where a fence or wall is installed adjacent to residentially zoned property, a minimum ten (10) foot landscaped buffer shall be provided between the fence or wall and the residential property line to allow for maintenance. This buffer requirement may be waived when the adjacent residential property is under common ownership or when a notarized written agreement waiving the buffer is filed with the city by the residential property owner.
- f) Lighting is not required; however, any lighting provided shall be shielded and directed inward to prevent spillovers onto adjacent properties if present.
- g) Security lighting and additional security measures, such as cameras, controlled access gates, or on-site personnel, are encouraged but not required.
- h) Facilities must be designed to allow access for emergency vehicles. This can include keys or gate codes on file with the local authorities to access the property.

### **8.12.4. Additional Standards**

- a) Vehicle maintenance, fueling, washing, or repair operations shall not be permitted except for minor incidental maintenance necessary to move or secure vehicles. Fueling and vehicle washing shall be prohibited unless conducted within a designated area designed and operated in compliance with all applicable federal, state, and local environmental regulations. The storage of hazardous materials, chemicals, petroleum products, or regulated waste shall be prohibited except in quantities normally associated with vehicle operation. Any permitted storage or handling of such materials shall comply with all applicable federal, state, and local environmental regulations.
- b) Outdoor storage of vehicle parts, tires, scrap materials, or similar items is prohibited. Temporary storage of disabled vehicles is permitted, provided such vehicles do not exceed ten percent (10%) of the total parking or storage capacity of the facility and do not create the appearance of a salvage operation.
- c) 24-hour access is allowed but may be limited at the discretion of the business owner.

### **8.12.5. Additional Requirements**

- a) The City Council may require additional buffering or screening where Long-Term Storage Facilities are adjacent to non-commercially zoned properties, based on site-specific conditions.

## **ARTICLE IX. EXCEPTIONS AND MODIFICATIONS**

### **SECTION 9.1. YARD REQUIREMENTS**

Yard requirements shall be modified subject to the following conditions:

- a) On double frontage lots, the required front yard setbacks shall be provided on each street.
- b) Whenever a rear property line of a lot abuts upon an alley one-half (1/2) of the alley width shall be considered as a portion of the required rear yard.
- c) An unroofed porch may project into a required front yard for a distance not exceeding ten feet (10').

### **SECTION 9.2. ACCESS TO PUBLIC STREETS**

Access to public streets, except if provided for herein, shall be maintained in accordance to the following requirements:

- a) Each principal use shall be located on a lot or parcel that provides frontage on a public street having a right-of-way of not less than eighty feet (80').
- b) In a PUD District located in a residential or agricultural district, each principal use shall have access to a public street, which may be by means of a common easement not open to the general public. All subdivisions shall be designed to allow access to public streets in such a manner that no driveway shall be located within fifty feet (50') of any other driveway. Driveway location and construction within the right-of-way of any public street must be approved by the County Road Superintendent.
- c) Each driveway on dirt streets must be graveled or must have crush and run, on a paved street the driveway must be of asphalt or like material used in the paving of the street.

### **SECTION 9.3. FRONT AND SIDE YARD SETBACKS FOR DWELLINGS**

The setback requirements of this resolution for side yards on corner lots and/or in front yards shall not apply to any lot where the average setback on developed lots located, wholly or in part, 100 feet on each side such lot and within the same block and zoning district and fronting on the same streets as such lot, is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback but not less than the average of the existing setbacks on the existing developed lot.

### **SECTION 9.4. ADDITIONAL DWELLINGS ON A SINGLE LOT**

The Board of Zoning Appeals, after review of an application and public hearing thereon, may grant a special exception to permit one additional single-family dwelling, or manufactured home on the same lot or parcel of land as that of the main dwelling provided that:

- a) Each additional dwelling conforms to the minimum lot area, minimum width and maximum lot coverage requirements for such dwellings as set forth in Section 6.1, and conforms to the yard requirements as set forth in Section 6.1.

- b) The arrangement of such additional dwellings is in such a manner that if the lot or parcel of land is ever subdivided no nonconforming lots or nonconforming buildings are created; and
- c) Each additional dwelling or manufactured home has access to a public street by means of an unobstructed passageway of at least thirty feet (30') in width.

## **ARTICLE X. ZONING ADMINISTRATION**

### **SECTION 10.1. DUTIES AND POWERS OF THE ZONING ADMINISTRATOR**

The Zoning Administrator shall be designated by the Board of County Commissioners/Roberta City Council whose duties and powers are as follows:

- 10.1.1 The Zoning Administrator is authorized and empowered on behalf and in the name of the Board of County Commissioners and the Roberta City Council to administer and enforce the provisions of this resolution to include receiving applications, inspecting premises, and issuing building permits and certificates of occupancy for uses and structures which are in conformance with the provisions of this resolution.
- 10.1.2 The Zoning Administrator does not have the authority to take final action on applications or matters involving variances, nonconforming uses, or other exceptions which this resolution has reserved for public hearings before the Board of Zoning Appeals, and the Roberta City Council; provided, however, that the Zoning Administrator shall have authority to authorize variances not to exceed ten (ten) feet in lot sizes and set-backs.
- 10.1.3 The Zoning Administrator shall keep records of all and any permits, including buildings permits and certificates of occupancy issued, and all submitted subdivision plats, with notations of all special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of his office and shall be made as a public record.
- 10.1.4 The Zoning Administrator may approve plats of proposed subdivisions of five (5) lots or less provided that no new road is being created and where the plat is in conformity with the Subdivision Regulations of the City of Roberta that have been adopted and are in effect.

### **SECTION 10.2. ESTABLISHMENT OF THE JOINT BOARD OF APPEALS/ PLANNING AND ZONING COMMISSION**

The joint Roberta/Crawford County Board of Zoning Appeals and the Planning and Zoning Commission is hereby established. **(Amended October 20, 2009)**

**10.2.1. Membership.** The Joint Board of Zoning Appeals shall consist of five (5) members three (3) members will be from the unincorporated area of Crawford County and two (2) members will be from the incorporated area of Roberta. These appointments will be made by

the County Commissioners of Crawford County for the former and by Roberta City Council for the latter.

**10.2.2. Appointments.** The appointment of the Board of Appeals will be as follows: The unincorporated area of Crawford County will appoint/reappoint three (3) members to the Board of Appeals to run two (2) years terms. Terms shall run concurrent with local County Commissioner election cycles. Appointments/reappointments shall be made within 60 days from the date of inauguration of the elected/re-elected County Commissioners. A majority vote from the Board of Commissioners is required to appoint/reappoint Board of Appeals members. Term length and appointment criteria for the two (2) members from the incorporated area of Roberta shall be set forth by the Roberta City Council.

**(Amended October 20, 2009)**

**10.2.3. Membership.** Planning and Zoning Commission. The joint Planning and Zoning Commissioner shall consist of seven (7) members, five (5) shall be taken from the unincorporated area of Crawford County and two (2) members will be from the incorporated area of Roberta. The appointments shall be made by the County Commissioners of Crawford County for the former and by Roberta City Council for the latter. **(Amended October 20, 2009)**

**10.2.4. Appointments.** The members of the Planning and Zoning Commission shall be appointed as follows: Unincorporated area of Crawford County – within 60 days of inauguration, the elected/re-elected Commissioner may appoint/reappoint a member to the Planning and Zoning Commission from within his/her district for the length of four (4) years. Appointment must be confirmed by a majority vote of the Board of Commissioners. Term length and appointment criteria for the two (2) members from the incorporated area of Roberta shall be set forth by the Roberta City Council. **(Amended October 20, 2009)**

**10.2.5. Vacancies.** Any vacancy in the membership of either the Board of Appeals or the Planning and Zoning Commission shall be filled by the majority vote of the Board of Commissioners for the unincorporated area of Crawford County. Vacancies of members of the incorporated area of Roberta shall be filled by standards and criteria set forth by the Roberta City Council. Members shall be removable for cause by the Board of County Commissioners in cases for members for the unincorporated area of Crawford County and by the Roberta City Council for the incorporated area of Roberta, upon written charges and after public hearing thereon. **(Amended October 20, 2009)**

**10.2.6. Public Offices Held.** No member shall hold any public office. **(Amended October 20, 2009)**

**10.2.7. Rules of Procedure.** Said Board shall adopt rules in accordance with the provisions of this resolution and the General Planning and enabling Legislation of 1957, as amended, for the conduct of its affairs. **(Amended October 20, 2009)**

## **SECTION 10.3. DUTIES AND POWERS OF THE BOARD OF ZONING APPEALS**

The Board of Zoning Appeals shall have the following duties and powers:

**10.3.1. Appeals.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator, or other administrative official, in the enforcement of this resolution.

**10.3.2. Variances.** To authorize upon appeal in specific cases such variance from the terms of this resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this resolution will, in an individual case, result in unnecessary hardship, so that the spirit of this resolution shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Appeals that:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and
- b. The application of this resolution to the particular piece of property would create an unnecessary hardship; and
- c. Such conditions are peculiar to the particular piece of property involved; and
- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose or intent of this resolution.

#### **SECTION 10.4. POLICIES, PROCEDURES AND STANDARDS FOR ZONING DECISIONS**

Whereas the Official Code of Georgia Annotated Section 36-66-5(a) Requires that all local governments adopt policies and procedures to govern the calling and conducting of hearings at which zoning decisions are made; and whereas the Official Code of Georgia Annotated Section 36-66-5(b) requires all local governments to adopt standards governing the exercise of the Zoning Power. Now, therefore, be it resolved that policies, procedures and standards for the aforementioned purposes be adopted as follows:

##### 10.4.1. Policies.

- a) Citizens and property owners are to have a reasonable notice of any proposed zoning decisions.
- b) Citizens and property owners are to have reasonable opportunity to become informed of the nature, effect and details of any proposed zoning decision.
- c) Citizens and taxpayers are to have an opportunity to make known their support or objection to any proposed zoning decisions.
- d) The Roberta City Council is to have an opportunity to review proposed zoning decisions in an orderly manner, to receive the comments of interested citizens and property owners and to receive the advice and suggestions of the Zoning Administrator and the Planning Commission.

##### 10.4.2. Procedures.

- a) Upon receipts of an application for a zoning decision, the Zoning Administrator shall cause the notices required by Official Code of Georgia Annotated Section 36-66-4 to be given at the appropriate time.
- b) The Roberta City Council shall hold a public hearing at the earliest possible time under the Requirements of Official Code of Georgia Annotated Section 36-66-4 and consistent with any requirements set forth in the Comprehensive Resolution.
- c) The recommendations of the Planning Commission, if any, shall be read aloud into the minutes of the public hearing.
- d) Persons wishing to be heard may be required to register in advance with the City Clerk, may be limited to a certain amount of time for speaking if appropriate for the orderly and prompt conduct of the hearing, and shall not speak until recognized by the Chairman or other presiding officer.

#### 10.4.3. Standards.

- a) Any zoning decision should promote the health, safety and general welfare of the citizens of the City of Roberta.
- b) Any zoning decision should prevent the overcrowding of land and the undue concentration of Population.
- c) Any zoning decision should facilitate the adequate provision of transportation and public roadways, water utilities, sewerage, garbage collection, schools, parks and other public requirements.
- d) Any zoning decision should secure safety from fire, panic, traffic congestion and other dangers.
- e) Any zoning decision should permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property.
- f) Any zoning decision should not adversely affect the existing use or usability of adjacent or nearby property.
- g) Any zoning decision should give consideration to whether the subject property has a reasonable economic use as currently zoned and the extent to which its value is diminished by its current zoning.
- h) Any zoning decision should give consideration to the presence of existing or changing conditions affecting the use and development of the subject property.
- i) The effect of any zoning restrictions in promoting the health, safety, morals, or general welfare of the general public should be greater than and should justify the hardship imposed on the owner whose property value is lowered by the restriction.
- j) The subject property should be suitable for the zoned purposes.
- k) The zoning decisions should take into account the length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.

#### **SECTION 10.5. POLICIES AND PROCEDURES FOR ZONING HEARINGS**

The Georgia Zoning Procedures Law (Title 36, Chapter 66, Official Code of Georgia Annotated) requires that local government adopt policies and procedures which govern calling and conducting hearings required by Code Section 36-66-4

- a) Zoning hearing shall be held monthly when and if needed at a time and place provided in the published notice of the hearing.
- b) The proposed zoning action and the party initiating said proposal for zoning action shall be stated, and the recommendation of the Planning/Zoning Commission shall be read.
- c) Both persons favoring and persons opposing a proposed zoning action shall have an opportunity to address the Roberta City Council.
- d) The Mayor may place reasonable limits on the number of persons who may speak for each view or on each issue raised, on the time allowed for each speaker, or on the total time allowed for presentation of each view.

- e) Because of time constraints in hearings, interested parties shall be encouraged to submit petitions, letters and other materials requiring prior study in time to have them included in the final agenda. The commission shall have discretion to accept such materials at the hearing if circumstances did not permit earlier submittal. Such materials, if presented orally at the hearing, shall be subject to the time limits provided above.
- f) The Roberta City Council shall have discretion to continue a hearing to alter date if the materials submitted or views expressed require more time for study and consideration than may be reasonably be allocated in one meeting.
- g) The Roberta City Council may call for such additional views, studies, or other information from any source as they may consider necessary to making a sound decision on the proposed action.

## **SECTION 10.6. APPEALS FOR ADMINISTRATIVE REVIEW AND VARIANCES FROM THE ZONING REGULATIONS**

**10.6.1. Appeals for Administrative Review.** Appeals for administrative review to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Roberta affected by any decision of the Zoning Administrator or other administrative official. Such appeal shall be taken within thirty (30) days after the decision involved by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the secretary of the Board all the papers constituting the record upon which the action appealed from was taken. Application forms for an appeal for administrative review shall be obtained from the Zoning Administrator. The applicant shall pay all costs of advertising for public hearings, all required signs, and all administrative costs according to the fee schedule adopted by the City of Roberta.

**10.6.2. Request for Variances from Zoning Regulations.** Requests for variances from the zoning regulations may be taken to the Board of Zoning Appeals by filing an application with the Zoning Administrator. The applicant shall pay all costs of advertising for public hearings, all required signs, and all administrative costs according to the fee schedule adopted by the City of Roberta. An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, at a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; easements (private and public); water courses; fences; street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application. The Zoning Administrator shall transmit said application to the secretary of the Board and all other papers constituting the record upon which the request is made.

**10.6.3. Public Hearing.** The Secretary of the Board shall promptly as possible notify the Board so that the date of the public hearing can be set. If the applicant elects to withdraw the appeal at this or any other stage before final determination by the Board, this fact shall be noted on the original and both copies of the application, with the signature of the applicant attesting withdrawal. The original shall be retained by the secretary for the files of the Board, one copy shall be returned to the applicant.

**10.6.4. Additional Information Requested.** If the appeal is not withdrawn, the Board may request the applicant to provide such additional information, not furnished on the application, as needed to determine the particular case, which information shall be provided by the applicant before decision is made by the Board.

**10.6.5. Public Notice.** The public notice shall be published not less than fifteen (15) days prior to all hearings of appeals before the Board in a newspaper of general circulation in the County. It shall be the responsibility of the Zoning Office to have said notice published. If the public notice cannot be published fifteen (15) days prior to the regularly scheduled meeting, an appeal will be heard at the next regularly scheduled meeting. The applicant shall pay all costs for said notice. Prior to the hearing, the Zoning Administrator shall cause to have posted in a conspicuous place on the property in question one or more signs, each of which shall not be less than four square feet (4 sq. ft.) in area, shall contain information as to the appeal and the date and time of the public hearing, and the cost of each shall be paid by the applicant prior to the public hearing. In addition, due notice to the parties in interest shall be sent by registered or certified mail no later than fifteen (15) days before the public hearing. **(Amended October 20, 2009)**

**10.6.6. Amendment to an Appeal.** After public notice has been given, an amendment of an appeal may be permitted at any time prior to or during the public hearing provided that no such amendment shall be such as to make the case different from the description in the notice of public hearing. If an amendment is requested by the applicant after public notice of the hearing has been given, and such amendment is at variance with the information set forth in the public notice the applicant shall pay all the costs of the amended public notice. If the amended notice can be published fifteen (15) days prior to the hearing originally scheduled, the hearing on the amended appeal may be held on that date, otherwise the chairman shall announce that the hearing originally scheduled on the case will be given, and will state the reasons for the deferral.

**10.6.7. Stay of Legal Proceedings.** An appeal stays all legal proceedings in furtherance of the action appeal from, unless the officer from whom the appeal is taken certifies to the Roberta City Council, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause eminent peril to life and property. In such case, proceeding shall not be stayed by the Roberta City Council or by a court of record, on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

## **SECTION 10.7. ZONING MAP AMENDMENTS**

When the Roberta City Council, Planning Commission, or any person, firm or corporation desires to amend the Official Zoning Map, the following procedures shall be followed:

- 10.7.1 Any petition for a zoning map amendment may be withdrawn prior to action thereon by the Board of County Commissioners at the discretion of the person, firm or corporation initiating such a request upon written notice to the Zoning Administrator.  
**(Amended October 20, 2009)**
- 10.7.2 The application shall be sent to the Planning Commission for review and recommendation, and said Planning Commission shall have thirty (30) days within which to submit a report to the Roberta City Council. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment. If applying for a rezoning, the Zoning Commission and City Council have the right to deny, approve, or as set forth in the Roberta City Ordinance.  
**(Amended October 17, 2006)**
- 10.7.3 The Zoning Administrator shall cause to have posted in conspicuous place on the property or parcel of land involved in the zoning map amendment one or more signs, each of which shall not be less than four square feet (4 sq. ft.) in area, shall contain information as to the proposed change and the date and time of the required public hearing, and the cost of each sign shall be paid by the applicant prior to the public hearing. **(Amended October 20, 2009)**
- 10.7.4 Before enacting an amendment to the zoning map, the Roberta City Council shall hold a public hearing thereon provided that at least fifteen (15) days legal notice has been

published in a newspaper of general circulation in the city and a sign or signs have been posted on the property in question for at least fifteen (15) days prior to the said public hearing.

- 10.7.5 The Roberta City Council shall hold a public hearing at the earliest possible time under the time limits spelled out above the time to consider the proposed zoning map amendment. The recommendations of the Planning Commission shall be read aloud into the minutes of the public hearing. The Roberta City Council shall take action on said date of their public hearing except in the case where their tentative action is not in accordance with the Planning Commission's certified recommendation. In such case, the Roberta City Council shall not make any change in or departure from maps as recommended and certified by the Planning Commission, unless such change or departure be first resubmitted to the Planning Commission for an additional review and recommendation. The Planning Commission shall have thirty (30) days to resubmit its recommendation. If the Planning Commission does not resubmit its recommendations within thirty (30) days, the Roberta City Council may proceed to take action on the amendment as it sees fit. Upon resubmission by the Planning Commission, the Roberta City Council shall hold a public hearing as described above and take final action on the request.
- 10.7.6 Any petition for a zoning map amendment may be withdrawn prior to action thereon by the Roberta City Council at the discretion of the person, firm or corporation initiating such a request upon written notice to the Zoning Administrator.  
**(Amended October 20, 2009)**
- 10.7.7 A property owner, or his appointed agent, shall not initiate action for a zoning map amendment affecting the same parcel of land more often than once every six (6) months.
- 10.7.8 Any petition for a map amendment to this resolution unless said petition is initiated by the Roberta City Council or the Planning Commission shall be accompanied by a fee payment according to the fee schedule adopted by the City of Roberta which shall include the cost of advertising for the required public hearing and the cost of the required signs.

## **SECTION 10.8. SPECIAL EXCEPTIONS**

When the Roberta City Council, Planning Commission, City Planning Staff, or any person, firm or corporation seeks to use a property in a manner only allowed by special exception, the following procedure shall be used:

**10.8.1. Application for Special Exception.** An application for the special exception must be submitted in writing to the Zoning Administrator describing the proposed use. The application must be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; easements (private and public); water courses; fences; street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application. The applicant shall be required to pay a fee according to the fee schedule adopted by the City of Roberta.

**10.8.2. Planning Commission Review.** When complete, the Zoning Administrator shall transmit said application to the Planning Commission for review and recommendation, along with all other papers constituting the record upon which the request is made. The Planning Commission shall have thirty (30) days within which to submit a report to the Roberta City

Council. If the Planning Commission fails to submit a report within thirty (30) days, it shall be deemed to have approved the requested special exception.

**10.8.3. Public Notice.** The Roberta City Council shall hold a public hearing on the application after publishing public notice of such hearing at least fifteen but not more than forty-five (45) days before the date of the hearing within a newspaper of general circulation within the city. The notice shall state the time, place, and purpose of the hearing, the location of the property, the current zoning on the property, and the use for which special exception is requested.

**10.8.4. Sign Required.** A sign containing the same information as the public notice shall be placed in a conspicuous location on the property not less than fifteen (15) days prior to the date of the hearing.

**10.8.5. City Council Review.** The Roberta City Council shall hold a public hearing and the recommendations of the Planning Commission shall be read aloud into the minutes of the public hearing. The Council shall take final action on the request for a special exception.

## **ARTICLE XI. PROCEDURES FOR SUBDIVISION PLAT APPROVAL**

### **SECTION 11.1. PLATTING AUTHORITY**

The Roberta-Crawford County Planning Commission shall be the official platting authority.

**11.1.1. General Application.** Any person proposing to subdivide land within the incorporated area of the City shall submit to the Planning Commission plats of the proposed subdivision that shall conform to all the requirements set forth in these regulations.

**11.1.2. Preliminary Plat Approval Required Prior to Construction.** No sub-divider shall proceed with any construction work on a proposed subdivision before obtaining Preliminary Plat Approval from the Planning Commission, as certified thereon.

**11.1.3. Recording of Final Plat Required Prior to Sale of Lot.** No sub-divider shall sell or transfer any lot in a proposed subdivision by reference to or exhibition of or by any other use of a plat of such subdivision, until such plat has been given final approval by the Planning Commission, as certified thereon, and recorded in the office of the Clerk of the Superior Court of Crawford County.

**11.1.4. Legal Status of Public Street Required.** No land dedicated as a public street shall be accepted, opened, or improved, nor shall any utilities or other facilities be installed therein, unless such street shall have been accepted or opened as, or otherwise shall have received the legal status of, a public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines with a street shown on a plat approved by the Planning Commissioners may locate and construct or may accept any other street, if the resolution or other measure for such approval be first submitted to the Planning Commission for its review and comment.

**11.1.5. Access to Public Street Required.** No building permit shall be issued for and no building or other structure shall be erected on any lot within the incorporated areas of the city, unless such lot has access to a street which shall have been accepted or opened as or otherwise shall have received the legal status of, a public street; provided, however, that private streets and other private access ways may be approved under the terms of these rules and regulations.

### **SECTION 11.2. PRE-APPLICATION REVIEW**

Whenever the subdivision of a tract of land within the jurisdiction of the Planning Commission is proposed, the sub-divider may, at his discretion, consult early and informally with the Zoning Administrator for advice and assistance. The sub-divider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. If the tract of land is not to be initially subdivided in its entirety, the sub-divider shall provide sketch plans for the entire tract and indicate the proposed unit divisions or staged development boundaries.

The Zoning Administrator shall return within fifteen (15) days the submitted sketch plans to the sub-divider and shall inform the sub-divider where the plans do not comply with the regulations set forth in this resolution. No fee shall be charged for the pre-application review and no formal application shall be required.

## **SECTION 11.3. PROCEDURE FOR PRELIMINARY PLAT APPROVAL**

Prior to the cutting or grading of any street or the making of any street improvements or the installation of utilities, the sub-divider shall submit to the Planning Commission a Preliminary Plat of the proposed subdivision in accordance with the following procedure:

**11.3.1. Application for Preliminary Plat Approval.** Following any pre-application review of the proposed subdivision, the sub-divider shall submit to the Zoning Administrator, not less than fourteen (14) or more than thirty (30) days prior to the next regular meeting of the Planning Commission, a letter requesting review and approval of a preliminary plat, and nine (9) copies of the Preliminary Plat and other documents, as specified herein. The Zoning Administrator shall then distribute to the members of the Planning Commission and to the County Health Department one (1) copy each of the Preliminary Plat and maintain one (1) copy for his file. Flat Fee of \$8.00 per lot.

**11.3.2 Review of Preliminary Plat.** The Zoning Administrator shall check the plat for conformance to the rules and regulations set forth in this document. The County Health Department shall review the proposed method of sewage disposal and water supply, for the subdivision and express its written approval, disapproval, or approval subject to listed modifications to the Zoning Administrator before the first regular meeting of the Planning Commission following submission of the Preliminary Plat.

**11.3.3. Hearing on Preliminary Plat.** Notice of time and place of hearing shall be sent to the name and address of the sub-divider that is on the Preliminary Plat. This notice shall be sent by registered or certified mail to said name and address not less than five (5) days before the date of hearing. The Planning Commission shall hold a hearing on the Preliminary Plat at the first regular meeting of the planning commission following submission of the Preliminary Plat for review. The Zoning Administrator shall present to the planning commission, at the hearing on the Preliminary Plat, his findings, negotiations, and recommendations and the findings of the County Health Department.

**11.3.4. Preliminary Approval.** Following the hearing of the Preliminary Plat and other related material, the Planning Commission may issue a Certificate of Preliminary Approval noting the conditions of such approval on four (4) copies of the Preliminary Plat with one (1) copy being returned to the sub-divider, one (1) copy to the County Health Department, one (1) copy to the Zoning Administrator, and one (1) copy to be added to the records of the Planning Commission. Approval of a Preliminary Plat does not constitute approval of a Final Plat. It indicates only approval of the layout as a guide to the preparation of the Final Plat.

**11.3.5. Expiration Time.** Preliminary approval shall expire and be of no further effect twelve (12) months from the date of the preliminary approval unless the time is extended by the Planning Commission.

**11.3.6. Disapproval.** Following the hearing on the Preliminary Plat and other related material, the Planning Commission may find reasons detrimental to the public safety, health, and general welfare, or in conflict with adopted plans of the Planning Commission, which require the disapproval of the Preliminary Plat. A statement of the reasons for disapproval shall be made on three (3) copies of the Preliminary Plat with one (1) copy being returned to the sub-divider, one (1) copy to the County Health Department, and one (1) copy being added to the records of the Planning Commission. The applicant may re-apply for Preliminary Plat Approval in accordance with Section 11.3.1 herein.

**11.3.7. Automatic Approval.** Failure of the Planning Commission to act on the Preliminary Plat within thirty (30) days after review, shall be deemed to be approval of the Plat and a Certificate of Preliminary Approval shall be issued by the Planning Commission on demand, provided, however, that the sub-divider may waive this requirement and consent to an extension of time.

## SECTION 11.4. PRELIMINARY PLAT SPECIFICATIONS

**11.4.1. Scale.** The Preliminary Plat shall be clearly and legibly drawn at a scale one hundred feet (100') to one inch (1"). The Planning Commission may request the applicant to provide additional information on any parcel of land.

**11.4.2. Sheet Size.** The Preliminary Plat shall be drawn in ink on suitable permanent reproducible material, on sheets sixteen inches (16") by twenty-two inches (22"). If the complete plat cannot be shown on one sheet, it may be shown in sections on more than one sheet with an index map drawn at a reduced scale.

**11.4.3. Ground Elevations.** The Preliminary Plat shall show ground elevations, based on the datum plane of the U.S. Coast and Geodetic Survey, with a contour interval of five feet (5') (or less if determined necessary by the Planning Commission).

### 11.4.4. Existing Conditions to be Provided on Preliminary Plat.

- (a) Title ("Preliminary Plat"), numerical scale; graphic scale; north arrow, indicating both magnetic and true north; date; inscription stating "Not for Final Recording".
- (b) A vicinity map showing the location of the tract with approximate distances to obvious geographical locations.
- (c) Present tract designation according to official records, title under which proposed subdivision is to be recorded with names and addresses of owners and any mortgagor or holder of an encumbrance on the property to be subdivided, name and address of subdivision designer, notation stating acreage to be subdivided, bench marks, certification of registered land surveyor, date of survey.
- (d) Zoning district classification of the proposed subdivision and of adjoining properties.
- (e) Deed record names and addresses of adjoining property owners or subdivisions.
- (f) Other conditions on adjacent land—character and location of buildings, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences.
- (g) Boundary lines, bearings and distances; a legal description of the tract proposed to be subdivided according to the records in the Office of the Clerk of Superior Court of Crawford County. The legal description may be submitted as a separate document if desired.
- (h) Existing easements—location, width, and purpose.
- (i) Existing streets on and adjacent to the tract—name, right-of-way width; roadway width.
- (j) Utilities on and adjacent to the tract – location, size, and invert elevation of sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles; if mains and sewers are not on or adjacent to the streets, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers (if use of public sewers is proposed).
- (k) Where the subdivision is not to be served by a public sewer system, a Certificate of Approval from the Crawford County Health Department shall be required

- (l) Other conditions on the tract—wooded areas, tree masses, major rock outcroppings, houses, barns, shacks, all water courses, marshes, swamps, and land subject to flooding as determined from past history of flooding, and other significant features.
- (m) In case of re-subdivision, a copy of existing plat with proposed changes superimposed thereon.

11.4.5. Proposed Conditions to be Provided on Preliminary Plat.

- (a) Layout of streets showing right-of-way and roadway widths, road names or designations, grades and cross-sections.
- (b) Other rights-of-way or easements; location, width, purpose and ownership.
- (c) Layout of all lots, including minimum building setback lines, approximate lot dimensions, utility easements with width and use on all lots, lot numbers and block numbers, and a listing of lot areas (which may be submitted as a separate document).
- (d) Preliminary plan of any sanitary sewers with grades, service, pipe sizes, and points of discharge, together with certified copy of all load design factors and computations.
- (e) Preliminary plan of storm drainage system with grade, pipe size, and location of outlet, together with certified copy of all drainage areas, design factors, and computations.
- (f) Preliminary plan of water supply system with pipe sizes and location of hydrants, valves, and all appurtenances.
- (g) Designation of all land to be reserved or dedicated for public use, together with their purpose and limitations or conditions of such reservations or dedications, if any.
- (h) Draft of proposed deed restrictions or protective covenants (if any) to be imposed.
- (i) Sites, if any, for multiple family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.

**11.4.6. Certificate of Preliminary Approval.** A certificate of Preliminary Approval of the Preliminary Plat by the Planning Commission shall be inscribed on the plat as follows:

“In that all the requirements of Preliminary Approval have been fulfilled (and with consideration to any conditions noted below), this subdivision plat was given Preliminary Approval by the Roberta-Crawford County Planning Commission on \_\_\_\_\_, 20\_\_\_\_\_. The Preliminary Approval does not constitute approval of the Final Plat. This Certificate of Preliminary Approval shall expire and be null and void on \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman, Roberta-Crawford County  
Planning Commission

NOT FOR FINAL RECORDING

**11.4.7. Installation of Site Improvements.** After receiving a Certificate of Preliminary Approval by the Commission, the sub-divider may then proceed to grade the streets and install all improvements required under this regulation and any other applicable regulations of the City. In lieu of the completion of all improvements prior to submission of the Final Plat, the sub-divider may post a performance bond with the City in an amount equal to the cost of providing such

improvements, providing for and assuring to the Roberta City Council the actual construction and installation of such improvements within the period of time specified by the Planning Commission and stated in the bond.

## **SECTION 11.5. FINAL PLAT PROCEDURE**

After completion of the physical development of the subdivision or the posting of a performance bond to guarantee the same, the sub-divider shall submit to the Planning Commission a Final Plat in accordance to the following procedure:

**11.5.1. Application for Final Plat Approval.** Within twelve (12) months (or within such additional time as may be granted by the Planning Commission) after approval of the Preliminary Plat, the sub-divider may submit to the Zoning Administrator not less than fourteen (14) or more than thirty (30) days prior to the next regular meeting of the Planning Commission, a letter requesting review and approval of the final plat, an original tracing drawn on suitable reproducible material and nine (9) printed copies of the final plat, and other documents as specified herein. The Zoning Administrator shall distribute to the members of the Planning Commission and to the County Health Department one (1) copy each of the Final Plat and maintain one (1) copy for his file.

**11.5.2. Review of the Final Plat.** The Zoning Administrator shall check the plat for conformance with the tentatively approved Preliminary Plat, and with regulations of this resolution. The County Health Department shall review the Final Plat and transmit its written approval, disapproval, or approval subject to certain indicated conditions to the Zoning Administrator before the first regular meeting of the Planning Commission following submission of the final plat.

**11.5.3. Hearing on the Final Plat.** Notice of time and place of hearing shall be sent to the name and address of the sub-divider that is on the final plat. This notice shall be sent by registered or certified mail to said name and address not less than five (5) days before the date of the hearing. The Planning Commission shall provide a hearing on the Final Plat at the first regular meeting of the Planning Commission following submission of the Final Plat for review. The Zoning Administrator shall present to the Planning Commission, the hearing on the Final Plat, his written findings and recommendations and the written findings of the County Health Department.

**11.5.4. Planning Commission Approval.** The Planning Commission may give final approval provided the Final Plat is the same as that granted preliminary approval by the Planning Commission and that all conditions specified by the Planning Commission and specified herein have been met; and shall sign a certificate of approval of all plats. The Planning Commission shall deny final approval to any proposed subdivision plat if the developer is currently in violation, as certified by the Zoning Administrator, of any provision of this resolution or any other local, state, or federal law governing development as to any subdivision in the City. Upon the Zoning Administrator's certification that such violation has been corrected, final approval may be granted.

**11.5.5. Planning Commission Disapproval.** The Planning Commission may find the Final Plat in conflict with the tentatively approved Preliminary Plat or with this resolution requiring the disapproval of the Final Plat. A statement of the reasons for disapproval shall be placed on three (3) prints of the Final Plat with one (1) copy being returned to the sub-divider, one (1) copy to the County Health Department, and one (1) copy being added to the records of the Planning Commission. No certificate of approval shall be given. The original plat and additional copies shall be returned to the sub-divider. The final plat must be resubmitted as a new application for approval.

**11.5.6. Automatic Approval.** Failure of the Planning Commission to act on the Final Plat within thirty (30) days after review shall be deemed to be approval of the Plat and a certificate of final approval shall be issued by the planning commission on demand, provided, however, that the sub-divider may waive this requirement in writing and consent to an extension of time. When the preliminary plat has been approved by the planning commission without special conditions, and no streets or other improvements are required to be built or installed by the developer (other than the placement of survey monuments), and all applicable certifications have been obtained, then no hearing shall be required for final plat approval before the planning commission and the same may be approved by the Zoning Administrator.

## **SECTION 11.6. FINAL PLAT SPECIFICATION**

**11.6.1. Conformance with the Preliminary Plat.** The final plat shall conform to the conditions of the tentatively approved preliminary plat.

**11.6.2. Original Tracing Specifications.** The final plat shall be clearly and legibly drawn on suitable permanent reproducible material. The scale shall be one hundred feet (100') to the inch on sheets sixteen inches (16") by twenty-two inches (22"). If the complete plat cannot be shown on one sheet of this size, it may be shown in sections on more than one sheet with an index map at a reduced scale.

**11.6.3. Additional Specifications.** The final plat shall contain the following information:

- (a) Primary control points and benchmarks with necessary descriptions and locations of such angles, bearings, and similar data necessary for proper location.
- (b) Track boundary lines, right-of-way lines of streets, easements, and property lines of residential lots and other sites with sufficient data to determine readily and to reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, and building line, whether curved or straight. This shall include, but not be limited to, the radius; length or arc; internal angles, and bearings of the tangents and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be given to the nearest one-two hundred fiftieth (1/250) of an inch and all angles shall be given to the nearest minute.
- (c) Name and right-of-way width of each street or other right-of-way.
- (d) Location, dimensions, and purpose of any easements.
- (e) Number or letter to identify each lot and block.
- (f) Purpose for which sites, other than residential lots are dedicated or reserved.
- (g) Minimum building setback lines on all lots and other sites.
- (h) Location and description of monuments and markers.
- (i) Names of record owners of adjoining unplatted land.
- (j) Reference to recorded subdivision plats of adjoining platted land by record, name, date and number.
- (k) Title, numerical scale, graphic scale, north arrow and date.

- (l) Location map showing site in relation to obvious geographical localities.
- (m) A complete listing of the deviations from the conditionally approved preliminary plat made by the sub-divider.
- (n) Certification by the Zoning Administrator that the developer has complied with one of the following alternatives:
  1. "All improvements have been installed in accordance with the requirements of the City Subdivision Regulations and other applicable regulations," or
  2. "A performance bond has been approved and accepted by the City in sufficient amount to assure the completion of all required improvements in accord with the requirements of the City Subdivision Regulations and other applicable regulations."
- (o) Protective covenants or deed restrictions, if any, shall be placed directly on the final plat or attached thereto in form for recording.
- (p) Notation of the necessary certifications shall be placed on the Final Plat as specified below.

**11.6.4. Surveyor's Certification.** A signed certification by a registered land surveyor certifying to the accuracy of the survey and the plat shall be placed on the Final Plat as follows:

"In my opinion this plat is a correct representative of the land platted and has been prepared in conformity with the minimum standards and requirements of law and has been calculated for closure by latitudes and departures and is found to be accurate within one (1) foot in \_\_\_\_\_ feet."

By \_\_\_\_\_ Registered C. E. No. \_\_\_\_\_  
Registered Georgia

\_\_\_\_\_ Land Surveyor's No. \_\_\_\_\_  
Date \_\_\_\_\_

**11.6.5. Owner's Certification.** A signed certification of ownership shall be placed on the Final Plat as follows:

"Owners Certification

State of Georgia, City of Roberta.

The undersigned certifies that he is the owner of the land shown on this plat and acknowledges this plat and allotment to be his free act and deed and dedicated to public use forever all areas shown or indicated on this plat as streets, alleys, easements, or parks."

\_\_\_\_\_ Date

\_\_\_\_\_ Owner's Name

**11.6.6. Health Department Certification.** A signed certification of the Crawford County Health Department shall be placed on the final plat as follows:

"I certify that the general lot layout shown on this plat has been approved by the Crawford County Health Department for development with \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Health Official

The blanks in the above certification statement shall be completed by the Director of the Health Department, or his representatives, so as to indicate whether approval is based upon the use of individual sewerage systems, individual water supplies, a community sewerage system, a community water supply, or a combination thereof.

**11.6.7. Certificate of Approval by the City.** A signed certification of the city shall be placed on the Final Plat as follows:

“We certify that the owner, or his agent, has completed the construction and installation of the streets, drainage, utilities, and other improvements in accordance with the Regulations of Roberta, Georgia, and the requirements of the Roberta-Crawford County Planning Commission.”

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman, Roberta-Crawford County  
Planning Commission

**11.6.8. Additional Technical Information Required.** The Planning Commission may require technical information showing “as built” conditions in addition to that submitted to the Final Plat. Such information may include:

- (a) Final profiles of grades for streets.
- (b) Final plans of sanitary sewers with grade, pipe sizes, and point of discharge.
- (c) Final plan of storm drainage system with grade, pipe sizes, and location of outlets.
- (d) Final plan of water supply system with pipe sizes, location of hydrants and valves.
- (e) Final conditions of any information shown on the preliminary plat.

## **SECTION 11.7. RECORDING OF FINAL PLAT**

Upon approval of a final plat by the Planning Commission, the owner, or his agent, shall have the final plat recorded in the office of the clerk of the Superior Court prior to the sale of any lot in the subdivision. The Final Plat shall be a certified reproducible plat which meets the original tracing specifications as provided for in Section 11.6.2. Upon recording of the approved final plat, a copy of any private covenants or deed restrictions shall be provided by the sub-divider for the records of the planning commission.

## **ARTICLE XII. GENERAL PRINCIPLES OF DESIGN**

### **SECTION 12.1. SUITABILITY OF LAND**

Land subject to flooding, improper drainage, and erosion, as determined by the Planning Commission, and any land deemed by the Planning Commission to be unsuitable for development shall not be platted for any uses as may continue such conditions or increase danger of health, safety, life, or property unless steps are taken to eliminate the above-mentioned hazards.

### **SECTION 12.2. ACCESS**

- 12.2.1 Every subdivision and every lot within shall be served by a publicly dedicated street, except as herein provided.
- 12.2.2 When land is subdivided into parcels of ten (10) acres or more, such parcels shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.
- 12.2.3 No subdivision shall be designed so as to completely eliminate street access to adjoining parcels of land.
- 12.2.4 All lots within a subdivision shall be serviced by a paved road except those fronting a dirt road.
- 12.2.5 No private easement, private drives, or access to any parcel of property is not to exceed five (500) hundred feet in length, utility easements will be excluded.
- 12.2.6 No more than two (2) residences on an easement or private drive. All easements or private drives will have a clearance of no less than twenty (20) feet wide from side to side. Upon any third (3) residence being added the easement or private drive will be paved to the City of Roberta ordinance guidelines for roadway, surfacing and paving in section 13.6.

### **SECTION 12.3. CONFORMANCE TO THE MASTER COMPREHENSIVE PLAN**

- 12.3.1 All proposed subdivisions shall conform to the Master Comprehensive Plan and development policies in effect at the time of submission to the Planning Commission.
- 12.3.2 All highways, streets, and other features of the Master Comprehensive Plan shall be platted by the sub-divider in the location and to the dimension indicated on the Comprehensive Plan. In subdivisions related to or affecting any state or federally numbered highway, the approval of the State Department of Transportation may be required by the Planning Commission.
- 12.3.3 Where features of the Comprehensive Plan (other than minor streets and collector streets) such as school sites, parks, arterial streets, major thoroughfares, and proposed subdivision, or when these features have not been anticipated by the Comprehensive Plan and planning policy, but are considered essential by the Planning Commission, such features shall be dedicated or in lieu of dedication shall be reserved by the sub-divider. Whenever such reserved land, or any portion thereof, is not acquired, optioned, or condemned by the appropriate public agency within one (1) year period from the date of recording the subdivision, the sub-divider may claim the original

reservation, or portion thereof, and cause it to be subdivided in a manner suitable to the sub-divider subject to the provisions of these rules and regulations.

12.3.4 The Planning Commission may waive the above-mentioned platting and reservation requirements of Section 12.3, whenever the public body responsible for land acquisition executes a written release stating that such a planned feature is not being acquired.

12.3.5 Whenever the plat proposes the dedication of land to public use and the Planning Commission or the appropriate agency finds that such land is not required or suitable for public use, the Planning Commission may either refuse to approve said plat or it may require the rearrangement of lots to include such land.

## **SECTION 12.4. ZONING AND OTHER REGULATIONS**

Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in other official regulations or resolution, the most restrictive shall apply.

## **SECTION 12.5. PLANNED UNIT DEVELOPMENT**

12.5.1 The standards and requirements of these regulations may be modified in the case of a plan and program for a planned unit development which is not divided into customary lots, blocks, and streets, which, in the judgment of the Planning Commission provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, provided zoning density standards for the entire tract are not exceeded, and which also provides such covenants or other legal procedures as will assure conformity to and achievement of the plan. Plans for such developments shall be submitted to and approved by the Planning Commission whether or not such plat is to be recorded and no building permits shall be issued until such approval has been given.

12.5.2 No plans for a planned unit development plan shall be reviewed or approved by the Commission before the developer's site has been zoned to allow such use.

## **SECTION 12.6. NAME OF SUBDIVISION**

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision, except in the case where the subdivision is a section or part of a larger contiguous subdivision being developed by the same sub-divider in phases, sections, or stages. In this case the name of the overall subdivision can be used for each phase, stage, or section, but the phase, or section number must be also be included as part of the name.

## **SECTION 12.7. REQUIRED DESIGN STANDARDS**

The design standards set forth in the Article shall be observed in all plats which are required to be approved by the Planning Commission, except that standards for improvements shall be applicable only to those plats for which improvements or improvement plans are required as a condition of plat approval.

## **SECTION 12.8. BLOCKS**

**12.8.1. Design Consideration for Blocks.** The lengths, width, and shapes of blocks shall be determined with due regard to:

- a) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- b) Zoning requirements as to lot sizes and dimensions unless a planned unit development is contemplated.
- c) Needs for convenient access, circulation, control, and safety of street traffic.
- d) Limitations and opportunities of topography.

**12.8.2. Block Length.** In general, residential blocks shall not be greater than twelve hundred feet (1,200') in length, or less than four hundred feet (400') in length. In blocks over one thousand feet (1,000') long, the Planning Commission may, when existing or proposed public gathering places so justify, require public crosswalks across the block.

**12.8.3. Block Width.** Residential blocks shall be wide enough to provide two (2) tiers of lots except where fronting on expressways and arterials or prevented by topographical conditions or size of the property, in which case the Planning Commission may require and/or approve single tier lots.

## **SECTION 12.9. LOTS**

**12.9.1. Side Lot Lines.** Insofar as practical, side lot lines shall be perpendicular or radial to street lines. Each lot shall abut upon a public street, except as herein provided.

**12.9.2 Lot Dimensions.** The size, shape, and orientation of every lot shall be subject to approval of the Planning Commission for the type of development and use contemplated.

**12.9.3 Conformance to Zoning Regulations.** Every residential lot shall conform to the minimum dimension and area requirements of the Zoning Regulations, provided that every lot not served by a public sewer or community sanitary sewage system and/or public water shall meet the dimension and area requirements of the Health Department.

**12.9.4 Building Setback Lines.** Building setback lines shall conform to front, rear, and side yard building setback requirements of the Zoning Regulations.

**12.9.5. Double Frontage Lots.** Double frontage, unless required by the Planning Commission, shall be prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography, orientation, and property size. A planting screen reservation of at least ten feet (10'), and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other disadvantageous use.

**12.9.6. Corner Lots.** Corner lots shall, as required in the Zoning Regulations, have extra width to permit appropriate building setback from and orientation to both streets.

**12.9.7. Lot Remnants Not Permitted.** Lot remnants (lots below minimum area or width left over after subdividing tracts of land) shall be prohibited. Such remnant areas shall be added to adjacent lots, rather than remain as unusable parcels.

**12.9.8. Access.** The subdividing of the land shall be as to provide each lot with direct abutting access to an existing public street or to a street contained within the proposed subdivision.

**12.9.9. Minimum Lot Frontage.** No building shall hereafter be constructed on a lot that does not have a minimum frontage of thirty feet (30') on a street. This section shall not apply when a portion of the lot in question is acquired for public purpose.

## **SECTION 12.10. MONUMENTS**

Right-of-way and property line monuments shall be placed in each subdivision in accordance with the following:

**12.10.1 Right-of-way Monuments.** A concrete marker imbedded at least two feet (2') into the ground shall be required at the intersection of the center line of all street rights-of-way. Such concrete marker shall be at least four inches (4") in diameter. The top surface of such concrete marker shall be level with the surface of the street.

**12.10.2. Property Line Monument.** An iron pin imbedded at least two feet (2') into the ground shall be required at each lot corner and each point where the property line changes direction. Such iron pin shall be at least three-quarter inches (3/4") in diameter. The top surface of such iron pin shall be approximately level with ground surface.

## **SECTION 12.11. MAILBOXES**

It shall be unlawful for any person to obstruct, encroach upon or injure materially any part of any public road in the City of Roberta. A mailbox that does not conform to the following standards shall be considered such an obstruction and encroachment and shall be a violation of this ordinance. Mailboxes shall meet the following standards:

- a) The mailbox shall be located in accordance with the rules and regulations of the Postmaster General of the United States of America.
- b) Mailboxes shall be set back a sufficient distance to allow the postman to be completely off the travel lanes to deliver mail.
- c) The support or post shall not be made of a masonry nature or by any other material that will not readily yield upon impact.
- d) The support or post, when metal shall be no more than four (4") inches in diameter or a 4" by 4" post.
- e) The support or post, when using metal shall be no more than three (3") inches in diameter and such metal post shall be hollow.

## ARTICLE XIII. REQUIRED SUBDIVISION IMPROVEMENTS

### **SECTION 13.1. CLASSIFICATION OF STREETS**

All streets and roads in the incorporated area of the City of Roberta are hereby divided into the following classes.

**13.1.1. Expressways.** A street designed for fast, continuous movement of all types of traffic, with control over access to abutting property and the spacing of street intersections.

**13.1.2. Arterial.** A street designed for rapid, continuous movement of all types of traffic but with less control over the access points from streets and adjacent property than expressways.

**13.1.3. Collector Street.** A street designed to carry traffic with relatively little interruption and at moderate speeds between local service streets and arterials, including the principal entrance streets of a residential development and streets for circulation within such a development.

**13.1.4. Marginal Access Street.** A street generally parallel and adjacent to expressways, arterials, or connector streets, for the purpose of providing access to abutting properties and of separating high-speed from local traffic.

**13.1.5. Cul-de-sac.** A service street having one end open to traffic, with the other end permanently terminated by a turnaround.

**13.1.6. Local Service Street.** A street intended to provide direct access to abutting property.

### **SECTION 13.2. STREETS**

**13.2.1. Conformance to Conditions.** The arrangements, character, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

**13.2.2. Arrangement.** The arrangement of streets in a subdivision shall either:

- a) Provide for the continuation or appropriate projection of existing streets in surrounding areas at the same or greater width, but in no case less than the required minimum width.
- b) Conform to a plan for neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impracticable.

**13.2.3. Minor Streets.** Minor streets shall be so laid out that their use by through traffic will be discouraged.

**13.2.4. Dead-End Streets.** Where a subdivision contains a dead-end street other than a cul-de-sac, the Planning Commission may require the sub-divider to provide a temporary vehicle turn around within the right-of-way when the Planning Commission considers such to be necessary for effective traffic circulation.

**13.2.5. Protection of Residential Properties.** Where a subdivision abuts or contains an existing or proposed major street, the Planning Commission may require marginal access streets, double frontage lots with screen planting contained in a non-access reservation along

the rear property lines, deep lots with rear service drives, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

**13.2.6. Railroad or Highway Right-of-Way.** Where a subdivision borders on or contains a railroad right-of-way, or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or industrial purpose in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

**13.2.7. Minimum Street Right-of-Way Widths.** Minimum street right-of-way widths shall be as follows:

- |     |  |          |
|-----|--|----------|
| (a) | Expressways                              | 200 feet |
| (b) | Arterial Streets and Highways            | 100 feet |
| (c) | Collector Streets                        | 80 feet  |
| (d) | Minor Streets                            |          |
|     | 1. Residential                           | 60 feet  |
|     | 2. Commercial and Industrial             | 80 feet  |
|     | 3. Class III Street                      | 60 feet  |
|     | 4. Cul-de-sac and Loop Streets           | 60 feet  |
|     | 5. Cul-de-sac turn-around (diameter)     | 100 feet |
|     | 6. Marginal Access or Frontage Roads     | 40 feet  |
| (e) | Alley, Service Drives, or Private Drives | 22 feet  |

**13.2.8. Non-Conformance to Right-of-Way Requirements.** A proposed subdivision that includes a platted street that does not conform to the minimum right-of-way requirements of this resolution shall provide for the dedication of additional right-of-way along either one or both sides of said street so that the minimum right-of-way required by this resolution can be established. If the proposed subdivision abuts only one side of said street, then a minimum of one-half of the required extra right-of-way shall be dedicated or reserved by such subdivision.

**13.2.9. Street Intersections.** Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle less than seventy-five degrees (75°). Detailed designs of intersections may be required.

**13.2.10. Curb Line Radius.** Curb line radius at street intersections shall be at least twenty feet (20') and where the angle of street intersection is less than ninety degrees (90°); the Planning Commission may require a greater radius. Right-of-way radius at street intersections shall parallel the curb line radius.

**13.2.11. Street Jogs.** Street jogs with center line offsets of less than two hundred feet (200') shall not be permitted.

**13.2.12. Alleys or Service Drives.** Alleys or service drives may be required on any lots to be used for multiple-family, commercial, or industrial developments, but shall not be provided in residential blocks except where the sub-divider produces evidence satisfactory to the Planning Commission of the need for alleys or service drives.

**13.2.13. Half-Streets.** Half-streets shall be prohibited.

**13.2.14. Reserve Strips.** Reserve strips controlling access to streets, alleys, or public grounds shall not be permitted unless approval by the Planning Commission as being in accordance with the provisions of Section 13.2.5.

**13.2.15. Minimum Street Standards:**

Type of Standard	Refer to Section	Arterial	Collector Street	Minor Street	Marginal Access Road	Alleys and Drives
Minimum Right-of-Way	13.2.7	100'	80'	80' * 80' ** 80' ***	40'	22'
Cul-de-sac Turn Around R/W (Diameter)	13.2.7	N/A	N/A	100'	N/A	N/A
Minimum Pavement Width	13.6.3	48'	36' 32' ^ 40' ^^	27' 20' 22' ^	27' 24' ^	20' 10' +
Minimum Cul-de-sac Pavement (Diameter)	13.6.3	N/A	N/A	100'	N/A	N/A
Sidewalk Width (Where Required)	13.8.1	5'	5'	5'	5'	N/A
<b>(Amended October 20, 2009)</b>						
Sidewalk Distance from Curb	13.8.1	10'	10'	4'	0'	N/A
Minimum Sight Distance	13.4.1	350'	240'	200'	200'	200'
Maximum Grade	13.4.1	6%	8%	12%	12%	12%

Type of Standard	Refer to Section	Arterial	Collector Street	Minor Street	Marginal Access Road	Alleys and Drives
Design Speed	---	50 mph	35 mph	25 mph	25 mph	10 mph
Minimum Center Line Radius	13.4.1	800'	500'	100'	100'	100'
Minimum Length of Tangent Between Curves	---	300'	200'	100'	100'	---
Curb Line Radius	13.2.10 13.6.5	20'	20'	20'	20'	10-20' 5'@

\* Residential or Class III Streets

\*\* Commercial and industrial

\*\*\* Residential Cul-de-sac

^ No Curb and Gutter

^^ Curb and Gutter with on street parking

+ One way

@ Low Density Residential Usage

" Geometric Design Standards of the Georgia Department of Transportation shall represent minimum requirements and each project shall be reviewed on its own merits.

**NOTE: SIDEWALK WIDTH (Where Required) Amended October 20, 2009**

### **13.2.16. Typical Roadway Cross Sections.**

Appendix A for Typical Roadway Cross Sections.

## **SECTION 13.3. SPECIAL CLASSIFICATION OF STREETS FOR CONSTRUCTION**

All streets except expressways, arterials, and collectors shall be classified for construction purposes only as follows:

**13.3.1. Class I Street.** A Class I Street shall be paved, curbed, and guttered in accordance with the specifications required herein. A Class I Street shall be required for all streets in all zoning districts except R-1, R-MH, and R-AG Districts, but may be so located if the sub-divider so desires. Minimum right-of-way width requirements shall be as required in Section 13.2.7.

**13.3.2. Class II Street.** A Class II Street shall be paved in accordance with the specifications required herein, but no curbs and gutters shall be required. A Class II Street shall be required as a minimum for all streets in R-1 and R-MH Districts and for expressways, arterial streets, and collector streets in R-AG Districts. Minor residential streets, cul-de-sacs, marginal access streets, frontage roads, alleys, service drives and private drives of Class II construction are not required in R-AG Districts, but may be located in R-AG Districts if the sub-divider so desires.

Minimum right-of-way width requirements for a Class II Street shall be as required in Section 13.2.7.

## SECTION 13.4. ADDITIONAL STREET DESIGN REQUIREMENTS

**13.4.1. Grades, Horizontal Curves, Tangents and Sight Distances.** The following street design requirements shall be met in addition to other requirements stated herein:

	Expressways, Freeways Arterial Streets	Collector Streets	Other Streets
Maximum Street grades	6%	8%	12%
Minimum radii or center Line curvature	800'	500'	100'
Minimum length of tangent between reverse curves	300'	200'	100'
Minimum stopping sight distance	350'	200'	200'

**13.4.2. Vertical Curves.** All changes in grade shall be connected by vertical curves of minimum length in feet equal to fifteen (15) times the algebraic difference in percent of grades for expressways, freeways, arterial, and collector streets, and one-half (1/2) this minimum length for other streets. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one inch (1") equals one hundred feet (100") horizontally and one-inch (1") equals ten feet (10') vertically may be required by the Planning Commission.

## SECTION 13.5. BASIC CONSTRUCTION REQUIREMENTS FOR ALL CLASSES OF STREETS

**13.5.1. Grading.** All streets, roads, and alleys shall be graded by the sub-divider to provide the necessary paving, roadway, drainage, and safety requirements. The preparation of the right-of-way before grading is started and the construction of cuts and fills shall be accomplished in accordance with the requirements herein and other specifications of the Planning Commission and the Roberta City Council.

**13.5.2. Storm Drainage.** An adequate drainage system based on at least the twenty-five (25) year rainfall frequency including necessary curbs, pipes, culverts, head walls, and ditches as appropriate by street class shall be provided for the proper drainage of all surface water.

**13.5.3. Installation of Utilities.** After grading is completed and approved and before any base is applied, all of the underground utilities—water mains, sewer mains, gas mains, and all service connections related thereto—shall be installed completely and approved throughout the length of the street. All driveways for houses to be built by the sub-divider shall be cut and drained. Where the utility mains are off the pavement, the sub-divider may elect to omit the installation of service connections providing that at such time as these service connections are needed, they may be jacked across the street without breaking or weakening the existing pavement.

**13.5.4. Slopes and Shoulder Improvements.** The minimum ratio for all fill or cut slopes shall be two (2) to one (1) and the minimum width for all shoulders from back edge of the curb, if installed, shall be eight feet (8'). All shoulders shall let slope one-half inch (1/2") to the foot. When all construction is completed, all slopes and shoulders shall be cleared of all rubbish and shall have a stand of grass to prevent undue erosion, either by sprigging or seeding.

## SECTION 13.6. ROADWAY SURFACING AND PAVING

For expressways, arterials, collectors, and Class I and Class II Streets, the following minimum requirements shall be met for the surfacing and paving of said streets:

**13.6.1. Pavement Base.** The pavement bases, not including the surface courses, shall be one of the following types and shall be one of the following minimum thicknesses as designated for each street classification.

	Expressways Freeways, Arterial Streets	Collector Streets	Class I, II & III Streets
Graded Aggregate Base	8"	7"	6"
Soil Bituminous Stabilized Base	8"	7"	6"
Soil Bound Macadam	8"	7"	6"
Soil Cement Base	8"	7"	6"
Sand Clay Base	8"	7"	6"

**13.6.2. Thickness of Pavement.** The pavement shall be one of the following types and shall be designated for each street classification:

	Expressways, Freeways, Arterial Streets	Collector Streets	Class I, II & III Streets
Portland Cement Concrete	8"	6"	6"
Asphaltic Plant Mixed Surface (on approved type base)	3-1/2"	2-3/4"	2"

\* The 2-3/4 inches consists of 1-1/2 inch Binder and 1-1/4 inch surface.

\*\* The 3-1/2 inches consists of 2 inch Binder and 1-1/2 inch surface.

**13.6.3. Minimum Pavement Width.** All minor residential streets paved after the adoption of these regulations shall have a minimum pavement width of twenty-seven feet (27') from back of curb to back of curb, or twenty-two feet (22') from edge of pavement to edge of pavement if no curb and gutters are installed. The outside pavement for a cul-de-sac turnaround shall be a minimum diameter of one hundred feet (100'). All other street widths shall be determined by the Planning Commission as required by the intended or desired street function. Minimum standards are provided in Section 13.2.15

**13.6.4. Pavement Breaks for Utility Connections.** When it is necessary for a sub-divider, or any utility company, to break existing pavement for the installation of utilities, for drainage facilities, or for any other purpose, the sub-divider, or utility company, shall be financially responsible for the repair of the pavement. The pavement shall be required in accordance with the specifications required herein for construction of streets.

**13.6.5. Curbs and Gutters.** Either the regular six-inch (6") or four-inch (4") rollover concrete curbs and gutters with a minimum overall width of twenty-four inches (24") shall be constructed on all residential Class I streets. Commercial and industrial Class I streets shall require the regular six-inch (6") curb. Cement concrete Valley Gutter shall be permitted across minor residential streets at street intersections only when no storm sewers are available as determined by the Planning Commission. Valley gutters shall be at least six feet (6') in width. Whenever driveway openings are provided for lots abutting the street, the driveway shall be six inches (6") thick and have a minimum of ten feet (10') in width at the sidewalk or at the street right-of-way line. The driveway shall have a five-foot (5') radius at the curb line for low-density residential uses, and a ten-foot (10') to twenty-foot (20') radius for all other uses.

**13.6.6. Road Striping.** All Streets and roads shall have center lines and sidelines painted in accordance with Department of Transportation (DOT) standards.

## **SECTION 13.7. INSTALLATION OF UTILITIES**

### **13.7.1. Water.**

When public water is accessible, as determined by the Planning Commission, at the property being subdivided, the developer shall install, or have installed, a system of water mains and connections to each lot that shall be in accordance with the technical standards adopted by the Planning Commission.

Where a public water supply is not available to the subdivision at the time of constructing improvements, each lot in a subdivision shall be furnished with an alternative water supply system approved by the County Health Department.

**13.7.2. Sewer.** A publicly connected or community sanitary sewer system shall be installed when the cost of installing such a system does not exceed one hundred fifty percent (150%) of the cost of installing septic tanks for all lots in the subdivision. Where lots cannot be economically connected with a sanitary sewer system, they must contain adequate area for the installation of approved septic tank and disposal fields approved by the County Health Department. All sewer facilities shall be installed in accordance with the standards of the Environmental Protection Division of the state of Georgia Department of Natural Resources.

**13.7.3. Gas.** When gas mains are connected with a gas distribution system, the lines shall be installed in such a manner as to serve adequately all lots shown on the subdivision plats. The gas lines shall be constructed in conformance with the technical standards as established or specified by the Planning Commission.

## **SECTION 13.8. SIDEWALKS AND STREET SIGNS**

**13.8.1. Sidewalks Specifications.** When provided or at the requirement of the Commission and unless otherwise specified, sidewalks shall be four inches (4") thick with a minimum width of five feet (5'). A five-foot (5') grass planting strip shall be provided between the back of the curb and the sidewalk along collector and arterial streets, and a two-foot (2') strip along minor streets. For Class II streets, the sidewalk shall be located on the right-of-way line side of the drainage ditch located parallel to the street. No planting strip shall be required between

marginal access roads and sidewalks. All sidewalks shall slope one-fourth inch (1/4") to the foot toward the pavement. (Amended October 20, 2009)

**13.8.2. Sidewalks When Provided.** Sidewalks shall be provided in following types of subdivisions:

- (a) In all commercial zones.
- (b) In all subdivisions within one (1) mile of a school or other facility likely to attract pedestrian traffic at such a volume that the welfare of the public requires the installation of sidewalks.

**13.8.3. Location of Street Signs.** All streets shall be designated by name on a metal street sign post approved by the Planning Commission with such metal post having name plates of metal set one above the other with a clearance of seven feet (7'). The post shall be so located as to be visible for both pedestrian and vehicular traffic. At cross-street intersections, two signposts shall be located diagonally across the intersection from each other. Only one street signpost shall be required at T-street intersections.

## **ARTICLE XIV. SUBDIVISION ADMINISTRATION**

### **SECTION 14.1. ADMINISTRATIVE PROCEDURES**

The administrative procedures for installing the subdivision improvements required herein shall be as follows:

**14.1.1. When Construction May Begin.** Construction and installation of any required public improvements as described herein shall not begin until the Planning Commission has given Preliminary Approval of the new subdivision. The sub-divider shall then confer with the Zoning Administrator to determine the method and estimated cost of the construction and installation of the required improvements.

**14.1.2. Inspections and Approval.** During the construction and installation of the required public improvements, the Zoning Administrator shall from time-to-time make field inspections and supervise said work as predetermined and agreed upon by the Zoning Administrator and the sub-divider. After completion of all the construction and installation of the required public improvements and if the said work has met the specifications as described herein, as determined by the zoning enforcement writing of the approval of said work.

**14.1.3. Official Acceptance by the Roberta City Council.** The Roberta City Council shall officially accept the completed work on the construction and installation of required public improvements not less than one (1) year from the date of the written acceptance by the Zoning Administrator, but not before approval by the Planning Commission of the Final Plat.

**14.1.4. Performance Bond.** In lieu of the completion of all improvements prior to submission of the Final Plat, a performance bond in an amount equal to one hundred twenty-five percent (125%) of the cost of completing such unfinished improvements shall be required.

**14.1.5. Maintenance of Completed Work.** The sub-divider shall maintain his completed work until the official acceptance by the Roberta City Council as described above. The sub-divider shall be required to sign a maintenance agreement with the Roberta City Council. The maintenance bond, posted by the sub-divider, shall be a bond equaling twenty percent (20%) of the construction cost. During the maintenance period, the Zoning Administrator shall make final inspection and notify the sub-divider and the bonding company of the cost of making necessary corrections and the cost of maintenance. These costs shall be deducted from the maintenance funds, and the sub-divider charged with any costs above the amount of maintenance funds. If the work is acceptable at this time, the remainder of the maintenance funds shall be released to the sub-divider.

**14.1.6. Subdivider's Responsibility.** The sub-divider shall incur the cost of construction and installation of all required public improvements based on the following:

- a) **Streets.** Incur the cost for the construction of streets up to twenty-seven feet (27') in pavement width from back of curb to back of curb, or twenty feet (20') in pavement width from edge of pavement to edge of pavement if no curbs and gutters are installed.
- b) **Water and Sewer Systems.** Incur the cost for the installation of all water and sewer system which are required to serve the new subdivision and tie in with existing water and sewer systems, based on the specifications set forth herein.
- c) **Sidewalks.** Entire cost if provided.
- d) **Monuments.** Entire cost.
- e) **Street Signs.** Entire cost.

- f) Entire cost of painting center lines and side lines on all streets and roads.

**14.1.7. Roberta City Council's Responsibility.** The Roberta City Council shall partially participate in sharing the cost of construction and installation of required public improvements for the following conditions:

- a) Streets. Incur cost for any additional required pavement that is in excess of twenty-seven feet (27') for streets with curbs and gutters and in excess of twenty-two feet (22') for streets without curbs and gutters, and any additional grading and paving related thereto.
- b) Water and Sewer Systems. Incur not more than one-half (1/2) the cost for any difference in the cost of the laying of oversized pipe and outfall systems which are needed in excess of the required water and sewer facilities needed to exclusively serve the new subdivision as determined by the Roberta City Council.

**14.1.8. Property Owner's Responsibility.** Whenever the Roberta City Council is petitioned by the property owners to upgrade a street to higher construction standards, the property owners shall then incur the entire cost for said improvements based on the footage along the property line of each lot abutting the street that is being improved.

**14.1.9. Estimated Cost for Construction and Installation.** The current unit prices in effect at the time of submission of plans plus ten percent (10%) shall be used in determining the total estimated cost for construction and installation of required public improvements in new subdivisions.

## **SECTION 14.2. MODIFICATIONS FROM THE SUBDIVISION REGULATIONS**

- 14.2.1 Modifications of the provisions set forth in these rules and regulations may be authorized by the Planning Commission in specific cases when, in its opinion, undue hardship may result from strict compliance; provided any such determination shall be based fundamentally on the fact that unusual topographical and other exceptional conditions require such modifications, and that the grant of the modification will not adversely affect the general public or nullify the intent of these regulations; provided further that any such modification granted by the Planning Commission shall be made in writing to the sub-divider and also made a part of the Planning Commission's records and the plat.
- 14.2.2 Application for any modifications must be filed in writing with necessary supporting documents by the sub-divider with the Planning Commission and shall explain in detail the reasons and facts supporting the application.

## **ARTICLE XV. PROCEDURE FOR REQUESTING A TEXT AMENDMENT**

The Roberta City Council may, from time to time, after examination, review and hold a public hearing thereon, amend, supplement, or change the regulations contained herein or subsequently established. Proposals for amendments to these regulations whether initiated by the Roberta City Council, the Planning Commission, or any person, firm or corporation, shall not be acted on until a public hearing has been held by the Roberta City Council as required by the following procedures:

### **SECTION 15.1. AMENDMENTS TO THE TEXT OF THE REGULATIONS**

- 15.1.1 When the Roberta City Council, Planning Commission, or any person, firm or corporation desires to amend, supplement, or change the text of the zoning regulations contained herein, the following procedures shall be followed:
- 15.1.2 An application must be submitted in writing to the Zoning Administrator describing the proposed amendment, supplement, or change. All applications shall be submitted no less than fifteen (15) days prior to the next regular meeting of the Planning Commission.
- 15.1.3 The application shall be sent to the Planning Commission for review and recommendation, and said Planning Commission shall have thirty (30) days within which to submit a report to the Roberta City Council. If the planning commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.
- 15.1.4 Before enacting any amendment to the text of these regulations, the Roberta City Council shall hold a public hearing thereon provided that at least fifteen (15) days legal notice has been published in a newspaper of general circulation in the city.
- 15.1.5 The Roberta City Council shall hold a public hearing at the earliest possible time under the time limits spelled out above to consider the proposed text amendment. The recommendations of the Planning Commission shall be read aloud into the minutes of the public hearing. The Roberta City Council shall take action on said proposed text amendment within forty-five (45) days from the date of their public hearing except in the case where their tentative action is not in accordance with the Planning Commission's certified recommendation. In such case, the Roberta City Council shall not make any change in or departure from the text, as recommended and certified by the Planning Commission, unless such change or departure is first resubmitted to the Planning Commission, for an additional review and recommendation. The Planning Commission shall have thirty (30) days to resubmit its recommendation. If the Planning Commission does not resubmit its recommendations within thirty (30) days, the Roberta City Council may proceed to take action on the amendment as it sees fit. Upon resubmission by the Planning Commission, the Roberta City Council shall hold a public hearing as described above and take final action on the request.
- 15.1.6 Any petition for a text amendment may be withdrawn prior to action thereon by the Roberta City Council at the discretion of the person, firm, or corporation initiating such a request upon written notice to the Zoning Administrator.
- 15.1.7 Any petition for a text amendment to the Zoning Regulations, unless said petition is initiated by the Roberta City Council or the Planning Commission, shall be accompanied by a fee payment according to the fee schedule adopted by the City of Roberta that includes the cost of advertising for the required public hearing.

## **ARTICLE XVI. PERMITS, ENFORCEMENT AND REMEDIES**

### **SECTION 16.1. PERMITS AND CERTIFICATES**

Permits and certificates shall be issued in accordance with the following provisions:

**16.1.1. Building Permit.** The Building Official shall issue a building permit, which shall include a zoning compliance permit, for any permitted use of land construction, or structure, or structural alteration if it is in conformance with the provisions of this resolution.

- a) An application shall be accompanied by two (2) copies of a dimensional sketch or a to-scale plan, signed by the owner, or his authorized agent, to include, at a minimum the following: lot dimensions with property line monuments located thereon; shape, size, height, uses, and location of the buildings proposed to be erected, demolished, altered, or moved and of any buildings proposed to be erected, demolished, altered, or moved and of any buildings already on the lot; yard dimensions and the use of structures, including the number of dwelling units within each structure, where appropriate; easements (private and public); water courses; fences; street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application.
- b) Each permit shall be conspicuously posted and displayed on the premise described in the permit during the period of construction or reconstruction.
- c) If the proposed excavation, filling, construction, or movement set forth in said sketch or plan is in conformity with the provisions of this resolution and other appropriate codes and regulations of the City of Roberta then, in effect, the Building Official shall sign and return one (1) copy of the Building Permit and retain one (1) copy of the sketch or plan for his records.
- d) If the sketch or plan submitted describes work which does not conform to the requirements of this resolution, the Building Official shall not issue a Building Permit, but shall return one (1) copy of the sketch or plan to the applicant along with a statement stating the reasons why the submitted sketch plan does not comply. The Building Official shall retain one (1) copy of the sketch plan and two (2) copies of the refusal.
- e) Any Building Permit shall automatically expire six (6) months from the date of issuance if the person, firm, or corporation to which the certificate or permit was issued has not clearly demonstrated that the permit is being exercised for the purpose for which it was issued, or if the work so authorized is suspended or discontinued for a period of one (1) year.

**16.1.2. Certificate of Occupancy.** Certificates of Occupancy shall be issued by the Zoning Administrator in accordance with the following provisions:

**16.1.2.1. Certificate of Occupancy Required.** A certificate of occupancy is required in advance of occupancy or use of:

- a. A building hereafter erected;
- b. A building hereafter altered so as to affect height, or side, front or rear yards;
- c. A change of type of occupancy or use of any building on premises.

**16.1.2.2. Issuance of Certificate of Occupancy.** The Zoning Administrator shall sign and issue a Certificate of Occupancy if the proposed use of land or building, as stated on the

application for such certificate and signed thereto by the owner of his appointed agent, is found to conform to the applicable provisions of this resolution and if the building, as finally constructed, complies with the sketch or plan submitted for the Building Permit.

16.1.2.3. Denial of Certificate of Occupancy. A Certificate of Occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this resolution or unless the building, as finally constructed, complies with the sketch plan upon which the Building Permit was issued.

## **SECTION 16.2. VIOLATION**

This resolution is adopted pursuant to the General Enabling Act of the General Assembly of Georgia, 1957 (No. 358) as amended, (Georgia Code Annotated 69-12, et Seq.). A violation of any provision of this Resolution constitutes a misdemeanor and every day such violation continues shall be deemed a separate offense by virtue of the General Planning Enabling Act.

## **SECTION 16.3. ZONING ENFORCEMENT**

It shall be unlawful to construct, reconstruct, or alter any building or other structure without first obtaining a building permit from the Building Official or to use such building or structure or any land without first obtaining an occupancy permit from the Building Official and the Zoning Administrator shall not issue any permit, unless the zoning requirements of this Resolution are complied with. A violation of the zoning regulations contained in this Resolution is hereby declared to be a violation of Section 69-9904 of Code of Georgia Annotated and upon conviction shall be punished as provided by law.

## **SECTION 16.4. SUBDIVISION ENFORCEMENT**

The filing or recording of a plat of a subdivision in the office of the Clerk of the Superior Court of Crawford County without approval of the Roberta City Council constitutes a violation of Section 69-9905 of Code of Georgia Annotated; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from such penalties. The Roberta City Council through their attorney or other designated official may enjoin such transfer or sale or agreement by appropriate action.

## **SECTION 16.5. REMEDIES**

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure of land is or is proposed to be used in violation of the resolution, an appropriate authority of the City of Roberta or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate such violation; or to prevent the occupancy of said building, structure, or land.

## **ARTICLE XVII. LEGAL STATUS PROVISIONS**

### **SECTION 17.1. CONFLICT WITH OTHER LAWS**

Whenever the requirements of this resolution are at variance with the requirements of any other lawfully adopted statutes, rules, regulations, resolutions, ordinances, the most restrictive, or that imposing higher standards, shall govern.

### **SECTION 17.2. VALIDITY**

Each phrase, sentence, paragraph, section or other provision of this resolution is severable from all other such phrases, sentences, paragraphs, sections, and provisions. Should any phrase, sentence, paragraph, section, or provision of this resolution be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this resolution.

### **SECTION 17.3. REPEALED RESOLUTIONS**

All resolutions and Ordinances, or portions thereof, in conflict with this resolution and the Comprehensive Land Development Resolution for the Incorporated Area of the City of Roberta, Georgia, adopted February 3, 1975, shall be and the same are hereby repealed.

### **SECTION 17.4. EFFECTIVE DATE**

This resolution shall take effect and be in force from and after the date of its adoption by the Roberta City Council.

## ARTICLE XVIII. WASTE DISPOSAL

### **SECTION 18.1. STATEMENT OF PURPOSE**

It is the intent of this ordinance to protect the health, safety, and welfare not only of the citizens of Roberta, Georgia, but of all others who may drink the water, breath the air or consume the produce thereof, by minimizing pollution and encouraging the recycling and reuse of materials that would otherwise be disposed of as waste.

### **SECTION 18.2. DEFINITIONS**

Except as otherwise specified herein, any term or work used in this ordinance shall have the same meaning as in Chapter 8 of Title 12 of the Official Code of Georgia Annotated.

1. Toxic Waste: Any waste containing any substance that would be poisonous to an ordinary, healthy person who consumed or touched such substance.
2. Land Application Unit: An operation by which waste is spread on the surface of the ground or mixed into the topsoil and results in raising the fertility of the soil.
3. Municipal Waste: As defined in the Official Code of Georgia Annotated 12-8-22 except that such term shall not include any waste containing industrial wastes, as that term is defined below, or any hazardous or toxic waste. "Municipal waste" shall include sewer sludge in any state, whether wet, dry or composted.
4. Industrial Waste: Any type of waste, whether liquid or solid, produced by or resulting from any manufacturing or industrial process. Any mixture of wastes generated from different sources and containing industrial wastes shall be deemed to be industrial wastes for the purposes of this ordinance.
5. Agricultural Waste: Animal (except human) waste and crop waste. "Agricultural waste" shall not include pesticides, herbicides or other chemical type products except in the residual amounts occurring in normal agricultural operations.

### **SECTION 18.3. PERMITS AND FEES**

**18.3.1. Permit Required.** No waste handling or disposal facility shall be conducted or operated within the limits of the city unless a permit therefore shall have been obtained from the Roberta City Council, except as otherwise provided herein.

**18.3.2. Application Requirements.** Application for a permit shall be made in writing, shall be signed by the applicant, and shall contain a sworn statement by the applicant that all information in the application is true, complete and correct. The application shall set forth the following information:

- (a) The applicants full name, address, and telephone number
- (b) The total monthly tonnage of waste for which the permit is sought
- (c) The name of the county, city or other locality within which the waste will be generated and/or collected
- (d) A description of the waste

- (e) A description of the facility within which the waste will be handled or placed
- (f) A description of each truck or other motor vehicle that may be used to transport the waste within the City of Roberta, including the size, weight, load capacity, state of registration, motor vehicle tag number, and owner of each such truck or other motor vehicle
- (g) The proposed route(s) by which the waste will be transported within the City of Roberta, and the number of times each such route will be traveled per month by the trucks or other motor vehicles transporting the waste
- (h) A description of the applicants motor vehicle liability insurance coverage, including name of insurance company, policy number, kinds of coverage, and policy limit for each kind of coverage, which shall be not less than \$1,000,000.00 per occurrence; and a similar description of applicants general liability insurance coverage, which shall include, at a minimum, \$5,000,000.00 per sudden occurrence and \$10,000,000.00 for gradual occurrences, with residual coverage for at least 10 years after the closing of the facility
- (i) If the applicant is a corporation, its state of incorporation, date of incorporation, and the name and addresses of its officers, directors, and registered agent for service of process in Georgia
- (j) If the applicant is a partnership, the names and addresses of all general partners
- (k) Written verification from EPD that the applicant has not been found by EPD to have been in violation of any Georgia environmental statute, rule, or regulation within the past ten (10) years
- (l) A sworn statement by the applicant stating that neither the applicant, nor any of its officers, directors or general partners have been convicted of a felony of any kind or of a misdemeanor involving moral turpitude within the past ten (10) years.

**18.3.3. Permit Fees.** No permit shall be issued until the applicant shall have paid an initial application fee of \$25,000 plus a deposit of \$100,000 for reimbursement to the city for its out-of-pocket expenses for review of the applicant's plans by independent, qualified engineers, scientist, environmentalists and other necessary professionals to be chosen by the city. A minimum of \$10,000.00 must remain on deposit throughout the application process and for as long as the facility remains in operation. Any part of the initial deposit not used for professional review shall be refunded to the applicant except for the \$10,000.00 reserve.

**18.3.4. Annual Renewal Required.** Each permit must be renewed annually, for which a renewal fee of \$25,000.00 shall be charged along with reimbursement for professional review expenses, if necessary.

**18.3.5. Host Fee.** A host fee of \$15.00 per ton for municipal waste and \$1000.00 per ton for industrial waste shall be paid by the operator of any facility to the city on a monthly basis. Each holder of a permit shall submit a verified written report to the Roberta City Council within 10 days after the close of each calendar month showing the total tonnage received.

**18.3.6. Groundwater Recharge Area.** No permit shall be issued for the disposal of municipal or industrial waste on any site located in an area designated as a "Significant Groundwater Recharge Area" as designated on Hydrologic Atlas, No. 18, Maps of the most significant

ground-water recharge areas of Georgia; 1989, as published by the Georgia Geologic Survey, Environmental Protection Division, Georgia Department of Natural Resources.

#### **SECTION 18.4. COMPLIANCE AND PENALTIES**

1. The owner or the chief official of any firm, corporation or other body operating any waste handling or disposal facility shall, at least once every quarter, personally appear before the Clerk of the Superior Court of Crawford County and certify under oath that the facility is being operated in compliance with this ordinance and with all applicable state and federal laws.
2. Failure to comply with this ordinance shall constitute a misdemeanor and shall subject the offender to imprisonment for up to sixty (60) days and/or to a fine of up to \$500.00 for each day that such violation continues.
3. The provisions of this ordinance may be enforced by any legal or equitable action, including injunction, by the city attorney.
4. Three or more violations of this ordinance shall be grounds for revoking a permit after notice and a hearing.

#### **SECTION 18.5. MUNICIPAL WASTE**

##### 18.5.1. Disposal Options.

1. Municipal waste may be disposed of in solid waste landfills.
2. Municipal waste may be disposed of by incineration but only in areas zoned Industrial General or, when established as accessory to an existing use in a General Commercial District.
3. Municipal waste in the form of sewer sludge may be disposed of in a land application unit. If such sludge has been composted, a buffer of 250 feet shall be maintained. If such sludge has not been composted, a buffer of 2500 feet shall be maintained.
4. Any other disposal of municipal waste shall be subject to review and approval by a qualified, independent engineer to be selected by the city and whose approval shall be based on the purposes of this ordinance.

#### **SECTION 18.6. INDUSTRIAL WASTE**

##### 18.6.1. Disposal Options.

1. Industrial wastes may be disposed of in solid waste landfills located in areas zoned Industrial General, provided that industrial wastes containing toxic waste shall be deposited in leak-proof containers of sufficient strength to withstand puncture or breakage under the circumstances of disposal.
2. Industrial wastes may be incinerated in areas zoned Industrial General provided that no emission of toxic waste occurs.
3. Industrial wastes may not be disposed of in land application units.

4. Any other disposal of industrial waste shall be subject to review and approval by a qualified, independent engineer to be selected by the city and whose approval shall be based on the purposes of this ordinance.

## **SECTION 18.7. AGRICULTURAL WASTE**

### 18.7.1. Disposal Options.

1. Agricultural waste may be disposed of in solid waste landfills.
2. Agricultural wastes may be incinerated. Crop residues may be subjected to open burning with the approval of the Georgia Forestry Commission.
3. Agricultural waste may be disposed of in land application units in areas zoned Agricultural Residential (R-AG) or Residential Agricultural (R1-AG) provided that in a R1-AG area a 500 feet buffer shall be maintained; and there shall be no stockpiling of any animal waste in an R1-AG area. No dead animals or parts thereof shall be disposed of in land application units.
4. Any other disposal of agricultural waste shall be subject to review and approval by a qualified, independent engineer to be selected by the city and whose approval shall be based on the purposes of this ordinance.
5. No permit or certificate of compliance shall be required to dispose of agricultural waste by land application.

## **SECTION 18.8. LEGAL STATUS**

**18.10.1. Comprehensiveness.** It is the intent of this ordinance to regulate any waste disposal that may occur in the City of Roberta, Georgia, and no such disposal shall occur except in compliance with this ordinance.

**18.10.2. Severability.** Should any portion of this ordinance be adjudicated to be invalid by any court of competent jurisdiction, the remaining provisions shall be considered severable and shall continue in full force and effect.

## **ARTICLE XVIX. DUMPING & LITTERING**

### **SECTION 19.1. DEFINITIONS**

1. **Litter:** All sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals, or discarded materials of every kind and description.
2. **Public or Private Property:** The right of way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timber lands, or forests.
3. **Household Garbage:** Animal, vegetable and fruit refuse matter and other refuse matter ordinarily generated as by-products of a household or restaurant, such as tin cans, bottles, paper, cardboard, plastics and wrapping or packaging materials.

### **SECTION 19.2. DUMPING, DEPOSITING LITTER ON PUBLIC OR PRIVATE PROPERTY OR WATERS**

**19.2.1. Criteria for Dumping.** It shall be unlawful for any person or persons to dump, deposit, throw, or leave or to cause or permit the dumping, depositing, placing, throwing, or leaving of litter on any public or private property in this city or any waters in this city unless:

1. The property is designated by the City of Roberta as the city dump for the disposal of litter and the person is authorized by the City of Roberta to use such property;
2. The litter is placed into a litter receptacle or container installed for such purpose; or
3. The person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

### **SECTION 19.3. PRIMA FACIE EVIDENCE; REBUTTABLE PRESUMPTION**

**19.3.1. Prima Facie Evidence.** Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this ordinance, it shall be prima facie evidence that the operator of the conveyance has violated this ordinance.

**19.3.2. Rebuttable Presumption.** Whenever any litter which is dumped, deposited, thrown, or left on public or private property in violation of this ordinance is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be rebuttable presumption that such person has violated this ordinance.

### **SECTION 19.4. RECEPTACLES TO BE PROVIDED**

The city shall establish and maintain receptacles for the deposit of litter at appropriate locations.

## **SECTION 19.5. HOUSEHOLD GARBAGE**

**19.5.1. Designation of Containers for Household Garbage.** The City may designate any or all such receptacles as being suitable for the dumping therein of household garbage only. If a receptacle is clearly marked "household garbage only," it shall be unlawful for any person to dump any refuse or other material into the receptacle other than household garbage.

**19.5.2. Misuse or Vandalization of Container.** It shall be unlawful for any person to set fire to the contents of, indiscriminately scatter or disperse the contents of, or otherwise vandalize any receptacles provided for the dumping of trash, garbage or litter.

## **SECTION 19.6. DUMPING FROM ANOTHER COUNTY**

It shall be unlawful for any person to bring any litter into the City of Roberta from another city or county and dump or deposit it on any public property, including receptacles, or private property without the permission of the owner.

## **SECTION 19.7. SCAVENGERS PROHIBITED**

It shall be unlawful for any person to remove refuse from any receptacle except that a city employee may do so in carrying out his duties for the city.

## **SECTION 19.8. TRANSPORT OF LITTER**

- (a) Except as is herein after stated in this section, it shall be unlawful for any person to transport litter in the City of Roberta in the bed of a truck or trailer unless the same is covered with a tarp so that the wind will not blow litter out onto the right of ways and adjacent property.
- (b) Litter may be transported in the open bed of a truck or trailer provided it is bagged up in a closed plastic trash bag.

## **SECTION 19.9. ENFORCEMENT AND VIOLATIONS**

**19.9.1. Enforcement.** This ordinance shall be enforced by the Roberta Police Department, Sheriff of Crawford County and any of his lawful deputies, any law enforcement officer of the State of Georgia, any game warden of the State of Georgia, any zoning compliance officer or assistant of the City of Roberta, the health inspector or sanitarian of Crawford County and the superintendent of roads of Crawford County.

**19.9.2. Violations.** Any person who violates this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows:

1. By a fine of not less than \$25.00 and not more than \$500.00;
2. In the sound discretion of a court in which conviction is obtained, the person may be directed to pick up and remove from any public street or highway or public right of way for a distance not to exceed one mile any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or

3. In the sound discretion of the judge of a court in which conviction is obtained, the person may be directed to pick up and remove from any public beach, public park, private right of way, or, with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence.
4. The court may publish the names of persons convicted of violating this ordinance.

## **ARTICLE XX. OCCUPATION TAX AND BUSINESS LICENSES**

### **SECTION 20.1. LEVY AND SCOPE**

There is hereby set and levied, for the calendar year beginning January 1, 1995, and each successive year thereafter, upon each person, partnership, or corporation carrying on a business, profession, or occupation within the incorporated areas of this City an occupation tax as provided in O.C.G.A 48-13-5 et seq., such tax to be determined in accordance with the provisions of this ordinance.

### **SECTION 20.2. DEFINITIONS**

The following words, terms and phrases, when used in this ordinance, shall have the meaning respectively ascribed to them below, except when the context clearly indicates a contrary meaning:

1. Person: Any individual, partnership, corporation, firm, association, joint venture, or other group or combination acting as a unit, and shall include the plural as well as the singular member.
2. Business: Any person who, within the incorporated area of the City of Roberta, Georgia, engages in, causes to be engaged in, and/or represents himself to be engaged in, any occupation or activity with the object of gain, benefit, or advantage, either directly or indirectly, and shall include any person advertising by any means, including but not limited to signs, cards, circulars, newspapers, etc., that he is engaged in a business of any kind.
3. “Engaged in Business” or “Carrying on Business”: Doing or performing any act of selling any goods or services or soliciting business, or offering any goods or services or soliciting business, or offering any goods or services for sale primarily in an attempt to make a profit, either as an owner, operator, or agent of any business, trade, profession, or occupation within the incorporated sections of the City.
4. Occupation Tax: The fee levied by this section upon all persons engaged in a business or occupation within the incorporated areas of this City.

### **SECTION 20.3. LEVY ON BUSINESS AND CORPORATIONS**

There is hereby levied upon each person, partnership, or corporation engaged in or carrying on a business or occupation within the incorporated areas of this City an occupation tax and an administrative fee according to the fee schedule adopted by the City of Roberta.

### **SECTION 20.4. DUE DATE**

All occupation taxes set and levied by this ordinance shall be assessed as of January 1<sup>st</sup> each calendar year that this ordinance is in effect, or on the date that the business commences operations, whichever occurs later. This tax shall be payable on or before January 31<sup>st</sup> each year.

### **SECTION 20.5. CHANGE OF ADDRESS**

Any person herein required to pay this tax on his business or occupation shall notify the Zoning Administrator in writing of any change of address of such business.

## **SECTION 20.6. DISPLAYING LICENSE**

Businesses shall post license in a conspicuous place in his or their business and shall be subject to the inspection of officers and officials of the City on demand.

## **SECTION 20.7. TRANSFERRING BUSINESS LICENSE**

Said business license shall not be transferable to any other owner, partner, etc.

## **SECTION 20.8. EXEMPTIONS**

Any person who is exempt under Federal or State law or other ordinances of the City is also exempted from the tax imposed by this article.

## **SECTION 20.9. ADMINISTRATION**

The Zoning Administrator shall be responsible for the administration and enforcement of this ordinance, and shall have the power to prepare and provide the necessary forms for the registration of a business and for the collection of the tax herein levied.

## **SECTION 20.10. PENALTIES**

Any person upon whom a tax is levied by this section who fails to register his business or occupation on or before the date required for such registration shall be subject to a maximum fine of \$500.00 and/or 90 days in the county jail. A separate violation shall be deemed committed each day during or upon which the failure to register continues.

## **ARTICLE XXI. PROTECTION OF CITY BRIDGES, DITCHES AND ROADS**

### **SECTION 21.1. PURPOSE**

These regulations are adopted to protect the city road system, bridges, and ditches from damage and excessive maintenance costs occasioned by the travel of heavily laden trucks over said road system.

### **SECTION 21.2. STATE ROUTES, TRUCK ROUTES AND MAJOR HIGHWAY SYSTEMS TO BE USED**

For the purpose of delivery or transport of goods, articles or ware that all such heavily laden trucks or delivery vehicles proceed over state routes, truck routes, or major highway systems for the delivery of their goods where at all possible or feasible.

### **SECTION 21.3. USE OF RESIDENTIAL STREETS**

Delivery or transport vehicles shall not proceed over residential paved streets unless the use of said residential route is essential to their delivery.

### **SECTION 21.4. USE OF UNIMPROVED ROAD SYSTEM**

Delivery or transport vehicles shall not proceed routinely over the city's unimproved road system during periods of rain or inclement weather when clearly, said travel causes excessive damage and maintenance to the road system such that road conditions for the passage of smaller and lighter passenger vehicles has been substantially hampered.

### **SECTION 21.5. BRIDGE LOAD LIMITS**

Heavily laden delivery and transport vehicles are restricted from crossing city bridges, where their carted load exceeds the posted load limit of said bridge.

### **SECTION 21.6. PERMIT REQUIRED FOR ROAD AND DITCH CROSSING**

In order to ensure the protection of the City's road and ditch structure, the contractor must file an application for a permit with the County Road Department for each crossing. Pulpwood and logging contractors who desire to cross city ditches to enter property for the purpose of cutting timber, must apply for and be granted a permit by the Crawford County Road Department to cross said ditch.

### **SECTION 21.7. PIPE REQUIRED FOR DITCH CROSSING**

A ditch may only be crossed after the contractor has paid the City for the installation of an approved culvert pipe, or said contractor may use his own pipe, if approved by the Crawford County Road Superintendent, such that storm water flow may not be restricted.

### **SECTION 21.8. DITCH LINE, BACK SLOPES AND SHOULDERS TO BE REPAIRED**

A contractor must restore the ditch line, back slopes, and road shoulders to original condition or better once his operations are complete in the area.

### **SECTION 21.9. USE OF RIGHT-OF-WAY**

A contractor or his employees or agents shall not use any portion of the road right of way for loading or skidding logs.

### **SECTION 21.10. VIOLATIONS**

Failure to comply with any of the provisions of this ordinance shall constitute a violation of this ordinance and shall be punishable in a court of competent jurisdiction. Each day a person allows an illegal act or condition to continue shall constitute a separate offense.

## **ARTICLE XXII. REPAIR, CLOSING OR DEMOLITION OF BUILDINGS AND STRUCTURES**

### **SECTION 22.1. FINDING AND APPLICABILITY**

The exercise of powers by the City described in this ordinance shall be limited to properties located in the incorporated areas of the City of Roberta.

### **SECTION 22.2. DEFINITIONS**

As used in this article, the term:

1. Closing: Securing and causing a dwelling, building or structure to be vacated.
2. Governing body: City of Roberta, Georgia.
3. Ordinance, (article): The provision of this ordinance and the provision of the Official Code of Georgia Annotated, section 41-2-7 through 41-2-17 as now adopted or as hereafter amended.
4. Owner: The holder of the title in fee simple and every mortgage or record.
5. Parties in Interest: Persons in possession of said property and all individuals, associations, and corporations who have interest of record in the city where the property is located in a dwelling, building, or structure, including executors, administrators, guardians, and trustees.
6. Public Authority: Any housing authority or any officer who is in charge of any department or branch of the government of the municipality, county, or state relating to health fire or building regulations or to other activities concerning dwelling, buildings, or structure in the city.
7. Public officer: The zoning officer, building inspector, health officer, or any other officer or officers who are authorized by this article to exercise the powers prescribed by such article, or any agent of such officer or officers.
8. Repair: Closing a dwelling, building, or structure or the cleaning or removal of debris, trash or other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

### **SECTION 22.3. PROCEDURE FOR UNFIT BUILDING OR STRUCTURE**

**22.3.1. Complaint, Notice, Hearing.** Whenever a request is filed with the public officer by a public authority or by at least five (5) residents of the incorporated area of City of Roberta charging that any dwelling, building or structure is unfit for human habitation or for commercial, industrial, or business use or whenever it appears to the public officer (on his own motion) that any dwelling, building, or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and any parties in interest in such dwelling, building, or structure a complaint stating the charges in that respect and containing a notice a hearing will be held before the public officer (or his agent) at a place within the city, fixed not less than ten (10) days not more than thirty (30) days after the serving of said complaint, that the owner and any parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint, and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

**22.3.2. Determination.** Order to Abate if after such notice and hearing, the public officer determines that the dwelling, building, or structure under consideration is unfit for human habitation or is unfit for its current commercial, industrial, or business use, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

1. If the repair, alterations, or improvements of such dwelling, building, or structure can be made at a reasonable cost in relation to the value of the dwelling, building, or structure, requiring the owner or parties in interest, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to render it fit for human habitation or for current commercial, industrial, or business use or to vacate and close the dwelling, building, or structure as a human habitation: or
2. If the repair, alteration, or improvement of such commercial, building, or structure cannot be made at a reasonable cost in relation to the value of the dwelling, building, or structure requiring the owner or parties in interest, within the time specified in the order, to remove or demolish such dwelling, building, or structure.
3. In no event shall the governing authority of the city require removal or demolition of any dwelling, building, or structure except upon a finding that the cost of the repair, alteration or improvement therefore exceeds one-half the value such dwelling, building, or structure will have when repaired to satisfy the minimum requirements of this article.

**22.3.3. Failure to Comply with Order: placard.** If the owner or parties in interest fail to comply with an order to vacate and close or demolish the dwelling, building, or structure, the public officer may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed or demolished: and the public officer may cause to be posted on the main entrance of any building, dwelling, or structure so closed a placard with the following words;

“This building is unfit for human habitation or commercial industrial, or business use; the use or occupation of this building for human habitation or for commercial, industrial, or business use is prohibited and unlawful.”

**22.3.4. Removal or Demolition.** If the owner fails to comply with any order to remove or demolish the dwelling, building, or structure the public officer may cause such dwelling, building, or structure to be removed or demolished, provided however, the duties of the public officer, set forth in this ordinance, shall exercised until the governing body shall have by ordinance ordered the public officer to proceed to effectuate the purpose of this article with respect to the particular property or properties which the public officer shall have found to be unfit for human or business use, which property or properties shall be described in this ordinance.

**22.3.5. Costs Shall Be Lien.** The amount of the cost of such vacating and closing or removal or demolition by the public officer shall be a lien against the real property upon which cost was incurred. Such lien shall attach to the real property upon the payment of all cost of demolition by the city and the filing of an itemized statement of the total sum of said costs by the public officer in the office of the clerk of the governing body of the city on a lien docket maintain by said for such purposes. If the dwelling, building, or structure is removed or demolished by the public officer, he shall sell the materials of such dwellings, buildings, or structures and shall credit the proceeds of such sales against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court of Crawford County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court

to the persons found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the city to define and declared nuisances and to cause their removal or abatement by summary proceedings or otherwise.

**22.3.6. Lien Enforcement.** The city may enforce collection of any amount due on such lien for removal or demolition of dwellings, buildings, or structures only in the following manner:

1. The owners or parties of interest shall be allowed to satisfy the amount due on such lien by paying to the city within thirty (30) days after the perfection of said lien, a sum of money equal to twenty-five percent (25%) of the total amount due and by further paying to the city the remaining balance due on such lien, together with interest at the rate of seven percent (7%) per annum, in three (3) equal annual payments, each of which shall become due and payable on the anniversary date of the initial payment as herein above prescribed;
2. Should the property upon which such lien is perfected be said, transferred, or conveyed by the owner or parties in interest at any time prior to the termination of the said three-year period, then the entire balance due on such lien shall be due and payable to the city; and
3. Should the amount due on such lien, or any portion thereof, be unpaid after the passage of said three-year period, subparagraph (2) of this paragraph, the city may enforce the collection of any amount due on such lien for alteration, repair, removal or demolition of dwellings, buildings, or structures in the same manner as provided in Official Code of Georgia annotated, Section 48-5-358, and other applicable state statutes.

This procedure shall be subject to the right of redemption by any person having any right, title, or interest in or lien upon said property, all as provided by Article 3 Chapter 4 Title 48 of said code.

**22.3.7. Conditions for Determination of Unfitness.** The public officer may determine that a dwelling, building or structure is unfit for human habitation or is unfit for its current commercial, industrial or business use if he finds that conditions exists in such dwelling, building, or structure which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, or buildings, or structures; or of other residents of the city; such conditions may include the following (without limiting the generality of the foregoing);

1. Defects thereon increasing the hazards of fire, accidents, or other calamities;
2. Lack of adequate ventilation, light, or sanitary facilities;
3. Dilapidation;
4. Disrepair;
5. Structural defects; and
6. Uncleanliness.

**22.3.8. Powers of Public Officers in Regards to Unfit Buildings or Structures.** The public officer shall exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provision of this article, including the following powers in addition to others therein granted:

1. To investigate the dwelling conditions in the city in order to determine which dwelling, building, or structure therein are unfit for human habitation or are unfit for commercial, industrial, or business use;
2. To administer oaths and affirmations, to examine witnesses, and to receive evidence;

3. To enter upon premises for the purpose of making examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
4. To appoint and fix the duties of such officers, agent, and employees as he deems necessary to carry the purpose of this article; and
5. To delegate any of his functions and powers under the article to such officers and agents as he may designate.

#### **22.3.9. Service of Complaints or Orders Upon Parties in Interest and Owners.**

- (A) Complaints or orders issued by a public officer pursuant to this article shall, in all cases, be served upon each person in possession of such 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, reciting that a copy of such complaint or order was served upon each person in possession of such property, each owner, and each party in interest personally or by leaving such copy at the place of his residence, shall be sufficient evidence as to the service of such person in possession owner, and party in interest.
- (B) If any of the owners and parties in interest shall reside out of the city, service shall be perfected by causing a copy of such complaint or order to be served upon such party or parties by the sheriff or any lawful deputy of the city of the residence of such party or parties or such service may be made by any citizen; 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 orders at the residence, shall be conclusive as to such service.
- (C) Nonresidents of this state shall be served by publishing the same once each week for two (2) successive weeks in a newspaper printed and published in the city, or in the absence of such newspaper in the city, in one oriented and published outside the city and circulated in the city in which the dwellings, buildings, or structures are located. A copy of such complaint or orders shall be posted in a conspicuous 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.
- (D) In the event the owner or any party in interest is a minor or an insane person or a person laboring under disabilities, the guardian or other personal representative of such person shall be served and if guardian or personal representative resides outside the city or is a nonresident, he shall be served as herein before provided in such cases. If such minor or insane person, or person laboring under disabilities has no guardian or representative or in the event such minor or insane person lives outside the city or is a nonresident, service shall be perfected by serving such minor or insane person personally or 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 persons who live outside of the city or are nonresidents, service shall be perfected by serving the judge of the probate court of Crawford County, who shall stand in the place of and protect the rights of such minor or insane person or appoint a guardian for such person.
- (E) In the event the whereabouts of any owner or party in interest is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence and the public officer 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) of this section or service may be perfected upon any person, firm, or corporation holding itself out as an agent for the property involved.

(F) A copy of such complaint or orders shall be filed in the proper office or offices for the filing of lis pendens notice in the City of Roberta, and such filing of the complaint or orders shall have the same force and effect as other lis pendens notices provided by law. Any such complaint or orders or an appropriate lis pendens notice may contain a statement to the officer that a lien may arise against the described property and that an itemized statement of such lien docket maintained by the clerk of the governing authority of the city.

**22.3.10. Injunctions Against Order to Repair, Close, or Demolish Unfit Buildings or Structures.** Any persons effected by an order issued by the public officer, may petition to the Superior Court of Crawford County for an injunction restraining the public officer from carrying out the provision of the order and the court may, upon such petition, issue a temporary injunction restraining the public officer pending the final disposition of the cause, provided, however, that such persons shall present such petition to the court within fifteen (15) days of the posting and service of the order of the public officer. De novo hearings shall be held by the court on petitions within twenty (20) days. The court shall hear and determine the issues raised and shall enter final order or decree as law and justice may require; provided; however, that it shall not be necessary to file bond in any amount before obtaining a temporary injunction under this section.

**22.3.11. Taking of Unfit Buildings or Structures By Eminent Domain: Police Power.** Nothing in this article shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of such property by the power of eminent domain under the laws of this state nor as permitting any property to be condemned or destroyed except in accordance with the police power of this state.

**22.3.12. Authority to Use Revenues, Grants, and Donations to Repair, Close or Demolish Unfit Buildings or Structures.** The city may make such appropriations from its revenues as it may deem necessary and may accept and apply grants or donations to assist in carrying out the provisions of this article.

**22.3.13. Construction of This Ordinance with Other Law, Ordinances and Regulations.** Nothing in this ordinance shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its ordinances or regulations nor to prevent or punish violations therefore, and the powers conferred by this ordinance shall be in addition to and supplemental to the powers conferred by any other law or ordinance.

**ARTICLE XXIII. SELF-INSPECTION OF SEWER LINES BY PLUMBERS AND UTILITY CONTRACTORS**

**SECTION 23.1. FINDING AND APPLICABILITY**

The General Assembly of the State of Georgia enacted legislation during the 1996 session of the legislature (House Bill 1221, Act N. 1046) specifying, among other things, that master plumbers and utility contractors may self-inspect their own installation of water and sewer lines under conditions specified in the O.C.G.A. Section 8-2-26(d) which was enacted by Act No. 1046. Since the role of the municipal inspections office is to ensure that work undertaken by plumbers, utility contractors as well as construction contractors, subcontractors and others in the building trades is done in accordance with properly enacted county building and/or construction codes and since water and sewer lines are particularly susceptible to problems resulting from improper installation since they are installed underground and out-of-view once covered over by the plumber or utility contractor; and since self-inspection of installations of water and sewer lines is inherently suspect as a conflict of interest; the General Assembly, while authorizing self-inspection, also recognized that self-inspection may not be in the best interest of any city or the citizens of any city by providing in Section 3 of Act No. 1046 that any city may exempt itself from the self-inspection provisions of Act No. 1046 by adoption or enactment of a proper resolution or ordinance.

**SECTION 23.2. CITY OF ROBERTA EXEMPTION**

In lieu of the self-inspection specified in O.C.G.A. Section 8-2-26 (d), a city may establish other alternative procedures to allow for self-inspection or independent third-party inspection under conditions more favorable to and protective of the public. Now, therefore be it resolved that the governing authority of the City of Roberta, pursuant to Section 3 of Act No. 1046 enacted by the General Assembly of the State of Georgia during the 1996 session of the legislature and signed by the Governor on April 25, 1996, does hereby exempt the City of Roberta from the provisions of said Act codified as O.C.G.A. Section 8-2-26(d).

## **ARTICLE XXIV. INSPECTION POLICY**

The City of Roberta does hereby adopt the National Electrical Code, Georgia State Plumbing Code, Georgia State Heating and Air Conditioning, Southern Building Code as guidelines for inspections within the City.

## **ARTICLE XXV. SWINE REGULATIONS**

### **SECTION 26.1. INTENT**

The Roberta City Council has determined that the unregulated maintenance of swine in residential areas of this city constitutes a serious health threat to the community and diminishes the property values of adjoining properties.

### **SECTION 26.2. LOCATION TO RESIDENTIAL AREAS**

No person shall raise or keep swine or permit swine to be raised or kept on premises that he owns or controls if the part of the premises to which the swine have access is within three hundred feet (300') of an occupied dwelling house or business establishment of another person.

### **SECTION 26.3. REMEDY OF PROPERTY**

The owner or person in possession or control of any such property described above in Section 26.2. who violates this ordinance shall be required to have the area so used filled to original grade level to facilitate proper drainage and drying out of contaminated soil when conditions created by such use are determined to be a public or private nuisance by court of competent jurisdiction.

### **SECTION 26.4. ENFORCEMENT AND VIOLATION**

Violation of this ordinance shall constitute a misdemeanor punishable as provided by law. The Roberta City Council may also enforce this law by appropriate civil remedy. Any law enforcement officer, the Zoning Administrator, and the Crawford County Sanitarian are authorized to issue citations, bring criminal charges and institute civil proceedings for violation of this ordinance.