

Footnotes:

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Editor's note— Ord. No. 1006, § 1, adopted Nov. 19, 2008, amended ch. 23 in its entirety, if effect deleting ch. 23 and enacting a new ch. 23 to read as set out herein. Former ch. 23 pertained to similar subject matter. For a complete history of former ch. 23 see the Code Comparative Table. Citations to the zoning ordinance and amendments thereto are indicated by parenthetical history notes following each section. A uniform system of punctuation, capitalization, and treatment of numbers has been used, and words added for clarity have been enclosed in brackets [].

Cross reference— Buildings and building regulations, ch. 5; flood damage prevention, ch. 11; housing, ch. 12; soil erosion and sedimentation control, ch. 17; subdivision regulations, app. B.

State Law reference— Municipal authority to exercise the power of zoning, Ga. Const. 1983, art. IX, § II, ¶ IV.

ARTICLE I. - IN GENERAL

Sec. 23-1-1. - Preamble.

This chapter establishes comprehensive zoning regulations for the City of Brunswick, creates various zoning districts within the city, regulates the development and use of land parcels according to the character of each district and provides for the administration, enforcement and amendment of this chapter. The provisions were enacted by Ordinance No. 877 on April 19, 1989, which shall be deemed to be the date of enactment. Amendments after said date shall have a date of enactment corresponding to the date of adoption of each such amending ordinance.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-1-2. - Short title.

This chapter shall be known and may be cited as "The Zoning Ordinance of the City of Brunswick, Georgia."

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-1-3. - Interpretation.

In the interpretation of this chapter, all words used in the present tense include the future tense. All words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "building" includes the term "structure." The word "person" includes a firm, company, partnership, association, public or private authority, or corporation. The word "shall" is mandatory, and the word "may" is permissive. The word "used" shall be deemed also to include "designed, arranged or intended to be used or occupied." The term "planning staff" refers to employees of the City of Brunswick Department of Planning, Development and Codes. The term "building official" refers to the person designated by the City Manager and employed as such by the City of Brunswick, currently the Director of Planning, Development and Codes or to his authorized subordinate employee. The term "city commission" refers to the governing authority of the City of Brunswick.

Certain words and terms are defined for purposes of this chapter as set forth hereinafter. Words and terms which are not defined herein shall have their generally accepted meaning as shall be determined

by the officials responsible for the administration and enforcement of this chapter. Appeals of interpretative decisions may be made to the planning and appeals commission.

(Ord. No. 1006, § 1, 11-19-2008; Ord. No. 1055, § 2, 3-21-2018)

Sec. 23-1-4. - Definitions.

The following definitions shall apply to words used in this chapter:

Abandonment: The voluntary discontinuance of a use of property for a continuous period of at least 365 days, either by vacating the site, or by cessation of operations.

Accessory structure: A structure customarily incidental and subordinate to the principal use or structure located on the same premises such as a fence, storage shed or well pump house,

Accessory Use: A use customarily incidental, appropriate and subordinate to the principal use of land or building(s) located on the same parcel.

Accessory Building in Residential Zones: Shall be located only in the rear yard and shall occupy no more than 40% of the rear yard (see definition of rear yard in this section) or 25% of the ground floor sf area whichever is less. Such building may not be located less than 5 feet from any lot line. An Accessory Building that is attached to the principal residential structure by a covered walkway (ie. breezeway) or has one wall or part of one wall in common with the principal residential structure shall not be subject to any yard requirements stated herein.

Accessory Apartment (living unit): An accessory apartment may be permitted in an Accessory Building within a residential district. It may have as many as three rooms including a bedroom, living area with kitchen and bathroom. It may be located within a principal residential structure or as a part of an accessory building in a residential zone. Such an Accessory Apartment may be termed a “mother-in-law apartment”, “carriage house” or “garage apartment”. The Accessory Apartment may be rented to another party for a period of one year or more.

Accessory Guest house: Living quarters situated within a detached or semi-detached accessory building located on the same premises with the principal building. Such quarters shall contain no cooking facilities, shall be used only by bona fide non-paying guests or by relatives of the occupants of the premises, and shall not be rented or otherwise occupied as a separate dwelling.

Addition to an existing building: Means any walled or roofed expansion to the perimeter of an existing building; however, any such addition which is connected by a firewall or is separated by a load bearing wall is considered “new construction”.

Alley: A minor right-of-way dedicated to public use which affords secondary access to the side or rear of abutting property. An alley may also be used to locate above or below ground public utilities

Alteration of building: Any change in the supporting members of a building (such as bearing walls, columns, or girders), any addition or reduction to a building; any change in use; or any relocation of a building from one location or position to another on the same property.

Automobile service: Buildings and premises on any parcel or lot where gasoline, oils, and greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or as an operation accessory to another business), where no part of the premises is used for the storage of dismantled or wrecked vehicle parts.

Apartment: A dwelling intended for rental occupancy or ownership under a cooperative or condominium in a building having two or more independent and separate living units.

Bed and Breakfast Home: A business establishment operated within a dwelling by the owner or occupant, offering temporary lodging and one or more meals to not more than 10 guests in not more than 5 sleeping rooms while away from their normal places of residence. Also known as a "Tourist Home".

Boarding house: Also called a "group residence home". Any residential structure, supervised or not, used as living and sleeping arrangements for more than four unrelated individuals and up to 15 for periods of one week or more. Tenants may share the common areas of the home and provisions for meals may be made, provided cooking is done in a central kitchen and not in individual rooms or suites. For purposes of zoning, a rooming or boarding house shall not be a fraternity or sorority house nor a personal care home. The landlord shall not provide supervision of person, supervision of medications, assistance with activities of daily living, or nursing services. Otherwise, the home would fall under the requirements for a personal care home or community living arrangement and require a permit by the State of Georgia.

Buffer: That portion of a parcel established for permanent vegetation, fence or similar structure and/or open space in order to visually separate properties with a different and possibly incompatible use on a year-round basis.

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

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

Building line: That line which represents the distance a building or structure must be set back from a parcel boundary line according to the terms of this chapter. In all cases the building lines of a lot shall run parallel to such parcel lines.

Building official: The person designated as such by the City Manager currently the Director of Planning, Development and Codes. The Building Official is responsible for enforcing the provisions of this ordinance,

Building, principal (Principal building): A building in which is conducted the principal use of the lot parcel on which said building is situated.

Personal Care home: A rest home, nursing home, convalescent home, or similar use established and operated on a profit or non-profit basis to provide lodging and/or meals and/or domiciliary care for aged, infirm, chronically ill or convalescent persons.

Child-care learning home: A private facility operated for pay in a private residence for the supervision, care and learning of not more than 4 children, ages 6 or less, for periods of less than 12 hours per day, without transfer of custody, and whose parents or guardians do not reside at the private home. Such a program shall first be licensed by the Georgia Department of Early Care and Learning Services (DECAL).

Child-care learning center: A public facility operated for pay for the supervision, care and learning of four (4) or more children under the age of 18 for periods of not more than 24 hours per day, without transfer of custody. Such a program shall first be licensed by the Georgia Department of Early Care and Learning Services.

City: The City of Brunswick, Georgia, a municipal corporation, or the area located within the corporate limits of the City of Brunswick.

Clinic: An establishment where medical or dental patients who are not lodged therein overnight are admitted for examination or treatment.

Commission: The governing authority of the City of Brunswick, that is, its city commission.

Conditional use: A use of property, not permitted in the zone in which the property is located, specifically permitted by the City Commission following a recommendation of the Planning and Appeals Commission with conditions including those in this Chapter in Section 23-25-4

Density: The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this chapter are expressed in dwelling units per net acre - that is, the acreage of land devoted to residential use **exclusive** of land dedicate for public use to be utilized for streets, alleys, parks, playgrounds, school grounds or other public uses.

Dormitory: A building or space in a building in which group sleeping accommodations are provided for more than 15 unrelated persons in one room or a series of closely associated rooms under joint occupancy and single management, with or without meals, but without individual cooking facilities. This shall also include a fraternity or sorority house.

Drug or addiction care facility: A care home, group dwelling, half-way house, rehabilitation center or other facility for the care or treatment of drug or alcohol dependency.

Dwelling, one-family: A detached dwelling building designed for or occupied exclusively by one family.

Dwelling, two-family: A dwelling other than a mobile home designed for or occupied exclusively by two families in separate dwelling units living independently of each other, with separate ingress and egress on a single lot.

Dwelling, loft: A residence, located in a zoning district with permitted mixed use(s) within a building, with no interior walls (other than a bathroom) typically located within an older retail or industrial building on the ground and/or second upper floor in a two- floor building. Loft residents may be located within buildings where a commercial establishment is located and conducting business.

Dwelling, manufactured or modular: A building transported in structural sections such a walls, roof and foundation elements, and other components designed to be erected and attached on a permanent foundation or slab established or to be constructed on a parcel. When assembled and erected a permanent dwelling will have been constructed meeting all local housing and building codes.

Dwelling, mobile home: A structure built on a permanent chassis, transportable in one or more sections, which is at least ten feet wide and has at least 600 square feet of floor area, with plumbing, heating, air conditioning and electrical systems contained therein, and which is designed to be used as a dwelling when connected to the required utilities.

Dwelling, multi-family: A dwelling or dwellings on a single lot, other than mobile homes, designed for or occupied by three or more families living independently of each other, with separate ingress and egress, and with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, tiny home: A modular or on-site constructed housing unit designed to be occupied by an individual or two individuals, typically with 400 square feet of living area (not including an upper loft area) and located in clusters of similar structures in a planned development (PD District) of similar housing units. Actual living area must meet the occupancy standards of the city's building codes.

Dwelling, townhouse or row house: One of a series of two or more attached one-family dwelling units, other than mobile homes, on separate lots which may or may not have a common roof, or a common exterior wall and are separated from each other by fire resistive party wall partitions extending at least from the lowest floor level to the roof.

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

Drive-in / drive through: A retail or service enterprise oriented to automobile-driving patrons wherein service is also provided to consumers on the outside of the principal building. The term "drive-in / drive through" includes drive-in restaurants, banks, laundries, food stores, liquor stores.

Family: Any number of individuals legally related through blood, marriage, adoption, or guardianship, including individuals placed for foster care by an authorized agency; or up to four unrelated individuals living and together and functioning as a single housekeeping unit.

Family day care home: A home operated by any person who receives pay for caring for six or fewer children or adults (other than members of the family occupying the premises) for day-time supervision and care. **Such a use shall be considered a home occupation.**

Garage, private: An accessory building or portion of a principal building used only for the private storage of motor vehicles owned and operated by the occupants of the principal building as an accessory use.

Garage, repair: Building and premises designed or used for commercial repairs, provided that body work and painting shall be conducted within fully enclosed buildings and provided further that vehicles not in safe operating condition shall be stored in fully enclosed buildings.

Halfway House: A group facility occupied and used for the business purpose of providing transitional offender rehabilitation or similar purposes, whether for profit or nonprofit, and whether or not required to have a Federal or State permit, provided that the majority of the residents shall meet one of the following criteria:

- A. On parole or probation, or has been ordered to reside in such type of facility as a condition of parole or probation; or
- B. Has been convicted of a felony and has completed his or her sentence; or
- C. Has been convicted of a criminal offense and has been ordered to reside in such type of facility as part of the criminal sentencing.

Home occupation: A business, profession, occupation or trade, conducted for gain and operated by the owner or legal tenant, that is accessory to and entirely within a single-family, two-family or multi-family residential dwelling or within an accessory structure to a single-family residential dwelling. Such home occupation shall not involve visits or access by clients or customers unless otherwise permitted by this ordinance. Reference Section 23-3-16 of this Chapter

- a. Home office: A home occupation that is limited to an office use and does not involve visits or access by the public, suppliers or customers, and does not involve the receipt, maintenance, repair, storage or transfer of merchandise at the dwelling
- b. Home business: A business that is limited to the use of a practicing professional or the operator of a business conducted elsewhere.

Hotel: A commercial and licensed facility and building(s) offering transient lodging accommodations to the general public. The word "hotel" also includes the terms "motel," "inn" and "tourist court." The term Hotel does not include a bed and breakfast inn, boardinghouse, mobile home park, travel trailer or RV park.

Junk or salvage yard: An open area used for the storage, keeping, abandonment, sale or resale of, salvage or scrap metals, paper, rags, rubber tires, and bottles or for the dismantling, demolition, storage or abandonment of automobiles and other vehicles, machinery or equipment, or parts thereof. **Does not include such activities or storage within buildings.**

Loading space, off-street: Space that is logically and conveniently located for pickups and deliveries, scaled to the size and type of delivery vehicles expected to be used, and accessible to such vehicles.

Lot: A developed or undeveloped parcel or tract of land in one ownership, legally transferable as a single unit of land. Unless clearly indicated otherwise, the word "lot" when used alone in this chapter shall mean a "zoning lot" as herein defined.

Lot, corner: A lot located at the intersection of two or more streets or bounded on two or more adjacent sides by street right-of-way lines.

Lot depth: The mean horizontal distance between the front (adjoining a street right of way) and rear lot lines, measured in the general direction of the side lot lines.

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

Lot of record: An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of the Clerk of Glynn Superior Court.

Lot, through: A lot having frontage on two nonintersecting parallel streets, as distinguished from a corner lot.

Lot width: The distance between side lot lines measured at and along the front building (setback) line.

Lot, zoning: A parcel of land occupied or to be occupied by a principal use or uses, together with such accessory uses, yards and open spaces as are permitted or required under the provisions of this chapter, having frontage on an officially accepted public street and having not less than the minimum area required by these regulations for a lot in the zoning district within which the parcel of land is located. A lot of record may or may not be a zoning lot.

Micro-brewery or distillery. A place for the small scale and independent manufacturing of specialty or craft beer, liquors or wine produced for retail sale and consumption on-site and off-site. A micro-brewery may include a single residence for the operator (brew master) of the brewery or distillery and may also include a combination of a permitted restaurant, bar or nightclub.

Micro-industry. A business occupying a commercial space and producing craft style fabrication and assembly of goods to be primarily sold on the premises such as metal and wood furniture, picture frames, art objects, clothing and clothing accessories, jewelry items, pottery and home accessories. Such a business shall not occupy more than 4,000 square feet and shall have no outside storage of raw materials, any special requirements for unloading incoming raw materials nor loading outgoing finished products.

Mixed use: A building or property occupied by both commercial retail stores and/or offices and residential dwellings in single integrated structure or development of multiple structures. The residential dwellings shall be treated as multi-family residences for purposes of parking requirements.

Mobile home park: Premises where spaces are set aside or offered for sale or rent to accommodate four or more mobile homes for use as dwellings.

Mobile home space: A plot of ground within a mobile home park designed for the accommodation of one mobile home and any permitted attached structures such a screened porches, decks or canopies.

Nonconforming use: A building, structure or parcel of land lawfully occupied by a use that does not conform to the regulations of the zoning district in which it is situated.

Nonconforming structure: Any structure that exists lawfully under these zoning regulations at the effective date of its adoption or amendment that could not be built under these zoning regulations due to restrictions on lot area, lot coverage, height, yards, location on the lot, or requirements other than use concerning the structure.

Outdoor storage - Temporary: Placement on a parcel, and not within a building or structure, supplies, materials, goods, equipment, products or surplus materials for more than seven (7) consecutive days or more than a total of 30 days within a year if not fully screened from public view. Excludes construction materials meant for the construction or renovation of a principal or auxiliary structure.

Outdoor Storage – Permanent: Permanent or recurring placement on a parcel, and not within an enclosed building or open structure such as an open shed for lumber or building materials, of goods, materials, vehicles and equipment for sale on the premises where placed.

Personal Care Home: A profit or nonprofit facility, home or structure(s) for the protective care of two or more persons, who need a watchful environment, but do not have an illness, injury, or disability, which requires chronic or convalescent care, including medical and nursing services. Protective care and watchful oversight includes, but is not limited to, a daily awareness of the residents' whereabouts, the asking and reminding of residents of their appointments for medical checkups, the ability and readiness of management to intervene if a crisis arises for a resident, and supervision by management in areas of nutrition, medication, and actual provision of transient medical care, with a 24-hour responsibility for the well being of residents of the facility. Personal care homes shall be classified in one of the following ways:

- a. **Individual:** Two to three clients
- b. **Family:** Four to six clients
- c. **Group:** Seven to 15 clients
- d. **Congregate:** Sixteen or more clients

Specific regulations are included in permitted zones. Must be licensed by The State of Georgia and approval by the Glynn County Department of Health is required.

Planning and Appeals Commission: Appointed by the Brunswick City Commission.

Planning staff: The city employees or contractors designated by the City Manager to process applications for re-zonings, conditional uses and variances.

Professional: A use or occupancy by persons including support staff, engaged in rendering personal, executive, or administrative services, including accountants, architects, engineers, land surveyors, doctors and other healthcare services, lawyers, insurance offices and administrative offices considered professional in character.

Recreational vehicle: A mobile travel camping unit on wheels, excluding a mobile home, which is designed to be pulled by or carried on a wheeled mobile vehicle. Included in this definition are pick-up campers, converted or factory assembled camper vans or buses, tents tent trailer or other similar mobile devices.

Recreational vehicle park or campground: Any site, lot, parcel or tract of land upon which recreational vehicles are placed in accordance with the requirements of this chapter.

Special event venue: An establishment, including social gathering event centers, that is rented by individuals or groups intended to accommodate public and private events and functions, social, entertainment, or educational gatherings to include meetings, music events, weddings, receptions, banquets, fundraisers, parties, private performances, art shows, and other celebrations, and which establishment shall include a permanent structure which houses an onsite kitchen or catering capabilities.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, half: A story in which one or more exterior walls intersect a sloping roof not more than two feet above the floor of such story.

Street: A public way for vehicular traffic which affords the principal means of access to abutting property.

Street centerline: That line surveyed and monumented by the governing body as the centerline of a street, or in the event that no centerline has been so determined, that line running midway between and parallel to the general direction of the outside right-of-way lines of the street.

Structure: Anything constructed or erected which requires a fixed location on the ground or which is attached to something having a fixed location on the ground, including but not limited to, mobile homes, signs, walls and fences.

Trailer: Any vehicle or structure capable of moving and/or being moved over streets and highways on its own wheels or on a flat bed or other carrier, which is designed or utilized to provide temporary or permanent quarters for the conduct of a business, profession, trade or occupation, new or used goods, products or equipment, or be used as a selling, advertising or display device.

Variance: A modification of the strict terms of this chapter granted by the board of zoning appeals where such modification will not be contrary to the public interest nor adversely impact an adjoining property, and where, owing to conditions peculiar to the property and not as the result of any action on the part of the property owner, a literal enforcement of this chapter would result in unnecessary and undue hardship.

Yard: A required open space located on the same lot as the principal building which is unoccupied and unobstructed from ground to sky except for landscape and where encroachments, fences or walls, utilities and accessory uses are expressly permitted.

Yard, front: A yard situated between the front building line and the front lot line extending the full width of the lot. The actual rear yard is the area between the greatest extremity of the rear wall of the principal structure and the rear lot line extending the full width of the lot.

Yard, rear: A yard situated between the rear building wall line and the rear lot line and extending the full width of the lot.

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

ARTICLE II. - ESTABLISHMENT OF DISTRICTS

Sec. 23-2-1. - Division into districts.

For the purpose of these regulations, the City of Brunswick, Georgia, is hereby divided into 18 districts (including 3 overlay districts) designated as follows:

Residential Districts

- R – 9 One Family Residential District
- R – 6 One Family Residential District
- GR General Residential District
- MH Mobile Home District

Office and Commercial Districts

- OC Office – Commercial District
- NC Neighborhood Commercial District (Formerly Local Commercial)
- GC General Commercial District
- HC Highway Commercial District
- CR Commercial Recreation District

Mixed Use/Central City Core / Historic District

- MUCCH Mixed Use, City Core, Historic District

Industrial Districts

- BI Basic Industrial District
- GI General Industrial District
- LI Limited Industrial

Institutional District

- I Institutional District

Planned Development Districts

- PD Planned Development – General

Overlay Districts

- Liberty Harbor PD Overlay
- Parkwood Village PD – TN Height Overlay
- U. S. 17 Overlay

Conservation Preservation District

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-2-2. - District boundaries.

The location and boundaries of each district are as shown on a map entitled "Official Zoning Map of Brunswick and Glynn County, Georgia," heretofore adopted on February 3, 1965 as amended, and as may be amended from time to time after that date. Said map, together with the explanatory writing and other entries thereon, consisting of multiple panels, has been and shall continue to be a part of this zoning ordinance until such time that a new and updated map of the city showing the current and correct location and boundaries of each district can be prepared by the city engineer. When such a new map is approved by vote of the city commission, then that new map shall become the official zoning map of the City of Brunswick and automatically replace the previous map as a part of this ordinance. Said new map shall be updated periodically by the city engineer to update it to reflect any re-zonings which may occur in the future and shall be retained permanently in the office of the city engineer. The map of February 3, 1965, as amended, referred to above shall be permanently retained by the city engineer for future reference.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-2-3. - Interpretation of district boundaries.

The following rules shall apply where uncertainty exists with respect to the district boundaries as shown on the zoning map:

- (a) District boundaries indicated as approximately following the centerlines within the right-of-way lines of streets, highways, alleys, railways or public utility easements shall be construed to follow such centerlines.
- (b) District boundaries indicated as approximately following lot or tract lines, whether public or private, shall be construed to follow such lines.
- (c) District boundaries indicated as approximately following incorporated area or county limit lines, military reservation boundary lines, militia district lines or special district lines, as amended from time to time, shall be construed to follow such lines.
- (d) District boundaries indicated as approximately following the centerlines, right-of-way or shore lines of streams, rivers, canals, channels or other waterways shall be construed to follow such centerlines, right-of-way lines or shore lines.
- (e) District boundaries indicated within the area known as the Atlantic Ocean shall be construed to be parallel to, and 500 feet seaward from, adjacent land or marsh shore lines at all times.
- (f) District boundaries indicated as being approximately parallel to, or extensions of, features or lines listed hereinabove shall be so construed. Distances not specifically indicated on the zoning map shall be determined according to the scale of the map.

(Ord. No. 1006, § 1, 11-19-2008)

ARTICLE III. - GENERAL REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS (UNLESS OTHERWISE NOTED)

Sec. 23-3-1. - Minimum requirements.

The various zoning district regulations established and set forth herein are declared to be the minimum requirements necessary to carry out the purposes of this chapter.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-3-2. - Use of land or building.

- (a) No land or building shall hereafter be used, and no existing building or part thereof shall hereafter be constructed, erected, altered or moved except in conformity with all of the regulations of the zoning district in which it is or will be located.
- (b) Land uses not expressly permitted within the several zoning districts established by this chapter are prohibited.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-3-3. - Height of buildings, measurement.

No building structure or appurtenance shall hereafter be constructed, altered or moved so as to exceed the prescribed height limitations for the zoning district in which it is or will be located. The height limitations prescribed in this chapter shall be measured from the average grade elevation at site or from a height of 12 feet above mean sea level, FEMA defined flood elevation, whichever is higher.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-3-4. - Density.

No building, structure or land shall hereafter be used or occupied in excess of the prescribed density regulations for the zoning district in which it is or will be located.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-3-5. - Lot occupancy.

No building shall hereafter be erected, altered or moved to occupy a greater percentage of lot area than is permitted within the zoning district in which it is or will be located.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-3-6. - Lot reduction prohibited.

No lot shall be so reduced in size that the requirements of this chapter as to total area, lot width, necessary yards or other open spaces, lot area per dwelling unit or other required conditions are not maintained.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-3-7. - Yard use limitation.

No building shall hereafter be erected, altered or moved to create narrower or smaller front yards, side yards, rear yards or other open spaces than required by this chapter for the zoning district in which such building is or will be located.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-3-8. - Use of substandard lots of record.

No permit for the use of any lot which is smaller in total area than the minimum size for the district within which it is located shall be issued unless said lot was legally and properly recorded prior to the passage of this chapter, provided that substandard lots in residential districts shall be used only for single-family residential purposes and construction on any such lot after the passage of this chapter shall be required to meet all other requirements of the district in which it is located, except that if the lot is less than 45 feet in width at the building line, the minimum total side yard shall be at least 20 percent of the lot width with a minimum of three feet for each side measured from the eave of the structure to the lot line.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-3-9. - Street access.

Except as herein provided, no use of a lot shall be permitted which does not have frontage on a publicly dedicated, publicly accepted or publicly maintained street with a right-of-way of not less than 30 feet.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-3-10. - Classification of streets.

For the purposes of this chapter, all public streets in the City of Brunswick are hereby classified by the City or the Georgia DOT as being either controlled access highways, major streets, collector streets or minor streets.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-3-11. - Location of buildings on lots.

Every building or use hereafter erected or established shall be located on a lot of record, and every one-and two-family residential structure, except as herein provided, shall be located on an individual lot of record. In all cases, the principal building on a lot shall be located within the area formed by the building lines as outer boundaries, and in no case shall the building infringe beyond the building lines into the respective front, side or rear yards or other setbacks required for the district in which the lot is located.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-3-12. - Corner lots.

On lots having frontage on more than one street at an intersection, the minimum front yard requirement may be reduced to one-half the regulated distance on the portion of the lot fronting on the street or streets of lesser importance as determined by the building official. However, in no case shall the setback be reduced to less than ten feet. The minimum front yard for the portion of the lot fronting on the street of greater importance shall be provided in accordance with the provisions established by this chapter for the district in which the lot is located. (Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-3-13. - Double frontage lots.

On lots having frontage on more than one street, but not located on a corner, the minimum front yard shall be provided for that portion of the yard facing the street of greater importance in accordance with the provisions of this chapter while that portion of the yard facing the street of lesser importance shall provide a minimum yard of ten feet in width.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-3-14. - Front yard requirements.

The setback requirements of this chapter shall not apply to any lot where the average setback on other lots already built upon and located wholly or in part within 100 feet of each side of the lot, on the same side of the street and within the same block and zoning district, is less than the minimum required setback. In such case, the setback on the lot may be less than the required setback but not less than the average of the setbacks on such other lots. However, in no case shall the setback be less than ten feet.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-3-15. - Nonconforming uses.

Any lawfully existing building, structure or use of land which is not a permitted use in the district within which it is located upon the enactment of this chapter into law shall be deemed to be a nonconforming use. Such use may be continued subject to the following conditions:

- (a) *Change.* Once changed to a conforming use, no building or use of land shall be permitted to revert to a nonconforming use. Change to another nonconforming use is prohibited.
- (b) *Abandonment.* Reestablishment of a nonconforming use after abandonment or discontinuance of use for a continuous period of 365 days is prohibited.
- (c) *Restoration.* A nonconforming building may not be reconstructed or structurally altered for continuance as a nonconforming use if the cost of such reconstruction or alteration exceeds 50 percent of its replacement cost less depreciation. Permitted restoration of a nonconforming building shall be fully completed within a six-month period after issuance of the building permit for each restoration.
- (d) *Extension.* A nonconforming use or building shall not be enlarged or extended in such a way as to displace a conforming use or building. No nonconforming use or building may be extended to occupy additional land area not utilized for such nonconforming use or building as of the date of enactment of this chapter.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-3-16. - Home occupations.

(1) *Overview.*

- (a) The standards of this article dealing with home occupations are designed to protect and maintain the residential character of a neighborhood while permitting certain limited commercial activities to be carried out in a home.
- (b) It shall be unlawful for any person to carry on a home occupation in any dwelling in the city unless the person has applied for and received a license to do so in compliance with this article. Application for a home occupation permit shall be made in writing on forms provided by the city. Applications shall be reviewed and approved by the Planning, Development and Codes Department.
- (c) It shall be unlawful for the owner of a dwelling to knowingly allow a person to use the dwelling for a home occupation in violation of this article.
- (d) All local and state licenses/permits as well as any necessary licenses/permits from any other agency required for the home occupation must be obtained prior to the business being opened.
- (e) A permit application fee for a new home occupation permit shall be required and is nonrefundable. The permit must be renewed annually to remain in effect.

(2) *Evaluation standards:* A home occupation as defined in Section 23-1-4 shall require a written permit and shall be permitted in a single-family dwelling in any residential district provided that the following standards are met:

- (a) The business (home office or home business) may not occupy more than 25% of the heated floor space of the residence and shall only be carried out solely within the residence;
- (b) There shall be no more than one employee associated with the Home Occupation and no employee other than an owner or tenant of the residence;
- (c) There shall be no sign nor display of any type indicating a business on the premises;
- (d) There shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance that can be detected beyond the lot line of the residence where the business is being conducted;
- (e) There shall be no chemical, pharmaceuticals mechanical or electrical equipment or materials on the premises other than that normally found in a domestic residence.

- (f) If a business activity is being permitted in the residence, only one related marked business vehicle is allowed to be parked on the premises or on the street in front of the residence at any time.
 - (g) No business activity shall involve the care, breeding or boarding of domestic or other animals of any kind. Taxidermy is an activity that is specifically prohibited.
 - (h) No medical practice of any kind is allowed
- (3) The following home occupations are specifically permitted with limitations or exceptions to the above criteria:
- (a) Tutoring of all types for no more than 2 pupils at one time.
 - (b) Musician and artist's studio which may have equipment that is not normally found in a residence.
 - (c) A barber or beauty shop consisting of not more than one chair and not more than two customers at any time. At least two hard surface parking spaces shall be required on the premises.
 - (d) Child day care limited to no more than four (4) children and no older than age 6 at one time and are allowed to occupy up to 50% of heated floor space within the residence and for outdoor play activity. Such home occupation shall first be licensed by the State of Georgia.
 - (e) All of the above permitted home occupations may only operate during the hours of 6 AM and 6 PM Monday through Saturday. And 12 PM and 6 Pm on Sundays.
- (4) Conditions for Approval:
- (a) A proposed home occupation shall require a permit issued by the building department after a written application (on a form provided by the City) review and approval by the Planning Department after a determination that the conditions stated herein have been met.
 - (b) If the applicant for a permit is not the owner of the residence in which the home occupation is to be located, then written permission from the legal owner of the residence shall be required to be submitted with the application.
 - (c) Home occupation may have to comply with additional and more stringent requirements of County, State or Federal governments.
- (5) *Consent to inspection.*
- (a) The signature of the applicant upon the application shall grant the consent by the applicant to an inspection of the home occupation premises by the City of Brunswick.
 - (b) The dwelling in which the home occupation is being conducted shall be open for inspection to city personnel during reasonable hours.
 - (c) Failure by the applicant to allow for the inspection of the premises by the code enforcement officer or position(s) designated by the city manager shall be grounds for refusal to grant the permit or to revoke any current permit.
- (6) *Revocation of a home occupation permit/occupational tax certificate.* The planning, development and codes director or designee has the authority to revoke a home occupation permit or modify or amend the conditions of a home occupation permit upon determining that the use as operated or maintained creates one or more of the following conditions:

- (a) A nuisance or other undesirable condition interfering with the public health, safety, or general welfare.
 - (b) A violation of the provisions of this article or any other applicable law or ordinance, or a violation of the conditions imposed upon the home occupation permit.
 - (c) Failure to allow the city to inspect the property during hours of operation.
 - (d) Before revoking a home occupation permit, the city shall give a ten-day written notice to the permit holder addressed or delivered to the premises. The permit holder may appeal the revocation to the city council by filing a written notice of appeal with the city clerk within said ten-day period. The revocation shall be stayed pending the council's decision on the appeal.
- (7) *Penalties.* Any person violating this article and/or operating without an occupational tax certificate shall be subject to a fine not to exceed \$1,000.00 per violation, by imprisonment for a term not to exceed 30 days or a combination of such fine and imprisonment.

Sec. 23-3-17. - Accessory uses permitted.

In addition to the principal uses which are designated herein as being permitted within the several zoning districts established by this chapter, it is intended that certain uses customarily incidental or accessory to such principal uses shall also be permitted. For the purposes of this chapter, therefore, each of the following uses is considered to be a customary accessory use and as such may be situated on the same lot with the principal use to which it serves as an accessory:

- (a) Uses customarily accessory to dwellings:

- (1) Private garage not to exceed the following storage capacities:

A one- or two-family dwelling:	Maximum of four automobiles unless a larger garage is approved as a conditional use.
A multi-family dwelling:	One automobile per efficiency or 1 BR dwelling unit. Two automobiles per 2 BR + dwelling unit.

- (2) Open storage or parking area, for motor vehicles, boats and recreation vehicles less than 20 feet in length, provided, that such area does not exceed four spaces per family residing on the premises. Provided further that such area shall not be used for more than one commercial vehicle, which shall not have more than three-fourths ton in capacity
- (3) Shed or tool room for the storage of equipment used in grounds or building maintenance.
- (4) Children's playhouse and play equipment.
- (5) Private kennel for no more than three dogs or cats over four months old.
- (6) Private swimming pool and bath house or cabana.

- (7) Structures designed and used for purposes of shelter in the event of manmade or natural catastrophes.
- (8) Non-commercial flower, ornamental shrub or vegetable garden, greenhouse or slat house not over eight feet in height.
- (9) Private boat docks and boat docks - houses (covered or enclosed dock).
- (b) Uses customarily accessory to church buildings:
 - (1) Religious education and day or adult care buildings.
 - (2) Parsonage, parsonage or parish house, together with any use accessory to a dwelling as listed under subsection (a) above.
 - (3) Off-street parking area for the use without charge to members and visitors to the church.
- (c) Uses customarily accessory to retail businesses, office uses and commercial recreation facilities:
 - (1) Off-street parking or storage area for customers, clients and employees.
 - (2) Completely enclosed building for the storage of supplies, stock or merchandise.
 - (3) Light manufacturing and/or repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.

Sec. 23-3-18. - Requirements for accessory uses.

In any district, all accessory uses permitted in structures above ground level, except boat houses, shall observe all setbacks, yard and other requirements set forth for the district in which they are located. No accessory use, except boat houses and boat docks, shall, in any case, be located any closer than five feet to any property line.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-3-19. - Off-street parking requirements.

Areas suitable for parking or storing automobiles in off-street locations shall hereafter be required in all zoning districts, except in the MUCCH District-unless required by the Building Official, at the time of the initial construction of any principal building or when a structural alteration or other change in a principal building produces an increase in dwelling units, guest rooms, floor area, seating or bed capacity or when a conversion in use occurs. Such off-street parking areas shall have direct access to a street or alley and shall be provided and maintained in accordance with the following requirements.

No parking is allowed in the front yard of any residence except for a drop off area and driveway. However, if no access is available to the side or rear yard that would enable parking to occur in the side or rear yard, vehicles may be parked in a paved parking area in the front yard. Paving may be a pervious or impervious surface. Parking or storage of commercial vehicles or trucks in excess of 20,000 GVW and trailers is prohibited in any residential zone.

(a) *Number of spaces required:* **Note: The total number of parking spaces required for handicapped persons shall cause an equal reduction in other spaces required.**

USE

**Minimum No. of Parking Spaces
Required for Vehicles**

Residential

One and two- family dwelling / Including Mobile Home.

Two spaces per dwelling (plus 2 spaces per employee employed by a mobile home park).

Multi-family and Townhouse dwellings:

Studio

1 / unit

1 Bedroom

1 / unit

2 – Bedroom

2.00 / unit (1.75 for 25+ units)

3 - Bedroom

2.00 / unit

4+ Bedroom

2.50 / unit

Accessory dwelling living unit

1 / unit

Accessory dwelling guest unit

1 / unit

Group residence incl. boarding house, rooming house

1 / accommodation plus 1 space for each 2 employees

Retail, Lodging and Restaurants

Minimum Parking Space Required for Vehicles per GSF of Building Area.

General Retail except for below:
General Retail over 25,000 GSF

1 per 300 GSF (gross floor area square feet)
1 per 250 GSF

Hotels and Motels

1 space per room plus 1 space for each 2 employees and 1 space for each 400 sf of lobby, restaurant or conference facility

Bed and Breakfast / Tourist Home

2 spaces for owner plus 1 per room to be rented

Theater

One space per 3 seats

Bowling alley and other commercial indoor recreation	1 per 300 GSF
Restaurant, café, coffee shop, bar, tavern nightclub	1 space per 100 GSF including outdoor seating areas
Drive through restaurant with attached or free standing remote	5 stacking spaces per drive through in addition to any attached principal use requirement
Automobile Service Station	1 space per pump plus requirement for retail space
Vehicle sales and rental	1 space per 1000 building GSF plus 2.5 per service bay
Studios: Art, dance martial arts, etc	1 per 300 GSF
Office and Services	
General offices and services except for: Banks	1 space per 300 GSF 1 space per 200 GSF plus drive through requirements
Medical Clinics and Offices – General	7 spaces for each doctor plus 1 space for each employee.
Medical clinics and offices - Psychiatrists	2 spaces for each doctor plus 1 space for each employee.
Animal clinic, hospital, boarding	1 space per 300 GSF
Hospital, Nursing Homes, Hospice, etc	1 space per 2 beds plus 1 per four employees total.
Daycare center	1 space per employee plus 1 drop off space per enrolled child
Mortuaries and funeral homes	1 space per 100 GSF of chapel area plus 1 space for each company vehicle kept on the premises.
Repair Shop	1 space per 400 GSF plus 1 space per 2 employees
Farm equipment and machinery	1 space per 400 GSF plus 1 space per 2 employees.
Schools and Churches: Places of Assembly	
Schools - Public or Private	
Schools - K-8	2 spaces per classroom
Schools 9 - 12	1 space per 4 employees and students
Colleges - Public or Private	1 space per 4 employees and students

Churches	1 space per 3 fixed seats (incl pews) or 1 per 300 gross sf whichever is greater
Places of assembly - Indoor incl. recreation center, cultural facility, auditorium	1 space per 300 GSF
Places of Assembly - outdoor - General	1 space per 4 patrons capacity plus 1 space per employee
Golf Courses	3 spaces per hole
Campground/RV Park	1 space per vehicle or campsite
Marina	1 space per 2 slips/1 space per 4 dry storage capacity
Industrial	
Light Industrial	1 space per 500 GSF
General Industrial	1 space per employee at max shift plus 1 space per company vehicle
Warehouse / distribution	1 space per 2000 GSF
Other	
Transportation terminals – General	1 space per 200 GSF in building(s) plus 1 space
Airport	per support vehicle

- (b) *Amount of area required for each parking space.* Including aisles, entrances and exits, each required off-street parking area, lot or other facility shall contain a minimum of 300 square feet including adequate maneuverable space for each automobile to be accommodated. A typical parking space is 9 feet wide and 18 feet deep.
- (c) *Combination of uses on one lot.* If there are a combination of uses on a single lot, such as a restaurant within or adjacent to a motel, the parking requirements for such uses shall be computed separately according to the individual requirements of each use. The building official may allow an increase or decrease in the number of minimum spaces required if the owner can furnish a parking demand study showing such an increase or decrease is appropriate, provided the study is approved by the City's Traffic Engineer. The maximum number of parking spaces that can be provided is limited to 125% of the minimum requirements specified herein.
- (d) *Location of off-street parking areas.* Required off-street parking areas for one and two-family residences shall be located on the same lot as the principal building to be served. Under unusual circumstance and hardship, parking areas for all other permitted uses may be located off-site, provided that the parking area is not more than 600 feet from the premises of the principal building or use to be served by such areas and provided that the owner of the off-site parking areas relinquishes all development rights over his property until such time that parking space is provided elsewhere.
- (e) *Common off-street parking areas.* Two or more principal uses may utilize a common area in order to comply with off-street parking requirements, provided that the total number of individual spaces available in such common area is not less than the sum of the spaces required for the individual uses as separately computed in accordance with the provisions of this section and provided that the owner of the common area relinquishes his development rights over the property until such time as parking space is provided elsewhere.
- (f) *Use of public rights-of-way for maneuvering incidental to off-street parking.* When determining parking area requirements for individual uses, portions of the public rights-of-way on minor

streets may be considered as permissible for maneuvering incidental to parking. On collector streets, major streets and controlled access highways, parking facilities shall provide space outside the public right-of-way for maneuvering incidental to parking.

Sec. 23-3-20. - Off-street loading areas.

Except in the MUCCH District and unless required by the Building Official, areas suitable for loading and unloading motor vehicles in off-street locations shall hereafter be required at the time of the initial construction of any building or structure used or arranged to be used for commercial, industrial, governmental or multi-family residential purposes. Such off-street loading areas shall have access to a public alley or street and shall be provided and maintained in accordance with the following requirements, the computation of which shall not be included in the off-street parking requirements.

(a) *Number of spaces required:*

- (1) Retail business uses with less than 2,000 square feet in total floor area: None.
- (2) Retail business uses with 2,000 to 25,000 square feet in total floor area: One space.
- (3) Wholesale, industrial, governmental and institutional uses, including public assembly places, hospitals and educational institutions: One space for the first 25,000 square feet of total floor area. For anything in excess of 25,000 square feet, such uses shall provide loading spaces according to the following schedule:

Square feet	No. of Spaces
25,001—99,999	Two
100,000—159,999	Three
160,000—239,999	Four
240,000—349,999	Five
Each additional 100,000 or fraction thereof	One additional

- (b) *Amount of area required for each loading space.* Each off-street loading and unloading space required by the provisions of this chapter shall be at least ten feet wide, 60 feet long and 14 feet wide. Such space shall be clear and free of obstructions at all times.
- (c) *Location of off-street loading areas.* Required off-street loading and unloading areas shall in all cases be located on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be considered as part of the area provided to satisfy off-street parking requirements as set forth hereinabove. At no time may the vehicle using a required off street loading area extend into a street right of way nor may the street right of way be used for maneuvering by the vehicle seeking to load or unload at the site.

- (d) *Adequacy of loading area.* All uses, whether specified in this chapter or not, shall provide off-street loading areas sufficient for their requirements. Such spaces shall be adequate so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk, alley or way.

Sec. 23-3-21. - Buffer requirements. **Adopted by the City Commission 8/17/2021**

Whenever any nonresidential zoning district (Agricultural, Office, Commercial, Institutional, MUCCH, Industrial, Commercial Recreation) or Mobile Home (MH) district abuts a residential zoning district (other than another MH district), a buffer shall be installed and/or maintained on such lot with the nonresidential or MH zoning, along the entire lot line abutting the residential district. A buffer may also be required as a condition of a Conditional Use Approval by the City Commission.

(A) A buffer may be either:

- (1) A Natural Buffer, defined as “a visual screen created by vegetation of such density so as to provide a visual separation between nonresidential or mobile home districts and residential districts. Wherever and whenever possible, a Natural Buffer should include all or portions of trees and shrubs existing on the site prior to development.

- (2) A Structural Buffer is defined as a visual screen created by the construction of a solid fence, wall, earthen berm, or a combination of these, supplemented by vegetation to provide a visual separation between nonresidential or mobile home districts and residential districts.

(B) The width of the buffer along its lot line shall be as follows:

- (1) Between MUCCH and Office Districts and all Residential Districts except MH (Mobile Home) – 20 Feet

- (2) Between Commercial, Commercial Recreation and Institutional Zones and all Residential Districts – 25 Feet

- (3) Between Industrial Zones and Residential, Commercial, Commercial Recreation Districts- 50 Feet

(C) A Natural Buffer shall be installed and/or maintained in compliance with the following requirements”

- (1) Existing trees and shrubs located between the lot line and building setback line shall not be removed without the express written approval of the building official.

- (2) A buffer shall be planted with shrubs and/or trees so as to produce within one growing season a dense, compact evergreen planting screen which shall be capable of completely concealing from the residential zoning lot or district all work activities, equipment, loading and unloading, and parking within the less restrictive zoning or use and which shall be further capable of providing a visual screen of at least 75 percent of the vertical surfaces of any adjacent nonresidential structure.

- (3) A landscaping plan identifying all plants to be incorporated in a buffer strip required herein must be approved by the building official prior to any site construction. Evergreen and deciduous plantings may be used so long as the visual standards in (C) 2 are maintained year-round.

- (a) For a buffer 20 feet in width, minimum plantings shall include Overstory Trees – 2 for every 100 feet; Understory Trees – 3 for every 100 feet; Evergreen Shrubs – 8 for every 100 feet. For less than 100 feet, the quantity for each type of planting shall be pro-rated accordingly after rounding up.
- (b) For a buffer 25 feet in width, minimum plantings shall include Overstory Trees – 3 for every 100 feet; Understory Trees – 6 for every 100 feet; Evergreen Shrubs – 10 for every 100 feet. For less than 100 feet, the quantity for each type of planting shall be pro-rated accordingly after rounding up.
- (c) For a buffer of 50 feet in width, minimum plantings shall include Overstory Trees – 4 for every 100 feet; Understory Trees – 5 for every 100 feet; Evergreen Shrubs – 20 for every 100 feet. For less than 100 feet, the quantity for each type of planting shall be pro-rated accordingly after rounding up.
- (d) The height of the plant material, after installed, shall be:
 - (i) For Overstory Trees (indigenous to the area) – 10 feet in height
 - (ii) For Understory Trees (indigenous to the area) – 6 feet in height
 - (iii) For Evergreen Shrubs (indigenous to the area) – 3 feet in height,
 and shall produce a visual screen averaging 6 feet in height for all plant materials installed at the end of a single growing season.
- (e) All required plantings shall be permanently maintained in sound, healthy growing condition and shall be replaced with new plant materials during the first year growing season whenever necessary to ensure continued compliance with applicable landscaping requirements.
- (f) The building official shall be authorized to order the installation of additional plantings whenever he or she deems such additional plantings necessary to comply with the requirements of this section, and to order replacement of any vegetation removed in violation of subsection ~~(a)~~(C)(1) above.

(D) A Structural Buffer shall be installed in compliance with the following requirements:

- a. The building official shall be authorized to permit the installation of a structural buffer, as defined herein, in lieu of a planted buffer where because of space constraints or other reason(s) the requirement of a planted buffer would not be practical; the materials, location and dimensions of such fence must meet the following requirements and be approved by the building official.
 - (1) Structural buffers may be fences or walls constructed of wood or masonry materials of at least 6 feet in height and include plantings along its length on the residential zone side of the structural buffer. Plantings installed shall be at least 50% of those required in C (3) (d)
 - (2) Earthen berms may be constructed to a height of 6 feet and shall have slopes of a maximum of 1 foot rise in 2 horizontal feet. Thus a 6-foot berm would have an overall minimum width of 24 feet (12 feet each side to accommodate the maximum slope. The berm shall have plant materials installed at the base of the berm and the berm itself shall be planted, or sod installed, with a permanent grass.

The height of the berm may be reduced if a fence is installed along the crest of the berm, however an overall height of 6 feet must be achieved.

(E) The building official shall be authorized to waive the buffer requirement along street rights-of-way where the installation of a buffer would not be practical because of proximity to the street or where visibility at an intersection may be impaired.

Sec. 23-3-22. - Curb cuts and other access points.

Openings through street curbing commonly referred to as "curb cuts," and as other means of vehicular access to and from private property shall be regulated in the several zoning districts established by this chapter in accordance with the following requirements:

- (a) *Size and spacing of curb cuts and other access points.* In no case shall a curb cut or other access point be less than nine feet nor more than 25 feet in length. No two curb cuts or other access points shall be closer than 20 feet from each other.
- (b) *Location of curb cuts and other access points.* At street intersections, no curb cut or other access point shall be located closer than:
 - (1) 25 feet from the intersecting point of the two street rights-of-way or property lines involved (or extensions of such lines in case of a rounded corner) or
 - (2) 25 feet from the intersection of the two curb lines involved (or extensions of such lines in case of a rounded corner), whichever is the least restrictive.
- (c) *Access points in the vicinity of interchanges.* In no case shall any curb cut or other access point be located closer than 200 feet to the intersecting point of a street right-of-way line with the right-of-way line of any limited access highway or interchange, including all portions of ramps, acceleration and deceleration lanes, merge lanes and other facilities specifically designed to facilitate traffic movement onto and off the limited access highway.
- (d) *Permits for access onto state-owned rights-of-way.* A permit must be obtained from the state department of transportation before curb-cuts or any other point of access shall be authorized onto state-owned highway rights-of-way from abutting property.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-3-23. - Vision clearance at intersections.

In all zoning districts established by this chapter, except the MUCCH district, no fence, wall, terrace, sign, shrubbery, planting or other structure or object capable of obstructing driver vision between the heights of three and ten feet above the finished street level shall be permitted on a corner lot within 25 feet of the point of intersection of the street right-of-way lines (or extensions of such lines in case of a rounded corner). No private drive may be located closer than 50 feet from the intersection of two public streets.

Sec. 23-3-24. - Vision clearance at private drives.

At the intersection of any private drive or entrance or exit with a public street, no fence, wall, hedge or other planting or sign forming a material impediment to visibility over a height of two and one-half feet shall be erected, planted, placed or maintained.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-3-25. - Height limitations, exceptions.

Notwithstanding the provisions of section 23-3-3 and specific height restrictions prescribed herein, the following structures may exceed the prescribed height limitations except when they would violate the height restrictions of an aircraft approach, transitional or horizontal zone: Church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, silos, chimneys, smokestacks, conveyors, flagpoles, masts and aerials.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-3-26. - Nonconforming structures.

Where a structure exists lawfully under these zoning regulations at the effective date of its adoption or amendment that could not be built under these zoning regulations by reason of restrictions on lot area, lot coverage, height, yards, location on the lot, or requirements other than use concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) Any nonconforming structure or portion thereof shall not be enlarged or altered.
- (b) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means other than as a result of governmental action to an extent of more than 50 percent of its actual replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of these zoning regulations.
- (c) Notwithstanding the foregoing restrictions as to reconstruction, any residential structure or structures in any residential zone district may be rebuilt after destruction, except when destruction has occurred by the voluntary act of the owner. In the event of such rebuilding, all applicable district requirements, except as identified above, shall be met.
- (d) Should such structure be moved for any reason for any distance whatever, other than as a result of governmental action, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (e) Should the use within a non-conforming structure be abandoned for a continuous period of 365 days, the structure and the new use therein shall conform to the regulations of the district in which it is located thereafter.

Section 23-3-27 – Vehicle (new and used) Sales, Service and Rentals.

Vehicle sales and rental uses shall comply with the following:

- (a) Parking or Storage of Vehicles: No vehicles or boats shall be parked in a street right-of-way, front yard setback, landscaped area or buffer.
- (b) Display of Vehicles. No vehicles shall be displayed with their hoods open, except in a display building, which shall be an enclosed structure. No vehicles or boats shall be displayed on top of a building.
- (c) Location of Service Bay Doors. Repair of all vehicles and boats shall occur within an enclosed building. Primary service bay doors shall be located perpendicular to the road fronting the site and all other service doors shall be screened from all other streets and adjacent residential property.
- (d) Outdoor Intercoms. Outdoor intercoms located on vehicular sales and rental sites shall comply with the following:

- a. Be located a minimum of 150 feet from the property line of any existing residential use; and
 - b. If the vehicle sales and rental use is located adjacent to an existing residential use, be located on a side of the building that does not front the residential use.
- (e) Outdoor Display: All areas for the outdoor display of vehicles and boats for sale shall be located behind the front building setback line. No balloons, spinning or fluttering objects, pennants, banners or wind-blown devices shall be used in connection with the outdoor display of vehicles. All vehicle display areas shall be set back at least 10 feet from any property line or setback line, whichever is greater.
- (f) Service and Repair Activities: All service and repair activities, including outdoor storage areas (those areas not used for display), shall be located behind the front building line and shall be completely screened (100 percent opacity) from adjoining properties and rights-of-way using natural buffers, fencing, buildings, or a combination thereof.
- (g) Area Lighting: All area lighting shall be directed downward or toward the primary building. No lighting shall be directed to adjacent streets or any property line.
- (h) Ingress and Egress: All primary ingress and egress shall be from the street fronting the property. No ingress or egress shall be permitted from any other street that also fronts a residential property(s).

ARTICLE IV. - R-9 RESIDENTIAL DISTRICT

Sec. 23-4-1. - Intent of district.

It is the intent of this article that the R-9 zoning district be developed and reserved for low-to-medium density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on zoning lots having an area of 9,000 square feet or more, and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the district.

Sec. 23-4-2. - Permitted primary and accessory uses -See Chart No. 1 in the Appendix. Accessory uses must comply with Sections 23-3-17 and 23-3-18

Sec. 23-4-3. – Conditional uses permitted subject to Section 23-25-3- See Chart No. 1. in the Appendix

Sec. 23-4-4. - Development Standards See Chart No. 2. In the Appendix.

ARTICLE V. - R-6 ONE-FAMILY RESIDENTIAL DISTRICT

Sec. 23-5-1. - Intent of district.

It is the intent of this article that the R-6 zoning district be developed and reserved for medium-density one-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on zoning lots of 6,000 square feet or more and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the district.

Sec. 23-5-2. – Permitted primary and secondary uses See Chart No. 1 in the Appendix. Accessory uses must comply with Sections 23-3-17 and 23-3-18

Sec. 23-5-3. - Conditional uses permitted subject to Section 23-25-3- See Chart No. 1. in the Appendix

Sec. 23-5-4. – Development standards: See Chart No. 2. In the Appendix.

ARTICLE VI. - GR GENERAL RESIDENTIAL DISTRICT

Sec. 23-6-1. - Intent of district.

It is the intent of this article that the GR zoning district be developed and reserved for medium to high-density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for several different types of dwellings and to discourage unwarranted encroachment of commercial, industrial or other uses capable of adversely affecting the residential character of the district.

Sec. 23-6-2. - Permitted primary and secondary uses. See Chart No. 1 in the Appendix. Accessory uses must comply with Sections 23-3-17 and 23-3-18

Sec. 23-6-3. - Conditional uses permitted subject to Section 23-25-4—See Chart No. 1 in the Appendix

Sec. 23-6-4. Development Standards - See Chart No. 2. In the Appendix.

(a) Minimum Lot Size for a One-Family Residence in the Old Town National Register Historic District is 8,100 square feet, except for those blocks between Wolfe Street and Norwich Street Lane and between F and H Streets are to remain at a 4,500 square foot minimum.

ARTICLE VII. - OC OFFICE COMMERCIAL DISTRICT

Sec. 23-7-1. - Intent of district.

It is the intent of this section that the OC zoning district be developed and reserved for business, office, institutional, specified public, semi-public uses which provide services to the general public. The regulations which apply within this district are designed to encourage the formation and continuance of a quiet, compatible and uncongested environment for office-type business or and professional firms and certain similar and compatible public or semi-public uses and to discourage any encroachment by any uses capable of adversely affecting the commercial and professional services character of the district.

Sec. 23-7-2. - Permitted primary and accessory uses. See Chart No. 3 in the Appendix. Accessory uses must comply with Sections 23-3-17 and 23-3-18

Sec. 23-7-3. - Conditional uses permitted subject to Section 23-25-3- See Chart No. 3. in the Appendix

Sec. 23-7-4. – Development Standards. See Chart No. 4 in the Appendix.

ARTICLE VIII. NC - NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 23-8-1. - Intent of district.

It is the intent of this section that the NC zoning district be developed and reserved for neighborhood-oriented business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy and compatible environment for uses that are located so as to provide nearby residential areas with convenient shopping and service facilities, reduce traffic and parking congestion, avoid the development of "strip" business districts and to discourage encroachment capable of adversely affecting adjoining and nearby residential districts. Floor space for each permitted use shall not exceed 2,000 SF.

Sec. 23-8-2. - Permitted primary and accessory uses. See Chart No. 3 for Permitted Uses Accessory uses must comply with Sections 23-3-17 and 23-3-18

Sec. 23-8-3. - Conditional uses permitted subject to Section 23-25-3- See Chart No. 3. in the Appendix

Sec. 23-8-4. – Development Standards. See Chart No. 4 in the Appendix.

ARTICLE IX. – GC - GENERAL COMMERCIAL DISTRICT

Sec. 23-9-1. - Intent of district.

It is the intent of this section that the GC zoning district be developed and reserved for a broad range of general business uses. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible and economically healthy environment for regionally and community-wide ~~oriented~~ business, financial, service and professional uses which benefit from being located in close proximity to each other, and to discourage any encroachment by uses considered capable of adversely affecting the overall commercial character of the district.

Sec. 23-9-2. – Permitted primary and accessory uses. See Chart No. 3 for Permitted Uses. Accessory uses must comply with Sections 23-3-17 and 23-3-18

Sec. 23-9-3. - Conditional uses permitted subject to Section 23-25-3- See Chart No. 3. in the Appendix

Sec. 23-9-4. - Other requirements. See Chart No. 4 for Office and Commercial Development Standards

ARTICLE X – MU/CC/H -MIXED USE / CITY CORE AND HISTORIC DISTRICT

Section 23-10-1. – Intent of district

It is the intent of this Article that the MU/CC/H zoning district be maintained and developed in commercial, office and residential uses which caters to the City's needs while encouraging the addition of new permanent residents in a vibrant mixed- use community. The permitted uses and development regulations contained herein are designed to promote that kind of development while maintaining the existing commercial, institutional and residential character, architecture, and often historic characteristics of the district.

Sec. 23 -10-2. – Permitted primary and accessory Uses: All permitted commercial, office, institutional and residential primary and accessory uses are shown on Chart 5 in the Appendix

Sec. 23-10-3. – Conditional uses permitted subject to Section 23-25-3- See Chart No. 5. in the Appendix

Sec. 23-10-4. – Temporary Uses: Certain temporary uses and activities may be permitted within the district provided the City Commission determines such use or activity is appropriate, is of benefit to the permitted uses and residents of the district and issues a permit in accordance with Sec. 23-25-5

Sec.23-10-5. – Development standards and procedure for approval to develop, expand or alter permitted uses.

Development standards within the MUCCH zoning district are designed to be flexible enough to encourage the type of new development or modification of existing permitted uses which benefit the district as a whole. Following are development standards, broadly stated, which shall guide the review and approval of a new permitted use development or modification of the site of an existing permitted use by the planning staff.

- (a) Site requirements for permitted uses.
 - a. For residential uses.
 - i. Single family – Site and front, side and rear yards as required in the GR Zoning District
 - ii. Two Family – Site and front, side and rear yards as required in the GR Zoning District,
 - iii. Townhomes and Multifamily – As required in the GR Zoning District
 - b. For all other permitted uses, there shall be no minimum site, front, rear or side yards required.
- (b) Trees
 - a. No tree classified as a heritage or specimen tree, as defined herein, shall be removed unless approved by the building official after obtaining an opinion form a certified arborist that there is no alternative to such removal.
 - i. A heritage tree is defined as a tree (or group of trees) that are at least 50 years old and share a significant event (or events) in a specific place in time or are, in the opinion of an arborist, unique in size, shape or species to be considered irreplaceable.
 - ii. A specimen tree is defined as a tree that is indigenous to the Coastal Georgia Area, is structurally sound and mature (10 years old or older) in the opinion of a certified arborist.
- (c) Parking
 - a. Single family and two- family dwellings shall be required to have at least 2 off street parking spaces. Such spaces shall not be permitted in front or side yards. No off-street surface or structure parking shall be required for other permitted uses unless the building official determines that there no sufficient alternatives with existing on-street or off-street parking.
 - b. No off-street loading or unloading space shall be required for commercial uses.
- (d) Building design requirements
 - a. Building height shall not exceed 45 feet unless approved by the Fire Department and subsequently waived by the City Commission and shall generally be the height of adjacent structures.

- b. Building facades shall be designed in harmony with adjacent building and shall be constructed or rehabilitated and finished with compatible building materials and colors.
- (e) Procedure for development approval
 - a. Prior to seeking development approval from the City Commission, the Historic District Board shall first review and approve the proposed development or expansion for conformance with district design guidelines if the project lies within the designated Historic District of Brunswick.
 - b. A development proposal shall be submitted to the Building Official which includes a site plan, building elevations in sufficient detail to describe the building façade design characteristics, signage and other physical features deemed necessary by the building official.
- (f) Site and other development requirements for conditional uses shall be determined and specified as a part of obtaining conditional use approval from the City Commission.

ARTICLE XI. - HC HIGHWAY COMMERCIAL DISTRICT

Sec. 23-11-1. - Intent of district.

It is the intent of this section that the HC zoning district be developed and reserved for commercial uses which primarily render a service or cater to tourists, vacationers, truckers, and the traveling public in general and those commercial uses which are intensive in nature and require larger sites. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for highway-oriented uses, insure adequate and properly designed means of ingress and egress, and to discourage any encroachment by industrial, residential or other uses capable of adversely affecting the specialized commercial character of the district.

Sec. 23-11-2. - Permitted uses. See Chart No. 3 for Permitted Uses.

Sec. 23-11-3. - Conditional uses permitted subject to Section 23-25-3- See Chart No. 3. in the Appendix

Sec. 23-11-4. - Other requirements. See Chart No. 4 for Office and Commercial Development Standards

ARTICLE XII. - BI BASIC INDUSTRIAL DISTRICT

Sec. 23-12-1. - Intent of district.

It is the intent of this section that the BI zoning district be developed and reserved for basic or primary types of heavy industrial uses which involve extensive manufacturing, processing or assembly operations and/or serve as large employment centers. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for these industries which require sizable tracts of land and/or employ large numbers of workers, protect and reserve undeveloped areas in Glynn County which are suitable for such industries without adversely affecting adjoining non-industrial districts and to discourage any encroachment by residential, commercial or other uses capable of adversely affecting the basic industrial character of the BI Basic Industrial District..

Sec. 23-12-2. - Permitted uses. See Chart No. 6 for Permitted Uses.

Sec. 23-12-3. - Conditional uses permitted subject to Section 23-25-3- See Chart No. 6. in the Appendix

Sec. 23-12-4. - Other requirements. See Chart No. 7 in the Appendix for Industrial Development Standards

ARTICLE XIII. - GI GENERAL INDUSTRIAL DISTRICT

Sec. 23-13-1. - Intent of district.

It is the intent of this section that the GI zoning district be developed and reserved for light manufacturing, assembly, distribution of goods, packaging or similar light industrial purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for all types of light industrial, warehouse, transport terminal, laboratory and open yard storage operations or concerns that have no affect or impact on adjoining non- industrial districts and to discourage any encroachment by residential developments or other uses capable of adversely affecting the industrial character of the GI General Industrial district.

Sec. 23-13-2. - Permitted uses. See Chart No. 6 for Permitted Uses.

Sec. 23-13-3. - Conditional uses permitted subject to Section 23-25-3- See Chart No. 6. in the Appendix

Sec. 23-13-3 – Other Requirements. See Chart No. 7 in the Appendix for Industrial Development Standards

Article XIV – LI LIMITED INDUSTRIAL DISTRICT

Sec. 23-14-1. - Intent of district.

It is the intent of this article that the LI limited industrial zoning district, be reserved and developed for light industrial, warehouse/distribution and wholesale uses which are not significantly objectionable in terms of outdoor storage, noise, odor, fumes, etc., to surrounding properties. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for uses generally classified to be light industrial in nature, protect and reserve undeveloped areas in the City of Brunswick which are suitable for such industries and to discourage encroachment by those residential, commercial or other uses capable of adversely affecting the basic industrial character of the district or be affected by the industrial character of the district.

Sec. 23-14-2. - Permitted uses. See Chart No. 6 for Permitted Uses.

Sec. 23-14-3. - Conditional uses permitted subject to Section 23-25-3- See Chart No. 6. in the Appendix

Sec. 23-14-4. - Other requirements. See Chart No. 7 in the Appendix for Industrial Development Standards

ARTICLE XV. - CP CONSERVATION-PRESERVATION DISTRICT

Sec. 23-15-1. - Intent of district.

It is the intent of this article that the CP zoning district be established and maintained to preserve and/or control development within certain land, marsh and/or water areas of the City of Brunswick which serve as wildlife refuges, possess great natural beauty or are of historical significance, are utilized for recreational purposes, provide needed open space for the health and general welfare of the city's inhabitants, or are subject to periodic flooding. The regulations which apply within this district are designed to reserve such areas for the purposes outlined herein and to discourage any encroachment by residential, commercial, industrial or other uses capable of adversely affecting the relatively undeveloped character of the district.

Sec. 23-15-2. - Permitted uses.

The following uses shall be permitted in any CP zoning district:

- (a) Private boat dock or boat house.
- (b) Boat marina.
- (c) Bait house.
- (d) Public utility line, fire or water tower or substation.
- (e) Publicly owned and/or operated park, open space, recreational facility or use, and the equipment necessary for servicing the users.
- (f) Farm for the growing of rice or other agricultural products, including timber.
- (g) Wildlife refuge, including one-family dwelling units of caretakers employed to maintain and protect the refuge.
- (h) Swimming beach.

Sec. 23-15-3. - Conditional uses.

The following use shall be permitted in any CP zoning district on a conditional basis, subject to conditions set forth in section 23-25-4.

- (a) Cemetery, with or without chapel, provided that such use consists of a site of at least ten acres, has a planted buffer strip around its entire perimeter except for areas and includes no crematorium or dwelling unit other than for a caretaker.
- (b) Museum or exhibit area in conjunction with an area or use of recognized historical, aesthetic or educational significance, provided that no commercial activities other than the possible collection of an admission fee, if any, are associated with said museum or exhibit area.
- (c) Dredging, land fill or the excavation of natural materials, provided that such use does not block, alter, or divert the flow of a major stream, river or other such drainageway and provided further

that plans for the alteration of any lands zoned CP, conservation-preservation must be approved by the commission of the City of Brunswick in writing before such alteration in land shall be permitted.

Sec. 23-15-4. - Other requirements.

Unless otherwise specified elsewhere in this chapter, uses permitted in CP zoning districts shall be required to conform to the following standards:

- (a) Minimum lot area: 5,000 square feet.
- (b) Minimum lot width: 50 feet.
- (c) Minimum front yard: 20 feet.
- (d) Minimum side yard: Ten feet on each side.
- (e) Minimum rear yard: None, except that when the property abuts another zoning district, ten feet shall be required.
- (f) Maximum building height: 35 feet.

ARTICLE XVI – PD PLANNED DEVELOPMENT DISTRICT

Section 23-16-1 Intent of a Planned Development District

The intent of the Planned Development (PD) district is to encourage creative and flexible developments that include a single use or compatible mixed use residential, commercial, office, and related public facilities unified by a development plan. A planned development shall be established as a distinct zoning district, and is permissible when approved according to a site plan and written narrative

An approved Planned Development (PD) District shall have the following characteristics:

1. Open space. Encourage ingenuity and resourcefulness in land planning techniques by developing functional open spaces defined as area(s) on the PD site that have no above ground structures other than those required to support recreation amenities such as play equipment, pool pump houses, etc and associated small storage facilities. Open space(s) can contain natural existing or installed landscape including any required buffers.
2. Sense of place. Allow the design of developments that are architecturally and environmentally innovative and that achieve more efficient utilization of land than is possible through application of conventional zoning standards.
3. Mixture of uses. Accommodate a mixture of land uses and types of land uses which are compatible both internally and externally to the project area.
4. Protection of natural resources. Ensure the conservation of the natural environment including trees and vegetation, topography, and geological resources such as groundwater, soils, and drainage areas.
5. Efficient land use. Encourage efficient use of land, street networks, and utility locations.
6. Compatibility and consistency. Maintain compatibility with nearby development and consistency with the Comprehensive Plan for the City of Brunswick.

It is recommended that a developer of a proposed Planned Development first consult with the Building Official regarding the proposed development and submission requirements. This may include an informal meeting with the Planning and Appeals Commission who ultimately must review and recommend approval or denial to the City Commission following a public hearing

Section 23-16-2 – Prohibited Uses and Development Standards

- A. Land Uses. Land uses within a PD district may include any specific uses other than prohibited by this Article and uses utilizing outdoor storage of materials or equipment.

Uses prohibited in any single or mixed-use PD district include:

1. Automobile service and repair;
2. Restaurants offering drive through service”;
3. Laundry and dry cleaning establishments but not including drop off locations;
4. Any industrial or wholesale use;
5. Grocery store exceeding 20,000 square feet;
6. or any use determined to be inconsistent with existing development in the vicinity or the Comprehensive Plan for Brunswick.

- B. Development Standards. The PD district may be proposed in any location consistent with Comprehensive Plan to provide flexibility in the application of development and site design standards. A PD development shall meet the following requirements for location, use provisions, and ownership:

Planned Development Standards.

Development Feature	Standard		
Site Size	Infill Project – 1 acre or an entire city block, whichever is less All other – more than 1 acre		
Minimum Common Open Space	15% of total project area. Twenty-five (25) percent of the open space area may be used for stormwater management facilities.		
Residential Only PD Land Use Standards	Residential Open Space Recreation (amenities for residents)	Minimum 40% 15% 5%	Maximum 75% 40% 20%
Mixed Use PD Land Use Standards	Residential Office Commercial Open Space Recreation (amenities for residents)	35% 15% 10% 15% 5%	75% 25% 20% 40% 10%
Non-Residential PD Land Use Standards	Office, Institutional Commercial Open Space	0% 0% 15%	85% 85% 50%
Ownership	Single owner, or Multiple owners, provided that a joint application for rezoning and development plan approval is submitted.		

- C. Provisions for the permanent ownership, operation, and maintenance of common open space shall be provided by covenant, deed restriction, easement, or ownership by and for the benefit of a property owners association, land trust, or other legal entity.

- D. Residential uses:
 - 1. Any type of residential dwelling unit is permissible, including: single-family, multi-family, town house, apartments, duplex units, tiny home and manufactured housing;
 - 2. For PD projects including only residential development, the density shall not exceed 30 units per gross acre.
 - 3. Community centers, meeting facilities, and indoor or outdoor recreation facilities when maintenance for such uses is provided by the common ownership within the development.

- E. Commercial and office uses:
 - 1. Unless otherwise prohibited, any commercial or office use may be permitted;
 - 2. Development shall be designed and landscaped in a manner that ensures compatibility with residential uses within the PD and adjacent to the PD; and
 - 3. Traffic circulation shall not route commercial or office traffic through residential areas within or adjacent to the PD.

- F. "Unit" defined. For purposes of residential development, each unit shall have a kitchen and no unit shall exceed four bedrooms. This restriction does not apply to a free standing, detached, single family home.

Section 23-16-3 - Concept Plan Requirements

- A. A Concept Plan and a written narrative shall accompany an application to rezone property for a Planned Development as follows:
 - (a) A suitable Concept Plan shall be submitted by the developer(s) for review by the Building Official, Planning and Appeals Commission and approval by the city commission. The master plan shall be drawn to scale (one inch = 50 feet; or one inch = 30 feet) by a registered civil engineer, registered land surveyor, registered landscape architect or licensed architect showing the exact dimensions of the parcel or parcels of land under consideration and shall include the following where applicable:
 - (1) All property dimensions, platting and street systems, proposed building sites and sizes, types of use proposed for buildings, plans for the screening and protection of abutting properties, means of ingress and egress, access and circulation arrangements, off-street parking and loading facilities, proposed reservation or dedication for streets, open spaces and other public facilities. If requested, one-foot vertical contour intervals shall be indicated on the site plan.
 - (2) The name of the development and the developers, a north arrow, the date of field survey, tract boundary lines, dimensions, bearings, angles, reference points to at least two permanent monuments, average ground elevation, wetlands, and FEMA flood zone information.
 - (3) If the proposal includes the subdivision of land for any purpose or the provision of new public streets, any additional information required with the submittal of preliminary plats under the subdivision regulation of the City of Brunswick shall be included and the master plan shall be processed simultaneously under the subdivision regulation and as a part of

the application for a planned development-general district classification, as provided for in this chapter.

- (4) A conceptual landscape plan and all required buffers per Section 23-3-21 are required to be included with the Concept Plan.
 - (5) Architectural elevations. Applications shall include perspective front, side, and rear elevation drawings of representative proposed building types. These drawings shall indicate general architectural features and material(s) to be used for construction. If the PD is approved, architectural elevations submitted as part of the application shall be considered conceptually binding unless specifically noted otherwise in the approval.
 - (6) Land uses and development summary. The Concept Plan shall include a list of all land uses proposed to be included in the PD, the percentage of total land area or building area, if applicable, within the PD devoted to each proposed land use, the number of residential units by type, floor area for each type of dwelling unit (typical, or a range as appropriate), total overall density, and the total square footage of all buildings.
 - (7) Dimensional requirements. The Concept Plan shall contain all dimensional requirements that are proposed to apply within the PD, including minimum lot sizes, minimum lot widths, maximum building coverage, front, side and rear building setbacks, and maximum building heights. Such proposed dimensional requirements shall be presented in a table, on the development plan or in the written text accompanying the ~~application~~ Concept Plan.
 - (8) The Concept Plan shall contain calculations and descriptions and the design criteria used for improvements required to be constructed within the PD, such as but not limited to streets, sidewalks, storm drainage, water and wastewater infrastructure required for the development, signage, site lighting and other necessary and/or proposed improvements. Such proposed improvements shall be presented on the development plan and/or in the written text accompanying the ~~application~~ Concept Plan.
 - (9) If requested by the Building Official, a traffic study shall be submitted with the Concept Plan. Likewise, the Building Official may request a drainage study for the PD site reflecting the detention requirements and on-site and/or off-site improvements required to handle increased stormwater runoff from the proposed development.
- (b) A written report shall be submitted with the concept plan by the developers for review by the planning and appeals commission and review and approval by the city commission. Such report shall explain the type, nature, intent and characteristics of the proposed development and shall specifically include the following where applicable:
- (1) A general description of the proposal.
 - (2) A detailed legal description of the location of the site.
 - (3) Proposed standards for development, including restrictions on the use of the property, density standards, building heights, yard requirements and restrictive covenants.
 - (4) Proposed dedication or reservation of land for public use, including streets, easements, parks and school sites.
 - (5) Exceptions or variations from the requirements of this chapter, if any are being requested.
 - (6) Plans for the provision of utilities, including water, sewer and drainage facilities.

- (7) Tables showing the total number of acres in the proposed development and the percentage designated for each proposed type of land use, including public facilities.
 - (8) Plans for open space, courts, walks and common areas.
 - (9) Plans for parking, loading, access ways, signs, and means of protecting and screening adjacent areas from lighting and other potentially adverse effects.
 - (10) A statement defining the manner in which the planning and appeals commission and city commission is to be assured that all improvements are to be installed and maintained.
 - (11) Tabulations showing the number and density of dwelling units by type, if any, and other data that the commission may require.
- B. Specific site design and development standards shall be set forth on the site plan or in the written narrative and accompanying schedules of use and design standards.
 - C. Upon approval of the rezoning to a PD district, the site plan and written narrative shall be recorded and shall be binding on all future development and use within the PD development.
 - D. Building permits and public improvements shall not be authorized or installed for any PD development until final approval has been granted.
 - E. Minor and major modifications to an approved PD site plan must be submitted to the Planning Commission for review and recommendation for approval or dis-approval to the City Commission.
 - F. If no building permit or certificate of occupancy for an approved PD development is issued within twelve months from the date of approval of any such PD rezoning, the Mayor and City Council may, on its own motion, cause the property to revert to its original zoning category after notice by U.S. Mail addressed to the original applicant for rezoning or to such other person as may be substituted for said original applicant upon the records of the Clerk, and reasonable opportunity to said applicant to oppose the reversion to the original PD.
 - G. No application to rezone property to PD shall be submitted to the Planning and Appeals Commission for review and recommendation to the Mayor and City Commission unless and until the application meets the minimum requirements set forth in this Section.

ARTICLE XVII. - MH MOBILE HOME DISTRICT

Sec. 23-17-1. - Intent of district.

The intent of the MH mobile home district is to provide a sound and healthy residential environment sufficient to meet the unique needs of inhabitants living in mobile homes, to protect mobile home parks from encroachment by incompatible uses and to encourage the consolidation of mobile homes into mobile home parks. Any mobile home and/or mobile home park within the City of Brunswick shall henceforth be located in a MH District and in conformance with the regulations set forth herein.

Sec. 23-17-2. - General provisions.

Unless otherwise set forth herein, mobile homes shall be permitted only in an officially approved MH district for which a certificate of occupancy has been issued in accordance with the requirements of the building code of the City of Brunswick. In addition to mobile homes, other uses may be permitted in MH zoning districts as may be needed, in the opinion of the commission, to serve the residents of that particular MH district exclusively.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-17-3. - Mobile home park plan.

The mobile home park shall conform to the following requirements:

- (a) The park shall be no less than four acres in size and shall be located on a well-drained site properly graded to insure rapid drainage and freedom from stagnant pools of water.
- (b) The mobile home park shall not contain more than 15 mobile home units per acre.
- (c) Mobile home spaces shall be provided consisting of an average of not less than 2,800 square feet of area, each space to be at least 30 feet wide and clearly defined.
- (d) Mobile homes shall be so harbored on each space that there shall be a minimum of 15 feet of clearance between mobile homes, provided that with respect to mobile homes parked end-to-end, the end-to-end clearance may be less than 15 feet but shall not be less than ten feet. No mobile home shall be located closer than ten feet from any building within the park or from an property line bounding the park.
- (e) Mobile homes shall be so harbored on each space so that there will be a minimum front yard setback of not less than 20 feet between the mobile home and the abutting driveway.
- (f) In addition to the space requirements for each mobile home unit as noted in subsection (c) above, each mobile home park shall have a minimum area of 20,000 square feet set aside for common open space; in the case of a park larger than the minimum four acres or in the case of expansion of the park, 2,000 square feet of common open space shall be added for each mobile home unit after the one-hundredth unit.
- (g) All mobile home spaces shall abut upon a paved surface driveway of not less than 20 feet in width, which shall have unobstructed access to a street; all mobile home spaces shall be serviced with all-weather-surface walkways of not less than three feet in width.
- (h) A suitable buffer screen shall be located along the lot lines of the park meeting the same density and screening requirements set forth in section 23-3-21.
- (i) Off-street parking, loading and other requirements shall conform to the standards set forth in article III.
- (j) Plans for driveways, drainage and utilities shall be reviewed by the city engineer, who shall advise the planning staff and the commission of his findings in writing.
- (k) Plans for an MH district shall be submitted to the Glynn County Board of Health for review and comment prior to recommendation by the planning staff. An application for an MH zoning district classification shall not be granted unless the board of health determines that all local and state codes pertaining to health and environmental sanitation in mobile home parks have been met by the applicant.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-17-4. - Mobile home subdivisions.

If spaces within a proposed mobile home park are to be offered for sale, lots proposed for sale must be recorded in compliance with the subdivision ordinance of the City of Brunswick. Application for subdivision may be processed in conjunction with the administrative review procedure required under this chapter to obtain authorization to develop the mobile home park. Whether spaces are proposed for sale, rental, or lease, the design of the park shall comply with the standards set forth in this article.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-17-5. - Revocation of license.

The city manager may revoke any license to maintain and operate a mobile home park when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this chapter. After such conviction, the license may be reissued if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with the law.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-17-6. - Posting of certificate of occupancy.

The certificate of occupancy shall be conspicuously posted in the office or on the premises of the mobile home park at all times.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-17-7. - Existing mobile home parks.

(a) Mobile home parks existing at the time of the effective date of Ordinance No. 492 of the City of Brunswick, adopted February 3, 1965, as amended by Ordinance No. 517, adopted June 15, 1966, must comply at a minimum with the requirements for mobile home parks as set forth in said ordinance or the same shall be subject to removal, except that under the procedures set forth for processing special exceptions, under section 23-24-5, the following may be permitted:

- (1) A site may be less than four acres in size, as required in subsection 23-16-3(a), provided however that in no case shall the site contain less than two and one-half acres.
- (2) Common open space may be less than 20,000 square feet, as required in subsection 23-17-3(f), provided however that a minimum of 400 square feet of landscaped common open space per mobile home must be required.

(b) Existing mobile home parks not in conformance with the provisions of this section (with the exception of those requirements waived above) shall be considered as nonconforming uses, and shall be governed by the provisions regulating such uses under section 23-3-15.

(Ord. No. 1006, § 1, 11-19-2008)

ARTICLE XVIII. – IN INSTITUTIONAL DISTRICT

Sec. 23-18 -1. - Intent of district.

It is the intent of this article that property in the IN district be developed and reserved for religious, cultural, educational, medical and quasi-public institutions to support and enhance their benefit to Brunswick and to protect adjacent districts from their encroachment. The regulations which apply within this district are designed to encourage the orderly and planned development of these facilities and to establish criteria under which such facilities may be established and/or expanded to meet community needs and demands while assuring compatibility of their development with adjacent non-institutional districts. Likewise, certain non-institutional uses are or may be permitted provided they serve and are beneficial to the intent of the district.

Sec. 23-18-2. - Permitted uses.

See Chart No. 8 for Permitted Uses in the IN District

Section 23-18-3 – Conditional uses permitted subject to Section 23-25-3- See Chart No. 8. in the Appendix

Section 23-18-4: Temporary Uses:

Special events associated with any Permitted Use or approved Conditional Use to be held on the property of said institution may be granted a Temporary Use Permit by the City of Brunswick provided the following conditions are met:

- (a) The event provides a service or public purpose.
- (b) The event be located no closer than 300 feet from any Residential District.
- (c) There is sufficient parking available so as not to infringe on the privacy or use of any adjacent use or neighborhood.
- (d) The event does not have a planned duration of more than 72 hours.
- (e) No institution may have an event requiring a Temporary Use Permit more than four times in a calendar year.

Section 23-18-4: General development regulations:

The following general development regulations shall apply to all permitted uses within the IN District:

- (a) Minimum Lot Areas:
 - a. Hospital – 3 Acres
 - b. School or University – 5 Acres
 - c. Multi-Family Residential – 1 Acre
 - d. All Other Permitted Uses – 20,000 square feet
 - e. The above minimum lot areas apply to existing institutional uses that are proposing expansion of existing buildings or facilities.
- (b) Maximum Residential Density – 25 units per acre
- (c) Parking – See Section 23 – 3 - 19. No parking allowed in the front yard setback
- (d) Maximum Lot Coverage including parking – 80%
- (e) Maximum building height 65 feet
- (f) Minimum front yard setback (to be landscaped with no parking): - 25 feet
- (g) Minimum side yard setback if adjacent to a R District – 25 feet; otherwise, 25 feet combined for both side yards with one being at least 15 feet.
- (h) Landscaped buffer if adjacent to a R District (see Section 23- 3 – 21)

Section 23-18-5: Review of major institutional use developments:

Any proposed new or expanded permitted institutional use that is considered of major significance by the Department of Planning and Code Enforcement or is proposed to have a principal building or group of buildings with more than 100,000 square feet of floor area, must be reviewed by the Planning and Appeals Commission and approved by the City Commission. This includes existing permitted uses that are proposing expansion of facilities which results in the facilities having 100,000 square feet or more floor area.

The criteria for such a review shall include the following:

- (a) A Master Plan for the development shall be submitted for review by the Planning and Appeals Commission and recommendation for approval or denial by the City Commission. Such plan shall include, at a minimum, the following:
 - a. A site plan for the initial and any future contemplated development on the site controlled by the owner/developer.
 - b. Building elevations sufficient to determine the appearance and design features of each proposed building including a description of the building materials and any special external features of the building.
 - c. Ingress, egress, parking, loading, pedestrian access and other similar features.
 - d. A signage plan including principal and secondary use identification, access and directional signs.
 - e. A complete landscape plan
 - f. Any additional details regarding the development proposal deemed necessary by the Planning Director.
- (b) Traffic: The proposed development shall be reviewed by the City Traffic Engineer and determined to not to adversely impact the capacity of adjacent or connecting streets serving the site. Access points for vehicular and/or truck service shall likewise be reviewed and approved.
- (c) Utilities: A review of water, sanitary sewer and stormwater serving and/or discharged from the site shall be made by the City Engineer and Joint Water and Sewer Commission and shall be determined to have no adverse effect on the utilities serving the site or obtain assurances and financial commitments from the developer that the proposed development shall make necessary improvements to those utilities to remove any service deficiencies. The City Commission may determine that the public interest would be best served by the City making such improvements to utilities and streets required by the proposed development.

Following review by the Department of Planning and Code Enforcement and Planning and Appeals Commission, to be completed within sixty (60) days following submission of a complete Master Plan, a report will be prepared and submitted to the City Commission within 30 days. The City Commission will include the report and recommendation on the Agenda at its next City Commission Meeting provided it has at least a two-week period in which to review the proposal.

ARTICLE XXII-A. - LIBERTY HARBOR PD HEIGHT OVERLAY

Sec. 23-22A-1. - Liberty Harbor PD Height Overlay District.

There is hereby established a height overlay to be known as the "Liberty Harbor Height Overlay District."

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-22A-2. - Permitted uses unaffected.

The overlay does not alter permitted and conditional uses allowed within the overlay district but follows the underlying zoning districts as to uses.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-22A-3. - Overlay boundary.

The boundaries of said overlay shall be as depicted on the map captioned "Liberty Harbor Height Overlay District" as revised October 12, 2005, which is incorporated (as Exhibit M) into the Liberty Harbor PD and Height Overlay application, and which is incorporated herein by reference and made a part of this article. The City of Brunswick Master Zoning Map shall be amended and marked to reflect the boundaries of the overlay.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-22A-4. - Maximum height limitation.

Construction in the Liberty Harbor Height Overlay District shall conform to the maximum height limitations as reflected on the October 12, 2005 map, Revised Exhibit M "Liberty Harbor Height Overlay" attached to and made a part of the Liberty Harbor PD and Height Overlay application. As depicted on said map, the northern portion of the overlay (shaded in purple cross-hatching on said Revised Exhibit M) shall be subject to a roof height maximum of 60 feet while the southern portion, shaded by red cross-hatching, shall be subject to a maximum roof height of 250 feet.

(Ord. No. 1006, § 1, 11-19-2008)

ARTICLE XXII-B. - PARKWOOD VILLAGE PLANNED DEVELOPMENT (TRADITIONAL NEIGHBORHOOD) HEIGHT OVERLAY

Sec. 23-22B-1. - Creation of Planned Development-Overlay.

There is hereby created a new zoning district to be known as the Parkwood Village PD-TN Height Overlay. It is created pursuant to the provisions of the City Code's PD-TN ordinance (Article XVI of the Code, sections 23-16-1 et seq.).

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-22B-2. - Overlay boundary.

The Parkwood Village PD-TN Height Overlay District shall have as boundaries Parkwood Avenue on the north, US Highway 17/Glynn Avenue on the east, Kaiser Avenue on the south and Springdale Road on the west, as depicted in the five page visual Concept Plan set consisting of sheets PD-TN-1 through PD-TN-4 (all dated November 21, 2005) and PD-TN-5 (November 22, 2005), prepared by architect Larry Evans, all of which are incorporated herein and made a part hereof.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-22B-3. - Plan and contract.

The application for PD-TN district and height overlay, the staff report dated December 14, 2005, and the November 22, 2005, planned development text contain and establish the standards and restrictions applicable to this new district and are expressly adopted by reference and incorporated in this chapter as fully as if repeated verbatim herein. Only uses and construction consistent with the afore-mentioned plans and the five sheets of the visual conceptual plan referred to in section 23-22B-2 above shall be permitted. The owners and developers of the Parkwood Village project shall follow the said plans and shall obtain permission from the city commission before undertaking any construction or allowing any use not allowed in said plans. Compliance with article XV of this Zoning Code and adherence to the drawings and plans referred to hereinabove are required by this chapter and shall constitute contractual obligations of the owners and developers.

(Ord. No. 1006, § 1, 11-19-2008)

ARTICLE XXIII. - U.S. 17 OVERLAY²

Footnotes: --- (2) ---

Editor's note— Ord. No. 1057, § 1, adopted November 7, 2018, repealed the former Art. XXIII, §§ 23-23-1—23-23-10, and enacted a new Art. XXIII as set out herein. The former Art. XXIII pertained to similar subject matter and derived from Ord. No. 1006, § 1, 11-19-2008.

Sec. 23-23-1. - Intent of overlay.

It is the intent of this overlay to create a parkway along U.S. Highway 17 from Spur 25 to the Sidney Lanier Bridge in order to improve the visual and economic condition along this section of U.S. 17. This section of roadway is commonly referred to as "Glynn Avenue."

A parkway is a wide, scenic road planted with trees. This corridor is deemed by the city commission to be important because so many visitors get their first impression of Brunswick while driving along U.S. 17. The scenic vistas of the marsh are inherently and economically valuable to the public, and visual clutter impedes aesthetically and economically favorable development of the parkway area. The visual quality of the corridor and the general nature of development along the corridor must be improved to encourage visitors to explore more of the city.

(Ord. No. 1057, § 1, 11-7-2018)

Sec. 23-23-2. - Overlay boundary.

These regulations shall apply to all properties included within the district boundaries provided in Appendix A of the Glynn Avenue Design Framework, adopted by the City of Brunswick Board of Commissioners and incorporated by reference in section 23-23-7. Generally, all lots fronting U.S. 17 from Spur 25 to the Sidney Lanier Bridge are included in the overlay.

Any property outside the district boundary which is combined, whether through a lot combination or for master planning purposes, with a property within the district boundary shall also comply with these regulations.

(Ord. No. 1057, § 1, 11-7-2018)

Sec. 23-23-3. - Applicability.

These regulations shall be the exclusive and mandatory regulation. Property owners within the plan area may submit development plans in accordance with the provisions of this Code. Plans complying with the standards of this Code shall follow the appeals procedure set forth in article XXVI.

(Ord. No. 1057, § 1, 11-7-2018)

Sec. 23-23-4. - Permitted uses.

All uses permitted in the underlying zoning district shall be permitted in the U.S. 17 overlay.

(Ord. No. 1057, § 1, 11-7-2018)

Sec. 23-23-5. - Conditional uses.

All uses permitted on a conditional basis and subject to the conditions set forth in the underlying zone district shall be permitted on a conditional basis in the U.S. 17 overlay subject to the conditions set forth in section 23-26-4.

(Ord. No. 1057, § 1, 11-7-2018)

Sec. 23-23-6. - Pre-existing conditions.

- (a) Existing buildings and appurtenances that do not conform to the provisions of this Code may continue in the same use and form until a substantial modification occurs or is requested, at which time the planning director shall determine the provisions of this section that shall apply.
- (b) Existing buildings that have at any time received a certificate of occupancy shall not require upgrade to the current building code and when renovated may meet the standards of the code under which they were originally permitted.
- (c) The modification of existing buildings is permitted by right if such changes result in greater conformance with the specifications of this Code.
- (d) Where buildings exist on adjacent lots, the planning director may require that a proposed building match one or the other of the adjacent setbacks and heights rather than the provisions of this Code.
- (e) The restoration or rehabilitation of an existing building shall not require the provision of (1) parking in addition to that existing or (2) on-site stormwater retention/detention in addition to that existing. Existing parking requirements that exceed those for this Code may be reduced as provided by in Section 4.3 of the Overlay Code.

(Ord. No. 1057, § 1, 11-7-2018)

Sec. 23-23-7. - Design guidelines.

The "Glynn Avenue Design Framework" shall be the design guidelines which include a design plan and associated design criteria to demonstrate how the design goals and objectives will be accomplished.

A copy of the approved "Glynn Avenue Design Framework" is incorporated herein by reference and shall be maintained and available for inspection in the offices of the City of Brunswick Planning Department.

(Ord. No. 1057, § 1, 11-7-2018)

ARTICLE XXIV – SIGNS AND ADVERTISING DEVICES **Approved by city commission 10/24/2021**

Sec. 23-24-1 - Purpose and Intent.

- (a) The City Commission of Brunswick finds that signs provide an important medium through which persons may convey a variety of commercial and non-commercial messages. Regulation of the size, location, placement, illumination and certain features of signs is necessary to enable the public to receive such messages without difficulty and confusion, to improve the general attractiveness of the city, to take advantage of the city's natural and historic environment, to protect property values, to

facilitate safe travel through the city, to facilitate the identification and location of residences and businesses in the city in the event of police, fire, or other emergencies, and to avoid the aesthetic blight and nuisance that would occur from the proliferation of signs in the absence of reasonable controls. Accordingly, it is the intention of the city commission to establish regulations governing the display of signs so as to:

- (1) Balance the rights of persons to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs in the city.
 - (2) Enhance the economy and the business and industry of the city by promoting the reasonable, orderly and effective display of signs;
 - (3) Maximize the value of commercial signage as a means of locating and identifying commercial establishments providing goods and services while, at the same time, discouraging the use of commercial signage to sell specific goods and services;
 - (4) Encourage the construction of commercial signage with high quality materials that are aesthetically pleasing and compatible with their surroundings and with the architecture of the buildings they identify;
 - (5) Maintain the historical image and character of the city;
 - (6) Preserve and enhance the natural environment throughout the city;
 - (7) Protect property values by minimizing the possible adverse effects and visual blight caused by signs;
 - (8) Promote signs which are compatible with their surroundings;
 - (9) Insure proper maintenance, for safety and structural soundness, as well as appearance and attractiveness of signs.
- (b) Inasmuch as it is generally inappropriate for government to determine the content of expression that will be allowed on signs, particularly in regard to non-commercial signs, it is the intent of the City Commission that this chapter be enforced such that signs carrying non-commercial messages be approved, disapproved and regulated entirely without regard to the content to be posted on the sign.
- (c) It is the intent of this ordinance that all signs erected in the City of Brunswick have a permit issued by the Building Official unless the sign is specifically excluded or exempted from the regulations contained in this ordinance

Section 23–24-2 – Definition of Terms Used in this Article

(a) General Definitions:

- a. **Building** means any structure having a roof supported by columns or walls intended for human occupancy.
- b. **Building official** means the person or persons designated as such by the city manager pursuant to Chapter 5 of the City Code.
- c. **Nonconforming sign** means any sign which does not conform to the provisions of this Article.
- d. **Parcel** means a separate tax unit of real property as reflected in Glynn County real estate records.
- e. **Sign** means a device or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others.
- f. **Sign face** means that portion of a sign that is or can be used for purposed of carrying the intended message.

(b) Type of Sign Definitions:

- a. **Awning sign** means a sign located on a canopy, awning, or other roof-like cover extending before a doorway or window as a shelter or for beautification of the building. A canopy must be a permanent structure and non-retracting

- b. **Banner** means a sign other than a flag, made of cloth, paper, plastic or fabric or any similar material containing a message or logo.
- c. **Billboard** is a self-supporting structure upon which a flat surface is placed which is used to display general advertising.
- d. **Changeable Copy Sign** means a sign that where the message is changes either electronically, mechanically or manually.
- e. **Double-faced sign** means a sign which has two display areas placed back to back to each other, or at an angle of not more than 60% to each other, and where one face is designed to be seen from one direction and the other face from another direction.
- f. **Freestanding sign** means a sign permanently attached to the ground and that is wholly independent of any building or other structure. A *Freestanding Sign* may be mounted on a freestanding pole and the sign not in contact with the ground OR mounted as a structure on the ground (referred to generally as a "monument sign").
- g. **Home occupation sign** means a sign, typically a wall sign, used to identify a home occupation in compliance with the provisions of this zoning ordinance.
- h. **Identification sign** means a sign used to depict the name or number of a building or tenant(s) within the building where the sign is located or otherwise identify such building.
- i. **Incidental sign** means a sign, generally for informational purposes secondary to the use of the lot on which it is located, such as "no parking," "no trespassing," "entrance," "exit," "loading only," and other information and directional signs.
- j. **Mansard or Marquee sign** means a sign painted on, attached to or hung from a roofed structure attached to and supported by a building or independent structure. A mansard is typically a sloped roof structure extending from the roof or façade of a building; a marquee is typically a vertical roof structure extending from the façade of a building
- k. **Mobile billboard sign** means an advertising sign mounted on a vehicle or trailer capable of being towed across public streets and that can be parked at specific locations. Neither vehicles nor trailers which advertise the company of their primary use nor campaign signs are considered mobile billboards.
- l. **Monument sign** means a freestanding sign mounted directly on the ground, or on a base which is directly on the ground, without use of a pole, pier, post, pylon or stanchion.
- m. **Roof sign** means a sign that is mounted on and supported by the structure of the roof of a building; or a sign that is applied to the roof's surface.
- n. **Sandwich board sign** means a non-illuminated portable sign consisting of two flat surfaces joined at one end, typically with hinges
- o. **Swinging or projecting sign** means a sign projecting more than six inches from the outside wall or walls of any building upon which it is located either directly attached to the building or attached to a support extending from the building which may also allow the sign to swing back and forth.
- p. **Temporary sign** means a sign of a non-permanent nature designed to convey a short term non-permanent message such as an event.
- q. **Wall sign** means a sign fastened, placed or painted upon the exterior structural wall of the building itself, whether the front, rear or side wall of the building. It may also be a sign projecting from a building to which it is affixed.
- r. **Window sign** means a sign placed inside or outside of a windowpane or glass door and intended to be viewed from outside the building. It may be a permanent sign.

(c) Style of Sign Definitions:

- a. **Electronic display sign screen** means a sign, or portion of a sign, that uses projection of images and letters or similar technology to form a sign message or messages and wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

- b. **Electronic message board** means a variable message sign, or portion of a sign, that uses projection or similar technology to form a sign message or messages and wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.
- c. **Flashing sign** means a sign, the illumination of which is not kept constant nor in the same intensity at all times when in use, and which exhibits marked changes in lighting effects.
- d. **Illuminated sign, direct** means a sign illuminated by an internal or external source,
- e. **Inflatable sign** means a sign that is either expanded to its full dimensions and is physically supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure. .

(d) Design and Size Definitions:

- a. **Aggregate sign area** means the area of all signs to be placed on a building(s) and it's site excluding the area of one face of all double-faced signs.
- b. **Animated sign** means a sign with action, motion, changing letters or changing colors, which requires electrical energy.
- c. **Area of a sign face/sign area** means the portion of a sign which conveys the intended message, exclusive of the sign structure which is not intended to carry any message or portion of the message intended by the sign itself.
- d. **Display surface or sign face** means the face or part of a sign which can be used to carry or display copy or a message.
- e. **Height of sign** means the distance in vertical feet from the average ground elevation below the sign to the highest point of the sign, including any border, trim, light or structural component thereof measured from the average ground elevation.

Section 23–24-3 - Applicability

- (a) **No Permit Required.** The following signs are not regulated by this ordinance and do not require a permit unless duly noted
 - a. **Flags.** Non-governmental flags are deemed to be signs and shall be subject to the provisions of this section. The official flags of the federal, State, county, or municipal governments are not deemed to be signs provided no such flag shall exceed 40 square feet per face. The City Commission may approve a larger flag for display on public property or other appropriate noncommercial sites as determined by the City Commission .
 - b. **Holiday decorations.** Decorations that are not internally illuminated shall not require a Sign Permit, provided they are displayed for no more than a total of 60 days per calendar year, excluding the time period between November 1 and January 15. Such decorations shall be maintained in a good condition at all times and shall be removed or replaced when they are overly weathered, torn, broken, or otherwise present a potential safety hazard. Windblown decorations are prohibited at all times.
 - c. **Incidental Signs.** Addresses, building numbers, entrance and exit signs, and traffic directional signs shall not require Sign Permits if they do not exceed four square feet in area per sign and have no commercial copy. If such sign contains commercial copy, the sign counts toward the allowable square footage for freestanding signs.
 - d. **Interior Signs.** Any sign that, in the Official's reasonable opinion, is to be viewed from the inside of a building only.

- e. **Menus.** Menus attached to the face or facade of a building with no more than four square feet of sign face area located at the entrance or service window of a business.
- f. **Parking Signs.** Signs that reserve parking spaces for specific uses or businesses, except that such signs are not allowed in shopping and shall not exceed 1.5 square feet in area per sign. No more than three parking signs shall be displayed at any given time on each parcel.
- g. **Public Signs.** Signs erected by the federal, State, or local government, or governmental entity, including interpretive signs located on publicly owned property. Signs that are required by a public entity are considered public signs.
- h. **Real Estate - Residential or Commercial Sale or Lease Signs.** Temporary signs offering single or two family residences for sale or lease nor exceeding 6 square feet in size and only one sign is allowed on the property being offered for sale or lease. The same requirements apply to off-site "open house" signs. The sign(s) must be removed within 4 days after the real estate transaction has been completed.
- i. **Sandwich Boards and Chalkboards.** Freestanding, framed chalkboard or sandwich signs that comply with each of the following standards may be located in all Commercial and Office Zones outside a permitted commercial establishment:
 - i. One sign per business may be displayed during hours of operation.
 - ii. Signs shall be placed within ten feet of the building entrance of the business displaying the sign and not within 10 feet of another business.
 - iii. Signs shall be placed to allow at least 36 inches of unobstructed pedestrian clearance adjacent to the sign.
 - iv. Signs shall be limited to a maximum of six square feet in total area and a maximum width of 24 inches.
 - v. Sign face colors are limited to black or dark green with a matte finish.
 - vi. Plastic or dry erase boards are not permitted.
- j. **Shopping Cart Return.** Signs identifying shopping cart return areas, provided that such signs are no larger than ten square feet.
- k. **Stadium Signs.** Signs or banners that are located within a stadium and are not intended to be visible from outside of a stadium.
- l. **String Lights for Holiday Decoration and for Building Identification.** Strings of lights may be used for outside holiday lighting or tree decoration from November 1 through January 15 of each year. Because many colors are used to celebrate various holidays during this time, multi-color lights are allowed. Flashing, blinking and chasing lights are prohibited. String lighting used to permanently enhance building identification and identity likewise may be used in a tasteful and appropriate manner in the opinion of the Building Official.
- m. **Towing Signs.** Public notice required by applicable law to be displayed on a property where vehicles may be towed. Such signs shall not exceed four square feet in size and shall be limited to one sign per vehicular entrance to the property.
- n. **Traffic Control Signs.** Any public notice or warning required by applicable federal, State, or local law, regulation, or ordinance including, but not limited to, warning flashers and variable message signs (VMSs) deployed temporarily by a government agency to guide traffic. When such signs are located on private property, they are subject to each of the following:

- i. Sign faces shall not exceed four square feet per sign face .
- ii. The City shall have authority to limit the number, location, and color of such signs .
- iii. Sign faces shall meet Georgia Department of Transportation standards.

- o. **Window Signs.** Signs on the inside, or attached to the outside, of window glass shall comply with each of the following:
 - i. Window signs shall cover no more than 25 percent of the gross area of glass on any one façade side of a building.
 - ii. Window signs shall not be illuminated.
 - iii. No single window sign shall exceed four square feet
 - iv. Only one window sign per tenant or user.

(b) Exemptions.

Sign Permit is not required prior to engaging in the following alterations to or maintenance of a sign:

- i. The changing of copy on a sign permitted for changeable copy.
- ii. The painting or refinishing of the surface of a sign face or sign structure of a permitted sign so as to keep the appearance of such sign as permitted.

(c) Prohibited Signs.

The following types of signs are prohibited throughout the city:

- i. Roof signs;
- ii. Animated signs and flashing signs;
- iii. Signs on publicly owned or maintained right-of-way other than publicly owned or maintained signs;
- iv. Signs which contain words, pictures, or statements which are obscene, as defined by O.C.G.A. § 16-12-80;
- v. Signs which simulate an official traffic control or warning sign or hide from view any traffic sign, signal or public service sign;
- vi. Signs which interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic;
- vii. Signs which obstruct the orderly flow of pedestrian traffic on any sidewalk or public walkway;
- viii. Signs erected by nailing, fastening or affixing the sign in any manner to any tree, post, curb, utility pole, or other structure located on any public right-of-way except as may otherwise be provided herein;
- ix. Signs which emit any visible smoke, steam, vapor, particles, or odor into the air;
- x. Signs which emit any sound which can be heard at any place outside of the parcel on which the sign is erected;
- xi. Signs which interfere with or obstruct entry or egress through any door or window required or designed for access to or egress from any building;
- xii. Use of any parked vehicle or boat as an advertising device except that held by a licensed automobile or boat dealer as stock for retail sale or for lease;
- xiii. Fluttering hanging or mounted ribbons and banners.
- xiv. Mobile billboard signs;
- xv. Portable signs. Commercial vehicles, other than standard passenger vehicles, shall be parked as far from the street as reasonably possible during non-business hours if such vehicles bear a commercial message;
- xvi. Inflatable signs.

(d) Permitted Signs By Type, Use and Land Use – For Summary See Table 1

a. Residential – Single Family and Two - Family Individual Lot

- i. No sign of any type other than a Real Estate For sale or Lease sign (not requiring a sign permit) no greater than 6 square feet in sign face area and limited to one sign for each street adjacent to the lot

- b. **Residential Subdivision –**
 - i. One free standing sign at each major street entrance (excluding construction and emergency access). Directional signs are permitted for amenities (pool, clubhouse, office, etc.)

- c. **Residential – Multi-Family**
 - i. One free standing complex identification sign at each major street entrance (excluding construction and emergency access). Sign may include leasing information.
 - ii. One wall mounted building identification sign,
 - iii. Directional sign(s) as needed
 - iv. Incidental sign(s) as may be required (ie. Parking limitations, emergency or fire exit, etc.)

- d. **Residential – Planned Mixed Use Development n(PUD)**
 - i. A signage plan shall be required as a part of the overall development plan. Any request for new, modified or replacement signs shall require a review of all existing signage for conformity or appropriate and consistent design with existing signage.

- e. **Commercial – Neighborhood (Local) Commercial and GC – Core Commercial**
 - i. No freestanding sign is permitted. 1 wall mounted, mansard, canopy sign or hanging sign is allowed per permitted business.

- f. **Commercial – General or Highway - Individual use structure and/or lot**
 - i. One free standing, wall, or mansard is permitted

- g. **Commercial – General or Highway - Multi Tenant or Use; Single and Multiple Structures up to 20,000 total gross square feet of commercial retail or service floor area.**
 - i. One free standing sign with tenant listing at each major street entrance (excluding construction, loading/unloading or emergency access). Limit of two free standing signs per parcel.
 - ii. One wall or mansard or hanging sign for building and tenant identification
 - iii. Directional sign(s)
 - iv. Incidental sign(s) as may be required and appropriate

- h. **Commercial – General or Highway - Multi Tenant / Multi Structures in excess of 20,000 total gross square feet but not more than 100,000 square feet of commercial retail or service floor area**
 - i. One free standing sign with tenant listing at each major street entrance (excluding construction, loading/unloading or emergency access). Limit of two free standing signs.
 - ii. One wall or mansard sign for building and tenant identification
 - iii. Directional sign(s)
 - iv. Incidental sign(s) as may be required or appropriate.

- i. **Commercial – General or Highway - Multi Tenant Shopping Center in excess of 100,000 square feet of commercial retail or service floor area.**

- i. A signage plan shall be required as a part of a development plan. Any request for new, modified or replacement signs shall require a review of all existing signage for conformity or appropriate and consistent design with existing signage.R
- j. **Commercial Recreation**
 - i. One free standing sign at the major street entrance
 - ii. One wall or mansard mounted sign at the building entrance
 - iii. Directional signs as appropriate
- k. **Office – Single Structure and Use**
 - i. One free standing sign at the major street entrance (Freestanding sign not permitted in Neighborhood (Local) LC or GC Core Commercial Zoning Districts)
 - ii. One wall or mansard mounted sign
- l. **Office – Single Structure with Multiple Tenants**
 - i. One free standing sign at the major street entrance which may also include a building directory. (Freestanding sign not permitted in Neighborhood (Local) LC or GC Core Commercial Zoning Districts)
 - ii. One free standing or wall mounted sign at the building entrance with a building directory. (Freestanding sign not permitted in Neighborhood (Local) LC or GC Core Commercial Zoning Districts)
 - iii. **Office – Multiple Structures / Multiple Tenants – OC Office Commercial Zone**
A signage plan shall be required as a part of a development plan. Any request for new, modified or replacement signs shall require a review of all existing signage for conformity or appropriate and consistent design with existing signage.
- m. **Medical, Institutional and Public Buildings and Sites – All Zoning Districts where permitted**
 - i. One free standing sign for the main building or site at each major street entrance for the general public or employees.
 - ii. One main building mounted identification sign
 - iii. Parking area signage as required
 - iv. Secondary building mounted or free standing identification signs as may be appropriate
 - v. Special building mounted or free standing entrance and directional signs as may be appropriate.
 - vi. Incidental signs a may be appropriate.
 - vii. A coordinated design and placement of signs at all **proposed** Medical, Institutional and Public Buildings or Sites shall be required for issuance of a permit. Any modification or addition to existing signage shall require a thorough review of existing sign design for consistency with the design of new sign(s).
- n. **Industrial – All Industrial Zones**
 - i. One free standing identification sign and one building mounted sign
 - ii. Free standing building, parking loading and unloading and directional signs as appropriate.
- o. **Changeable Copy Signs (including electronic display screens)**
 - i. Such signs are prohibited in all zoning districts except General Commercial and Highway Commercial
- p. **Temporary Signs in excess of 6 square feet of sign face area.**

- i. Such signs may be permitted for all zoning districts but only for the event being shown on the sign face (sale, lease, election, yard sale) and must be removed within 2 days following the completion or termination of the event.
- q. **Billboards**
 - i. Such signs are only permitted in GC, HC and Industrial Zones

(e) **Non-conforming Signs.**

- a. The owner/ground leaseholder of any nonconforming sign which was legally in place at the time of adoption of this chapter shall register the sign with the city within 90 days of the effective date of this ordinance, Registered nonconforming signs shall not be allowed to remain once deterioration of or damage to the sign renders it a hazard or unsightly and the owner/ground leaseholder fails to correct the condition after notice from the building official.
- b. No change in the structure, size, shape, or design of a nonconforming sign shall be allowed except to bring nonconformity into conformity with this chapter.
- c. No change may be made to a nonconforming sign that increases or enlarges or changes the nature of the nonconformity.
- d. A nonconforming sign may not be replaced with another nonconforming sign except in the event of changed conditions beyond the control of the owner/ground leaseholder warrant the sign's replacement, in which event the building official must be notified and a new sign permit obtained prior to replacement. Nonconforming signs which have not been registered in accordance with section 23-24-3 above may not be replaced with another non-conforming sign - the new permit which is required will be controlled by the sign regulations in effect at the time of application.

Section 23-24-4 – Design Standards – All Signs

(a) General Standards

- a. **Conformance to City Building and Electrical Codes:** In addition to any sign approval required under this ordinance, a building permit shall be required prior to the installation or placement of any sign for which a Sign Permit is issued. All sign shall be constructed, erected or placed in accordance with the City's building and electrical codes.
- b. **Conformance to State Law:** Any sign located or to be located within 660 feet of the nearest edge of the right-of-way of a US or State numbered highway or road designated as a primary highway by the State of Georgia and The US Department of Transportation OR located beyond 660 feet of such highway BUT visible and intended to be read from such highway shall comply with all requirements of the Georgia Outdoor Advertising Act O.C.G.A. 32-6-70
- c. **Sign Maintenance:** All signs, including non-conforming signs, together with all their structural, mounting and/or erection elements shall be kept in good repair including replacement of damaged or deteriorated elements, re-painting or replacement of graphics, and landscape elements installed as a part of the sign.

(b) Site and Location Standards by Type of Sign – See Table 2 for Summary.

- a. Setback and Location Requirements

(a) Freestanding and monument signs

- i. No freestanding or monument sign shall be located closer than 20 feet from any property line serving as a public street right-of-way, nor within 20 feet of any driveway or entrance road intersecting with a public street.
- ii. No freestanding or monument sign shall be located closer than 30 feet from the intersecting right-of way lines adjoining the property upon which the sign is located.

- iii. No freestanding or monument sign shall be located within 200 feet of another freestanding sign along the street frontage of the same property.

(b) Wall Mounted Projecting signs

- i. No sign attached at an angle to a wall shall extend beyond 5 feet from the wall.
- ii. A projecting sign shall have a minimum of 8 feet of clearance from ground level below the sign.

(c) Wall or Façade Sign

- i. No wall or facade sign may extend beyond 12 inches from the building wall upon which it is mounted nor higher, at its highest point, than 20 feet measured from the nearest street grade elevation.
- ii. No more than two façade signs may be located on any one building wall.

(d) Canopy (awning), mansard, marquee and parapet signs

- i. A canopy sign may not extend above or below the canopy face on which it is located. Signs mounted under the canopy must have a minimum of 8 feet of clearance from the ground elevation below the sign to the bottom face of the sign.
- ii. A mansard sign may not extend above or below the face of the mansard on which it is located and shall be at least 8 feet above any pedestrian walkway below the lowest part of the sign.
- iii. A marquee sign may not extend above or below the marquee on which it is located, and shall be at least 8 feet above any pedestrian walkway below the lowest part of the sign.
- iv. A parapet sign may not extend beyond the parapet on which it is located, and shall be at least 8 feet above any pedestrian walkway below the lowest part of the sign.

(e) Billboards

- i. May be located only on parcels located in General Commercial, Highway Commercial, or Industrial Zoned Districts
- ii. Must be located 1,250 feet from any other Off-premises sign measured along the roadway frontage where located. Measurements are to be made from the centerline of the sign structure(s) and include all Off-premises signs regardless of which side of the roadway they may be located.
- iii. No portion of any Off-premises sign may be located within a 300 foot radius of any property zoned Residential, Conservation-preservation or any officially designated preservation district, historic landmark, public park, public square or playground.
- iv. All Off-Premises signs, including those considered Billboards, must also comply with the State of Georgia's Outdoor Advertising Act in addition to these and other requirements of this ordinance.
- v. At Interstate Interchanges, no more than 2 Off-premises sign or Billboards may be located in any quadrant of the interchange and shall be restricted to an area 1,200 feet measured 500 feet from the road crossing at the interchange or beginning 500 feet from the beginning or ending of Interstate pavement widening to accommodate on ramps or off ramps; whichever is furthest from the road crossing at the Interchange.

(f) All Other Signs

- i. Accessory Freestanding Signs
 - a. May be located on multi-family, commercial, office, institutional or industrial property
 - b. Accessory Freestanding Signs located at entrance or exit drives from or to public streets, shall not exceed 2 per entrance or exit location(s)
 - c. One Accessory Freestanding Sign may be located on each building site. Directional signs may be located on each building site as needed for customers or patrons.
- ii. Outdoor Recreational Facility
 - a. Signs on outdoor recreation facilities like stadiums, concession stands, dugouts, press boxes, etc. may be installed with no limit other than such signs may not be visible from neighboring residential property or public rights-of-way.
- iii. Multi-screen Cinema
 - a. A changeable copy cinema sign is considered a principal sign and one such sign is permitted for each multi-screen cinema on each street fronting the cinema.
- iv. Rear Entrance Signs
 - a. A rear entrance sign may be placed on the rear doors of business establishments used for ingress and egress by tenants or owners.
- v. Changeable Copy Sign (automatic or manual copy)
 - a. May be incorporated into a freestanding or wall mounted sign.
 - b. LED Message Boards are not permitted anywhere except for schools, houses of worship, gasoline stations (for price boards) and cinema or performance centers.
- vi. Temporary Signs (in excess of 4 square feet) Requiring a Permit
 - a. May be used for the duration of an event such as the sale or lease of property, sporting event, yard or garage sale, outdoor festival or fair, etc.
 - b. Only one temporary sign shall be permitted per property at any time.
 - c. Each licensed business may apply for a temporary sign up to 4 times per year.
 - d. Each temporary sign may be displayed for a maximum of one week prior to an event being advertised, except for Real Estate Sale or Lease Signs which may remain for as long as the property being offered for sale or lease remains unsold or not leased, All temporary signs must be removed within two days following the end of the event being advertised or the successful sale or lease of property
 - e. Temporary signs may include banners, wall mounted or free standing

vii. Construction Sign

- a. A Construction Sign is considered a Temporary Sign and shall require a permit. A Construction sign may remain on the property where construction is taking place for the duration of construction. It shall be removed once the building is occupied.

(c) Size, Height and Design Standards and Limits – See Table 2 for Summary.

a. Residential Subdivisions, Multi-Family and Residential PUDs (Freestanding and Monument Signs)

- (a) Only one free standing or monument sign, single face or double faced is permitted for each entrance to a subdivision or PUD community
- (b) The area of each sign face for a single family subdivision or community shall be limited to 64 square feet; 32 square feet per sign face if a double faced sign.
- (c) The area of each sign face for a multi-family or mixed use residential community shall be limited to 100 square feet; 50 square feet for each sign face if a double faced sign.
- (d) The maximum height shall not exceed 8 feet above the average ground grade within a 20 foot radius of the sign. The lower edge of the sign shall not exceed 4 feet above the lowest grade at the base of the sign.
- (e) The sign may be illuminated internally or externally.
- (f) Building signs are not permitted for single family subdivisions, multi-family communities or residential PUDs

b. Commercial and Office (Freestanding or Monument Signs / Building Signs)

(a) Neighborhood Commercial, General Core Commercial and Office/Commercial Zoning Districts (one use on property)

- i. Freestanding sign (not allowed in a Neighborhood or General Core Commercial Zoning Districts)
 - a. One sign per frontage on a public street
 - b. The maximum area of each sign shall be 64 square feet; 32 square feet for each sign face if a double faced sign
 - c. The maximum height of the sign shall be 10 feet
 - d. The sign may not be internally or externally illuminated.
- ii. Building sign if in lieu of a freestanding sign
 - a. One sign per building
 - b. The maximum area shall be 32 square feet
 - c. The maximum height of the sign shall be 20 feet above the building grade
 - d. The sign may be internally or externally illuminated.

(b) Neighborhood Commercial, General Core Commercial and Office/Commercial Zoning Districts (multiple use on property)

- i. Freestanding sign (Not permitted in a Neighborhood or General Core Commercial Zoning District)

- a. One sign per frontage on a public street
 - b. The maximum area of each sign shall be 128 square feet; 64 square feet for each sign face if a double faced sign
 - c. The maximum height of the sign shall be not more than 10 feet
 - d. The sign may be internally or externally illuminated.
- ii. Building sign(s) if in lieu of a freestanding sign
 - a. One sign per tenant or user with a maximum of two signs per building face.
 - b. The maximum area of each sign shall be 32 square feet
 - c. The maximum height of each sign shall be not more than 10 feet
 - d. The sign may be internally or externally illuminated
- (c) **General Commercial, Highway Commercial, Commercial Recreation or Industrial (one use on property)**

- i. Freestanding sign
 - a. One sign per frontage on a public street
 - b. The maximum sign area shall be 200 square feet; 100 square feet for each sign face if a double faced sign.
 - c. The maximum height of the sign shall not exceed 35 feet
 - d. The sign may be internally or externally illuminated.
- ii. Building Sign(s)
 - a. One sign per building
 - b. The maximum sign area shall be 100 square feet if in lieu of a freestanding sign; otherwise 64 square feet.
 - c. The maximum height of the sign shall not exceed 35 feet
 - d. The sign may be internally or externally illuminated.

Signs located in the U. S. 17 Corridor should follow the guidelines in that Overlay District.

- (d) **General Commercial, Highway Commercial, Commercial Recreation or Industrial (multiple use on property/planned center)**
- i. Freestanding sign(s)
 - a. One sign per 300 feet of public street frontage
 - b. The maximum sign area shall be 300 square feet; 150 square feet for each sign face if a double-faced sign.
 - c. The maximum height of the sign shall be 35 feet
 - d. The sign may be internally or externally illuminated.
 - ii. Building Sign(s) (in addition to freestanding sign)
 - a. One sign per tenant or user
 - b. The maximum sign area shall be 100 square feet
 - c. The maximum height of the sign shall not exceed 35 feet

- d. The sign may be internally or externally illuminated.

(e) Highway Commercial (one use on property)

i. Freestanding Sign

- a. One sign per 300 feet of public street frontage
- b. The maximum sign area shall be 200 square feet; 100 square feet for each sign face if a double faced sign.
- c. The maximum height of the sign shall be 80 feet
- d. The sign may be internally or externally illuminated.

ii. Building Sign

- a. Maximum of two signs per building – 4 signs if for a planned shopping center
- b. The maximum area for each sign shall be 100 square
- c. The maximum height of the sign shall not exceed 35 feet
- d. The sign may be internally or externally illuminated

(f) Highway Commercial (multiple use on property/planned development)

i. Freestanding Sign(s)

- a. One sign per 300 feet of public street frontage
- b. The maximum sign area shall be 300square feet; 150 square feet for each sign face if a double faced sign.
- c. The maximum height of the sign shall be 35 feet
- d. The sign may be internally or externally illuminated.

ii. Building Sign(s)

- a. Two signs per building
- b. The maximum sign area shall be 100 square feet
- c. The maximum height of the sign shall not exceed 35 feet
- d. The sign may be internally or externally illuminated.

c. Billboards

- (a) Billboards shall not exceed 600 square feet of sign face; 300 square feet for each sign face if a double faced sign and shall be of uniform size 12 feet in height and 50 feet in width.
- (b) Billboards may not exceed 60 feet in height measured from the lowest portion of the sign face structure to the lowest point of the site elevation below the sign.
- (c) No extensions or extrusions beyond the face of the sign, other than an apron at the base of the sign face for servicing and repairs, is permitted.
- (d) Automatic changeable copy at intervals of not less than 15 seconds are permitted on Billboards are permitted. Animated signs are not permitted on any type of sign.
- (e) Other Billboards may only have exterior illumination using sign base mounted lighting equipped with photocells for switching on and off. No other form of illumination is permitted.

d. Accessory Free-standing Signs

- (a) Principal Accessory Free-standing Signs shall not exceed 32 square feet in total sign face area nor 8' in height.
- (b) Other miscellaneous Accessory Free-standing signs are permitted provided they do not exceed 6 square feet in sign face area nor more than 3 feet in height, except for handicapped parking signs which may be 5 feet in height.
- (c) Accessory Free-standing Signs may not be illuminated.
- e. Multi-Screen Cinema Signs**
- (a) Such sign(s) shall not exceed 10 feet in width nor 20 feet in height. The sign face(s) shall not exceed 8 feet in width not 15 feet in height.
- (b) The sign may be illuminated internally or externally.
- f. All Other Signs**
- (a) Changeable Copy Signs (Automatic or Manual Copy Change)
 - i. Changeable copy signs are limited to one per street frontage and only one per parcel regardless of additional street frontage.
- (b) Flags
 - i. No more than 3 flags may be displayed on property zoned and used for Agriculture, Single Family, Two-family or Multi Family use. No one flag may exceed 24 square feet in size, and if more than one flag is displayed, the total for all flags shall not exceed 45 square feet.
- (c) Rear Entrance Signs
 - i. Rear Entrance Signs may not exceed 18 inches in width and 12 inches in height.
- (d) Temporary Signs (Including Construction Signs)
 - a. No temporary sign face may exceed 32 square feet; 16 square feet total for each side if double faced.
 - b. May be used for the duration of an event such as the sale or lease of property, sporting event, yard or garage sale, outdoor festival or fair, etc.
 - c. Only one temporary sign shall be permitted per property at any time.
 - d. Each licensed business may apply for a temporary sign up to 4 times per year.
 - e. Each temporary sign may be displayed for a maximum of one week prior to an event being advertised, except for Real Estate Sale or Lease Signs which may remain for as long as the property being offered for sale or lease remains unsold or not leased, All temporary signs must be removed within two days following the end of the event being advertised or the successful sale or lease of property
 - f. Temporary signs may include banners, wall mounted or free standing.
 - g. A construction sign is considered a Temporary Sign and shall require a permit. A Construction sign may remain on the property where construction is taking place for the duration of construction. It shall be removed once the building is occupied.
- (e) **Illumination Standards.**

- i. Illuminated signs shall not be located so as to cast light directly into the eyes of drivers or pedestrians; hide from view or distract from any traffic light or street sign; cast light directly into any residential district,
- ii. No sign located in any zoning district other than Highway Commercial shall be illuminated between the daily hours of 11 p.m. and 6 a.m.
- iii. Externally illuminated signs shall have concealed wiring and controls as well as shielded and visually screened light sources.
- iv. Internally illuminated signs must completely shield the source of light from direct view.

(f) Construction standards.

- i. All signs for which a permit is required under this ordinance shall be constructed and maintained in accordance with all applicable building codes.
- ii. Signs for which a permit is not required under this ordinance and which are constructed of degradable material may be posted for a maximum of 60 days unless replaced with another sign of the same material. Any such replacement signs may be posted for a maximum of 60 beyond the original 60-day period.
- iii. All freestanding signs with a display area greater than 100 square feet must be constructed to withstand winds of at least 120 miles per hour; in the event any other applicable code or regulation calls for wind tolerance in a greater amount, then such greater amount shall apply as the standard under this chapter as well.

Section 23-24-5 Application and Enforcement

The provisions of this sign ordinance may be enforced by the building official or his or her designee. Additionally, it may be enforced by civil court action brought by the city manager or city attorney in the name of the City of Brunswick. Citations may be issued for violations of this chapter by the building official or his or her designee as well as by such other city employees as the city manager may from time to time designate.

(a) Permits Required

- a. Except as specifically excluded from the provision of this chapter, it shall be unlawful for any person to post, construct, enlarge, replace, display, substantially change, or erect a sign in the city without having first obtained a sign permit.
- b. Existing signs which are legal immediately prior to adoption of this chapter and which would be required to obtain a permit under this article if they had been newly erected after enactment of this article may not alter such sign until it become in compliance with this Article.

(b) Permit Application information.

- a. Applications for sign permits required by this chapter shall be filed, on a form provided by the City, by the sign owner or the owner's agent with the City Building Official. The application shall not be considered unless all information requested on the form or by the City's Building Official is provided by the applicant.

(c) Time for Consideration.

- a. The city shall process all permit applications within 30 business days of the building official's actual receipt of a fully completed and appropriately signed application and payment such sign permit fee as may be established from time to time by vote of the City Commission.
 - b. The building official shall give notice to the applicant/owner of the decision of the city by hand delivery or by mailing a copy of the notice to the applicant at the address shown on the permit application. If mailed, notice shall be deemed to have been given upon the date of mailing in conformity with this section.
 - c. If the city fails to respond in writing within the 30-day period, the permit shall be deemed to have been granted.
 - d. If the building official finds that conditions or stipulations are required to make the sign legally acceptable, the permit shall only be approved subject to the applicant's written agreement to such conditions.
- (d) Denial and revocation.
- a. The city shall deny permits to applicants who submit applications for signs that do not comply with the provisions of this chapter, or which fail to comply with applicable building codes (including, but not limited to, any wind or hurricane resistance requirements) or other applicable local, state, or federal laws;
 - b. Any applicants who submit incomplete applications or applications containing any false material statements.
 - c. Violations of any provisions of this chapter will be grounds for terminating a permit granted by the city for the erection of a sign. Should it be determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this chapter, or that a sign has been erected contrary to the terms of the permit, the building official shall revoke the permit.
 - d. Should the city deny a permit application, the reasons for denial shall be stated in the notice provided for by section (c), sub-section b. above. Any application denied and later re-submitted shall be deemed to have been submitted on the re-submittal date.
- (e) Hearing Officer Review:
- No permit shall be revoked or denied except for "due cause" as herein defined. In the event of a denial or a revocation, the applicant/permittee shall be granted an opportunity for review before a hearing officer to be designated by the city. If applicant desires such a hearing, applicant must deliver a written request for such review with the building official no later than ten (10) business days following mailing of the decision to be reviewed. The applicant will be given at least ten business days' written notice of the time, place, and purpose of the hearing, with a statement of the reason for the denial of the application or revocation of the permit. "Due cause" is any of the following: violation of the provision of this chapter or any other city ordinance or any state or federal law; or erroneous issuance of a permit which should not have been issued under the terms of this chapter; or erecting or building a sign which does not conform to the information contained in the application; or failure to maintain the sign as required by this chapter; or submission of an incomplete application or an application containing false material statements. The hearing officer may reschedule the hearing by agreement of the parties or for good cause shown. The hearing officer shall render a decision in writing within ten business days of the hearing, and a notice of the decision shall be forwarded to the applicant/owner as provided above.
- (f) Appeal Process: An individual whose permit application has been denied or whose permit has been revoked may appeal the decision of the Hearing Officer to the City Manager provided they file written notice of an appeal with the City Manager within ten business days of the date that written notice of the hearing officer's decision is either hand delivered to the permittee or mailed to the address shown for the applicant/owner on the application or such other address as permittee advises the department in writing to send notices pursuant to this chapter.

- i. Such appeal shall be considered by the city manager at a hearing within 20 business days of the date the city manager received the notice of appeal, with applicant to be mailed notice of the time, date and place of hearing at least ten business days prior to the date initially set for the hearing. By agreement of the parties or for good cause shown, as determined by the city manager, and upon reasonable notice, the appeal hearing may be re-scheduled for a later date at the earliest time convenient to appellant and the city. The city manager shall cause any decision he/she reaches on the appeal to be memorialized in writing and a copy hand delivered or mailed to the applicant at applicant's address of record within ten business days of the hearing.
- (g) Review by city manager. In the event an applicant/permittee whose permit has been denied or revoked is dissatisfied with the decision of the city manager, they may petition for writ of certiorari as provided by law.
 - (h) Review at request of city. The building official shall have the right to request that the City Manager review any decision by the hearing officer under subsection (v) above by following the same procedure for requesting review as would an applicant/permittee as set forth in subsection (d), above.
 - (i) Permit expiration: A sign permit shall become null and void if the sign for which the permit was issued has not been completed and installed within six months after the date of issuance. No refunds will be made for permits that so expired. If a person desires to erect a sign after the permit is expired, a new application will be required and will be subject to the regulations in effect at the time of the new application. A new application fee will be required.
 - (j) Fees. The cost of a sign permit shall be established from time to time by vote of the city commission and shall be payable in addition to any building permit or historic preservation certificate of appropriateness fees required. Differing fees for different categories of signs may be so established. A written list of applicable fees shall be maintained in the building official's office.
 - (k) Variances: An applicant may request a variance from the requirements of this sign ordinance by following the same procedure for a zoning variance found in Division 6, Article 26 of this ordinance.
 - (l) Coordination of provisions. The provisions of this chapter shall be in addition to and cumulative of the City of Brunswick's Historic Preservation Ordinance. In the event the Historic Preservation Ordinance requires any action with respect to a proposed sign, such as obtaining a certificate of appropriateness from the historic preservation board, then separate compliance with those requirements must be had in addition to obtaining any permit required hereunder. Approval of a sign permit application by the building official does not constitute approval by the historic preservation board. Further, the provisions of this chapter and the U.S. 17 Overlay and Planned Development - Traditional Neighborhood District articles of the City Zoning Ordinance shall be read together to give effect to all where possible; in the event of conflict, provisions of those articles control over the provisions of this article.

(Ord. No. 1006, § 1, 11-19-2008)

ARTICLE XXV. - ADMINISTRATION, ENFORCEMENT AND PENALTIES

Sec. 23-25-1. - Zoning administration officer.

The department designated by the city commission as the Planning Development and Codes (PDC) Department of the City of Brunswick shall administer and enforce this chapter. The duties shall include reviewing plans, inspecting premises and issuing building permits, sign permits and certificates of occupancy for uses, signs and structures that meet the requirements of this chapter and other applicable

regulations. All records pertaining to each request processed by the PDC department shall be kept on file and open for public inspection in the office of the PDC department.

(Ord. No. 1006, § 1, 11-19-2008; Ord. No. 1055, § 2, 3-21-2018)

Sec. 23-25-2. - Building permits.

- (a) Prior to the issuance of a building permit or sign permit, the PDC department shall assure that the work proposed will conform in all respects to this chapter and other applicable regulations including the building code and the flood damage control ordinance.
- (b) The PDC department may require such information from the applicant as is necessary to determine the conformity of the proposal with this chapter and other applicable regulations. In addition to information specifically required by the Building Code, plans accompanying applications shall include the number of dwelling units each residential building is designed to accommodate, the setback lines of buildings on the lot and on adjoining lots, the number, layout and dimensions of proposed parking spaces, if any, and the locations and dimensions of points of ingress and egress from abutting public streets or alleys. Where a proposed structure will be located in an area of special flood hazard as shown on the city's flood insurance rate map (FIRM), the application shall include elevation data certified by a registered land surveyor or licensed architect specifying average ground elevation at site and the proposed elevation of the structure for the purpose of compliance with the flood damage control ordinance.

(Ord. No. 1006, § 1, 11-19-2008; Ord. No. 1055, § 2, 3-21-2018)

Sec. 23-25-3. - Certificate of occupancy.

The Building Official shall issue certificates of occupancy in accordance with the requirements of the building code upon a determination that the building or other structure as constructed or the change in occupancy as proposed conforms in all respects to this chapter and other applicable regulations.

(Ord. No. 1006, § 1, 11-19-2008; Ord. No. 1055, § 2, 3-21-2018)

Sec. 23-25-4. - Conditional use permits.

- (a) Conditional use permits as provided for in this chapter are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the district within which they are proposed for location.
- (b) Conditional uses shall be permitted subject to a determination by the city commission, upon recommendation from the planning and appeals commission that conditional use(s) conforms to all regulations set forth herein and elsewhere in this chapter, with particular reference to those requirements established for those districts in which it is proposed for location.
- (c) Applications for permission to build, erect or locate a conditional use shall be submitted and processed in accordance with the regulations set forth in section 23-26-4.
- (d) Permits authorizing conditional uses shall be valid only for that particular use and shall expire if the conditional use or operations pertaining thereto shall cease for more than six continuous months for any reason.

(Ord. No. 1006, § 1, 11-19-2008; Ord. No. 1055, § 2, 3-21-2018)

Sec. 23-25-5. - Temporary uses.

The building official is authorized to issue a temporary certificate of occupancy for temporary uses, as follows:

- (a) Carnival or circus for a period not to exceed 21 days subject to the approval of the city commission.
- (b) Religious meeting in a tent or other temporary structure in HC, GC, BI, GI and LI districts for a period not to exceed 60 days.
- (c) Open lot sale of Christmas trees in LC, HC, GC, MUCCH, BI, GI and LI districts for a period not to exceed 45 days.
- (d) Real estate sales office in any district for a period not to exceed one year, provided no cooking or sleeping accommodations are maintained in the structure.
- (e) Contractor's office and equipment sheds in any district for a period of one year, provided that such office be placed on the property to which it is appurtenant.
- (f) All temporary certificates of occupancy may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion and will not continue or create a nuisance.

(Ord. No. 1006, § 1, 11-19-2008; Ord. No. 1055, § 2, 3-21-2018)

Sec. 23-25-6. - Penalties.

A violation by any person of any provision of this chapter or of any order of the building official authorized by this chapter shall be a misdemeanor, and upon conviction thereof such person shall be punished as provided for in the Charter of the City of Brunswick. Each day such violation continues shall be deemed a separate offense.

(Ord. No. 1006, § 1, 11-19-2008; Ord. No. 1055, § 2, 3-21-2018)

Sec. 23-25-7. - Remedies.

In case any building, sign or other structure is erected, constructed, reconstructed, altered, converted, moved or maintained, or any building, sign, structure or land is used or is proposed to be used in violation of this chapter, the PDC director, building official, city attorney or other appropriate authority of the city or any aggrieved property owner who would be specially damaged by such violation may institute an action for injunction or other appropriate relief to prevent such unlawful erection, construction, reconstruction, alteration, conversion, movement maintenance or use, or to correct or abate such violation, or to prevent the occupancy of the building, structure, or land.

(Ord. No. 1006, § 1, 11-19-2008; Ord. No. 1055, § 2, 3-21-2018)

ARTICLE XXVI. - APPEALS, CONDITIONAL USE PERMITS, AND VARIANCES²

Footnotes:

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Editor's note— Ord. No. 1055, § 3(Exh. A), adopted March 21, 2018, amended article XXVI in its entirety to read as herein set out. Former article XXVI, §§ 23-26-1—23-26-3, pertained to appeals, conditional uses and variances. See Code Comparative Table for complete derivation.

DIVISION 1. - DEFINITIONS

Sec. 23-26-1. - Definitions.

Annexation: Annexation is the process by which a parcel of land is transferred from the jurisdiction of unincorporated Glynn County to the jurisdiction of the City of Brunswick.

Applicant: A property owner or their authorized representative who has petitioned the city for approval of an application under the terms of this article.

Application: A petition for approval of an application under the terms of this article.

Concept plan: A document submitted with an application regulated by this article upon which the applicant has shown the intended development and its design. Approval of the application request shall not constitute approval of the concept plan; said plan must be adjusted according to the requirements listed for submittal of civil plans or building plans and reviewed by the appropriate departments for permitting.

Condition of zoning approval: A requirement adopted by the governing body at the time of approval of a rezoning, conditional use or zoning of annexed lands; placing greater or additional requirements or restrictions on the property than provided in this Code in order to reduce an adverse impact of the request and to protect the public health, safety, or general welfare.

Conditional use permit: A use which is not automatically permitted by right, but which may be permitted within a zoning district subject to meeting specific requirements of this Code.

Director: The Director of the Brunswick Department of Planning, Development and Codes.

PAC: The Planning and Appeals Commission of the City of Brunswick.

PDC department: The Planning, Development and Codes Department of the City of Brunswick.

PD: A planned development district within the City of Brunswick.

Presiding official: The person chairing a meeting of the planning commission or the governing body in their official capacity.

Rezoning: An amendment to the official zoning map, or an amendment to an overlay zone boundary, that changes the zoning district or overlay zone of one or more properties specified in an application. Rezoning also includes applications to change conditions of zoning approval.

Text amendment: An amendment to articles of this Code.

Variance: A relaxation of the terms of this title where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship, or practical difficulty.

Zoning change: See definition for "rezoning."

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

DIVISION 2. - ZONING CHANGES AND CONDITIONAL USE PERMITS

Sec. 23-26-2. - Generally.

The official zoning map, and overlay zone maps, may be amended from time to time and zoning amendments may be approved for specific properties by the governing body under the procedures in this chapter. In addition, changes in the conditions of approval pertaining to a specific rezoning or conditional use permit approval may also be approved by the governing body following the procedures in this

chapter. The procedures for conditional use permits, which may be approved for specific properties, shall also be as provided in this chapter.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-3. - Initiation.

An application for a rezoning or conditional use permit for any property or properties in the city may be initiated by the governing body, planning and appeals commission, owner of the property, or some other person(s) given authorization by property owner to file said application.

Any applicant wishing to submit an application for rezoning or conditional use permit must schedule an appointment with the planning, development and codes department staff in order to review the application for completeness. No such application shall be accepted for processing by the director or his or her designee unless it meets the requirements of this section. Incomplete or improper applications will be returned to the applicant. The director is hereby authorized to establish administrative deadlines for the receipt of applications.

Any applicant wishing to file an application for a zoning change related to a planned development zoning district must schedule a conference with the PDC department staff at least 15 days prior to filing an application and shall also submit the additional application materials specified in this Code.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-4. - Requirements for submittal.

All applications for a rezoning or conditional use permit shall at a minimum consist of the following:

- (a) *Application form.* A completed application. All applications shall be submitted to the PDC department on the department's application forms.
- (b) *Fee.* All applications shall be accompanied by a non-refundable fee as fixed from time to time by the governing body. A fee shall not be charged if the governing body or the planning commission initiate the application.
- (c) *Plat or boundary survey.* A plat or boundary survey of the property or properties involved in the application. Provide one scaled and folded copy, and one 8.5"×11" or 11"×17" reproducible size copy.
- (d) *Legal description.* A paper copy and an electronic copy of the legal description of the property that corresponds with the property or properties shown on the submitted boundary survey/plat.
- (e) *Written narrative.* A written narrative should indicate at a minimum:
 - (1) The purpose of the request, proposed use, as well as overlay zones or protection areas in which the property is located.
 - (2) Any planned developments shall include a narrative which fully describes the concept plan and must include at a minimum the proposed use, setbacks, right-of-way widths, building heights, signage, whether the applicant wishes the city to maintain the road(s) as well as identify any overlay zones or protection areas that may affect the use.
- (f) *Concept plan.* An application for a rezoning or conditional use permit approval related to a residential subdivision, multi-family, or nonresidential use or zoning district shall be accompanied by a concept plan if any new construction is proposed or alteration of the site is required under the site or development design standards of this Code. An as-built survey (rather than a concept plan) indicating the most current development conditions must be submitted with those applications regarding existing developments that are not to be altered. The concept plan

shall meet the requirements of section 23-26-5. The applicant shall submit ten scaled and folded copies, folded to fit into an 8"×10" size envelope, and one 11"×17" reproducible copy.

- (g) *Traffic impact analysis.* Any application for a rezoning or conditional use permit which can be reasonably expected to generate 1,000 vehicle trip ends during a single day and/or more than 100 vehicle trips during the morning or afternoon peak hours shall submit a traffic impact analysis as specified in division 4, traffic impact analysis.
- ii) *Development of regional impact.* Any application for a rezoning or conditional use permit and development approval that meets or exceeds the thresholds established by the state department of community affairs shall be considered a development of regional impact (DRI), and as such, shall comply with the procedures set forth in division 5, development of regional impact.

The director may request information in addition to that specified in this section when considered necessary for review of the application by the governing body or Planning Commission.

Anyone filing an application may be exempt from the above submittal requirements of this section, provided the application is for rezoning to an R-9 or R-6 zoning district, does not involve a subdivision development, and includes the fee, plat or boundary survey, legal description and written narrative.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-5. - Concept plan requirements.

Applications for a rezoning or conditional use permit shall at minimum include thereon the information specified in this section.

- (a) Name, address, and telephone number of the property owner.
- (b) Name, address, and telephone number of the applicant.
- (c) Date of survey, north point and graphic scale, date of plan drawing, and revision dates, as appropriate.
- (d) Proposed use of the property.
- (e) Location (land district and land lot) and size of the property in acres (or in square feet if less than an acre).
- (f) Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
- (g) Natural features within the property, including drainage channels, bodies of water, wooded areas and other significant natural features such as rock outcroppings. On all water courses entering or leaving the property, the direction of flow shall be indicated. The 100-year flood plain, if any, shall be outlined.
- (h) Man-made features within and adjacent to the property, including existing streets and names, city and county political boundary lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
- (i) The proposed project layout including:
 - (1) For subdivisions, a professional stamped rendering showing approximate lot lines and street right-of-way lines, along with the front building setback line on each lot.
 - (2) For multi-family and nonresidential development projects, the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas and driveways.
- (j) The proposed phasing of the development if it is proposed to be built in sections.

- (k) A statement as to the source of domestic water supply.
- (l) A statement as to the provision for sanitary sewage disposal.
- (m) The approximate location of proposed stormwater detention facilities.
- (n) Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-6 Reserved

Sec. 23-26-7. - Notice of public hearing in newspaper.

Before the governing body may take final action on a proposed rezoning or conditional use permit application, the planning and appeals commission shall hold a public hearing on the proposal. At least 15 days but not more than 45 days prior to the public hearing before the PAC, notice shall be published in a newspaper of general circulation within the city. The published notice shall be prepared by the planning, development and codes department and shall include the location of the property, the present zoning classification of the property, the proposed rezoning or conditional use requested, and the date, time, and place of the public hearing before the PAC. Notice of the date, time, and place of the public hearing before the governing body shall also be provided.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-8. - Notice of public hearing by sign on property.

At least 15 days but not more than 45 days prior to the public hearing, the city shall post a sign or signs stating the date, time and place of the public hearing before the planning and appeals commission, the present zoning classification and the proposed zoning change or the proposed conditional use permit. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the rezoning or conditional use permit has been requested. If the property has no street frontage, the sign shall be placed on each street from which access will be gained to the property. Notice of the date, time, and place of the public hearing before the governing body shall also be provided.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-9. - Special notice requirements.

Pursuant to the specific requirements of the Zoning Procedures Law (O.C.G.A. 36-66-6), when a proposed rezoning or conditional use permit application relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, the director shall ensure that the additional requirements of O.C.G.A. 36-66-6 are met as follows:

- (a) Public hearings shall be held at least six months and not more than nine months prior to the date of final action on the zoning decision.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-10. - Investigations and staff recommendation.

Within a reasonable period of time after acceptance of a complete application, the director or his/her designee may send the application or notice thereof out for review by the city's development review team (DRT) and any other internal municipal departments and external agencies as may be appropriate. Any written comments received in a timely manner as a result of such review shall be submitted for consideration to the planning and appeals commission and governing body, or summarized in a submitted memorandum. Any such comments shall become public records.

The director or his/her designee shall investigate and make a recommendation with respect to the matters enumerated in this Code section regarding a rezoning or conditional use permit application. Any such investigation and recommendation shall if in writing be made available to the applicant and planning and appeals commission prior to its public hearing and shall become public records.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-11. - Planning and appeals commission hearing and recommendation.

The planning and appeals commission shall convene a public hearing on the rezoning or conditional use permit application as provided in the public notice. The public hearing shall follow policies and procedures which govern calling and conducting public hearings established in this Code. The PAC shall have 65 calendar days from the date of its public hearing within which to submit its recommendation on the rezoning or conditional use permit application. The board may submit any additional report it deems appropriate. The recommendations of the PAC shall have an advisory effect only and shall not be binding on the governing body.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-12. - Criteria to consider for applications.

The planning and appeals commission and the governing body shall consider the following standards in considering any rezoning, zoning amendment, or Conditional Use Permit application, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

- (a) Is the proposed use compatible with the purpose and intent of the comprehensive plan?
- (b) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?
- (c) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?
- (d) Are there substantial reasons why the property cannot or should not be used as currently zoned?
- (e) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?
- (f) Is the proposed use supported by new or changing conditions not anticipated by the comprehensive plan or reflected in the existing zoning on the property or surrounding properties?
- (g) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-13. - Administrative procedures for review of PD Applications and establishment of PD zoning districts.

- A. The Concept Plan and accompanying written report(s) and data set forth in section 23-16-3 submitted by the developer to the Building Official shall be subsequently forwarded to the Planning and Appeals Commission (PAC) with the recommendations of the Building Official and other city staff if appropriate. If approved by the PAC, following a public hearing, the recommendation shall be placed in front of the city commission to be adopted as an amendment to this chapter, which shall establish the standards of development for that particular planned development zone.
- B. In considering and acting upon applications for PDs, the planning and appeals commission and the governing body shall consider and base their recommendation and decision, respectively, on the following criteria (not all inclusive), and any other factors it may consider appropriate in reaching such a decision:
 - a. Consistency with the Comprehensive Plan of the city.
 - b. The extent to which the proposed mix of land uses is appropriate in terms of location and character.
 - c. The extent to which the development is compatible with surrounding properties. Compatibility can be achieved by ensuring that the overall scale and design of development does not overwhelm or otherwise detract from the established character of the neighborhood or surroundings. The PD zoning district is not intended to allow for the intrusion of incompatible land uses into single-family neighborhoods that create negative land use impacts.
 - d. The extent to which the proposed architectural features of buildings within the development are harmonious.
 - e. The adequacy of open spaces, play areas and recreation facilities that are provided for the needs of the development occupants.
- C. All further development shall conform to the standards adopted for the approved PD district, regardless of any changes in ownership. Any proposed change in the standards or plan after adoption as part of this chapter, shall be treated as an amendment to this chapter and must be considered in accordance with normal amendment procedures set forth in article XXVI of this chapter.
- D. Where it is determined by the city commission that development in the approved PD is not in accordance with the adopted PD ordinance standards for that district, the city commission shall be empowered to amend this chapter to revert the zoning of part or all the property in the PD district to its prior zoning classification, or any other more appropriate zoning classification.
- E. Before approval of a PD rezoning application, the city commission shall require a binding agreement with safeguards satisfactory to the city attorney guaranteeing completion of the development within a period of time to be specified by the commission, which shall not exceed five years unless extended by the city commission for due cause shown. Such guarantee may include the submission of a performance bond in an amount as set by the city commission.
- F. The violation of any provision of the plan once adopted as a part of this chapter as a PD district under the provisions provided herein, shall constitute a violation of this chapter and the binding agreement entered into above paragraph (e).
- G. All PD projects shall follow and comply with the preliminary and final plat procedures listed in the Brunswick Subdivision Ordinance.

- H. Upon approval of the rezoning to a PD district, the master plan and written narrative shall become a part of the Ordinance for rezoning which shall be recorded and shall be binding on all future development and use within the rezoned PD property and development.
- I. Building permits and public improvements shall not be authorized or installed for any PD development until final approval has been granted by the City Commission.
- J. Any minor or major modifications to an approved PD Master Plan must be submitted to the Building Official and any modification determined to be major, to the Planning and Appeals Commission for review and recommendation for approval or dis-approval to the City Commission. A minor modification is defined as a change in design or use that is in keeping with the original intent and character of the PD.
- K. If no building permit for an approved PD development is issued within twelve months from the date of approval of any such PD rezoning, the Mayor and City Council may, on its own motion, cause the property to revert to its original zoning category but only after written notice to the applicant for rezoning offering a reasonable opportunity to oppose the intended reversion. In no event shall a property remain rezoned as PD for a period of more than 3 years without the issuance of a building permit. In such case, the property shall revert to its previous zoning classification unless such action is altered by the City Commission.

Sec. 23-26-14. - Additional criteria to consider for conditional use permit applications.

The planning and appeals commission and the governing body shall consider the following standards in considering any conditional use permit application, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

- (a) The type of street providing access to the subject property is adequate to serve the proposed conditional use permit.
- (b) Access into and out of the property adequately provides for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles.
- (c) Public facilities such as schools, water or sewer utilities, and police or fire protection are adequate to serve the conditional use permit.
- (d) Refuse, service, parking and loading areas on the property are located and screened to protect other properties in the area from such adverse effects as noise, light, glare or odor.
- (e) The hours and manner of operation of the conditional use permit have no adverse effects on other adjacent or surrounding properties.
- (f) The height, size and location of the buildings or other structures proposed on the property are compatible with the height, size or location of buildings or other structures on neighboring properties.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-15. - Withdrawal and waiting period for reapplication.

A rezoning or conditional use permit application may be withdrawn at any time at the discretion of the person or entity initiating such a request upon notice to the director, up until the public hearing by the planning and appeals commission is closed.

If the applicant withdraws the application prior to the publication of notice for public hearing before the board, the application shall be withdrawn administratively by the director without restriction on the refiling of a proposed zoning change or conditional use permit on the property in the future.

If the applicant withdraws the application after notice has been published or is irretrievably set for publication but the application has not been heard by the planning and appeals commission, the application shall be withdrawn administratively by the director and an application for rezoning or conditional use permit on the property may not be resubmitted for six months from the date of withdrawal.

If the request for withdrawal is made at the planning and appeals commission public hearing on the case, the request may be approved by a majority vote of the PAC, but an application for a rezoning or conditional use permit on the property may not be resubmitted for six months from the date of withdrawal.

If the request for withdrawal is made by the applicant following the planning and appeals commission public hearing, the application shall remain on the governing body public hearing agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the governing body.

If denied, a rezoning or conditional use permit request affecting the same property shall not be reconsidered for a period of six months from the date of denial.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-16. - Notice of public hearing by the governing body.

The governing body shall hold a public hearing on the rezoning or conditional use permit application. If the planning and appeals commission makes a recommendation on the rezoning or conditional use permit application at the date of its public hearing or within a time frame sufficient for the public hearing by the governing body to be held as scheduled, the governing body shall proceed with the advertised public hearing.

If the planning and appeals commission does not make a recommendation on the rezoning or conditional use permit application before the scheduled and advertised public hearing to be held by the governing body, the city clerk shall schedule a new date for the public hearing by the governing body and will provide notice of said rescheduled public hearing at least 15 days but not more than 45 days prior to the public hearing. Said notice shall be accomplished by notice in a newspaper of general circulation in the city, posting of a sign on the property, and notice to adjacent property owners just the same as required by this chapter for the initial application.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-17. - Revision of concept plan.

A concept plan that is part of a rezoning or conditional use permit application may be revised and resubmitted by the applicant during the process, but in no event shall a revised concept plan resubmitted by an applicant be accepted or considered less than ten calendar days prior to the public hearing by the governing body. At its discretion, the governing body may refer an application involving a concept plan revised after its consideration by the planning and appeals commission back to the planning and appeals commission for additional study and recommendation.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-18. - Action by governing body.

No action shall be taken on a rezoning or conditional use permit application by the governing body until it has received a recommendation by the planning and appeals commission, or upon the expiration of the 65-day review period of the PAC. In rendering a decision on a rezoning or conditional use permit application, the governing body shall consider all information supplied by the applicant, the director, and

the PAC, any information presented at the public hearing of the PAC, and information gained at its own public hearing.

After conducting a public hearing, in taking action on an application, the governing body may:

- (a) Approve the application as submitted by ordinance which requires two readings for a rezoning application and one reading for a conditional use permit application.
- (b) Approve the application with conditions which requires two readings for a rezoning application and one reading for a conditional use permit application.
- (c) Deny the proposal, which shall not require a second reading.
- (d) Table the proposal for consideration at its next scheduled meeting.
- (e) Refer the application back to the planning and appeals commission for further consideration, with notice of public hearings before the PAC and governing body, the same as required for the initial application.
- (f) Refer the application back to the planning and appeals commission for further consideration, without the requirement to hold public hearings and provide notice thereof.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-19. - Decisions involving constitutional challenges.

In ruling on any rezoning in which the applicant has brought a constitutional challenge to the existing zoning classification, the governing body shall pay particular attention to the following criteria which have been applied by state courts in zoning matters:

- (1) Existing uses and zoning of the subject and nearby property;
- (2) The extent to which property values are diminished by the particular zoning restrictions;
- (3) The extent to which the destruction of property values, if any, promotes the healthy, safety, morals or general welfare of the public;
- (4) The relative gain to the public, as compared to the hardship, if any, imposed upon the individual property owner;
- (5) The suitability of subject property for zoned purposes;
- (6) The length of time the property, if vacant, has been vacant as zoned considered in the context of land development in the areas and the vicinity of the property.

The existing zoning classification shall be considered presumptively valid and it shall be the responsibility of the applicant to present evidence that rebuts this presumption. If the governing body determines, from the evidence presented, that the existing zoning classification is unduly burdensome to the applicant and is not offset by the considerations of the public's health, safety, morals and general welfare, and considerations of the integrity of this Code and of the official zoning map, the governing body may impose upon said property any appropriate zoning classification, including conditions, which might be consistent with these considerations, the Comprehensive Plan, and the criteria described in this chapter.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-20. - Incorporation clause.

This chapter is intended to comply with the provisions of the Georgia Zoning Procedures Law, O.C.G.A. § 36-66 et seq., which Act is incorporated by reference in its entirety into this Code. Where any provision of this chapter is in conflict with any provision of the law, the law shall control. Or where this

chapter is incomplete in having failed to incorporate a provision necessarily required for the implementation of the law, such provision of the law, so as to meet the mandate of the law, shall be fully complied with, except that where an application to annex property into the city is initiated by the governing body, only those notice requirements and public hearing procedures set forth in O.C.G.A. § 36-66-4(d) shall be required for zoning of property to be annexed into the city, notwithstanding any other procedures or requirements set forth in this Code.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

DIVISION 3. - ANNEXATIONS

Sec. 23-26-21. - Generally.

An area proposed for annexation into the city shall first be considered for zoning prior to its annexation. Consideration of the zoning shall be subject to the same procedures, standards, and requirements for any rezoning as contained in this Code, except as specifically modified by this chapter.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-22. - Initiation.

An application for annexation for any property or properties contiguous to the city may be initiated by the governing body, planning and appeals commission, owner of the property, or some other person(s) given authorization by property owner to file said application. Unless initiated by the governing body or the PAC, all such applications shall be initiated by the owner of a majority interest in the property affected.

Any applicant wishing to submit an application for annexation must schedule an appointment with the planning, development and codes department staff in order to review the application for completeness. No such application shall be accepted for processing by the director unless it meets the requirements of this section. Incomplete or improper applications will be returned to the applicant. The director is hereby authorized to establish administrative deadlines for the receipt of applications.

Any applicant wishing to file an application for a planned development zoning district must schedule a conference with the PDC department staff at least 15 days prior to filing an application and shall submit the additional application materials required for a PD district as outlined in this chapter for a zoning change application.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-23. - Withdrawal and waiting period for reapplication.

Any applicant wishing to withdraw a proposed annexation request shall comply with the withdrawal procedures as outlined in this chapter for rezoning applications and conditional use permit with the exception that there shall be no waiting period for reapplication upon withdrawal or denial of an annexation request.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-24. - Requirements for submittal.

Applications for annexation shall include the following requirements:

- (a) *Application form.* A completed application. All applications shall be submitted to the department of planning, development and codes on the department's application forms.

- (b) *Fee.* All applications shall be accompanied by a non-refundable fee as fixed from time to time by the governing body. A fee shall not be charged if the governing body or the planning and appeals commission initiate the application.
- (c) *Letter of cost estimate.* A letter of cost estimate must be obtained from the Glynn Brunswick Joint Water and Sewer Commission if an applicant wishes to have the city share in the cost of sanitary sewer line extension.
- (d) *Plat or boundary survey.* A plat or boundary survey of the property or properties involved in the application. Provide one scaled and folded copy, and one 8.5"×11" or 11"×17" reproducible size copy.
- (e) *Legal description.* A paper copy and an electronic copy of the legal description of the property that corresponds with the property or properties shown on the submitted boundary survey/plat.
- (f) *Written narrative.* A written narrative should indicate at a minimum:
 - (1) The purpose of the request, proposed use, economic and environmental impacts as well as overlay zones or protection areas in which the property is located.
 - (2) Any planned developments shall include a narrative which fully describes the concept plan and must include at a minimum the proposed use, setbacks, right-of-way widths, building heights, signage, whether the applicant wishes the City to maintain the road(s) as well as identify any overlay zones or protection areas that may affect the use.
- ~~(g) *Architectural renderings.* Architectural renderings for any proposed new construction or exterior alterations of the existing structure(s), including at a minimum:

 - ~~(1) —Roof pitch;~~
 - ~~(2) —Materials to be used on exterior;~~
 - ~~(3) —Basic landscaping proposed; and~~
 - ~~(4) —Building elevations.~~~~If the architectural rendering is in a color format or is larger than an 11"×17" size copy, 15 copies of the colored or large scale rendering must be submitted with the completed application.~~~~
- (h) *Concept plan.* An application for annexation approval related to a residential subdivision, multi-family, or nonresidential use or zoning district shall be accompanied by a concept plan if any new construction is proposed or alteration of the site is required under the site or development design standards of this Code. An as-built drawing (rather than a concept plan) indicating the most current development conditions must be submitted with those applications regarding existing developments that are not to be altered. The concept plan shall meet the requirements of section 23-3-5. The applicant shall submit 15 scaled and folded copies, folded to fit into an 8"×10" size envelope, and one 11"×17" reproducible copy.
- ~~(i) *Traffic impact analysis.* Any annexation application which can be reasonably expected to generate 1,000 vehicle trip ends during a single day and/or more than 100 vehicle trips during the morning or afternoon peak hours shall submit a traffic impact analysis as specified in division 4, traffic impact analysis. The cost of conducting the traffic impact analysis as well as any improvements put forth in the recommendations shall be the financial responsibility of the applicant. No application shall be accepted nor advertised for a public hearing by the planning department until such time as the transportation impact study, if required, has been completed and submitted to the planning, development and codes department.~~
- (j) *Development of regional impact.* Any annexation application that would result in a zoning or development approval that meets or exceeds the thresholds established by the state department of community affairs shall be considered a development of regional impact (DRI), and as such, shall comply with the procedures set forth in division 5, development of regional impact.

The director may request information in addition to that specified in this section when considered necessary for review of the application by the governing body or planning and appeals commission.

Anyone filing an application may be exempt from the above submittal requirements of this section, provided the application is for annexation with a zoning classification of a residential district does not involve a subdivision development, and includes the fee, plat or boundary survey, legal description and written narrative.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-25. - Specifications for concept plans.

The concept plan shall show the following, as appropriate to the annexation requested:

- (a) Name, address and telephone number of the property owner.
- (b) Name, address and telephone number of the applicant.
- (c) Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
- (d) Proposed use of the property.
- (e) Location (land district and land lot) and size of the property in acres (or in square feet if less than an acre).
- (f) Location map of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Location maps must be drawn at a scale sufficient to show clearly the information required, but not less than one inch equal to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide.
- (g) Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
- (h) Natural features within the property, including drainage channels, bodies of water, wooded areas and other significant natural features such as rock outcroppings. On all water courses entering or leaving the property, the direction of flow shall be indicated. The 100-year flood plain, if any, shall be outlined.
- (i) Man-made features within and adjacent to the property, including existing streets and names, city and county political boundary lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
- (j) The proposed project layout including the following:
 - (1) For subdivisions, approximate lot lines and street right-of-way lines, along with the front building setback line on each lot;
 - (2) For multi-family and non-residential development projects, the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas, and driveways.
- (k) The proposed phasing of the development if it is proposed to be built in sections.
- (l) A statement as to the source of domestic water supply.
- (m) A statement as to the provision for sanitary sewage disposal.
- (n) The approximate location of proposed stormwater detention facilities.
- (o) Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-26. - Special application requirements for planned developments.

Applications for annexation with a zoning classification of PD, planned development district shall in addition to the other requirements specified in this chapter include those additional application materials required for a PD district as outlined in article XVI.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-27. - Process for annexation.

In addition to the process and procedures for a rezoning or conditional use permit request as outlined in this Code, there are additional steps to be taken when processing applications for annexation.

- (a) Upon or following the date of notice to the county of the proposed annexation as required under O.C.G.A. 36-36-6, the governing body shall initiate the zoning of the property to be annexed or consider an application for a zoning submitted by or on behalf of the owner of such property under the provisions of this chapter.
- (b) The planning commission and the governing body shall conduct their public hearings on the zoning prior to the annexation of the land into the city. Notice of such hearing shall be provided under the provisions of this Code for a rezoning or conditional use permit; provided further that the notice shall be published in a newspaper of general circulation in the county.
- (c) If the annexation request is denied, any action by the governing body on the zoning shall be null and void.
- (d) Furthermore, there are mandatory reports required that must be submitted to local, state and federal agencies. Such reports and documents shall be prepared by and submitted by the PAC department on behalf of the applicant.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-28. - Criteria to consider for annexation.

The planning and appeals commission and the governing body shall consider the following standards in considering any annexation proposal, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal. In addition, any application that proposes a change in the conditions of approval previously established by the governing body through action on an annexation shall be reviewed in light of the standards set forth in this section, as appropriate.

- (a) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?
- (b) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?
- (c) Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?
- (d) Are there substantial reasons why the property cannot or should not be used as currently zoned?
- (e) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

- (f) Is the proposed use supported by new or changing conditions not anticipated by the comprehensive plan or reflected in the existing zoning on the property or surrounding properties?
- (g) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-29. - Additional procedures and criteria for planned developments (PD).

In addition to the requirements for annexation applications specified in this chapter, approval proceedings for annexation with PD zoning/development approval shall comply with the additional procedures and criteria for PD zoning/development as outlined in article XV and article XVI for a zoning change.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-30. - Effective date.

The zoning of property hereafter annexed shall become effective on the day the zoning is approved by the governing body, on the date that the annexation becomes effective, or where a county has interposed an objection pursuant to O.C.G.A. § 36-36-11, the date provided for in O.C.G.A. § 36-36-11(b)(8), whichever is later.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-31. - Zoning district.

If approved, any newly annexed property shall be zoned the most restrictive of the city's zoning code, R-9, unless otherwise specified by the city commission upon annexation.

The zoning classification shall become effective on the later of:

- (a) The date the zoning is approved by the municipality;
- (b) The date that the annexation becomes effective;
- (c) Where the county has interposed an objection pursuant to O.C.G.A. § 36-36-11, 28 calendar days following the completion of the annexation authorized by the governing body.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-32. - Issuance of permits.

No application for a land development or building permit shall be filed on newly annexed property until the first of the month following the effective date of the annexation approval.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-33. - Existing nonconforming use.

Any use existing at the time of annexation approval on property annexed by the city which does not comply with the use provisions of the city's zoning district assigned to said annexed property shall be considered a nonconforming use which shall be governed by section 23-3-15.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-34. - Conformity with this Code.

Lands hereafter annexed into the city limits shall, upon the effective date of such annexation, be subject to all applicable procedural and substantive requirements of this Code as now or hereafter amended. Any new use of an annexed property after zoning approval shall only be permitted if it conforms to all applicable provisions of this Code.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

DIVISION 4. - TRAFFIC IMPACT ANALYSIS

Sec. 23-26-35. - Purpose and intent.

Understanding the demands placed on the community's transportation network by development is an important dimension of assessing the overall impacts of development proposals. All development generates traffic, and it may generate enough traffic to create congestion and thus require the community to invest more capital funds into the transportation network in the form of new roads, traffic signals, and intersection improvements. Traffic congestion results in a number of problems, including economic costs due to delayed travel times, air pollution and accidents. A traffic impact analysis is a mechanism for the city to foresee the demands a development proposal will place on the transportation network.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-36. - Objectives.

The city finds that requiring a traffic impact analysis for proposed developments that meet certain thresholds will help to achieve the following objectives:

- (a) Forecast additional traffic associated with new development, based on accepted practices.
- (b) Determine the improvements that are necessary to accommodate the new development.
- (c) Allow the city to assess the impacts that a proposed development may have and assist the city in making decisions regarding development proposals.
- (d) Help to ensure safe and reasonable traffic conditions on streets after the development is complete.
- (e) Reduce the negative impacts created by developments by helping to ensure that the transportation network can accommodate the development.
- (f) Protect the substantial public investment in the street system.
- (g) Provide information relevant to citywide comprehensive planning, transportation planning, transit planning, and the provision of programs and facilities for traffic safety, road improvements, transportation demand management, pedestrian access, and other transportation system considerations.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-37. - Definitions.

City engineer: The City Engineer of the City of Brunswick, or his or her designee.

Discretionary development proposal: Any application for a rezoning, preliminary plat, conditional use permit, final design plan approval, or certificate of appropriateness. For purposes of this Code, a determination of applicability shall be made at the first discretionary development proposal encountered.

Horizon year: Unless otherwise specified or approved by the city engineer, the horizon year shall be 20 years into the future from the year during which a traffic impact study is being prepared.

Internal trips: Trips that are made within a multi-use or mixed-use development, by vehicle or by an alternate mode such as walking.

Level of service (LOS): A quantitative and qualitative measure of how well traffic flows on a given street or highway. Level of service relates to such factors as highway width, number of lanes, percentage of trucks, total traffic volume, turning movements, lateral clearances, grades, sight distance, capacity in relation to volume, travel speed, and other factors which affect the quality of flow. Level of service is typically summarized by letter grades described as follows:

Level "A" is a condition with low traffic volumes, high speeds, and free-flow conditions.

Level "B" is a condition with light traffic volumes, minor speed restrictions, and stable flow.

Level "C" is a condition with moderate traffic volumes, where speed and maneuvering are restricted to a limited degree by the amount of traffic.

Level "D" is a condition with heavy traffic operating at tolerable speeds, although temporary slowdowns in flow may occur.

Level "E" is a condition of very heavy flow and relatively low speeds. Under Level "E" the traffic is unstable and short stoppage may occur.

Level "F" is a condition of extremely heavy flow, with frequent stoppage and very slow speeds. It is an unstable traffic condition under which traffic often comes to a complete halt.

New trips: Total vehicle trips, minus pass-by trips, minus internal trips if applicable.

PDC director: The director of planning, development and codes for the City of Brunswick, or his or her designee.

Pass-by trips: Vehicle trips which are made by traffic already using the adjacent roadway and entering the site as an intermediate stop on the way to another destination.

Peak hour: 7:00 a.m. to 8:00 a.m. and 5:00 p.m. to 6:00 p.m. daily.

Peak-hour trip generation study: A study by a qualified professional of one or more actual developments of similar land use and development characteristics which provides empirical data on the actual number of trips entering and exiting said development(s) during the a.m. and p.m. peak hour. A peak-hour trip generation study shall consist of a.m. and p.m. peak hour traffic counts by direction (entering and exiting) on at least three separate weekdays if the study is based on only one similar development, or at least one a.m. and p.m. traffic count for three different actual developments. The results of actual traffic counts from peak-hour trip generation studies may be adjusted to discount pass-by trips as provided in this chapter.

Professionally accepted: Published by the Institute of Transportation Engineers; or prepared by a qualified professional under work supervised by the City or Glynn County, or prepared by a qualified professional and accepted by the city engineer.

Qualified professional: For purposes of conducting traffic impact analyses as may be required by this chapter, a qualified professional shall mean a registered professional engineer with experience in traffic engineering. For purposes of conducting peak hour trip generation studies, a qualified professional shall

mean a registered professional engineer with experience in traffic engineering, or another professional approved by the city engineer based on education and experience to conduct such trip generation studies.

Traffic impact analysis: A study, conducted by a qualified professional, which assesses the effects that a discretionary development proposal's traffic will have on the transportation network in a community or portion thereof. Traffic impact studies vary in their range of detail and complexity depending on the type, size, and location of the proposed development.

Trip: A single or one-directional travel movement with either the origin or destination of the trip inside the study site.

Trip generation: An estimate of the number of vehicle trips that will be generated due to the new development, which is calculated based on the type and amount of land uses in the proposed development and professionally accepted trip generation rates for each such land use. Trip generation may be expressed on an average daily basis or average peak hour (a.m., p.m.), or both.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-38. - Thresholds of applicability.

A traffic impact study shall be required for any discretionary development proposal which can be reasonably expected to generate 1,000 vehicle trip ends during a single day and/or more than 100 vehicle trips during the morning or afternoon peak hours, as determined by professionally acceptable information as provided in this chapter.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-39. - Exemptions.

- (a) A traffic impact analysis is not required if a discretionary development proposal is initiated by the governing body or the planning and appeals commission.
- (b) A discretionary development proposal may be exempted from the traffic impact study requirement by the city engineer if a prior traffic impact study for the subject property has been submitted to the city or is available from Glynn County and the proposed development is substantially similar to that for which the prior traffic impact study was conducted.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-40. - Trip generation data.

The source for trip generation rates for the purposes of this Code shall be "Trip Generation" published by the Institute of Transportation Engineers (ITE), most recent edition, unless otherwise approved by the city engineer. Final determinations of whether this chapter applies shall be made based on application of data from ITE Trip Generation, which may change from time to time, or as otherwise approved by the city engineer.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-41. - Determination of applicability.

At the time a discretionary development proposal is filed, or during any pre-application meeting if possible, the PDC Director shall determine whether a traffic impact analysis shall be required according to

this chapter. The PDC director shall calculate the expected trip generation of the proposed development using professionally accepted trip generation rates or other data and compare it to the thresholds specified in this chapter to determine whether a traffic impact analysis is required. The city engineer shall assist in this effort by providing the director with any updated information available on trip generation rates.

Applicants for discretionary development proposals shall provide sufficient information about the development proposal (e.g., number of dwelling units, square footage of buildings, number of employees, land area of the development, etc.) for the PDC director to apply professionally accepted trip generation rates to the proposed development. The director shall not accept a discretionary development proposal for processing unless it contains the data on the proposed development necessary to apply available trip generation rates. Further, no application for a discretionary development proposal shall be accepted nor advertised for a public hearing until such time as the transportation impact study, if required, has been completed and submitted in accordance with this chapter.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-42. - Cases where data are not available.

In the event that information submitted by the applicant of the discretionary development proposal is sufficient to calculate the trip generation that would be expected to result from the proposed development, but trip generation rates or other data are not available or in sufficient quantity of studies to make a determination of applicability under the terms of this chapter, this section shall apply.

- (a) The director shall first consult with the city engineer to determine if:
 - (1) Professionally acceptable trip generation rates applicable to the subject development exist from other reputable sources, such as the Journal of the Institute of Transportation Engineers;
 - (2) Other trip generation studies of similar developments are available; or
 - (3) Professionally acceptable trip generation rates for one or more similar land uses can be used in making the determination of applicability.

If the city engineer is able to provide such information and determines it is professionally reputable, then the director shall use said data as may be interpreted by the city engineer to make the determination of applicability. The director and city engineer shall have no more than ten working days to comply with the provisions of this section, when it applies.

- (b) In the event the director is unable to make a determination of applicability after consulting with the city engineer pursuant to this section, the director shall notify the proposed applicant in writing that professionally accepted trip generation rates are not available for purposes of making a determination of applicability.
- (c) Upon receipt of notice described in this section, the applicant for a discretionary development proposal shall have 30 days to have a qualified professional prepare and submit a peak-hour trip generation study as defined by this chapter.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-43. - Specifications for peak-hour trip generation studies.

- (a) *Discounting of pass-by trips.* The peak-hour trip generation study may subtract from the empirical data on actual vehicle trips those trips that are reasonably considered to be "pass-by" trips as defined by this chapter, using professionally accepted assumptions about the percent of pass-by trips approved by the city engineer.

- (b) *Reduction for internal trips in multi-use or mixed use developments.* In calculating the new trips generated from a proposed development containing multiple uses or mixed uses, a qualified professional with the approval of the city engineer may apply a percentage reduction to the total vehicle trips shown in any peak hour trip generation study to account for internal trips, as defined in this chapter, so as to account for (discount) the number of internal trips reasonably expected to occur in such multi-use or mixed use development. Said reduction shall not exceed 24 percent of total trips generated.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-44. - Scoping meeting.

Once it is determined that a traffic impact analysis is required, a scoping meeting may be held with the developer or his or her consultant and the appropriate representatives of the city engineering department and if appropriate, the PDC department. It will be the responsibility of the developer or his or her consultant to initiate this meeting. The purpose of this meeting is to discuss the availability of site-specific information concerning the development, available forecasts of traffic volumes, and to ensure the applicant understands the content requirements for traffic impact analyses.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-45. - Required contents of a traffic impact study.

A traffic impact analysis must evaluate the adequacy of the existing transportation system to serve the proposed development and determine the expected effects of the proposed development on the transportation system. The traffic impact study must provide adequate information for city staff to evaluate the development proposal and, when appropriate, recommend conditions of approval.

The qualified professional preparing the traffic impact study is encouraged to coordinate preparation with city staff and staff from other jurisdictions, as appropriate, to ensure that all necessary components are included in the traffic impact study and to reduce revision and review time.

In order to be reviewed, the traffic impact study shall include at least the following minimum components:

- (a) *Title page.* A title page listing the name of the proposed development and its location.
- (b) *Table of contents.* A table of contents outlining the study shall be provided.
- (c) *Certification.* The study shall be signed and stamped by a qualified professional.
- (d) *Executive summary.* An executive summary, discussing the development, the major findings of the analysis, and any recommendations made by the qualified professional.
- (e) *Vicinity map.* A vicinity map showing the location of the proposed project in relation to the transportation system of the area.
- (f) *Study area map.* A map of the traffic impact study area. For purposes of this chapter, the traffic impact analysis area shall be determined according to trip generation rates as follows. In the event there is a difference as a result of applying peak and total trips, the more restrictive requirement (larger study area) shall apply.

Study Area Size Requirements

Peak Hour Trips	Daily Trips	Distance from Perimeter of Proposed Development Along
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Generated	Generated	Roads
100—150	1,000—1,500	½ mile
151—500	1,501—5,000	1 mile
501—1,000	5,001—10,000	2 miles
1,001 or more	10,001 or more	3 miles

- (g) *Inventory of transportation facilities in the study area.* A description of transportation facilities in the study area, including roadway names, locations and functional classifications, intersection lane configurations and traffic control (including signal timing), existing rights-of-ways, transit routes and stops (if any), pedestrian and bicycle facilities, and planned transportation system improvements. An existing lane configuration sketch shall be submitted for all roadways and intersections within the study area.
- (h) *Concept plan and development data.* A complete description of the proposed development, including a concept plan, with the best available information as to the nature and size of each proposed use, and the proposed location and traffic control of all proposed access points, including the distance from all proposed access points to adjacent accesses and/or streets, including those across a street right-of-way from the subject development.
- (i) *Existing traffic volumes.* Peak and total daily traffic volumes on all arterial, collector, and local streets within the study area. Traffic counts should, as a rule, not be more than one year old when the report is prepared. Traffic counts between one and three years old may be used if factored to the current year. Traffic counts older than three years will not be accepted.
- (j) *Facility performance.* Existing performance of the transportation system, including levels of service (LOS) and volume/capacity ratios (V/C) for all intersections and road segments as appropriate within the study area.
- (k) *Trip generation.* Complete trip generation figures for all aspects of the proposed development. The source for trip generation rates shall be "Trip Generation" published by the Institute of Transportation Engineers (ITE), most recent edition. For developments expected to generate more than thirty (30) trucks per day, the trip generation data shall include separate figures for trucks. If phased development is proposed, the study shall include projections for the year that each phase of the development is planned to be complete. The traffic impact analysis shall also include trip generation data for any pending and approved developments that would affect the study area. The city shall facilitate the review of applicable files by a qualified professional to determine the names and development characteristics of pending and approved developments in the study area.
- (l) *Trip distribution and assignment.* Trip distribution for the proposed development. For developments expected to generate more than 30 truck trips per day, the study shall include separate trip distribution figures for trucks.
- (m) *Forecast traffic volumes without the development.* Forecast traffic volumes without the development, on all arterial, collector, and local roads within the study area, in the year that the proposed development is planned to commence, and in the horizon year. Qualified

professionals should consult the city engineer for information to determine the most appropriate sources or methods of determining future traffic volumes. If phased development is proposed, the traffic impact study shall include projections for the year that each phase of the development is planned to be complete.

- (n) *Forecast performance without the development.* Forecast performance, including levels of service (LOS) and volume/capacity ratios (V/C) of the transportation system without the development in the year that each phase is planned to be complete and in the horizon year.
- (o) *Forecast traffic volumes with the development.* Forecast traffic volumes with the development, on all arterial, collector, and local roads within the study area, in the year that the proposed development is planned to commence, and in the horizon year.
- (p) *Forecast performance with the development.* Forecast performance, including levels of service (LOS) and volume/capacity ratios (V/C) of the transportation system with the development in the year that each phase is planned to be complete and in the horizon year.
- (q) *Sight distance.* A safety analysis of the site accesses, and an assessment whether adequate sight distances are provided at driveways and streets abutting the development.
- (r) *Operational characteristics.* Analysis of prevailing operating speeds, if significantly different than speed limits, right and left turn lane warrants, queue lengths, acceleration and deceleration lanes including lengths and tapers, throat lengths, channelization, and other characteristics of the site accesses, which exist and may be needed, as appropriate. The traffic impact analysis shall address whether driveways and intersections are located and spaced safely and designed to accommodate expected traffic volumes and maneuvers. The operational characteristics analysis shall also evaluate the turning and traveling characteristics of the vehicles that will be using the proposed development and the adequacy of the geometrics of the existing and proposed roadway (public and/or private) configurations to accommodate these characteristics.
- (s) *On-site circulation.* The traffic impact analysis shall address whether on-site vehicular and pedestrian circulation and parking layouts are safe and efficient.
- (t) *Significant impacts.* Analysis as appropriate of any potential adverse or controversial effects of the proposed development on the transportation system in the area. Examples of possible effects include, but are not limited to, infiltration of non-residential traffic into residential neighborhoods, traffic noise, creation of potential for traffic violations, conflicting turning movements with other driveways, any new pedestrian or bicycle transportation needs arising from the development, etc.
- (u) *Mitigation measures.* Listing of all intersections and road segments that are forecasted to be level of service "E" and "F" in the horizon year, or if phased, in the years that each phase is planned to be complete, and an identification and description of specific mitigation measures including signal, turn lane, or other warrant analyses as appropriate and necessary to bring these intersections and road segments into compliance with a level of service "D" or other city-adopted level of service for said road segment or intersection.
- (v) *Drawing of improvements.* If roadway improvements are needed, the study shall show a drawing at an engineering scale of one inch equals 20 feet for all recommended lane configurations.
- (w) *Signalization.* If signalization is warranted by the traffic signal warrants outlined in the Manual on Uniform Traffic Control Devices (MUTCD), a warrant analysis shall also be conducted as a part of the traffic impact analysis. If a traffic signal is warranted, the warrant package in the study shall show a drawing at an engineering scale of one inch equals 20 feet detailing the signal design and phasing plans.
- (x) *Costs.* The estimated costs associated with implementing all such mitigation measures shall be provided in the traffic impact analysis. The traffic impact analysis may take into account any city/county/state approved roadway, traffic signalization, and other improvements in determining mitigation measures and providing recommendations.

- (y) *References*. A listing of all technical documents and resources cited or consulted in preparing the traffic impact analysis.
- (z) *Technical appendix*. Relevant technical information, including but not limited to: copies of raw traffic count data used in the analysis, calculation sheets and/or computer software output for all LOS and V/C calculations in the analysis, and warrant worksheets for signals, turn lanes, signal phasing, etc. used in the analysis.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-46. - Additional technical specifications.

The city engineer is further authorized to promulgate and require the use of additional technical specifications for conducting traffic impact analysis, which shall be consistent with analysis methods included in the most recent Highway Capacity Manual, Manual on Uniform Traffic Control Devices, and/or Traffic Access and Impact Studies for Site Development: A Recommended Practice (Washington, DC: Institute of Transportation Engineers, 1991), as may be amended or republished from time to time.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-47. - Costs and fees.

The city assumes no liability for any costs or time delays (either direct or consequential) associated with the preparation and review of traffic impact analyses.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-48. - Submittal and review of study.

The applicant for the proposed development or the qualified professional shall submit one electronic copy of the traffic impact study and technical appendix, six paper copies of the traffic impact analysis, and one paper copy of the technical appendix to the director. The director shall transmit the electronic copy, one paper copy of the traffic impact study and the paper copy of the technical appendix to the city engineer, who may at his or her discretion submit copies of the report to applicable review agencies such as the state department of transportation, the metropolitan planning organization, or an adjacent local jurisdiction. Within ten working days of receipt of a traffic impact analysis, the city engineer shall review all calculations and analyses and determine if they are complete, reasonable, understandable, consistent, and fully explained. The conclusions presented in the traffic impact analysis shall be consistent with and supported by the data, calculations, and analyses in the report. Calculations, graphs, tables, data, and/or analysis results that are contrary to good common sense or not consistent with and supported by the data will not be accepted. In such events, the city engineer shall return the traffic impact analysis to the development applicant for correction.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-49. - Recommendations for mitigation of impacts.

Within 30 working days of receipt of a completed traffic impact study, the city engineer shall complete his or her review the study and submit to the director all recommendations for mitigation measures as stated in the traffic impact study and include any interpretations or recommended conditions of approving the discretionary development proposal that will mitigate traffic impacts of the proposed development.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-50. - Conditions of development approval for project improvements.

Upon the determination of project improvements needed to mitigate the traffic impacts of the discretionary development proposal as provided in this chapter, the director shall recommend that the project improvements be completed by the developer as conditions of approval of the discretionary development proposal.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-51. - Appeal.

An applicant for a discretionary development proposal may appeal a decision of the city engineer or the PDC director in the administration and interpretation of this chapter to the planning and appeals commission as an appeal of an administrative decision as provided in this Code.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

DIVISION 5. - DEVELOPMENT OF REGIONAL IMPACT

Sec. 23-26-52. - Definitions.

Initial DRI information form: A form intended to identify basic information about a proposed development of regional impact on which a local government is being requested to take action, and which provides information to the regional commission (RC). This form notifies the RC of a potential development of regional impact in order for the RC to meet its responsibilities within the DRI review process.

DRI review initiation request form: A form intended to provide additional information about the proposed project to the regional commission (RC), the submission of which serves as an official request that the DRI review process be started by the RC.

Regional development center: The coastal regional center.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-53. - Applicability.

This chapter shall apply when an applicant (industry, business, or developer) requests some type of local government action related to a project, such as, but not limited to, a request for a zoning change or conditional use, zoning variance, permit, hookup to a water or sewer system, master or site plan approval, or entering into a contract, and it appears that the proposed development (or, for multi-phased projects, the complete development) meets the threshold(s) of a development of regional impact, according to "Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, Effective July 1, 2001," as may be amended from time to time.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-54. - Jurisdiction.

If a proposed development project is to be located in more than one jurisdiction and, in total, the proposed development meets or exceeds a DRI threshold, the local government in which the largest portion of the project is to be located is responsible for initiating the DRI review process.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-55. - Procedures.

The application procedures established in chapter XX-2 and chapter XX-3 will be modified by this chapter in cases where a rezoning or conditional use permit application, or an annexation application respectively, fits the definition of a "development of regional impact." Developments of regional impact will be processed according to procedures of the State Department of Community Affairs as described in "Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, effective July 1, 2001," as may be amended from time to time.

When an application is received for development that meets or exceeds the thresholds established for that development type and thus constitutes a "development of regional impact" according to the aforementioned rules of the state department of community affairs, the city will follow the procedures identified in said administrative rules which are summarized here.

When an application for a development of regional impact is received, the PDC director or city engineer, on behalf of the city, will complete an "initial DRI information" form and a "DRI review initiation request" form. Each of these two forms may be submitted to the regional commission simultaneously, provided the city has all necessary project-related information.

The city shall not take any official legislative or administrative action to advance or further a DRI project until the review process identified under the DRI review procedure specified in "Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, Effective July 1, 2001," as may be amended from time to time, is completed. The city may undertake preliminary staff administrative functions associated with a proposed DRI including, but not limited to, project evaluation/assessment, site visits, and placing consideration of the application on a future agenda for formal action, if required. The city shall not take any official action related to such a project until the DRI review process is completed and the city has had adequate time to consider the DRI review comments.

After the DRI review process is completed, the city may proceed with whatever action it deems appropriate regarding the proposed project, although it is encouraged to take the public finding and additional comments into consideration as it makes its decision.

If the project receives a negative public finding from the regional commission and the city approves said project or takes action to advance said project, the city shall notify the regional commission and the state department of community affairs of its action and identify all local requirements it has placed on the development that could mitigate any negative findings identified in the DRI review process.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

DIVISION 6. - ZONING VARIANCES

Sec. 23-26-56. - Generally.

Persons may seek relief from compliance with the zoning-related requirements of this Code pursuant to this chapter when the strict application would create a particular and unique hardship, by filing an application for variance with the director for consideration by the planning and appeals commission in accordance with this chapter. Such relief may be granted only to the extent necessary to alleviate such unnecessary hardship and not as a convenience neither to the applicant nor to gain any advantage or interest over similarly zoned properties.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-57. - Initiation.

An application for a zoning variance for any property or properties in the city may be initiated by the governing body, planning and appeals commission, owner of the property, or some other person(s) given authorization by property owner to file said application.

Any applicant wishing to submit an application for a zoning variance request must schedule an appointment with the PDC department staff in order to review the application for completeness. No such application shall be accepted for processing by the director unless it meets the requirements of this section. Incomplete or improper applications will be returned to the applicant. The director is hereby authorized to establish administrative deadlines for the receipt of applications.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-58. - Waiting period for reapplication.

If denied, a variance request affecting the same property shall not be reconsidered for a period of 12 months from the date of denial; provided, however, that the planning and appeals commission may reduce the waiting period under extenuating circumstances or on its own motion. A request to reduce the waiting period must be asked for and acted upon by the planning and appeals commission during the public hearing at which the request was first considered.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-59. - Requirements for submittal.

Applications for zoning variance shall include the following:

- (a) *Application form.* A completed application. All applications shall be submitted to the PAC department on the department's application forms.
- (b) *Fee.* All applications shall be accompanied by a non-refundable fee as fixed from time to time by the governing body. A fee shall not be charged if the governing body or the planning and appeals commission initiate the application.
- (c) *Plat or boundary survey.* A plat or boundary survey of the property or properties involved in the application. Provide one scaled and folded copy, and one 8.5"×11" or 11"×17" reproducible size copy.
- (d) *Statement of hardship.* Form with various questions to be answered by an applicant in a manner describing how each situation applies to the application. The applicant may complete the questions on the form provided with the application, or the applicant can type the answers on a separate sheet of paper as part of the written narrative, identifying each component as such.
- (e) *Written narrative.* A written narrative should indicate at a minimum: the purpose of the request, proposed use, economic and environmental impacts as well as overlay zones or protection areas in which the property is located.
- (f) *Architectural renderings.* Architectural renderings for any proposed new construction or exterior alterations of the existing structure(s), including at a minimum:
 - (1) Roof pitch;
 - (2) Materials to be used on exterior;

- (3) Basic landscaping proposed; and
- (4) Building elevations.

If the architectural rendering is in a color format or is larger than an 11"×17" size copy, nine copies of the colored or large-scale rendering must be submitted with the completed application.

- (g) *Concept plan.* An application for a zoning variance approval related to a residential subdivision, multi-family, or non-residential use or zoning district shall be accompanied by a concept plan if any new construction is proposed or alteration of the site is required under the site or development design standards of this Code. An as-built survey (rather than a concept plan) indicating the most current development conditions must be submitted with those applications regarding existing developments that are not to be altered. The concept plan must be prepared by a professional engineer, or a registered land surveyor; landscape architect; or architect. The concept plan shall meet the requirements of section 9-22-6-5. The applicant shall submit nine scaled and folded copies, folded to fit into an 8"×10" size envelope, and one 11"×17" reproducible copy. The director may request information in addition to that specified in this section when considered necessary for review of the application.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-60. - Specifications for concept plans.

The concept plan shall show the following, as appropriate to the variance requested:

- (a) Name, address and telephone number of the property owner.
- (b) Name, address and telephone number of the applicant.
- (c) Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
- (d) Proposed use of the property.
- (e) Location (land district and land lot) and size of the property in acres (or in square feet if less than an acre).
- (f) Location map of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Location maps must be drawn at a scale sufficient to show clearly the information required, but not less than one inch equal to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide.
- (g) Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
- (h) Natural features within the property, including drainage channels, bodies of water, wooded areas and other significant natural features such as rock outcroppings. On all water courses entering or leaving the property, the direction of flow shall be indicated. The 100-year flood plain, if any, shall be outlined.
- (i) Man-made features within and adjacent to the property, including existing streets and names, city and county political boundary lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
- (j) The proposed project layout including:
 - (1) For residential development projects, approximate lot lines and street right-of-way lines, along with the building setback lines.

- (2) For multi-family and non-residential development projects, the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas, and driveways.
- (k) The proposed phasing of the development if it is proposed to be built in sections.
- (l) A statement as to the source of domestic water supply.
- (m) A statement as to the provision for sanitary sewage disposal.
- (n) The approximate location of proposed stormwater detention facilities.
- (o) Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-61. - Notice of public hearing in newspaper.

Before the planning and appeals commission may take final action on a proposed variance application, the PAC shall hold a public hearing on the proposal. At least 15 days but not more than 45 days prior to the public hearing before the PAC, notice shall be published in a newspaper of general circulation within the city. The published notice shall be prepared by the PDC department and shall include the location of the property, the present zoning classification of the property, the variance requested, and the date, time, and place of the public hearing before the planning and appeals commission.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-62. - Notice of public hearing by sign on property.

At least 15 days but not more than 45 days prior to the public hearing, the city shall post a sign or signs stating the date, time and place of the public hearing before the planning and appeals commission, the present zoning classification and the proposed variance. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the variance has been requested. If the property has no street frontage, the sign shall be placed on each street from which access will be gained to the property.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-63. - Notice to adjacent property owners.

At least ten days prior to the planning and appeals commission public hearing, the applicant shall cause a notice to be mailed to all persons owning property located abutting or across any street from the property that is the subject matter of the variance application. The written notice shall be mailed to the property owners as such names and addresses appear on the county's ad valorem tax records. The notice shall state the date, time, place and purpose of the hearing by the PAC.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-64. - Investigations and staff recommendation.

Within a reasonable period of time after acceptance of a complete application, the PDC director may but shall not be required to send the application or notice thereof out for review by internal municipal departments and external agencies, such as the development review team (DRT) as may be appropriate.

Any written comments received in a timely manner as a result of such review shall be submitted for consideration to the planning and appeals commission and governing body, or summarized in a memorandum. Any such comments shall become public records.

The director may but shall not be required to investigate and make a recommendation regarding the variance application. Any such investigation and recommendation if in writing shall be made available to the applicant and planning and appeals commission prior to its public hearing and shall become public records. Copies of the director's findings and recommendations, if provided, shall be available no later than the time of the planning and appeals commission's public hearing on the matter.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-65. - Planning and appeals commission hearing and action.

The planning and appeals commission shall convene a public hearing on the variance application as provided in the public notice. The public hearing shall follow policies and procedures which govern calling and conducting public hearings established in section 23-27.4. The planning and appeals commission shall have 65 calendar days from the date of its public hearing within which to take final action on the variance application.

In rendering a decision on a variance application, the planning and appeals commission shall consider all information supplied by the applicant, the director, and any information presented at the public hearing of the PAC. After conducting a public hearing, in taking action on an application, the PAC may:

- (a) Approve the application as submitted.
- (b) Approve the application with conditions.
- (c) Deny the proposal.
- (d) Table the proposal for consideration at its next scheduled meeting, provided that it acts within its allotted 65-day review period.

The action of the planning and appeals commission on the variance application shall be final; provided, however, that any person adversely affected by any determination made by the PAC relative to the approval or denial of a variance application may appeal such determination to a court of competent jurisdiction in the manner provided by law.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-66. - Criteria to consider for variance applications.

The planning and appeals commission shall consider the following standards in considering any variance application, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
- (b) The application of this Code to this particular piece of property would create an unnecessary hardship; and
- (c) There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned.
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Code.

- (e) There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally.
- (f) The hardship cannot be self-created; e.g., as in a case where the lot was purchased with the knowledge of an existing restriction.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-67. - Withdrawal of application.

A variance application may be withdrawn at any time at the discretion of the person or entity initiating such a request upon notice to the director, up until the public hearing by the planning and appeals commission is closed.

If the applicant withdraws the application prior to the publication of notice for public hearing before the planning commission, the application shall be withdrawn administratively by the director without restriction on the refiling of a proposed variance on the property in the future.

If the applicant withdraws the application after notice has been published or is irretrievably set for publication but the application has not been heard by the planning and appeals commission, the application shall be withdrawn administratively by the director and an application for variance on the property may not be resubmitted for six months from the date of withdrawal.

If the request for withdrawal is made at the planning and appeals commission public hearing on the case, the request may be approved by a majority vote of the PAC, but an application for a variance on the property may not be resubmitted for 12 months from the date of withdrawal. However, the planning and appeals commission may reduce the waiting period under extenuating circumstances or on its own motion. A request to reduce the waiting period must be asked for and acted upon by the PAC during the public hearing at which the request was first considered.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-68. - Provisions that cannot be varied.

In no case shall a variance be granted for any of the following:

- (a) A condition created by the applicant, including the result of an unwise investment decision or real estate transaction.
- (b) A change in the conditions of approval imposed through a rezoning application approved by the governing body.
- (c) Reduction of a minimum lot size required by a zoning district.
- (d) Use of land or buildings or structures that is not permitted by the zoning district that is applicable to the property.
- (e) Any increase in the number of dwelling units or nonresidential building floor area otherwise permitted by the zoning district that is applicable to the property.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-69. - Duration of validity.

Approval of a zoning variance on a property located within the city shall be in full force and effect upon its approval by the planning commission and shall be effective for a period of 12 months. If no action is taken by the applicant to implement the purpose of the application within 12 months from the date of

approval, said approval shall become null and void. A zoning variance shall be specific to the request made by the current applicant and shall not stay with the property, as is the case for a zoning change.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

DIVISION 7. - TEXT AMENDMENTS

Sec. 23-26-70. - Applicability.

This Code may be amended from time to time in whole or in part by the governing body under the provisions of this section.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-71. - Initiation.

A text amendment may be initiated by the governing body or planning and appeals commission by a majority vote of those voting, or by the PDC director or other city departmental director.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-72. - Application requirements.

A pre-application meeting with the director is required prior to filing a text amendment. Applications for text amendments shall require submittal of the following:

- (a) *Application form.* A completed application. All applications shall be submitted to the PDC department on the department's application forms, including signed and notarized signature of property owner.
- (b) *Fee.* All applications shall be accompanied by a non-refundable fee as fixed from time to time by the governing body. A fee shall not be charged if the governing body or the planning commission initiate the application.
- (c) *Letter of intent.* A written narrative describing the purpose of the request and addressing how the proposed application meets the criteria to consider for text amendments as specified in section XX-2-5.
- (d) *Disclosure.* A statement of disclosure complying with O.C.G.A. 36-67-1, "Conflict of Interest in Zoning Actions," if not incorporated into the required application form.

In cases where an applicant is proposing a text amendment to modify an existing zoning district or create a new zoning district, and where the applicant also desires to rezone property to the modified or new zoning district, the two applications shall not be considered concurrently.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-73. - Notice of public hearings.

Before the governing body may take final action on a proposed text amendment, the planning and appeals commission shall hold a public hearing on the proposal. At least 15 days but not more than 45 days prior to the public hearing before the PAC notice shall be published in a newspaper of general circulation within the city. The published notice shall be prepared by the PDC department and shall include the nature of the proposed text amendment, and the date, time and place of the public hearing

before the PAC. Notice of the date, time, and place of the public hearing before the governing body shall also be included in the notice.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-74. - Criteria to consider for text amendments.

The governing body, planning and appeals commission shall consider the following standards for text amendments, giving due weight or priority to those standards that are appropriate to the circumstances of each proposal:

- (a) The extent to which the proposed text amendment is consistent with the purpose and intent of this Code.
- (b) The extent to which the proposed text amendment is compatible with the purpose and intent of the comprehensive plan.
- (c) Whether the proposed text amendment adequately addresses new or changing conditions in the city.
- (d) Whether the proposed text amendment is needed to properly implement the comprehensive plan.
- (e) The extent to which the proposed text amendment promotes the public health, safety, morality or general welfare of the city.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-75. - Appointed hearing and recommendation.

The planning and appeals commission shall convene a public hearing on the text amendment as provided in the public notice. The public hearing shall follow policies and procedures which govern calling and conducting public hearings established in section 23-27-4. The PAC shall have 65 calendar days from the date of its public hearing within which to submit its recommendation on the text amendment. The PAC may submit any additional report it deems appropriate.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-76. - Action by governing body.

The governing body shall hold a public hearing on the text amendment. In rendering a decision on any such text amendment, the governing body shall consider all information supplied by the applicant, director, and the planning and appeals commission any information presented at the public hearing of the PAC, and information gained at its own public hearing. The governing body shall either approve or disapprove of the application, or it may modify the text amendment language as proposed or recommended and approve the text amendment as modified.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-77. - Withdrawal of application.

Any application for a text amendment may be withdrawn at any time at the discretion of the person or entity initiating such a request upon notice to the director, up until the public hearing by the planning and appeals commission is closed.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-78. - Effect.

Approval of a text amendment shall be in full force and effect upon its approval or upon the stated effective date thereof, and shall thereupon apply to every property for which a use has not been established or for which a building permit or development permit may subsequently be requested.

For a property on which a use, building, structure or other improvements existed in conformity with this Code prior to the effective date of a text amendment affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed under the provisions for nonconformities in section 23-3-15. Construction of any use, building, structure, or other improvements for which a building permit has been issued in conformity with this Code prior to the effective date of a text amendment may continue to completion as though no change had occurred and, upon completion, shall be governed under the provisions for nonconformities in section 23-3-15, as applicable.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-79. - Waiting period for reapplication.

There shall be no waiting period for reapplication of text amendments.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

DIVISION 8. - PROCEDURES FOR CALLING AND CONDUCTING PUBLIC HEARINGS

Sec. 23-26-80. - Applicability.

Any public hearing required by this article shall be called and convened at the scheduled time and place, and it shall be conducted in accordance with the procedures of this chapter. For purposes of this chapter, the term "hearing body" shall refer to the governing body, and the planning and appeals commission. Nothing contained in this chapter shall be construed as prohibiting a presiding official or hearing body from conducting a public hearing in a fair, orderly, and decorous manner.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-81. - Presiding official.

The presiding officer shall preside over the public hearing as follows:

- (a) *Governing body.* In the case of a governing body, the mayor shall have authority to preside but may delegate the presiding official's duties to the city attorney. In the absence of the mayor, the mayor pro tempore shall have authority to preside but may delegate the presiding official's duties to the city attorney. In the absence of both the mayor and mayor pro tempore, another member of the governing body shall have authority to preside but may delegate the presiding official's duties to the city attorney.
- (b) *Planning and appeals commission.* In the case of the planning and appeals commission, the chairperson of said commission shall preside, or in the absence of the chairperson, the vice chairperson if designated, or if neither is present to preside, another member of the commission shall be designated to preside.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-82. - Opening of public hearing.

The presiding official shall indicate that a public hearing has been called on one or more applications made pursuant to this article, shall summarize the processes required by this chapter, and shall open the public hearing. Thereupon, the presiding official shall call the first case and the hearing body shall consider each application on an individual basis in succession as printed on the published agenda or as otherwise approved by the hearing body; provided, however, that the presiding officer may at his or her discretion call and consider more than one application simultaneously when more than one application involves the same piece of property, and when proceedings would be efficiently completed by combining separately required public hearings and discussing more than one scheduled matter as a single group of applications.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-83. - Report of PDC director.

Upon opening the public hearing, the presiding official shall, unless he or she elects to summarize and present information about the application personally, recognize the PDC director or designee, who shall provide a summary of the application and present any recommendations or results of investigations. In the case of public hearings before a governing body, unless a member of the planning and appeals commission is present and is authorized and willing to speak for the board on the subject application, the director shall also summarize the recommendations made by the planning and appeals commission. Any member of the hearing body upon recognition by the presiding official may ask questions of the director or designee or other city official or planning and appeals commission representative providing the report or recommendations.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-84. - Applicant.

When an individual application comes up for hearing, the presiding official may ask for a show of hands of those persons who wish to appear in support of the application. If it appears that the number of persons wishing to appear in support of the application is in excess of that which may reasonably be heard, the presiding official may request that a spokesperson for the group be chosen to make presentations. Following the report of the director or designee, the presiding official shall recognize the applicant or his or her agent, spokesperson, or each of them, who shall present and explain the application.

There shall be a minimum time period of ten minutes per application at the public hearing for the proponents to present data, evidence, and opinions; the hearing body shall not be obligated to provide the full ten-minute period to the proponents if they elect not to use that much time. Any member of the hearing body upon recognition by the presiding official may ask questions of the applicant or agent of the applicant, or both. Time devoted to questions and answers will not be counted against any time limitations that have been imposed on presentations.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-85. - Public.

At the conclusion of the applicant's presentation, the presiding official shall initiate the public comment portion of the public hearing. When an individual application comes up for review, the presiding official may ask for a show of hands of those persons who wish to ask questions, make comments, and/or appear in opposition to the application. If it appears that the number of persons wishing to ask questions, make comments, or appear in opposition to the application is in excess of that which may reasonably be

heard, the presiding official may request that a spokesperson for the group be chosen to make presentations and ask questions, or appear in opposition. There shall be a minimum time period of ten minutes per application at the public hearing for the opponents to present data, evidence, and opinions and ask questions; the hearing body shall not be obligated to provide the full ten-minutes per application to the opponents if they elect not to use that much time.

Prior to speaking, each speaker will identify him or herself and state his or her current address. Each speaker shall speak only to the merits of the proposed application under consideration and shall address his or her remarks only to the hearing body. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed application under consideration. The presiding official may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this procedure.

The hearing body will consider the questions raised during the public portion of the hearing and may elect to answer questions following the speakers, or it may defer questions to the applicant to be answered during rebuttal. Any member of the hearing body upon recognition by the presiding official may ask questions of a member of the public giving testimony. Time devoted to questions and answers will not be counted against any time limitations that have been imposed on presentations.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-86. - Applicant's rebuttal.

At the conclusion of public testimony, or upon the expiration of time allotted for public testimony, the applicant or his or her agent, or both, shall be allowed a short opportunity for answer questions, rebut the testimony of the public, and provide final comments and remarks. The time devoted to any such rebuttal shall be counted toward the total ten minutes allotted to the applicant if a time limit is set by the presiding official.

Any member of the hearing body upon recognition by the presiding official may ask questions of the applicant, his or her agent, or both. Time devoted to questions and answers will not be counted against any time limitations that have been imposed on presentations.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-87. - Close of hearing.

After the foregoing procedures have been completed, the presiding official will indicate that the public hearing is closed. Upon the closing of the public hearing, the applicant or his agent and any member of the public shall no longer address the hearing body in any way, including hand waving or motions for attention; provided, however, that at any time considered appropriate the presiding official may reopen the public hearing for a limited time and purpose.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-88. - Decision.

After the public hearing is closed, the hearing body may either vote upon the application or may delay its vote to a subsequent meeting, subject to the limitations of this article, provided that notice of the time, date and location when such application will be further considered shall be announced at the meeting during which the public hearing is held.

After hearing evidence, in making a decision, the hearing body shall apply the evidence to the criteria specified in this article, as appropriate given the type of application. It will not be required that the hearing body consider every criterion given the type of application. It shall be the duty of the applicant to carry the

burden of proof that approval of the proposed application will promote the public health, safety, morality or general welfare.

If the hearing body determines from the evidence presented by the applicant has shown that the proposed application promotes the health, safety, morals, and general welfare under applicable criteria, then the application shall be granted, subject to those reasonable conditions as may be imposed by the hearing body on its own initiative or as may be recommended by the Planning Commission or the director. Otherwise, such application shall be denied. In cases where one or more companion applications are submitted and the governing body attaches conditions to the application, such conditions shall unless otherwise specifically stated otherwise become conditions of approval for each companion application.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-89. - Planning and appeals commission special provisions.

In the case of the planning and appeals commission, the following provisions shall apply to its decision making:

- (a) A total of three PAC members present shall constitute a quorum. A majority vote of the quorum shall be necessary to approve any decision or recommendation.
- (b) If a motion to recommend approval of an application fails, the application is automatically recommended for denial. If a motion to recommend denial of an application fails, another motion would be in order.
- (c) A tie vote on a motion to recommend approval of an application shall be deemed a recommendation for denial of the application. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.
- (d) If no action is taken on an application, it will go forward to the governing body with no recommendation.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

ARTICLE XXVII. - AMENDMENTS

Sec. 23-27-1. - Initiation of amendments.

- (a) A general amendment of this chapter may be initiated only by the city commission. However, the commission shall give reasonable consideration to requests for the initiation of an amendment when such requests are made by a property owner or owners, members of the general public or other public bodies or officials.
- (b) A proposed amendment to the official zoning map affecting specific property or properties may be initiated by the city commission or by application filed with the city department of community development on behalf of the owner or owners of the property proposed to be changed, provided however, that action shall not be initiated for an amendment affecting the same parcel or parcels of property, or any part thereof, on behalf of the owner or owners more often than once every six months.

(Ord. No. 1006, § 1, 11-19-2008; Ord. No. 1017, § 1, 7-7-2010)

Sec. 23-27-2. - Application procedure.

Application filed by property owners pursuant to subsection 23-25-1(b) shall be made on forms which shall be obtained from the City of Brunswick Department of Community Development. Completed forms, together with the appropriate application fee to cover administrative costs and advertising, plus any additional information which the applicant deems to be relevant, shall be filed with the City of Brunswick Department of Community Development. The applicant shall pay as a fee for the processing of the application, such amount as may be established in writing by the city manager.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-27-3. - Processing application.

The planning staff of the City of Brunswick Department of Community Development shall review the application, shall determine an appropriate time for a public hearing before the city commission, shall publish notice of the public hearing as required by Official Code of Georgia Annotated section 36-66-4 [O.C.G.A. § 36-66-4], and shall prepare a recommendation to the city commission to assist in the zoning decision to be made.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-27-4. - Policies, procedures and standards.

Public hearings shall be called and conducted before the city commission in accordance with the policies and procedures, and zoning decisions will be made by the commission in accordance with the zoning standards, heretofore approved by the commission, which are set forth in the addendum to this chapter and incorporated herein by reference.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-27-5. - Spot zoning prohibited.

- (a) "Spot zoning" is defined as rezoning of a specific parcel of property which creates an isolated district unrelated to adjacent districts and which is not a logical extension of a zoning boundary which would improve the pattern of uses in the general area.
- (b) Spot zoning is hereby prohibited.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-27-6. - Changes in the zoning map.

Following final action by the city commission after public hearing, any necessary changes shall be made on the zoning map. Such final action may be taken by the adoption of a motion without the necessity of placing the change in the form of an ordinance. A written record of the type and date of all such changes shall be maintained by the city clerk.

(Ord. No. 1006, § 1, 11-19-2008)

ARTICLE XXVIII. - SEVERABILITY, REPEALER, EFFECTIVE DATE

Sec. 23-28-1. - Severability.

If any provision of this chapter is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this chapter.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-28-2. - Repeal of conflicting ordinances.

Any and all other ordinances or parts of ordinances in conflict with this chapter, specifically Ordinance No. 492, adopted February 3, 1965, as amended, shall be and the same are hereby repealed to the extent of such conflict.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-28-3. - Effective date.

This chapter shall be in force and effect from and after the date of its adoption.

(Ord. No. 1006, § 1, 11-19-2008)

ADDENDUM

ZONING STANDARDS AND POLICIES AND PROCEDURES FOR ZONING HEARINGS

Approved by the Commission
City of Brunswick, Georgia
April 5, 1989

Part I. Standards

In a landmark zoning decision, the Supreme Court of Georgia wrote:

As the individual's right to the unfettered use of his property confronts the police power under which zoning is done, the balance the law strikes is that a zoning classification may only be justified if it bears a substantial relation to the public health, safety, morality or general welfare. Lacking such justification, the zoning may be set aside as arbitrary or unreasonable. . . As these critical interests are balanced, if the zoning regulation results in relatively little gain or benefit to the public while inflicting serious injury or loss on the owner, such regulation is confiscatory and void. . . Moreover, we specifically rule that for such unlawful confiscation to occur requiring that the zoning be voided, it is not necessary that the property be totally useless for the purposes classified. . . It suffices to void it that the damage to the owner is significant and is not justified by the benefit to the public. *Barrett v. Hamby*, 235 Ga. 262, 265; 219 S.E.2d 399 (1975)

The foregoing means that a zoning classification, to be valid, must be supported by reasons related to the public health, safety, morality or general welfare. Specific criteria for zoning decisions do not exist, but the reasons upon which such decisions are based must be identifiable and articulable, in order to avoid the fatal defect of arbitrariness.

In a later decision the Court suggested a number of factors which should be considered in determining the validity of a zoning classification:

The validity of each zoning ordinance must be determined on the facts applicable to the particular case, but certain general lines of inquiry have been regarded as relevant, to wit: (1) existing uses and zoning of nearby property; (2) the extent to which property values are diminished by the particular zoning restrictions; (3) the extent to which the destruction of property values of the plaintiffs

promotes the health, safety, morals or general welfare of the public; (4) the relative gain to the public, as compared to the hardship imposed upon the individual property owner; (5) the suitability of the subject property for the zoned purposes; and (6) the length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property. *Guhl v. Holcomb Bridge Road Corp.*, 238 Ga. 322, 323; 232 S.E.2d 830 (1977)

The current Georgia statutory law, O.C.G.A. § 36-66-5(b) expressly mandates that each local government exercising zoning power establish and consider such factors in the form of substantive standards for zoning decisions. That subsection provides:

[E]ach local government shall adopt standards governing the exercise of the zoning power, and such standards may include any factors which the local government finds relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property. Such standards shall be printed and copies thereof shall be available for distribution to the general public.

In keeping with the foregoing statutory requirement, the City of Brunswick has adopted the following substantive standards to govern its zoning decisions:

A. A PROPOSED ZONING CLASSIFICATION OR CONDITIONAL USE REQUEST SHOULD BE COMPATIBLE WITH EXISTING USES AND ZONING OF ADJACENT AND NEARBY PROPERTY, AND "SPOT ZONING" SHOULD ALMOST ALWAYS BE REJECTED.

Relevant Questions

- (1) Would the proposed rezoning create an isolated district unrelated to adjacent and nearby districts?
- (2) Is the proposed rezoning a logical extension of a zoning boundary which would improve the pattern of uses in the general area?

B. A PROPOSED ZONING CLASSIFICATION SHOULD NOT DESTABILIZE THE SURROUNDING NEIGHBORHOOD.

Relevant Questions

- (1) Is the proposed zoning classification one which would promote integrity of the neighborhood and preserve its general character?
- (2) Would the proposed rezoning precipitate similar rezoning requests which would generate or accelerate adverse land use changes in the neighborhood?

C. A PROPOSED ZONING CLASSIFICATION SHOULD MAXIMIZE THE ECONOMIC VALUE OF THE SUBJECT PROPERTY WITHOUT DEPRECIATING THE VALUE OF ADJACENT AND NEARBY PROPERTY.

Relevant Questions

- (1) To what extent does the existing zoning classification depress the value of the subject property?
- (2) To what extent would the proposed zoning classification result in appreciation of the value of the property?
- (3) What effect does the existing zoning classification have on the values of adjacent and nearby property?
- (4) What effect would the proposed zoning classification have on the values of adjacent and nearby property?

D. A PROPOSED ZONING CLASSIFICATION SHOULD NOT HAVE AN ADVERSE EFFECT ON TRAFFIC FLOW, TRAFFIC SAFETY OR POPULATION DENSITY.

Relevant Questions

- (1) Is there adequate public or private parking for the proposed use and other uses permitted within the classification?
- (2) Would such uses create any problem of traffic congestion in the area?
- (3) Would such uses create any traffic safety problem with regard to ingress and egress, visibility or otherwise?
- (4) Would such uses necessitate changes in streets or sidewalks or traffic signage or signalization?
- (5) Would such uses contribute to an undesirable level of population density?
- (6) Would such uses substantially conflict with existing density patterns in the neighborhood?

E. A PROPOSED ZONING CLASSIFICATION SHOULD NOT HAVE ADVERSE ENVIRONMENTAL IMPACT.

Relevant Questions

- (1) Would the proposed use or other uses permitted within the classification create noise, dust, smoke or odors?
- (2) Would such uses affect air quality or water quality and quantity?
- (3) Would such uses create problems with drainage or soil erosion and sedimentation?
- (4) Would such uses aggravate problems with flood damage control?
- (5) Would such uses aggravate waste disposal problems?

F. A PROPOSED ZONING CLASSIFICATION SHOULD NOT HAVE ADVERSE AESTHETIC EFFECTS.

Relevant Questions

- (1) Would the proposed rezoning lead to removal of existing vegetation?
- (2) Would the proposed use incorporate new planting?
- (3) Would the proposed use necessitate unattractive structures or result in removal or alteration of historic structures?
- (4) Would the proposed use be visually compatible with the surrounding neighborhood?
- (5) Would the proposed use include machinery or work visible from the street or neighboring property?
- (6) Would the proposed use be adequately separated from conflicting uses by an appropriate buffer?

G. A REZONING SHOULD NOT RESULT IN COSTS TO THE PUBLIC DISPROPORTIONATE TO TAX REVENUES GENERATED BY THE PROPOSED USE.

Relevant Questions

- (1) Would the rezoning increase the cost of government in providing public utilities, schools, streets, police and fire protection, etc.?
- (2) What additional public facilities would be required?
- (3) To what extent would such increased costs be offset by increased tax revenues?

H. THE SUBJECT PROPERTY SHOULD BE SUITABLE FOR THE ZONED PURPOSES.

Relevant Questions

- (1) Is the property suitable for uses within the existing zoning classification?
- (2) Has the property been vacant as zoned, and if so, for what period or periods of time?
- (3) Are there substantial reasons why the property cannot be economically used in accordance with existing zoning?

- (4) Would the proposed rezoning benefit the general public in any way?
- (5) Would the proposed rezoning conform to or diverge from the comprehensive land use plan?

* * *

It is obvious that the foregoing standards are very general, not at all specific, and that the public and private interests cannot be balanced with mathematical certainty in a zoning decision. Moreover, particular zoning issues which may arise, considered in context, may suggest concerns in addition to the foregoing standards and further questions which will need to be addressed by the Commission. It can only be said that any zoning decision, to be lawful, must be based on a relative gain to the public, as compared to the hardship imposed upon private parties. Such decisions must never be based simply upon the numbers of supporters or opponents or other political factors without consideration of the standards.

Part II. Hearing Policies

The Georgia statutory law, O.C.G.A. § 36-66-5(a) provides: Local governments shall adopt policies and procedures which govern calling and conducting hearings [on proposed zoning decisions]. . . and printed copies of such policies and procedures shall be available for distribution to the public.

In keeping with the foregoing statutory requirement, the City of Brunswick has adopted the following policies and procedures to govern calling and conducting hearings on proposed zoning decisions:

1. All public hearings on proposed zoning decisions shall be held in the Council Room in Brunswick City Hall.
2. Hearings may be held at either the regular morning meetings of the City Commission—that is, on the first Wednesday of each month at 8:30 A.M.—or at the regular evening meetings of the Commission—that is, on the third Wednesday of each month at 6:30 P.M. It is generally preferred that public hearings be held at the evening meetings in order to afford more convenient public participation.
3. Where the hearing is related to a proposed amendment initiated by the Commission, the Commission shall determine the time for the hearing and shall cause publication of the notice required by law.
4. Where the hearing is related to an application for rezoning initiated by a property owner or property owners, the Planning Staff of the City of Brunswick Department of Community Development shall establish an appropriate time for the hearing and shall be responsible for giving the notice required by law.
5. Such hearings shall be chaired by the Mayor, or in his absence, by the Mayor Pro Tem.
6. Upon opening the hearing, the presiding officer shall determine the number and identity of attendees who wish to speak in support of or opposition to the proposed zoning decision.
7. The presiding officer may then impose a reasonable time limit upon the individual speakers in attendance, which shall apply equally to all; provided, however, that an applicant for rezoning shall be given adequate time to present his argument.
8. Next in order, the presiding officer shall call for the recommendation of the Planning Staff and the reasons upon which the recommendation is based.
9. Following the presentation of the staff recommendation, the presiding officer shall call upon an applicant for rezoning, if any, or his representative to present his case.
10. The presiding officer shall then allow other citizens present to speak in support of the proposed zoning decision.
11. The presiding officer shall then allow other citizens present to speak in opposition to the proposed zoning decision.

12. The presiding officer shall then allow an applicant or his representative a brief opportunity for rebuttal, following which there shall be no further comment on the application from the audience.
13. The presiding officer shall then open the floor for discussion of the issues among the members of the City Commission and shall direct the discussion to a consideration of the standards set forth in Part I hereinabove.
14. As part of its decision the Commission shall show that the decision is not based on the numbers of supporters or opponents or other personal or political considerations.
15. The minutes of the hearing shall reflect the specific reasons for the decision of the City Commission.

(Ord. No. 1006, § 1, 11-19-2008)