

ZONING ORDINANCE

OF THE

CITY OF BLAKELY, GEORGIA

PREPARED FOR THE CITY OF BLAKELY

BY THE BLAKELY/EARLY COUNTY PLANNING COMMISSION

WITH STAFF ASSISTANCE FROM

**THE SOUTHWEST GEORGIA REGIONAL DEVELOPMENT
CENTER**

FEBRUARY 2002

BLAKELY, GEORGIA

FEBRUARY 2002

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**ZONING ORDINANCE
CITY OF BLAKELY, GEORGIA**

PREAMBLE

An Ordinance of the City of Blakely, Georgia, to regulate the use of land and buildings by dividing the City of Blakely into districts; defining certain terms used therein; imposing regulations, prohibitions and restrictions governing the erection, construction and reconstruction of structures and buildings and the use of lands for business, industry, residence, social and other specified purposes; regulating and limiting the height of buildings and open spaces, regulating and limiting the density of population; limiting congestion on the public streets; providing for the gradual elimination of non conforming uses of land, buildings and structures; establishing the boundaries of districts; and providing the means of enforcing said Ordinance and providing a penalty for violation of said Ordinance, and repeal of conflicting ordinances.

**ARTICLE I
INTRODUCTION**

Section 1.01. Short Title. This Ordinance shall be known and may be cited as the "Zoning Ordinance".

Section 1.02. Authority for Enactment. The Mayor and Council of the City of Blakely enact this Ordinance under the exercise of powers conferred upon it by the Georgia State Constitution, Article IX, Section II, Paragraph IV.

Said Zoning Ordinance is enacted expressly for the purpose of promoting the health, safety, morals, convenience, order, prosperity and the general welfare of residents within the City of Blakely.

ARTICLE II DEFINITIONS

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

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

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

BILLBOARD: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

BOARD OF ZONING APPEALS: The words "Board of Zoning Appeals" or "Board" shall mean the Board of Zoning Appeals of the City of Blakely.

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

BUILDING, PRINCIPAL: A building in which is conducted the primary or predominant use of any lot.

BUILDING HEIGHT: The vertical distance measured from the curb level to the highest point of the roof.

CLINIC: A professional office where the services of more than one practitioner can be obtained and where patients are studied or treated on an out-patient basis and where no over-night accommodations are provided.

COMMISSION: The word "Commission" shall mean the Planning Commission of Blakely.

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

CONDITIONAL USE: A use which within certain districts specified by this Ordinance is not permitted as a matter of right may be permitted within these districts by the City Council after the Planning Commission has (1) reviewed the proposed site plans for the use, its location within the community, its arrangement and design, its relationship to neighboring property and other

conditions peculiar to the particular proposal which would determine its desirability or undesirability; (2) has found the proposal not to be contrary to the intent of this Ordinance; and (3) has recommended the use as specified after a Public Hearing. (See Section 4.18).

CONDOMINIUM HOME: A form of ownership of less than the whole of a building or system of buildings under a statute which provides the mechanics and facilities for formal filing and recording of divided interest in real property, whether the division is vertical or horizontal.

DAY CARE FACILITY: A day care facility is any individual or jointly owned facility designated to offer care and/or training to children unrelated to the owner or director for any part of a day - such facility may or may not be operated for profit.

DENSITY: The number of families residing on, or dwelling units developed on an acre of land. As used in this Ordinance, all densities are stated in dwelling units per gross acre.

DRIVE-IN ESTABLISHMENT: An establishment which by design, physical facilities, service or by packaging procedures encourages or perm its customers to receive services, obtain goods or be entertained while remaining in their motor vehicle.

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

DWELLING, SINGLE FAMILY: A building or portion thereof used or designed for use as a residence for a single family.

DWELLING, DUPLEX: A building either designed, constructed, altered or used for two adjoining dwelling units that are connected by a common wall and/or if two stories by a common floor-ceiling combination.

DWELLING, MULTIPLE: A building or portion thereof used or designed as a residence for three or more families living independently of each other and doing their own cooking or having separate cooking facilities in said building. This definition includes three-family houses, four-family houses and apartment houses, but does not include hotels or motels.

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

FIRE WALL: Shall mean a twenty four (24") inch masonry wall extending from the foundation to and through the roof and exterior walls . Extension to be two (2) feet beyond walls and roof. The fire wall extensions shall be maintained in case of future extension of the structure. (Designed for "Zero Lot Line" construction where the center of the fire wall would be on the property line. This construction designed to protect the property from fire originating on the opposite side of the fire wall).

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

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

GROUP HOME: A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household. Comment: A group care facility may include half-way houses; recovery homes; and homes for orphans, foster children, the elderly, battered children and women. It also could include a specialized treatment facility providing less than primary health care.

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

HALF-WAY-HOME: A group home facility which is licensed or supervised by any Federal, State or County health/welfare rehabilitation or similar purposes.

Heavy as applied to Industrial Zoning relates to noise and pollution as determined by Planning Commission.

HOME OCCUPATION: Any use conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Provided further, that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations of construction features, equipment, machinery, outdoor storage or signs not customary in residential areas. One (1) non-illuminated name plate, which is not more than two (2) square feet in area, may be attached to the building which shall contain only the name and occupation of the resident of the premises.

INDUSTRIALIZED BUILDING: A structure or component which is wholly or in substantial part made, fabricated, formed or assembled in or at manufacturing facilities and delivered to a building site for fabrication and installation in such assemblies that all parts or processes cannot be inspected except by disassembly, by the City Building Official but in lieu of such inspection bears an insignia, label or decal issued by the Georgia Department of Community Affairs to certify the unit as to construction and safety standards.

JUNK YARD: The term "Junk Yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials or for dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses established entirely within enclosed buildings.

KENNEL: Any lot or premises on which three (3) or more dogs, four (4) months or more old, are kept either permanently or temporarily, for purposes of sale, care, breeding or training for which any fee is charged.

LOT: A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, to be used, developed or built upon as a unit (lot width will be measured at the required set-back line).

LIGHT as related to industrial zoning relates to amount of pollution and noise, determination of "light" or "heavy" by Planning Commission.

MANUFACTURED HOME: A detached single family dwelling unit, designed for long-term occupancy, which has been prefabricated and transported to its site (with temporary attachment of wheels and towing hitches that must be removed when the dwelling is up in single family zoning districts). Construction is such as to prevent inspection at installation. Each unit must bear the certification emblem issued by the U.S. Department of Housing and Urban Development, must be installed on foundation meeting the requirements of the appropriate zoning district, and must be connected to utilities in accordance with applicable codes before being occupied.

MANUFACTURED HOME PARK: "Manufactured Home Park" shall mean a licensed business operation which leases spaces (for periods exceeding thirty (30) days) for manufactured homes.

MINI-WAREHOUSE: A building(s) that contains varying sizes or individual, compartmentalized and control-access stalls or lockers for storing the excess personal property of an individual or family. No business activities other than the rental of storage units shall be conducted on the premises.

MOBILE HOME: A manufactured or factory built house that does not bear the certification emblem as issued by HUD or DCA (because it was built prior to June 15, 1976 or because of modification or deterioration which voids the H.U.D. or DCA certification).

MOBILE HOME PARK: See Manufactured Home Park.

NON-CONFORMING USES: A use or activity which was not unlawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails to conform to the present requirements of the zoning district.

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

1. Retail sales of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
2. Retail sales of fruit and vegetables.
3. Miniature golf, golf driving range, children's amusement park or similar recreation uses.
4. Bicycle, trailer, motor vehicle, boat or home equipment sales, service or rental services.
5. Outdoor display and sale of garages, swimming pools and similar use.

PERSONAL CARE HOME: A dwelling in which aged or infirm persons are boarded and receive personal care on a 24 hour basis. All such homes shall be licensed by the appropriate state agency.

PERSONAL SERVICE: Establishment primarily engaged in providing services involving the care of a person or his or her apparel, etc., laundry, photographic studios, beauty shops, shoe repair, health clubs, clothing rental etc.

PLANNED UNIT DEVELOPMENT: A Planned Unit Development is a single parcel of land within which a number of buildings are located or intended to be located in accordance with an overall plan of design. Examples of a Planned Unit Development (P.U.D.) include a complex of apartment buildings or a commercial shopping center.

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

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

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

VARIANCE: A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the particular property and not the result of any action of the applicant, a literal enforcement of this Ordinance's requirements would result in unnecessary and undue hardship (see Section 22.10).

ZERO LOT LINE: The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

ARTICLE III
LIST OF ZONING DISTRICTS

Section 3.01. DISTRICTS. The City of Blakely is hereby divided into twelve (12) zoning districts, to be known as follows:

- R-1A Single Family Residential District (Most Restrictive District)
- R-1 Single Family Residential District (Slightly less restrictive)
- R-2 Single Family, Duplex and Multi-Family District (Least restrictive residential zone)
- PUD Planned Unit Development
- TH Town House Development
- O-IOffice-Institutional District
- B Neighborhood Business District
- CBD Central Business District
- C Commercial District
- I Industrial District
- MH Manufactured Home Parks
- AGAgricultural District

Section 3.02. LIMITED USE (L.U.) PROVISION. The City of Blakely establishes the "Limited Use Provision for the purpose of allowing an applicant to request that a certain property be classified as a limited use. In some areas of the City, a particular land use activity selected out of a general zoning classification may have less community impact than some of the other uses within that classification. For this reason, an applicant may request a rezoning petition to limit the use of a proposed property to a specified use only (i.e. B-LU). To wit: Neighborhood Business District limited to a "Beauty Shop". The limited use must be among the uses permitted in the zoning district for which the limited use is taken. In the event that the conditions for which the limited use zoning was granted is violated, the property would revert to the prior zoning classification.

Section 3.03. OFFICIAL ZONING MAP. The boundaries of these districts are shown on the map which is designated as the Official Zoning Map of the City of Blakely. The official Zoning Map is on file in the office of the City Manager and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effects as if said Zoning Map and all such notations, references and other information shown there were fully set forth or described herein.

Except where references on said Zoning Map to a street or other designated line is made by dimensions shown on said Map, the district boundary lines follow lot lines or the center lines of the streets or alleys, or such lines extended and the corporate limits of the City of Blakely as they existed at the time of adoption of this Ordinance. Where uncertainty exists with respect to the boundaries of any zoning district as shown on the Zoning Map, the Blakely City Council shall rule on such boundaries.

ARTICLE IV GENERAL PROVISIONS

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

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

Section 4.03. PERMITTED USES. No building shall be erected, converted, enlarged, reconstructed or structurally altered; nor shall any building or land be used, designed or arranged for any purpose other than is permitted in the zoning district in which the building or land is located.

Section 4.04. PERMITTED AREA. No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area regulations of the district in which the building is located.

Section 4.05. PERMITTED HEIGHT. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that for roof structures for the housing of elevators, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire walls, skylights, towers, flag poles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the districts in which it is located; nor shall such structure have a total area greater than twenty-five (25%) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose, other than a use incidental to the main use of the building, the erection of radio and television transmitting, relay or other types of antenna towers, where permitted, shall abide by the regulations set forth by Federal, State and local ordinances. (Utility water tanks exempted).

Section 4.06. STORM DRAINAGE. In all zoning districts, provisions will be made for "storm water" run-off to be (1) routed to storm drainage systems or (2) retained on the property. Under no circumstances will storm water be routed to sanitary sewers. In order to prevent flooding of individual buildings, all new construction will provide for finished floor elevation not less than

one foot above the crown of the street upon which it fronts. Construction of floors below that level will require Engineer or Architect certification of storm water disposal.

Section 4.07. ONLY ONE MAIN STRUCTURE (PRINCIPAL USE) ON A LOT. Only one main structure or building and its customary accessory structures shall hereafter be placed or erected on any lot, except within PUD. Within the PUD, site development plans will be reviewed by the Planning Commission and by the City Council.

Section 4.08. SUBSTANDARD LOTS. Any residentially zoned lot which was of record at the time of the adoption of this Ordinance that does not meet the requirements of this Ordinance for yards or other area or open space, may be utilized for single residence purposes , provided the area for such yard or court in width, depth or open space is not less than seventy-five (75%) percent of that required by the terms of this Ordinance, excepting that vacant lots having same owner and having in the aggregate a continuous frontage of one hundred twenty (120) feet or more shall not be subject to this exception. The purpose is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

Section 4.09. FRONTAGE. Every residential dwelling shall front upon a public street, except in planned unit developments.

Section 4.10. SIGHT DISTANCE AT INTERSECTIONS. In all Zoning Districts, no fence, wall, hedge or shrub planting, sign, etc., which obstructs the sight lines at elevations between two (2) and twelve (12) feet above the roadways shall be placed on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street property lines.

Section 4.11. REDUCTION OF LOT AREA PROHIBITED. No lot shall be reduced in size so that lot width, yard requirements, lot area per dwelling unit or other requirements of this Ordinance are not maintained.

Section 4.12. ACCESSORY RESIDENTIAL BUILDINGS. Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main or principal buildings.
2. Accessory buildings, except garages, may be erected in any required yard except a front yard, providing further that in no instance shall such a building be nearer than five (5) feet to any adjoining side lot line or rear lot line.
3. An accessory building shall not be located on that portion of the lot nearer than 20 feet to the principal building except when structurally attached to the principal building and meets zoning and building codes that apply to main structure.
4. In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on said streets in the same block or adjacent blocks.

5. When an accessory building is to be located on a corner lot, said building shall not project beyond the front yard line required on the lot of such corner lot. (Front yard setback to be observed on both streets).
6. Garages/Carports. In any residential zone, no garage or carport shall be erected closer to the side lot line than the permitted distance for the dwelling, unless the garage or carport shall be completely to the rear of the dwelling in which event, the garage or carport may be erected five (5) feet from the side and rear lot line.

Section 4.13. PROHIBITED USES IN ALL RESIDENTIAL DISTRICTS.

1. It shall be prohibited use in all districts to park or store wrecked or junked vehicles, power driven construction equipment, appliances, used lumber or metal, or any other miscellaneous scrap or salvageable material in any quantity.
2. Tractor trailer combinations, tractors or trailers shall not be placed or stored in residentially zoned districts for more than 24 hours.
3. Kennels.

Section 4.14. AUTOMOBILE SERVICE STATIONS AND/OR PUBLIC GARAGES. In order to regulate and control the problems of noise, odor, light, fumes, vibrations, dust, danger of fire and explosion and traffic congestion which result from the unrestricted and unregulated construction and operation of automobile service stations and/or garages to regulate and control the adverse effects which these and other problems incidental to the service station and/or garage may exercise upon adjacent and surrounding areas, the following regulations and requirements are provided herein for service stations and/or garages located in any zone. No service station existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the effective date of this Ordinance.

1. A service station shall be located on a lot having a frontage along the principal street of not less than one hundred fifty (150) feet and having a minimum area of not less than fifteen thousand (15,000) square feet.
2. A service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line and not less than twenty (20) feet from any other lot line.
3. For commercial driveways when one or more driveways serve a given frontage, no single approach shall exceed 50'. When a commercial establishment controls 75' or more of street frontage, the number of driveways shall be limited to two for the first 75' of street frontage and not more than one additional driveway for each additional 75'. No portion of a driveway shall be less than 10' from the property line not located at an intersection. When only one lane of traffic is provided in a single driveway the width of a driveway approach shall not exceed 20'. Driveway will not be closer than 30 feet to any intersection.

4. A raised curb six (6) inches in height shall be erected along all street lot lines, except for driveway openings.
5. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed asphalt material, or if any part of the lot is not so surfaced, then that area shall be landscaped and separated from all surfaced areas by a low barrier or curb.
6. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than twenty five (25) feet from any lot line and shall be arranged so that motor vehicles shall not be supplied with gasoline or services while parked upon or overhanging any public sidewalk, street or right-of-way.
7. A service station located on a lot having an area of fifteen thousand (15,000) square feet shall include not more than eight (8) dispensing nozzles and two (2) enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles. An additional two (2) dispensing nozzles or one (1) enclosed stall may be included with the provision of each additional two thousand (2,000) square feet of lot area.
8. Where a service station adjoins any property located in any residential zone, or is separated from any such property by a public alley only, a masonry wall five (5) feet in height shall be erected and maintained along the common lot line or along the alley lot line. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.
9. All lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent public and private property and not directed toward streets.

Section 4.15. PROTECTIVE SCREENING. In order to provide adequate protective screening for residential areas adjacent to or near non-residential areas, the following regulations shall apply:

All property zoned for commercial and industrial uses shall have a buffer strip along any rear and side property line abutting a residential district.

A landscaped greenbelt, not less than twenty (20) feet wide, shall be provided and maintained along its entire length, including alleys. Such greenbelt shall be planted with deciduous trees, evergreens, flowering trees, ornamental or shrubs designed or intended to provide a visual screen at the boundaries of conflicting land uses.

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

All planting plans shall be first submitted to the Planning Commission for approval as to suitability of planting materials and arrangement thereof in accordance with the provisions of this Ordinance. The owner of the lot or parcel which zoning actions (rezoning) would cause the conflicting land uses will be responsible for providing the buffer as required herein. All buffer strips shall be designated on the property plat and recorded as a permanent strip.

Section 4.16. RADIO, TELEVISION STATIONS. Commercial radio, television and other transmitting or relay stations shall be permitted in any commercial or industrial district.

Section 4.17. SATELLITE RECEIVING DISH ANTENNA.

1. Satellite Receiving Dish Antenna shall be allowed in all zoning districts.
2. However, in all residential zones, the following requirements will apply:
 - a. Antenna will be erected only in a rear or side yard not closer to the street than the front of the house and the setback requirements from the property line will be the same as those required of an accessory building.
 - b. Location of the antenna must be approved by the Building Inspection Department before installation can begin.
3. In all zoning districts, antenna will be so placed as not to create a hazard to traffic or public utilities.
4. A property owner who has in place a non-conforming antenna at the effective date of this Ordinance may continue to maintain the antenna, but not more than five (5) years.

Section 4.18. CONDITIONAL USES. The Planning Commission shall hear and recommend after a Public Hearing conditional uses as authorized. The application to establish a conditional use shall be approved on finding by the City Council that:

1. The proposed use will not be contrary to the purpose of this ordinance.
2. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood nor affect adversely the health and safety of residents and workers.
3. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fumes generation or type of physical activity.
4. The proposed use will not be affected adversely by the existing uses; and the proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use.
5. The parking and all development standards set forth for each particular use for which a permit may be granted have been met.
6. Provided that the City Council may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community and to protect the value and use of property in the general neighborhood; and provided that wherever the City Council shall find, in the case of any permit granted pursuant to the provisions of these regulations that any term, conditions or restrictions upon which such permit was granted are not being complied with, said Council shall rescind and revoke

such permit after giving due notice to all parties concerned and granting full opportunity for a hearing.

Section 4.19. ZONING OF ANNEXED AREAS. The Blakely Planning Commission shall make a study of any property proposed for annexing into the City of Blakely and forward its zoning recommendations to the City Council for their review and action.

To insure that all lands within the City of Blakely are always under the City's Zoning Powers, an appropriate Zoning Classification will be executed and made a part of the property annexation process. If the annexation is requested by anyone other than the City of Blakely, the applicant will pay the appropriate fees for a zoning petition. In any case however, the zoning of all annexed properties will follow the same zoning policies and procedures as outlined in this Ordinance.

ARTICLE V
NON-CONFORMING BUILDINGS AND USES

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

Section 5.01. NON-CONFORMING USE OF LAND, CONTINUATION OF USE. The non-conforming use of land, which exists when this Ordinance becomes effective, may be continued provided that:

1. No such non-conforming use of land shall in any way be expanded or extended.
2. If such non-conforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this Ordinance.
3. Failure to maintain required licenses or cut-off of utilities will be evidence of "Discontinuance of Non-conforming use".

Section 5.02. RESTORATION. Any building which houses a non-conforming use which has been destroyed or damaged by fire, explosion, Act of God, or by public enemy to the extent of fifty (50%) percent of its market value-exclusive of the foundation at the time such damage occurred - shall thereafter be made to conform with the provisions of this Ordinance. If such damage is less than fifty (50%) percent of its market value before said damage occurred, exclusive of the foundation, then such structure may be restored to the same non-conforming use as existed before such damage, provided however, that a building permit to initiate restoration must be obtained within 6 months of the occurrence of damage; otherwise the provisions of Section 5.03 will apply.

Section 5.03. DISCONTINUANCE OR ABANDONMENT. Any non-conforming use of land or building which has become vacant or closed owing to abandonment or discontinuance shall not thereafter be reopened except in conformity to the provisions of this Ordinance.

Section 5.04. CHANGE OF TENANCY OR OWNERSHIP. There may be a change in tenancy, ownership or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.

ARTICLE VI
OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 6.01. SCOPE OF PROVISIONS. Except as provided in this Section, no application for a building permit shall be approved unless there is included with the plan for such building, improvements, or use, a plot showing the required space reserved for off-street parking and service purposes. Occupancy shall not be allowed unless the required off-street parking and service facilities have been provided in accordance with those shown on the approved plan.

Section 6.02. PARKING SPACES MAY NOT BE REDUCED. Off- street parking spaces shall not be reduced below the minimum required number f or the use or facility to which they are assigned.

Section 6.03. DRAINAGE, CONSTRUCTION AND MAINTENANCE. All (except residential) off-street parking, loading and service areas shall be constructed of concrete or asphalt. All such areas shall be at all times maintained at the expense of the owners there-of, in a clean, orderly and dust-free condition.

Section 6.04. SEPARATION FROM WALKWAYS, SIDEWALKS AND STREETS. All off-street parking, loading and service areas shall be separated from walkways, sidewalks and streets by curbing or other suitable protective device. Curbing and other protective devices must be set back a minimum of three feet to prevent vehicle overhang.

Section 6.05. PARKING AREA DESIGN. Parking stalls shall have a minimum width of nine (9) feet and length of twenty (20) feet. There shall be provided adequate interior driveways to connect each parking space with a public right-of-way. Interior driveways shall be at least twenty-four (24) feet wide where used with ninety (90) degree angle parking, at least eighteen (18) feet wide where used with sixty (60) degree angle parking, at least thirteen (13) feet wide where used with forty-five (45) degree parking and at least twelve (12) feet wide where used with parallel parking or where there is no parking, interior driveways shall be at least ten (10) feet wide for one-way traffic movement and at least twenty (20) feet wide for two-way traffic movement.

Section 6.06. JOINT PARKING FACILITIES. Two (2) or more neighboring uses of the same or different types may provide joint facilities provided the number of off-street parking spaces are not less than the use the individual requirements ie: Shopping center, housing complex.

Section 6.07. PAVEMENT MARKINGS AND SIGNS. Each off-street parking space shall be clearly marked and pavement directional arrows or signs shall be provided in each travel way wherever necessary. Markers, directional arrows and signs shall be properly maintained so as to ensure their maximum efficiency.

Section 6.08. NUMBER OF PARKING SPACES. In order to assure a proper and uniform development of public parking areas throughout the area of jurisdiction of this ordinance to relieve traffic congestion on the streets and to minimize any detrimental effects on adjacent properties, off-street parking space shall be provided and maintained as called for in the following schedule. For any use or class of use not mentioned in this schedule, the requirements shall be the same as a similar use as mentioned therein. Parking requirements for additions to existing uses may be based only upon the new addition even if the existing use is deficient.

Section 6.09. STREET PARKING REQUIREMENTS. In all zoning districts off-street parking spaces for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected or enlarged, after the effective date of this Ordinance, shall be provided as herein prescribed.

Required parking spaces shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance. The owner or owners of a building, structure or other land use requiring off-street parking spaces must show, to the satisfaction of the City Manager, that he is the record title holder of the property devoted to said principal land use and of the property proposed for off-street parking use. Surface water drainage must be piped to storm sewers or retained on property (not diverted to neighboring property).

Section 6.10. PLANTED AREAS. Any off-street parking facility of ten (10) cars or more shall also provide the equivalent of one (1) parking space per each ten (10) cars or fraction thereof, to be planted with at least one (1) tree with a minimum diameter (measured at the location of its greatest width) of 1 1/2 inches and grass and/or ground cover. The exact location within the parking facility is optional with each design, but the planted area herein referred to shall be in addition to perimeter buffer strips and other landscaping on the property outside the parking facility.

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

Section 6.11. LOCATION OF PARKING SPACE FOR OTHER LAND USES. The off-street parking facilities required for all other uses shall be located on the lot or within two hundred (200) feet of the permitted use requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.

Section 6.12. OFF-STREET PARKING STANDARDS.

USE		NUMBER OF PARKING SPACES REQUIRED
1. Apartment and Multi-family dwelling		Two spaces for each family dwelling unit plus 1 space for each 10 units for travel trailers, boats and other vehicles, two for office if applicable.
2. Apartments for the Elderly		One (1) space for each family dwelling unit plus 1 space for each 10 units for travel trailers, boats and other vehicles, two for office if applicable.
3. Appliance Store		One (1) space for each four hundred (400) square feet of gross floor area.
4. Auditorium, stadium		(a) one (1) space per three (3) assembly hall, fixed seats in largest assembly gymnasium, theater room or area, or (b) one (1) space community recreation for each forty (40) square feet of center floor area available for the accommodation of movable seats; or (c) one (1) space per each one hundred (150) square feet of gross floor area; whichever is greatest
5. Automobile Service Stations		(1) space (in addition to service stations area) for each pump and grease rack and one (1) space for each two (2) employees during period of greatest but not less than four (4) spaces.
6. Automobile Parts Accessories Sales Establishment		One (1) space for each four hundred (400) square feet of gross floor area.

7. Automobile Sales and repair service station and auto washeterias		Same as Use 5 above plus one (1) space for each five hundred (500) square feet of gross floor area of the shop or washeteria.
8. Automotive Repair Services and Garages		One (1) space for each four hundred (400) square feet of retail area plus two (2) spaces for each service bay.
USE		NUMBER OF PARKING SPACES REQUIRED
10. Club or Lodge		One (1) space for each two (2) employees plus one (1) space for each two hundred (200) square feet of gross floor area within the main assembly area plus additional spaces for other uses permitted within the premises.
11. Church		One (1) space per four (4) seats in main place of assembly.
12. Combined Uses		Parking spaces shall be the total of the spaces required for each separate use established by this schedule.
13. Dance school		One (1) space for each employee plus one (1) space per one hundred fifty (150) square feet of gross floor area plus safe and convenient loading and unloading of students.
14. Duplex Dwelling Unit		Two (2) unpaved spaces per each unit. Residential driveways will not satisfy this need.
15. Financial Institution		One (1) space for each two hundred fifty (250) square feet of gross floor area and two (2) waiting spaces for each drive-thru window.
16. Furniture Store		One (1) space for each four hundred (400) square feet of gross floor area.
17. Grocery Store (including small convenience type food store)		One (1) space for every two hundred fifty (250) square feet of gross floor area.

18. Group Home		See "Nursing Home".
19. Gym		One space for each employee plus one space for each 150 sq. ft. of gross floor area.
20. Hospital		One (1) space for each bed plus one (1) space for each employee (nurse, attendant, etc.) per shift plus one (1) space for each staff or visiting doctor.
USE		NUMBER OF PARKING SPACES REQUIRED
22. Motel		One (1) space for each unit plus one (1) space for each two (2) employees.
23. Mortuary		Six (6) spaces per viewing room or one (1) space for each fifty (50) sq. ft. of chapel used for services.
24. Office, professional building or similar use		One space for each three hundred fifty (350) square feet of the gross floor area plus one (1) space for each two (2) employees.
25. Personal service establishment		One (1) space for every three hundred fifty (350) square feet of the gross floor area, plus one (1) space for each two (2) employees.
26. Repair Shop, Auto Appliance		One (1) space for every three hundred (300) square feet of gross floor area plus one (1) space for each employee.
27. Restaurant or place dispensing food, drink or refreshment to be consumed on the premises.		One (1) space for each one hundred square feet of gross floor area plus one (1) space for each employee.
28. Restaurant or place dispensing food, drink or refreshment for carry out only		One (1) space for each one hundred fifty (150) square feet of gross floor area (with a minimum of ten (10) spaces for this); plus one (1) additional space for each three (3) outdoor seats provided and providing an adequate lane for thru traffic which will not obstruct the required parking and driveway for the restaurant.

29. Retail Stores		One space for each 200 square feet of gross floor area.
30. Schools, elementary		One (1) space for each teacher, one (1) space for each two (2) employees and administrative personnel and one (1) for each classroom, plus safe and convenient loading and unloading of students.
USE		NUMBER OF PARKING SPACES REQUIRED
32. Senior Citizen Homes		One (1) space for each two (2) beds, plus one (1) space for each employee on shift of greatest employment.
33. Shopping Center		One (1) space for each three hundred fifty (350) square feet of gross floor area.
34. Swimming Pool		One (1) space for each two hundred (200) square feet of water surface area plus requirements for additional uses in association with the establishment such as a restaurant, employees, etc.
35. Trailer Park		Two (2) spaces for each trailer site plus one (1) space for each employee.

Section 6.13. OFF-STREET LOADING REQUIREMENTS. On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, truck freight terminal, goods display, department store, wholesale store, retail store, new car dealers, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets and alleys.

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

0 - 10,000 sq. ft. one

10,001 - 90,000 sq. ft. One (1) space for the first 10,000 square feet plus one (1) additional space for each additional 40,000 square feet in excess of 10,000 square feet.

90,001 - 450,000 sq. ft. Three (3) spaces for the first 90,000 square feet plus one (1) additional space for each 60,000 square feet in excess of the 90,000 square feet.

Section 6.14. MINIMUM NUMBER OF LOADING SPACES REQUIRED. Industrial, wholesale and retail operations shall provide space as follows:

1. Off street loading spaces shall be provided as appropriate to the functions and scope of operation of individual or groups of buildings and uses.
2. Off street loading spaces shall be designed and constructed so that all maneuvering to park and unpark are kept within the property lines to the premises. Loading spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on public rights-of-way, or required parking spaces.

ARTICLE VII SIGN REGULATION

Section 7.01. REQUIREMENTS. All signs within Blakely shall be erected, constructed and maintained in accordance with the provisions of this ARTICLE and with applicable sections of the Standard Building Code and the National Electric Code.

Section 7.02. TRAFFIC SAFETY. No sign shall be erected or continued that:

1. Obstructs the sight distance along a public right-of-way (or street or driveway intersections with streets).
2. Would tend by its location, color or nature, to be confused with or obstruct the view of traffic signs or signals or to be confused with a flashing light of an emergency vehicle.
3. Uses admonitions such as: "stop", "go", "slow", "danger", etc. which might be confused with traffic directional signals.

Section 7.03. PROHIBITED LOCATIONS. No sign shall be attached to or painted on any telephone pole, power pole, tree, rock or other natural object. No signs (other than those signs erected by public governmental agencies or signs required by law), shall be placed so as to overhang any public right-of-way by more than six (6) inches.

Section 7.04. ILLUMINATION. Illumination devices such as, but not limited to, flood or spot lights shall be so placed and so shielded as to prevent the rays or illumination therefrom being cast into neighboring properties or approaching vehicles.

Section 7.05. MAXIMUM AREA. The maximum area of "ON PREMISES" signs shall be:

- a. Point of business: One hundred fifty (150) square ft.
- b. Conditional uses: Fifteen (15) square feet.
- c. Residential: two (2) square feet.

Section 7.06. BILLBOARDS. A billboard is defined as: Any sign, structure, or device which advertises or contains information about a business, product or service not located on the same premises as the sign.

1. Billboards will not be permitted except in Industrial, Commercial or Agricultural Zones.
2. No billboard shall be located within 500 feet of any other billboard on the same side of any street, road or highway.

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3. Billboards shall not be located one above another or side by side.

4. No billboard shall be located within 1500 feet of Court Square.
5. Billboards located between 1500 feet from the Court Square and the Blakely City Limits shall not exceed 75 square feet in area, the lowest portion of any billboard in this area must be at least eight (8) feet above grade.
6. Billboards shall be maintained in a neat and safe condition, any litter left from repairing or changing signs shall be removed from the premises as soon as repairs are made. (Ref. Sections 23-17 and 23-19 City of Blakely Code of Ordinances).
7. Non-conforming Billboards. Billboards existing as of March 1992 which do not conform to this Ordinance, but are otherwise legal at that time will be declared "Non-Conforming" and may remain except: Any billboard damaged by fire, lightning, obsolescence, dilapidation or other causes beyond 50% of its current replacement value shall not be replaced or restored except in compliance with the provisions of this article.

Section 7.07. PORTABLE SIGNS. Portable signs will be permitted only as "On-Premises" (AT the place of business being advertised), and must meet the following requirements:

1. No flashing lights will be permitted near residences or in residential zones. Lights will be subdued or shielded so as to prevent the rays or illumination from projecting to neighboring properties or approaching vehicles.
2. No sign shall be placed on street right-of-way or in position that would obstruct the view of motorists (i.e. at intersections of streets or driveways with streets).
3. Permits will be required for installation.
4. Signs must be maintained in neat and safe condition.

Section 7.08. GENERAL STANDARDS FOR SIGNS.

1. Do not utilize colors such as red, green, blue or yellow in any way which might be confused with traffic, safety or emergency signals.
2. No revolving or rotating beam or beacon of light that resembles or simulates any emergency light device shall be permitted as part of any sign. Flashing devices will not be permitted upon a sign.
3. Owners of signs shall be responsible for maintaining signs in a neat and safe condition, and for compliance with the National Electric Code and the Standard Building Code.
4. Signs shall have a maximum height of 35 feet.
5. Temporary Signs (i.e. political candidates, realty "for sale" etc.) shall be removed by the person posting such signs - within 15 days after the event advertised has passed.

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Section 7.09. PERMITS REQUIRED.

1. No sign shall be erected, hung, placed or structurally altered without a permit from the Building Official.
2. Application for permits to erect, repair or replace any sign shall be made to the Building Official. Each request for permit will be accompanied by plans showing dimensions and specifications. If sign is to be illuminated, show method of lighting. Show proposed location of sign, including elevation, distance from property lines and total height. Show method of fastening to poles or buildings.
3. Each applicant shall furnish any additional information as requested by the Building Official.

Section 7.10 Sign Regulations in the Central Business District. All definitions and other matters relating to signs as contained in ARTICLE VII of the Blakely Zoning Ordinance shall remain in full force and effect to the extent that they are consistent with this Ordinance. The definitions, restrictions and regulations specified in Sections 7.11 through 7.18 apply to the Central Business District and in some cases are specific to the buildings located on the Courthouse Square.

Section 7.11 Number of Allowed Signs Per Building. Each permitted business within the CBD may have two (2) signs. These may be identification, window signs, canopy signs, awning signs or a combination thereof, subject to the restrictions described in this Ordinance.

Section 7.12 Special Sign Allowances for Corner Buildings. CBD structures which are located on corner buildings are allowed one additional sign in addition to the two normally allotted, to be located on the side or rear of the building. The total area of this additional sign shall not exceed seventy (70) percent of the size of the largest sign on the building's front facade and shall cover no more than twenty-five (25) percent of the secondary wall.

Section 7.13 General Regulations and Standards for Signs in the Central Business District. In determining the appropriateness or location of new or replacement signs proposed to be placed within the CBD Zone, the Building Official may consult with the Southwest Georgia Regional Development Center Historic Preservation Planner or the State Historic Preservation Office when interpreting the following regulations specified in this Section:

1. No general advertising signs shall be permitted in the CBD.
2. No business identification sign shall exceed one hundred (100) square feet in size.
3. No projecting sign shall exceed twenty-five (25) square feet in area.
4. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.

5. The colors, materials and lighting of every sign shall be restrained and harmonious with the building and the site to which it principally relates. Signs should use no more than three colors and the general color scheme shall act to compliment the building's facade. Light lettering on a dark background is considered historically accurate. Lettering should not exceed eighteen inches high.
6. No changing signs (such as a time and temperature sign, rotating sentence, etc.) shall be permitted.
7. No sign shall be erected or painted on the roof of any building.
8. No sign shall be closer than twenty-four (24) inches to the adjacent property lines to avoid sign messages from running together.
9. Signs that advertise an activity, business product or service no longer being conducted or available on the premises on which the sign is located must be removed upon the order of the Building Inspector in conformity with the provisions of Article 7-20 of this Ordinance.
10. The size, scale and design of the sign shall be compatible with the size, scale and design of the property, building or site upon which it is to be located. No wall sign shall be designed to obscure a window.
11. Sign materials shall be compatible with the period and style of the property building or site.
12. The location of signs shall not obscure any significant architectural features of the building or site.
13. Sign installation shall not irreparably damage any cornice, ornament, or similar architectural detail and shall be the least damaging method feasible for the property, building or site.
14. All addresses shall be placed on business doors or on the transom above the door. Addresses shall be painted or shall be designated by brass numbering.
15. Historically inappropriate signs are not allowed. For instance: colonial era or "Williamsburg" signage is out of time and context in a late 19th century Southern town.
16. Signs may not be illuminated on Court Square with the exception of neon signs as allowed in 7.15(i). Enclosed lamp plastic signs and backlit fluorescent signs are not allowed as they are incompatible with historic properties on the square. Illumination where permitted shall be allowed with inconspicuous exterior mounted lights where appropriate having no glare. All lighting for signs shall be concealed

Section 7.14 Sign Locations on the Court Square and N/S Main Street in CBD.

Signs shall be located as follows:

1. On or in the display windows or upper facade windows.
2. On or in the glazing of windows.
3. In the area above the transom of the store front and below the second floor windows. A transom is a small (usually hinged) window above a door or another window or the horizontal cross piece to which such a window is hinged or attached.
4. On the valance of the awnings as long as they remain six (6) feet off of the ground. A valance is an ornamental drapery, decorative board or metal strip mounted especially across the top of a window to conceal structural features.
5. Signs can be incorporated in the awning material.
6. On the fascia or the top edges of canopies. A fascia is a flat horizontal band or member between moldings especially in a classical entablature.
7. Projecting perpendicularly from the building.
8. Freestanding ground signs as allowed in Section 7.15 (d).

Section 7.15 Types of Signs Permitted in CBD. Signs permitted in the CBD include the following:

- a. **Identification Signs.** The maximum area allowed for an on premise point of business sign will be two (2) square feet. These identifying signs may be painted on windows, hung under canopies or awnings or may be painted on valances or skirts of approved awnings.
- b. **Canopy and Wall Signs.** The maximum combined square footage of wall and canopy signs placed on the facade of a building by any business will be one hundred fifty (150) square feet for one and two story buildings, or ten (10) percent of the building facade area, whichever is less. Businesses located on corners will be allowed to exceed this limit as specified in Section 7.12.

For each business occupying an entire building, the sign area of any wall sign or canopy signs placed on a building facade may not exceed ten (10) percent of the building facade area. The building facade area is calculated by multiplying the height of the facade by the width of the facade and subtracting the area devoted to windows. Illustration 7.15-A.

For any building which houses multiple businesses, the building facade area used to calculate the maximum size of wall and canopy signs allowed for each business will be defined as the individual business's linear frontage (on the primary facade) less the area of any window glass, times the height of the building as measured at its highest point above the business's frontage. Illustration 7.15-B.

In addition to the size restriction above, no wall or canopy sign on a one or two story building may exceed five (5) feet in vertical dimension.

Painted murals are allowed in the CBD.

- c. **Window Signs.** Fifteen (15) percent of an entire window area parallel to the street may be used as one of the two allowable signs for each ground level business. No one window may be covered in excess of thirty (30) percent.

Window signs on or above the second floor are prohibited except when a business has no ground floor frontage. Window signs on the second floor will be limited to identification and instructional signs which shall cover no more than fifteen (15) percent of the entire window area above the ground floor and no more than thirty (30) percent of any one window.

- d. **Ground Signs.** A ground sign may be used, provided it does not exceed three (3) feet in height and is no bigger than twelve (12) square feet in area measured on one side only. Ground signs must be set back at least three (3) feet from the right-of-way.

On the Court Square, ground signs may not be internally illuminated, must be constructed with materials compatible with the building architecture, they may only be used as identifying signs and professional signs and they may not contain other commercial advertisements of a temporary nature or be used as a base to hang temporary signs for sale or promotional events.

- e. **Temporary Internal Window Signs.** Signs pertaining to special events which refer to particular periods of time such as meetings, sales exhibitions, political campaigns and vacancy announcements shall be permitted on the building interiors provided that such signs shall be removed when no longer applicable in time, or in any case no later than ten (10) days after the advertised event has ended.
- f. **Instructional Signs.** Instructional signs (such as upstairs, watch your step, etc.) measuring no more than one (1) square foot in area will be permitted.
- g. **Moving Signs and Devices.** No sign shall be allowed that is revolving, rotating or put in motion by the atmosphere. Items such as ribbons, strings of lights, streamers, hot air balloons, flags or similar moving, fluttering or revolving devices for the purpose of attracting attention or advertising unless a permit for a period of no more than thirty (30) days is acquired. Flags and insignias of governments are exempted under this provision provided they are not used in connection with commercial promotions.
- h. **Temporary External Sign.** Banners and other exterior temporary signs of this Ordinance are prohibited except those advertising promotional events sponsored by the Merchant's Association, Chamber of Commerce or those festivals and events of a non-commercial nature. Such signs shall be removed no later than ten (10) days after the promotion has been completed.
- i. **Neon Signs.** The use of simple artistic neon graphics or symbols is allowed. Examples: ice cream cone at ice cream parlor. However, new neon commercial advertising of business names or specific product brands is not allowed.

- j. Marquee Signs.** Marquee signs shall only announce existing or future entertainment events, meetings or attractions.
- k. Logo Signs.** Symbols and graphic representations conveying a message representing the principal use of the property are encouraged. These simple, uncluttered signs make for simple yet aesthetic advertising.

Section 7.16 Signs not Permitted in the CBD.

1. Off-premise advertisement signs (billboards).
2. Portable signs on wheels or designed for wheels and other apparatuses designed to allow for illumination and the changing of lettering shall not be allowed.
3. Signs erected on or located on any street or public right-of-way, curb, curb stone, hydrant, lamp post, tree, barricade, telephone or electric light pole, other utility pole, public fence or on a fixture of a fire alarm or police system except public directory and information signs.

Section 7.17 Materials used in Sign Construction.

Except for signs applied to an awning, all principals use signs located in the CBD shall be constructed of wood, brass, bronze, painted lettering, crafted metal, glass, wrought iron, carved or sandblasted stone, hand carved or sandblasted wood, gold leaf and screen print on windows and awning materials such as canvas, acrylics and vinyl coated canvas.

Section 7.18 Materials Not Acceptable For Use in Sign Construction/Awnings.

Not allowed as sign materials are plastic signs including interior or back lighted signs, plastic, neon or reflective or foam lettering, posters and cardboard. Metal slats, rigid plastic, aluminum canopies, cedar or plastic shakes, glossy or leatherette finished vinyls are not allowable materials for awnings in the CBD.

Section 7.19 Courthouse Square Signage: Colors.

Colors should contrast enough to allow the message to be read, but should complement, not compete or clash with surroundings. Color combinations such as bright red yellow and white currently used in many franchise businesses are not acceptable in historic areas and are not allowed in the CBD. Questions of compatibility can be forwarded to the Southwest Georgia Regional Development Center Historic Preservation Planner for a recommendation on compatibility.

Section 7.20 Non-conforming Signs in the CBD and Court Square.

Signs erected prior to the effective date of this resolution on _____, 1996 which do not conform to the sign regulations contained herein, shall not be expanded, enlarged, modified or changed in any way except in conformance with these regulations. Signs not in conformance to this Ordinance which are removed during building restoration shall be made in compliance prior to their re-attachment.

Minor repairs and maintenance estimated at not greater than fifty (50) percent of the value of non-conforming signs may be made at the discretion of the owner provided that the sign area is not increased, but money invested in such repairs by a building or sign owner shall not constitute grounds or justification of a variance to retain such a sign.

Non-conforming signs which have been allowed to deteriorate so as to constitute an aesthetic nuisance or a safety hazard are subject to removal by the Building Official. The Building Official will send a written notification of the safety or aesthetic problem to the sign or property owner requesting that the sign be removed within two (2) weeks. Should the sign not be removed within this period, the sign may be removed by the City of Blakely at the cost to the sign or property owner.

Non-conforming signs which have been abandoned shall be removed within thirty (30) days after a business closes, ceases to operate in that location or after the effective date of this ordinance by the person who obtained the sign permit or the property owner. When the business advertised by a non-conforming sign ceases to operate on the premises where the sign is located, the sign's permit shall be considered null and void and the sign shall not be re-permitted except in compliance with this Ordinance.

The following non-conforming signs with historic significance shall be exempted from the non-conforming regulations and shall be so allowed until such time that they are determined to be a safety hazard:

Quail Motel sign on South Main Street
Masonic Lodge sign on River Street

Section 7.21 Violations and Enforcement. Illegal signs, unpermitted signs or signs erected in violation of this Article will be subject to the provisions of SECTION 23.02 of the Blakely Zoning Ordinance.

ARTICLE VIII
R-1A, SINGLE FAMILY RESIDENTIAL DISTRICT

Section 8.01. STATEMENT OF PURPOSE. This single family residential district is established as a district in which the principal use of land is for low density single family dwelling units. For the R-1A single family residential district, the specific intent is:

1. To encourage the construction of and the continued use of the land for low density single family residential development within the City.
2. To discourage land uses which would generate traffic on minor or local streets, other than normal traffic to serve the residents on those streets.

Section 8.02. PERMITTED USES.

1. Single Family detached dwellings existing at time of passage of this ordinance.
2. New single family detached dwellings meeting the following requirements:
 - a. Minimum floor area, fifteen hundred (1500) square feet.
 - b. Minimum depth, front to back, not including porches or carports, 24 feet.
 - c. Minimum roof pitch, 3 inches of rise for each twelve inches of span.
 - d. Roof surface, composition shingles (including, but not limited to: asphaltic and fiberglass), other materials listed by Southern Code Congress (Building and Fire Prevention Codes).
 - e. Permanent foundation, including: Concrete footing around perimeter, not less than 20 inches wide by 8 inches thick, with bottom of concrete not less than 12 inches below finish grade; masonry wall, at least 8 inches thick up to floor level; interior piers of 8" x 16" concrete blocks or equivalent (with mortared joints) on footings not less than 24" x 24" x 8" thick.
 - f. Electric Service to be installed on the house (on or near the front [builder to coordinate with electric Department for service point BEFORE construction]). Service drop shall not be extended over house. Interior service panels shall not be located in: clothes closets, cabinets or other concealed locations where panel would be hard to find for firemen or other emergency personnel. (Consult National Electric Code for permitted locations).
 - g. Exterior wall surface shall be: Brick, stucco or other masonry; (Wood (i.e., "lapboard" or "novelty siding"); Vinyl (or metal) siding with ornamental design; or other siding material approved by Standard Building & Fire codes, but not including "sheet metal".

- h. Construction standards must comply with the Standard Building Code (Edition currently adopted by City Council). The National Manufactured Housing Construction and Safety Standards Act (with applicable certification emblem), or the Georgia Industrialized Building Act (with applicable Certification emblem) and National Electric Code, Standard Plumbing, Standard Mechanical Code, and Standard Fire Prevention Code.
- 3. Accessory buildings or uses customarily incidental to single family residential districts, when located on the same lot and not involving business or occupation.

Section 8.03. CONDITIONAL USES.

- 1. Churches, provided that the proposed site is not less than two (2) acres and a complete site development sketch is submitted with the application and provision is made for off-street parking.
- 2. Clubs and lodges not operating for profit provided that:
 - a. The buildings are not placed closer than fifty (50) feet to any property lines; and
 - b. There is a planted buffer strip at least ten (10) feet wide along the side and rear lot lines.
- 3. Public buildings, structure or other public land uses.
- 4. Hospitals and clinics.
- 5. Nursery schools, kindergartens or day care facilities provided that all State licensing requirements are met.
- 6. Other uses similar to the above and compatible with the particular neighborhood as interpreted by the Planning Commission and approved by the City Council.
- 7. Unlighted signs for above uses (limited to 2' x 4').

Section 8.04. AREA, HEIGHT AND PLACEMENT REQUIREMENTS. (In accordance with the Schedule of Regulations, Article XX).

ARTICLE IX
R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 9.01. STATEMENT OF PURPOSE. The R-1 Single-Family Residential District is established as a district in which the principal use of land is for medium density single-family dwellings. For the R-1 single-family residential districts, in promoting the general purpose of these regulations, the specific intent of this Section is:

1. To encourage the construction of and the continued use of the land for medium density single-family residential development.
2. To discourage any land use which would generate traffic on minor or local streets, other than normal traffic to serve the residents on those streets.

Section 9.02. PERMITTED USES.

1. Any use listed under Section 8.02, permitted uses in R1-A.
2. Single family detached dwellings existing at time of passage of this ordinance.
3. New single family detached dwellings meeting requirements of Section 8.02.2 except minimum floor area of 1200 square feet.

Section 9.03. CONDITIONAL USES.

1. Any use listed under Section 8.03 of the R-1A zoning district.
2. Home Occupations, as limited and defined in Article II.

Section 9.04. AREA, HEIGHT AND PLACEMENT REQUIREMENTS. (In accordance with the Schedule of Regulations, Article XX).

ARTICLE X
R-2, TWO-FAMILY AND MULTI-FAMILY RESIDENTIAL DISTRICT

Section 10.01. STATEMENT OF PURPOSE. The intent of the R-2 Residential District is to provide for medium to high density residential development; to provide for variety in the City's housing stock, to encourage neighborhood maintenance and preservation by allowing the conversion of large and older single-family homes to two-family and apartment use; and to provide suitable areas for new multi-family development.

Section 10.02. PERMITTED USES.

1. Any use permitted in the R-1 residential district.
2. Two-family (Duplex) residential.
3. Multi-family (apartments and condominiums)*
4. Manufactured Homes. (Including Mobile Homes that meet the standards required by the Standard Housing Code, or better).** Minimum floor area 720 sq. ft.

*For development of apartment units of only one building on a given site. The PUD development standards Article XI, will apply to apartments of more than one building on a given parcel or lot.

**Requires permanent foundation, underpinned and wheels removed. Tongue to be removed if bolted on, removed or concealed if welded.

Section 10.03. CONDITIONAL USES.

1. Any use listed in Section 9.03 (Conditional uses in R-1)
2. Cemeteries, provided that a complete site development plan is submitted with the application.
3. Clubs and lodges not operated for profit provided that:
 - a. The buildings are not placed closer than fifty (50) feet to any property lines; and
 - b. There is a planted buffer strip at least ten feet wide along the side and rear lot lines.
4. Clinics and nursing homes.
5. Boarding homes.
6. Nursery schools, kindergarten, day care facilities.
7. Group homes and half-way houses.

8. Professional offices.
9. Signs limited to two (2) square feet.
10. Public buildings, structures and other public land uses.
11. Other uses similar to the above and compatible with the neighborhood and environment as interpreted by the Planning Commission and approved by the City Council.

Section 10.04. AREA, HEIGHT AND PLACEMENT REQUIREMENTS. (In accordance with the Schedule of Regulations, Article XX).

ARTICLE XI
PUD, PLANNED UNIT DEVELOPMENT

Section 11.01. STATEMENT OF PURPOSE. It is the intention of this section to provide areas of sufficient size and allowing reasonable flexibility in design and orientation for the establishment of a group of structures, which includes multiple dwellings designed in a planned unit development of more than one building on a given development site.

Therefore, the Zoning Ordinance regulations relative to area, bulk and placement may, in the Planned Unit Development, be modified by the Planning Commission and City Council, in the case of a plan for a large scale development which, in the judgment of the Planning Commission and City Council, provides adequate open space and improvements for circulation, recreation, light, air and service needs of the tract when fully developed, provided that in no case may the density of the proposed planned unit development exceed 13 dwelling units per acre and provided further that the minimum site size for the residential planned unit development is two (2) acres.

Section 11.02. GENERAL PROCEDURES FOR PUD APPROVAL. Any proposed property for PUD development must first be zoned to the PUD zoning classification. The PUD zoning procedure will generally follow the same procedures as other zoning requests. However, the applicant for PUD zoning shall submit a preliminary site development plan of the proposed development at the same time a petition for PUD zoning is made.

No rezoning for PUD will be granted to a petitioner until the preliminary site plan is reviewed by the Planning Commission and approved by the City Council, respecting other property rezoning criteria established by the City.

Section 11.03. PERMITTED USES. In all PUD districts, no building or land, except as otherwise provided in this Ordinance, shall be erected or used except for one or more of the following specified uses:

1. Single family dwellings meeting requirements of Section 8.02 or 9.02.
2. Duplexes.
3. Multi-family dwellings.
4. Condominiums.
5. All permitted uses in commercial zoning districts.

Section 11.04. PRELIMINARY REVIEW. Preliminary review is recommended as an aid to both the developer and to the City. Under this procedure, a developer provides the information which is described below and the Planning Commission then acts on the information provided.

This review is intended to serve as a guide for the immediate inspection of the Planning Commission, subject to a thorough study and analysis. Changes and additions which may have to be made before a mutual agreement is reached can be made at such time without excessive engineering or other costs to the developer.

Section 11.05. PROCEDURE FOR PRELIMINARY APPROVAL. An application shall be submitted to the Planning Commission by the owner or his authorized representative for approval of a preliminary site plan of any proposed development anticipated under the Planned Unit Development provision of this Ordinance. Appropriate copies of the Preliminary Plan at a scale not more than one hundred (100) feet to the inch, showing the following, shall be submitted with the application.

1. The title under which the proposed development is to be recorded and the name of the present owner.
2. Names of owners of adjacent property.
3. A topographic map showing the general location of existing property lines, streets, alleys, buildings, easements, swamps, water courses and other physical site features related to the development.
4. The proposed method of water supply, sewage disposal and storm drainage.
5. All proposed uses of the property to be developed shall be appropriately indicated on the plan.
6. Date, North point and graphic scale.
7. Other information required by the Planning Commission to insure compliance with the provisions of this Ordinance.

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

Section 11.06. PROCEDURE FOR FINAL PLAN APPROVAL. An application in writing shall be submitted to the Planning Commission by the owner or his authorized representative for approval of the Final Plan for any proposed development anticipated under the Planned Unit Development section of this Ordinance. Appropriate copies of the Final Plan, at a scale of not more than twenty five (25) feet to the inch, showing the following information shall be submitted with the application.

1. The title under which the proposed development is to be recorded, the legal description of the land to be developed, the name of the present owner, and the name and address of the technical author of the plan.
2. Names and owners of adjacent property and general information as to boundaries thereto as well as the existing Zoning on such tracts.

3. A map showing the location of existing property lines, the adjoining streets, alleys, buildings, drains, easements, water courses and other physical site features which relate to the development.
4. The proposed method of water supply, sewage disposal and storm drains and other engineering data required by the Planning Commission to clearly indicate the general design of said utility services. It shall be mandatory that the development use City water and sewer, electric (and gas if applicable) services and that all streets in the development be paved in accordance with City standards.
5. The size and capacity of existing sewer, water mains, storm drains and thoroughfares in the area.
6. The location and dimensions to the nearest foot of building lines, alleys, easements, parks and other public properties on the property to be developed.
7. All proposed uses of the property to be developed shall be indicated on the plan.
8. Date, North point and graphic scale.
9. Proposed development restrictions and/or protective covenants to be imposed upon the property after development.
10. Bearings and distance of all courses of the exterior boundary of the proposed development and its area in acres to the third decimal place.
11. The developer shall furnish to the Planning Commission a statement indicating the proposed use to which the development will be put, along with a description of the type of buildings and number of units contemplated, so as to reveal the affect of the development on traffic, fire hazards or congestion of population.

Section 11.07. AREA, HEIGHT AND PLACEMENT REQUIREMENTS. (In accordance with the Schedule of Regulations, Article XX.)

**ARTICLE XII
TH, TOWNHOUSE DEVELOPMENT**

Section 12.01. STATEMENT OF PURPOSE. A townhouse development contains elements that are characteristic of both single family and multi-family communities. Allowable density is comparable to that of multi-family dwellings, while the subdivision of land permits the fee simple sale of individual structures and lots. In permitting construction of townhouses, the City Council intends:

1. To encourage home ownership in the City of Blakely.
2. To increase the variety of dwelling types in the local housing market.
3. To encourage development or redevelopment of small parcels of property in suitable areas of the City.

Section 12.02. PERMITTED USES.

1. Townhouses
2. Accessory buildings.

Section 12.03. CONDITIONAL USES.

1. Public buildings, structures and other public land uses.
2. Home occupations (as limited and defined in Article II).

Section 12.04. AREA, HEIGHT, PLACEMENT AND DEVELOPMENT REQUIREMENTS FOR TOWNHOUSES.

All townhouse developments must comply with the following requirements:

1. A townhouse development shall be located on a site that measures a minimum of one-half (1/2) acre.
2. Each townhouse interior lot shall be at least 26 feet in width. Each townhouse lot located on a corner shall be at least 50 feet in width. Each interior lot that is intended to be at the end of a row of townhouses shall be at least 35 feet wide. Each lot shall contain 2,080 square feet of area or more.
3. The setback from an interior side lot line shall be a minimum of 10 feet for the townhouse which is located at the end of a row of townhouses. A minimum setback of 25 feet from any side street shall be maintained. Front yard setback will be no less than 20 feet.

4. An accessory building may abut an accessory building located on an adjacent lot in the townhouse development.
5. Each townhouse dwelling unit shall contain at least 800 square feet of floor area within outside walls exclusive of basements, unfinished attics, garages, porches or other such areas not normally used for human habitation.
6. No more than four (4) townhouses shall be built in a row having the same front building line. In setting forth these requirements, the City intends to discourage the creation of long unbroken lines of townhouses. In a townhouse complex having more than four (4) dwelling units, the required minimum offset in the building line shall be three (3) feet. A row or grouping of townhouses shall not exceed 260 feet in length.
7. Every townhouse lot shall have the required frontage on a public street and street or alley access to rear of lot.
8.
 - a. A minimum of two off-street parking spaces shall be provided for each townhouse.
 - b. Each lot shall have its own parking spaces with direct access to a public alley or street. Parking spaces and driveways are permitted in the front yard of a lot if a setback of 50 feet is maintained and the front yard is properly landscaped as determined by the Planning Commission.
 - c. The off-street parking provided for a townhouse may be in the rear with direct access to an alley if the alley has a minimum right-of-way width of twenty (20) feet.
9. Fire Wall construction for townhouse shall extend from the foundation to and through the roof. The walls shall be 24 inch masonry walls extending two (2) feet beyond walls and roofs. The fire wall extension requirement will be maintained for future enlargement of townhouse units.

Section 12.05. PRELIMINARY REVIEW. Preliminary review is an aid to both the developer and the City. Under this procedure, a developer provides the information which is described in Section 12.06 and the Planning Commission and City Council then act on the information provided. This review is intended to serve as a guide for the immediate inspection of the City Officials, subject to a thorough study and analysis. Changes and additions which may have to be made before a mutual agreement is reached can be made at such time without excessive costs to the developer.

Section 12.06. PROCEDURE FOR PRELIMINARY APPROVAL. An application in writing shall be submitted to the Planning Commission by the owner or his authorized representative for approval of a preliminary plan of any proposed development anticipated under the Townhouse District provision of this Ordinance. Appropriate copies of the Preliminary Plan at a scale not more than 3/2" feet to the inch, showing the following, shall be submitted by the applicant.

1. The title under which the proposed development is to be recorded and the name of the present owner.

2. Names of owners of adjacent property.
3. A topographic map showing the general location of existing property lines, streets, alleys, buildings, easements, water courses and other physical site features which relate to the development.
4. All proposed uses of the property to be developed shall be indicated on the plan including landscaping.
5. The location and layout of all proposed residential units, lots and lot numbers.
6. Date, North point and graphic scale.

The developer shall furnish to the Planning Commission a description of the type of residential building and number of units contemplated. Upon receiving approval of the Preliminary Plan, the developer may proceed to develop the Final Plan. No building permit shall be issued until the Final Plan is reviewed by the Planning Commission and approved by the City Council.

Section 12.07. PROCEDURE FOR FINAL PLAN APPROVAL. An application in writing shall be submitted by the owner or his authorized representative for approval of the Final Plan for any proposed development anticipated under the Townhouse District of this Ordinance. Appropriate copies of the Final Plan, at a scale of not less than twenty five (25) feet to the inch, showing the following information shall be submitted with the application:

1. The title under which the proposed development is to be recorded, the legal description of the land to be developed, the name of the present owner, and the name and address of the technical author of the plan.
2. Names of adjacent property owners.
3. A topographic area map showing the location of existing property lines, with existing and proposed elevations, the adjoining streets, alleys, buildings, drains, easements, water courses and the other physical site features related to the development.
4. The proposed method of water supply, sewage disposal and storm drainage and other engineering data required by the City Council to clearly indicate the general design of said utility services. It shall be mandatory that the development use City water, electrical, sewer and gas, if applicable services and that all streets in the development be paved.
5. The location and dimensions of lots, building lines, alleys, easements, parks and other public properties on the property to be developed.
6. All proposed uses of the property to be developed shall be indicated on the plan including landscaping.
7. Date, North point and graphic scale.

8. Proposed development restrictions and/or protective covenants to be imposed upon the property after development.
9. Bearings and distance of all courses of the exterior boundary of the proposed development and its area in acres to the third decimal place.

Section 12.08. THE REZONING OF ANY PROPERTY FOR TOWNHOUSE DEVELOPMENT WILL FOLLOW ESTABLISHED REZONING POLICIES AND PROCEDURES. Additionally, no rezoning of property for townhouses will be effected until preliminary development plans have been reviewed and approved for the proposed site.

ARTICLE XIII
MH, MANUFACTURED HOME PARK

Section 13.01. STATEMENT OF PURPOSE. The MH park is a planned development in the City which is used to accommodate manufactured home parks. When such a development is proposed the party or parties must petition for the rezoning of the subject parcel to MH. If rezoning is granted after a public hearing, a complete site plan must be submitted to the Planning Commission/City Council for their approval prior to any development.

Section 13.02. PERMITTED USES.

1. Manufactured Homes (and Mobile Homes that are kept up to at least meet the requirements of the Standard Housing Code). Minimum floor area 600 square feet.
2. Manufactured home subdivisions subject to the conditions set forth in R-2 district.

Section 13.03. CONDITIONAL USE.

1. Public facilities or structures.
2. Home occupation (as limited and defined in Article II).

Section 13.04. MANUFACTURED HOME PARKS: GENERAL REQUIREMENTS. All manufactured home parks located within the City of Blakely shall meet the following general requirements:

1. Establishment of Manufactured Home Parks.
 - a. From and after the adoption of this Ordinance, each proposed manufactured home park development shall be presented in site plan form by the developer to the Planning Commission/City Council for review and approval and shall conform to the minimum design and improvement standards required herein.
 - b. No private construction or public improvements shall commence on any land to be used as a manufactured home park prior to the approval and certification of the required development plans.
 - c. A person, firm or corporation desiring to develop a manufactured home park within the City of Blakely shall provide appropriate copies of a sketch plan of a proposed layout which shall conform to the minimum requirements stated herein and shall file said copies of said sketch plan with the Planning Commission for review.
2. Expansion of Manufactured Home Parks. A person firm or corporation desiring to expand a manufactured home park to include more manufactured homes or manufactured home sites shall submit plans and specifications for such improvements to the Planning Commission for review prior to initiating construction and improvements.

3. Design. The design of a manufactured home park shall conform to the following design requirements:
 - a. Setback. The manufactured home park shall be so designed that manufactured homes and their accessory structures shall be a minimum distance of fifteen (15) feet from adjoining property lines, twenty (20) feet from internal park streets and at least thirty (30) feet from any publicly dedicated street right of way. Manufactured home stands shall be designed so as to provide a distance of at least thirty (30) feet between manufactured homes.
 - b. Access. Each manufactured home site and its parking area shall have direct access to the internal street system of the park .
 - c. Streets. Streets within a manufactured home park shall be privately owned, privately constructed and privately maintained. Such private streets shall be well drained and provided with a hard surface treatment with a minimum surface of ten (10) feet for one-way streets and twenty (20) feet for two-way streets.
 - d. Parking. Each manufactured home stand shall be provided with a minimum of two off-street parking spaces. Parking on interior streets within a park is hereby prohibited. The required front yard may be used for the minimum parking, however, required side and rear yards may not be utilized for the minimum parking.
 - e. Minimum Number of Spaces. A manufactured home park shall have a minimum of ten (10) spaces prepared with all utilities in place prior to its approval for occupancy.
 - f. Density. A maximum of ten (10) manufactured home stands per gross acre is allowed.
 - g. Length of Residential Occupancy. No space within a manufactured home park shall be rented for residential use of a manufactured home except for periods of thirty (30) days or longer.
 - h. Manufactured Home Inspections. It shall be the initial responsibility of each manufactured home or trailer park operator to notify the Building Official to inspect manufactured homes being placed within the confines of any park under his jurisdiction, control or supervision, for compliance with the provisions of this Ordinance, prior to the placement of any such manufactured home on its stand and within such park and to the connection of utility services to and occupancy of the manufactured home.
 - i. Issuance of Permit. At least once each year the Building Official at his convenience shall inspect each manufactured home park and the manufactured home units within said parks to determine that same are in full compliance with the codes of the City of Blakely. He shall issue a permit for such use for each manufactured home park and each manufactured home unit which in the course of each such inspection he finds to be in full compliance with the requirements of this Ordinance, and such permit shall be valid for a period of one year from the date of its issue.

Section 13.05. MANUFACTURED HOME PARKS: IMPROVEMENTS: Manufactured home parks constructed or reconstructed within the City of Blakely shall be provided with the following minimum improvements:

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

- a. Interior Street Access: Each stand shall be provided with access frontage of at least twenty (20) feet.
- b. Electric Power Supply: Each stand shall be provided with a properly grounded, rain tight electrical service. A properly size d over-current device shall be installed as a part of each power outlet. Said fixtures shall meet the standards established by applicable codes.
- c. Stand Identification: A property and street number designation or other appropriate numbering device properly identifying each manufactured home stand shall be placed at the interior side lot line at a point ten (10) to fifteen (15) feet from the interior road system of the park. Such device shall be clearly visible from the street and shall be embossed with reflectorized glaze for the numbers. Such numbers shall be a minimum of three (3) inches in height.

Section 13.06. MANUFACTURED HOME PARKS: ACCESSORY USES PERMITTED:

The following establishments of a commercial nature may be permitted as customary accessory uses in a manufactured home park, provided such uses do not occupy more than ten (10%) percent of the area of the park, are located a minimum distance of one hundred (100) feet from any adjoining property line or street or highway right-of-way, and are primarily intended for the convenience of and service to the occupants of the park:

- 1. Coin-operated laundry.
- 2. Coin-operated vending machines of types allowed under applicable Codes of the City of Blakely, provided such are located within a building and are not visible from the street or from adjoining property lines.
- 3. One or more signs identifying the name of the park and the services provided therein; signs regulating traffic or provided for the convenience and welfare of park residents.
- 4. Any addition to a manufactured home or accessory building constructed on a lot shall comply with the requirements of the Building, Electrical, Plumbing and Gas Codes.
- 5. Each manufactured home shall be sufficiently supported and tied down in compliance with the Standard Building Code and the under carriage completely enclosed.
- 6. Before beginning set-up, the required permits must be obtained from the Building Department. New units inspected by HUD Requirements, inspected during construction. Units previously set-up, must be inspected by Building Inspector and will be required to meet current standards.
- 7. After being completely set-up, each unit must be inspected by Building Inspector. If approved, authorization to turn on utilities will be granted.

**ARTICLE XIV
O-I OFFICE-INSTITUTIONAL DISTRICT**

Section 14.01. STATEMENT OF PURPOSE. The intent of this District is to encourage and provide suitable areas within the City for office, businesses, institutional and related activities with a minimum of interference from excess traffic and conflicting land uses.

Section 14.02. PERMITTED USES.

1. Professional offices, hospitals, clinics (other than veterinary) and clinic laboratories, nursing rest homes, group homes, half-way houses and personal care homes.
2. Pharmacies, florist shops, mortuaries.
3. Nursery schools, kindergarten or day care facilities.
4. Boarding houses.
5. Financial institutions.
6. Beauty and/or barber shops and similar personal service establishments.

Section 14.03. CONDITIONAL USES.

1. Publicly owned buildings, utilities.
2. Retail sales of goods and services.
3. Churches.
4. Other similar and compatible uses.

Section 14.04. AREA, HEIGHT AND PLACEMENT REQUIREMENTS. (In accordance with the Schedule of Regulations, Article XX).

ARTICLE XV
AG, AGRICULTURAL DISTRICT

Section 15.01. STATEMENT OF PURPOSE. The purpose of the Agricultural District within the City of Blakely is to provide for continuing agricultural related development but where the present application of non-agricultural related zoning controls would be unreasonable or premature.

Section 15.02. PERMITTED USES.

1. Agriculture related activities.
2. Single Family detached dwellings, subject to Section 4.07, "only one main structure (principal use) per lot or tract of land."

Section 15.03. CONDITIONAL USES.

1. Animal hospitals.
2. Dog kennels.
3. Churches.
4. Cemeteries.
5. Public utilities and public buildings.
6. Home occupations (as limited and defined in Article II).

Section 15.04. AREA, HEIGHT AND PLACEMENT REQUIREMENTS. (In accordance with the Schedule of Regulations, Article XX.)

ARTICLE XVI
B, NEIGHBORHOOD BUSINESS DISTRICT

Section 16.01. STATEMENT OF PURPOSE. The Neighborhood Business District is intended to permit retail business and service uses which are needed to service nearby residential areas. In order to promote such business development, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic or late hours of operation. The intent of this district is also to encourage the concentration of local business in locations which poses the mutual advantages of both the consumers and merchants and thereby, promotes the best use of land at certain strategic locations.

Section 16.02. CONDITIONAL USES.

1. Barber shops/beauty shops and other personal service establishments.
2. Clubs and lodges, (see Section 8.03., 2.)
3. Childcare centers and kindergartens and special schools.
4. Professional offices.
5. Restaurants, in existing structures with no more than 2000 square feet of floor space devoted to such use.
6. Small retail businesses selling convenience goods and serving the adjacent residential neighborhoods such as drug, food, bakery and tailor shops.
7. Churches.
8. Other uses similar to the above, subject to the following restrictions:
 - a. All business shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
 - b. All business, servicing or processing shall be conducted within completely enclosed buildings. Change of ownership would be permitted, but change in nature of business would have to be approved by Planning Commission.

Section 16.03. AREA, HEIGHT AND PLACEMENT REQUIREMENTS. (In accordance with the Schedule of Regulations, Article XX.)

ARTICLE XVII
CBD, CENTRAL BUSINESS DISTRICT

Section 17.01. STATEMENT OF PURPOSE. The CBD Central Business District is intended to protect and promote suitable areas for business and commercial uses which benefit from proximity to each other, to encourage the eventual elimination of uses inappropriate to a central business area and to encourage the intensive development of a centralized business center for the City of Blakely.

Section 17.02. PERMITTED USES.

1. Retail business and service establishments.
2. Financial institutions.
3. Hotels.
4. Professional offices.
5. Other uses similar to the above and subject to the following regulations.
 - a. All business establishments shall be retail or wholesale or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
 - b. All business, servicing or processing, shall be conducted within completely enclosed buildings.

Section 17.03. CONDITIONAL USES.

1. Churches.
2. Clinics and nursing homes.
3. Publicly owned and operated buildings and public utilities.
4. Multiple family residential dwellings, boarding or rooming houses.
5. "Loft" residential over existing businesses.

Section 17.04. AREA, HEIGHT AND PLACEMENT REQUIREMENTS. (In accordance with the Schedule of Regulations, Article XX).

**ARTICLE XVIII
C, COMMERCIAL DISTRICT**

Section 18.01. STATEMENT OF PURPOSE. The purpose of the Commercial District is to provide for and encourage appropriate development along the city's major streets which will include a variety of sales and services that will both accommodate the needs of the City and the traveling public. Adequate off-street parking, adequate building set backs and reduction of traffic hazards are prime City objectives for business development along the City's major streets.

Section 18.02. PERMITTED USES.

1. All permitted uses in the CBD District.
2. Motels, hotels.
3. Automobile sales and auto service.
4. Service stations.
5. Agricultural implement sales and service.
6. Wholesale stores, storage buildings, warehouses, mini-warehouses, distributing plants, freezers and lockers.

Section 18.03. CONDITIONAL USES.

1. Small fabrication and manufacturing shops, when employing not more than ten (10) employees in the office and manufacturing operations.
2. Cemeteries.
3. Churches and other religious institutions.
4. Hospitals, clinics and nursing homes.
5. Publicly owned and operated buildings.
6. Schools.
7. Open air business.
8. Residences, existing at time of passage of the zoning ordinance, or existing structures readily adaptable to residential use in Commercial Zones, and providing such residences are made to conform to building, electric and plumbing codes.

Section 18.04. PROTECTIVE SCREENING. Protective screening requirements of C Districts adjacent to or near residential districts shall be in compliance with the regulations set forth in Section 4.14.

Section 18.05. AREA, HEIGHT AND PLACEMENT REQUIREMENTS. (In accordance with the Schedule of Regulations, Article XX).

ARTICLE XIX
"I" INDUSTRIAL DISTRICT

Section 19.01. "I" INDUSTRIAL DISTRICT: The intent of this section is to permit certain industries which are of a light manufacturing character to locate in planned areas of the City, so that such uses may be integrated with land use, such as commercial and residential areas. It is further intended that these light industrial uses will act as a transition between heavier industrial uses and non-industrial uses.

Section 19.02. PERMITTED USES.**

1. Any use permitted in "B", "CBD" OR "C" districts.
2. Bakeries, baking plant, wholesalers, etc.
3. Bottling or packaging of cleaning compounds, polishes, seeds, etc.
4. Building equipment, building materials, lumber, sand, gravel yards and yards for contracting equipment, maintenance or operating equipment of public agencies or public utilities or materials or equipment of similar nature.
5. Carpet manufacturing.
6. Carpenter and cabinet-making shops.
7. Cold storage plants.
8. Dental, surgical and optical goods manufacturing.
9. Electronic manufacturing and assembly plants.
10. Electric motors and generators, rebuilding and repairing.
11. Research and testing laboratories.
12. Pharmaceutical products manufacturing.
13. Printing, engraving and bookbinding shops.
14. Soft drink bottling establishments.
15. Tool, die, gauge and machine shops.
16. Processing agricultural products other than meat, poultry or animal products.

17. Wearing apparel manufacturing.
18. Natural gas and petroleum products storage.
19. Plastics products manufacturing, but not including processing of raw materials.
20. Warehouse, storage and transfer; electric and gas service buildings and yards; public utility buildings; telephone exchange buildings and sub-stations, gas regulator stations.
21. Building, electrical, glazing, conditioned air, painting, paper hanging, plumbing, or roofing contractors' establishments (including outside storage yards, WHEN SCREENED TO RESTRICT VIEW FROM STREETS).
22. Moving or storage offices and/or warehouses.
23. Publicly owned buildings, public utility buildings and service yards including storage yards.

****Within any "I" industrial district, the following special regulations will apply to all permitted uses:**

1. All open portions of any lot shall be suitably graded and, except when paved or similarly improved, they shall as a minimum, be seeded and maintained in grass. Preferably, such open spaces may be further landscaped with trees, shrubs and ground cover.
2. All storage drives, access roads and parking areas shall be paved.
3. All storage operations shall be fully enclosed, SCREENED FROM PUBLIC VIEW.
4. Provision shall be made for the adequate lighting of all parking areas and service drives.
5. Satisfactory provisions shall be made for storm drainage, sanitary sewerage and water supply. Whenever possible, all power and telephone lines shall be provided for by easements along rear and side lot lines.

Section 19.03 CONDITIONAL USES. The intent of this section is to provide for the development in desirable areas of the City, of those heavier industrial establishments which may create some nuisance and which are not properly compatible with any of the development proposed for the other districts. These uses are primarily of a manufacturing, assembling and fabricating nature. Reasonable regulations apply to uses in this district so as to permit the location of industries which will not cause adverse effects on residential and commercial areas of the City.

Section 19.03-1 USES PERMITTED AFTER APPROVAL BY THE PLANNING COMMISSION:

1. Machinery assembly plants.
2. Canning factories.

3. Chemical plants.
4. Cement, lime, gypsum or plaster of parts manufacturing.
5. Incineration of garbage or refuse.
6. Metal stamping and pressing plants.
7. Smelting of ferrous or non-ferrous metals.
8. Stock yards, slaughter houses and meat packing plants.
9. Reformatories, prisons, correction or penal institutions, but not including prison farms.
10. Residential provisions FOR EMPLOYEES, subject to following provisions:

Residences may be mobile homes or site built structures, must comply with electrical, plumbing, building and zoning codes, and must be screened to restrict view from streets (can be accomplished by location behind buildings fencing, or other means approved by the Planning Commission). These residences for employees only, if the industry ceases operation, residential permits are void.

11. Uses similar to permitted or conditional uses listed above.

Section 19.04. AREA, HEIGHT AND PLACEMENT REQUIREMENTS. (In accordance with the Schedule of Regulations, Article XX).

**ARTICLE XX
SCHEDULE OF REGULATIONS**

Zoning District	Minimum Lot Area	Minimum Lot Width Ft.	Setback From Property Line or Right of Way			Minimum Floor 2' (Living Area) Sq. Ft.	Maximum Height Ft.	Elevation *
			Front Yard Ft.	Side Yard Ft.	Rear Yard Ft.			
R-1A	15,000	100	35	15	30	1500	35	1 ft.
R-1	12,000	100	35	10	30	1200	35	1 ft.
R-2								
1 Family	9,000	75	35	10	30	720	35	1 ft.
2 Family	9,000	75	35	10	30	720	35	1 ft.
Multi-Family	4,000 per d.u.	75	35	12	30	600	35	1 ft.
PUD	Refer to Article XI		35	15	30	---	35	1 ft.
TH	Refer to Article XII					800		
O-I	-	75	35	10	30	720	35	1 ft.
B	-	75	35	10	20	-	35	1 ft.
CBD	-	-	-	-	-	-	35	1 ft.
C	-	75	35	10	20	-	35	1 ft.
I	-	75	30	20	40		35	1 ft.
AG	5 acres	300	30	10	35	-	35	1 ft.
MH	Refer to Article XIII					600		

* Minimum Floor elevation in all districts, One foot above street level for storm drainage (Or drawing by Engineer or surveyor showing disposal of storm water). Any floor below street level requires Engineer or Architect certification of drainage. No "storm" drainage will be routed to sanitary sewers.

**ARTICLE XXI
ADMINISTRATION AND ENFORCEMENT**

Section 21.01. ENFORCEMENT. The Building Official shall enforce this Ordinance and is hereby given the authority and responsibility to enforce all provisions of this Ordinance under the direction of the City Manager which includes but is not limited to the following duties:

1. To serve as a liaison between the Blakely Planning Commission and the Mayor and Council keeping each body advised of pending actions pertaining to zoning.
2. To serve as a non-voting Ex-Officio member of the Blakely Planning Commission to provide technical assistance in matters relating to zoning requests.
3. To maintain in a timely and current manner the Official Zoning Map reflecting thereon any and all rezoning amendments approved by Mayor and Council. Amendments of the Official Zoning Map will be recorded by the Building Inspector within seven calendar days following approval of such action by Mayor and Council.
4. To perform any other zoning duties as directed by Mayor and Council and City Manager.

Section 21.02. PERMITS. The following shall apply in the issuance of any permits:

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

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

Section 21.03. CERTIFICATES OF OCCUPANCY. It shall be unlawful to use or permit the use of any land, building or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired or moved, until the Building Inspector has issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with.

1. Certificate Validity. The Certificate of Occupancy as required for new construction of, or renovations to existing buildings and structures, in the Building Code, shall also constitute Certificates of Occupancy as required by this Ordinance.

2. Temporary Certificates. Temporary Certificates of Occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such Temporary Certificate of Occupancy shall not remain in force more than six (6) months, nor more than five (5) days after the building or structure is fully completed and ready for occupancy and, provided further, that such portions of the building or structure are in conformity with the provisions of this Ordinance.
3. Records of Certificates. A record of all Certificates of Occupancy shall be kept in the office of the Building Inspector and copies of such Certificates of Occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.
4. Certificates for Accessory Buildings to Dwellings. Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy, but rather may be included in the Certificate of Occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.
5. Application for Certificates. Certificates of Occupancy shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or alteration of such building shall have been completed in conformity with the provisions and requirements of this Ordinance. If such Certificate is refused for cause, the applicant therefore shall be notified of such refusal and the cause thereof within ten (10) days.

Section 21.04. FEES. Fees for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Building Inspector in advance of the issuance of such permits or certificates.

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

Section 21.05. AMENDMENTS. The City Council of the City of Blakely may amend, supplement or change the regulations or the district boundaries of this Ordinance as established herein. The procedure for submitting a request for an amendment to the Zoning Ordinance text or district boundaries of the official Zoning Map shall be as follows:

1. The applicant shall complete and submit to the City Clerk a rezoning application not less than fifteen days of the next scheduled Planning Commission meeting.
2. At the time of application submittal, the applicant shall deposit the appropriate fee amount with the City Clerk to cover the cost of processing the application.
3. Within ten days of the next scheduled Planning Commission meeting, the City Clerk shall compile all of the rezoning requests for the Planning Commission Agenda, which shall be mailed to all Planning Commission members.

Section 21.06. ZONING POLICIES AND PROCEDURES:

- A. The following policies and procedures are herein established to provide guidelines for the following zoning activities.
1. The adoption of a new zoning ordinance (text and map)
 2. The adoption of an amendment to the Zoning Ordinance which changes the text of the Zoning Ordinance (Text Amendment).
 3. The adoption of an amendment to the Zoning Ordinance which changes property from one classification to another (Map Amendment).
 4. Procedural requirements for amendments requested by property owners for zoning amendments applicable to particular properties.
 5. Procedural requirements for amendments, text or map, for changes on a larger scale, (applying to large areas on the map, or to general text, and making it impractical to post signs on individual properties affected).
- B. Procedures for rezoning requests by property owners for changing zoning classification of particular properties.
1. An application for rezoning must be filed with the City Clerk at City Hall on a prescribed form and fees paid as set by the council.
 2. All applications for rezoning will be accompanied by a plat of the parcel(s) concerned. If boundaries of the parcel(s) conform to boundaries as shown in the plat book (county tax records), plat book page, block and parcel responsible for verifying ownership.
 3. The City Clerk will inform the applicant of the hearing dates. The Blakely Planning Commission will convene a hearing and make their recommendation to the City Council for the official public hearing. Public notice will appear not less that 15 days or more than 45 days before the official public hearing.
 4. The public notice will show: The location of property to be affected, the present zoning classification, the proposed zoning classification, and the date, time and place of both the Planning Commission hearing and the public hearing to be held by the City Council.
 5. The City Clerk shall post upon the property for which rezoning is to be considered a sign of no less than 17" x 24" announcing the public hearings, showing the dates, times and places for the hearings, the present and proposed zoning classification. The sign shall be clearly visible from a public street and shall be erected no less than 15 days before the public hearing date.
 6. When the boundary lines of an established zoning district are proposed for change (rezoning) the Blakely Planning Commission and the City Council shall make an assessment of each such proposed rezoning, considering the following factors in their recommendations and decisions:

- a. Existing uses and zoning of nearby property.
 - b. The extent to which property values are diminished by the present zoning restrictions.
 - c. The extent to which the destruction of property values, resulting from existing zoning promotes the health, safety, morals or general welfare of the public.
 - d. The relative gain to the public, as compared to the hardship imposed upon the individual property owner by the existing (or proposed) zoning classification.
 - e. The suitability of the subject property for the purposes proposed.
 - f. The impact of the proposed zoning change and development on city streets, utilities, and other public facilities.
 - g. The length of time the property has been vacant under the present zoning classification, considered in the context of land development in the vicinity of the property.
 - h. Conformity with the City's Comprehensive Plan.
7. The public hearings will be convened at the advertised time and place and will be presided over by the appropriate officials.
 8. The presider of each respective public hearing will review, for those present, the following operating procedures for the public hearing.
 - a. In order for anyone in attendance to speak, the Chair must recognize him/her. The person recognized will identify himself; herself, The Chair may also request home and/or business address as appropriate.
 - b. The person speaking will be allowed a reasonable amount of time to express opinions and make comments.
 - c. Additional persons may be recognized per the above procedure for the purpose of addressing additional concerns of the revisions or to make additional points with regard to elements already addressed, but not to rehash points already made.
 - d. Appropriate minutes will be recorded by the Planning Commission and the City Council at their respective public hearings.
 9. The Blakely Planning Commission shall prepare and submit the necessary minutes, evaluations and recommendations to the City Council prior to the City Council's official public hearing.
 10. The City Council, at its official public hearing, will review the evaluations and recommendations from the Planning Commission and may choose to adopt, reject or

modify the Planning Commission recommendations, or the business may be tabled, for additional study, to the next regular council meeting.

11. Any application for rezoning of a particular parcel of property which is denied by the City Council may not be reconsidered for a period of twelve months after the denial except after a council decision by a two thirds vote for reconsidering the proposal.

C. Procedural requirements for amendments, text or map, on a larger scale.

1. In the case of developing an initial zoning plan (map and text), updating or amending an existing zoning plan or considering rezoning of large areas of the city (making the posting of signs on individual properties concerned impractical), the Blakely Planning Commission and the City Council, will where appropriate, utilize any new existing land use studies, land use plans or other relevant documents as a resource for considering amendments.
2. Upon the completion of a preliminary zoning document by the Planning Commission and after the draft document has been presented to and reviewed by the City Council, Public hearings will be scheduled by both the Planning Commission and the City Council. **The official public hearing will be held by the City Council, and public notice will be given not less than 15 days or more than 45 days prior to the official hearing date.** To the extent practical the guidelines established in sub-section B, paragraph 6, above, will be considered.
3. Public hearing notices will be published in the Early County News. The public notice will state the time, place and purpose of the hearing.

**ARTICLE XXII
BOARD OF ZONING APPEALS**

Section 22.01. CREATION OF BOARD OF ZONING APPEALS. There is hereby established a Board of Zoning Appeals which shall perform its duties and exercise its powers as provided herein. The Board shall present its duties in such a way that the objectives of this Ordinance shall be observed, public safety secured and substantial justice done.

Section 22.02. MEMBERSHIP AND APPOINTMENTS. The Blakely Board of Appeals, hereinafter referred to as the Board shall consist of five (5) members. Members shall be appointed by the Mayor and City Council. None of the board members shall hold any other public office, except that one member may be a member of the Planning Commission. Board members shall be removed for cause, upon written charges and after public hearing. Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has an interest.

Section 22.03. TERM OF OFFICE. The term of office for each member of the Board shall be for three (3) years, however, in the appointment of the first Board, two members shall be appointed for three (3) years and two (2) for two (2) years and one (1) for one (1) year. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

Section 22.04. COMPENSATION. The Board members shall receive no compensation for their service except that they will be reimbursed for out-of-pocket expenditures made in connection with their duties.

Section 22.05. RULES AND PROCEDURES. The Board shall elect one of its members as Chairman, who shall serve for one year or until he is re-elected or his successor is elected. The Board of Appeals shall appoint a secretary who may be an officer of the City of Blakely, or of the Planning Commission. The Board shall have authority to adopt rules of procedure. Meetings of the Board shall be held at the call of the Chairman, or in his absence, the acting Chairman. The Chairman, or the acting Chairman may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of said Board and shall be a public record. The decisions of the Board shall be by resolution, which resolution shall contain a statement of the grounds of its decision or action. The full text of the resolution shall be sent to the appellant. No appeal requesting the same relief in regard to the same property shall be received or heard by the Board for a period of twelve (12) months following the date of said resolution, except that this limitation shall not affect the right of said Board to grant a rehearing as provided in the rules of procedure adopted by said Board.

Section 22.06. ADMINISTRATIVE ASSISTANCE. The City Manager shall provide such technical, administrative and clerical assistance and office space as is required by the Board to carry out its function under the provisions of these regulations.

Section 22.07. MEETINGS. All meetings of the Board shall be held at the call of the Chairman or, in his absence, the acting Chairman, and at such times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the City Manager and shall be a public record.

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

Section 22.08. APPEALS AND REVIEW. An appeal may be taken to the Board by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Zoning Administrator. Such appeals shall be taken within such time as shall be prescribed by the Board of Zoning Appeals general rules by filing with the City Manager and with the Board a Notice of Appeal specifying the grounds thereof. The City Manager shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

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

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

Section 22.09. FEE FOR APPEALS. A fee in the required amount shall be paid to the City Clerk at the time notice of the appeals if filed, unless payment of such fee is waived by the general rules adopted by the Board.

Section 22.10. POWERS OF BOARD OF ZONING APPEALS CONCERNING VARIANCES. The Board, as herein created, is a body of limited powers. The Board shall have the following specific powers and duties:

1. Purpose:

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

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

2. Authorization: In hearing and deciding appeals, the Board shall have the authority to grant such variances there from as may be in harmony with their general purpose and intent, so that the function of this Ordinance be observed, public safety and welfare secured, and substantial justice done, including the following:
 - a. Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid. In case of any question as to the location of any boundary line between zoning districts the Board shall interpret the Zoning Map after recommendation from the Planning Commission.
 - b. Permit the modification of the off-street automobile parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements.
 - c. Permit such modification of the area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or so located within relation to

surrounding development or physical characteristics that it cannot otherwise be appropriately improved without such modification.

- d. Permit temporary buildings and uses for periods not to exceed six (6) months.
 - e. Establish performance bonds to insure compliance of any requirement which may be deemed necessary for approving any variance .
3. Application: The concurring vote of two-thirds (2/3) of the members of the Board shall be necessary to reverse any order, requirements, decision or determination of the Building Inspector in favor of the applicant in any matter upon which it is authorized by this Ordinance to render a decision.

The power of authority to alter or change the Zoning Ordinance or the Zoning Map is reserved to the City Council in the manner hereinafter provided by laws.

4. Standards: In consideration of all appeals and all proposed variations to this Ordinance, the Board shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation complies with the conditions set forth in Section 22.10, 1; and in addition meets the following general standards.
- a. The proposed use will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.
 - b. The proposed use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.
 - c. The location, size, intensity, site layout and periods of operation of any such proposed use will be designed to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
 - d. The location and height of buildings or structures and the location, nature and height of walls and fences will be such that the proposed use will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
5. Conditions: The Board of Zoning Appeals, acting on any appeal in connection with a request for waiver, may attach any conditions to it approval which it finds necessary to accomplish the reasonable application of the foregoing standards.

In exercising the above powers, the Board may reverse or affirm wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order,

requirement, decision or determination as ought to be made and to that end, shall have all the powers of the Zoning Administrator from who the appeal is taken in relation to this Ordinance.

Section 22.11. NOTICE OF HEARING. The Board of Zoning Appeals in conducting any public hearing shall fix a reasonable time for the hearing of the appeal and shall give due notice to the parties concerned by public notice in Early County News or by posting on property concerned. The Board shall decide the appeal within a reasonable period of time. Upon the hearing, any party may appear in person or by agent.

Section 22.12. APPROVAL PERIOD. No order of the Board permitting the erection or alteration of a building shall be valid for a period longer than six (6) months unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

ARTICLE XXIII

INTERPRETATION, APPLICATION, VIOLATIONS, VALIDITY CONFLICT AND EFFECTIVE DATE

Section 23.01. INTERPRETATION, PURPOSE AND CONFLICT. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, prosperity and general welfare.

It is not intended by this Ordinance to interfere with, or abrogate, or annul any ordinance, rules, regulations, or permits previously adopted or issued and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with, or abrogate, or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction or requires larger open spaces, or larger lot areas than are imposed or required by such Ordinance or agreements, the provisions of this Ordinance shall control.

Section 23.02. VIOLATIONS AND PENALTIES. Any person violating or neglecting or refusing to comply with any of the provisions of this Ordinance shall upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished by imposition of the appropriate fine or by imprisonment in the discretion of the recorder's court. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 23.03. VALIDITY. This Ordinance and the various articles, sections, paragraphs and clauses thereof, are hereby declared to be severable. If any article, section, paragraph or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 23.04. CONFLICTING PROVISIONS REPEALED. All other ordinances and parts of ordinances in conflict with this Ordinance, to the extent of such conflict and not further, are hereby repealed.

Section 23.05. EFFECTIVE DATE. The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety and welfare of the people of the City of Blakely and are hereby ordered to be given immediate effect from and after the date of its passage.

I hereby certify that the above Ordinance was passed at a regular session of the City Council of the City of Blakely, Georgia held on the 5th day of February 2002 at the City Hall Annex, Blakely, Georgia.

ATTEST

Mayor

Clerk