

City of Pembroke

ZONING ORDINANCE

As Amended

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ZONING ORDINANCE
FOR
CITY OF PEMBROKE
GEORGIA

This document should be approved as to its
legal form and sufficiency by the local
government's attorney prior to its adoption.

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ARTICLE I: Introduction & Enactment

Section 1-1 Title.

These regulations shall be known and may be cited as the "Zoning Ordinance of Pembroke, Georgia.

Section 1-2 Enactment.

In accordance with the authority granted by the Constitution of the State of Georgia as enacted by the Georgia General Assembly Section 7, and Ratified by General Election, the City Council of Pembroke, Georgia hereby ordain and enact into law the City of Pembroke Zoning Ordinance this 15th day of September, 2003. As part of this Ordinance so enacted into law is the Official Zoning Map of Pembroke, Georgia, said map being identified by the inscription "Zoning Map of Pembroke" adopted on the 3rd day of October, 2003; and signed by Betty K. Hill, Clerk of the City Council.

Section 1-3 Purposes.

The zoning regulations and districts as herein set forth are made in accordance with the Comprehensive Land Use Plan of the City of Pembroke, with consideration for the character of the City, its various parts and the suitability of the various parts for particular uses and structures, and in order to promote, protect and facilitate the public health, safety and welfare of the inhabitants of Pembroke, and of the public generally. The provisions are designed to prevent overcrowding of land, danger and congestion in travel and transportation, loss of health, life or property or other dangers. The ordinance is also intended to support the following Community Development Objectives:

- (1) Appearance. To improve the appearance and utility of the land and structures in Pembroke and to control the filling of flood plains, wetlands, stream banks, use of signs, and screening of junkyards and other areas.
- (2) Education. To help maintain public and private school systems, capable of maximizing a student's potential, including large administrative districts with diversified educational opportunities. To better educate people of all ages, races, incomes, mental capacities and physical handicaps.
- (3) Transportation. To create an integrated transportation system, by using public transportation to its maximum effectiveness, and integrating it with private transportation, and to prepare and obtain acceptance of a continuing transportation system for Pembroke and particularly to assist low income groups and elderly citizens in obtaining better transportation to jobs and shopping areas.
- (4) Recreation and Tourism. Strive to provide sufficient recreation facilities, particularly at the community level, to meet Bureau of Outdoor Recreation national standards, and promote tourism to the greatest extent possible.
- (5) Pollution. Eliminate or reduce major sources of both point and non-point source pollution.

- (6) Flooding. To provide additional flood protection for critical areas, and to discourage development in flood-prone areas that would be damaged by flooding.
- (7) Housing. To provide an adequate supply of safe and sanitary housing in a decent environment for all income groups, regardless of race, color or background, including the rehabilitation of existing structures.
- (8) Crime Prevention. To reduce the incidence of crime to the extent possible.
- (9) Economics. To increase the tax base and to selectively promote economic opportunities by providing land for commercial and industrial growth where feasible, and minimize the conflict between industrial and commercial growth and residential or public development.
- (10) Utilities. To promote the provision of public and private utilities.
- (11) Land Use and Comprehensive Plans. To use the Zoning Ordinance as a tool to help implement the Land Use and Comprehensive Plans.
- (12) Health. To improve the health of the residents of Pembroke by controlling pollution, separating new residences for adequate light, sun and air, and providing safe drinking water and adequate treatment facilities at the lowest possible cost.
- (13) Compliance. Except as hereinafter provided, no land, building, structure or premises shall hereafter be used, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, converted, altered or moved except in conformity with the regulations herein specified for the district in which it is located, and in conformity with all duly adopted ordinances, resolutions and subdivision regulations of Pembroke. No yard space or minimum area required for a building or use shall be considered as any part of the yard space or minimum area for another building or use.

ARTICLE II: Definitions

For the purpose of the administration and enforcement of this ordinance, and unless otherwise stated in this ordinance, the following words shall have a meaning as indicated herein.

Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number; words used in the plural number shall include the singular number; the word "shall" is mandatory, not directory.

- (1) Accessory Building. A garage or other building or structure subordinated to, and not forming an integral part of, the main or principal building on a lot or parcel, but pertaining to the use of the main building.
- (2) Accessory Dwelling Units (ADUs). additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities, and can be either attached or detached from the main residence.
- (3) Accessory Use. A use customarily incidental, appropriate and subordinate to the principal use of land or buildings located upon the same premises.
- (4) Advertising Signs. A surface whereon advertising material is set in public view, including reference to any use of premises whereon it is displayed or posted.
- (5) Alley. A narrow thoroughfare dedicated or used for public passageway up to twenty (20) feet in width, which usually abuts the rear of the premises, or upon which service entrances or buildings abut, and is not generally used as a thoroughfare by both pedestrians and vehicles, is not used for general traffic, and is not otherwise officially designated as a street. A way which affords only a secondary means of access to abutting property.
- (6) Alterations. Any change in the arrangement of a building, including any work affecting the structural parts of a building; or an enlargement; or any change in wiring, plumbing, heating, or cooling system; and includes the words "to alter" and "alter".
- (7) Apartment Building. A building which is used or intended to be used as a home or residence for more than two (2) households living in separate quarters.
- (8) Automotive Sales and Services. The sale or storage of new or used automobiles, including paint and body repair shops.
- (9) Board of Zoning Appeals. The city council serves as this board whose duties are to hear and decide zoning appeals, special exceptions and variances in a manner that conforms to the requirements of the zoning ordinance.
- (10) Boundary of District. The centerline of a street or right-of-way or the centerline of an alleyway between the rear or side property lines, or, where no alley or passageway exists, the rear or side property lines of all lots bordering on any zoning district limits or any zoning district boundary shown on the maps adopted by Section 4.2.
- (11) Buildable Area. That portion of any lot which may be used or built upon in accordance with

the regulations governing the given zoning district within which the particular lot is located, once the various front, side and rear yard requirements stipulated for the district have been subtracted from the total lot area.

- (12) Building. A building is any structure having a roof entirely separated from any other structure by space or by walls, having no communicating doors or windows or any similar opening, and being erected for the purpose of providing support or shelter for persons, animals, things or property of any kind, and having a foundation to which it is anchored.
- (13) Building Height. The height of a building with a gabled or hip roof shall be the vertical distance measured from the average elevation of the finished building site to the top of the roof of the uppermost story or to the deck line of a mansard roof. The height of a building with a flat or nearly flat roof, less than seven degrees from the horizontal, shall be measured from the footing as stated above to the highest point of the roof.
- (14) Building Line. A line delineating the minimum allowable distance between the street right-of-way and nearest extreme projection of a building (including all areas covered by any vertical projections to the ground or overhang, walls, roof, or any other part of the structure).
- (15) Building Site. The ground area of a building or buildings together with all open spaces surrounded by said building or buildings.
- (16) Camper. A motor home, tent, trailer, or other self-contained vehicle designed for recreational purposes.
- (17) Care Homes. Includes rest and nursing homes, convalescent homes and boarding homes for the aged; established to render nursing care for chronic or convalescent patients, but excludes facilities for care of active or violent patients such as feebleminded or mental patients, epileptics, alcoholics, senile psychotics, or drug addicts.
- (18) Centerline, Highway. The line running parallel with the highway right-of-way which is half-way the distance between the extreme edges of the official right-of-way width as shown on map approved by the County Tax Assessor.
- (19) Certified Survey. A survey, sketch, plat, map, or other exhibit is said to be certified when a written statement regarding its accuracy or conformity to specified standards is signed by the specified professional engineer, registered surveyor, architect, or other legally recognized person.
- (20) Church. A legally approved structure and its accessory buildings used and approved on a permanent basis, primarily for the public worship of God.
- (21) Club, Private. An organization or association of persons for some common purpose, such as--but not necessarily limited to--a fraternal, social, educational or recreational purpose; but not including clubs organized primarily for profit or to render a service, which is customarily carried on as a business. Such organizations and associations must be incorporated under the laws of Georgia as a non-profit corporation and such corporations' major purpose shall not be for the purpose of serving alcoholic beverages to its members or others. This may not be located on, or operated by, or in connection with any commercial use.

- (22) Code Enforcement Officer. Any person hired by the local governing authority to inspect, determine compliance with, and render minor decisions concerning the compliance of structures and lots within a municipality, to the ordinances of that municipality.
- (23) Conditional Use. Those uses allowed within a district, only after specific requirements are met. The local governing authority at their discretion may require additional restraints, restrictions, qualifications, or limiting factors upon a specific use so that it becomes acceptable.
- (24) Density. The number of units or buildings per acre, or the number of people per unit, building, acre or mile, the quantity of people, structures, or units within a specified area.
- (25) Depth of Lot. The depth of a lot is the distance between its mean front street line and its mean rear line, measured along the median between the two side lot lines.
- (26) Dwelling, Condominium. A building or series of buildings on the same lot or portions thereof containing more than one dwelling unit under separate ownership with joint ownership of common open spaces.
- (27) Dwelling, Duplex. A residential building designed for, or used as, the separate homes or residences of two separate and distinct households, but having the appearance of a single-family dwelling house. Each individual unit in the duplex shall comply with the definition for a one-family dwelling.
- (28) Dwelling, Group. A building or portion of a building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or families. The term "group dwelling" includes--but is not limited to--the terms rooming house, apartment hotel, fraternity house or sorority house, Y.M.C.A. or Y.W.C.A. A hotel, motel, or tourist home shall not be deemed to be a group dwelling as herein defined.
- (29) Dwelling, Multi-Family. A structure designed for the occupancy of two (2) or more families with separate housekeeping facilities for each household.
- (30) Dwelling, Single-Family. A private residential building used or intended to be used as a home or residence in which all living rooms are accessible to each other from within the building, and in which the use and management of all sleeping quarters, all appliances for sanitation, cooking, ventilating, heating, cooling, or lighting are designed for the use of one family only on a minimum of a single lot.
- (31) Engineer. Any person having an acceptable degree from a recognized institution of higher learning who is capable of determining the correct manner in which to construct roads, streets, highways, water and sewerage systems, drainage system, structures or other technical related areas. The person must be licensed by the State of Georgia.
- (32) Estate. Any residential site comprising five acres or more shall come within the meaning of the word "estate".
- (33) Family. One or more persons occupying a dwelling unit, living as a single, nonprofit housekeeping unit; provided that a group of four or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

Notwithstanding the definition in the preceding paragraph, a family shall be deemed to include four or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, no profit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition.

- (34) Flood-Prone Areas. That land adjacent to a creek, stream, river, channel, canal or other body of water that is designated as a floodplain or flood-prone area by a governmental agency.
- (35) Floor Area. The sum of the gross floor area for each of the several stories under roof, measured from the interior limits or faces of a building or structure.
- (36) Floor Area Ratio. Floor area of building or buildings on any lot divided by the area of the lot.
- (37) Frontage. The distance or width of a parcel of land abutting a public right-of-way and as measured upon such right-of-way.
- (38) Garage, Community. A structure or series of structures under one roof, and under one ownership, for the storage of vehicles by three or more owners or occupants of property in the vicinity where said structure has no public shop or mechanical services in connection therewith.
- (39) Garage, Private. A structure for the private use of the owner or occupant of a principal building, situated on the same lot as the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature for profit.
- (40) Garage, Public. A structure for the storage, care, repair, or refinishing of motor vehicles, or a structure containing a public shop, or where automobile mechanical service is provided.
- (41) Gas Station. A structure designated or used for the retail sale or supply of fuel, lubricants, air, water, and other operating commodities for motor vehicles and including the customary spacing and facilities for the installation of such commodities on, or in, such vehicles--but not including space or facilities for the storage, painting, repair, refinishing, body work, or other servicing of motor vehicles.
- (42) Governing Authority. The mayor and council of the City of Pembroke.
- (43) Group Home. A residential building occupied or intended for occupancy by several persons who may or may not be related, but in which separate cooking facilities are not provided for such resident persons.
- (44) Hardship. The difficulty or impossibility of the use of a lot or parcel created by the zoning ordinance. Hardship is concerned with land use, not the personal problems or situation of the owner of the land.
- (45) Highway. Any public thoroughfare of paving twenty-two (22) feet or wider including streets, which affords primary access to abutting property, and any thoroughfare of less width which is not classified as an alley (street).

- (46) Home Occupations. A profession, vocation, business or trade conducted in a residential district as a secondary use in a dwelling unit. The occupation should be conducted by family members living in the home. Traffic generated by the occupation should not become a nuisance to neighbors. (See Section 313.)
- (47) Hospital. An institution providing health services, primarily for in-patients, and medical and surgical care of the sick or injured--including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.
- (48) Hotel. A building occupied as the more or less temporary residence of individuals who are lodged, with or without meals, and in which there are ten (10) or more sleeping rooms with entrances through a common lobby or office.
- (49) Junk. Old and dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap building material, scrap piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds or bedding, or any other kind of scrap or waste material which is stored, kept, handled, or displayed within the county limits.
- (50) Junk Yard. Any land or building used for commercial, storage and/or sale of paper, rags, scrap metals, other scrap or discarding materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not to be used as a dump.
- (51) Lot. Parcel of land shown on a recorded plat or on the official City zoning Maps, or any piece of land described by a legally recorded deed.
- (52) Lot, Corner. Any lot situated at the junction of and abutting on two or more streets or public highways. If the angle of the intersection (determined by the angle of the right of way property lines of the two roads on the side of the lot in question at the point of intersection) is greater than 135 degrees, then the lot is not a corner lot. Amended 9-15-03
- (53) Lot, Interior. Any lot which is not a corner lot that has frontage only on one street other than an alley.
- (54) Lot Lines, Front. In the case of a lot abutting upon only one street, the front lot line is the line separating such lot from such street. In the case of a corner lot, that part of the lot having the narrowest frontage on any street shall be considered the front lot line. In the case of any other lot, one such line shall be elected to be the front lot line for the purpose of this Ordinance, provided it is so designated by the Building Plans which meet the approval of the Code Enforcement Officer.
- (55) Lot Lines, Rear. The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, or any odd-shaped lot, the rear lot line shall be determined by the Code Enforcement Officer.
- (56) Lot Lines, Side. A side lot line is any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot, or lots, is an interior side lot line.

- (57) Lot, Through. Any lot having frontage on two parallel or approximately parallel streets or other thoroughfares.
- (58) Manufactured Home. (OCGA 8-2-131) A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, 40 body feet or more in length, or , when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of the paragraph, except the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the secretary of Housing and Urban Development and complies with the standards established under the National Manufacture Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq. For a manufactured home to be approved for installation in Pembroke, it must be at least 1,000 square feet.
- (59) Manufactured Housing. A parcel of land which is used or intended to be used for the rental or lease of spaces, stands, or manufactured houses, or a parcel which contains provisions for the location of two or more manufactured homes or modular homes. Amended 6-11-2012
- (60) Mapped Streets. A mapped street is any approved street shown on an official map or the projection of any existing street through an unsubdivided parcel of land, whether the street is dedicated or in existence or not.
- (61) Mobile Home. (OCGA 8-2-131) A structure transportable in one or more sections; which, in the traveling mode, is eight body feet or more in width, 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating air conditioning, and electrical systems contained therein; and manufactured prior to June 15, 1976.
- (62) Modular Home or Industrialized Modular Home. Any structure, or component thereof which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site and which has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to or destruction thereof. "Component" refers to any assembly, subassembly, or combination of parts for use as part of a building which may include structural, electrical, plumbing, mechanical, and fire protection systems and other systems affecting health and safety. Amended 6-11-2012
- (63) Motel, or Motor Hotel. A building or group of two or more buildings designed to provide sleeping accommodations for transient or overnight guests with no common entrance or lobby. Each building shall contain a minimum of ten (10) residential units or rooms which generally have direct, private openings to a street, drive, or patio, etc.
- (64) Non-Conforming Lot. Any lot which is smaller than the minimum dimensions, area, or other regulations of the district in which the lot is located.
- (65) Non-Conforming Use. Use of any property or premises in any manner which does not comply with the regulations provided for the district in which the property or premises is situated, if such use was originally legally established at the effective date of this ordinance or any amendment thereof.

- (66) Parking Space. That area required for the parking or storage of one automobile, including necessary aisle or driveway space providing access thereto.
- (67) Planning Commission. A body of people appointed by the local governing authority whose responsibilities include the guidance of growth and development within the municipality, interpreting of the various municipal regulatory ordinances, and advising the Pembroke City Council on such matters.
- (68) Principal Building. The building situated or to be placed nearest the front property line and the use of which conforms to the primary use permitted by the zone classification in which it is located.
- (69) Professional Services. The conduct of business in any of the following or related categories: law; architecture; accounting; engineering; medicine; dentistry; optometry; osteopathy; chiropractics; optician; planning, or consulting of the nature of the aforementioned categories and which do not include outside storage space for business vehicles or equipment.
- (70) Public Body. Any government or governmental agency of Pembroke, the state of Georgia, or the United States Government.
- (71) Public Use. Use of any land, water, or buildings by a municipality, public body or board, commission or authority, county, state or the federal government, or any agency thereof for a public service or purpose.
- (72) Repairs. Restoration of portions of a building to its condition as before decay, wear or damage, but not including alteration of the shape or size of any portion.
- (73) Residential. The term "residential" or "residence" is applied herein to any lot, plot, parcel, tract, area, or piece of land and or any building used exclusively for family dwelling purposes or intended to be used, including concomitant uses specified herein.
- (74) Restaurant. A building, room or rooms where food is prepared and served to a group of families, a club, or to the public and for consumption within the enclosed structure.
- (75) Right-Of-Way Line. The outside boundaries of a highway right-of-way, whether such right-of-way be established by usage, dedication or by the official right-of-way.
- (76) Rooming House. (The terms rooming house, boarding house, tourist home, cooperative house and lodging house are used synonymously in this Ordinance.) A building, other than a hotel or dormitory, where, for compensation and by prearrangement for definite periods, lodging or lodging and meals are provided for more than three (3) persons not related to the owners of the structure.
- (77) Rooming Unit. Any room or group of rooms, forming a single habitable unit used for living and sleeping, but which does not contain cooking or eating facilities.
- (78) Setback. The minimum horizontal distance between the right-of-way line, rear or side lines of the lot and the front, rear or side lines of the building. When two or more lots under one ownership are used, the exterior property line so grouped shall be used in determining offsets.

- (79) Site. An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed.
- (80) Special Exception. A use, specifically designated in this Ordinance, that would not be appropriate for location generally or without restriction throughout a given zoning district but which--if controlled as to number, area, location, or relation to the neighborhood--would, in the opinion of the city council, promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare.
- (81) Story. That portion of a building included between the surface of any floor and the surface of the floor directly above it; or if there is no floor above it, then the space between the floor and ceiling directly above it.
- (82) Street. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.
- (83) Structural Alterations. Any change in the shape or size of any portion of a building or of the supporting members of a building or structure such as walls, columns, beams, arches, girders, floor joists, or roof joists.
- (84) Structure. Any thing constructed or erected, the use of which requires rigid location on the ground or attachment to something having a permanent location on the ground--provided, however, that utility poles, fences and free-standing walls (other than building walls) shall not be considered to be structures.

(85) Subdivision. "Subdivision" means all divisions of a tract or parcel of land for residential purposes into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development and includes all division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate, to the process of subdividing or to the land or area subdivided; provided, however, that the following exceptions are included within this definition only for the purpose of requiring that the local planning commission be informed and have record of such subdivisions:

(a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority;

(b) The division of land into parcels of five acres or more where no new street is involved.

Plats of such exception shall be received as information by the Planning Commission which shall indicate such fact on the plats.

(86) Surveyor. A person who determines or delineates the form, extent, position, distance or shape of a tract of land by taking linear and angular measurements, and by applying the principles of geometry and trigonometry.

(87) Towers and Wireless Communication Facilities. (See Appendix C)

(88) Townhouse. A building containing two or more attached, individually owned dwelling units with no related common areas.

(89) Trailer. A non-self-propelled vehicle or conveyance permanently equipped to travel upon the public highways that provides temporary use as a residence or living quarters or office; serves as a carrier of people, new or used goods, products or equipment; or is used as a selling, advertising or display device whether or not the wheels have been removed and whether or not set on jacks, skirts, masonry blocks or other foundation.

(90) Trash. Cuttings from vegetation, refuse, paper, bottles, and rags; non-putricible waste.

(91) Use. The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

(92) Variance. A modification of the strict terms of this Ordinance granted by the city council where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as the result of any action on the part of the property owner, a literal enforcement of the Ordinance would result in unnecessary and undue hardship; and where such modification will not authorize a principal or accessory use of the property which is not permitted within the Zoning District in which the property is located.

(93) Vehicle. A conveyance for persons or materials.

(94) Yard. An area of a developed lot not occupied by a building; said open space lies between the building and nearest lot or right-of-way.

- (95) Yard, Front. That area of open space to the front of the platted lot; the area immediately adjacent to the street side of the lot. If streets bound on two sides of the lot, the narrower portion fronting on a street shall be declared the front, see lot lines, front.
- (96) Yard, Rear. That area of open space that is opposite the area delineated as the front. That area of greatest distance from the street. See lot lines, rear.
- (97) Yard, Side. That area of open space that is immediately adjacent to the side lot lines. See lot lines, side.
- (98) Zoning Ordinance. An officially adopted ordinance that regulates the manner, type, size and use to which a piece of property may be put.

ARTICLE III: General Provisions

Section 3-1 Abandoned Real Property.

For any public street or alley which is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to the centerline of the property which is abandoned. In the event abandoned property is not divided at the centerline for abutting properties, the zoning districts applicable shall apply to such ownership line as determined by virtue of such abandonment.

For any public property other than streets or alleys the regulations applicable to the zoning classifications which abuts the abandoned property for the greatest number of lineal feet shall apply to the entire property.

Section 3-2 Abandoned Vehicles.

Within all zoning districts except where specifically authorized, all vehicles which are inoperative and/or unlicensed shall not be abandoned in the public right-of-way or on private property in excess of 60 days except within a completely enclosed garage, unless permission is granted upon application to the city council.

Section 3-3 Access Control.

In order to promote the safety of motorists and the pedestrian and to minimize traffic congestion and conflict by reducing the magnitude and the number of points of contact, the following regulations shall apply:

- (1) A point of access, that is, a driveway or other opening for vehicles onto a public street, shall not exceed twenty-five (25) feet in width, except as otherwise provided in this section.
- (2) The maximum number of points of access permitted into any one (1) street shall be as follows:

<u>LOT WIDTH ABUTTING STREET</u>	<u>NUMBER OF POINTS OF ACCESS</u>
Less than 65 feet	1
65 feet to 200 feet	2
Greater than 200 feet	2, plus 1 for each additional 200 feet or fraction thereof

- (3) In lieu of any two openings permitted on any one street, there may be permitted a single point of access up to thirty-five (35) feet in width. However, service stations shall be permitted two (2) openings, not to exceed thirty-five (35) feet each in width along any abutting public street providing that such property abuts such street for a distance of not less than one hundred twenty (120) feet.
- (4) There shall be a minimum distance of twelve (12) feet between any two openings onto the same street.

- (5) No point of access shall be allowed within twenty (20) feet of the intersection of the right-of-way lines of any public street.
- (6) No curbs shall be cut or altered and no point of access or opening for vehicles onto a public street shall be established without a permit issued by the local governing authority under the supervision of the appropriate official.

Section 3-4 Accessory Buildings in Residential Districts.

No accessory building in residential districts shall be erected in any required court or any yard other than a rear yard, except as provided hereafter. An accessory building may be erected as part of a principal building or if at least six (6) feet therefrom, may be connected thereto by a breezeway or similar structure, provided all yard requirements of this ordinance for a principal building are complied with.

- (1) Corner Lots in Agricultural and Residential Districts Any Agricultural or Residential district, where a corner lot adjoins in the rear a lot fronting on the side street, no part of any accessory building on such corner lot within twenty-five (25) feet of the common lot line shall be nearer a side road lot line than the least depth of the front yard required along such side street for a dwelling on such lot; nor shall a building be nearer to the side road lot line than the least width of the side yard required for the principal building to which it is accessory.
- (2) Setbacks for Accessory Buildings. Accessory buildings shall be a distance at least ten (10) feet from alley lanes. (See zoning district for specific setbacks.)
- (3) Buildings on Through Lots. Where a lot extends through from one street to another, the setback requirement for each street shall be complied with, and any building shall have dual facing. No accessory buildings or other structure shall be placed on through-lots if said structures would conflict with other building values or uses on the same street. On lots having frontage on more than two streets, the minimum front yard shall be provided in accordance with the provisions of this ordinance on at least two (2) of the street frontages.

Section 3-4-1 Accessory Dwelling Unit Ordinance. Adopted 10-13-16

- I. General Provisions
 - a. Purpose and Intent
 - i. It is the policy of the City of Pembroke to promote and encourage the creation of legal ADUs in a manner that enhances residential neighborhoods and helps residents meet their housing needs and realize the benefits of ADUs.
 - b. Definitions
 - i. Accessory Dwelling Units (ADUs): additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities and can be either attached or detached from the main residence.

- ii. Zoning Administrator: the local official who is responsible for processing and approving or denying applications to develop or legalize ADUs.

II. Permits: Eligibility and Application

- a. Authorization for ADUs by Zoning District
 - i. An accessory apartment or an attached accessory cottage may be permitted in any residential zone designed primarily to permit single-family dwelling units on individual lots. In the City of Pembroke, these are lots in Zoning Districts AR-1 (Section 5-1) and R-1 (Section 5-2). A detached accessory cottage may be located in this same zone on a lot that conforms to the minimum lot size of the zoning district in which it is located.
- b. Approval Process
 - i. One ADU is permitted per residentially zoned lot by conditional use permit if the proposed ADU conforms to the standards of this ordinance.
- c. Application Fees and Information
 - i. Application fees for ADUs shall not be more than fifty percent (50%) of the application fees for a single-family dwelling unit. The information required on applications for creating or legalizing ADUs shall be the same information that is required to construct a single-family dwelling unit.
- d. Permit Renewal (Monitoring)
 - i. The owner of an ADU shall, on the first business day of every year, sign and file written statements with the Zoning Administrator that the ADU complies with the municipal zoning code.

III. Standards

- a. Lot Standards – Occupied by Dwelling Unit, Age, and Term of Ownership
 - i. An ADU may be incorporated in either an existing or new primary, single family dwelling unit.
- b. Lot Standards – Minimum
 - i. ADUs may be developed on lots meeting the minimum lot size for the respective zoning district
- c. Lot Standards- Setback and Lot Coverage
 - i. Accessory dwelling units may be developed in residentially zoned lots provided they meet the required setbacks of those zones.
- d. Occupancy Standards – Owner of Premises
 - i. A lot or parcel of land containing an ADU shall be occupied by the owner of the premises, and the owner may live in either the ADU or the principal dwelling unit. Within 30 days of securing a building permit for construction of an ADU, the owner shall record against the deed to the subject property, a deed restriction running in favor of the municipality limiting occupancy of either the principal dwelling unit or the ADU to the owner of the property. Proof that such a restriction has been recorded shall be provided to the Zoning Administrator prior to issuance of the occupancy permit for the ADU.
- e. Occupancy Standards
 - i. During the first two (2) years, the occupants of the ADU shall be limited to three (3) in number and persons who are related to the owner of the primary residence.

- f. Principal Dwelling Unit Building Standards – Minimum Floor Area
 - i. No ADU shall be permitted on a residentially zoned lot unless the principal dwelling unit has at least one thousand (1000) square feet.
- g. ADU Building Standards – Types of Structures
 - i. Mobile homes and/or manufactured dwelling units may not be used as ADUs
- h. ADU Building Standards – Size
 - i. In no case shall an ADU be more than forty percent (40%) of the living area of a principal dwelling unit, nor more than 800 square feet, nor less than 300 square feet, nor have more than two (2) bedrooms.
 - ii. The ADU shall not be of a height that exceeds that of the principal dwelling.
- i. ADU Building Standards – Design
 - i. The ADU shall be of a design that is visually compatible and in harmony with both the principal building and the surrounding neighborhood.
- j. ADU Building Standards – Orientation of Entrance
 - i. No entrance for an ADU shall be permitted on, or, from the front of a principal dwelling unit; the ADU’s primary entrance shall not be visible from the street view of the principal dwelling unit; and the ADU’s stairways may not be constructed on the front or side of a principal dwelling unit
- k. ADU Building Standards – Not Intended for Sale
 - i. The ADU shall not be intended for sale, and may only be rented.
 - ii. Neither the primary residence nor the ADU may be sold independently of each other.
- l. ADU Building Standards – Screening and Orientation
 - i. The orientation of the proposed ADU shall, to the maximum extent practical, maintain the privacy of the residents in adjoining dwellings as determined by the physical characteristics surrounding the ADU, including landscape screening, fencing, and window and door placement.
- m. Parking and Traffic
 - i. One parking space is required per ADU.
 - 1. Additional parking may be required, provided that:
 - a. The Zoning Administrator finds that the additional parking requirements are directly related
 - b. to the use of the ADU; and
 - c. The total number of parking spaces required for an ADU does not exceed the number of spaces required for a principal dwelling unit.
- n. Density Limits
 - i. The Zoning Administrator shall report annually to the municipal legislative body the number of units established, the geographic distribution of the units, the average size of the units, the number and type of complaints, and completed enforcement actions. The municipal legislative body shall reassess this ordinance for amendments every three (3) years or sooner if records show that twenty percent (20%) of the single-family structures within any census tract or citywide have ADUs.

IV. General rules for accessory uses and structures. Adopted 11-18-19

- a) No accessory building shall be constructed upon a lot until construction of the principal building has commenced.
- b) No accessory building shall be occupied until the principal building is legally occupied.
- c) No accessory use shall be established until the principal use is legally established and operating.
- d) If the principal use is terminated, all uses accessory to that use shall be terminated.
- e) If the principal building is destroyed or damaged to the point that it may not be used, the owner may apply for a conditional use permit to allow continued use of accessory structures while the principal structure is repaired, but in no case shall the permit be granted for more than two years. Requiring a principal use prior to establishing an accessory use;
- f) No accessory building with the exception of a detached garage shall be in a front yard, a detached garage may be constructed in the front yard under the following conditions:
 - i. The detached garage does not encroach into any required yard or easement;
 - ii. The garage doors face perpendicular to any abutting roads; and
 - iii. The garage is constructed of the same materials and is designed to appear to be part of the principal structure.
 - iv. Apartments above attached garages are allowed. The garage will then be considered a habitable structure and subject to all the restrictions and guidelines thereof.
- g) With the exception of a farm structure used for agricultural purposes in the A-5, AR-2.5, or AR- 1.5 district, no accessory building may exceed the height of the principal building or exceed 50 percent of the principal building's floor area.
- h) In any R district, accessory building other than detached garages or authorized guest houses, shall not exceed 15 feet in height or 200 square feet in floor area. Said structures shall be in a side or rear area.
- i) Except for farm structures used for agricultural purposes, no more than two accessory structures may be established in any A, AR, or R district.
- j) An above ground manufactured pool shall be governed by the same rules as an accessory dwelling but shall not be counted toward the count or maximum area allowed per parcel.
- k) No principal structure shall be located within any setback or yard required by this ordinance, except as provided herein.
- l) Except as provided herein, no accessory structure shall be located within any front setback, or within ten feet of a lot line in an established side or rear yard. A fence, wall, mailbox, power pole, light pole, paths, walkways, or berms may be in any required setback or yard. Signs may be in a required setback or yard which abuts a road.
- m) No outdoor storage of goods and materials, including mechanical equipment, structures on a permanent foundation or refuse containers shall be located within any required setback, or within any required side yard which abuts a road, except for the temporary placement of refuse containers for curbside pick-up.

- V. More than one principal structure per lot.
- a) *Commercial*. More than one principal structure devoted to non-residential uses may be situated on a lot, provided that:
 - i. An unobstructed accessway at least 15 feet wide is maintained from a road to each structure for use by service and emergency vehicles; and
 - ii. Each structure on the lot is separated from any other structure on the lot by at least four feet.
 - b) *Residential*. Except in manufactured home parks, planned unit developments or condominiums, only one principal structure and its customary accessory structures may hereafter be erected on any lot. Any dwelling, including site-built dwellings, manufactured homes, mobile homes or modular homes, shall be deemed to be a principal structure.

VI. Guest houses or accessory living units. Adopted 11-18-19

- a) A guest house or accessory living unit shall be permitted as an accessory use on any lot on which a detached single-family dwelling unit exists in accordance with all applicable codes and regulations, including, but not limited to, building, health, and zoning as well as the following requirements:
- b) The guest house or accessory living unit must be clearly subordinate to the principal dwelling and must be of a design and construction as allowed in the zoning district and be of a similar design and construction as the principal structure.
- c) The minimum lot size for a lot on which a guest house or accessory living unit is situated shall be no less than ½ acre.
- d) The guest house or accessory living unit must be located on the same lot as the principal dwelling.
- e) Adequate on-site parking is required and shall be provided for the guest house or accessory living unit based on the proposed size and/or anticipated number of persons utilizing the structure.
- f) No guest house or accessory living unit can have floor area of more than 40 percent of the square footage of the entire area under roof of the primary dwelling, and in no case shall a guest house or accessory living unit exceed 1,000 square feet in size.
- g) No more than one structure serving either as a guest house or accessory living unit may be located on a lot.
- h) The guest house or accessory living unit must be owned by the owner of the principal dwelling.
- i) The guest house or accessory living unit must not be served by a driveway separate from the driveway serving the principal dwelling.
- j) The guest house or accessory living unit must be situated to the rear or side of the principal dwelling and must meet the minimum setbacks required for the principal dwelling.
- k) The height of a guest house or accessory living unit cannot extend higher than the principal dwelling as measured from grade.
- l) The guest house or accessory living unit must be served by and through the same utility lines and meters that serve the principal dwelling.
- m) All guest houses or accessory living units must be attached to a permanent foundation.

Section 3-5 Churches and Schools.

Public schools shall be subject to the regulations in this resolution set forth in Article V, Section 5-2, subsections (2) and (3) and the following:

- (1) Private schools, churches and religious institutions shall be permitted in agricultural districts, single-family residential districts, agricultural residential districts, multi-family residential districts, general commercial districts, and neighborhood commercial districts provided that the following requirements are complied with:
- (2) Off-street parking shall be provided as set forth in Article III Section 3-26.
- (3) The principal building and accessory buildings shall comply with the yard and setback requirements of the district in which it is located. In no case shall these be less than the minimum requirements set forth in the district.
- (4) Private schools, churches and religious institutions may be permitted in other districts only after recommendations of the Planning Commission, which shall hold a public hearing on such request, see Article VIII Section 3.

Section 3-6 Cemeteries, Mausoleums, Crematories.

No premises shall be used or occupied for the purpose of a cemetery, mausoleum or crematory in any district excepting in multi-family residential, single-family residential, and agricultural residential districts and then only upon approval after public hearing. No land for which a plat has not been recorded shall be used for any burials. The dead shall not be buried or placed closer than ten (10) feet to any highway right-of-way, nor closer than ten (10) feet to any other property line. See also district requirements in Article V.

Section 3-7 Conversion of Dwellings.

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the article applying to such district.

Section 3-8 Deed Restrictions.

If any deed restrictions or restrictive covenants recorded with any deed, plat, or other legal document relating to the use or lot and building requirements apply in addition to these regulations, the more restrictive shall prevail. The person or agency in the capacity of administering and enforcing these regulations shall be able to enforce any deed restrictions or restrictive covenants.

Section 3-9 Existing Uses.

Nothing contained in this resolution shall be deemed or construed to prohibit a continuation of the particular lawful use or uses of any land, building, structure, improvement or premises legally existing in the respective; provided, however, that if any such existing lawful uses change to a different use after the date of the adoption of this resolution, such different use shall conform to the provisions of this resolution regulating the particular district in which said premises is situated. If any legally existing use or occupancy of a building or premises conflicts with any requirement of this resolution or any of its amendments, such building shall not be moved, structurally altered or added to except after a public hearing.

All future building, structures, repairs, alterations or other improvements shall comply with all district requirements contained herein, and such structural provisions of the building code and other regulations as have been incorporated herein and made a part hereof, including any building on which construction has been suspended at the time this resolution was adopted and any building for which foundations were not completed at said time.

No non-conforming building or structure shall be extended, or enlarged except when authorized by the city council which may permit one enlargement or extension up to 25 percent of the floor area of the structure as it existed at the time of passage of this Ordinance.

Section 3-10 Fences.

Except in Manufactured Housing Parks, industrial, general and neighborhood commercial districts, no fence, wall, or screening structure--excluding plants and shrubbery--over six (6) feet in height shall be built within any required yard. Amended 6-11-2012

Section 3-11 Garbage Disposal.

Garbage or other refuse shall be deposited only in approved garbage cans or in approved garbage disposal areas.

Section 3-12 Group Housing.

Group housing developments, two (2) single or multiple family dwellings to be constructed in a plot of ground under single ownership of one (1) acre or more, not subdivided into the customary streets and lots and which shall not be so subdivided, may be developed in any multi-family district provided that:

- (1) Maximum percent of lot coverage shall not exceed that which is required for the districts in which the project is located.
- (2) Height limits, front, side, or rear yard requirements shall be met in accordance with the district in which such group housing is permitted.

Section 3-13 Home Occupations.

Home occupations including any profession, vocation, business, trade, and personal services may be conducted in any residential district. Home occupations, with the exception of commercial stables or kennels and any occupation which customarily requires the use of a panel or delivery truck, may be conducted in a residential district only after approval of the city council which shall hold a public hearing as set forth in Article VII Section 3 of this ordinance. The city council may then deny or grant approval of such home occupation in accordance with such regulations as the city council may determine to be in the public interest and also in accordance with the Zoning Regulations. The following rules apply to all home occupations:

- (1) The home occupation shall be conducted within the principal building or in an existing accessory building that must meet existing building codes, lot coverage and environmental standards and only by members of the family residing in the building. No more than one person who is not a resident of the premises shall be employed. (Amending Ord. #2014-01 2/10/2014)
- (2) Not more than 20 percent of the gross floor area of any dwelling unit may be used for a home occupation, except for medical and dental offices and foster family care, which may use up to 40 percent.
- (3) For the purpose of identification of such use, one (1) non-illuminated wall sign not exceeding one (1) square foot in area may be permitted. Such signs shall identify only the name of the profession and the name of the occupant of the premises and shall be mounted against a wall of the principal building.
- (4) No motor power other than electrically operated motors shall be used in conjunction with such home occupation and the total horsepower of such permitted electrical motors shall not exceed three (3) horsepower.
- (5) There shall be no alteration in the residential character of the premises in connection with such home occupation unless so authorized by the city council.
- (6) No merchandise or articles for sale shall be displayed for advertising purposes and no sign or device relative to the sale of such merchandise shall be displayed on the premises.
- (7) No article or materials used in connection with such home occupation shall be stored other than in the principal building so used.
- (8) Any home occupation as provided for in this section may be reviewed by the city council at any time after twelve (12) months following the approval of such use and may revoke permission to continue such home occupation at any time thereafter.
- (9) There shall be no disturbance or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition.

Section 3-14 Junk Yards.

All junk yards shall be completely screened from roads or developed areas with a solid fence or wall a minimum of six (6) feet, maintained in good condition as determined by the governing authority, and painted except for masonry construction, or with suitable plantings.

- (1) No operations shall be conducted which shall cause a general nuisance or endanger

the public health.

- (2) All existing junk yards shall comply with these requirements within one year of the date of this Ordinance or shall then terminate their operation.

Section 3-15 Land and Water Fills, Dredging, Excavations and Mining.

No person shall engage in the filling of land or water areas, dredging, the excavation of land or removal of earth and no mining operation shall be undertaken without application to the Planning Commission which shall refer and recommend approval or rejection to the City Council only after a public hearing as set forth in Article VII, Section 7.3. All applications for permits for any activities covered by this section shall be referred to the Planning Commission for their recommendation.

Section 3-16 Land Subject to Flooding.

No building or manufactured home shall be moved into or constructed in a flood prone area unless the first floor elevation is one (1) foot above the highest elevation at that location expected to be flooded in a 100 year flood, as indicated on official maps of the Federal Emergency Management Agency (FEMA).

Section 3-17 Living Units in Zones Other Than Residential.

Dwellings shall not be permitted in any business or industrial zone as a principal use. However, living units may be established within the principal building in a business or industrial use, provided that such living units within any general commercial or neighborhood commercial district shall have direct access to an abutting street. In the general commercial or neighborhood commercial districts, living units shall be permitted as accessory to the permitted use, and single family dwellings as accessory uses shall be permitted on existing lots of record including other uses permitted on the same lot.

Section 3-18 Minimum Living Area.

No single or multiple family living unit shall be constructed with a total living area of less than 525 square feet. Provided, however, that a special exception to the minimum living area requirements shall be granted for the construction of efficiency type apartments having no separate bedroom, if it is established that the granting of such exception will not adversely affect the interest of the general public or the character of the surrounding neighborhood. Application for any such special exception shall be made to the Planning Commission which shall hold a public hearing as set forth in Article VII Section 7.3 of this ordinance. After the public hearing, the Planning Commission shall forward its recommendations to the governing authority for their action. The Planning Commission may require the submission of plans in connection with such applications--showing the location and type of construction proposed--and may impose such additional requirements as a condition of the granting of the request as it deems reasonable and appropriate. (This Section shall not apply to Manufactured Homes meeting all other requirements of this Ordinance.)

Section 3-19 Manufactured Housing Amended 6-11-2012 & 02-08-21

(1) *Permitted locations:* Except as otherwise provided in this section 3-19, It shall be unlawful for any person to occupy or maintain, for living purposes, any manufactured home or industrialized modular home in the limits of the city, except as follows:

- (a) In AR-1, A-5, R-1, R-2 and R-3 Zoning Districts, provided that the requirements set forth in this section 3-19 have been met and upon approval by the city council; and
- (b) In a duly licensed and approved manufactured home or industrialized modular home park located within a R-4 Zoning District.
- (c) No Mobile Homes, as defined in Article II of his Zoning Ordinance, may be placed within the City.

(2) *Manufactured Housing Placement:* Any person who intends to place a manufactured home, or modular building complying with the standards set forth in this Section 3-19(2) within the limits of the city and outside of a regularly licensed park may make an application for same to the Zoning Administrator, *the Zoning Administrator's designee or in the absence of a Zoning Administrator, the City Council's designee who shall review said application for completeness and forward said application to the Pembroke Planning Commission who after consideration shall make recommendations to the mayor and city council regarding said application for final determination.* Single Family Dwellings consisting of manufactured homes or modular or industrialized buildings as defined in Article III of this Zoning Ordinance shall not be permitted in residential districts zoned AR-1, A-5, R-1, R-2 or R-3 except when placement of said dwelling complies with the requirements and limitations set forth in this Section 3-19 as applying generally to residential use in such zoning classifications, including but not limited to minimum lots, yard and building spacing, square footage requirements, percentage of lot coverage, off-street parking requirements and approved foundations as described herein, and which additionally meet the following compatibility standards:

- (a) The dwelling compares favorably to site built and other housing in the immediate general area within the same zoning or residential district or area. Approval to place the manufactured home, or modular building shall be granted by the Zoning Administrator, *the Zoning Administrator's designee or in the absence of a Zoning Administrator, the City Council's designee* upon application and determination that the dwelling is substantially similar in size, siding material, roof material, foundation and general aesthetic appearance to:
 - (i) Site-built or other forms of housing which may be permitted in the same general area under this Zoning Ordinance, or
 - (ii) Existing development, or
 - (iii) Proposed development in the same zoning classification or area, or as envisioned in any Comprehensive Plan of the City of Pembroke then in effect.
- (b) In making a determination of compatibility, the Zoning Administrator, *the Zoning Administrator's designee or in the absence of a Zoning Administrator, the City Council's designee* shall further consider:
 - (1) The possible negative effect of the structure on the property values of other properties in the immediate area, and
 - (2) The possible effect the structure could have on the surrounding area in the event of inclement weather or high winds;
- (c) All towing devices, wheels, axles and hitches must be removed.

(d) At the designated front door, there must be a porch or deck measuring at least 80 square feet with a minimum width of eight (8) feet. At each alternate exit door there must be a landing that is a minimum of 36 inches by 36 inches. The manufactured home must have a minimum width in excess of 16 feet. Amended 12-10-18

(e) The roof shall have a minimum of 2:12 roof pitch and shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built up gravel materials, or other materials approved by the ~~Zoning Administrator~~ *mayor and city council after receiving recommendation from the Pembroke Planning Commission.*

(f) The exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, metal or vinyl lap or other materials of like appearance.

(g) The structure shall be attached to a permanent foundation, to include foundation walls. The foundation walls shall be brick. With the exception of placement of structures in parks as specified in 3-19.1 below, skirting of structures is not sufficient to comply with the requirements of this section. Amended 12-10-18

(h) The structure is constructed according to the standards established by the Standard Building Code adopted by the city and in effect at the time of erection or placement of the dwelling. A manufactured home unit must bear the label or seal of compliance with the Federal Manufactured Home Construction and Safety Standards issued by the Department of Housing and Urban Development. Any mobile home or manufactured home unit manufactured before June 15, 1976, shall not be allowed within the city. Any manufactured home unit manufactured after June 15, 1976, not bearing such seal or label shall be reported to the state administrative agency having jurisdiction and shall not be granted a certificate of occupancy. Any modular or industrialized home must bear any labels, stamps or seals of compliance required by the Department of Community Affairs or the City of Pembroke.

(i) Other than as provided in 3-19.1 below, manufactured homes or modular buildings shall be placed only on land owned by and titled in the name of a principal occupant of the structure. If by placement of the manufactured home or modular building the owner qualifies for the homestead exemption, then the home shall be assessed as real property for ad valorem taxes.

(j) Other than as provided in 3-19.1 below, the owner shall, prior to placement of a structure, submit to the *Zoning Administrator, the Zoning Administrator's designee or in the absence of a Zoning Administrator, the City Council's designee* an application containing the following:

- (i) Applicant's name and address and his or her representative, and the interest of every person represented in the application.
- (ii) A statement of circumstances in the proposed district and the abutting district in which the structure is to be placed;
- (iii) A plat or sketch plan showing the configuration of the land on which the structure is to be placed and the location of placement, including measurements of distances of the structure from the property lines;
- (iv) Specifications or pre-design plans which contain a complete description of the structure to include square footage, siding material, roof material and pitch, foundation and other evidence of the general aesthetic appearance required by

the Zoning Administrator or designee and necessary to make a determination of compliance and compatibility as required by this ordinance.

(v) Documents certifying that the structure is in compliance with the Standard Building Code and any other codes, regulations or manufacturing standards as required by this Zoning Ordinance.

(vi) Evidence of title in the land on which the structure is to be placed.

(k) It shall be a violation of this ordinance to occupy any structure without first obtaining a Certificate of Occupancy from the Zoning Administrator *the Zoning Administrator's designee or in the absence of a Zoning Administrator, the City Council's designee*, who shall before issuing a Certificate of Occupancy determine that the structure is in compliance with the terms of this ordinance and all other zoning requirements and city ordinances. In the event the Zoning Administrator *the Zoning Administrator's designee or in the absence of a Zoning Administrator, the City Council's designee* is unable to determine whether the applicant meets the criteria established by this ordinance, the Zoning Administrator, *the Zoning Administrator's designee or in the absence of a Zoning Administrator, the City Council's designee* may refer the matter to the city council for a final determination of applicability.

(l) The city council may approve a variance or deviation from one or more of the development or architectural standards provided herein on the basis of finding that the material to be utilized or the architectural style proposed for the dwelling will be compatible and harmonious with existing structures in the vicinity. In such case the applicant must apply for the variance and carry the burden of proof to establish that the home is compatible with surrounding homes. The criteria should include such factors as exterior materials, square footage, foundation type and other factors as deemed necessary for compliance and compatibility as required by this Zoning Ordinance. The city council shall further consider the possible negative effect of the structure on the property values of other properties in the immediate area and the possible effect the structure could have on the surrounding area in the event of inclement weather or high winds.

(m) No provision in this ordinance shall preempt or preclude any protective or restrictive covenants which may attached to any property within the City of Pembroke or which may be hereafter declared affecting any property within the City of Pembroke.

(n) A Certificate of Occupancy may be issued to an Applicant who has met all the requirements of this Section 3-19(2) and who has obtained the approval of the City Council and Mayor, provided that any other requirements for the issuance of a Certificate of Occupancy have also been met.

(3) *Noncomplying Dwellings:* Manufactured homes or modular buildings which do not conform to the standards established in Section 3-19(2) above shall not be permitted within the limits of the city, except in a duly licensed and approved park for manufactured homes or modular buildings. Parks for manufactured homes, mobile homes or modular homes shall be allowable only in R-4 Districts. Any person, firm or corporation desiring to place a manufactured home, or modular building not complying with the standards of Section 3-19(2) above within the limits of the city and outside of a regularly licensed park may make an application for same to the Zoning Administrator, *the Zoning Administrator's designee or in the absence of a Zoning Administrator, the City Council's designee* who shall refer said application to the mayor and city council for determination on the following basis: If in the opinion of the mayor and city council, it should become necessary as a

temporary emergency or hardship or for security or protection, such permit may be granted on a limited basis for a period not exceeding one year from the date of permit. If before the anniversary date of the permit, the emergency or other reasons for the structure shall no longer exist, then said permit shall be automatically canceled and said structure removed by the owner. If said structure is not removed, it will be removed by the city at the owner's expense. Such permit, if granted, shall be a privilege and not a right and shall be issued strictly at the determination of the city council who shall prescribe the terms, location, duration of the permit, the utility connections for electricity and gas and the sanitary system for water and sewage, and such decision shall be final. A Certificate of Occupancy may be issued after such permit has been obtained and any other requirements for issuance of a Certificate of Occupancy have been met.

(4) *Temporary Non Residential Use:* Manufactured Housing Units or Modular buildings for non-residential use may be permitted in any zoning district on a temporary basis during construction of a principal building or a road.

(5) *No parking of unpermitted units:* Except for manufactured housing units offered for sale on manufactured housing sales lots, the parking of a manufactured home or trailer outside of a permitted area in any district for 49 hours or more shall be prohibited. Utility trailers properly registered and tagged for use on the highways of this state are excluded from this provision.

(6) *Camping and Recreational Equipment:* Any owner of camping and recreational equipment, including but not limited to travel trailers, pick-up coaches, motorized homes and boat trailers may park or store such equipment on private residential property subject to the following conditions:

- (a) Such parked or stored camping and recreational equipment shall never be occupied or used for living, sleeping or housekeeping purposes for more than fourteen (14) days.
- (b) If the camping or recreational equipment is parked or stored outside of a building, it shall be parked or stored, if possible, behind the front building line of the lot.
- (c) Notwithstanding the provisions of sub-section 2 above, camping and recreation equipment may be parked anywhere on the premises while actually being loaded or unloaded.

3-19.1 Manufactured Housing Parks Amended 6-11-2012

Manufactured Housing Parks shall be permitted only upon properties lying within R-4 zoning districts. Manufactured Housing Parks shall comply with the following requirements:

(1) A site plan shall be prepared and approved by the mayor and city council prior to development or expansion. The site plan shall be prepared by an architect, engineer, land surveyor or landscape architect, who currently holds state registration in Georgia and whose seal shall be affixed to the plan. The site plan shall first be submitted to the Zoning Administrator, who shall review it and present it to the City of Pembroke Planning and Zoning Commission for review. After review by the Planning and Zoning Commission, the site plan shall be presented to the Mayor and City Council for a decision to approve or deny the application for a Manufactured Housing Park. Four copies of the site plan shall be submitted at a scale not to exceed one inch equals 100 feet, showing:

- (a) The name and address of the applicant.
- (b) The location and legal description of the park.
- (c) The area and exterior dimensions of the proposed park.
- (d) A layout of interior streets and driveways referenced to exterior thoroughfares. Right-of-way pavement widths shall be depicted.

- (e) The location of all dwelling pads.
 - (f) The proposed location of all utility lines, easements, and fire hydrants.
 - (g) A preliminary drainage plan prepared and stamped by a professional engineer registered in the State of Georgia.
 - (h) The location and dimensions of all buffers, recreation areas, office structures and support facilities.
- (2) The minimum area for a Manufactured Housing Park shall be five contiguous acres. Each Manufactured Housing Park shall have a minimum frontage of 150 feet on a city street or state highway. The park shall be connected to and utilize the city sanitary system for water and sewage, if available; however, if unavailable, any septic or other individual waste disposal methods used by the park must have approval by the Bryan County Health Department and the City of Pembroke.
- (3) The maximum overall dwelling density shall not exceed eight units per gross acre.
- (4) Each individual dwelling pad shall be clearly delineated and shall abut a paved street of not less than 22 feet in width.
- (5) Each manufactured home space shall contain a minimum of 5,000 square feet.
- (6) Minimum setback and locational requirements for dwelling pads shall be as follows:
- (a) Front yard—20 feet except when adjacent to a city or state street, in which case front yard setback shall be 50 feet.
 - (b) Side yards—20 feet on each side of the dwelling.
 - (c) Rear yard—20 feet.
 - (d) No dwelling shall be located closer than 25 feet to any permanent principal structure.
 - (e) No dwelling shall be located closer than 25 feet to any park property boundary.
 - (f) No additions shall be made to a dwelling that will violate setback requirements.
 - (g) All dwelling spaces shall be served by an all-weather surface walkway of not less than two feet in width.
 - (h) All driveways and walkways shall be lighted at night by not less than 25 watt fixtures spaced not more than 100 feet apart.
- (7) Each dwelling unit shall be installed on a concrete block foundation, of which the base block shall be solid and equal in size to the pier block size (a minimum of eight inches by eight inches by 16 inches). Top course of said parts of foundation shall be a solid cap block with a minimum dimension of four inches by eight inches by 16 inches. The dwelling unit shall be installed true and plumb.
- (8) All streets and driveways shall be laid out and paved, and shall have a minimum pavement width of 22 feet.
- (9) All structures within the park shall meet the Manufactured Home Tie Down Standards as

contained in the Standard Building Code.

(10) All private streets or driveways within the park shall be lighted between sunset and sunrise with electric lights emitting light at an intensity of at least 5,000 lumens, and the light poles shall be not more than 250 feet apart.

(11) No dwelling unit shall be admitted to any park unless it can be demonstrated that it meets the State of Georgia and federal manufactured home and modular home standards and requirements.

(12) The following utilities are required:

(a) An electrical outlet supplying both 60 and 150 amperes of service shall be provided for each dwelling space. All such outlets shall be weather proof, and installations shall meet the requirements of the National Electrical Code.

(b) An adequate supply of pure, potable water for drinking and domestic purposes shall be supplied by pipes to all buildings and dwelling lots within the park. Each dwelling stand shall be provided with an approved cold water connection and a tap, constructed in accordance with the plumbing standards adopted by the city.

(c) City approved fire hydrants shall be located at least every 500 feet and at every intersection or as designated by fire officials of the City.

(d) Waste from shower, bathtubs, flush toilets, urinals, lavatories, slop sinks, kitchen sinks, and laundries in service and other buildings within the Park shall be discharged into a public or private sewer and disposal plant or septic tank system of such construction and in such manner as will meet with the approval of the Bryan County Health Department and the City of Pembroke.

(e) Each dwelling space shall be provided with a trapped sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, urinal, lavatory, slop sink kitchen sink and laundry of the dwelling harbored in such dwelling space. The trapped sewer in each space shall be connected to discharge the dwelling waste into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant or septic tank system of such construction and in such manner as will meet with approval of the Bryan County Health and the City of Pembroke.

(13) The following conditions regarding sanitation shall be complied with:

(a) The area around and underneath each dwelling unit shall be kept clean and free from collections of refuse, rubbish, glass bottles, or other unsightly material.

(b) Each dwelling space shall be provided with an approved plastic garbage container with a tight-fitting cover. The container shall be kept in a sanitary condition and shall be stored at least three inches off the ground, preferably on a metal rack or hanger for such purpose. Waste shall be removed from the premises and disposed of often enough to prevent creating a nuisance or health hazard and to insure that the garbage containers shall not overflow. With the approval of the building inspector the use of a central garbage collection system may be permitted as an alternative.

(c) Each dwelling shall be provided with sanitary sewage lateral of at least four inches in diameter, which shall be fitted with accessible connections to receive waste from the

shower, bathtub, flush toilet, urinal, lavatory, slop sink, kitchen sink and laundry of the dwelling stand and shall be connected to discharge the waste into a sewer system which meets the health requirements of the State of Georgia and the City of Pembroke.

(d) The sewage laterals shall be made of approved semi-rigid four-inch SDR 35 PVC sewer pipe. While a dwelling stand is unoccupied or the drain not in use, the sewer opening shall be closed with an approved closure plug or cap.

(e) Every park shall be equipped at all times with fire equipment in good working order and of such type, size, number and location as to satisfy applicable city fire regulations. No open fires or burning of leaves or other refuse shall be permitted within the boundaries of the park.

(14) A minimum of ten percent of the gross acreage of the Park shall be set aside for the recreational use by residents of the park, and maintained by the park owner, transferee or assign. Said recreational park shall be one contiguous tract or several tracts each no smaller than one-quarter acre and located within the park in such manner as to be convenient to all its residents. The recreational park shall be located on land suitable for park development and shall contain a sufficient amount of play equipment designed for pre-school and elementary school age children.

(15) Planted buffers shall be required and shall be installed as follows:

(a) Parks shall be surrounded by planted buffers at least 15 feet in depth on the sides and rear and 25 feet in depth along the front of any structure contained therein, provided, however, that no side and rear buffer is required between adjacent developments.

(b) The buffer shall be densely planted with shrubs and/or trees at least three feet high at the time [and] of such a nature as to produce a dense, compact evergreen planting screen capable of growing to a height of at least six feet within three years. A site plan identifying all plants to be incorporated in the buffer strip must be approved by the mayor and the city council prior to any site construction. The mayor and city council may require additional planting to acquire a uniform buffer strip.

(c) Such screenings shall be erected and maintained by the owners of the park property.

(16) Dwellings shall not be elevated higher than three feet from the ground at any point.

(17) An owner applying for approval of a Manufactured Housing Park shall be required to pay the same application fees, review fees, permitting fees, and licensing fees as an applicant applying for Subdivision approval pursuant to the applicable Subdivision Ordinance and regulations of the City of Pembroke.

(18) Nothing in this Section 3.19.2 shall be construed in a manner to reduce, eliminate or supersede any other requirements contained in the City of Pembroke Code of Ordinances concerning streets, buildings, public safety or health, or any other matter regulated by the City of Pembroke's Code of Ordinances. Any regulations prescribed by the Health Department, as well as other city or state regulations, shall be complied with.

(19) Before the dedication of any street, water or sewer line or system, or other utility within any park will be accepted by the City of Pembroke, said facility, work or utility must be manufactured and installed in compliance with all then existing specifications and standards of the City, including

but not limited to all applicable standards for streets and utilities. Further, the owner of the property making the dedication shall be required to issue a one-year warranty and indemnification for all design, materials, workmanship, and equipment associated with the dedication.

(20) Before any Manufactured Housing Park which is in existence at the time of the enactment of this section 3-19.1 of the Zoning Ordinance may subsequently expand the limits of the existing park or substantially alter the internal design of the existing park, the existing park must be brought into compliance with all requirements for parks for manufactured homes or modular homes established by this section and ordinance.

Section 3-20 Moving of Buildings.

Whenever a building is moved from any location to a site within Pembroke, the building shall immediately be made to conform to all provisions of the Building, Plumbing and Electrical Codes, if any, and zoning regulations. The person causing the building to be moved shall secure a building permit from the Code Enforcement Officer.

Section 3-21 Non-conformance.

- (1) Continuation of Non-conformance - Any lawful use of buildings, structure, land, or parts thereof existing at the time of the adoption of amendment of this Ordinance, and made nonconforming by the provisions of this Ordinance or any amendments thereto, may be continued, subject to the provisions of this section.
- (2) Nonconforming Lots of Record - In any district, a single lot of record at the effective date of the adoption or amendment of this Ordinance may be built upon even though such lot fails to meet the minimum requirement for lot area or lot width which are applicable in the district, provided such lot is in a separate ownership from and not of continuous frontage with any other lot or lots in the same ownership. For the purposes of this ordinance, a single lot of record is an individual parcel of land described on a deed or subdivision plan legally recorded with the Bryan County. Such lots shall conform to all other requirements, not involving lot area or lot width, for the district in which it is located, unless a variance from such other requirement is obtained from the City Council.

Section 3-22 Non-Conforming Uses.

- (1) Non-Conforming Buildings or Structures. No existing building or structure devoted to a nonconforming use shall be enlarged, extended or expanded except in changing the use of the building or structure to a conforming use.
 - (a) No building or structure or site improvements such as parking or driveways which is nonconforming with respect to the space and bulk requirements of this Ordinance may be expanded, enlarged or increased in height unless such expanded or enlarged or higher portion complies with the space and bulk requirements of this Ordinance.
 - (b) Should any nonconforming building or structure be destroyed or damaged by

any means beyond the control of the owner, it shall be rebuilt or restored within a period of one year or thereafter conform with the space and bulk requirements of this Ordinance unless a variance from such requirements is granted by the City Council. If a nonconforming building is demolished or removed by or for its owner, it shall not be rebuilt or replaced except in conformity with the space and bulk requirements of this Ordinance unless a variance from such requirements is granted by the City Council.

(2) Non-Conforming Uses of Land.

- (a) No nonconforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than that occupied at the effective date of the adoption or amendment of this Ordinance.
- (b) No nonconforming use of land shall be moved in whole or in part to any portion of the lot which was not occupied by such use at the effective date of the adoption or amendment of this Ordinance.
- (c) If any nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- (d) Any nonconforming use may be extended throughout any parts or a building which were manifestly in existence and arranged or designed for such use at the time of the adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- (e) If a nonconforming use of a building or structure is superseded by a permitted use, the nonconforming use shall not thereafter be resumed.

Section 3-23 Nursing Homes.

Nursing homes shall include convalescent homes, homes for the aged, and such other activities designed to take care of the aged or persons unable to care for themselves without supervision or assistance. Nursing homes shall be permitted only with city council approval in any multi-family residential district. Such uses shall comply with all regulations applicable to the district. Such uses shall comply with the off-street parking requirements set forth in this Article. In addition, such uses shall meet the minimum requirements as set forth by state or federal agencies regulating such activities and shall, upon application, for either building permit or occupancy certificate, provide certificates indicating approval by such state and federal agencies.

Section 3-24 Obstruction to Vision at Road Intersections.

In order to minimize accidents caused by obstruction to vision at road intersections, the following regulations shall apply in all districts:

- (1) Within the area formed by the rights-of-way lines of intersecting roads and a straight line connecting points on such rights-of-way lines, at a distance of twenty (20) feet

from their points of intersection there shall be a clear space with no obstruction to vision between the height of thirty (30) inches and a height of ten (10) feet above the average grade of each road as measured at the centerline thereof.

- (2) Requirements of this section shall not be deemed to prohibit any necessary retaining wall.
- (3) There shall be no planting or vegetation over four (4) feet of height in the clear space required at an intersection.

Section 3-25 Offensive Color, Designs, Smoke, Noise, Etc.

Nothing shall be allowed on the premises in any district which would in any way be offensive or obnoxious by reason of the emission of odors, liquids, gas, dust, smoke, vibration or noise; nor shall anything be placed, constructed or maintained that will in any way constitute an eye-sore or nuisance to adjacent property owners, residents, or to the community. All uses must satisfactorily comply with the requirements of the Georgia Department of Natural Resources as required by the United States Environmental Protection Agency.

Section 3-26 Off-Street Parking and Loading.

In all districts off-street parking facilities shall be provided and properly maintained, as set forth in this section for any building which is hereafter erected, enlarged or increased in capacity. Such facilities shall be made available for public use.

- (1) Size and access - Each off-street parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles and be in usable shape and condition, except in the case of dwellings and shall have no parking area containing less than three spaces. There shall be adequate ingress and egress to all parking spaces. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall be not less than 10 feet in width in the case of a dwelling, and not less than 20 feet in width in all other cases.

Access to off-street parking areas shall be limited to several well-defined locations, and in no case shall there be unrestricted access along the length of a street or alley.

- (3) Number of Parking Spaces Required - The number of off-street parking spaces required are set forth in the following table. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply.

OFF-STREET PARKING SPACE REQUIREMENTS

<u>Uses</u>	<u>Spaces</u>
Automatic laundry	1 for each machine
Automobile sales and service garage	1 for each 400 sq. ft. floor area
Banks/Professional offices	1 for each 300 sq. ft. floor area
Bowling alleys	4 for each alley
Churches, temples, or places of worship, funeral homes, schools, public buildings, theaters, auditoriums, areas and places of assembly, private clubs, community buildings, social halls, and lodges.	1 for each 4 seats of maximum seating capacity in principle assembly area or 1 for each 17 classroom seats, whichever is greater
Country clubs, golf clubs, gun clubs, tennis clubs and organizations designed to provide outdoor sporting or recreational activities	1 for each 5 members
Dental offices	2 for each dentist
Driving ranges and golf courses	2 for each tee
Dwellings--single family	2 for each unit
Dwellings--multiple family	1 1/2 for each unit
Food store, supermarket	1 for each 200 sq. ft. floor area
Funeral homes, mortuaries	20 for each parlor
Furniture, appliance stores	1 for each 200 sq. ft. floor area
Hospitals, sanitariums, and nursing homes	1 for each 2 patient beds
Hotels and motels	1 for each guest room plus 1 for each 3 employees
Manufacturing, industrial plant, research laboratory, bottling plants	1 for each 2 employees on largest shift plus 1 for each company vehicle
Medical offices	10 for each doctor
Restaurants, beer parlors, nightclubs	1 for each 2.5 seats plus 1 for each 3 employees
Retail stores and shops	1 for each 300 sq. ft. floor area

Rooming houses, boarding houses, dormitories, fraternities and sororities	1 for each 2 beds
Service station	2 for each pump
Sports arenas, auditoriums, theaters, assembly halls	1 for each 3.5 seats
Trailer or monument sales or auctions	1 for each 2,500 sq. ft. of lot area
Wholesale and warehouse concerns	1 for each 2 employees, plus 1 for each company vehicle, plus 1 for each 50 sq. ft. of retail sales or service

(3) Location of Off-Street Parking Spaces.

- (a) Such parking space as required in this section shall in no part exist upon and no portion of any vehicle shall overhang the right-of-way of any public road, street, alley, or walkway. There shall be no off-street parking in the front yards of residential districts except as normally exists in driveways.
- (b) The parking spaces for all dwellings shall be located on the same plot as the main building.
- (c) Parking spaces for all other uses shall be provided on the same plot with the main building or not more than three hundred (300) feet distance, as measured along the nearest pedestrian walkway provided that such area is under the same ownership as the principal use. The applicant for a building permit which proposes to use an area for off-street parking in order to meet the requirements of this resolution and in accordance with the provisions of this subsection shall submit evidence of a restrictive covenant running with the land to be used for off-street parking purposes stating that such land shall not be encroached upon, used, sold, leased, or conveyed for any other purpose until such time as the principal building ceases to be required to provide such off-street parking facilities.
- (d) Off-street parking areas may be situated in any residential district abutting any commercial district or industrial district to a depth not exceeding one hundred twenty (120) feet and provided that all off-street parking lot improvements as provided in Section 3.29.4 of this Article are complied with.
- (e) Parking Lot Improvement Requirements - Any off-street parking lots serving any use other than dwellings of four (4) units per building or less shall meet the following off-street parking lot improvement requirements:
 - (i) Screening and Landscaping. Off-street parking areas for more than five vehicles, and off-street loading areas, shall be effectively screened on each side which joins or faces residential or industrial premises situated in any residential district.
 - (ii) Surfacing for all retail sales and services, business services and professional services serving the general public and having access

to and abutting a paved street, the off-street parking area shall be provided with a suitable surface, which may include asphalt, cement, crushed rock, or shell, as approved by the Planning Department Director or designee. Such surfacing shall be so graded and drained to provide for the adequate run-off and disposal of surface water.
Amended 6-11-2012

(4) Off-Street Loading Requirements.

- (a) Every hospital, institution, commercial or industrial building or similar use having a floor area of 20,000 square feet or more and requiring receipt or distribution by vehicle of materials or merchandise shall have at least one (1) permanent off-street loading space for each 20,000 square feet of gross floor area or fraction thereof immediately adjacent to the principal building.
- (b) Every building which requires the receipt or distribution by vehicles of material or merchandise, shall provide off-street loading berths in accordance with the following tables:

OFF-STREET LOADING SPACE REQUIREMENTS

USES	SQ.FT. OF FLOOR AREA	REQUIRED OFF-STREET LOADING BERTHS
Schools	15,000 or more	1
Hospitals (in addition to space for ambulance)	10,000 - 300,000 For each additional 300,000 or major fraction thereof	1 1 additional
Undertakers and funeral parlors	All Funeral Homes	1
Hotels, offices and multi-dwellings	10,000 or more	1
Commercial, wholesale, manufacturing and storage	10,000 - 25,000 25,000 - 40,000 40,000 - 60,000 60,000 - 100,000 For each additional 50,000 or major fraction thereof	1 2 3 4 1 additional

- (c) Every off-street loading and unloading space shall have direct access to the public street or alley and shall have the following minimum dimensions: length, 30 feet; width, 12 feet; height, 14 feet.

(5) Overhanging or Extruding Projections. In Single Family Residential Districts, Multi-Family Residential Districts and Manufactured Housing Park Districts, every part of a

required yard or court shall be open from its lowest point to the sky unobstructed except for the customary projection of sills, belts, courses, cornices, ornamental features, and eaves; provided, however, that none of the above projections shall extend into a required yard more than 36 inches. Open or enclosed fire escapes, outside stairways, balconies, chimneys, flues or other projections shall not extend into any required yard except that uncovered steps may project not more than three (3) feet into the required yard. Amended 6-11-2012

- (6) Parking of Trucks and Trailers. Within any residential district no trucks, trailers or wagons in excess of one (1) ton capacity shall be parked for storage purposes, including overnight, on any public right-of-way.

Section 3-27 Performance Standards.

These performance standards shall apply to all non-residential uses.

- (1) **Smoke, Dust and Dirt.** All emissions of visible smoke, dust, dirt, fly-ash or any particulate matter from any pipes, vents or other openings from any other source shall conform to state and federal standards.
- (2) **Fumes, Vapors and Gases.** All emissions of any fumes, vapors or gases of a noxious, toxic, or corrosive nature which can cause any damage or irritation to human health, animals, vegetation, or to any form of property shall conform to state and federal regulations.
- (3) **Sewerage.** There shall be no discharge at any point of liquid or solid waste into any public sewage disposal system which will overload such system or create detrimental effects in the flow and treatment of public sewage. As such, any restaurant or eating establishment which discharges even trace amounts of liquid or solid waste material shall have a grease trap. There shall be no discharge of any industrial wastes into any private sewage disposal system, stream, or into the ground of any kind or nature which would contaminate any water supply or otherwise cause emission of dangerous or objectionable elements or conditions. There shall be no accumulation of solid waste conducive to the breeding of rodents or insects.
- (4) **Odors.** There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive, obnoxious or unpleasant beyond the property line on which the principal use is located. Any process including the preparation of food which may involve the creation and emission of any such odor shall be provided with a primary and secondary safeguard system so that odor control may be maintained in the event of failure of the primary safeguard system. Any odorous matter shall be kept a minimum of fifteen hundred (1500) feet from any residence, school, hospital, or church, and any "B" district.
- (5) **Noise.** The permitted level of noise or sound emission at the property line of the lot on which the principal use is located shall not at any time exceed the average noise level prevailing for the same hour as generated by streets and traffic activity. The determination of noise level shall be measured with a sound level meter that conforms to specifications published by the American Standards Association.

- (6) Glare. There shall be no direct glare visible from any residential district caused by unshielded floodlights or other sources of high intensity lighting.
- (7) Operations Plan. The applicant shall submit an "operations plan" to the Planning Commission wherein will be discussed: traffic, hours of operation and each of the above enumerated (1-6) performance standards. The operations plan shall address all aspects of the use of the land and potential impacts on properties adjacent to or in the neighborhood or community.

Section 3-28 Pending Applications for Building Permits.

Nothing herein contained shall require any change in the overall layouts, plans, construction, size or designated use of any development, building, structure, or part thereof, for which official approval and required permits have been granted, or where no approvals or permits are necessary, where construction has been legally started, before the enactment of this Ordinance and completed within a one-year period.

Section 3-29 Permitted Building Area.

The principal building on any lot or parcel of land shall be erected within the area bound by the building lines established by setback or yard requirements. Accessory buildings may be erected within any building line established for the principal building and in required rear yards as may be otherwise permitted in these regulations.

Section 3-30 Principal Building on a Lot.

Except in Manufactured Housing Parks and the group housing projects as provided in these regulations, only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot of record. Any dwelling shall be deemed to be the principal building on the lot on which the same is located. An addition to any building shall not be construed as a principal building. Amended 6-11-2012

Section 3-31 Retaining Walls.

Nothing in these regulations shall be construed to prohibit or to prevent the erection of a retaining wall on any property provided that such retaining wall does not adversely affect the natural flow of surface water or create any other adverse effect upon adjacent or adjoining properties. However, any application for a retaining wall shall be subject to approval of the Planning Commission before the issuance of a permit.

Section 3-32 Shopping Centers.

Shopping centers are hereby defined as a group of retail stores or shops under single ownership or management with an area of five (5) acres or more and with a minimum depth of three hundred (300) feet established as a shopping area with common parking facilities, ingress and egress, loading and unloading facilities. Shopping centers shall be permitted in any general or neighborhood commercial district and may be developed in accordance with approval of a plat of a

subdivision or development as approved by the Planning Commission. The shopping center shall not be divided into separate lots for each store or use. No permit shall be issued for the construction of shopping centers until the plans and specifications--including the design of ingress and egress roads, parking facilities and other such items as may be found of importance--have been approved by the Planning Commission. No buildings shall be erected closer than fifty (50) feet to any road right-of-way lines. There shall be provided a minimum of one (1) parking space for each two hundred (200) square feet of floor area designed to be used for business or shopping purposes. Such parking area including maneuvering areas, ingress and egress roads, and driving lanes shall be paved and kept in good repair at all times with a hard, all-weather surface. All points of access shall be to the public road; however, there shall be no public roads or alleys within the shopping center property. All loading and unloading shall be done entirely within the shopping center property. Except as otherwise provided in this section all uses within the shopping centers shall conform with other regulations as set forth in this resolution.

Section 3-33 Signs. See Sign Ordinance (Appendix B)

Section 3-34 Rear Dwelling and Easements Required (Secondary Structures) .

In all districts except the industrial districts, no building in the rear of a principal building on the same lot shall be used for residential purposes unless it conforms to the open space requirements of this Ordinance. However, notwithstanding are cases with an existing accessory structure, which may be converted to a garage apartment or guest cottage. For the purpose of determining the front yard in such cases, the rear line of the required rear yard for the principal building in front shall be considered the front lot line for the building in the rear. In addition, there must be provided for any such rear dwelling, an unoccupied and unobstructed access way not less than (10) feet wide to a road, and there shall not be more than one dwelling, housing no more than two (2) families for each such easement. A secondary structure herein described shall be considered a conditional use and must meet the conditions set forth in Section 7-5 of this Ordinance.

Section 3-35 Road Frontage Required.

No lot shall contain any dwelling unless it abuts at least twenty (20) feet on a public street, or unless it conforms to the easement of access required in Section 3 of this Article.

Section 3-36 Traffic Visibility Across Corner Lots.

On any corner lot in any district, no fence, structure or planting, more than thirty (30) inches high measured from the center elevation of the road, shall be erected or maintained within twenty (20) feet of the "corner" so as not to interfere with traffic visibility across the corner.

Section 3-37 Agricultural Uses.

This Ordinance shall not prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes in the A-5 district and in the AR-1 District for lots larger than five acres. In Residential Districts, general purpose gardening and farming are permitted, but limited by the provisions of 5-2 (5).

Section 3-38 Public or Semi-Public Uses.

Nothing in this Ordinance shall prohibit the erection, construction, alteration or maintenance of essential services, by public utilities or County, City, or other governmental agencies and no zoning certificate shall be required for any such structure; provided, however, that the provisions of this paragraph shall not apply to buildings, towers or storage yards of such public utilities or governmental agencies except when conforming to the procedures specified by the Constitution of the State of Georgia as enacted by the Georgia General Assembly Section Seven (7) and ratified by general election. See also district requirements for public utilities in Article V.

Section 3-39 Swimming Pools, Private, Community or Club.

- (1) Private Swimming Pools. A private swimming pool in the ground or permanent installations above the ground, but not including farm ponds, as regulated herein, shall be any pool, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one half (1 1/2) feet. No such swimming pool shall be allowed in a "B-1", "AR-1", or any "R" District except an accessory use and unless it complies with the following conditions and requirements:
 - (a) Excepting the usage of a private pool for use in a home occupation (swimming lessons, etc.), the pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located, and their guests, and no fee shall be charged.
 - (b) It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten (10) feet to any property line of the property on which it is located.
 - (c) The swimming pool, or the entire property on which it is located shall be so walled or substantially fenced so as to prevent uncontrolled access by children from the street or from adjacent properties, said fence or wall to be not less than four (4) feet above ground level and maintained in good condition and grounded for electricity. Pools shall conform to the Department of Health standards.

Existing pools shall conform in ninety (90) days to these requirements. Inspection by the Code Enforcement Officer to ascertain conformance with the law shall be made before use of the pool by the owner or any friend or relative of the owner or paid member will be allowed. The inspection shall be made within one week of completion of all construction.

- (2) Community or Club Swimming Pools. A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club solely for use and enjoyment by members of the association or club and their families and guests of members. Community and club swimming pools shall not be closer than one hundred (100) feet to any property line of the property on which it is located.

Section 3-40 Time Limitation.

No Zoning Permit for construction, erection, or alteration of any building or structure or part thereof, or for signs or outdoor advertisements, or part thereof, shall be valid for more than one (1) year unless work at the site has commenced within such period.

Section 3-41 Notice of Starting Work.

The Code Enforcement Officer shall be given at least twenty-four (24) hours notice by owner or applicant prior to commencement of work at the site under zoning permits.

ARTICLE IV: Establishment of Districts

Section 4-1 Type of Districts.

For the purpose of this Ordinance the area of Pembroke, Georgia, is hereby divided into the following zoning districts.

"AR-1"	Agricultural-Residential Districts
"AR-1.5"	Agricultural-Residential Districts
"AR-2.5"	Agricultural-Residential Districts
"A-5"	Agricultural Districts
"R-1"	Single-Family Residential Districts
"R-2"	Two-Family Residential Districts
"R-3"	Multi-Family Residential Districts
"R-4"	Manufactured Housing Park Residential Districts
"B-1"	Neighborhood Commercial Districts
"B-2"	General Commercial Districts
"B-3"	Village Commercial Districts
"I-1"	Industrial Districts
"PUD"	Planned Unit Development Adopted 3-11-2008
"CHD"	Cottage Housing Development Adopted 10-13-2016

Section 4-2 Zoning Maps.

The boundaries of these zoning districts are hereby established on a map to be designated "Zoning Map for Pembroke, Georgia, which is hereby made a part of this Ordinance, together with all existing and future notations, references and amendments. The originals of said "Zoning Map" properly attested, shall be and remain on file in the offices of the City of Pembroke Planning Commission, and a copy in the office of the Recorder of Deeds of the City of Pembroke.

Section 4-3 District Boundary Lines.

The district boundary lines on the zoning maps are intended to follow property lines on the centers of streets, alleys, railroads or watercourses. In the case of unsubdivided property, the district boundary lines shall be determined using the appropriate scale.

SECTION 4-3 OF ARTICLE IV OF CHAPTER 4 OF TITLE 6 (Section 6-4-4-3)

Amended 6-11-2012

Lot and Building Requirements

	AR-1 Agricultural District	A-5 Agricultural District	R-1 Single- Family Residential	R-2 Two- Family Residential	R-3 Multi-Family Residential Garden Apartments	R-3 Multi-Family Residential Townhouses
Minimum Lot Area	See Section 5-1 1(a:i,ii,iii)	5 acres	12,000 10,890 sq. ft.	7,200 8,000 sq. ft.	Max - 20 units/acre	Max-16 unit/acre
Minimum Lot Width	400 feet	200 feet	100 feet	80 feet	150 feet	25 feet
Minimum Front Yard	100 feet	75 feet	25 feet	25 feet	10 feet	10 feet
Minimum Rear Yard	50 feet	50 feet	20 feet	20 feet	15 feet	15 feet
Minimum Side Yard, Interior	50 feet	50 feet	15 feet	15 feet	15 feet	None required
Minimum Side Yard, Street	40 feet	50 feet	20 feet	20 feet	20 feet	None required
Maximum Building Height	35 feet	35 feet	35 feet	35 feet	60 feet	35 feet
Maximum Percentage of Lot Coverage	20 %	20 %	30%	30%	40%	75%

	R-4 Manufactured Housing	B-1 Neighborhood Commercial Districts	B-2 General Commercial Districts	B-3 Village Commercial	I-1 Industrial Districts
Minimum Lot Area	5 acres 8 units/Acre	6,000 sq ft	6,000 sq ft	5,000 sq ft	N/A
Minimum Lot Width	N/A	50 feet	50 feet	50 feet	N/A
Minimum Front Setback	20 feet	30 feet	30 feet	N/A	N/A
Minimum Rear Setback	20 feet	30 feet	30 feet	N/A	N/A
Minimum Side Setback, Interior	20 feet	10 feet	15 feet	N/A	N/A
Minimum Side Setback, Street	20 feet	15 feet	10 feet	N/A	N/A
Maximum Building Height	N/A	35 feet	35 feet	40 feet at roof peak	N/A
Percent of Lot Coverage	N/A	25%	30%	N/A	N/A

ARTICLE V: Uses and Standards for Districts

Section 5-1 "AR-1" Agricultural-Residential Districts.

The purposes of this district are as follows: to provide for quiet, livable, low-density single family areas along with agricultural areas for commercially grown products; to provide areas for future development of single-family neighborhoods; and to prohibit any use which would substantially interfere with the orderly development of the community.

(1) Permitted Uses

- (a) Single and two family dwellings including manufactured housing units with their customary uses, on the basis of one (1) dwelling for each lot with the further provision that there shall be provided for each dwelling a designated parcel of land having the following minimum size requirements:
 - (i) In districts with established residential lots of average size smaller than 30,000 square feet, where water and sewer are provided, the lot shall contain not less than 15,000 square feet.
 - (ii) In districts with established residential lots of average size smaller than 30,000 square feet, where either water or sewer is available, but both are not available, the lot shall not contain less than 20,000 square feet.
 - (iii) In districts with established residential lots of average size smaller than 30,000 square feet, where neither water nor sewer is available from the City of Pembroke public system, the lot must be approved by the County Health Department.
- (b) Churches, charitable, semi-private or philanthropic institutions or camps and state parks.

(2) Conditional Uses. The following uses shall be permitted in this Agricultural District on a conditional basis upon recommendation by the Planning Commission and approval by the governing authority. The governing authority may accept the recommendation of the Planning Commission or may consider and grant approval of its own recommendation.

- (a) Cemetery, when accessory to and on the same property as a permitted use in the Agricultural District.

(3) Prohibited Uses. Any business, commercial, or industrial use, except in connection with the agricultural pursuits otherwise permitted in this section.

- (4) Lot and Building Requirements. The principal building, accessory buildings, and other land uses shall be located so as to comply with the following requirements:

<u>Principal Building</u>	<u>Five Acres or More</u>
Minimum Lot	5 Acres, except as provided for in a-(i-iii) above.
Minimum Lot Width at Building Line	400 Feet
Minimum Front Yard	100 Feet
Minimum Side Yard, Interior	50 Feet
Minimum Side Yard, Street	40 Feet
Minimum Rear Yard	50 Feet
Maximum Percent of Lot Coverage	20 Percent
<u>Accessory Buildings Minimum Setback from Lot Line:</u>	
Front	40 Feet
Rear	30 Feet
Side	Same as Principal Building

Section 5-1-A "AR-1.5" Agricultural-Residential District

District Intent. The purpose of this district is to provide for large lot single family and manufactured home development in a rural environment. Limited agricultural and forestry activity is permissible here.

- a) *Permitted uses.*
- i. One-family dwellings, including manufactured, modular or mobile homes that meet all criteria set forth in Section 3-19 of the Code of Ordinances, and their customary uses.
 - ii. Non-commercial agricultural uses, excluding large farm animals. Small farm animals shall be kept 50 feet from property lines.
 - iii. Home occupations, home business offices and family day care homes.
 - iv. Customary accessory buildings and uses incidental to the above permitted uses and any conditional uses permitted.
- b) *Conditional uses.* The following uses may be permitted in this district on a conditional basis upon approval by the Planning Commission and City Council:
- i. Churches.
 - ii. Unlighted, regulation-size or par three golf courses, including normal club house and pro shop activities, and other business activity associated with country clubs.
 - iii. Schools.
 - iv. Public utilities substation or subinstallation including water towers, provided that: (1) such use is enclosed by a painted or chain-link fence or wall at least eight feet in height above finished grade; (2) there is no office, commercial operation of storage of vehicles or equipment on the premises. (Minimum lot area does not apply)
 - v. Customary accessory buildings and uses incidental to any approved conditional uses.

- c) *Lot and building requirements.* There shall be no more than one principal building per lot for parcels less than 1.5 acres. Parcels containing 1.5 acres or more will be allowed one additional principal building on the parcel.

Section 5-1-B "AR-2.5" Agricultural-Residential District.

District intent. The purpose of this district is to provide for large lot single family and manufactured home development in a rural environment. Limited agricultural, aquacultural and forestry activities is permissible here.

- a) *Permitted uses.*
 - i. One-family dwellings, including manufactured, modular or mobile homes that meet all criteria set forth in Section 3-19 of the Code of Ordinances, and their customary uses.
 - ii. Churches.
 - iii. Non-commercial agricultural uses, but large farm animals shall be kept at least 100 feet from property lines and small farm animals shall be kept 50 feet from property lines.
 - iv. Home occupations, home business offices and family day care homes.
 - v. Customary accessory buildings and uses incidental to the above permitted uses and any conditional uses permitted.
- b) *Conditional uses.* The following uses may be permitted in this district on a conditional basis upon approval by the Planning Commission and City Council:
 - i. Unlighted, regulation-size or par three golf courses, including normal club house and pro shop activities, and other business activity associated with country clubs.
 - ii. Schools.
 - iii. Public utilities substation or subinstallation including water towers, provided that: (1) such use is enclosed by a painted or chain-link fence or wall at least eight feet in height above finished grade; (2) there is no office, commercial operation of storage of vehicles or equipment on the premises for extended periods of time. (Minimum lot area does not apply)
 - iv. Day care centers.
 - v. Bed and breakfast.
 - vi. Customary accessory buildings and uses incidental to any approved conditional uses.
- c) *Lot and building requirements.* There shall be no more than one principal building per lot for parcels less than 2.5 acres. Parcels containing 2.5 acres or more will be allowed one additional principal building on the parcel.

Section 5-1-C "A-5" Agricultural District.

The purpose of this District is to conserve natural resources and open space of land while permitting low density Residential development compatible with that purpose. General farming and forestry growth are the primary activities to be conducted within this District.

(1) Permitted Uses:

- (a) One (1) Family Dwelling, including manufactured homes with their customary uses.
- (b) Agricultural or horticultural uses.
- (c) Accessory farm uses, including the sale of products grown on the Premises and the keeping of farm animals.
- (d) All commercial agricultural pursuits, and Structures incidental thereto, including Farm Animals and products, field crops, truck crops, horticultural specialties and forestry. Processing of agricultural products is limited to products produced on premises.
- (e) Churches.
- (f) Home Occupations, Home Business Offices and Family Day Care Homes.
- (g) A landing strip for use by one (1) single engine aircraft.
- (h) Non-commercial kennels.
- (i) Unlighted, regulation -size or par three (3) golf courses, including normal club house and pro shop activities, and other business activity associated with country clubs.
- (j) Bed and Breakfast.
- (k) Customary Accessory buildings and Uses incidental to the above Permitted Uses and any Conditional Uses permitted by the County Commission.
- (l) Simulated combat course for paint ball gun users.

(2) Conditional Uses. The following uses shall be permitted in this particular Agricultural District on a conditional basis upon recommendation by the Planning Commission and approval by the governing authority. The governing authority may accept the recommendation of the Planning Commission or may consider and grant approval of its own recommendation.

- (a) Commercial riding stables, horses, provided that no Building or enclosure for animals is located closer than one hundred (100) feet from any property line.
- (b) Cemeteries.
- (c) Public utilities substation or sub-installations, including water towers. Public utilities substation or sub-installation including water towers, provided that: (1) such use is enclosed by a painted or chain-link fence or wall at least eight (8) feet in height above finished grade; (2) there is no office, Commercial operation or storage of Vehicles or equipment on the Premises; and (3) a landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility. (Minimum lot area does not apply).
- (d) Airfields, together with subordinate Uses, except that a landing strip for one (1) single engine aircraft based on property is a Permitted use.
- (e) Schools.
- (f) Day Care Center.
- (g) Group Homes (not more than eight (8) residents).
- (h) Camps, Camp grounds and parks.
- (i) Excavation or mining of sand, gravel or other natural materials.
- (j) Customary Accessory Buildings and Uses incidental to any approved Conditional Uses.

(3) Lot and Building Requirements:

There shall be no more than one (1) principal building per lot. The principal building,

accessory buildings, and other land uses shall be located so as to comply with the following requirements:

<u>Principal Building</u>	<u>Five Acres or More</u>
Minimum Lot	5 Acres
Minimum Lot Width at Building Line	200 Feet
Minimum Front Yard	75 Feet
Minimum Side Yard, Interior	50 Feet
Minimum Side Yard, Street	50 Feet
Minimum Rear Yard	50 Feet
Maximum Percent of Lot Coverage	20 Percent
Maximum Building Height	35 Feet

Accessory Buildings Minimum Setback from Lot Line:

Front	75 Feet
Rear	30 Feet
Side	50 Feet

Section 5-2 "R-1" Single Family Residential Districts. Amended 1/22

This is the most restrictive residential district. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities needed to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the single-family residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

- (1) Permitted Uses
 - (a) One family detached dwelling. Manufactured Homes or Modular Homes must meet the requirements of Article III, Section 3-19 of this Zoning Ordinance. Amended 6-11-2012
 - (b) Unlighted, regulation-size or par three golf courses, including normal club house and pro shop activities, and other business activity associated with country clubs.
 - (c) Non-commercial horticulture or agriculture, but not including the keeping of poultry or animals, except as provided for in number five (5) below.
- (2) Conditional Uses. The following uses shall be permitted in this Residential District on a conditional basis upon recommendation by the Planning Commission and approval by the governing authority. The governing authority may accept the recommendation of the Planning Commission or may consider and grant approval of its own recommendation.
 - (a) Home occupations upon approval by the local governing authority.

- (b) Churches, synagogues, temples or other place of worship provided that: 1) such use is housed in a permanent structure, and 2) no structure on the lot is closer than twenty-five (25) feet to any abutting residential property line.
- (c) Public and private school engaged in teaching general curriculum for educational advancement, provided the structures are placed not less than fifty (50) feet from any residential property line.
- (d) Public utilities substation or sub-installation including water towers, provided that: 1) such use is enclosed by a painted or chain-link fence or wall at least six (6) feet in height above finished grade; 2) there is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and 3) a landscaped strip, serving as a buffer, not less than five (5) feet in width is planted and suitably maintained to screen the facility and fence from view. However, the requirements for small substations within neighborhood areas may be waived at the discretion of the Planning Commission.
- (e) Group Home

(3) Lot and Building Requirements. The principal building and accessory buildings shall be located and constructed in accordance with the following requirements:

Minimum Lot Area (with water & sewer)	42,000 10,890 Sq. Ft.
Minimum Lot Width at Building Line	100 Feet
Minimum Front Yard	25 Feet
Minimum Rear Yard	20 Feet
Minimum Side Yard, Interior	15 Feet
Minimum Side Yard, Street	20 Feet
Maximum Percent of Lot Coverage	30 Percent
Maximum Building Height	35 Feet

Accessory Buildings Minimum Setback From Lot Line:

Rear	7 1/2 Feet
Side	3 Feet

Reduced Setbacks for Existing Lots: For existing lots which are smaller than the required width, all setbacks may be reduced by a fixed ratio, based on the lot's percentage of the requirement, not to exceed reduction below 50% of the required setback. This ratio is to be as follows:

$$(\text{Actual Lot Width} \div \text{Required Lot Width}) \times \text{Required Setback} = \text{Reduced Required Setback}$$

For example, a lot which is 60 feet where the required minimum lot width is 80 feet, may have a side setback of 11.25 feet where the required side setback is 15 feet: $(60 \div 80) \times 15 = 11.25$.

(4) Required Utilities: The minimum lot area is only permitted for property served by a central water system and a central sanitary sewer service system. If no central sanitary sewer service is available, an applicant for a building permit must have a

minimum of 15,000 square feet. If neither central sanitary sewer nor central water system is available in the area at the time of building the applicant must have a minimum of 30,000 square feet and the permit will be issued with the requirement that upon such time that either service is extended to the property, hook-up will be required within 90 days. Health Department approval must be obtained prior to the issuance of a building permit.

(5) Requirements for Keeping of Animals in Residential Districts.

- (a) In no case, shall poultry or livestock be permitted on lots less than 1 acre in size.
- (b) Domesticated pets may be kept in all residential districts, except that no more than seven adult dogs shall be kept on any lot less than one acre.

(6) Single Family Residential Standards.

All single-family residences, whether site-built or manufactured housing, must meet the following standards in the R-1 District:

- (a) All structures including the primary structure and accessory structures shall be constructed with a pitched roof having a pitch of 3 in 12 or greater.
- (b) The roof shall be covered with asphalt composition shingles, 5-V metal roofing, tile materials, corrugated metal, or similar materials. Flat, sheet-metal roofs are prohibited.
- (c) The exterior wall shall be material similar to traditional site-built housing. These materials may include clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, stucco, brick, brick veneer, concrete block, or similar materials, but shall not include smooth, ribbed or corrugated metal or plastic panels.
- (d) The minimum horizontal dimension of the residence shall be 24 feet. Horizontal dimension is defined as heated living space measured from outside wall to outside wall as setting on foundation.
- (e) The minimum floor area shall be 1,000 square feet.
- (f) All principal structures shall be placed on a permanent foundation. For the purposes of this section, a permanent foundation shall mean a concrete slab, concrete footers, foundation wall, pilings or post construction which complies with the Building Code.
- (g) For Manufactured homes or modular homes, all requirements of Section 3-19 of Article III of this Ordinance must be met. In no case shall wheels, any undercarriage or transporter unit be left on any structure. Amended 6-11-2012
- (h) All units must meet wind loading requirements of the Federal Emergency Management Administrator and the SBCCI Codes.

Section 5-3 "R-2" Two Family Residential Districts.

This residential district is created to provide low density multifamily residential dwellings, primarily in the form of two-dwelling-unit structures. Single family and other uses allowed in the R-1 district are also permitted. Persons residing in this district are entitled to protection from other types of uses which are detrimental to the residential characteristics of the district. The regulations which apply to this district are designed to encourage the formation and continuance of a stable, healthy living environment for its residents.

(1) Permitted Uses.

- (a) All permitted uses in single family residential districts.
- (b) Duplexes and two-family structures.
- (c) Customary accessory buildings incidental to the above permitted user.

(2) Conditional Uses. The following uses shall be permitted in this Residential District on a conditional basis upon recommendation by the Planning Commission and approval by the governing authority. The governing authority may accept the recommendation of the Planning Commission or may consider and grant approval of its own recommendation.

- (a) Manufactured housing upon approval by the local governing authority. Manufactured Housing in "R-2" Districts is subject to all the requirements of Section 3-19 of Article III of this Zoning Ordinance. Amended 6-11-2012
- (b) Home occupations upon approval by the local governing authority.
- (c) Public utilities substations or sub-installations, including water towers, provided that: 1) such use is enclosed by a painted board or chain-link fence or masonry wall, of at least six feet in height above finished grade; 2) there is neither an office nor a commercial operation nor storage of vehicles or equipment or materials on the premises; and 3) there is a landscaped strip not less than five feet in width and six feet in height planted and maintained around the facility. However, these requirements may be waived for small substations within neighborhood areas at the discretion of the Planning Commission.
- (d) Churches, synagogues, temples, or other places of worship provided that: 1) such use is housed in a permanent structure, and 2) no structure on the lot is closer than twenty-five (25) feet to any abutting residential property line.
- (e) Public and private school engaged in teaching general curriculum for educational advancement, provided the structures are placed not less than fifty (50) feet from any residential property line.

(3) Lot and Building Requirements.

Principal Buildings

Living Units	Maximum 6 per acre
Minimum Lot Area per Unit (with water & sewer)	7,200 Sq. Ft.

Minimum Lot Width at Building Line	80 Feet
Minimum Front Yard	25 Feet
Minimum Rear Yard	20 Feet
Minimum Side Yard Interior	15 Feet
Minimum Side Yard Street	20 Feet
Maximum Building Height	35 Feet
Maximum Percent of Lot Coverage	30 Percent

Accessory Buildings.

Minimum Setback From Lot Line:	
Rear	10 Feet
Side	3 Feet
Front	Same as Principal Building

Reduced Setbacks for Existing Lots: For existing lots which are smaller than the required width, all setbacks may be reduced by a fixed ratio, based on the lot's percentage of the requirement, not to exceed reduction below 50% of the required setback. This ratio is to be as follows:

$$(\text{Actual Lot Width} \div \text{Required Lot Width}) \times \text{Required Setback} = \text{Reduced Required Setback}$$

For example, a lot which is 60 feet where the required minimum lot width is 80 feet, may have a side setback of 11.25 feet where the required side setback is 15 feet: $(60 \div 80) \times 15 = 11.25$.

- (4) Required Utilities: The minimum lot area is only permitted for property served by a central water system and a central sanitary sewer service system. If no central sanitary sewer service is available, an applicant for a building permit must have a minimum of 15,000 square feet. If neither central sanitary sewer nor central water system is available in the area at the time of building the applicant must have approval from the county Health Department for existing lots of record.

Section 5-4 "R-3 Multi-Family Residential Districts.

This district is designed to provide for development of multiple family dwelling units and medium to high density residential development. This district's regulations are designed to encourage the formation and continuance of a stable and healthy residential environment while discouraging the encroachment of uses capable of adversely affecting the district's character.

- (1) Permitted Uses
 - (a) All permitted uses in single-family residential districts and two-family residential districts. Manufactured Housing in "R-3" Districts is subject to all the requirements of Section 3-19 of Article III of this Zoning Ordinance. Amended 6-11-2012
 - (b) Multiple family dwellings, rooming houses, fraternities, sororities, and dormitories.
 - (c) Customary accessory buildings incidental to the above permitted uses.

(2) Lot and Building Requirements.

Principal Buildings - Garden Apartments

Living Units (with water & sewer)	Max. 20 per acre or fraction thereof
Minimum Lot Width at Building Line	150 Feet
Minimum Front Yard	10 Feet
Minimum Rear Yard	15 Feet
Minimum Side Yard, Interior	15 Feet
Minimum Side Yard, Street	20 Feet
Maximum Building Height	60 Feet
Maximum Percent of Lot Coverage	40 Percent

Accessory Buildings

Minimum Setback from Lot Line:

Rear	10 Feet
Side	3 Feet

Principal Building - Townhouses

Living Units (with water & sewer)	Maximum 16 Per Acre
Minimum Lot Area	1/2 acre
Minimum Lot Width at Building Line	25 Feet
Minimum Front Yard	10 Feet
Minimum Rear Yard	14 Feet
Minimum Side Yard	None if Buildings are attached 40 Feet between groups of buildings
Maximum number of units having same building line	8 Units
Maximum building Height	35 Feet
Maximum Percent of Lot Coverage	75 Percent

Section 5-5 "R-4" Manufactured Housing Park Residential Districts.

The intent of this district is to provide sound and healthy residential areas to meet the unique needs of manufactured housing residents; to encourage the consolidation of manufactured housing into parks; to protect manufactured housing residential areas from encroachment by incompatible uses; and to enhance property values in the community by providing distinctive areas for manufactured housing.

(1) Permitted Uses

- (a) Manufactured housing parks, and accessory structures incidental thereto, but limited to a total of eight (8) units per acre.
- (b) Recreational facilities.
- (c) Laundry facilities solely for the manufactured housing park occupants.

- (d) Office and mail facilities for the manufactured housing park.
- (e) The sale of new and used manufactured houses shall be permitted within the boundaries of an approved manufactured housing park subject to the following conditions: Amended 6-11-2012
 - (i) Allowable Number - The number of manufactured housing units for sale shall not exceed 5 per cent of the total number of approved manufactured housing unit spaces in the manufactured housing parks.
 - (ii) Location - Manufactured Housing units for sale shall be located only on approved manufactured housing spaces in the manufactured housing parks, and subject to the same setbacks and yard requirements as occupied manufactured housing units.
 - (iii) Maintenance - There shall be no renovating, overhaul, or repair to manufactured housing units offered for sale within the manufactured housing park. However, customary maintenance shall be permitted, such as would be allowed for an occupant while living in manufactured housing.
 - (iv) Advertising - There shall be no advertising signs, banners, pennants, or any type of display advertising mobile homes for sale except that one sign, not over 18 inches by 24 inches shall be permitted to be posted on each manufactured housing unit offered for sale.
- (2) Approval of Manufactured Housing Parks No Manufactured Housing Park may hereafter be developed or expanded until all requirements and regulations set forth in Section 3-19.1 of Article III of this Zoning Ordinance have been met. Amended 6-11-2012

Section 5-6 "B-1" Neighborhood Commercial Districts.

- (1) Permitted Uses
 - (a) Retail stores
 - (b) Personal services
 - (c) Professional services and offices
 - (d) Banks
 - (e) Commercial offices
 - (f) Soda fountains, taverns, cafes or restaurants (without entertainment)
 - (g) Clubs and lodges

- (h) Parking areas
 - (i) Mortuaries
 - (j) Public and semi-public uses
 - (k) Utilities (except storage yards)
 - (l) Accessory uses to the above
- (2) Conditional Uses. The following uses shall be permitted in this Neighborhood Commercial District on a conditional basis upon recommendation by the Planning Commission and approval by the governing authority. The governing authority may accept the recommendation of the Planning Commission or may consider and grant approval of its own recommendation.
- (a) Mixed use commercial (residential-2nd floor and above)
 - (b) Theaters (indoor)
 - (c) Drive-in Commercial Uses (not including drive-in theaters)
 - (d) Accessory uses to the above

(3) Lot and Building Requirements.

Principal and Accessory Buildings.

Minimum Lot Area (with water & sewer)	6,000 Sq. Ft.
Minimum Lot Width at Building Line	50 Feet
Minimum Front Setback	30 Feet
Minimum Rear Setback	30 Feet
Minimum Side Setback, Interior	10 Feet
Minimum Side Setback Street	15 Feet
Maximum Building Height	35 Feet
Maximum Percent of Lot Coverage	25 Percent

Section 5-7 "B-2" General Commercial Districts.

This general commercial 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 commercial business area, and to encourage the development of a centralized business center for Pembroke.

- (1) Permitted Uses.
- (a) Service stations
 - (b) Restaurants

- (c) Motel and tourist courts
- (d) Tourist homes
- (e) Retail business
- (f) Personal services
- (g) Offices and banks
- (h) Professional activities
- (i) Garages for service and/or vehicular sales
(excluding storing junked vehicles outdoors)
- (j) Drive-in commercial uses (not including theaters)
- (k) Mortuaries
- (l) Animal hospitals, clinics or kennels
- (m) Commercial greenhouses and plant nurseries
- (n) Golf driving-ranges and miniature golf
- (o) Public and semi-public uses
- (p) Utilities
- (q) Building Construction Supply Facilities
- (r) Used cars and trailer lots
- (s) Tire retreading and recapping
- (t) Business services
- (u) Food processing
- (v) Research and testing facilities
- (w) Billiard or pool rooms
- (x) Commercial recreation
- (y) Hotels
- (z) Printing, lithographing or publishing plants
- (aa) Accessory uses to the above

- (2) Conditional Uses. The following uses shall be permitted in this General Commercial District on a conditional basis upon recommendation by the Planning Commission and approval by the governing authority. The governing authority may accept the recommendation of the Planning Commission or may consider and grant approval of its own recommendation.

Amusement parks
Feed and grain, sales and storage
Wholesale business
Equipment sales and repair
Stone or monument works
Bulk fuel storage
Cleaning, laundry and drying plants
Drive-in theaters
Cemeteries
Machine shops
Mixed use commercial (residential-2nd floor and above)
Accessory uses to the above

- (3) Lot and Building Requirements

Minimum Lot Area (with water & sewer)	6,000 Sq. Ft.
Minimum Lot Width at Building Line	50 Feet
Minimum Front Setback	30 Feet
Minimum Rear Setback	30 Feet
Minimum Side Setback Street	15 Feet
Minimum Side Setback, Interior	10 Feet
Maximum Building Height	35 Feet
Maximum Percent of Lot Coverage	30 Percent

Section 5-8 "B-3" Village Commercial District.

The purpose of this district is to provide for continuity and limited expansion of the central commercial area of Pembroke. This area is a diverse and vital mixture of complementary uses including: small scale businesses; professional and retail shops; offices; governmental services; and residential uses. A number of historic buildings are located in this area, and it shall be a primary goal of this ordinance to encourage the retention of the exterior features while recognizing that changing economic and social conditions may make interior alterations and varied uses necessary.

- (1) Permitted Uses.
- (a) Restaurants
 - (b) Hotels
 - (c) Theaters
 - (d) Retail businesses, excluding service stations

- (e) Personal-business services
 - (f) Offices and banks
 - (g) Government facilities
 - (h) Residential uses on second floors and above
- (2) Conditional Uses. The following uses shall be permitted in this Village Commercial District on a conditional basis upon recommendation by the Planning Commission and approval by the governing authority. The governing authority may accept the recommendation of the Planning Commission or may consider and grant approval of its own recommendation.

The following uses shall be permitted in a B-3 district upon approval of the governing authority: places of worship to include but not be limited to churches, mosques, temples, synagogues.

(3) Lot and Building Requirements.

Minimum Lot Area (with water & sewer)	5,000 sq. ft.
Minimum Lot Width	50 feet
Height	40 feet maximum at peak of roof

No setbacks are required; and party walls are permitted. All construction must comply with the City of Pembroke's Building Code.

(4) Parking Requirements.

Parking requirements for all uses are waived in this district. However, should a property owner desire to install parking, it must be to the rear of the Principle Building located on the lot.

(5) Special Performance Standard.

- (a) No Existing Building may be demolished without the approval of the Pembroke City Council. A minimum of 90 days must lapse from the time of application until demolition.
- (b) All new signage must conform to the Pembroke Sign Ordinance.
- (c) Building facades must be made of traditional materials, such as brick, stone, or wood.
- (d) All new buildings must be located within 5 feet of the street right-of-way.

Section 5-9 "I-1" Industrial Districts.

This district is established to provide for light industrial uses which are not significantly objectionable with regard to noise, odor, fumes, etc., to surrounding properties. This district's regulations are

designed to provide a compatible environment for uses generally classified as light industrial in nature; to protect and reserve undeveloped areas within the city that are suitable for such light industries; and to discourage encroachment by residential, commercial, or other uses that may adversely affect the industrial character of the district. All uses in an industrial district shall be subject to the approval of the City Council through the Planning Commission.

- (1) Submission of Plans. The owner of a tract of land zoned for industrial uses shall submit to the Planning Commission or its review a plan for the use and development of such tract of land. It shall then be the duty of the Planning Commission to investigate and ascertain whether the proposed activity complies with all of the provisions of this Ordinance which pertain to "I-1" districts. The Commission may employ experts in specific fields as needed, and as funds are available, to determine whether a proposed use meets the required performance standards.
- (2) Referral and Authorization. A report of its findings shall be furnished by the Council. The Commission may suggest disapproval, recommend the plan as submitted, or may modify, alter, adjust or amend the plan before recommendation, and in recommending it, may propose the prescribing of other conditions. The report of the Planning Commission to the City Council shall be in writing, and shall include a finding as to whether the proposed use is consistent with the applicable provisions and requirements of the Zoning Ordinance. If the Board finds that the proposed use is consistent with the purpose of the Zoning Ordinance to promote the public health, safety, and general welfare, it may direct the proper official to authorize a permit.
- (3) Performance Standards. All industrial uses must conform to the following performance standards as well as the standards listed in Section 327.
 - (a) Smoke, Dust and Dirt. All emissions of visible smoke, dust, dirt, fly-ash or any particulate matter from any pipes, vents or other openings from any other source shall conform to state and federal standards.
 - (b) Odors. There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive, obnoxious or unpleasant beyond the property line on which the principal use is located. Any process including the preparation of food which may involve the creation and emission of any such odor shall be provided with a primary and secondary safeguard system so that odor control may be maintained in the event of failure of the primary safeguard system. Any odorous matter shall be kept a minimum of fifteen hundred (1500) feet from any residence, school, hospital, or church, and any "B" district.
 - (c) Toxic Gases. The emission of gasses or fumes injurious to persons or property beyond the lot lines occupied by the use is prohibited.
 - (d) Glare and Heat. Glare and heat from arc welding, acetylene torch cutting or similar processes shall be performed so as not to produce glare which is visible, or objectionable heat, beyond the property line of the lot on which the operation is located. Direct glare from incandescent exposed lights shall not be visible from adjoining streets or properties.
 - (e) Sewage. No discharge is permitted at any point in any private sewage

disposal system or stream or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply, or otherwise cause the emission of dangerous objectionable elements, except in accordance with the standards as approved by water pollution control boards of appropriate agencies of the State Department of Natural Resources. Furthermore, no accumulation of wastes conducive to the breeding of rodents or insects shall be permitted.

(4) Uses Prohibited.

- (a) Residential subdivisions and developments and the construction of dwellings on existing lots zoned as industrial except for dwellings for watchmen, caretakers or farms. All buildings shall be a minimum of fifteen hundred (1500) feet from the closest industrial building.
- (b) Schools, hospitals, clinics, or other institutions for human care, except where incidental to a permitted principal use. All buildings shall be a minimum of two thousand (2000) feet from the closest industrial building.

Section 5-10 "PUD" PLANNED UNIT DEVELOPMENT.

In order to permit flexible land use regulations and to facilitate the use of innovative techniques for development, Planned Unit Developments (PUD) can be established. The development of PUDs in the City of Pembroke requires different regulations than those provided for in the usual application of the city's ordinance. It is an objective of the city in allowing for PUD zoning, to encourage ingenuity and imagination on the part of architects, site planners and developers, allowing for creative designs, and deviation from the strict application of use, setback, height, and the minimum lot size requirements of the various Zoning Districts. At the same time, PUDs should remain within the general purpose and intent of this Ordinance and the City's Comprehensive Land Use Plan. PUDs must also include a program for the provision, maintenance, and operation of all areas, improvements, facilities, and necessary services for the common use of all occupants thereof.

(1.) Standards

The Planning Commission and the City Council shall consider the following standards when reviewing the PUD Application:

- (a) Compatibility with the surrounding area;
- (b) Harmony with the character of the neighborhood;
- (c) Need for the proposed development;
- (d) The effect of the proposed PUD upon the immediate area;
- (e) The effect of the proposed PUD on the future development of the area;
- (f) Whether or not an exception from the zoning ordinance requirements and limitations is warranted by virtue of the design and amenities that are incorporated in the development;

- (g) That the land surrounding the proposed PUD can be planned in coordination with the proposed PUD;
- (h) That the proposed change to a PUD district is in conformance with the general intent of the comprehensive master plan and the general zoning ordinance of the city;
- (i) That the existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed district and in the vicinity of the proposed district;
- (j) That the existing and proposed utility services are adequate for the proposed development;
- (k) That the PUD creates a desirable and stable environment;
- (l) That the PUD makes it possible for the creation of a creative, innovative and efficient use of the property.

(2.) Permitted Land Uses within a PUD

A. Allowable business uses within the PUD zone shall include but not be limited to:

- (i) General office uses. Including but not limited to administrative, sales representatives, legal services, engineering and architectural, accountants, auditing, bookkeeping, finance, real estate, physical fitness and health service clinics, veterinary clinics, insurance and personal services;
- (ii) Indoor Amusement and Recreation. Theater, bowling, billiards, video and mechanical amusement games;
- (iii) Retail sales and service. Including but not limited to food stores, drug stores, clothing stores, home furnishings and hardware, specialty shops, craft shops, photography studios, art studios, antique shops, gift and floral shops, bookstores, beauty and barbershops, dry cleaning, laundry service and office supplies;
- (iv) Eating and drinking establishments. Restaurants, with or without alcoholic beverages, cocktail lounges, nightclubs, taverns, and package stores;
- (v) Outdoor Amusement and Recreation. Golf course, tennis courts, basketball courts, etc;
- (vi) Off-street parking lots;
- (vii) Other residential support services as deemed necessary by the City Council.

B. All proposed land uses will be identified within the PUD Application provided by the Applicant. Land uses not included within the PUD Application shall be permitted only as a conditional use through the approval of the City Council.

C. Compatible land uses, which would not otherwise be permitted to locate within the same zoning district, can be proposed for development on one or more adjacent

parcels. Buffers required between proposed land uses shall be in compliance with buffer ordinance of the City of Pembroke Subdivision Regulations.

(3.) Site Requirement

All PUDs will have a minimum site area of twenty (20) acres. The requirement may be waived by the City Council to insure orderly development of a particular area prior to the submission of a PUD application upon the written request of a potential applicant. The written request will include justification for the PUD zone in lieu of a conventional zoning district. Design Criteria as described in Section 1201 should be used to show this justification.

(4.) Unified ownership or control

(a). The title to all land within a proposed site for a PUD will be owned or controlled by the applicant submitting the application provided for under this Article.

(b). The term "controlled by" shall be interpreted to mean that such applicant shall have the written consent of all owners of property within the proposed site not wholly owned by the applicant. Such consent shall contain a statement that such applicant is authorized to represent such owners in the submission of an application under the provisions of this Article and that such owners shall agree to be bound by the decision of the City Council in the event such application is approved.

(5.) Access and Parking

(a). Easements may be used in commercial application to reduce the number of direct connections to a county or state road. The proposed use of easements in residential applications will be reviewed by the City Council at the time of the submission of the PUD application. City representatives shall be permitted ingress and egress on private right-of-ways, easements and open spaces in order to perform basic city services such as fire and police protection, emergency medical services or any other service required.

(b). Pedestrian access and sidewalks will be provided within the PUD. Adjacent developments within the PUD and schools will be connected via pedestrian paths and/or sidewalks, which shall be a minimum of five feet (5') wide. Pedestrian access will be provided between all parking areas and the structure(s) served by such parking areas.

(6.) Public Facilities and Services

(a). All parts of the development must be served by a sanitary sewer system and water system approved by the appropriate government agencies.

(b). All roads, sidewalks, drainage facilities, water systems, sewerage systems, or any other infrastructure proposed for dedication to the City, must be acceptable by the City, as to the size, shape, and location. Infrastructure will be constructed and fully improved according to the requirements of the Subdivision Regulations and the Engineering Standards.

(c). All electrical, telephone, and other utility services, will be underground except for temporary service for construction use. These utilities shall be provided in accordance

with the rules, resolutions and/or regulations established by the appropriate governmental agency.

(d) A PUD shall have Open Spaces.

(i). The PUD shall require a minimum of twenty (20%) percent of the gross site acreage as open space.

(ii) A minimum of five (5%) of the required open space or one (1) acre, whichever is greater, shall be used for community recreation and dedicated for use by all residents. i.e. ball fields, picnic sites, gardens, parks, walking trails, or playground areas.

(iii). A minimum of thirty percent (30%) of the required open space must be permanently preserved under Green-space. The land must be permanently protected under a permanent conservation easement pursuant to the Georgia Uniform Conservation Easement Act (O.C.G.A. §44-10-1 et seq.) or a permanent restrictive covenant pursuant to Georgia State Statute, (O.C.G.A. §44-5-60(c)) and must be consistent with at least one of the Green-space statutory goals (O.C.G.A. §36-22-2(3)).

(iv). Active recreation that requires the use of developed facilities may be built within the remaining open space requirement.

(v). Wetlands may be used to fulfill up to 50% of the remaining open space requirement. Calculations for such may not exceed fifty (50%) percent of the required open space. Isolated wetlands can also be used to fulfill the 30% Green-space requirement.

(vi). There will be some open space within PUDs that cannot be counted towards the twenty percent (20%) open space requirement. Examples of such open space include road rights-of-way, yards, and the space between dwelling units. Only a limited amount of impervious surfaces used for parking lots that service recreation areas will be allowed as part of the required open space.

Example: 1000 acre PUD

Total open space: $20\% \times 1000 = 200$ acres required to be utilized as open space;

Greenspace: $30\% \times 200 = 60$ acres minimum must be permanently preserved under the Greenspace Plan;

Community Recreation: $5\% \times 200 = 10$ acres required to be utilized as community open space;

Wetlands: $50\% \times 200 = 100$ acres

(vii). All privately owned open space shall continue to conform to its intended use as specified in the PUD Application.

(viii). All open space and recreation facilities shall be included in the PUD Application and each preliminary and final development plan as called for in the PUD Application.

(viii). All community open space and recreational facilities shall be constructed and fully improved according to the development schedule established for each development phase of the PUD.

(x). A homeowners association or nonprofit corporation will be created by the developer, by recorded covenants, declaration and restrictions running with the land, shall preserve and maintain for the owners and occupants of the units the land set aside for open space, buffers, parks, or recreational use and common off-street parking spaces. The book and page in which these covenants, declaration and restrictions are recorded shall be shown on the final plat of the subdivision. Once the development phase is completed, the applicant must deed all open space, recreational facilities and off street parking, not managed by another private entity, to the association or nonprofit corporation.

(e) Adequate Public facilities and services:

It is the responsibility of the applicant to predict the future demand of public facilities and services, including transportation, recreation, education, emergency services, and similar necessary facilities created by the development of the proposed PUD. All public facilities and services for which a need is determined shall be constructed and fully improved according to the City of Pembroke's regulations.

(7.) Rezoning Procedure

(a) Pre-application

- (i) Pre-application submittal. Prior to submitting an application for establishing a PUD district, the applicant shall submit a pre-application form and the required supporting documentation to Pembroke's Planning Department so the City can determine the feasibility and suitability of the application. This step is required so that the applicant may obtain information and guidance from City personnel before entering into any binding commitments or incurring substantial expenses of the site and plan preparation. See Section 8 for information required in the Pre-Application Submittal.
- (ii) Determination of sufficiency. Within thirty (30) working days of receipt of an applicant's request for a pre-application conference, the Zoning director will review the pre-application to determine its sufficiency and schedule a preapplication conference with the applicant and Planning Director.
 - If the Zoning director determines the application is not sufficient, He/She will mail a written notice to the applicant specifying the deficiencies. No action will be taken to initiate a preapplication conference until the deficiencies are remedied.
 - When the application is determined sufficient, the Zoning director shall notify the applicant in writing of the application's sufficiency and that the application is ready for review pursuant to the procedures and standards of this section. A pre-application conference and on site walk-through will be scheduled with the applicant and such other city departments and/or state agencies that may be involved in the review and processing of the application.

(b). Pre-application conference issues:

- i.* Physical characteristics of the site;
- ii.* Identify proposed PUD land uses;
- iii.* Describe surrounding land uses and what potential effects the PUD will have on them;
- iv.* Consistency with the Comprehensive Plan;
- v.* Status of existing and proposed on-site streets, utilities or other public and private facilities to service the proposed development;
- vi.* Potential drainage concerns;
- vii.* Open space proposed to serve the development;
- viii.* Identification of the appropriate development review procedures for the proposed development.

(c). Written Summary: Within fifteen (15) working days of the pre-application conference, the Zoning director or designee will summarize the issues discussed in the pre-application conference and mail a copy to the applicant.

(d). Submission of PUD Application

- (i).** The applicant will arrange a meeting and submit to the zoning director, in hard and digital format when possible, a PUD Application including five (5) copies of the application, master plan, fee as established by the City Council and other required documents. The PUD Application shall be submitted to the zoning Director at least thirty (30) days prior to the meeting of the Planning Commission. During this thirty (30) day period, the Planning Director shall distribute copies of the PUD Application to the appropriate City departments for review and comment. Each department shall conduct its review and submit written comments to the Zoning Director within ten (10) days after its receipt.
- (ii).** If any revisions are deemed necessary by the Zoning Director after the review process is complete, the applicant shall submit revisions to the Zoning Director at least ten (10) days prior to the public hearing and pay any additional review fee.

(e). Approval of PUD Application

- (i). Upon completion of the review of the PUD Application, the application will be discussed at a scheduled meeting of the Planning Commission, at which meeting such application is to be considered in a public hearing. Notice of the public hearing required under this Article shall be given in accordance with the Zoning Procedures Act. The Planning Commission shall recommend to the City Council the approval, approval subject to conditions, or disapproval of the PUD application. The Planning Commission shall consider the review criteria established in this Article when making its recommendations.
- (ii). Upon receiving the recommendations of the Planning Commission, or if sixty (60) days has elapsed after the Application has been submitted to the Zoning Director, the City Council shall hold a public hearing to review the Planning Commission's recommendations and the PUD Application. The City Council shall approve, approve subject to conditions, deny or table the Application. Approval of the PUD Application indicates approval of the PUD zoning. The City Council

shall take into consideration the review criteria established in this Article when making their decision.

(f). Preliminary Plat and Construction Plans

A preliminary plat and construction plans, i.e. a Preliminary Development Plan for the first phase of the PUD must be submitted within one (1) year of the rezoning of the property. If a preliminary development plan is not submitted within this time frame, the applicant must petition the Commission for an extension of time for development. Failure to do so within the required time limits will result in the invalidation of the PUD zoning.

(8.) Requirements for the Pre-Application Submittal

A. The pre-application, submitted in a form established by the Zoning Director and made available to the public, shall contain the following information:

- (i). Fee Payment
- (ii). At least 10 plans submitted must be 24" x 36" in size
- (iii). Proposed project schedule
- (iv). Exhibit of existing conditions
- (v). Pictures of existing on-site conditions
- (vi). Conceptual Site Plan, showing adjacent properties, zoning, existing land uses, within 300' of site, existing streets, right-of-ways, dimensions and gross site acreage, proposed arterial and connector roads, driveway locations and parking, scale, vicinity map and north arrow indication.
- (vii). Conceptual Subdivision Plan showing scale, applicable names and addresses, site, adjacent parcels, vicinity map, existing and adjacent zoning and land uses, parcel dimension, residential density (gross acreage and number of lots), all existing buildings, typical lot sizes and setbacks, existing and proposed collector or arterial roadways, and proposed open space.

(9.) Requirements for the PUD Application

A. The application, submitted in a form established by the Zoning Director and made available to the public, shall contain the following information:

- The name, address, and telephone number of the owner of record of the land proposed for development.
- The name, address, and telephone number of the applicant, if different from the owner and an explanation of the difference.
- The name, address, and telephone number of the agent for the application, if there is an agent.
- The name, address, and telephone number of all land use, environmental, engineering, economic, or other professionals that are assisting in the application.
- The street address and legal description of the land on which the PUD is proposed to occur, with attached copies of any instruments referenced, such as, but not limited to, deeds, plats, easements, covenants, and restrictions.
- Evidence that the applicant has unified control of the land proposed for PUD zoning district classification.
- A copy of the relevant Bryan County Map and Parcel Number(s).

- The date and legal description of the proposed PUD zoning district classification.
- A written report which explains the type, nature, intent and characteristics of the proposed development and specifically describes the proposed standards for development, including restrictions on the use of property, density standards, lot size and restrictive covenants. Also include a list of the standards of development, which are exceptions or variations from the Design Standards of the City of Pembroke's Subdivision Regulations.
- A Master Plan, at a scale appropriate for a sheet no larger than 36" x 42" that contains, but is not limited to, the following:
 - ❖ The proposed name or title of the development, and the name of the engineer, architect and applicant.
 - ❖ A north arrow.
 - ❖ A vicinity map locating the land proposed for development.
 - ❖ The date and legal description of the proposed PUD zoning district classification.
 - ❖ Identification of the boundaries of the land shown with bearings, distances, and all existing easements, section lines, streets and physical features.
 - ❖ The topography of the site at five – foot intervals.
 - ❖ Existing natural and/or manmade drainage ways, flood plains and other natural features. Conceptual wetland locations or approximate delineations by a soil scientist or environmental scientist should also be shown.
 - ❖ Conceptual drainage plan showing effect all phases will have on drainage after completion.
 - ❖ Existing streets and easements.
 - ❖ The proposed parks, school sites or other public and private open space.
 - ❖ The vehicular and pedestrian circulation systems, including off-street parking and loading areas, driveways, walkways and access points.
 - ❖ The site data, including tabulation of the total number of gross acres in the development, the acreage to be devoted to each of the several types of residential, non-residential uses, and open space uses, the total number of residential nonresidential lots, minimum lot size, setbacks, number of dwelling units and square feet of gross non-residential building area.
 - ❖ Designation of open space and any complementary structures, and the tabulation of the percent of the total area devoted to open space.
 - ❖ The general location, dimensions and character of construction of all proposed collector or arterial roadways, shall be shown on the master plan. Additionally, all points of ingress and egress to a state, county, or city roadway including driveways shall be indicated on the plan. Residential areas and structures, non-residential areas and structures, recreational areas and structures and open space shall also be shown.
 - ❖ A delineation of specific areas within the master plan, which constitute the proposed development phases designating different types of development i.e. residential, multifamily, recreation, commercial, public service, etc.
- Assurance that adequate public facilities and services will be available.
- A statement of how open space and recreational facilities will be preserved and maintained.

- A certificate of survey completed by a professional land surveyor registered in the State of Georgia certifying the plat.
- Proposed architectural and landscape deed restrictions that clearly reflect the compatibility of the variety of primary and secondary uses proposed.
- A development schedule:
 - Delineating areas to be developed according to their order of construction.
 - Proposing dates for beginning and completing construction of each development phase.
 - Proposing a schedule for the construction and improvement of open space, streets, public facilities, utilities, and any other necessary improvements for each development phase.
- A calculation of the number of average daily and peak hour trips produced by the proposed PUD will access a collector, arterial or scenic parkway and will produce 1,500 or more new vehicle trip ends, a traffic analysis shall be submitted by the applicant for review by the City Engineer. The analysis shall demonstrate the impact of the development to the adjacent roads. Included shall be the average daily trips and peak hour trips proposed along with the existing capacity of each roadway. The level of service of each roadway shall also be included for conditions before and after the proposed development.

B. Deviation from the approved PUD: Any adjustments which may be required to the approved PUD or associated Master Plan during the development of the PUD, must be approved by the City Council. Any adjustments will be considered based on the following criteria:

- a. There is no increase in the number of units.
- b. There is no increase in the number of stories or floor area.
- c. There is no decrease in the amount of open space and the open space is in the same general location.
- d. There is no major change in the location of traffic routes.

(10.) Permits

For multifamily homes, model homes within a residential development, non-residential improvements or commercial developments, building permits may be issued after preliminary approval of plat and construction plans by City Council. NO building permits shall be issued for single family homes until the Zoning Director or designee has approved the Final Plat for the particular development phase and fully recorded with the Clerk of Superior Court. No Certificates of Occupancy for a particular development phase shall be issued until all facilities and services shown on or provided for on the approved final plat and approved construction plans for the particular development phase are fully installed and approved for use by the City or designee, unless a bond is held by the City.

Section 5-11 “CHD” Cottage Housing Development

- I. **Purpose:** The purpose is to provide moderate density housing of detached single-family dwellings for a population diverse in age, income and household size, while encouraging efficient use of land, affordability, and energy conservation. This is made possible by encouraging innovation and variety in home sizes, clustered home sites and parking and design standards.
- II. **Definitions:**
 - a. Cluster: A group of four (4) to twelve (12) dwellings arranged around a common space
 - b. Common open space: An area improved for passive recreational use or gardening. Common open spaces are required to be owned and maintained commonly, through a homeowners' or condominium association or similar mechanism
 - c. Cottage: A single family detached dwelling unit that is part of a cottage housing development (CHD)
 - d. Cottage Housing Development (CHD): A group of clusters developed under a single land development plan, or as part of another land development plan
 - e. Footprint: The gross floor area of a dwelling's ground-level story
- III. **Application Review Process:**
 - a. The application process for cottage housing developments shall go through the preliminary and final plat permit approval process as specified in the Pembroke Zoning Code Section 5-10 Planned Unit Development
- IV. **Density and Minimum Lot Area:**
 - a. There shall be allowed one (1) dwelling per three thousand six hundred thirty (3630) square feet of lot area (twelve (12) per acre) which shall allow for Common Open Space (see Section VIII below), Private Open Space (see Section X below) and adequate Parking (see Section XI below)
 - b. Minimum lot area shall be fourteen thousand five hundred twenty (14,520) square feet (1/3 acre)
 - c. There shall be a minimum of four (4) to a maximum of twelve (12) dwellings per cluster
- V. **Height and Roof Pitch:**
 - a. The height of any dwelling shall be such to allow a maximum of two (2) stories per dwelling.
 - i. The maximum height of any dwelling shall thirty-five (35) feet.
- VI. **Lot Coverage and Floor Area:** Total floor space of each dwelling shall not exceed one thousand (1000) square feet
 - a. Fifty (50) percent of the units shall have a maximum footprint of six hundred fifty (650) square feet
 - b. Fifty (50) percent of the units shall have a maximum footprint of eight hundred (800) square feet

- c. Future additions to any dwelling shall meet the requirement of this chapter
- d. Areas that do **NOT** count toward the gross floor area or footprint calculations are:
 - i. Interior spaces with a ceiling height of six (6) feet or less, such as interior attic eaves
 - ii. Architectural projections — such as bay windows, fireplaces, or utility closets no greater than eighteen (18) inches in depth and six (6) feet in width
 - iii. Garages and carports

VII. Yards:

- a. Front yards shall be an average depth of ten (10) feet and at no point less than five (5) feet. When fronting a public street, the front yard must be at least fifteen (15) feet in depth
- b. Rear yards shall be a minimum of ten (10) feet in depth

VIII. Required Open Space:

- a. A minimum of four hundred (400) square feet per unit of common open space is required.
- b. The required common open space shall be provided in one contiguous parcel
- c. To be considered as part of the minimum open space requirement, an area of common space must have a minimum dimension of thirty (30) feet
- d. Parking areas, yard setbacks, driveways and common pedestrian access shall **NOT** be counted as open space
- e. At least fifty (50) percent of the dwellings shall abut the common open space. All dwellings must be within sixty (60) feet walking distance of the common open space and the common open space shall have dwellings abutting at least two sides.

IX. Common Open Space Maintenance: Community buildings, parking areas and common open space shall be owned and maintained commonly by the residents of the CHD through condominium associations, a homeowners' association or a similar mechanism, and shall not be dedicated to the city.

X. Private Open Space: Each dwelling shall be provided with a private open space of at least two hundred fifty (250) square feet with no dimension of less than ten (10) feet. Private open space should be contiguous to each dwelling, for the exclusive use of the dwelling's occupant

XI. Parking: Parking areas should be located within the CHD in such a way as to maintain the character along the public street and minimize the noise and light impacts on private residences and public spaces. Reductions in parking space allowances are not permitted in CHDs. Permitted on-street parking spaces adjacent to a project's frontage may count towards the parking requirements of the development subject to the approval by the Zoning Administrator or his or her designee. Parking standards shall be as follows:

- a. Numbers:
 - i. Units that do not exceed six hundred fifty (650) square feet on the main floor: 1 space
 - ii. Units that exceed six hundred fifty (650) square feet on the main floor: 1.5 spaces
 - iii. Guest parking shall be included. A minimum of 0.5 guest parking spaces per dwelling, rounded up to the next whole number, shall be provided for each cluster. Guest parking may be clustered with resident parking, however, the spaces shall include clear signage identifying them as reserved for visitors
- b. Location and Design: Parking shall be located on the CHD property. It may be located in a structure, under a structure, or outside a structure provided that:
 - i. Off-street parking may be located in or under a noncottage parking structure (such as a single or multi-auto carport or garage), but such structures shall not be attached to individual cottages.
 - ii. Parking is screened from direct street view by one or more building facades, by garage doors, landscaping or architectural screening. Solid board fencing shall not be allowed as an architectural screen
 - iii. Parking areas shall be accessed only by a private driveway or public alley
 - iv. Parking is not located in the front yard
 - v. Parking is only allowed between structures when it is located toward the rear of the principal structure and is served by an alley or private drive
 - vi. Parking may be located between any structure and the rear lot line of the lot or between any structure and a side lot line which is not a street side lot line
 - vii. Parking areas shall be limited to no more than five (5) contiguous spaces
 - viii. The design of covered parking areas — including roof lines - shall be similar to and compatible with that of the dwelling units in the CHD.

XII. **Fences:** Fencing in CHDs should be respectful of the context and of the surrounding neighborhood and should accentuate the common and private open spaces

- a. Fencing located between a dwelling and a public street or the common open space shall not exceed forty-two (42) inches in height.
- b. Fencing shall not be chain link or similar in nature

Not Permitted:



XIII. **Fire Department Access:** Fire Department access shall be determined at the time of development review. Any part of structure in a CHD that is located more than seventy-five (75) feet from Fire Department vehicle access, as measured by an approved route around the exterior of the buildings or facilities, shall have a Fire Department approved sprinkler system.

XIV. **Walkways:**

- a. A CHD shall have sidewalks along all public streets which shall be concrete
- b. A system of interior walkways shall connect each cottage to each other and to the parking area(s), and to the sidewalks abutting any public streets bordering the CHD
- c. Walkways and sidewalks shall be at least five (5) feet in width
- d. Interior walkways shall be formed of an acceptable, hard building material such as:
 - i. Concrete
 - ii. Wood slabs/ties
 - iii. Pavers

XV. **Utilities:**

- a. To the greatest extent practicable, all electrical, telephone, and other utility services will be underground, except for temporary service for construction use. These utilities shall be provided in accordance with the rules, resolutions, and/or regulations established by the City of Pembroke
- b. Individual dwellings shall have a unique connection to the main water and sewer lines. Main water and sewer line on private property servicing cottage housing unit developments shall be located in a dedicated easement

XVI. **Accessory Buildings:** With the exception of garages and carports, accessory buildings are not permitted in CHDs. Likewise, Accessory Dwelling Units (ADUs) are not allowed in CHDs.

XVII. **Community Buildings:**

- a. Community buildings are permitted in CHD's
- b. Community buildings shall be clearly incidental in use and size to dwellings
- c. Building height for community buildings shall be no more than one story
- d. Community buildings shall be architecturally integrated with the architectural style of the CHD

XVIII. **Tree Conservation:**

CHDs shall be designed to incorporate existing trees to the extent possible. New trees shall be located to create amenities in common open space, private open space, provide shade where appropriate, to create separation between buildings when desired, and to screen and soften the perimeter of parking areas and street-facing sides of CHD's. Preservation of existing trees, and/or new trees, shall be provided consistent with the city's Tree Ordinance, per which any removed grand or protected tree shall be replaced with a tree of similar nature.

XIX. Storm water low impact development techniques:

CHDs shall be designed to take advantage of open space and landscaped features to utilize storm water low impact development techniques including natural filtration and on-site infiltration of storm water.

- a. Low impact development techniques for storm water management shall be used wherever possible. Such techniques may include the use of pervious pavers in parking areas and for walkways, directing roof drains and parking lot runoff to landscape beds, green or living roofs, and the use of rain barrels where possible.
- b. Cottages shall be located to maximize natural storm water functions. Dwellings shall be grouped, and parking areas shall be located to preserve as much contiguous, permanently undeveloped open space and native vegetation as possible.
- c. Impervious surfaces shall not exceed 60% of the site area.

XX. Additional requirements:

- a. Cottage homes shall have a covered porch at least sixty (60) square feet in size with a minimum depth of six (6) feet.
- b. The owner's association maintains all buildings. Such a condominium plan allows owners exclusive rights to private yard similar to home interiors.

ARTICLE VI: General Provisions

Section 6-1 Existing Lots of Record. Amended August 2018

1. Any lot of record existing at the effective date of this Ordinance in any "AR-1", or "R" district, may be used for the erection of a single family dwelling, even though its area and width is less than the minimum requirements set forth herein, except as set forth hereafter. Front, side and rear yards shall conform to the requirements of this Ordinance as closely as possible.

2. For any existing lot of record at the effective date of this Ordinance in any "R" district that has more than one residential dwelling structure currently on it, said lot may be divided into parts equal to the number of residences located thereon. Should this result in lots smaller than the requirements for that zoning type, the setbacks may be reduced by a fixed ratio, based on the lot's percentage of the requirement, not to exceed reduction below 50% of the required setback, provided all other requirements for a lot can be met.

Section 6-2 Yards.

- (1) Front Yards of Through Lots. In any "R" district, where a lot runs through a block from street to street, a front yard as required by this Ordinance shall be provided along each street lot line.
- (2) Projections into Yards and Courts. A wall or fence six feet in height or under, or higher if a retaining wall, may be erected within the limits of any yard not extending beyond the front setback line. Any wall or fence in the front yard, not including a retaining wall, shall be limited to forty-eight (48) inches in height.

Patios may not be located closer than the required setback to any property line.

Architectural Projections. Chimneys, leaders, cornices, eaves, gutters and bay windows, and the like, may extend not more than 30 inches into any required yard.

- (3) Accessory Structures.

Attached Accessory Structures. Accessory structures which are attached to the principal building shall comply with all the yard requirements for a principal structure.

Unattached Accessory Structures in "AR-1", and "R" Districts may be erected within a rear yard, provided they conform with the following:

- (a) Maximum height - one and one-half stories or 25 feet except in "AR-1" Districts.
- (b) They shall have a rear yard of 10 feet, except as otherwise specified in this Ordinance.

ARTICLE VII: Zoning Appeals

Section 7-1 Organization and Procedure.

- (1) Organization. The City Council shall act as the Zoning Appeals Board. Hereafter, when serving in this capacity, the Council shall be referred to as Board.
- (2) Procedure. The City Council shall appoint a secretary who may be an officer of the governing authority or of the planning commission. The Board shall adopt rules in accordance with the provisions of any ordinance or resolution adopted pursuant to this Ordinance.
- (3) Meetings. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence 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 the board and shall be a public record.

Section 7-2 Applications and Appeals to the Board.

- (1) Applications. Applications for conditional uses, in cases in which the Council has original jurisdiction, under the provisions of this Ordinance, shall be filed with the Planning Official or designee who shall transmit same to the Council.
- (2) Appeals. Appeals may be made by any person or official aggrieved or affected by any provision of the Zoning Ordinance or by the decision of the Planning Official or other office charged with enforcement of the provisions of the Zoning Ordinance. Such appeal shall be taken within 20 days after said decision, by filing with the Planning Official or designee, a notice of appeal specifying the grounds thereof. The Planning Official or designee shall arrange for the proper notices, and shall bring the appeal before the Board at its next meeting.
- (3) Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Planning Official or designee shall certify to the Board after the notice of appeal has been filed 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 proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of equity, after notice to the officer from whom the appeal is taken, and on due cause shown.
- (4) Filing. The Board may require the applicant to furnish such information as it deems necessary, when filing an application or appeal, and may require specific forms to be used.
- (5) Re-filing of Disapproved or Withdrawn Cases. If a case is disapproved by the Board, thereafter the Board shall take no further action on another case for substantially the same proposal or the same property, until one (1) year after the

date of such disapproval. If a case before the Board is advertised, and thereafter withdrawn by the applicant before or at the meeting of the Board, he shall be precluded from filing another application for substantially the same proposal on the same premises for six (6) months.

- (6) Decision of the Board. The Board may in conformity with the provisions of this Article reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made, and to that end, shall have all powers of the Planning Official or designee from whom the appeal is taken.

Section 7-3 Hearings.

Upon filing of an appeal or application, the Board shall fix a time and place for a hearing, and give notice as follows:

- (1) Public Notice. Notice must be given using the same procedures as a zoning hearing, as described in Section 8-2.

Section 7-4 Powers and Limitations of the Board.

- (1) Administrative Review. The Board shall have the following powers:
 - (a) To hear and decide appeals where an error is alleged in any order, requirement, decision, or determination made by the Planning Office or his designee in the enforcement of any section or article adopted pursuant to this Ordinance.
 - (b) To hear and decide upon Conditional Uses as permitted in each district.
 - (c) To authorize upon appeal in specific cases such variance 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 or resolution will, in an individual case, result in unnecessary hardship, so that the spirit of the ordinance or resolution shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the city council that:
 - (i) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
 - (ii) The application of the ordinance or resolution to this particular piece of property would create an unnecessary hardship;
 - (iii) Such conditions are peculiar to the particular piece of property involved; and

- (iv) Relief, if granted, would not produce substantial detriment to the public good or impair the purposes and intent of the ordinance or resolution, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by the ordinance or resolution.

In exercising the above powers, the Board 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 and may issue or direct the issuance of a permit.

- (2) Interpretations of the Zoning Map. Where the street or lot layout as it exists on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made of the Board, and a determination shall be made by said Board.
- (3) Variances: The Council may grant a variance only when it finds that literal or strict application of a zoning ordinance to the applicant's property would cause undue hardship in all of the following ways:
 - (a) The lot in question cannot yield a reasonable return unless a variance is granted;
 - (b) The need for a variance is due to the unique circumstances of the lot and not to the general conditions in the neighborhood;
 - (c) The granting of the variance will not alter the essential character of the locality; and
 - (d) The hardship is not the result of action taken by the applicant or a prior owner.
- (4) Specific Limitation of Powers of the Board. The City Council sitting as the Appeals Board does not have the power to amend any zoning ordinance, to re-zone any land, to declare this Zoning Ordinance or any amendment thereto invalid, or to allow any use not permitted by this Zoning Ordinance.

The fact that a property owner will suffer financial hardship if not granted a special exception or a variance from the Zoning Ordinance, is of itself insufficient ground for granting a variance.

Section 7-5 Conditional Uses: Standards and Procedures.

- (1) Conditional Uses. The uses listed under the various land use districts as "conditional uses" are so classified because they have a greater potential to affect the area in which they are located than do other uses which are called permitted uses. The

governing authority may accept the recommendation of the Planning Commission or may consider and grant approval of its own recommendation. Conditional land uses are uses which would not normally be appropriate in a district unless strictly controlled as to size, lot coverage, impact on public services, visibility, traffic and other characteristics. The following procedure is established to integrate the conditional uses with other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

- (a) When applying for a building permit, the applicant shall be informed by the Planning Official or designee that the proposed use is a conditional use. The matter will then be referred to the Planning Commission.
- (b) An application for conditional usage shall be filed with the Planning Official or designee at least 30 days prior to the next regularly scheduled meeting of the Planning Commission. Such application shall contain all information requested thereon and any other material or information pertinent to the request which the Planning Commission may require.

(2) Public Hearing Procedures, Amended 12-12-16

- (a) Required Public Hearings: No official action shall be taken on any proposed conditional use permit unless one (1) public hearing has been held. The public hearing shall be conducted by the Planning Commission.
- (b) Procedure for Calling a Public Hearing:
Prior to scheduling of the required public hearing, applicants shall first complete all submission requirements provided by the Planning Official or designee (e.g., forms, fees, deeds, maps, etc.). Incomplete forms shall not be processed. There shall be no amendment made to the application once submitted. The procedures shall be the same as provided in Section 9-3.

(3) Applications for a Conditional Use.

Initial application for a conditional use shall be made to the Planning Official who shall determine whether the use is allowed as a conditional use in the particular zone. If such use is allowed, the Planning Official or designee shall submit the application to the Planning Commission for their comments. Upon review by the Planning Commission, recommendations shall be presented to the local governing authority as to additional restraints, restrictions, qualifications, or limiting factors that are felt to be desirable. The local governing authority shall review all recommendations and approve or disapprove the conditional use.

(4) Standards for Conditional Use Permits, Amended 12-12-16

A Conditional Use Permit may be recommended for approval by the Planning Commission only if the application establishes to the satisfaction of the Planning Commission that:

- (a) Neither the proposed use nor the proposed site upon which the use will be located is of such a character that the use will have significant adverse impact upon the value or possession of surrounding properties other than

would normally occur from generally permitted uses in the zoning district. In reaching a determination on this standard, the (Planning Commission) Council shall consider:

- (i) The size of the proposed use compared with the surrounding use;
 - (ii) The intensity of the proposed use, including activity to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses;
 - (iii) The potential generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances;
 - (iv) The unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which may tend to aggravate or buffer adverse impacts upon surrounding properties;
 - (v) The degree to which landscaping, fencing and other design elements have been incorporated to mitigate adverse impacts on surrounding properties.
- (b) City facilities or other facilities serving the proposed use will not be overburdened or hazards created because of inadequate facilities. The Commission shall consider relevant factors in reaching a determination on this standard, including but not limited to:
- (i) The ability of the traffic to safely move into and out of the site at the proposed location;
 - (ii) The presence of facilities to assure the safety of pedestrians passing by or through the site;
 - (iii) The capacity of the road network to accommodate the proposed use;
 - (iv) The capacity of the sewerage and water supply systems to accommodate the proposed use;
 - (v) The capacity of the storm drainage system to accommodate the proposed use;
 - (vi) The ability of the fire department to provide necessary protection services to the site and development.
- (c) The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and flood plain, shall not be such that the proposed use when placed on the site will cause undue harm to the environment or to neighboring properties.
- (5) Imposition of Additional Requirements Amended 12-12-16

The Planning Commission and/or the City Council may require such conditions as it

finds necessary to insure compliance with those standards and all other applicable requirements of this Ordinance in addition to those required by other provisions of this Ordinance. The governing authority may accept the recommendation of the Planning Commission or may consider and grant approval of its own recommendation. Violation of any of those conditions shall be a violation of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of landscaping/vegetation, increased setbacks and yards, specified sewage disposal and water supply facilities, hours of operation, operational controls, professional inspection and maintenance, sureties, location of parking and signs, and types of construction. In addition, applicants must submit a sedimentation and soil control plan which meets the requirements of the Sedimentation and Erosion Control Act.

(6) Considerations for Determining Additional Requirements for Conditional Use.

- (a) Approval of a conditional use shall not adversely affect the economic values or the physical appearance of the neighborhood or areas surrounding the site or lot in question.
- (b) The physical and environmental affects of allowing the conditional use shall be considered.
- (c) Buffer zones, where necessary to shield any adverse factors, shall be considered.
- (d) Additional space for parking, landscaping, building, loading zones and setback shall be considered if necessary to protect adjacent structures or lots from any adverse impact.
- (e) The local governing authority may add, delete, modify or change any recommendation made by the Planning Commission.

(7) Abandonment of Conditional Use.

An otherwise lawful conditional use approval shall expire if:

- (a) The conditional use is not acted upon for a period of one year (i.e. no construction, no tax certificate obtained, etc.);
- (b) For any reason the conditional use is abandoned in its entirety for a period of one year or longer;
- (c) The property owner notifies the planning and zoning commission of the abandonment of the conditional use approval. A conditional use shall not be abandoned under this subsection if the result of the abandonment is the creation of a nonconforming land use.

Section 7-6 Court Review.

Any person or persons severally or jointly aggrieved by any decision of the city council may take an appeal to the Superior Court. Said appeal to the Superior Court from any decision made by the Judge of Probate and as specified in Chapter 6-2 of the Code of Georgia, except, however, that said appeal may be filed within thirty days from the date of the decision of the city council, and upon failure to file said appeal within thirty days the said decision of the city council shall be final. Provided, however, that on appeal said case shall be heard by the Judge of the Superior Court without a jury, unless one of the parties files a written demand for a jury trial within thirty days from the filing of the appeal.

ARTICLE VIII: Administration and Enforcement

Section 8-1 Administration and Enforcement.

The Mayor and City Council shall administer and enforce this ordinance through the Planning Official or other designated official. The office's duties shall include receiving applications, inspection of premises, and issuing building permits for uses and structures that meet the requirements of this ordinance.

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

- (1) Permits Required for Construction. The following is a list of permits needed for construction of a building or structure or the movement of a building or structure that may be needed for any type of land development in the City of Pembroke, Georgia.
 - (a) Building Permit. A building permit is required in advance of the initiation of construction, erection, moving or alteration of any building or structure with a value exceeding one thousand (1000) dollars. All applications for building permits shall be accompanied by a plat or plan in duplicate, drawn to scale, show the actual dimensions of the lot to be built upon, the size of the building to be erected, the location of the building on the lot, the number of dwelling units the design is to accommodate, and such other information as may be essential for determining whether the provisions of this ordinance are being observed. A record of such application and plats or plans shall be kept in the Planning Office. A building permit is also required for swimming pools, fences, and lawn irrigation systems. Agricultural fences are exempt from needing a permit.
 - (b) Relocation Permit. A Relocation permit is required any time a manufactured home, mobile home, trailer, out building, house or structure is moved from any location to any lot or parcel within the city limits of the City of Pembroke. Electrical, mechanical and plumbing permits are included within this permit. Buildings used for the purpose of storage only with no need for electricity or plumbing are exempt from this requirement.
 - (c) Sign Permit. Prior to the erection of a sign for either on premises or off premises advertising, the Zoning Administrator must first issue a permit in accordance with the regulations set forth in the City of Pembroke Sign Ordinance (Appendix B to this ordinance.) Permits are required for both temporary and permanent signs.
 - (d) Demolition Permit. Prior to destruction of a building, structure, or sign; a demolition permit is required. Such permit may be obtained from the office of the Zoning Administrator.
 - (e) Electrical Permit. An electrical permit is required before a licensed

electrician can begin installing any electrical wiring or fixtures. This permit is not needed if a re-location permit or building permit has already been issued on the building or the structure.

- (f) Plumbing Permit. A plumbing permit is required whenever a licensed plumber installs a new plumbing system in an existing building or structure. The permit is not needed if a re-location permit or building permit has already been issued for the building or structure.
 - (g) Mechanical Permit. A mechanical permit is required before a licensed installer may install any mechanical device such as heating and/or cooling system for air or water. The permit is not needed if a re-location permit or building permit has been issued for the building or structure.
 - (h) Land Disturbing Activity Permit. A land disturbing permit is needed before any excavation or fill is conducted on the construction site. This permit is needed to meet the requirements of the Soil Erosion and Sedimentation Control Act.
 - (i) Wetlands Development Permit. No activity or use shall be allowed within a wetlands area without written permission from the Planning Official in the form of a local government permit. Issuance of a local government permit is contingent on full compliance with the terms of this ordinance and Section 6-2-5 of Title 6-Planning and Development of the Pembroke Code of Ordinances.
- (2) Permits or Actions Required by this Ordinance. The following are permits that may be required depending on the construction and particular land use district in which construction may occur.
- (a) Conditional Use Permits. There are specific land uses permitted in certain zoning districts only after review by the Planning and Zoning Commission and approval by the Board of Zoning Appeals or by the City Council; that the use is appropriate based upon certain criteria.
 - (b) Site Plan Approval. All land development activities other than residential one and two family structures, regardless of the zoning district, must present a site plan of such development to the Zoning Administrator for review prior to the issuance of any land development permits. The site plan must also be reviewed by the Planning and Zoning commission and forwarded to the Board of Zoning Appeals or the City council for approval once all comments are addressed.
 - (c) Zoning Variance. Where strict enforcement of this ordinance may present an unnecessary hardship upon a lot or parcel of land, the owner may apply for a zoning variance. Such action requires a review by the Planning and Zoning Commission and a scheduled public hearing by the Board of Zoning Appeals and approval by the Board of Zoning Appeals at such hearing.
 - (d) Amendment to the Zoning Map. An Amendment to the Zoning Map is considered to be an amendment to the Zoning Ordinance. Such action

requires a public hearing by the Planning and Zoning Commission and the Mayor and Council. Pursuant to the City Charter, Article III- Legislative Branch, Section 12 (b); such amendment shall be read at two consecutive regular meetings of the City Council.

- (e) Amendment to the Text of this Ordinance. An amendment to the text of the Zoning Ordinance follows the same process as an amendment to the Zoning Map. Pursuant to the City Charter, Article III- Legislative Branch, Section 12 (b); such amendment shall be read at two consecutive regular meetings of the City Council. However, a text amendment requires different materials to be included with the application.
- (f) Permits Required in conjunction with Permits in this Ordinance. The following are permits required by other government entities that may be applicable to a development project in the City of Pembroke.
 - (i) Land Disturbing Activity Permit. Under the Georgia Soil Erosion and sedimentation Act, any disturbance of land over more than the required acreage requires a land disturbing permit from the Zoning Administrator.
 - (ii) Construction in Wetlands. In conjunction with the Georgia DNR, the United States Army Corps of Engineers maintains the authority to delineate the location of wetlands and is responsible for permitting any land disturbing activity in them under Section 404 of the Federal Clean Water Act.
- (3) Fees. Fees for each individual permit or zoning action are subject to change by the City Council of the City of Pembroke. Please refer to the Schedule of Fees adopted, and as may be amended from time to time, by the Mayor and City Council of the City of Pembroke included as Appendix A to this ordinance.
- (4) Application for Permits or Actions under This Ordinance. All applications for permits or action shall be dated upon submission and may require the following minimum information:
 - (a) Name, address and signature of applicant, (All applications shall be signed and shall state the name and address of applicant, who must be the owner of the property or authorized agent or attorney for the owner of the property. If the applicant is the agent of the owner, then said agent shall file, simultaneously with said petition, a notarized letter signed by the owner, authorizing said agent to file on his behalf).
 - (b) Brief description of land development activity and use of the land thereafter to take place on the subject property.
 - (c) Address and location of the subject property for which such land development activity shall take place.
 - (d) Name and address of the owner of the subject property. (Applicant must either have proof of ownership of the property or signed and notarized

affidavit from the owner granting the applicant permission to conduct such land development activity).

- (e) Current zoning and use of the property or properties.
- (f) Name and address of all adjacent property holders.
- (g) Name and address of participating contractors (building and construction, surveyor, architect, engineer, installer, developer, etc.)
- (h) The application number, date of application, and action taken on any prior applications filed for the reclassification of the whole or part of the land proposed to be reclassified.
- (i) If within two (2) years immediately preceding the filing of the applicant's application for a zoning action, the application has made campaign contributions aggregating to more than \$250 to any member of the Mayor and City Council or any member of the City's Planning and Zoning Commission, it shall be the duty of the applicant and the attorney representing the applicant to disclose the following in the application:
 - (i) The name of the local government official to whom the campaign contribution or gift was made;
 - (ii) The dollar amount of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for the map amendment or text amendment and the date of each contribution;
 - (iii) An enumeration and description of each gift having a value of \$250 or more made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for the zoning action;
 - (iv) In the event no such contribution or gift was made, the applicant shall affirmatively so state.

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

- (5) Additional Application Requirements for a Permit. All applications for conditional use permits in a zoning district for conditional use must also include the following minimum information:
 - (a) A more detailed description of the activities, number of units, and hours of operation of the proposed conditional use;
 - (b) An approved site plan;
 - (c) A proposed starting date of land disturbance or construction, date of completion for all improvements, and use opening or date of first occupancy;

- (d) A list of activities undertaken by the developer and subsequent occupant to mitigate all adverse impacts upon the surrounding properties before, during and after completion of development activities.
- (6) Requirements for all Site Plan Development and Approval. The site plan development shall include, but not be limited to the following:
- (a) The location, size, and other pertinent data of all land uses on the site including types, location, and height of buildings, parking, open areas, and landscaping;
 - (b) Dimension setback lines from property lines and street right-of-way lines;
 - (c) Adjacent thoroughfares and all curb cuts within five hundred (500) feet including:
 - (i) Proposed new cut(s) onto public right-of-way with turning radii, and width;
 - (ii) Dimensions of all rights-of-way.
 - (d) Drainage plans to conform to city standards;
 - (e) Location of all utilities;
 - (f) Tabulated data including at least:
 - (i) Gross density of dwelling units;
 - (ii) Parking ratio per dwelling unit;
 - (iii) Percent and amount of land coverage by use;
 - (iv) Percent and amount of floor area by use and by type.
 - (g) Topographical map showing existing and proposed contours at one (1) foot intervals and natural features;
 - (8) Type of construction material;
 - (h) Proposed natural or man-made buffers.

The Planning and Zoning Commission may require elevations or other engineering or architectural drawings covering the proposed development. The Mayor and Council of the City of Pembroke will not act upon a zoning decision that requires a site plan until the site plan has received the recommendations of the Planning and Zoning Commission.

- (7) Requirements for a Zoning Variance. Applications for a zoning variance shall be submitted to the Zoning Administrator. All applications for a zoning variance must include the following minimum information:
- (a) Site plan and/or architectural renderings of the proposed development depicting the location of lot restrictions;
 - (b) A survey of the property signed and stamped by a State of Georgia Certified Land Surveyor.

No application for a zoning variance request which has been previously denied, shall be accepted by the Planning Official until the expiration of at least twelve (12) months immediately following the denial of the request by the Board of Zoning Appeals. However, if the request is for a lesser relaxation of the standards or for a different request, then an application and revise site plan may be submitted.

- (8) Additional Application Requirements for a Zoning Ordinance or Map Amendment. Applications for amendment of these regulations may be in the form of proposals to amend the text of these regulations or proposals to amend the zoning map. Applications for amendment shall be submitted to the Planning Office. No application for a zoning change requesting the same zoning district classification and affecting the same parcel of property thereof shall be accepted by the Planning Office until the expiration of at least six (6) months immediately following the denial of the re-zoning request by the Mayor and City Council. However, if the request is for a different land use classification than the previous request, an application will be accepted. All applications for zoning ordinance or map amendments must also include the following minimum information:
- (a) Text Amendment. In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.
 - (b) Map Amendment. An application for a map amendment shall include the following information:
 - (i) A legal description of the land by lot, block, and subdivision designations, or if none, by metes and bounds;
 - (ii) The property identification number from the tax records of Bryan County,
 - (iii) The present and proposed land uses of the property petitioned for re-zoning and all adjoining properties if under the same ownership,
 - (iv) The names, addresses and zip codes, at the date of filing of owners of property being re-zoned and of property owners adjacent to and across any public right-of-way from the property being proposed for re-zoning, including properties diagonally across an intersection,
 - (v) The area of the land proposed to be reclassified stated in square feet if less than one (1) acre, and in acres if greater than one (1) acre,
 - (vi) All known previous applications for a map amendment affecting the same premises, and,
 - (vii) A scaled map or plat, which shall be attached to each of the application forms required. Said map or plat shall show the property referred to in the application and all adjoining lots or parcels of land which are also under the same ownership.

- (9) Conceptual Site Plan. A Conceptual Site Plan can be submitted for preliminary review to determine if the proposed action on re-zoning would be acceptable to the planning and zoning commission as well as the Mayor and Council before the expenditure of high sums of money. The Conceptual Site plan shall include, but not be limited to:
- (a) The location, size and other pertinent data of all land uses on the site including types, location and height of buildings, parking, open areas and landscaping.
 - (b) Dimension setback lines from property lines and street right-of-way lines.
 - (c) Adjacent thoroughfares and all curb cuts within five hundred (500) feet, including:
 - (i) Proposed new cut(s) onto public rights-of-way with turning radii, and width; and
 - (ii) Dimensions of all rights-of-way,
 - (d) Tabulated data including at least:
 - (i) Gross density of dwelling units,
 - (ii) Parking ratio per dwelling unit,
 - (iii) Percent and amount of land coverage by use;
 - (e) Topographical map showing existing and proposed contours at one foot (1') intervals and natural features; and,
 - (f) Architectural renderings and site elevations of the proposed structure.
- (10) Remedies. In case any building or structure is erected, constructed, reconstructed, moved altered, repaired, converted or maintained; or any building, structure or land is used in violation of this ordinance, the Building Inspector or any other appropriate authority, or an adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus or any other appropriate action in proceeding to prevent such violation. Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use continues shall be deemed a separate offense.
- (11) Penalties. Any person violating any provision of this ordinance shall be guilty upon conviction and shall be punished by a fine not exceeding \$500.00 per offense with costs receivable before any magistrate of City Court or 30 days in jail or both, at the discretion of the court. Any person who, having been served with such an order to remove such violations, shall fail to comply with such order to remove such violations, shall also for each day that the violation remains, be subject to a civil penalty of \$500.00 fine for each day of each violation.

Section 8-2 Administration by Planning Office.

- (1) Planning Office. The provisions of this Ordinance shall be administered by a Planning Office, the office of which is hereby established.
 - (a) Duties. The duties of the Planning Office or designee shall be:
 - (1) To receive and check all applications for zoning permits and certificates of occupancy.
 - (2) To issue zoning permits for uses and certificates of occupancy for construction which are in accordance with the regulations of this Ordinance and subsequent amendments; or through Board or Court approval.
 - (3) To record and file all applications for zoning permits and certificates of occupancy together with accompanying plans and documents and keep them for public record.
 - (4) Within six months of the adoption of this ordinance, to prepare and publish a complete list of all nonconforming uses and occupations existing at the time of adoption of this Ordinance or any amendment thereto. Such list shall contain the names and addresses of the owner or owners of such non-conforming uses and of any occupant other than the owner, the legal description or descriptions of the land, to the degree reasonably attainable, and the nature and extent of land use. Notification of this list shall be given by at least one publication in a newspaper of general circulation within the jurisdiction of this Ordinance indicating where and when such list may be examined. Property owners and occupants shall be given one month to inspect the list and suggest necessary changes. They shall be given opportunity to appeal to the Board for such changes in the list, as they request, but which are not made by the Planning Office. After any necessary changes have been made by the Planning Office copies of the list shall be delivered to the City Council for approval and recording. The Planning Office shall examine the list periodically to determine that it does not expand beyond the limitation prescribed in the Ordinance.
 - (5) Upon specific request of the Commission or Board, to furnish such facts, records and similar information, which will assist such body in reaching its decision.
 - (6) To be responsible for keeping this Ordinance, including the Zoning Map, up to date, and to include any amendments thereto.

- (7) If the Planning Office finds that any provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; order discontinuance of illegal work being done; or shall by this Ordinance to prevent violation of its provisions.

Section 8-3 Enforcement.

This Ordinance shall be enforced by the Planning Office or other appropriate designee. No permit or certificate of occupancy provided for in this Ordinance shall be granted for any purpose except in compliance with the provisions of this Ordinance, or with a decision of the Board or the courts.

ARTICLE IX: Amendments to Map or Text

Section 9-1 General.

Whenever the public necessity, convenience, general welfare or good zoning practice require, the governing authority by Ordinance, may - after receipt of recommendation thereon from the Planning Commission, and subject to the procedures provided by law - amend, supplement, or change the regulations, district boundaries or classifications of property, now or hereafter established by this Ordinance or amendments thereof.

Section 9-2 Procedure for Change in Zoning District.

Applications. Applications for any change in the text or classifications of property shown on the Zoning Map, shall be submitted to the Planning Office upon such forms and accompanied by such data and information as may be prescribed for that purpose by the Planning Official or designee, so as to assure the fullest practicable presentation of facts for the record. Each application for a change of district boundaries or classification or property shall be verified by at least one of the owners or lessees of property, within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. It shall contain a map of the area proposed to be re-zoned, and the area within 200 feet, giving the names and addresses of property owners, and all district boundary lines, and streets and alleys located therein. The Planning Office shall check the application to determine whether it conforms with the requirements listed above, and if satisfactory, shall immediately submit it to the office of the City Council. Amendments to the Zoning Ordinance may also be initiated by the City Planning Commission by resolution, and recommended to the local governing authority for adoption.

Section 9-3 Public Hearings, Public Hearing Procedures, and Re-zoning Standards.

- (1) Required Public Hearings. A hearing shall be conducted by the City of Pembroke Planning Commission or City Council prior to voting on a proposed zoning action.
- (2) Procedure for Calling a Hearing.
 - (a) Prior to scheduling of the required public hearing, applicants shall first complete all submission requirements provided by the Planning Office (e.g., forms, fees, deeds, maps, etc.). Incomplete forms shall not be processed. There shall be no amendment made to the application once submitted.
 - (b) The Planning Office shall then notify the applicant of the date, time, and place of the required public hearing.
 - (c) At least 15 but not more than 45 days prior to the hearing, the Planning Office shall publish in the newspaper of general circulation, time, date, and location of the hearing.
 - (d) For a re-zoning action, the notice shall also include: location of the property, present classification, and proposed classification of land use.
 - (e) At least 15 but not more than 45 days prior to the hearing, the Planning Office for the City of Pembroke shall post in a conspicuous location on the

property in question a sign indicating information regarding the proposed re-zoning; specifically the date, time, location, and purpose of the public hearing.

- (f) If the re-zoning amendment to the zoning ordinance is denied by the Planning Commission, the same property may not be considered for re-zoning until the expiration of at least six (6) months immediately following the denial.
- (g) The primary goal of conducting public hearings on proposed zoning amendments shall be to solicit pertinent factual information which will be beneficial in helping the Planning Commission and the City Council judge the merits of each specific proposed amendment.
 - (i) Notice to Property Owners. The Planning Official shall give notice of the date, time, place, and purpose of public hearings to be held on proposed amendments by mail to the owners all properties abutting any part of the property proposed to be changed. The failure to notify as provided in this Section shall not invalidate any recommendations or action adopted hereunder.
 - (ii) Action of Planning Commission. The Planning Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to the City Council.
 - (iii) Action of the City Council. The City Council shall consider the recommendations of the Planning Commission, and vote on the proposed amendment to the text or map of the Zoning Ordinance after the Planning Commission's public hearing. If the proposed amendment is not recommended by the Planning Commission, the favorable vote of a majority of City Council shall be required to make the amendment effective. The applicant and others so requesting shall receive notice of the decision of the City Council through the Planning Official.
 - (iv) Conditions of Zoning Amendments. Upon consideration of the standards listed in (4) below, the Planning Commission may recommend and the City Council may require, such conditions, in addition to those required by other provisions of this Ordinance, as it finds necessary to ensure compliance with those standards and all other applicable requirements of this Ordinance. Violation of any of those conditions shall be a violation of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of landscaping/vegetation; increased setbacks and yards; specified sewage disposal and water supply facilities; hours of operation; operational controls; professional inspection and maintenance; sureties; location of piers, docks, parking and signs; and types of construction.

- (v) Denial of Re-zoning. If the decision of the City Council is to deny the re-zoning of property, then the same property may not again be considered for re-zoning until the expiration of at least six (6) months immediately following the denial of the re-zoning by the City Council.
- (vi) Action by City to Re-zone Property to Original Zoning. When a map amendment (re-zoning) has been granted for a parcel of land on request by the owner or his agent, and no building permit has been applied for within twelve (12) months of the date of the re-zoning, the Planning Official will initiate action to re-zone the parcel to its original re-zoning. The procedures in this article shall be followed, except that no fees shall be paid.

(3) Procedure for Conducting a Public Hearing

- (a) All public hearings on zoning amendments shall be chaired by either the Mayor or Mayor Pro Tem of the City of Pembroke or their designee.
- (b) A secretary shall record the proceedings of the public hearing. If requested by any party, verbatim transcripts of the public hearing can be prepared but only if requests are made in advance by the requesting party.
- (c) The record of the public hearing and all evidence submitted at the public hearing shall be recorded as such and become a permanent part of the particular zoning amendment's file.
- (d) The Mayor or Mayor Pro Tem of the City of Pembroke or their designee shall preside at the public hearing and shall identify speakers, maintain order, and conduct the public hearings.
- (e) The process to be followed in conducting these hearings shall be as follows:
 - (i) The presiding officer shall open the hearing by stating the specific zoning amendment being considered at the public hearing.
 - (ii) When there are a large number of individuals wishing to testify at a hearing, the presiding officer may invoke time limits on individual speakers. In such cases, these time limits shall apply to all speakers.
 - (iii) The presiding officer shall recognize the individual parties wishing to testify on present evidence and allow them to present this information.
 - (iv) Once all parties have concluded their testimony, the presiding officer shall adjourn the public hearing.

(4) Zoning Amendment Criteria.

The following will be used to determine whether the re-zoning is appropriate.

- (a) The zoning request should be a logical extension of a zoning boundary which would improve the pattern of uses in general area.

- (b) The request should not be an illogical extension of a zone boundary to allow commercial, industrial, or high-density apartment intrusion into a stable neighborhood of well-maintained single-family homes, which would result in neighborhood deterioration, the spread of blight, and requests for additional zoning of a similar nature, expanding the problem.
- (c) The request should not result in "spot zoning" or generally be unrelated to either existing zoning or the pattern of development in the area.
- (d) The request should not create traffic which would traverse established single-family neighborhoods on minor streets, leading to congestion, noise and traffic hazards.
- (e) The request should conform to the general expectations for population growth and distribution.
- (f) The request should not limit options for the acquisition of future planned public facility sites, roads, open-space, etc.
- (g) This request should not result in major changes in existing levels of public service, and/or fiscal stability.
- (h) This request should not achieve short-term goals at the expense of long-term, development goals.
- (i) This request should not result in changes to market values and/or tax rates of nearby properties.
- (j) The request should conform to policies and recommendations contained in the Pembroke, Georgia Comprehensive Plan. A negative finding on one or more of these criteria shall not preclude approval of a re-zoning.

Section 9-4 Zoning Permits and Certificates of Occupancy.

- (1) Zoning Permits. A zoning permit shall be required prior to the erection, construction, moving or alteration of any building, structure or portion thereof.

Applications for zoning permits shall be made in writing to the Planning Office, and shall contain all information necessary to ascertain whether the proposed erection, construction, alteration or use complies with the provisions of this Ordinance including the following:

- (a) Actual dimensions and shape of the lot to be built upon.
- (b) Exact size and location on the lot of all buildings and other structures, if any, and the location and dimensions of proposed buildings and other structures or alterations.
- (c) Existing and proposed uses, show the number of families the building is designed to accommodate.

Application for zoning permits shall be granted or refused within 15 days from the date of

application. One copy of the plans shall be returned to the Applicant marked either approved or disapproved and attested to same by the Planning Office. The second copy of the plans, similarly marked, shall be filed in the Planning Office.

- (2) Certificate of Occupancy. A certificate of occupancy shall be required prior to the occupation for use or change of use of land, building or structure.

Application for certificate of occupancy shall be made in writing to the Planning Office or other appropriate designee.

When use of premises involves a new building or structure, or alterations to an existing building or structure, such application shall be made at the same time application for a zoning permit is made.

When no construction or alteration is involved application to occupy and use land may be made at any time. Such application shall contain all information necessary for the Planning Office to determine whether the proposed occupation and use of land conforms to the provisions of this Ordinance.

An application for a certificate of occupancy shall be granted or refused within 15 days after the Planning Office has been officially notified of a) completion of construction, or b) application to occupy and use land where no construction is involved.

Section 9-5 Complaints Regarding Violations.

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint, stating fully the causes and basis thereof, which shall be filed with the Planning Office. The Planning Office shall acknowledge such complaint, immediately investigate, and take action thereon as provided in this Ordinance.

Section 9-6 Schedule of Fees.

Fees paid in connection with applications under this Ordinance shall be established by the City Council. Refer to the City Clerk's office for appropriate fee schedule.

Section 9-7 Remedies.

In case any building or structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, or of any ordinance or other regulation made under authority conferred hereby, the commissioners, or with the approval of the commissioners, the Planning Office or other proper official, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, business, or use in or about such premises. In the event that permits for erection, construction, alteration, repair, or conversion of a building or structure are obtained after the aforementioned action, the applicant will be required to pay double the permitting fee required.

Section 9-8 Conflict of Interest in Zoning Actions.

The appropriate disclosure forms shall be completed and submitted within the proper time frames in order to properly inform the public of any potential conflicts.

- (1) Any official of the City of Pembroke who is considering a zoning action must complete a Disclosure of Financial Interests form which shows his or her interests affected by a zoning or re-zoning action. The official who has an interest in such property must disqualify him/herself from voting on these actions.
- 2) Complete financial disclosure of contributions made by any interested party to the political campaigns of City of Pembroke officials who are considering a zoning action which will affect the real property of the interested party must be made by the party prior to voting on the action. Disclosure reports are to be filed within ten days after the application for the re-zoning action is first filed and must:
 - (a) Reflect any contributions aggregating \$250.00;
 - (b) Include the name and position of the government official to whom the contribution was made; and
 - (c) Include dollar amount and description of the contributions made during the two years immediately preceding the filing of the application.
- (3) Complete financial disclosure of contributions made by any opposing party of a zoning or re-zoning action to the political campaigns of City of Pembroke officials who are considering a zoning or re-zoning action must be made by the affected party prior to voting on the action. Disclosure reports are to be filed at least five calendar days prior to the first hearing by the City of Pembroke or any of its agencies on the application and must:
 - (a) Reflect any contributions aggregating \$250.00;
 - (b) Include the name and position of the government official to whom the contribution was made; and
 - (c) Include dollar amount and description of the contributions made during the two years immediately preceding the filing of the application.
- (4) Penalties.

Any person knowingly failing to comply with the requirements pursuant to disclosure and conflict of interest or for violating its provisions shall be guilty of a misdemeanor.

ARTICLE X: Planning and Zoning Commission

Section 10-1 Purpose.

In order to guide and accomplish a coordinated and harmonious development of the municipality which will, in accordance with future and existing needs, best promote the public health, safety, morals, order, convenience, prosperity and the general welfare and safety as well as efficiency and economy and the process of development the Pembroke Planning and Zoning Commission is hereby created and established. The Pembroke Planning and Zoning Commission may sometimes be referred to as the "Planning Commission" or the "Zoning Commission", or "Planning and Zoning Commission" under the Pembroke Code of Ordinances and all amendments and revisions thereto.

Section 10-2 Membership, Term of Office, Compensation.

- (1) Membership. The Planning and Zoning Commission shall consist of five (5) members, who shall be residents of the City, appointed by the governing body.
- (2) Eligibility. Members may not be employed by the City of Pembroke or be elected officials of the City of Pembroke
- (3) Term of Office. The terms of the members shall be for four (4) years, which shall be staggered.
- (4) Appointments. The Planning Commission shall elect from its members a chairperson and a vice-chairperson, who will serve for one year or until the chairperson or vice-chairperson are re-elected or a successor is elected. The Planning Commission shall appoint a secretary to take minutes of the Planning Commission's meetings, recording all motions and votes thereon as well as any other business of the Planning Commission conducted in a Public Hearing. The Planning Commission shall maintain rules of procedure in accordance with the City Code of Ordinances, regulations, and laws. The City Council shall approve the Planning Commission's Rules of Procedure or any amendment before they become effective.
- (5) Resignation. Resignation shall be in writing and delivered to the secretary of the Planning Commission. Any member who accumulates three (3) successive unexcused absences shall be deemed to have resigned. The Planning Commission shall decide which absences are excused. All decisions concerning unexcused absences may be appealed to the City Council. The City Council shall remove any member who fails to maintain permanent residence with the City of Pembroke or violates Planning Commission Rules of Procedure or Bylaws.
- (6) Vacancies. Any vacancy in the membership shall be filled for the unexpired term by appointment from the governing body.
- (7) Compensation. All members shall serve without compensation, but may be reimbursed for actual expenses incurred during their official duties and/or required training, with prior approval from the City Council.

Section 10-3 Duties of the Pembroke Planning Commission

- (1) The Planning Commission does not have the power to amend any ordinance, to rezone land, to declare the Land Development Ordinance for Pembroke, Georgia, or any amendment thereto invalid, or to allow any use not permitted by the same. It is the responsibility of the Planning Commission to make recommendations to the City Council only. The Pembroke City Council approves or disapproves recommendations.
- (2) It shall be the responsibility of the Planning Commission to review, study, visit sites, acquire knowledge and recommend to the City Council its approval, disapproval, or approval with conditions, on all request for amendments, request for conditional uses, variances, and zoning changes in accordance with Land Development Use, Pembroke Comprehensive Plan, Zoning Ordinances, and Title 6 Provisions.
- (3) The Planning and Zoning Commission shall have the power with regard to land planning and other community development issues to:
 - a. Review and make recommendations concerning conditional use permits;
 - b. Review and make recommendations on site plan approvals;
 - c. Review and make recommendations on variance requests from the zoning ordinance;
 - d. Review and make recommendations on proposed zoning map amendments and/or zoning text amendments;
 - e. Review and make recommendations on proposed subdivision plats;
 - f. Review and make recommendations on other matters submitted to it by the Mayor and Council;
 - g. Review and make recommendations on other matters the Commission initiates.

Section 10-4 Duties of Planning Commission Officers

- (1) The acting chairperson shall preside over meetings and shall be responsible for conduct and decorum of the meeting. The acting chairperson shall have the responsibility to ensure that all parties receive a full and fair hearing before the Planning commission, enforcement of the rules herein and applicable state laws.
- (2) The acting chairperson shall be responsible for calling special meetings and notifying the secretary of the Planning Commission so notice can be provided in accordance with Georgia Law.
- (3) The vice-chairperson shall preside over meetings and assume the duties of the chairperson in the absence of the chairperson.
- (4) If neither the Chair nor the Vice Chair is present for a meeting, the Planning Commission shall elect on the record at such meeting, a member who is present to serve as temporary Acting Chair for that meeting only.
- (5) The acting chairperson shall have the power to appoint sub-committees of the Planning

Commission if he or she finds such committee necessary to carry out the functions of the Planning Commission.

- (6) The secretary shall be responsible for the recording and maintenance of the Planning Commission's minutes and records. The secretary, at the direction of the Chair, shall prepare the agenda for the meeting and make all required notifications and postings as required by law for a Public Hearing.

Section 10-5 Public Hearing.

- (1) Notice of Hearing Shall be Given. Before making its decision on any zoning map or zoning text amendment, or on any other matter within the Planning and Zoning Commission's purview, the Planning and Zoning Commission shall hold a public hearing. At least 15 days' notice of the time and place of such hearing shall be sent to the appellant or petitioner, and to the owners of all properties either adjoining the property with which the hearing is concerned or situated directly across a public right-of-way from said property. Such notice shall contain the name of the appellant and petitioner, the date, time and place fixed for the hearing, and brief statement of the action or relief requested.
- (2) Public Notice in Newspaper. The Planning and Zoning Commission shall give public notice of a hearing or of a called meeting in a newspaper circulated in Pembroke by advertisement published two consecutive weeks beginning more than fifteen days prior to the date of the public hearing.

Section 10-6 Meetings

- (1) A quorum of three (3) members shall be required to conduct business; an affirmative vote of three (3) members voting on a motion shall be sufficient for the adoption of the motion. Decisions of the Planning Commission shall be by majority vote of members present and voting, and a quorum of members voting. Members abstaining shall not be considered "members voting" in determining whether a motion has been adopted.
- (2) The regularly scheduled meeting of the Planning Commission shall be held the first Thursday of each month at 6:30 pm at Pembroke City Hall, or other location at the discretion of the acting chairperson, unless there is no cause to hold such meeting or a conflict exists, in which case, the secretary shall inform the members of the Planning Commission at least twenty-four (24) hours in advance of the regularly scheduled time. The secretary will also post notification to the public.
- (3) Special meetings may be called by the chairperson provided at least twenty-four (24) hours' notice of the meeting is given and posted.
- (4) Meetings of the Planning Commission shall be open to the public. However, members of the public shall not address the Planning Commission until invited to do so by the Chair.

(5) Procedures for normal order of business at each meeting shall be:

- A. Determination of Quorum (Roll Call)
- B. Election of Acting Chair, if necessary
- C. Call the meeting to order
- D. Chair read the following statement, **“We are a recommending body to the City of Pembroke. Decisions made on rezoning requests and other issues tonight will be forwarded to the Mayor and Council for final action.”**
- E. Approval of Minutes of prior meeting
- F. New Business
 - (1) Introduction of all documents into the Official Record
 - (2) Hearing text amendments, map amendments, conditional uses, and variances;
 - a. Petitioner(s) and others in favor of the request
 - b. Public input from anyone wishing to speak in opposition of the request
- G. Old Business
- H. Committee reports, if any

Section 10-7 Appeals from Decisions of the Planning and Zoning Commission

All appeals concerning conditional use permits, site plan approvals, variances, map amendments or zoning text amendments will be taken before the Mayor and City Council, who act as the Zoning Appeals Board (Pembroke Zoning Ordinance, Section 7-1)

Section 10-8 Report of Public Hearing

The Planning and Zoning Commission shall report, in writing, to the Mayor and Council the outcome of any public hearing. The report shall contain a summary of the information presented at the public hearing. The report shall be ready at least seven (7) days prior to the hearing of the Mayor and Council on such matter.

Section 10-9 Standards of Conduct

- (1) Conflicts of Interest: A Planning Commissioner shall have a conflict of interest if said Planning Commissioner or his/her family has a property interest in any real property affected by the action on the application before the Planning Commission or has a financial interest in any business entity that has a property interest in any real property affected by the action on an application before the Planning Commission. Any Planning Commissioner having a conflict of interest shall immediately disclose the nature and extent of such interest in writing to the City Council. These disclosures shall be made a public record. No Planning Commissioner shall vote or participate on a matter in which he or she has a conflict of interest.
- (2) No Planning Commissioner shall represent an applicant before the Planning Commission.
- (3) No Planning Commissioner shall discuss any matter pending before the Planning

Commission with anyone outside the Public Hearing. All letters or other materials personally received by a Planning Commissioner shall be provided to each Planning Commissioner at the Public Hearing on the item in question.

- (4) If a motion cannot be passed because of the number of Planning Commission members having a conflict of interest, then the item shall be sent to the Mayor and City, without prejudice, for recommendation or decision.
- (5) Each Member of the Pembroke Planning Commission shall adhere to the following code of conduct:
 - A. Uphold the Constitution, laws, and regulations of the United States, the State of Georgia, and all governments therein and never be a party to their evasion;
 - B. Never discriminate by the dispensing of special favors or privileges to any one, whether or not for remuneration;
 - C. Not engages in the business with the government either directly or indirectly, which is inconsistent with the conscientious performance of his or her governmental duties;
 - D. Never use any information coming to him or her confidentially in the performance of governmental duties as a means for making private profit;
 - E. Expose corruption wherever discovered;
 - F. Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation under circumstances from which it could reasonably be inferred his or her conduct in the performance of his or her official duties would be affected;
 - G. Never accept any economic opportunity under circumstances where he or she knows or should know that there is a substantial possibility that the opportunity is being afforded him or her with intent to influence his or her conduct in the performance of his or her official duties;
 - H. Never engage in other conduct which is unbecoming to a member or which constitutes a breach of public trust; and
 - I. Never take any official action with regard to any matter under circumstance in which he or she knows or should know that he or she has a direct or indirect monetary interest in the matter or in the outcome of such official action.

VIOLATIONS OF ANY PROVISION OF THIS ARTICLE WILL MAKE THE INDIVIDUAL INELEGIBLE TO SERVE IN ANY CAPACITY WITH THE PLANNING COMMISSION.

ARTICLE XI: Interpretation and Validity

Section 11-1 Interpretation.

In interpreting and applying the provisions of this Ordinance, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, 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 not in conflict with this Ordinance.

Section 11-2 Validity.

If any article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 11-3 Repeal.

All ordinances or parts thereof which are in conflict with the provisions of this Ordinance are hereby repealed.

Section 11-4 Effective Date.

This Ordinance shall become effective from and after the date of its approval and adoptions provided by law.

Enacted and Ordained by the City Council of Pembroke, Georgia this 11th day of June, 2012.

ATTEST:

City Clerk

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