



CITY OF PORT WENTWORTH

CITY COUNCIL

MAY 25, 2023

Council Meeting Room

Regular Meeting

7:00 PM

7224 GA HIGHWAY 21
PORT WENTWORTH, GA 31407

1. CALL MEETING TO ORDER

2. PRAYER AND PLEDGE OF ALLEGIANCE

3. ROLL CALL - CLERK OF COUNCIL

4. APPROVAL OF AGENDA

5. RECOGNITION OF SPECIAL GUESTS

6. PUBLIC COMMENTS - REGISTERED SPEAKERS

7. ELECTIONS & APPOINTMENTS

8. ADOPTION OF MINUTES

A. Regular Council Meeting Minutes - April 27, 2023

9. COMMUNICATIONS & PETITIONS

10. COMMITTEE REPORTS

11. CONSENT AGENDA

12. UNFINISHED BUSINESS

13. NEW BUSINESS

A. Site Plan Review Application submitted by Forestar (USA) Real Estate Group Inc., for PIN # 7-0906-04-042 (Lakeside Blvd.) for a Specific Development Site Plan to allow a Single-Family Subdivision Development (Rice Hope Lakeside Phase 24) in a M-P-O (Master Plan Overlay) Zoning District

- Public Hearing
- Action

B. NLC Utility Service Warranty Agreement

14. RESOLUTIONS/ORDINANCES/PROCLAMATIONS

A. Designation of Primary Bank/Financial Institution

B. Alcohol Ordinance Rewrite- 2nd Reading

C. Zoning Ordinance Rewrite

- Public Hearing

➤Action

15. EXECUTIVE SESSION

- A. Litigation
- B. Real Estate

16. ADJOURNMENT



City Council
7224 GA Highway 21
Port Wentworth, GA 31407

SCHEDULED

Meeting: 05/25/23 07:00 PM
Department: Development Services
Category: Planning/Zoning Item
Prepared By: Melanie Ellis
Department Head: Melanie Ellis

AGENDA ITEM (ID # 2824)

DOC ID: 2824

Site Plan Review Application submitted by Forestar (USA) Real Estate Group Inc., for PIN # 7-0906-04-042 (Lakeside Blvd.) for a Specific Development Site Plan to allow a Single-Family Subdivision Development (Rice Hope Lakeside Phase 24) in a M-P-O (Master Plan Overlay) Zoning District

Issue/Item: Site Plan Review Application has been submitted by Forestar (USA) Real Estate Group Inc., for PIN # 7-0906-04-042 (Lakeside Blvd.) for a Specific Development Site Plan to allow a Single-Family Subdivision Development (Rice Hope Lakeside Phase 24) in a M-P-O (Master Plan Overlay) Zoning District

Background: The subject property is currently vacant woodland. There are no buildings or structures on the subject property. A general development plan for this property was approved during the September 23, 2021 City Council meeting. The preliminary plat for this phase was approved during the September 22, 2022 City Council Meeting.

Facts and Findings: This is specific site development plan for Phase 24 of the Lakeside at Rice Hope subdivision. The site plan consist of 110 Residential Lots. The main entrance for the development will be Lakeside Dr. The site plan also includes associated parking, utilities, drainage and infrastructure improvements. This application received Engineer Concurrence by the City Engineer's Thomas & Hutton on April 07, 2023. This project is located in Council District 1. The parcel is located in the Suburban character area as defined in the 2021-2041 City of Port Wentworth Comprehensive Plan.

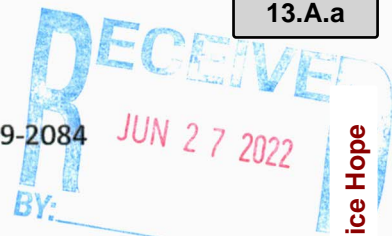
Funding: N/A

Recommendation: The Planning Commission will hear this application on Monday, May 08, 2023 at 3:30 PM. / UPDATE: THE PLANNING COMMISSION VOTED UNANIMOUSLY TO APPROVE THE APPLICATION WITH THE FOLLOWING CONDITIONS: 1. Make sure utility crossings are at least 18 inches apart and if not possible use DIP and GAB to install the pipe. 2. Install the water main above the storm pipe when possible. (Minimum water main coverage is 3 feet). 3. Remove the dirt berm from the top of the water main. Landscape is not allowed on top of utilities. We would like to see the continuation of the trail if possible.

ATTACHMENTS:

- Site Plan Review RH Lakeside Ph 24 2022 - Application (PDF)
- Site Plan Review RH Lakeside Ph 24 2022 - Final Letter T&H 4.7.23 (PDF)
- Site Plan Review RH Lakeside Ph 24 2022 - Timeline (DOCX)

City of Port Wentworth
 7224 Highway 21 ■ Port Wentworth ■ Georgia ■ 31407 ■ 912-999-2084



Site Plan Review Application

Site Plan Application is required for all new construction in a "P" or "MPO" zone as defined in the Zoning Ordinance of the City of Port Wentworth.

Site Plan Type (Check One): ☐ General / Concept ☒ Specific Development
 Site Plan Address: Lakeside Blvd., Port Wentworth, GA 31407
 PIN #(s): 70906 04042
 Zoning: M-P-O Estimated Cost of Construction: \$ 5,500,000
 Type of Construction: Residential - 110 Lots
 Project Name: Rice Hope Lakeside Phase 24

Applicant's Name: Forestar (USA) Real Estate Group Inc.
 Mailing Address: 2221 E. Lamar Blvd. Suite 790
Arlington, TX 76006
 Phone #: 843-535-8188 Email: annalewis@forestar.com

Owner's Name (If Different form Applicant): Same as Applicant
 Mailing Address: _____
 Phone #: _____ Email: _____

I hereby acknowledge that the above information is true and correct.

Kurt A. Sand
 Applicant's Signature

6/27/2022
 Date

Same as Applicant
 Owner's Signature (If Different form Applicant)

June 27, 2022
 Date

Please see page 2 for required submittal checklist

City of Port Wentworth
 7224 Highway 21 ▪ Port Wentworth ▪ Georgia ▪ 31407 ▪ 912-999-2084

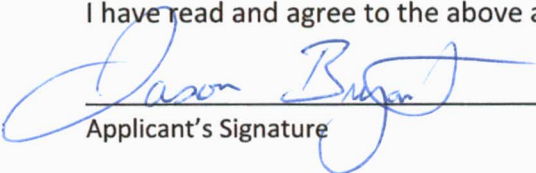
Site Plan Review Application Submittal Checklist

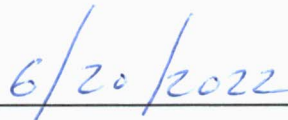
Documentation below is required for a complete submittal.

- ☒ Signed and Completed Application
- ☒ 3 Full size sets of site plan civil drawings or concept plan (depending on type of site plan)
- ☒ 15 half size (11" X 17") sets of site plan civil drawings or concept plan (depending on type of site plan)
- ☒ 2 copies of hydrology reports (if applicable)
- ☒ Names, mailing address, and PIN number of all property owners within 250 feet of all property lines
- ☒ 1 8 ½" X 11" of site plan civil drawings or concept plan (depending on type of site plan)
- ☒ PDF of entire submittal on a flash drive or download link ONLY (NO CD'S)
- ☒ Other Engineering details or reports may be required once submittal has been received
- ☒ Site plan review fee check
 - No Land Disturbance- \$206.00 Site Plan Fee + \$50.00 Admin Fee = Total \$256.00
 - ☒ With Land Disturbance - \$836.00 Site Plan Fee + \$50.00 Admin Fee = Total \$886.00

Additional Fee Statement: If engineer review cost to the City exceeds the site plan review fee that is paid at the time of initial application submittal, you may be required to pay additional review cost.

I have read and agree to the above additional fee statement


 Applicant's Signature


 Date

	PIN #	Owner Name	Mailing Address	City	State	Zip
1	70906A01001	Denise Stone-Raguckas	303 Lakeside Blvd	Port Wentworth	GA	31407
2	70906A01002	Cortice Jackson	305 Lakeside Blvd	Port Wentworth	GA	31407
3	70906A01003	Freddy & Lena Meeks	307 Lakeside Dr	Port Wentworth	GA	31407
4	70906A01004	Derrick Barnes	309 Lakeside Dr	Port Wentworth	GA	31407
5	70906A01005	Kino & Shawndrea Deas	311 Lakeside Dr	Port Wentworth	GA	31407
6	70906A01006	Eugene & Ponda Showalter	313 Lakeside Blvd	Port Wentworth	GA	31407
7	70906A01007	AMH Development, LLC	315 Lakeside Blvd	Port Wentworth	GA	31407
8	70906A02001	Gary & Patricia Conway	403 Lakeside Blvd	Port Wentworth	GA	31407
9	70906A02002	Erin Lewis	405 Lakeside Blvd	Port Wentworth	GA	31407
10	70906A02003	Billie & Rod Cassidy	407 Lakeside Blvd	Port Wentworth	GA	31407
11	70906A02004	Herman & Sheree Rogers	409 Lakeside Blvd	Port Wentworth	GA	31407
12	70906A03001	Tiffany Brown-Corbin	503 Lakeside Blvd	Port Wentworth	GA	31407
13	70906A03002	George Bridgewell	505 Lakeside Blvd	Port Wentworth	GA	31407
14	70906A03003	Village Park Homes, LLC	507 Lakeside Blvd	Port Wentworth	GA	31407
15	70906A03004	James Millard	509 Lakeside Blvd	Port Wentworth	GA	31407
16	70906A03005	John Duncan	511 Lakeside Blvd	Port Wentworth	GA	31407
17	70906A05047	Martin Savarese	2 Lakeside Dr	Port Wentworth	GA	31407
18	70906A05046	Guardian DFH III LLC	4 Lakeside Dr	Port Wentworth	GA	31407
19	70906A05045	Cynthia Camp	6 Lakeside Dr	Port Wentworth	GA	31407
20	70906A05044	Cristina & Christopher Pace	8 Lakeside Dr	Port Wentworth	GA	31407
21	70906A05043	AMH Development, LLC	10 Lakeside Dr	Port Wentworth	GA	31407
22	70906A05042	William Benson	12 Lakeside Dr	Port Wentworth	GA	31407
23	70906A05041	Donald Hodges	14 Lakeside Dr	Port Wentworth	GA	31407
24	70906A05040	Phillip Sermpungsuk & Slinda Kalasz	16 Lakeside Dr	Port Wentworth	GA	31407
25	70906A05039	David & Sylvia Dix	18 Lakeside Dr	Port Wentworth	GA	31407
26	70906A05038	Village Park Homes, LLC	20 Lakeside Dr	Port Wentworth	GA	31407
27	70906A05037	Michael Bowling	22 Lakeside Dr	Port Wentworth	GA	31407
28	70906A05036	Village Park Homes, LLC	24 Lakeside Dr	Port Wentworth	GA	31407
29	70906A05035	Ralph Duxbury	26 Lakeside Dr	Port Wentworth	GA	31407
30	70906A11001	Richard & Jonnie Gilardi	102 Lakeside Dr	Port Wentworth	GA	31407
31	70906A11002	Daniel O'Connor	104 Lakeside Dr	Port Wentworth	GA	31407
32	70906A11003	Michael Johnson	106 Lakeside Dr	Port Wentworth	GA	31407
33	70906A11004	Jennifer Morgart	108 Lakeside Dr	Port Wentworth	GA	31407
34	70906A11005	Sean & Melanie Munton	4 Moonlight Trl	Port Wentworth	GA	31407
35	70906A11014	Rice Hope Plantation Community	100 Lakeside Blvd	Port Wentworth	GA	31407
36	70906A11013	Joseph Kearns	5 Night Heron Way	Port Wentworth	GA	31407
37	70906A11012	Marcus & Felecia Austin	7 Night Heron Way	Port Wentworth	GA	31407
38	70906A11007	Dustin & Sharon Brown	8 Moonlight Trl	Port Wentworth	GA	31407
39	70906A11006	Philip Hall	6 Moonlight Trl	Port Wentworth	GA	31407
40	70906A05034	Jennifer Whittaker	4 Night Heron Way	Port Wentworth	GA	31407
41	70906A05021	Boyce Slayman SR	233 Clearwater Cir	Port Wentworth	GA	31407
42	70906A05020	John & Esmeralda Adams	231 Clearwater Cir	Port Wentworth	GA	31407
43	70906A05019	Phillip & Amy Emili	229 Clearwater Cir	Port Wentworth	GA	31407
44	70906A05018	Arthur Sanders	227 Clearwater Cir	Port Wentworth	GA	31407
45	70906A05017	Johnny & Marcia Shinsato	225 Clearwater Cir	Port Wentworth	GA	31407
46	70906A05016	Tori Burnette	223 Clearwater Cir	Port Wentworth	GA	31407
47	70906A05015	Rajah Jenkins	221 Clearwater Cir	Port Wentworth	GA	31407
48	70906A05014	Christopher Rodriguez	219 Clearwater Cir	Port Wentworth	GA	31407
49	70906A05013	Kyle & Lizbeth Balk	217 Clearwater Cir	Port Wentworth	GA	31407
50	70906A05012	Jason & Jessica Schneider	215 Clearwater Cir	Port Wentworth	GA	31407
51	70906A05011	John & Katheryn Bohannon	213 Clearwater Cir	Port Wentworth	GA	31407
52	70906A05010	Anna & Enriquez Velazquez	211 Clearwater Cir	Port Wentworth	GA	31407
53	70906A05005	Alan Kennedy	510 Lakeside Blvd	Port Wentworth	GA	31407
54	70906 04041	BEP RH TRACT 2 LLC	100 Lakeside Blvd	Port Wentworth	GA	31407
55	70906 04077	BEP RICE HOPE LLC	300 Lakeside Blvd	Port Wentworth	GA	31407
56	70906 04063	BEP RH TRACT 2 LLC	100 Lakeside Blvd	Port Wentworth	GA	31407
57	70906 04091	BEP RH TRACT 2 LLC	100 Lakeside Blvd	Port Wentworth	GA	31407
58	70906 04012	John Hill	8547 Heatherwood Dr	Savannah	GA	31406
59	70906 04042	BEP RICE HOPE LLC	100 Lakeside Blvd	Port Wentworth	GA	31407
61	70906A09054	Beacon New Homes, LLC	7370 Hodgson Memorial Drive	Savannah	GA	31405
62	70906A09053	Beacon New Homes, LLC	7370 Hodgson Memorial Drive	Savannah	GA	31405
63	70906A09052	Beacon New Homes, LLC	7370 Hodgson Memorial Drive	Savannah	GA	31405

CITY OF PORT WENTWORTH
(912) 964-4379

REC#: 00359969 6/27/2022 1:43 P
OPER: KS TERM: 055
REF#: 33535

TRAN: 112.0000 BLDG PERMIT
220357 886.00CR
FORESTAR (USA) REAL ESTATE GI
7-0906-04-042
DEV-SPR 886.00CR

TENDERED: 886.00 CHECK
APPLIED: 886.00-

CHANGE: 0.00



50 PARK OF COMMERCE WAY
SAVANNAH, GA 31405 | 912.234.5300
WWW.THOMASANDHUTTON.COM

April 7, 2023

Mr. Brian Harvey
Development Service Administrator
City of Port Wentworth
7224 GA Highway 21
Port Wentworth, GA 31407

Re: Lakeside at Rice Hope - Phase 24
City of Port Wentworth, Georgia
J-25412.0035

Dear Mr. Harvey:

This site plan review was completed based on our interpretation of the latest City of Port Wentworth zoning ordinance and development regulations. Thomas & Hutton's review was performed in an effort to assess if the application package for the proposed improvements is in general conformance with City of Port Wentworth regulations. Our review shall not be interpreted as a detailed technical analysis of the design or for verification of technical sufficiency for elements of design. Under no circumstances shall our review and comments related to the site plans relieve the Applicant's Design Professional of their professional obligations and professional standards of care. As such, the design submitted by the Applicant's Design Professional shall be the sole responsibility of the Applicant's Design Professional. Thomas & Hutton shall not accept any responsibility for any liability due to design and construction, in whole or in part, for any aspect of the design and construction of design documents.

We have reviewed the submittal package for conformance with City of Port Wentworth regulations of the following:

1. Please provide complete signed and sealed stormwater calculations and site development plans.
 - **Applicant addressed.**
2. Please provide vertical and horizontal utility separation for all utilities in accordance with Section 3.01 (e) of the Port Wentworth CDM as well as applicable CDM sections and details. The City of Port Wentworth Public Works Department has indicated it is acceptable to use a 7.5' utility easement in locations where no alternative is feasible.
 - **Water, sewer, and stormwater utilities shall conform to Section 3.01(e) of the Port Wentworth CDM as well as applicable CDM sections and details when feasible. Due to the MPO zoning on this property, development is allowed to occur with narrower rights-of-way, thereby making the standard City separation requirements not feasible in two locations noted by the applicant. The design of the utilities at these locations has been reviewed with City staff and acknowledged as acceptable for this specific development plan only.**

Mr. Brian Harvey
 Development Service Administrator
 City of Port Wentworth
 April 7, 2023
 Page 2

3. Please show all stormwater maintenance easements or rights-of-way intended to be owned by public or private entities on the plans.
 - **Applicant addressed.**

The Applicant's latest submittal received on March 27, 2023, addressed comments 1-3 above. All site plan comments have been satisfied and appear to be in general conformance with the City of Port Wentworth's zoning ordinance and development regulations with the exception of the following. The City of Port Wentworth retains the right to issue a development permit at their discretion prior to the below comments being addressed. However, these comments must be addressed prior to project closeout:

4. Two benchmarks should be added to the final plat per Section 15.3–8 of Appendix B of the City Port Wentworth Zoning Ordinance.
5. A final plat for recording of public or private easements or rights-of-way should be provided per Section 3.4.2(i) of the City of Port Wentworth Comprehensive Design Manual.
6. A finalized site lighting plan, details, and supporting documentation must be submitted per Sections 20–64 and 20–65 of the City of Port Wentworth Code of Ordinances. In the past, the City has issued a development permit prior to receiving this information, with the stipulation that a certificate of occupancy will not be issued for any structure until the lighting plan and agreement are received by the City, and lighting is installed within the phase of development.
7. A performance bond should be provided prior to any building and/or grading permit for any land development activity requiring a permanent stormwater management system per section 7–80(h) of the City of Port Wentworth Code of Ordinances.

The Applicant has satisfied items 1–3 prior to proceeding with the City's development permit process. If the City chooses to proceed with the issuance of a development permit prior to the resolution of items 4–7, the City may include these conditions with the development permit. Please call us with any questions or comments at (912) 234–5300.

Sincerely,

THOMAS & HUTTON



Jessica L. Routt, P.E.

JLR/wr

Project Timeline

Project Number: 220357

Project Name: Rice Hope Lakeside Phase 24, Specific Site Plan Application

Applicant / Engineer: Jason Bryant, Pittman Engineering

Owner: Forestar (USA) Real Estate Group, Inc.

City Review Engineer: Thomas & Hutton

- 6/27/22 - received; application complete.
- 6/27/22 – sent to Thomas & Hutton for review.
- 7/22/2022 – received email from Kevin Smith (T&H) stating that once the Comprehensive Stormwater Master Plan has been received they should be able to complete the initial site plan review.
- 7/22/2022 – received email from Ray Pittman (Pittman Engineering) that they are working on the revisions and should take a week to update the Master Drainage Plan & Exhibits.
- 7/27/2022 – sent email to Jason Bryant (Pittman Engineering) that the site plan application would not be on the August 2022 agendas due to not having any review comments.
- 8/8/2022 – sent email to Kevin Smith & Jennifer Roach (T&H) asking if they had received the information that was requested from Pittman Engineering.
- 8/18/2022 – received 1st review comment letter from T&H. Pittman copied on email.
- 10/18/2022 – received 1st resubmittal from Pittman. T&H Copied on email
- 11/7/2022 – received 2nd comment letter from T&H. Pittman Copied on email.
- 11/21/2022 – received 2nd resubmittal from Pittman. T&H copied on email.
- 12/5/2022 – received 3rd comment letter from T&H. Pittman copied on email.
- 1/31/2023 – received final letter from T&H that included comments that would need to be accepted by City of Port Wentworth. [ME]
- 2/17/2023 – email sent from Omar Senati to Jason Bryant stating that we would not accept the location of sewer / water easements shown on the plans due to they must be a minimum of 7.5 fee from the property line. [ME]
- 2/17/2023 – Jason Bryant sent updated plans. [ME]
- 2/21/2023 – Omar Senati sent email stating he could not approve the plans as submitted. [ME]
- 2/23/2023 – Conference call scheduled to discuss issues [ME]
- 3/1/2023 – revised plans sent to T&H from Pittman. [ME]
- 3/27/2023 – resubmittal received from Pittman. T&H Copied. [ME]
- 4/7/2023 – Final letter received from T&H. Placed on next available Planning Commission agenda. [ME]
- 4/21/23 – Public Hearing notice letters mailed [SC]
- 4/26/23 – Public Hearing Notice published in the Savannah Morning News [SC]



City Council
7224 GA Highway 21
Port Wentworth, GA 31407

SCHEDULED

AGENDA ITEM (ID # 2826)

Meeting: 05/25/23 07:00 PM
Department: All
Category: Resolution
Prepared By: Zahnay Smoak
Department Head: Steve Davis

13.B

DOC ID: 2826

NLC Utility Service Warranty Agreement

Issue/Item: Some residents of Port Wentworth face very expensive repairs to aging water, sewer, and plumbing infrastructure that is privately owned.

Background: The National League of Cities (NLC) Service Line Warranty Program, offered by Utility Service Partners, a HomeServe Company, was conceived in partnership with the National League of Cities to educate property owners about their service line responsibilities and to help residents avoid the out-of-pocket expense for unanticipated and potentially costly service line repairs and replacements. This program, the only one of its kind endorsed by the NLC, will help the City of Port Wentworth residents by providing homeowners affordable protection against significant and unexpected costs to remedy leaking/broken/clogged water lines, sewer lines, and in-home plumbing lines.

Facts and Findings: The program offers low-cost warranty programs and only uses fully vetted local contractors to complete the repairs. There are other municipalities in our region already partnering with them therefore eliminating any start up delays to screen new contractors.

Funding: The City will receive a royalty of \$0.50 per product per month for the duration of the program.

Recommendation: Approve

ATTACHMENTS:

- NLC Utility Service Partners Agreement (PDF)

MARKETING AGREEMENT

This MARKETING AGREEMENT (“**Agreement**”) is entered into by and between the City of Port Wentworth, Georgia (“**City**”), and Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America (“**Company**”), herein collectively referred to singularly as “**Party**” and collectively as the “**Parties**”. This Agreement shall be effective on the last signature date set forth below (“**Effective Date**”).

RECITALS:

WHEREAS, sewer and water line laterals between the mainlines and the connection on residential private property are owned by individual residential property owners residing in the City (“**Property Owner**”); and

WHEREAS, City desires to offer Property Owners the opportunity, but not the obligation, to purchase a service plan and other similar products set forth in Exhibit A or as otherwise agreed in writing from time-to-time by the Parties (each, a “**Product**” and collectively, the “**Products**”); and

WHEREAS, Company, a subsidiary of HomeServe USA Corp., is the administrator of the National League of Cities Service Line Warranty Program and has agreed to make the Products available to Property Owners subject to the terms and conditions contained herein; and

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and with the intent to be legally bound hereby, the Parties agree as follows:

1. **Purpose.** City hereby grants to Company the right to offer and market the Products to Property Owners subject to the terms and conditions herein.

2. **City Obligations.**

A. Grant of License. City hereby grants to Company a non-exclusive license (“**License**”) to use City's branding (“**Marks**”), on marketing materials in accordance with Exhibit A to be sent to Property Owners from time to time, and to be used in advertising (including on the Company's website), all at Company's sole cost and expense and subject to City's prior review and approval, which will not be unreasonably conditioned, delayed, or withheld. Company's use of the Marks in accordance with this Agreement will not infringe any other party's rights. In the event that City extends a similar license to a competitor of Company during the Term and any Renewal Term of this Agreement, the City shall provide thirty (30) days' notice prior to such grant of license and Company may immediately terminate this Agreement.

B. **Property Owner Data.** If City elects to do so, City may provide Company with Property Owner Data for use by Company in furtherance of the advertisement, marketing, and sale of the Products. Any name, service address, postal address, and any other appropriate or necessary data for Property Owners in City is defined as “**Property Owner Data**”. Property Owners Data shall be and remain City’s property. For any Property Owner Data provided by City to Company, City warrants that Property Owner Data has been and will be collected in compliance with all laws, statutes, treaties, rules, codes, ordinances, regulations, permits, official guidelines, judgments, orders and interpretations (“**Applicable Laws**”); and City is permitted by Applicable Laws and by any applicable privacy policy to provide Property Owner Data to Company and to permit Company to use Property Owner Data for the purposes of this Agreement. A Property Owner who has purchased a Product is a member (“**Member**”) and, following such purchase, all data in Company’s control or possession relating to Members is Company’s property.

3. **Term.** The term of this Agreement (“**Initial Term**”) shall be for three (3) years from the Effective Date. The Agreement will automatically renew for additional one (1) year terms (each a “**Renewal Term**”, and collectively with the Initial Term, the “**Term**”) unless one of the Parties gives the other written notice at least ninety (90) days prior to end of the Initial Term or of a Renewal Term that the Party does not intend to renew this Agreement. In the event that Company is in material breach of this Agreement, the City may terminate this Agreement thirty (30) days after giving written notice to Company of such breach, if said breach is not cured during said thirty (30) day period. Company will be permitted to complete any marketing initiative initiated prior to termination of this Agreement after which time, neither Party will have any further obligations to the other and this Agreement will terminate.

4. **Consideration.** As consideration for such license, Company will pay to City a License Fee of as set forth in Exhibit A (“**License Fee**”) during the Term of this Agreement. The first payment shall be due by January 30th of the year following the conclusion of the first year of the Term. Succeeding License Fee payments shall be made on an annual basis throughout the Term, due and payable on January 30th of the succeeding year. City agrees to provide a completed Form W-9 to Company in order to facilitate proper payment of the License Fee. City will have the right, at its sole expense, to conduct an audit, upon reasonable notice and during normal business hours, of Company's books and records pertaining to any fees due under this Agreement while this Agreement is in effect and for one (1) year after any termination of this Agreement.

5. **Confidentiality.** Each party will treat all non-public, confidential and trade secret information received from the other party as confidential, and such party shall not disclose or use such information in a manner contrary to the purposes of this Agreement. Notwithstanding the foregoing, the City shall not be liable for any disclosure of confidential information that is required to be disclosed under any applicable public records act or under court order. City shall provide notice to Company prior to any such disclosure.

6. **Code Change.** The Parties understand that the pricing of the Products and compensation provided for in this Agreement are based upon the currently applicable City, municipal or similar codes. In the event Company discovers a code change, Company shall have the ability to reassess the pricing of this Agreement.

7. **Indemnification.** Each Party (the “**Indemnifying Party**”) hereby agrees to protect, indemnify, and hold the other Party, its officers, employees, contractors, subcontractors, and agents (collectively or individually, “**Indemnatee**”) harmless from and against any and all third party claims, damages, losses, expenses, suits, actions, decrees, judgments, awards, reasonable attorneys' fees and court costs (individually or collectively, “**Claim**”), which an Indemnatee may suffer or which may be sought against or are recovered or obtainable from an Indemnatee, as a result of or arising out of any breach of this Agreement by the Indemnifying Party, or any negligent or fraudulent act or omission of the Indemnifying Party or its officers, employees, contractors, subcontractors, or agents in the performance of this Agreement; provided that the applicable Indemnatee notifies the Indemnifying Party of any such Claim within a time that does not prejudice the ability of the Indemnifying Party to defend against such Claim. Any Indemnatee hereunder may participate in its, his, or her own defense, but will be responsible for all costs incurred, including reasonable attorneys' fees, in connection with such participation in such defense. To the extent allowable by law.

8. **Notice.** Any notice required to be given hereunder shall be deemed to have been given when notice is (i) received by the Party to whom it is directed by personal service, (ii) sent by electronic mail (provided confirmation of receipt is provided by the receiving Party), or (iii) deposited as registered or certified mail, return receipt requested, with the United States Postal Service, addressed as follows:

To: City:
ATTN: Steve Davis
City of Port Wentworth
7224 GA Hwy. 21
Port Wentworth, GA 31407
Email: sdavis@cityofportwentworth.com
Phone: (912) 964-4379

To: Company:
ATTN: Chief Growth Officer
Utility Service Partners Private Label, Inc.
601 Merritt 7, 6th Floor
Norwalk, CT 06851
Phone: (866) 974-4801

9. **Modifications or Amendments/Entire Agreement.** Except for the list of available Products under the Agreement, which may be amended from time to time by the Parties in writing and without signature, any and all of the representations and obligations of the Parties are contained herein, and no modification, waiver or amendment of this Agreement or of any of its conditions or provisions shall be binding upon a Party unless in writing signed by that Party.

10. **Assignment.** Neither Party may assign its rights or delegate its duties under this Agreement without the prior written consent of the other Party unless such assignment or delegation is to an affiliate or to an acquirer of all or substantially all of the assets of the transferor.

11. **Counterparts/Electronic Delivery; No Third Party Beneficiary.** This Agreement may be executed in counterparts, all such counterparts will constitute the same contract and the signature of any Party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by email and upon receipt will be deemed originals and binding upon the Parties hereto, regardless of whether originals are delivered thereafter. Nothing expressed or implied in this Agreement is intended, or should be construed, to confer upon or give any person or entity not a party to this agreement any third- party beneficiary rights, interests, or remedies under or by reason of any term, provision, condition, undertaking, warranty, representation, or agreement contained in this Agreement.

12. **Choice of Law/Attorney Fees.** The Parties shall maintain compliance with all Applicable Laws with respect to its obligations under this Agreement. The governing law shall be the laws of the State of Georgia, without regard to the choice of law principles of the forum state. THE PARTIES HERETO HEREBY KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVE ANY RIGHT THAT MAY EXIST TO HAVE A TRIAL BY JURY IN RESPECT OF ANY LITIGATION BASED UPON OR ARISING OUT OF, UNDER, OR IN ANY WAY CONNECTED WITH, THIS AGREEMENT.

13. **Incorporation of Recitals and Exhibits.** The above Recitals and Exhibit A attached hereto are incorporated by this reference and expressly made part of this Agreement.

[Signature Page Follows]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the day and year first written below.

CITY OF PORT WENTWORTH

Name:

Title:

Date:

UTILITY SERVICE PARTNERS PRIVATE LABEL, INC.

Name: Michael Backus

Title: Chief Growth Officer

Date:

Exhibit A
NLC Service Line Warranty Program
City of Port Wentworth
Term Sheet
April 24, 2023

- I. Initial Term. Three Years.
- II. License Fee. \$0.50 per Product for each month that a Product is in force for a Property Owner (and for which payment is received by Company), aggregated and paid annually, for:
 - A. Use of City logo and name on letterhead, advertising, signature line, and marketing materials.
- III. Products.
 - A. External water service line plan (initially, \$6.49 per month)
 - B. External sewer/septic line plan (initially, \$8.49 per month)
 - C. Interior plumbing and drainage plan (initially, \$9.99 per month)

Pricing does not include taxes. Company may adjust the foregoing Product fees; provided, that any such monthly fee adjustment shall not exceed \$0.50 in any 12-month period. If such adjustment shall exceed \$0.50, both Parties must agree in writing.
- IV. Scope of Coverage.
 - A. External water service line plan:
 - i. Covers Property Owner responsibility: From the meter to the external wall of the home.
 - ii. Covers thawing of frozen external water lines.
 - iii. Covers well service lines if applicable.
 - B. External sewer/septic line plan:
 - i. Covers Property Owner responsibility: From the external wall of the home to the sewer main.
 - ii. Covers septic lines if applicable.
 - C. Interior plumbing and drainage plan:
 - i. Covers water supply pipes and drainage pipes within the interior of the home.
- V. Marketing Campaigns. Company shall have the right to conduct up to three campaigns per year (each campaign consists of two mailings) and such other channels as may be mutually agreed. Initially, Company anticipates offering the interior plumbing and drainage plan Product via in-bound phone or web only.



City Council
7224 GA Highway 21
Port Wentworth, GA 31407

SCHEDULED

Meeting: 05/25/23 07:00 PM
Department: All
Category: Agreement
Prepared By: Zahnay Smoak
Department Head: Steve Davis

AGENDA ITEM (ID # 2827)

DOC ID: 2827

Designation of Primary Bank/Financial Institution

Issue/Item: Designation of Primary Bank/Financial Institution

Background:

The City of Port Wentworth's primary financial institution was Heritage Bank of the South until 2018. Heritage bank was acquired by Renasant Bank in 2015. Renasant bank was formed in 1904 is an American Regional Commercial financial institution based in Tupelo, Mississippi. Currently Renasant Bank is the 4th largest bank in the state of Mississippi and is ranked 98th largest bank in the United States, operating 163 locations with annual holdings \$16 billion.

Renasant bank provides limited treasury management services. Currently manage 13 bank accounts and must review each statement to determine the cost of managing each account. The bank's platform is not compatible with the Cities Financial Software platform; hence all our reconciliations are performed manually. From an investment perspective the bank only offers the city 5 basis points on daily average cash and continues to charge full value on all transactions, checks, ACH debits, ACH deposits, and miscellaneous service fees to maintain accounts. The bank has short term investment options (3-, 6-, 9- and 12-month CD's) at below competitive market rates. The bank's posture on account security is not proactive. The city initiated the transition of using positive pay which protects against check fraud and dual authentication for web portal sign in and approvals to move/transfer fund during the fall of 2022.

Facts and Findings:

Facts: The city has transitioned several banking functions to current state-of-the-art processes. The city is interested in selecting a primary financial institution that offers on-line and integrated services that complement our financial software platform, minimizing the use of manual checks and best leveraging our combined deposited to yield the highest possible return of interest on daily deposits.

There are 2,135 insured U.S. Chartered Commercial Financial Institutions with more than \$300 million of consolidated assets in the United States that are ranked by the Federal Reserve.

I surveyed and interviewed three local commercial banks to find an institution that would best serve the city's current and future financial needs. Those banks interviewed were, Bank of America, Truist and Queensbough (respectively ranked number 2, 7 and 499 in the United States as of December 31, 2022).

The areas of financial interest explored were:

- Robust treasury management services enabling the city to monitor cost of banking services.

- Compatible technology platform that integrates with the city's financial platform
- Ability to meet municipal capital project needs.
 - o Loans
 - o Bonds (General Obligation, Revenue and Tax)
 - o Vehicle and Equipment Lease/purchase financing
 - o Real Property Financing
- Enhanced P-Card capabilities (currently a separate banking operation)
- Merchant Services platform (currently a separate banking operation)
- Customer Services support for all financial operations
- Use of the highest security protocols to include security fobs, which are programmable devices that generate random security codes required to log into bank portals, enhancing log-on security.
- Leverage daily cash balances across all accounts to yield the highest rate of interest return, comparable to the Federal Funds rate. The balance of funds will be analyzed by Treasury Management, a percentage of funds will not be subject to earned interest, in-lieu of charging the city for banking services. The net cash on hand will be leveraged to calculate monthly interest.

The bank that demonstrated the ability and willingness to provide the above identified banking functions is Truist Bank.

The city currently has a checking account (USDA Water Loan Reserve Fund) and two loan accounts (Fire Truck and Mobile Command Post Vehicle).

I would like to recommend that the City designate Truist bank as the primary financial institution and authorize the transition of current commercial bank accounts and to consolidate financial services.

Recommendation: Approve

ATTACHMENTS:

- 23.05.25 Mtg - Bank - Resolution (DOCX)

RESOLUTION NO. R23-05-01

**STATE OF GEORGIA
COUNTY OF CHATHAM
CITY OF PORT WENTWORTH**

**A RESOLUTION DESIGNATING THE CITY'S
PRIMARY BANK / FINANCIAL INSTITUTION AS TRUIST BANK**

WHEREAS, the Mayor and City Council have the general power to provide for the health, safety, and welfare of the citizens of Port Wentworth;

WHEREAS, the Mayor and City Council have the power to make appropriations for the support of the government of the city, to authorize the expenditure of money for any purpose authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia, as amended, and to provide for the payment of expenses of the city;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Port Wentworth, Georgia, while in regular session, as follows:

- I. The City hereby designates TRUIST BANK as the City's primary bank / financial institution.
- II. The City Chief Financial Officer, City Manager, and City staff shall take such actions deemed necessary or advisable to accomplish this Resolution.
- III. This Resolution shall become effective immediately upon its passage and adoption.

SO RESOLVED this the _____ day of _____, 2023.

Approved:

Gary Norton, Mayor

Attest:

Zahnay Smoak, Clerk of Council

Attachment: 23.05.25 Mtg - Bank - Resolution (2827 : Designation of Primary Bank/Financial Institution)



City Council
7224 GA Highway 21
Port Wentworth, GA 31407

SCHEDULED

Meeting: 05/25/23 07:00 PM
Department: All
Category: Ordinance
Prepared By: Zahnay Smoak
Department Head: Steve Davis

14.B

AGENDA ITEM (ID # 2825)

DOC ID: 2825

Alcohol Ordinance Rewrite- 2nd Reading

Issue/Item: The Port Wentworth alcohol ordinances have not been updated in many years and state law has changed over those years.

Background: Port Wentworth has 13,000 residents and is growing exponentially. The city currently has 5 package stores and there are numerous other outlets for beer and wine.

Facts and Findings: It has been determined that in addition to modernizing the ordinance to comply with state law that we needed to limit the number of package stores based on population.

Funding: N/A

Recommendation: Approve

ATTACHMENTS:

- Alch Ord - 2.1 (DOCX)
- COPW - Ord - Alch Ord (DOCX)

Chapter 3 ALCOHOLIC BEVERAGES¹

ARTICLE I – GENERAL

Sec. 3-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage means and includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine.

Auditorium means a permanent building or hall used for concerts, speakers, plays and similar activities and that has a seating capacity in excess of 50 seats.

Beer or *malt beverage* means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including, ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

Brewery means an establishment where malt beverages are manufactured or brewed.

Brewery, micro means any brewery designed to accommodate the processing of fewer than 5,000 barrels of beer or ale within any consecutive 12-month period.

Brewpub means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises and solely in draft form. The term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

Church means a permanent building specifically constructed for the purpose of persons regularly assembling for religious worship.

¹State law reference(s)—Use of proceeds of alcoholic beverage tax for prevention, education and treatment, Ga. Const. art. 3, sec. 9, par. 6; Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.; furnishing to, purchase of or possession by persons under 21 years of age; use of false identification, O.C.G.A. § 3-3-23; public drunkenness, O.C.G.A. § 16-11-41; furnishing alcoholic beverages to persons under 21 years of age; jurisdiction of municipal courts, O.C.G.A. § 36-32-10; treatment of alcoholics and intoxicated persons, O.C.G.A. § 37-8-1 et seq.; driving under the influence of alcohol or drugs, O.C.G.A. § 40-6-391.

City means the City of Port Wentworth, Georgia.

Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines.

Eating establishment means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

Election day means that period of time beginning with the opening of the polls and ending with closing of the polls for any election.

Government center means a building owned or leased by and operated by the state or the county or the city and which contains a lobby or atrium area or other room which is used for group functions. If a license is issued for premises within a government center, a government official or employee shall be the named licensee.

Hotel means a building or other structure kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which 50 or more rooms are used for the sleeping accommodations of these guests, and having one or more public dining rooms, with an adequate and sanitary kitchen and seating capacity of at least 50 where meals are regularly served to those guests, the sleeping accommodations and dining rooms being conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation. Motels meeting the qualifications set out in this definition for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of being granted franchises for the operation of a lounge, restaurant or nightclub in their premises and the holder of the franchise shall be included in the definition of hotel.

License means the authorization granted by the city to engage in the sale or distribution of alcoholic beverages.

Licensee means a person holding any class of license issued under this chapter.

Lounge means a separate room connected with a part of, and adjacent to, a restaurant or located in a hotel with all booths, stools, and tables being unobstructed and open to view. A lounge that is operated on a different floor in the premises or in a separate building or that is not connected to or adjacent to a restaurant shall be considered a separate establishment and an additional license fee shall be paid therefore.

Malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than six percent alcohol by volume and including ale, porter, brow, stout, lager, small and strong beers. The term does not include sake, known as Japanese rice wine.

Manufacturer means any maker, producer or bottler of an alcoholic beverage. The term also means:

- (1) For distilled spirits, any person engaged in distilling, rectifying or blending any distilled spirits;
- (2) For malt beverages, any brewer; and
- (3) For wine, any vintner.

Minor means a person less than 21 years of age.

Package means a bottle, can, keg, barrel, or other original consumer container.

Package store means an establishment engaged in the retail sale of packaged alcoholic beverages, such as ale, beer and wine for consumption off the premises and at which on-premises consumption is specifically prohibited, as distinct from a bar, restaurant or similar establishment which is licensed for the sale of alcoholic beverages of any type by the drink and/or for consumption on the premises.

Person means an individual or individuals, a partnership or partnerships, a limited partnership, a limited liability company or companies, a corporation or corporations an association or associations or any combination thereof.

Premises means the definite closed or partitioned-in locality, whether room, shop, tasting room, or building, wherein alcoholic beverages are sold or consumed. Premises also includes any area or patio immediately adjacent to the main licensed facility and located on property owned or leased by such licensee.

Private club means a corporation chartered, organized and existing under the laws of the state, exempt from federal income taxes pursuant to Ordinance 501 (c) of the Internal Revenue Code, as amended, actively and continuously in operation within the city as a nonprofit corporation for at least one year immediately prior to the application for a license under this chapter and during which time such corporation shall have had continuously not less than 50 members whose names, current addresses, and current telephone numbers shall have been kept listed on the club premises, which members shall have regularly paid quarterly, semiannual or annual dues. The nonprofit corporation shall be operated exclusively for pleasure, recreation, and other non-profitable purposes, and no part of the net earnings of the corporation shall inure to the benefit of any member, director, or officer. No member, director, officer, agent, or employee of the club shall be paid or directly or indirectly receive, in the form of salary or other compensation, any profits from the sale of distilled spirits by or to the club or its members or guests, except such salary as may be fixed by its members at any annual meeting or by its governing board out of the general revenue of the club.

Restaurant means any public place kept, used maintained, advertised and held out to the public as a place where meals are actually and regularly prepared and served, at least one meal per day for six days each calendar week, with the exception of holidays, vacations, and periods of redecorating, without sleeping accommodations, the place being provided with adequate and sanitary kitchen, adequate sanitary restroom facilities, dining room equipment and seating capacity of at least 50 people, having employed therein a sufficient number and kind of employee to prepare, cook and serve suitable food for its guests. The preparations and serving of these meals shall be the principal business conducted, with the serving of alcoholic beverages to

be consumed on the premises constituting not more than 50 percent of the gross sales thereof in any one quarter of a calendar year.

Resort facility means a golf course or golf course facility and restaurant operated in connection therewith, and shall include any hotel and restaurant facility operated in connection with such golf course facility.

Retailer or retail dealer means any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale.

Sale means selling or offering for sale any alcoholic beverages to any member of the public.

School means only such state, county, city, church, or other schools as teach the subjects commonly taught in the common schools of this state and does not include private schools where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

Sports facility means premises operated exclusively for the purpose of providing professional sporting events, such as professional football, auto racing, or similar athletic or amusement events for attendance by the public.

Tasting room means an outlet operated by a winery for the promotion of a winery's wine by providing complimentary samples of such wine to the public and for the retail sale of such wine.

Wholesaler or wholesale dealer means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

Wine or vinous liquors means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

Winery means a manufacturer of wine.

Sec. 3-2. Compliance assumed for existing licenses.

All licensees holding a valid license for the manufacture or sale of alcoholic beverages issued by the city at the time of the enactment of this chapter shall be deemed to have complied with all requirements as to application and issuance of licenses under this chapter. The licensees shall, however, meet all other requirements as to regulation and control as set forth in this chapter. The city hereby ratifies its issuance of existing licenses pursuant to this chapter.

Sec. 3-3. Days, hours of sale.

No licensee shall sell, give away or otherwise dispense alcoholic beverages by the drink or package sale between the hours of 2:00 a.m. Sunday and 6:00 a.m. Monday, and between the hours of 2:00 a.m. and 6:00 a.m. on other days, and shall not permit their places of business to be opened for the sale of malt beverages on Sunday, Christmas Day, and any other day prohibited by state law.

Notwithstanding the foregoing, the package sales of malt beverages, wine and distilled spirits shall be permitted on Sundays between the hours of 12:30 p.m. and 11:30 p.m., and the retail sales of alcoholic beverages for consumption on the premises shall be allowed between the hours of 11:00 a.m. Sunday and 12:00 a.m. Monday.

Sec. 3-4. Sale on election days.

Pursuant to O.C.G.A. § 3-3-20(b), the sale of alcoholic beverages on election days is authorized.

Sections 3-5 through 3-10 - RESERVED

ARTICLE II – ALCOHOLIC LICENSES**Sec. 3-11. Duration of license.**

All licenses issued pursuant to this chapter shall be valid only so long as the licensee is actively engaged in such business and if the licensee ceases to be actively engaged in such business his license shall be invalid and the licensee shall immediately notify the city clerk and return his license to the city clerk.

Sec. 3-12. Term of license.

No license for retail sales of alcoholic beverages for consumption on the premises shall be issued to expire sooner than at 11:59 p.m. on December 31 of year in which it was issued. In case of the revocation or surrender of the license before expiration of the calendar year period, the holder shall not be entitled to receive any refund of any fees or taxes whatsoever.

Sec. 3-13. Expiration of license.

All licenses issued under the provisions of this chapter shall expire at 11:59 p.m. December 31 of the year in which issued.

Sec. 3-14. License required.

- (a) All applications for alcoholic beverage licenses shall, at a minimum, include the following: The name of the business, the address of the business, telephone contact information for the business, the applicant's Social Security number or tax identification number. The application shall contain all such other information as provided by this chapter. The information contained on the application shall be used only for the purposes of determining whether to grant the application or to assist the city in enforcement of the requirements of this chapter or in the collection of any delinquent occupational taxes, license fees, or other taxes or charges imposed by this chapter or by other provisions of this Code. If the applicant refuses to supply the required information, the city clerk, or their designee, may reject the application.
- (b) No tasting room shall be operated except under a license granted as provided in this chapter. The applicant for a tasting room license must be a winery and must meet all legal requirements contained in this chapter for the sale of wine by the package and for the sale of wine by the drink. A tasting room license shall allow the license holder to sell wine by the package and to give or sell wine samples at one location. No other license shall be required for the tasting room location pursuant to this chapter. Tasting room licensees are subject to all laws, rules and regulations of the state and are subject to license revocation for violation thereof.
- (c) No licensee shall be authorized to operate a business until the license has been paid for in cash or the equivalent and the license delivered to the licensee by the city clerk, or their designee.

Sec. 3-15. Separate licenses required for package sales and sales for on-premises consumption.

Licensees for the sale of alcoholic beverages by the drink shall not permit the sale of alcoholic beverages by the bottle or package. Provided however that licensees for the sale of alcoholic beverages by the drink shall have the right to sell wines, champagnes or malt beverages to the public by the bottle or package for consumption on the premises without the issuance of a separate retail license therefore.

Sec. 3-16. Transfer of license.

No alcoholic beverage license shall be transferred from one person to another during the year in which the license was obtained, except in the case of death of the person holding a license, in which event his executor or administrator may continue to operate under the license for six months from the date of his qualification.

Sec. 3-17. Operation by new owner under prior license.

Upon the sale of any licensed business hereunder, the new owner may operate the business under the old license under this chapter until either the expiration of 60 days after the business's sale or until a new application is granted or refused under this chapter, whichever shall first occur.

Sec. 3-18. License categories.

- (a) The alcoholic beverage licenses which may be issued under this chapter are:
 - (1) Wholesaler.
 - (2) Retail package sales of wine and/or malt beverages.
 - (3) Retail sales of wine and malt beverages and distilled spirits for consumption on the premises.
 - (4) Manufacturer.
 - (5) Wine importer.
 - (6) Caterer.
 - (7) Special event.
 - (8) Retail sales of distilled spirits by the package.
- (b) A separate application is required for each license category enumerated in subsection (a) of this section. Each application will be acted upon separately pursuant to this ordinance.
- (c) A license for retail sales of alcoholic beverages for consumption on the premises shall be issued only to applicants that meet the requirements of this chapter for a hotel, restaurant, private club or other specific activities outlined in this chapter.

Sec. 3-19. Fees.

License fees for each category of license specified in this ordinance shall be as follows:

Distilled spirits consumption on premises within the Central Business District \$1,500.00

Distilled spirits consumption on premises outside the Central Business District 4,000.00

Distilled spirits wholesale 2,000.00

Distilled spirits manufacturer 4,000.00

Distilled spirits by the package retail 5,000.00

Malt beverage package retail 500.00

Malt beverage consumption on premises 500.00

Malt beverage wholesale 250.00

Malt beverage manufacturer 750.00

Wine package retail 500.00

Wine consumption on premises 300.00

Wine wholesale 250.00

Wine manufacturer 250.00

Wine Importer 200.00

At the time of application for any license, the applicant shall provide a payment of \$50.00 as a non-refundable application fee in addition to the applicable license fees.

The event permit fee for alcoholic beverage caterers for beer and wine shall be \$30.00 and for distilled spirits it shall be \$50.00.

Special event permit fee is \$50.00 per day up to a maximum of \$2,000.00.

Notwithstanding the fees scheduled hereinabove, it is provided that the licensed fee for a distilled spirits consumption on the premises during the first year of operation of a licensed business shall be reduced to \$2,000.00. It is further provided that any licensee obtaining an alcoholic beverage license prior to July 1 of the year shall pay the full annual license fee due, but any licensee obtaining an alcoholic beverage license on or after July 1 of the year shall pay only one-half the required annual fee.

Sec. 3-20. Catered function.

- (a) An authorized catered function is an event at which an alcoholic beverage caterer sells and or serves alcoholic beverages and a meal is served.
- (b) No single person, group, association, corporation, company, partnership, limited liability corporation or partnership, or any other entity shall hold more than six authorized catered functions per year.
- (c) No authorized catered function shall take place on the premises of any alcoholic beverage licensee who is not also the caterer for the function.

Sec. 3-21. Knowledge, publication of article; responsibility of licensee.

The holder of any license under this article shall have available in his place of business at all times the current copy of this article and shall be responsible for compliance with this article by all persons on the premises.

Sections 3-22 through 3-30 - RESERVED

ARTICLE III – ALCOHOLIC LICENSE APPLICATION

Sec. 3-31. Application procedure.

- (a) *General.* The applicant for a license under this chapter shall make a written application under oath on the form as provided by the city clerk or his/her designated representative. Such application shall be a public record and open to public inspection by any citizen at a reasonable time and place.
- (b) *Application fee.* The applicant shall, upon turning in his complete application to the city clerk or his/her designated representative.
- (c) *Corporation-stockholders.* All applicants who are corporations having ten or less stockholders shall list the names and addresses of all stockholders and the percentage of stock owned by each on the application form. If a named stockholder therein is another corporation, the same information shall be given for the stockholding corporation. If during the life of the license the identity of the stockholders or their percentages of ownership should change, that information shall be sent to the city clerk or his/her designated representative for processing.
- (d) *Corporate agents.* All corporate applicants, without regard to the number of stockholders, shall list the names and addresses of the officers of the corporation. In addition thereto, they shall name an agent and address of the agent, who shall be the individual who does in fact have regular, managerial and supervisory authority over the business conducted on the licensed premises. In addition, the manager shall be an agent for service for the corporation in addition to all other methods allowed for serving a corporation by the laws of Georgia. Any person who has been an agent/manager of a corporation whose license has been revoked is ineligible to act as an agent/manager for any corporate licensee thereafter.
- (e) *Documents.* The following documents shall be attached to each application:
 - (1) Evidence of ownership of the premises where the proposed business is to be located or a copy of the lease if the applicant is leasing the building or premises.
 - (2) A certified or cashier's check payable to the city for the proper amount of the license fee. If the license is refused, the amount of the check shall be refunded to the applicant.
 - (3) All applications shall include a certificate from a registered surveyor showing a scale drawing of the location of the proposed or existing premises and the distance, measured in a straight line, from the proposed or existing front entrance of the proposed or existing premises to the front entrance of the buildings of the nearest alcoholic treatment centers or churches or to the nearest property line of the real property of a school building, educational building, school grounds, college campus or residentially zoned property or certifying that the proposed location complies with the location requirements of this chapter and state law.
 - (4) A copy of an advertisement to be run in the Port Wentworth News one time stating the purpose of the application, the location of the business and the owner or owners of the business together with an affidavit by the applicant stating the date when this advertisement has or will run in such newspaper.
- (f) *Investigation.* The city clerk or his/her designated representative shall submit the application within two business days after filing to the police department. The police department shall make an arrest and conviction investigation concerning any applicants hereunder if

individuals and the officers and the designated agent or manager if applicant is a corporation and shall submit the results of the investigation to the city clerk within seven days of submission.

- (g) *Offenses.* Any person making a false statement in any application for a license, or statement in connection with renewal thereof, shall be guilty of an offense and punished as provided by state law relating to false swearing, and further, a license, if previously granted or renewed, may be revoked for the violation. It shall be an offense for any person to give other than the true and correct legal name of the intended licensee, and a conviction for a violation thereof shall be punished as provided by this Code, and in his discretion, the judge of the municipal court may revoke, suspend or probate any license for such violation and the administrative hearing officer may revoke, suspend, or probate any license for such violation.
- (h) *Duration/renewal.* All licenses are issued only on a calendar year basis and shall come up for renewal each year following issuance. All licensees under this chapter shall expire on December 31 of each calendar year in which it was issued. All fees shall be tendered with the application.
 - (1) Each licensee shall make a written application for renewal by November 15 of each year following issuance. Each licensee shall swear to the truthfulness of such information that is the same as the prior application and shall set forth facts which are different from the prior year's application.
 - (2) All applications for renewal of licenses for the ensuing year shall be treated as applications for new licenses, except that they need not be advertised nor, except to the extent of any change in ownership or interested parties, an investigation conducted by the chief of police.
 - (3) All such reapplications shall be administratively acted on by the City Manager, or their designee.
- (i) *Penalty for filing renewal application and license fee payment after November 15.* There shall be a penalty fee charged for filing alcoholic beverage renewal application and license fee payment after November 15 of \$50.00. If an alcoholic beverage license renewal application and license fee has not been filed with the city clerk's office by December 15, the license shall be declared to be abandoned and any re-licensing shall require a new application.

Sec. 3-32. Qualifications for applicants.

All applicants for licenses under this chapter must attach to their application evidence of their good character. No license, whether original or renewal, shall be issued to any person organized for pecuniary gain where any individual having an interest either as owner, partner, general or limited, stockholder, directly or indirectly, beneficial or absolute, or the spouse of any individual with any interest as set forth in this section, shall have been convicted or shall have taken a plea of nolo contendere within ten years immediately prior to the filing of the application for any felony or misdemeanor of any state of the United States or any municipal ordinance except traffic violations. A conviction or a plea of nolo contendere to the offense of driving an

automobile while under the influence of intoxicating liquor or drugs shall not be considered an excepted traffic violation.

Sec. 3-33. Investigation of application.

- (a) Applicants, by filing for a license agree to furnish the date, information and records required by this article and also agree to submit under oath to interrogation by the city manager, city attorney, and/or city council as to any facts considered pertinent to the application. Applicants, by filing the application, also agree to produce for oral interrogation by the city manager, city attorney, and/or city council, any person requested by the city manager and/or city council, as being important in the ascertainment of the facts relative to the granting of the license. Failure to furnish this date, information and records or failure to produce these persons within 30 days from the date of the request by the city shall automatically serve to dismiss with prejudice the application of the applicant failing to furnish the date, information and records or failing to produce these persons.

All applications for new licenses, and applications for renewals thereof, shall be investigated by the designee of the city clerk, and no new or renewal license shall be acted upon by the city council or city manager or issued by the city clerk until the designee has indicated in writing that in his opinion no violation exists upon the facts as stated and ascertained by such investigation as to any ordinance or law in effect as of the date of the rendering of the opinion.

- (b) All applicants for new licenses or for transfers of locations shall be passed upon by the city council and its action shall be taken within 60 days from the date of the filing of the application.
- (c) Any change in any relationship declared in an application, pertaining to the application's contents, which requires investigation by the city manager or city council prior to the issuance of a renewal license, shall be considered upon within 60 days from the date of filing of the changes.

Sec. 3-34. Public hearing on application.

All applications for licenses shall be acted upon by the city council after a public hearing and advertisement in at least one issue of the legal organ of the city, which notice shall contain a particular description of the location of the proposed business and shall give the name of the applicant; and, if a partnership, the names of all the partners, both general and limited; and, if a corporation, the names of the officers and board of directors. The advertisement referred to in this section shall be a type not smaller than ten point capital and lower case and shall be at least a one-inch, two-column advertisement.

Sec. 3-35. Issuance of license.

- (a) All licenses must be obtained and license fees and occupational taxes must be paid at the time the completed application is submitted to the city clerk. If the application is denied by

the mayor and council, all application fees will be returned to the applicant except the administrative fee.

- (b) When a license has been approved by the mayor and council, a license will be issued to the applicant.

Sec. 3-36. Consideration of, action on application by council.

- (a) Upon completion of the application for a license under the provisions of this article, the printing of the notice in the newspaper, and the completion of the character investigation by the chief of police, the city clerk shall submit the application to the city council at its next regularly scheduled meeting and shall notify the applicant of the date, time, and place of the meeting.
- (b) Before the city council shall deny any application or the city manager shall deny any reapplication for a license, or the city shall revoke or suspend any existing license, the applicant or licensee, as the case may be, shall be given notice in writing by the mayor or the city clerk to show cause before the city council or city manager at a time and place specified and being not less than three days nor more than ten days from the date of service of the notice, why the application or reapplication for license should not be denied, or why the license should not be revoked or suspended, as the case may be. This notice shall set forth any objections to the application or reapplication and any possible grounds on which a denial of the application or reapplication or a revocation or a suspension of the license may be based as well as the names of any witnesses to be called in support of the denial or revocation. At the appointed time and place the applicant or licensee shall have an opportunity to present evidence, call witnesses, cross-examine witnesses, make statements and otherwise show cause, if any exists, why the application or reapplication should not be denied or why the license should not be revoked or suspended.
- (c) After this hearing and based upon the evidence presented at this hearing, the city council or city manager shall take such action as it, in its judgment and discretion, shall deem warranted under the facts, the hearing herein provided for need not be at a regular meeting of the city council but may be at such time and place as shall be fixed in the above described notice.
- (d) The city council or city manager shall have the right to suspend any malt beverage or wine license pending the hearing provided for in this section where in the judgment of the city council or city manager, such action is necessary to protect the public health, safety, welfare or morals of the community. Any such suspension shall not exceed ten days unless the licensee requests a continuance of the hearing before the city council or city manager on which case the suspension will stay in effect until the time of the hearing.

Sec. 3-37. Zoning requirements for license location.

No license for retail sales of any alcoholic beverage for consumption on the premises shall be issued within the areas described in this article unless the location has been zoned Commercial the zoning rules and regulations of the city.

Sections 3-38 through 3-40 - RESERVED

ARTICLE IV – EXCISE TAX

Sec. 3-41. Excise tax.

- (a) *Per liter of distilled spirits.* There is hereby levied an excise tax computed at the rate of \$0.22 per liter which shall be paid to the city on all distilled spirits sold for consumption on the premises in the city. Such tax shall be paid to the governing authority by the wholesale distributor on all distilled spirits sold to licensees for the sale of distilled spirits for consumption on the premises in the city as follows:
- (1) Each wholesaler selling, shipping, or in any way delivering distilled spirits to any licensee hereunder, shall collect the excise tax at the time of delivery and shall remit the same together with a summary of all deliveries to each licensee on or before the 20th day of the month following. The \$0.22 per liter shall be prorated so that all containers of distilled spirits shall be taxed on the basis of \$0.22 per liter.
 - (2) It shall be unlawful and a violation of this section for any wholesaler to sell, ship, or deliver in any manner any distilled spirits to a retail consumption dealer without collecting said tax.
 - (3) It shall be unlawful and a violation of this Section for any retail consumption dealer to possess, own, hold, store, display, or sell any distilled spirits on which such tax has not been paid.
 - (4) Each wholesaler shall be paid three percent of the amount of taxes collected as reimbursement for collection of said tax.
- (b) *Distilled spirits by the drink.* In addition to the excise tax required in subsection (a) of this section, a tax on the retail purchase of distilled spirits by the drink is hereby levied, to be collected at the rates and in the manner hereinafter set forth.
- (1) Every purchaser of distilled spirits by the drink shall be liable for a tax thereon at the rate of three percent of the retail price or charge for such drink. Such taxes shall be collected by the licensee hereunder and such licensee shall remit the same to the city on or before the 20th day of the succeeding month along with a summary of the licensee's gross sales derived from the sale of distilled spirits by the drink excluding malt beverages and wine. Gross sales shall include all credit sales and shall be reported and taxes collected thereon shall be submitted to the city to the same extent as required for cash sales.
 - (2) Each licensee shall be allowed a deduction equal to that rate authorized from deduction from state tax under the "Georgia Retailer's and Consumer's Sales and Use Tax Act", as now written or hereafter amended (O.C.G.A. § 48-8-1, et seq.); provided that said tax is not delinquent at the time of payment. It shall be the duty of every licensee required to make a report and pay any tax levied hereunder to keep such records, receipts,

invoices and such other books or accounts may be necessary to determine the amount of tax due; and it shall be the duty of every licensee to keep and preserve such records for a period of three years, which shall be made available on request for inspection by any duly authorized representative of the city.

- (c) *Malt beverages.* There is hereby levied and imposed upon each wholesaler selling malt beverages within the city an excise tax as follows:
 - (1) Where malt beverages, commonly know as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons.
 - (2) Where malt beverages are sold in bottles, cans, or other containers, except barrel or bulk containers, a tax of \$0.05 per 12 ounce and a proportionate tax at the same rate on all fractional parts of 12 ounces.
- (d) *Wines.*
 - (1) It is hereby levied and imposed upon each wholesale dealer selling wine within the city an excise tax in the amount of \$0.22 per liter and a proportionate tax at like rates on all fractional parts of a liter.
 - (2) Wines produced by a wine manufacturer and sold at retail by the package or for consumption on the premises of the manufacturer shall have levied thereon an excise tax in the amount of \$0.22 per liter and a proportionate tax at like rates on all fractional parts of a liter.
 - (3) Notwithstanding anything to the contrary which may be contained herein:
 - a. No excise tax is levied hereunder upon bulk wine purchased by a wine manufacturer and used for blending purposes or blended, bottled, and sold other than at retail by a wine manufacturer.
 - b. No excise tax is levied hereunder on wine produced by a wine manufacturer and sold by such manufacturer to persons outside of the city for resale or consumption outside of the city.
 - c. No excise tax is levied hereunder on wine produced by a wine manufacturer and distributed by such manufacturer as samples in its tasting room on the premises of the winery.
 - (4) There is hereby levied and imposed upon each wholesale dealer selling wine within the city to a facility other than a winery facility, including a tasting room, or a resort facility, an excise tax in the amount of \$0.22 per liter and a proportionate tax at like rates on all fractional parts of a liter.
- (e) *Collection of excise tax.* Unless otherwise authorized by the mayor and city council, alcoholic beverage excise taxes shall be calculated monthly, and such taxes for a particular month shall be paid to the city on or before the 20th day after the close of such month.
- (f) *Reporting excise tax.* A summary of sales by each licensee shall be furnished to the city clerk with each monthly payment. Any misstatement or concealment of fact in reports or

applications shall be grounds for revocation of the license issued and shall make the applicant or licensee liable to prosecution for perjury under the laws of the State of Georgia.

- (g) *Distilled spirits by the package.* It is hereby levied and imposed upon each retail dealer selling distilled spirits by the package within the city an excise tax in the amount of \$0.22 per liter and a proportionate tax at like rates on all fractional parts of a liter.

Sec. 3-42. Determination if no return made.

- (a) If any licensee fails to make a return for the tax levied under this chapter, the city clerk shall make an estimate of the amount of the gross receipts of the licensee or as the case may be, of the amount of the total sales in this city which are subject to the tax. The estimate shall be made for the period in respect to which the licensee failed to make the return and shall be based upon any information which is or may come into the possession of the city clerk. Upon the basis of this estimate, the city clerk shall compute and determine the amount required to be paid, adding to the sum thus determined a penalty equal to 15 percent thereof. One or more determinations may be made for one or for more than one period.
- (b) In making a determination, the city clerk may offset overpayments from a period or penalties against the interest on the underpayments. The interest on underpayments shall be computed in the manner set forth in subsection (c) of this subsection.
- (c) The amount of the determination, exclusive of penalties, shall bear interest at the rate set forth in this code from the 20th day after the close of the monthly period for which the amount or any portion thereof have been returned, until the date of payment.
- (d) If the failure of any person to file a return is due to fraud or an intent to evade this subsection or rules and regulations, a penalty of 25 percent of the amount required to be paid by the person, exclusive of penalties, shall be added thereto in addition to the 15 percent penalty.
- (e) Promptly after making a determination, the city clerk shall give to the person, written notice to be served personally or by mail.

Sec. 3-43. Collection of unpaid tax.

- (a) At any time within three years after any tax levied under this chapter or any amount of tax required to be collected under this chapter becomes due and payable and at any time within three years after the delinquency of any tax or any amount of tax required to be collected, the city may bring an action in the courts of this state or any other state or of the United States in the name of the city to collect the amount delinquent together with penalties and interest, court fees, filing fees, attorney's fees and other legal fees incident thereto.
- (b) If any licensee liable for any amount under this chapter sells or terminates the business, the licensee's successor or assigns shall withhold sufficient funds from the purchase price to cover such amount until the former owner produces a receipt from the city clerk, showing that the amount has been paid or a certificate stating that no amount is due.

- (c) If the purchaser of a business fails to withhold from the purchase price as required, the purchaser becomes personally liable for the payment of the amount required to be withheld by the purchaser to the extent of the purchase price, valued in money. Within 30 days after receiving a written request from the purchaser for a certificate, the city clerk shall either issue the certificate or mail notice to the purchaser at the purchaser's address as it appears on the records of the amount that must be paid as condition of issuing the certificate. The time within which the obligation of a successor may be enforced shall start to run at the time the operator sells the business or at the time that the determination against the operator becomes final, whichever event shall last occur.

Sections 3-44 through 3-50 - ESERVED

ARTICLE V – ESTABLISHMENTS

Sec. 3-51. Inspection of establishments.

Sworn officers of the city police department and other authorized city employees shall have the authority to inspect establishments licensed under this chapter during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with this chapter.

Sec. 3-52. Inspection of premises.

Licensed premises operated under this article shall be open to inspection by authorized personnel of the city at any and all times.

Sec. 3-53. Sale or delivery to unlicensed premises; removal of beverages from premises.

- (a) It shall be unlawful for any licensee to make deliveries of any alcoholic beverage by the package beyond the boundaries of the premises covered by the license.
- (b) It shall be unlawful for any licensee to make or allow the sale or delivery of any alcoholic beverage by the drink to any area other than the premises covered by the license, private, meeting, and dining rooms located on the premises covered by the license and the designated rooms of any guest in a hotel or motel covered by the license.
- (c) It shall also be unlawful for any person to remove any alcoholic beverage served by the drink to any area beyond the licensed premises.

Sec. 3-54. Misrepresentation of alcoholic beverage contents.

It shall be unlawful for licensee or their agents to add to the contents of a bottle or to refill empty bottles or in any other manner to misrepresent the quantity, quality, or brand name of any alcoholic beverage.

Sec. 3-55. Advertisement of sale of alcoholic beverages.

- (a) Licensee shall not display any signs of any kind, painted or electric, advertising directly or indirectly the sale of alcoholic beverages other than in the principal building for which the license is issued, and such signs displayed within the principal building shall not be displayed on the outside or inside of the front window or wall within view of the passing general public from the sidewalk or street.
- (b) No plaque or sign of any kind which is visible from the exterior of the principal licensed building shall make reference to the price of any alcoholic beverage.
- (c) Notwithstanding the foregoing, no trade name, corporate name or name of a business shall be allowed to use the work "beer" or "liquor" or "beer and liquor" in such name.

Sec. 3-56. Location restrictions.

- (a) *Wholesale and retail package sales of wine and malt beverages.* No license to sell malt beverages or wine for package sales shall be issued by the city council to or for:
 - (1) A location at which the operation of the proposed business would be in violation of the zoning ordinance of the city.
 - (2) A location within 100 yards of any school, college, public park, or church provided such distances shall be measured from the property line of the business premises along the most direct route of travel to the property line of school, college, park, or church at the point where the property lines are nearest each other.
 - (3) Brewery retail sales. A brewery shall be allowed to make retail package sales of malt beverages manufactured at the brewery to consumers but shall sell no more than 288 fluid ounces of packaged malt beverages to a consumer during a 24-hour period.
- (b) Alcoholic beverage consumption on the premises.
 - (1) The distance set out in this section shall be measured in a straight line from the property line of the business premises to the property line of the resident, church or school.
 - (2) No license for retail sales alcoholic beverages for consumption on the premises shall be issued to any retailer under this article where any point of the real property upon which the business of the applicant is to be located is within 150 yards of any point of the property upon which any church, school or public park is located or operated.
 - (3) The schools referred to in this section shall include only such state, county, city, church or other schools as teach the subjects commonly taught in the common schools of this

state, and shall not include private schools or colleges wherein only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

- (4) A license for retail sales of alcoholic beverages for consumption on the premises shall be issued only to the applicants that meet the requirements of this article for a hotel, motel, restaurant, private club or for other specific activities outlined in this article.
- (5) The provisions of this subsection shall not apply as to the consumption of alcohol by the drink on premises only within the downtown development area as established by the city council from time to time so that within the said downtown development area there shall be no distance requirements from churches, schools and colleges and public parks as to the consumption of alcohol by the drink on the premises only.
- (6) No alcoholic beverages shall be sold or offered for sale in violation of O.C.G.A. § 3-3-21; provided, however, that the provisions of this section shall not apply as to the consumption of alcohol by the drink on premises within the central business district as established by the city council from time to time, so that within the said central business district area there shall be no distance requirements as to the consumption of alcohol by the drink on the premises as set forth in this section.
- (c) A private residence, for the purpose of this section is defined as a house or dwelling wherein not less than one nor more than two families reside and shall not include an apartment house having facilities for housing more than two families, nor a boarding or rooming house where there are five or more boarders or roomers. Any building occupied as a residence located within an area zoned for business shall not be construed as a private residence.
- (d) No license for retail sales of alcoholic beverages for consumption on the premises shall be issued to any location which is within 150 feet of any private residence, that distance to be measured from the nearest point of the property line of the proposed business to the nearest point of the residential building except in the central business district where there is no distance restriction.
- (e) No license to sell alcoholic beverages shall be issued by the city for a location at which the operation of the proposed business would be in violation of the zoning ordinance of the city.

Sec. 3-57. Examination of books, papers, etc.

The city or any person authorized in writing by the city may examine the books, papers, records, financial reports, equipment and other facilities of any licensee in order to verify the accuracy of any return or report made or to ascertain and determine the amount of tax or other fee required to be paid. The city may require the filing of reports by any person or class of persons having in such person's possession or custody information related to purchases which are subject to the tax imposed by this article.

Sec. 3-58. Personal restrictions on interest.

- (a) Not more than one license shall be issued to any one person, which shall include all members of that person's family.

- (b) For the purposes of this section, the word "family" includes any person related to the holder of the license within the first degree of consanguinity or affinity as computed according to the civil law.
- (c) No person or member of his family shall own, hold or control any interest whatsoever in more than one licensee unless the licensee is a corporation which owns or controls a chain of hotels, motels, or restaurants.
- (d) It shall be unlawful for any elected or appointed official or employee of the city, or the spouse or minor children of such official or employee, to have any whole, partial or beneficial interest in any license.
- (e) A licensee may take in partners or additional stockholders; provided, any such additional partner or stockholder must be approved by the mayor and council.
- (f) No license to engage in the sale of alcoholic beverages for consumption on the premises shall be issued for a location which also is licensed to sell package malt beverages or wine.

Sec. 3-59. Display of license number.

Each person licensed to sell alcoholic beverages for consumption on the premises shall have printed on the front window adjacent to the main entrance of the licensed premises the inscription "City License No. _____" in uniform letters not less than three inches and not more than four inches in height.

Sec. 3-60. Employees.

- (a) No licensee shall employ any person under the age of 18 years or who has been convicted in this or any state or by the United States or any other country of soliciting for prostitution, keeping a disorderly place, illegally dealing in narcotics, sex offenses, or any charge relating to the unlawful manufacture or sale of intoxicating liquors or any other crime involving moral turpitude within ten years immediately prior to the date of employment, and employment of such a person subjects the licensee to suspension or revocation of the license by the city council.
- (b) Minors under 18 years old may be employed in or about places of business where alcoholic beverages are sold, provided the minors shall not be allowed or required to dispense, sell, deliver off premises, or take orders for alcoholic beverages, or in any manner aid or assist in the dispensing, sale, delivery, or take orders for such beverages as per state law.
- (c) Alcoholic beverages shall be served only by employees of the licensee.

Sec. 3-61. Condition of premises.

- (a) All licensed premises shall be kept clean and in proper sanitary condition and in full compliance with the provisions and regulations governing the conditions of premises used for the storage and sale of food for human consumption.

- (b) The fire and/or the police department shall, upon request of the city manager and/or the city council, inspect each premises and report its findings to the same. All premises licensed under this article shall conform at all times with all state and local fire regulations.

Sections 3-62 through 3-70 - RESERVED

ARTICLE VI – SPECIAL EVENTS

Sec. 3-71. Temporary for special events with sales.

- (a) Upon the filing of an application and payment of a filing fee of \$25.00 and a permit fee of \$50.00 per day, up to a maximum of \$2,000.00, and after investigation by the city clerk, the city manager may issue a permit to an individual or organization for the sale of alcoholic beverages for consumption on the premises only during a special event under the following conditions:
- (1) The applicant must already hold an annual license for the sale of alcoholic beverages for on-premises consumption.
 - (2) The permit will allow sale of alcoholic beverages beyond the premises described in the annual license only in the area specifically described in the application and only during the special event named.
 - (3) Food must be served during any period of time that alcoholic beverages are served.
 - (4) The application for such permit must have been filed with the city clerk at least 30 days prior to the date of the special event.
 - (5) The hours of any such special event must be between 9:00 a.m. and 11:00 p.m. Monday through Saturday.
 - (6) Each special event shall last a maximum of seven consecutive days, and the hours of any such special event must be between 6:00 a.m. to 11:59 p.m. on Monday through Saturday and 12:30 p.m. through 11:30 p.m. on Sunday.
 - (7) For events to be held in a park, the city manager shall, from time to time, designate boundaries to establish zones for special events within the city and the applicant must obtain approval for the specific zone in which the special event shall occur.
- (b) The application for a special event permit shall set forth the following information:
- (1) The name, address and telephone number of the person seeking to conduct the special event;
 - (2) If the special event is proposed to be conducted for, on behalf of or by an organization, the name, address, and telephone number of the headquarters of the organization, and of the authorized and responsible heads of this organization;
 - (3) The name, address and telephone number of the person who will be the special event chairman of the event and who will be responsible for its conduct;

- (4) The date when the special event is to be conducted, and whether the special event will extend over a series of days;
 - (5) The hours when the special event will start and terminate;
 - (6) The estimated number of people who will attend the event;
 - (7) If the special event is to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file with the city clerk a written authorization from the person proposing to hold the special event, authorizing the applicant to apply for the permit on the applicant's behalf;
 - (8) A reasonably detailed description of the event, together with all location of which alcohol will be consumed; and
 - (9) Any additional information which the city manager shall find reasonably necessary to a fair determination as to whether a permit should be issued.
- (c) The city manager shall issue a permit as provided for in this section when, from a consideration of the application and from such other information as may be obtained, the city manager finds that:
- (1) The conduct of the special event will not substantially interrupt the safe and orderly conduct of other patrons of the public places in which it will be held.
 - (2) The special event will not divert or disrupt police protection.
 - (3) The conduct of the special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
 - (4) The applicant for permit have not violated the terms of any previous special event permit granted to them or any terms of this chapter and have not caused undue traffic congestion and police problems under any previous special event permit.
 - (5) The city manager shall either issue or deny the permit within 15 days from the filing of the application.
- (d) Any person aggrieved shall have the right to appeal the denial of a special events permit to the mayor and council. The appeal shall be filed with the city clerk within five days after the date of denial.
- (e) A special event permit may be immediately revoked by the city manager for a violation of this chapter, which results in an emergency situation in which continued operation of the premises by the licensee endangers the health, welfare or safety of the public.

Sec. 3-72. Permits for special events without sales.

Notwithstanding sections of this chapter, the city manager is authorized to issue permits for the consumption of, but not the sale of, alcoholic beverages in the city for special events, in the manner set forth below:

- (1) Upon the filing of an application and payment of a filing fee of \$25.00 and a permit fee of \$50.00 per day, up to a maximum of \$2,000.00 and after investigation by the city

clerk, the city manager may issue a permit to an individual or organization for the consumption of alcoholic beverages during a special event under the following conditions.

- a. If the event is to be held in a park, such person must first obtain the approval of the government.
 - b. The permit will allow sale of alcoholic beverages beyond the premises described in the annual license only in the area specifically described in the application and only during the special event named.
 - c. Food must be served during any period of time that alcoholic beverages are served.
 - d. Each special event shall last a maximum of seven consecutive days, and no more than two special event permits shall be issued to any applicant in any calendar year.
- (2) The application for a special event permit shall set forth the following information:
- a. The name, address and telephone number of the person seeking to conduct the special event;
 - b. If the special event is proposed to be conducted for, on behalf of or by an organization, the name, address, and telephone number of the headquarters of the organization, and of the authorized and responsible heads of this organization;
 - c. The name, address and telephone number of the person who will be the special event chairman of the event and who will be responsible for its conduct;
 - d. The date when the special event is to be conducted, and whether the special event will extend over a series of days;
 - e. The hours when the special event will start and terminate;
 - f. The estimated number of people who will attend the event;
 - g. If the special event is to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file with the city clerk a written authorization from the person proposing to hold the special event, authorizing the applicant to apply for the permit on the applicant's behalf;
 - h. A reasonably detailed description of the event, together with all location of which alcohol will be consumed; and
 - i. Any additional information which the city manager shall find reasonably necessary to a fair determination as to whether a permit should be issued.
- (3) The city manager shall issue a permit as provided for in this section when, from a consideration of the application and from such other information as may be obtained, the city manager finds that:
- a. The conduct of the special event will not substantially interrupt the safe and orderly conduct of other patrons of the public places in which it will be held.
 - b. The special event will not divert or disrupt police protection.
 - c. The conduct of the special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
 - d. The applicant for permit have not violated the terms of any previous special event permit granted to them or any terms of this chapter and have not caused undue traffic congestion and police problems under any previous special event permit.
 - e. The city manager shall either issue or deny the permit within 15 days from the filing of the application.

- (4) Any person aggrieved shall have the right to appeal the denial of a special events permit to the mayor and council. The appeal shall be filed with the city clerk within five days after the date of denial.
- (5) A special event permit may be immediately revoked by the city manager for a violation of this chapter, which results in an emergency situation in which continued operation of the premises by the licensee endangers the health, welfare or safety of the public.

Sec. 3-73. City sponsored events.

- (a) Whenever the city council shall determine that the public interest would be served by such action, the council may designate by resolution that the provisions of this ordinance shall not apply to city sponsored events at such place, at such time and in such manner as specifically designated by resolution.
- (b) In the event that the city council does enact a resolution excepting a specific event from the provisions of this ordinance, the following provisions shall control in that instance:
 - (1) *Two-drink on street limit.* Any establishment licensed to dispense beer or wine only (and not distilled spirits) in a paper or plastic cup, or other container other than a can, bottle, or glass, away from or for removal from the premises; however, that no establishment shall dispense to any person more than two such alcoholic beverages at a time away from or for removal from the premises, and no person shall possess or remove at one time more than two such alcoholic beverages from the licensed premises. A single one-half carafe container shall be considered to be two such alcoholic beverages, may exceed this limit during the performance of their duties, if allowed by the resolution.
 - (2) *Size limited to 16 ounces for single beverage or one-half carafe for wine.* No container in which beer or wine is dispensed pursuant to this section shall exceed 16 fluid ounces in size for a single drink; provided, however, that wine may be dispensed in a one-half carafe container not exceeding 20 fluid ounces in size. No person shall hold in his or her possession on the streets and sidewalks, in parks and squares, or in other public places within the defined area any open alcoholic beverage container which exceeds the restrictions contained in this section.
 - (3) *Drinking from can, bottle, or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private. The paper or plastic cup or container in which the alcoholic beverages must be served pursuant to this section at city sponsored events shall be only cups or containers provided by the city, no other cup or container shall be used.

Sections 3-74 through 3-80 - RESERVED

ARTICLE VII – PACKAGE SALES

Sec. 3-81. Maximum number of distilled spirits package retail licenses permitted.

- (a) After issuance of the initial licenses as provided as existing licenses under this ordinance and subject to subsections (b) through (e) below, the city will not accept any additional applications for the retail sale of distilled spirits by the package, and no additional licenses for the retail sale of distilled spirits by the package shall be issued.
- (b) If at any time and for whatever reason, the number of active licenses for the retail sale of distilled spirits by the package falls below two, then the city shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to two. If applications are accepted, they shall be processed, reviewed and approved or denied in the order in which they are filed with the city clerk.
- (c) The provisions of subsection (b) notwithstanding, additional licenses may be issued once the population of the city meets or exceeds 15,000. In this regard, one additional license shall be issued for each 5,000-person increase in population over 10,000. In determining population, the city shall utilize the most recent population figures published by the U.S. Census Bureau.
- (d) If the total number of permitted licenses has increased pursuant to subsection (c) above, and if at any time and for whatever reason thereafter, the number of active licenses for the retail sale of distilled spirits by the package falls below the number then permitted, then the city shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to the total number then permitted.
- (e) The provisions of subsections (a) through (d) above and the provisions regarding transfer of license notwithstanding, any person who has been issued a license for the retail sale of distilled spirits by the package may transfer such a license in conjunction with the sale of the license holder's business, provided that the transferee meets all of the requirements for new license applicants as set forth in this chapter.
- (f) All holders of licenses for the retail sale of distilled spirits must, within 90 days after the issuance of the license, or within 90 days after completion of the building as allowed herein, open for business the establishment referred to in the license and begin the sale of the product or products authorized by the license. Failure to open the establishment and begin the sale of products within the 90-day period shall serve as automatic forfeiture and cancellation of the license and no refund of license fees shall be made to the license holder.

Sec. 3-82. Location and operation regulations for distilled spirit package sales.

- (a) *Location of distilled spirits package stores.* No retail establishment selling distilled spirits by the package shall be located where prohibited by state law. No retail establishment selling distilled spirits by the package shall be located within 1,000 yards of an existing retail establishment selling distilled spirits by the package. No retail establishment selling

distilled spirits by the package shall be located within 100 feet of a residentially zoned parcel.

- (b) *Measurement of distance.* All measurements to determine distances required shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:
 - (1) In a straight line from the front door of the structure from which alcoholic beverages are sold or offered for sale;
 - (2) To the front door of the building of a church, government-owned treatment center or a retail package store; or
 - (3) To the nearest property line of the real property being used for school or educational purposes; and
 - (4) From the nearest wall enclosing the structure from which alcoholic beverages are sold or offered for sale to the nearest point of any residential property line.
- (c) *Building requirements.* No retail dealer license for the sale of distilled spirits by the package shall be issued to any applicant whose building where the business will be conducted: (a) is not a "free standing" building (i.e., is part of a larger building or structure), and (b) does not include a showroom with a minimum of 2,500 square feet of floor space and an additional storage area of at least 500 square feet of floor space. The applicant/licensee shall be the owner of the real estate lot where the building is located. Buildings used for the sale of distilled spirits by the package shall have only one entrance into the building for customers and the entrance shall be clearly visible from a public street. Deliveries to the premises shall be made at the rear of the store building and all loading areas, dumpsters, recycling bins and compacters shall be screened from ground view. The premises upon which distilled spirits are sold by the package shall be maintained in safe and sanitary conditions and shall be lighted with shielded lighting to illuminate the exterior building and the surrounding curtilage. Any licensed premises for the sale of distilled spirits shall provide fully operational security cameras on the exterior and interior of the building which captures all activities within the establishment and outside the establishment.
- (d) *Merchandise restrictions.* No retailer of distilled spirits by the package shall sell, offer for sale, display, or keep in stock for sale or furnish at its licensed premises where distilled spirits are offered for sale by the package, any other products or services except the following:
 - (1) Wines, if the retailer holds a valid and current license to sell wine at that place of business;
 - (2) Malt beverages, if the retailer holds a valid and current license to sell malt beverages at that place of business;
 - (3) Cigarettes, cigars, chewing tobacco, alternative nicotine products, or vapor products, snuff, if properly licensed to do so, cigarette papers, lighters and matches, chewing gum, breath mints, manufactured packaged consumable single-serving snack items not requiring any preparation for consumption, single-serving pain medications, and over-the-counter birth control devices;

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- (4) Beverages containing no alcohol and which are commonly used to dilute distilled spirits;
 - (5) Packaged ice, ice chests, and "koozies" (individual can and bottle coolers). The term "packaged ice" shall refer only to ice in packages of five pounds or greater that is also in compliance with Georgia Department of Agriculture Rule 40-7-1-.08, entitled "Food from Approved Source," and the packaging complies with Georgia Department of Agriculture Rule 40-7-1-.26, entitled "Labeling;"
 - (6) Paper, Styrofoam, or plastic cups, gift bags, which are limited in size to accommodate one 750 ml size bottle of wine or distilled spirits, and contain only products approved for sale or display by this regulation.
 - (7) Lottery tickets issued by the Georgia Lottery Corporation and any approved Georgia Lottery Corporation lottery materials, provided such retailer is also an authorized retailer of the Georgia Lottery Corporation;
 - (8) Bar supplies, limited to:
 - a. Corkscrews, openers, straws, swizzle stirrers, and bar-related containers, and wares made of glass, plastic, metal or ceramic materials, or
 - b. Cocktail olives, onions, cherries, lemons, limes, and sugars or salts produced and marketed specifically for the preparation of alcohol beverage drinks, or
 - c. Alcoholic beverage drink recipe booklets, bar guides, and consumer-oriented alcoholic beverage publications;
 - (9) Products co-packaged with alcoholic beverages, provided that the products are limited to items approved for sale or display by this regulation, are offered for sale and sold as a single unit, and do not include more than one type of alcoholic beverage product; and
 - (10) Automated teller machine service for customer use.
- (e) *Failure to operate for six consecutive months.* Any holder of a license for the retail sale of distilled spirits who shall begin the operation of the business and sale of the product or products as authorized in the license but who shall for a period of six consecutive months thereafter cease to operate the business and sale of the product or products authorized in such license, shall upon completion of the six month period automatically forfeit his or her license, which license shall, by virtue of such failure to operate be canceled without the necessity of any further action of the mayor and council.
 - (f) *Exterior advertisement of brand and price prohibited.* No sign of any kind, painted or electric, advertising any price of alcoholic beverages shall be permitted on the exterior, or in the window, of any licensed premises. No placard or sign of any kind which is visible from the exterior of the licensed premises shall make reference to the price of any liquors or other alcoholic beverages sold therein; provided, however, that tags showing the prices of individual bottles or containers shall be affixed to each such bottle or container or to the edge of the shelf whereon such bottles or containers are located.
 - (g) *Sale at price less than cost.* No person licensed to sell distilled spirits by the package shall sell such beverages at a price less than the cost which such licensee pays for such distilled spirits. As used in this subsection, cost shall include the wholesale price plus the local
-

excise tax imposed, as reflected in invoices which the commissioner of revenue may require to be maintained on said licensee's place of business.

- (h) *Gambling devices prohibited.* No retailer of distilled spirits by the package shall permit on his or her premises any gambling device or machine as the same are now or may hereafter be defined by the statutes or the judicial decisions of the state or the United States of America, or any gambling, betting, or the operation of games of chance or any scheme or device involving the hazarding of money, or any other thing of value in or upon the licensed premises, or any portion thereof, or in any room adjoining the same which is connected or which is leased or controlled by the licensee. This provision shall not prohibit the sale of lottery tickets pursuant to the Georgia Lottery for Education Act.
- (i) *Financial transaction prohibited.* For profit financial transactions such as check cashing services provided for a fee, money order sales, loans and pawns are prohibited.

Sec. 3-83. Regulations for issuance of initial licenses for retail sales of distilled spirits by the package.

- (a) This section shall apply only to the application for and issuance of the initial licenses for retail sales of distilled spirits by the package to be issued in the city (herein referred to as the "initial licenses"). Except as modified in this section, all applications for initial licenses must comply with all applicable requirements of this chapter. Once the initial licenses are issued, this section shall be of no further force or effect.
- (b) Applicants for the initial licenses who currently hold a valid license from the city for the retail sale of beer and wine by the package shall be considered for the issuance of an initial license before any initial license may be granted to an applicant who does not currently hold a valid license from the city for the retail sale of beer and wine by the package.
- (c) Applicants for the initial licenses must either: (1) currently have a building ready for use as the licensed premises as described in this chapter, or (2) have a building ready for use as the licensed premises as described in this chapter within 274 days of the issuance of the license provided however that if the applicant fails to have a building ready within said 274 days, the license shall be automatically and immediately revoked and the city council may, by resolution, establish a time period for accepting new applications for any remaining initial license then available, subject to the terms of this chapter.
- (d) Applications for the initial licenses must be fully complete to be accepted for filing and must be filed with the city clerk from 9:00 am on May 29, 2023 until 4:00pm on June 2, 2023. Issuance of the initial licenses shall then be reviewed by the city and issued as provided in subsection (e) no later than June 30, 2023. Initial licenses shall be effective upon issuance and shall expire at 11:59 pm December 31, 2023.
- (e) Applications which are complete and which have a building ready for use as set forth in subsection (c) above shall be given priority for issuance of the initial licenses.

Sections 3-84 through 3-90 - RESERVED

ARTICLE VIII – VIOLATIONS

Sec. 3-91. Prohibited conduct generally.

- (a) No holder of a license for wholesale or retail alcoholic beverage sales in the city nor any agent or employee of the licensee shall do any of the following upon the licensed premises; and violation hereof shall be grounds for suspension or revocation of the license.
 - (1) Knowingly furnish or cause to be furnished or permit any other person in his employ to serve or furnish alcoholic beverages to a minor.
 - (2) Knowingly sell alcoholic beverages to any person while such person is in an intoxicated condition.
 - (3) Allow any minor to be in, frequent, or loiter on or within the licensed premises unless such minor is accompanied by a parent or legal guardian or unless such minor is an employee as allowed by this code.
 - (4) Permit any disturbance of the peace or obscenity or any lewd, immoral or improper entertainment, conduct or practice on the licensed premises.
 - (5) Sell or offer for sale alcoholic beverages by use of vending machines.
 - (6) Sell, offer for sale, possess, or permit the consumption on the licensed premises of any kind of alcoholic beverages, the sale, possession or consumption of which is not authorized under the license.
 - (7) Receive or cause to be delivered at the licensed premises any alcoholic beverages by any means other than by a conveyance owned and operated by a wholesale dealer with a permit and license from the city to make such deliveries.
 - (8) Permit or allow the consumption of alcoholic beverages purchased elsewhere on the licensed premises.
 - (9) Make or allow to be made any false statement on any application, reapplication, or other documents required to be furnished by federal, state or local law, regulations or ordinances.
 - (10) Violate, either personally or through an agent or employee, any federal, state or local law, regulation or ordinance, except traffic violations. The determination of whether any such violation has occurred shall be made by the city council and a formal accusation, indictment, charge or conviction by a governmental agency for such offense shall not be necessary in order to suspend or revoke the license.
 - (11) Make deliveries of any alcoholic beverage beyond the boundaries of the premises covered by the license.
 - (12) Store any alcoholic beverages anywhere other than the premises for which the license is issued.
 - (13) Reserved.

- (14) The failure of the license holder or his/her employee to report promptly to the city police any violation of law or of this chapter, breach of the peace, disturbance or altercation resulting in violence, occurring on the premises, including, but not limited to parking lots and parking areas.
- (15) The failure of the license holder to adequately supervise and monitor the conduct of employees, patrons and others on the premises, including, but not limited to, parking lots and parking areas, in order to protect the safety and well-being of the general public and of those utilizing the premises.
- (16) No retail licensee of distilled spirits by the package shall employ any person under the age of 21 or any person in any capacity whatsoever who has been convicted in this or any state or by the United States or any other country of soliciting for prostitution, keeping a disorderly place, illegally dealing in narcotics, sex offenses or any charge relating to unlawful manufacture or sale of intoxicating liquors or other crime involving moral turpitude. It shall be the duty of the licensee to maintain a list of all current employees which shall include their full name, home address and phone which shall be subject to inspection by the chief of police.
- (b) Any alleged violation of this chapter shall be reported by any person to the city manager who shall have the power, in his/her discretion to suspend the license for a period not to exceed ten days pending a hearing before the city council on the question of whether or not the license shall be revoked for cause or suspended, pursuant to this code.
- (c) The city police chief or his/her designated shall have the authority to close any location holding an alcoholic beverage license for a period not in excess of 24 hours in the event there shall occur on the premises any violation of law or of this chapter, breach of the peace, disturbance or altercation resulting in violence, or other occurrence which is contrary to the public health, welfare, safety or morals, when in the judgment of the police such action is necessary to protect the public health, welfare, safety or morals of the community.
- (d) The city council or city manager shall have the right to suspend any alcoholic beverage license pending the hearing provided for in this code where in the judgment of the council, such action is necessary to protect the public health, safety, welfare, or morals.
- (e) Any suspension as provided herein shall be in writing, with the reasons therefore stated and shall be delivered to a license holder or the person in charge of the place of business if the license holder cannot be located.

Sec. 3-92. Penalties for violation of chapter; application irregularities.

- (a) Any person who acquires a license, or a renewal thereof, in violation of this chapter by any misrepresentation or fraudulent statement, or who, after acquiring a license, is found to have violated any of the provisions of this chapter and shall be found guilty of any such offense, upon conviction thereof, shall be punished as provided in section 1-12 of the City Code. Each day's continuance of a violation shall be considered a separate offense.
- (b) Any untrue or misleading information contained in, or material omission left out of an original, renewal or transfer application for a license under this chapter shall be cause for

the denial thereof; and if any license has been granted under these circumstances, such license may be revoked.

- (c) Revocation of a license for violation of this article shall be for a minimum of six months and a maximum of 24 months, the period to be determined at the discretion of the municipal judge. A total of three separate and unrelated violations shall constitute grounds for permanent revocation.
- (d) Any person violating any of the provisions of this chapter shall, on conviction therefore in the municipal court of the city, be punished as provided the City Code, or be subject to revocation of his license, or both, at the discretion of the municipal court judge. Such penalties may be levied against each separate offense of this article.

Sec. 3-93. Conflict of financial interests.

It shall be unlawful for any person to hold a retail alcoholic beverage license who also has any direct financial interest in any wholesale alcoholic beverage license. It shall be unlawful for the holder of any retail license to accept or receive financial aid or assistance from the holder of any manufacturer's or wholesaler's license.

Sec. 3-94. Purchase, attempted purchase; consumption, possession by minors.

- (a) It shall be unlawful for any minor to purchase or attempt to purchase, drink or possess any alcoholic beverage in the city.
- (b) No person shall knowingly and intentionally act as an agent to purchase or acquire any alcoholic beverages for or on behalf of a minor, or otherwise procure for or furnish to a minor any alcoholic beverage, except for medical purposes upon the written prescription of a duly licensed physician under the laws of the state.
- (c) It shall be unlawful for any minor to falsely represent his or her age in any manner whatsoever in violation of this article or other applicable laws.

Sections 3-95 through 3-99 – RESERVED

ORDINANCE NO. 23-04-01

**STATE OF GEORGIA
COUNTY OF CHATHAM
CITY OF PORT WENTWORTH**

**AN ORDINANCE TO AMEND THE ALCHOL ORDINANCE
OF THE CITY OF PORT WENTWORTH CODE OF ORDINANCES**

WHEREAS, it is necessary from time to time to modify the City's ordinances; and

WHEREAS the Mayor and City Council is tasked with the authority to adopt and provide for such ordinances, resolutions, rules, and regulations which it deems necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, and well-being of the inhabitants of the City; and

WHEREAS, the City of Port Wentworth is granted the power by ordinance to license and regulate alcoholic beverages within its territory; and

WHEREAS, the City of Port Wentworth desires to update its Alcohol Ordinance to bring it into line with updated state code and regulations, and to modernize same; and

NOW, THEREFORE, that while in regular session THE MAYOR AND COUNCIL OF THE CITY OF PORT WENTWORTH HEREBY ORDAIN as follows:

The Code of Ordinance, Chapter 3, Alcoholic Beverages, is amended as follows:

- I. The entirety of Chapter 3, Alcoholic Beverages is repealed, and replaced as noted herein.
- II. A new Chapter 3, Alcoholic Beverages is replaced with the attached Chapter 3, Alcoholic Beverages to this Ordinance.

III. All laws and parts of laws in conflict with this Act are hereby repealed.

IV. This Ordinance shall become effective immediately upon its passage and adoption.

SO ORDAINED this the _____ day of _____, 2023.

Approved:

Gary Norton, Mayor

Attest:

Zahnay Smoak, City Clerk

First reading: _____ (date)

Second reading: _____ (date)

Attachment: COPW - Ord - Alch Ord (2825 : Alcohol Ordinance Rewrite)



City Council
7224 GA Highway 21
Port Wentworth, GA 31407

SCHEDULED

Meeting: 05/25/23 07:00 PM
Department: All
Category: Ordinance
Prepared By: Zahnay Smoak
Department Head: Steve Davis

AGENDA ITEM (ID # 2828)

DOC ID: 2828

Zoning Ordinance Rewrite

Issue/Item: : Consideration of a new Zoning Ordinance, City of Port Wentworth Code of Ordinances, Appendix B, Zoning, including the amended official Zoning Map.

Background: An audit of the City's development regulations was performed by Horizon Planning Group. The current ordinance was found to be outdated, have conflicting language, and needed development standards. This resulted in confusion among city staff, the development community, and the public. As a result of the audit, the City Council directed staff to work with Horizon to develop a new Zoning Ordinance to replace the current ordinance.

Facts and Findings: Horizon hosted two open house presentations last Fall to get community feedback from the public and the development community regarding the new ordinance. A steering committee was established which consisted of staff, a member of the City Council, and representatives from the City's contracted engineering firms. The steering committee met individually with consultants from Horizon and had regular meetings each month from November 2022 to February 2023 in person and over Zoom to discuss Horizon's drafts and suggest and make changes. The draft ordinance was presented to the Planning Commission at their February 13, 2023 meeting and a public input session was held the night of February 13, 2023. The Planning Commission held a public hearing on the draft ordinance at the March 13, 2023 meeting and unanimously recommended approval to City Council with the knowledge that City Council would have the ability to make further changes and the City Attorney may recommend further changes as to form and content to City Council before final approval.

Funding: NA

Planning Commission: The Planning Commission unanimously recommends Approval to the City Council.

Recommendation: Approve

ATTACHMENTS:

- 23.03.23 - Zoning Ord (DOCX)
- PW Zoning Final Draft 5-18-23 (PDF)

ORDINANCE No. 23-03-0010

**STATE OF GEORGIA
COUNTY OF CHATHAM
CITY OF PORT WENTWORTH**

**AN ORDINANCE TO REPLACE THE CITY'S CURRENT ZONING ORDINANCE;
TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY;
TO PROVIDE FOR AN ADOPTUION DATE; AND FOR OTHER PURPOSES**

WHEREAS, it is necessary from time to time to modify the City's ordinances;

WHEREAS, the Mayor and City Council is tasked with the authority to adopt and provide for such ordinances, resolutions, rules, and regulations which it deems necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, and well-being of the inhabitants of the City;

WHEREAS, the Mayor and City Council is tasked with the authority to provide such comprehensive city planning for development by zoning, subdivision regulation, and the like as is deemed necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;

WHEREAS, state law recognizes and confirms the authority of local governments to exercise zoning power within their respective territorial boundaries, where such local governments may provide by ordinance to expediently and efficiently exercise zoning powers and may provide for procedures and requirements to establish procedures for such local government's exercise of zoning powers;

WHEREAS, the Mayor and Council of Port Wentworth is vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City;

WHEREAS, the Mayor and Council has, as a part of planning, zoning, and growth management, been in review of its zoning ordinances, and has been studying, with concern, the City's best estimates and projections of the developments and projects within Port Wentworth;

WHEREAS, the Mayor and Council deems it important to prudently and deliberately develop its zoning ordinances in a manner which integrates the above-mentioned concerns;

WHEREAS, the Mayor and Council considers it paramount that land use regulation continues in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City;

Attachment: 23.03.23 - Zoning Ord (2828 : Zoning Ordinance Rewrite)

WHEREAS, the Mayor and Council has always had a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, aesthetics, and the general welfare of the community and, in particular, the lessening of traffic on City roads, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements;

WHEREAS, it is the belief of the Mayor and City Council: that the concept of "public welfare" is broad and inclusive; that the values it represents are spiritual as well as physical, aesthetic as well as monetary; and that it is within the power of the Mayor and Council to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled;

WHEREAS, it is also the opinion of the Mayor and Council that "general welfare" includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City;

WHEREAS, the Mayor and Council is, and has been, interested in developing a cohesive and coherent policy regarding certain uses in the City, and has intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole;

WHEREAS, the City and its partners have diligently worked on rewriting the City's Zoning Ordinance, taking all of the above and resident, developer, and business insights into consideration;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF PORT WENTWORTH, GEORGIA, in regular meeting assembled and pursuant to lawful authority thereof, as follows:

1. The entirety of the existing "Appendix A - Franchises" to the City's Code of Ordinances is moved to City Code Sec. 8.5-1 in its entirety.
2. City Code Sections 8.5-2 though 8.5-10 shall remain "Reserved".
3. The entirety of the existing "Appendix B – Zoning" to the City's Code of Ordinances is moved to the newly created "Appendix D" and is named "Appendix D – Zoning, pre-2023".
4. The "Appendix B" to the City's Code of Ordinances shall be "Reserved" and is named "Appendix B – Reserved".

5. The “Appendix A” to the City’s Code of Ordinances shall be named “Appendix A – Zoning Ordinance” and shall include the City’s Zoning Ordinance as is attached to this Ordinance as Exhibit A, and is incorporated as if fully stated herein.

A summary of the Table of Contents of such Zoning Ordinance is as follows:

Part I: Introduction

Article 1 Title and Purpose

Part II: Zoning District Regulation

Article 2 General Requirements and Interpretations

Article 3 Residential Zoning Districts

Article 4 Commercial and Industrial Zoning Districts

Article 5 Planned Unit Development District

Part III: Development Provisions

Article 6 General Provisions

Article 7 Specific Use Requirements

Article 8 Parking, Loading, and Traffic

Article 9 Site Lighting

Article 10 Landscaping and the Environment

Article 11 Streets and Subdivision Design

Part IV: Review Processes and Standards

Article 12 General Processes

Article 13 Site Development Plan Review

Article 14 Special Use Permit Review

Article 15	Planned Unit Development Review
Article 16	Subdivision Review
Article 17	Zoning Map and Text Amendments

Part V: Administration

Article 18	Zoning Administration
Article 19	Planning Commission
Article 20	City Council
Article 21	Zoning Board of Appeals
Article 22	Nonconformities
Article 23	Enforcement

Part VI: Definitions and Specifications

Article 24	General Definitions
Article 25	Land Use Definitions
Article 26	Planting Specifications

[INTENTIONALLY LEFT BLANK]

6. All laws and parts of laws in conflict with this Ordinance are hereby repealed.
7. This Ordinance shall become effective upon the date noted therein of the Zoning Ordinance.

SO ORDAINED this the _____ day of _____, 2023.

Approved:

Gary Norton, Mayor

Attest:

Zahnay Smoak, City Clerk

First reading: _____ (date)

Second reading: _____ (date)

Attachment: 23.03.23 - Zoning Ord (2828 : Zoning Ordinance Rewrite)

CITY OF PORT WENTWORTH

ZONING ORDINANCE UPDATE FOR FIRST READING

May 18, 2023



CITY OF
Port Wentworth
GEORGIA



HORIZON
Community Planning

PLB PLANNING GROUP

This ordinance was prepared for the City of
PORT WENTWORTH, GEORGIA

MAYOR AND CITY COUNCIL

Mayor Gary Norton
Mayor Pro Tem Thomas Barbee
Gabrielle Nelson, Council Member, District 1
Mark Stephens, Council Member, District 2
Rufus Bright, Council Member, District 3
Glenn Jones, Council Member, District 4

CITY STAFF

Steve Davis, City Manager
Jason Stewart, AICP, Assistant City Manager

CONSULTANTS

David M. Jirousek, MCP, AICP
Horizon Community Planning
horizon-planning.com

Paul LeBlanc, AICP
PLB Planning Group



PLB PLANNING GROUP



Zoning Ordinance User Guide

Note: this guide is an “attachment” to the Zoning Ordinance and not formally adopted.

Basics: Planning & Zoning 101

The breadth and details of the City’s Zoning Ordinance can be a bit intimidating for first-time users not familiar with municipal regulations. This User Guide is intended to help you understand the structure of the Ordinance and hopefully point you in the right direction. This is a legal document that regulates the use of land within the City. It contains many rules, so it is important to have a basic understanding of the organization and content before proceeding with any construction project.

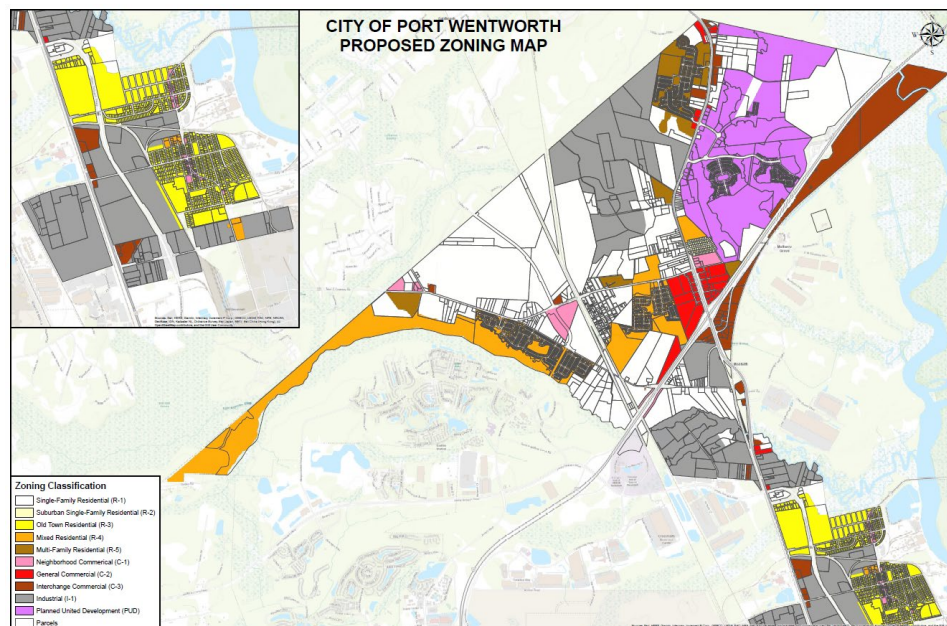
What is Regulated?

What is Regulated? The Zoning Ordinance covers aspects of the built environment, including:

- what different types of land uses can be constructed (single family, stores, offices etc.)
- size, height, and placement of buildings
- how much parking is needed and standards for parking lot design
- design standards for landscape, lighting, and subdivisions

Zoning Map

All property in the City is zoned. The Zoning Map shows how property is zoned. This map is for illustrative purposes. Please refer to the Official Zoning Map for the City of Port Wentworth, available from the Zoning Administrator, for specific properties.



How is the Ordinance Organized?

The Zoning Ordinance contains 26 articles (chapters) organized into six parts: Introduction, Zoning District Regulation, Development Provisions, Review Processes and Standards, Administration, and Definitions and Checklists, as described in the following table:

Ordinance Content	
Article	Description
Part I Introduction	
Article 1: Title and Purpose	Describes the State statutes that authorize zoning in Georgia; describes the public purpose/rationale that is the foundation of zoning and some of the basic legal framework.
Part II Zoning District Regulation	
Article 2: General Requirements and Interpretations	This article lists the zoning districts established by the Ordinance and explains how to interpret the zoning map boundaries and some use provisions.
Article 3: Residential Zoning Districts	The allowed uses, dimensional requirements, building/design requirements, and important references are established here for all the residential districts.
Article 4: Commercial and Industrial Zoning Districts	The allowed uses, dimensional requirements, building/design requirements, and important references are established here for all the non-residential districts.
Article 5: Planned Unit Development District	This article explains the intent and regulations applicable to the creation of a planned unit development, including basic qualification requirements, allowed uses, standards for open space, modification of requirements, development incentives, and the applicability to previously approved planned developments.
Part III Development Provisions	
Article 6: General Provisions	Rules that generally apply to all zoning districts or to a class of districts, such as all Residential or all Commercial Districts, are contained in this article.
Article 7: Special Use Requirements	Some uses that may potentially have impacts related to traffic, noise, later hours of operation, and similar negative effects are subject to additional requirements and review procedures. These uses and the added requirements are listed in this article.
Article 8: Parking, Loading, and Traffic	This article addresses the parking and storage of vehicles, including parking lot design, number of required parking spaces, parking and storage of large trucks or RVs, driveway spacing standards, and requirements for traffic impact studies.
Article 9: Site Lighting	Standards applicable to site lighting are found in this article, including location, fixture height, light levels, separation from residential properties, and glare.
Article 10: Landscaping and the Environment	This establishes requirements for project landscaping, buffers between dissimilar districts, parking lot islands, and protection of significant trees.
Article 11: Streets and Subdivision Design	Minimum requirements for subdivision layout and street design are established in this article.

Ordinance Content	
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Article 13: Site Plan Review	This article identifies those projects subject to site plan review, lists the required information to be included on a plan, establishes specific review standards to be met, explains the review procedures, and delegates approval authority based on the complexity of the proposed project.
Article 14: Special Use Permit Review	The basis for special use reviews, review procedures, approval standards, and timing requirements are established here for all special use requests.
Article 15: Planned Unit Development Review	The application procedure, plan requirements, review authority, decision standards, and amendment procedures are established here for all PUD requests.
Article 16: Subdivision Review	Review and approval procedures for various subdivision types are described in this article, along with plan content requirements, maintenance standards, and amendment procedures.
Article 17: Zoning Map and Text Amendments	This article describes the authority, based on State law, to amend the written provisions of the Ordinance or the zoning map. It lists the review process and the standards to be considered in making an amendment decision.
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Article 18: Zoning Administration	The authority, responsibility, and duties of the Zoning Administrator or designee in administering and enforcing the provisions of the Zoning Ordinance are described here.
Article 19: Planning Commission	The authority, responsibility, and duties of the Planning Commission relative to reviewing and acting upon various requirements of the Zoning Ordinance are described here.
Article 20: City Council	The authority, responsibility, and duties of the City Council relative to reviewing and acting upon various requirements of the Zoning Ordinance are described here.
Article 21: Zoning Board of Appeals	The authority, responsibility, and duties of the Zoning Board of Appeals relative to reviewing and acting upon appeals and variance requests from the Zoning Ordinance requirements are described here.
Article 22: Nonconformities	This article recognizes that some development occurred before the City or zoning existed or that uses were legally established under prior ordinances that have since been amended and no longer allow the established condition. For those reasons, this article defines the rules under which such legally existing conditions are “grandfathered” and may continue. The rules

Ordinance Content	
	apply to nonconforming uses, lots, structures, and site development.
Article 23: Enforcement	Procedures for enforcing the Ordinance, notifying owners of violations, and penalties for noncompliance are established in this article.
Part VI Definitions and Specifications	
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Article 25: Land Use Definitions	To prevent ambiguity, this article defines the specific allowed uses listed in each of the zoning districts.
Article 26: Planting Specifications	This article relates to the provisions of Article 10 and identifies those trees that are specifically prohibited and establishes planting specifications to ensure healthy landscapes.
Related Manuals	
Comprehensive Development Manual	While not part of the Zoning Ordinance, this manual is an integral part of the development requirements. It establishes design specifications for much of the infrastructure to be incorporated into typical projects, including streets, sidewalks, sanitary sewer, water, stormwater, and lighting.

How is My Property Zoned?

What is permitted in one zoning district may not be permitted in another. To determine the permitted uses or design requirements for a particular piece of property, first look at the adopted Zoning District Map to see how it is zoned. This map is on the City's website or is available at City Hall.

What Uses Are Allowed?

The published zoning map may likely be amended periodically, such as when a property owner receives approval to rezone their property to a different district. After determining how the property is currently zoned, consult the appropriate article (Article 3 for Residential Districts or Article 4 for Commercial and Industrial Districts). Within each of these articles, there is a table of "Land Use Regulation" that lists the allowed uses by zoning district. Consulting that table will tell you what uses are allowed in your zoning district or, conversely, in what district(s) the use you are interested in is allowed. It will also indicate whether the use is permitted by right (P) or requires special land use approval (S). The last column of that table alerts you to any specific design standards related to that use for buildings and/or the site.

What Are My Options if a Desired Use Is Not Allowed?

If your desired use is not listed as an allowed use on the property, you have several options, including:

- Find an alternative use for your property that is permitted, or find a site in the City that is properly zoned for the intended use.
- If the use is not listed anywhere in the Zoning Ordinance, you could request that the Zoning Administrator consider your intended use based on the "Similar Land Use" determination, as explained in Section 2.60. In some cases, the Zoning Administrator may take the request to the Planning Commission for input. If you disagree with the Zoning Administrator's interpretation, you may appeal that decision to the Zoning Board of Appeals, which has final authority.
- Request a rezoning of the property to a district that does allow the desired use. This requires public hearings before both the Planning Commission and the City Council. Section 17.40 A. lists the criteria to be applied in reviewing your rezoning request. Posting the property and notifying adjacent property owners is also required.
- Request the City amend the Zoning Ordinance to add your proposed use, either as a Permitted or Special Use in the particular zoning district. The text amendment procedures are described in Article 17, and applicable criteria are found in Section 17.40 C.

Note: The City of Port Wentworth does not allow "use variances", a variance to allow a use that is not allowed within a zoning district

What Steps Are Involved in Getting a Project Approved?

1. Check the Zoning Map and related District text to confirm your use is allowed.
2. Determine which approvals are needed. This may include one or more approvals such as: Rezoning, Special Use Permit, Site Development Plan, Subdivision Plan, Variance, etc.
3. Obtain the applicable application packet. Copies of the submittal application forms are on the City's web site and are available at City Hall. The package includes the application form, a schedule of the steps in the review and approval process, and a checklist of information you must provide. City staff is available to meet with you to review the procedures, requirements, and fees.
4. Once you feel you have a complete submittal package, turn in your materials. City staff will review your application materials. Note that if your application and plans are not complete, as required by the Ordinance, your application will be returned and not processed further. Typically, the first step is an administrative review by the Zoning Administrator. Depending upon the type of review, when the application is determined to be complete, the Zoning Administrator may forward your request to other City staff (building official, fire department, police, public works) or consultants (engineering, forestry, or other specialist) for technical reviews. Upon receipt of the technical reviews or if not needed, the Zoning Administrator will

forward the application and materials to the Planning Commission, Board of Zoning Appeals, or City Council, as appropriate.

5. Some requests require a public hearing. The notification requirements, as listed in Section 12.40, may also necessitate posting a sign on the property and notifying surrounding property owners.

Where Can I Get More Help?

If you have questions on the use or interpretation of the Zoning Ordinance, procedures, applications, submittal deadlines, or other information, contact:

Department of Development Services
912-999-2084



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Part I. Introduction

Attachment: PW Zoning Final Draft 5-18-23 (2828 : Zoning Ordinance Rewrite)

Part I. Introduction

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Article 1. Purpose and Intent

Section 1.10 Title

This ordinance shall be known and may be cited as "The Zoning Ordinance of the City of Port Wentworth, Georgia." The map referred to shall be known as the "The Zoning Map of the City of Port Wentworth, Georgia" and shall be maintained by the Zoning Administrator.

Section 1.20 Intent and Purpose

For the purpose of promoting and protecting the health, safety, morals, convenience, order, prosperity, or welfare of the present and future inhabitants of the City of Port Wentworth; and for the purpose of lessening congestion in the streets and roads; securing safety from fire and other dangers; providing adequate light and air; promoting distribution of population and classification of land uses and distribution and utilization of land development as will tend to facilitate and conserve adequate provision of transportation, water supply, drainage, sanitation, educational opportunity, and recreation; and for other public purposes, the Council of the City of Port Wentworth does hereby ordain and enact into law the following regulations and zoning districts.

Section 1.30 Applicability

This ordinance of the City of Port Wentworth:

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

Section 1.40 Organization

This ordinance is divided into the following six (6) parts:

- A. Part I Introduction. An introduction to set the purpose, applicability, organization, and legal basis for zoning regulation.
- B. Part II Zoning District Regulation. Land use, building, and dimensional regulations specific to Zoning Districts.
- C. Part III Development Provisions. Regulations related to general property, specific land uses and activities, and the development of land.

Article 1. Purpose and Intent

- D. Part IV Review Processes and Standards. Direction for review of zoning and land development applications.
- E. Part V Administration. Administrative and review authorities, regulations concerning enforcement, and restrictions on nonconformities.
- F. Part VI Definitions and Specifications. General definitions and land use definitions for terms used in this ordinance and planting specifications.

Section 1.50 Figures and Tables

Graphics are provided as “figures” throughout this ordinance to illustrate the intent of the regulatory language. When there is an apparent discrepancy between the ordinance text and a text within a figure, the ordinance text shall supersede. Any text within a table is a requirement.

Section 1.60 Interpretation and Conflict

- A. **Interpretation.** In the interpretation and application of this ordinance, all provisions shall be considered as minimum requirements, liberally construed in favor of the City Council and the Zoning Administrator, and deemed neither to limit nor repeal any other powers granted under state law. This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions.
- B. **Conflict.** Where the provisions of this ordinance are in conflict or overlap with other ordinances, whichever imposes the more stringent restrictions shall prevail.
- C. **State Law.** In the event this ordinance conflicts with State law, then State law shall prevail.

Section 1.70 Transitional Provisions

- A. **Purpose.** The purpose of this section shall be to establish the procedures for handling previously approved items that existed as of the effective date of this Zoning Ordinance.
- B. **Effect of this Ordinance on Applications Submitted and Prior Approvals.**
 - 1. Applications Submitted. Applications for plan approval, permits, and other authorizations that are determined to be complete by the Zoning Administrator as of the effective date of this Zoning Ordinance may be approved if in compliance with the zoning ordinance in effect at the time of submission. Complete shall mean that all information required by the particular application has been provided and that all applicable fees have been submitted.
 - 2. Approved Plans, Permits, and other Authorizations. Approved plans, permits, authorizations and similar development approvals shall be governed by the zoning ordinance or other ordinances under which the approval was given. The continued validity of such plans, permits, and authorizations shall be determined pursuant to this subsection.
- C. **Effect of this Zoning Ordinance on Pending Land Use Development and Permit Applications.**
 - 1. Any land use development, license, or permit application which is complete as of the time of adoption of this Zoning Ordinance shall be reviewed under the ordinances in force and effect at the time the application is completed and shall be approved if in compliance with said ordinances.
 - 2. If a development requires a series of applications (i.e., site development plan approval, application for a variance, building permit, business license, etc.), if one application is filed prior to the effective date of this Zoning Ordinance, all applications shall be reviewed under the zoning ordinance and

other ordinances in force and effect at the time the first application is completed and shall be approved if in compliance with said ordinances. If a development is subject to this sub-section, then the developer may elect to have the applications reviewed under this Zoning Ordinance; once such decision is made to apply this Zoning Ordinance the development may not revert to elect other previous Zoning Ordinance or other ordinances for application reviews.

D. Any Use Previously Allowed as a Matter-of-Right Use that Becomes a Special Use Under This Ordinance.

1. Uses with Approved Development Impact Assessment. A use approved under the prior zoning ordinance that was established with the approval of a Preliminary Development Plan (which included a Development Impact Assessment and Preliminary General Site Plan) shall be an approved Special Use.
2. Other Uses. Any other conforming use in operation as of the effective date of this Zoning Ordinance that was previously permitted as a matter-of-right use and that is now a Special Use under this Zoning Ordinance shall be considered a nonconforming Special Use.

Section 1.80 Legal Basis

- A. **Authorization.** The Port Wentworth City Council is authorized to adopt this ordinance pursuant to the enabling authority contained in the Georgia Zoning Procedures Law (O.C.G.A. 36-66-1 et. seq.) and all other relevant laws of the State of Georgia.
- B. **Change of Statute.** Whenever any provision of this ordinance refers to or cites a section of the Georgia Code of Laws and that section is later amended or superseded, this ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Section 1.90 Validity and Severability

If any section, subsection, clause, provision or portion of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of these regulations which is not invalid or unconstitutional.

Section 1.100 Repeal of Ordinances and Effective Date

- A. **Repeal.**
 1. The adoption of this Zoning Ordinance shall have the effect of repealing the prior Zoning Ordinance (Appendix B of the City of Port Wentworth Code of Ordinances) and replacing all ordinances and parts of ordinances in conflict with this ordinance.
 2. When any language which repealed another shall itself be repealed, the previous language shall not be revived without being approved as a text amendment to this ordinance, as detailed in Article 17.
- B. **Approval and Effective Date.** This ordinance is a restatement of the City of Port Wentworth Zoning Ordinance approved on _____, 2023, and effective on _____, 2023.

Article 1. Purpose and Intent

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Part II. Zoning District Regulation

Attachment: PW Zoning Final Draft 5-18-23 (2828 : Zoning Ordinance Rewrite)

Part I. Introduction

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Attachment: PW Zoning Final Draft 5-18-23 (2828 : Zoning Ordinance Rewrite)



Article 2. Zoning Districts and Interpretations

Section 2.10 Intent and Purpose

It is the intent of this article to establish zoning districts to ensure the compatible use of and to ensure desirable conditions within the City of Port Wentworth to live, work, conduct business, and visit.

Section 2.20 Established Zoning Districts

A. **Zoning Districts.** The City of Port Wentworth is divided into the following zoning districts:

Table 2.20: Zoning Districts		
Zoning District	Abbreviation	Article
Single-Family Residential	R-1	3
Suburban Single-Family Residential	R-2	3
Old Town Residential	R-3	3
Mixed Residential	R-4	3
Multi-Family Residential	R-5	3
Neighborhood Commercial	C-1	4
General Commercial	C-2	4
Interchange Commercial	C-3	4
Industrial	I-1	4
Planned Unit Development	PUD	5

Section 2.30 Interpretation of Zoning District Boundaries

- A. **Zoning Map.** The location and boundaries of the zoning districts are established and shown on a map titled "The Zoning Map of the City of Port Wentworth, Georgia," as amended from time to time. The official and final Zoning Map shall be publicly displayed at the Community Development Department office. The Zoning Map is declared to be part of the Zoning Ordinance.
- B. **Rules.** When uncertainty exists with respect to the location of boundaries of any zoning district as shown on the "Official Zoning Map of the City of Port Wentworth, Georgia," the following rules shall apply:
1. Unless otherwise specifically indicated, where district boundaries are indicated on the zoning map as approximately following the centerline of a street, highway, railroad right-of-way line, stream bed, or riverbed, or such centerlines extended, then that centerline shall be constructed to be the boundary.
 2. Where district boundary lines are indicated on the zoning map as approximately following the corporate limits line of the City of Port Wentworth, then the corporate limits line shall be construed to be the district boundary.
 3. Where district boundaries are indicated on the zoning map as being set back from a street, road, highway, railroad, stream, or river, and parallel thereto, then such district boundaries, unless otherwise specifically indicated, shall be construed as being at the scaled distance of the zoning map as measured from the centerline of such street, road, highway, railroad, stream or river and as being parallel thereto.

Article 2. Zoning Districts and Interpretations

4. Where district boundaries are indicated on the zoning map as approximately following lot lines or such lot lines extended, then those lot lines or lot lines extended shall be construed to be the district boundaries.
5. Where a district boundary divides a lot, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of the lot; provided however, that such extension shall not include any part of the lot which lies more than 50 feet beyond the district boundary and provided further that this provision shall not apply to a through lot. In the case of a through lot, the restrictions of the district applying to adjoining lots that front on the same street as the lot frontage in question shall apply.

Section 2.40 Zoning of Vacated and Annexed Areas

- A. **Vacated Land.** Whenever any street, alley, or other public way within the City is vacated by official governmental action and the lands within those vacated lands attach to and become a part of lands adjoining the street, alley, or public way, those lands shall automatically be subjected to the same zoning regulations as are applicable to the adjoining lands.
- B. **Annexed Land.** When land is annexed into the City, it shall be zoned R-1 until or unless the City Council takes action to classify it as another zoning district.

Section 2.50 Principal Buildings and Uses

A lot or parcel shall not be devoted to more than one (1) principal use or contain more than one (1) principal building, except for groups of multiple family buildings, commercial establishments, or industrial buildings which are determined by the Zoning Administrator to be a principal use collectively, based on one or more of the following considerations:

- A. individual buildings share common parking areas;
- B. access to the buildings/uses is provided via shared access drives or streets;
- C. buildings are under single ownership; or
- D. individual activities support one another (such as auto dealership/vehicle repair or a convenience store/restaurant/gas station).

Section 2.60 Similar Land Uses

- A. **Intent.** Since every potential use cannot be addressed in this ordinance, each district provides for "similar uses" referencing this section.
- B. **Request for Determination.** Requests for a use not specifically addressed in any zoning district shall be submitted to the Zoning Administrator for review based on the following standards:
 1. A finding has been made by the Zoning Administrator that the proposed use is not listed as a permitted or conditional use in any zoning district.
 2. If the use is not addressed in this ordinance, the Zoning Administrator shall select the use which most closely approximates the proposed use, using criteria such as: the nature of the use; conformance with the purpose of the zoning district in which the similar use is permitted; aesthetic and traffic characteristics; and potential nuisance effects (noise, vibration, dust, smoke, odor, glare, hours of operation, etc.).

Article 2. Zoning Districts and Interpretations

3. Once a similar use is determined, the proposed use shall comply with any conditions and review procedures applicable to that use, including rezoning (if applicable) and compliance with the specific use requirements of this ordinance, as applicable.
4. If the Zoning Administrator determines a proposed use is not similar to any use addressed in the ordinance, the applicant may petition for an amendment to the ordinance, as governed by this ordinance, to permit the use.
5. The determination as to whether a proposed use is similar in nature and class to another permitted or conditional use within a district shall be considered an interpretation of the use regulations, not a variance applying to a particular situation. Any use determined by the Zoning Administrator to be similar shall thereafter be included in the enumeration of uses allowed within the particular zoning district.

Article 2. Zoning Districts and Interpretations

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Attachment: PW Zoning Final Draft 5-18-23 (2828 : Zoning Ordinance Rewrite)



Article 3. Residential Zoning Districts

Section 3.10 Intent and Purpose

- A. **Introduction.** This article outlines the intent and purpose statements for the residential zoning districts and contains basic information pertaining to the land use, dimensional, and building requirements for properties in the City of Port Wentworth.
- B. **Zoning Districts.** The City is divided into five (5) residential zoning districts described in Section 3.20. Each zoning district has unique requirements concerning land use and site development.

Section 3.20 Zoning District Intent Statements

- A. **Single-Family Residential (R-1).** This district is intended for detached single-family residential dwellings on larger lots, primarily within rural areas with historic established neighborhoods, but may transition to higher-density districts in the future. The district also allows for limited civic and recreational uses. Characteristics of lands zoned R-1 include open space, fields, farmland, and minor subdivisions in areas that are not conducive to pedestrian or bicycle travel.
- B. **Suburban Single-Family Residential (R-2).** This district is intended for detached single-family residential dwellings on typical suburban-scale lots. The district also allows for limited civic and recreational uses. Characteristics of lands zoned R-2 include major subdivisions with curvilinear and grid pattern street systems with moderate connectivity between neighborhoods and commercial areas, as well as sidewalks and community amenities.
- C. **Old Town Residential (R-3).** This district is intended for a range of detached single-family dwellings, two-family dwellings, and attached single-family townhomes within the Old Town area of Port Wentworth. This district recognizes the Old Towns as a traditional urban village where infill or redevelopment projects may occur. Characteristics of lands zoned R-3 include established neighborhoods on traditional grid pattern street systems with sidewalks, or the feasibility of sidewalks, as it is a walkable traditional neighborhood.
- D. **Mixed Residential (R-4).** This district is intended for attached single-family townhomes. The district also allows for limited civic and recreational uses, as well as single-family and two-family residences on smaller urban-scale lots. Characteristics of lands zoned R-4 include major subdivisions with curvilinear and grid pattern street systems with significant connectivity between neighborhoods and commercial areas, as well as sidewalks and community amenities.
- E. **Multi-Family Residential (R-5).** This district is intended for multi-family residential buildings. This district also allows for limited civic and recreational uses, as well as single-family and two-family residences and townhomes. Characteristics of lands zoned R-5 include apartment complex facilities and denser townhome communities closer to goods and services or planned mixed-use village areas. Developments include sidewalks and community amenities.

Section 3.30 Land Use Regulation

- A. **Requirements.** Land and buildings shall only be used in accordance with Table 3.30.
1. Permitted Use (P). This use is authorized by-right, subject to all other applicable provisions of this ordinance.
 2. Special Use Permit Required (S). This use is subject to review in accordance with Article 14.
 3. Permitted Use or Special Use (P/S). Designation will depend on whether the principal use or similar land use is a permitted (P) or special use (S).
 4. Not Permitted. A cell marked with two dashes (--) indicates that a use is not permitted.
- B. **Other Requirements.** See the referenced section for additional requirements specific to the land use if noted in the far-right column.
- C. **Land Use Definitions.** See Article 25 for definitions of the land use terms in Table 3.30.

Table 3.30: Residential Districts- Land Use Regulation						
Use	R-1	R-2	R-3	R-4	R-5	Other
Accessory Uses- uses defined in Section 25.20						
Accessory building, non-residential	P/S	P/S	P/S	P/S	P/S	
Accessory building, residential	P	P	P	P	P	6.20
Accessory dwelling unit	P	--	P	--	--	7.20
Antennas and over-the-air reception devices	P	P	P	P	P	
Day care home, adults	P	P	P	P	P	7.90
Day care homes, children	P	P	P	P	P	7.90
Home occupation, major	P	--	--	--	--	7.130
Home occupation, minor	P	P	P	P	P	7.130
Residential subdivision amenities	P	P	P	P	P	
Solar energy collector, ground-mounted	P	--	--	--	--	7.210
Accommodations, Hospitality, and Entertainment- uses defined in Section 25.30						
Bed and breakfast	P	--	--	--	--	7.50
Campground or recreational vehicle park	S	--	--	--	--	7.60
Commercial outdoor recreation, low-intensity	S	--	--	--	--	7.70
Golf Course	S	P	P	P	P	7.120
Agricultural- defined in Section 25.40						
Farm	P	--	--	--	--	
Farm market and agritourism	P	--	--	--	--	7.110
Stables, commercial	S	--	--	--	--	7.220
Stables, private	P	--	--	--	--	
Civic and Institutional- defined in Section 25.50						
Cemetery	P	P	P	--	--	
Community garden	P	P	P	P	P	7.80
Community-oriented cultural facility	S	S	S	--	--	
Government facility	P	P	P	P	P	
Public park or preserve	P	P	P	P	P	
Place of worship	P	P	P	P	P	
School- college or university	--	--	--	--	--	

Table 3.30: Residential Districts- Land Use Regulation						
Use	R-1	R-2	R-3	R-4	R-5	Other
School- pre-school to 12	P	P	P	P	P	
Industrial, Infrastructure, and Transportation- defined in Section 25.60						
Commercial solar energy system	S	--	--	--	--	7.210
Essential public services and utilities without buildings	P	P	P	P	P	6.60 A
Essential public services and utilities with buildings	P	P	P	P	P	6.60 A
Residential, Group Living- defined in Section 25.90						
Personal care home	P	P	P	--	--	7.180
Nursing home and assisted living	--	--	--	--	S	
Residential, Household Living- defined in Section 25.100						
Dwelling, single-family	P	P	P	P	P	3.50
Dwelling, two-family	--	--	P	P	P	3.50
Dwelling, townhome	--	--	P	P	P	3.50
Dwelling, multiple-family	--	--	--	-	P	3.50
Manufactured home community	S	--	--	--	--	7.140
Other Uses- defined in Section 25.120						
Similar land use	P/S	P/S	P/S	P/S	P/S	2.60
Temporary offices and land uses	P	P	P	P	P	7.230

Section 3.40 Lot, Building, and Siting Requirements

- A. **Intent.** This section includes the dimensional requirements for lots and the requirements for the location and size of buildings.
- B. **Applicability.**
1. **Lots.** All lots shall meet the minimum area and width requirements of Table 3.40 A, B, C, and D. Lots shall not be created or changed in dimension except in conformance with these requirements.
 2. **Buildings.** Placement of principal buildings shall conform to the minimum dimensional and sizing requirements listed in this section, as applicable. Accessory buildings shall comply with the requirements of Section 6.20.
 3. **Specific Use Requirements.** Stricter lot, building, and siting requirements may be included in Article 7 for specific land uses.

Article 3. Residential Zoning Districts

Table 3.40 A: Single-Family Residential Districts					
Requirement		R-1	R-2	R-1	R-2
		Single-Family		Non-Residential	
Min. Lot Area (s.f.)		8,000	7,500	43,560	43,560
Min. Lot Width (ft.)		70	60	150	150
Min. Lot Frontage (ft.) ¹		70	60	150	150
Max. Building Height (ft.)		35	35	40	40
Max. Building Coverage (%)		30	45	30	30
Min. Setbacks (ft.)	Front- major arterial road	50	40	50	50
	Front	35	25	50	50
	Street Side	35	20	50	50
	Side	15	5	25	25
	Rear	40	20	25	25

Table 3.40 B: Old Town Residential					
Requirement		R-3			
		Single-Family	Two-Family	Townhouse	Non-Residential
Min. Lot Area (s.f.)		5,000	6,000	2,000 ²	10,000
Min. Lot Width (ft.)		40	50	25 ²	50
Min. Lot Frontage (ft.) ¹		40	50	25 ²	50
Max. Number of Units per Building		1	2	6	--
Max. Building Height (ft.)		35	35	35	40
Max. Building Coverage (%)		50	60	75	50
Min. Setbacks (ft.)	Front (front-loaded) ³	25	25	25	30
	Front (rear-loaded) ⁴	15	15	5	30
	Street Side	15	15	5	30
	Side	5	5	10 ⁵	20
	Rear	20	20	25	25

¹ See Section 6.50 B for frontage requirements and cul-de-sac reductions.

² Minimum lot area, width, and frontage for each dwelling unit (width if applicable).

³ A front-loaded building means the garage(s) and driveway(s) are oriented toward the primary street they face. Note restrictions for front-loaded townhomes in Section 3.50 D.2.

⁴ A rear-loaded building means the garage is in the back yard, back of home, or is oriented toward the alley.

⁵ Applicable to end units on each side of the townhouse building.

Table 3.40 C: Mixed Residential					
Requirement		R-4			
		Single-Family	Two-Family	Townhouse	Non-Residential
Min. Lot Area (s.f.)		7,500	8,000	2,420 ¹	10,000
Min. Lot Width (ft.)		60	60	25 ¹	50
Min. Lot Frontage (ft.) ²		60	60	25 ¹	50
Max. Number of Units per Building		1	2	8	--
Max. Building Height (ft.)		35	35	35	40
Max. Building Coverage (%)		45	60	75	40
Min. Setbacks (ft.)	Front- major arterial road	40	40	40	50
	Front (front-loaded) ³	25	25	25	50
	Front (rear-loaded) ⁴	20	20	5	50
	Street Side	20	20	5	50
	Side	5	5	10 ⁵	25
	Rear	20	20	25 ⁶	25

Table 3.40 D: Multi-Family Residential						
Requirement		R-5				
		Single-Family	Two-Family	Townhouse	Multiple-Family	Non-Residential
Min. Lot Area (s.f.) ¹		7,500	8,000	2,420 ¹	1,800 ¹	10,000
Min. Lot Width (ft.)		60	60	25 ¹	100	50
Min. Lot Frontage (ft.) ²		60	60	25 ¹	100	50
Max. Number of Units per Building		1	2	8	24	--
Max. Building Height (ft.)		35	35	35	45	40
Max. Building Coverage (%)		45	60	75	75	40
Min. Setbacks (ft.)	Front- major arterial road	40	40	40	50	50
	Front (front-loaded) ³	25	25	25	35	50
	Front (rear-loaded) ⁴	20	20	5	35	50
	Street Side	20	20	5	35	50
	Side	5	5	10 ⁵	20	25
	Rear	20	20	25 ⁶	25	25

¹ Minimum lot area and width for each dwelling unit (width if applicable).

² See Section 6.50 B for frontage requirements and cul-de-sac reductions.

³ A front-loaded building means the garage(s) and driveway(s) are oriented toward the primary street they face. Note restrictions for front-loaded townhomes in Section 3.50 D.2.

⁴ A rear-loaded building means the garage is in the back yard, back of home, or is oriented toward the alley.

⁵ Applicable to end units on each side of the townhouse building. In a development with common open space between buildings with no lot line between the townhouse buildings, buildings shall be separated by a minimum of 20 feet (side to side).

⁶ In a development with common open space behind buildings, the rear setback from the open space may be reduced to 20 feet.

Section 3.50 Building Requirements

- A. **Intent.** Residential building design requirements are intended to ensure that exterior building materials are of high quality, attractive, and consistent with other buildings within the same zoning district. Further, they are intended to ensure:
1. context-sensitive and compatible infill development in existing neighborhoods;
 2. architectural diversity to avoid repetitive styles of buildings;
 3. high-quality and lasting buildings that will add value to the community;
 4. a pedestrian and bicycle-friendly environment; and
 5. the minimization of the visual impact of street-facing garages.
- B. **Primary Siding Material.** Durable and quality materials shall be used for siding on all residential buildings, including the following:
1. brick;
 2. stone;
 3. cementitious material;
 4. wood siding;
 5. vinyl siding certified by the Vinyl Siding Institute with a thickness of four-hundredths (.040) inch or greater;
 6. Exterior Insulation and Finish Systems (EIFS); or
 7. other materials as approved by the City Council after a recommendation from the Planning Commission.
- C. **Single-Family and Two-Family.**
1. Orientation and Placement within a Major Subdivision.
 - a. The orientation of the primary entry and building facade shall be consistent with the established pattern along the same side of the block.
 - b. Buildings shall not be constructed diagonally or skewed on the lot.
 2. Garages.
 - a. Street-facing garages.
 - i. Street-facing garages shall not comprise more than 50 percent of the front width of the front façade.
 - ii. Garages shall not protrude toward the street in front of the primary façade of the structure. All street-oriented garages shall recess a minimum of 10 feet behind the front building elevation (including side-oriented garages) or a front porch if the porch is at least five (5) feet deep by eight (8) feet wide. However, subdivision developments where at least one (1) phase has been built out with homes shall be exempt from this requirement.
 - b. Where an alley exists to the rear of a lot, garages shall be rear-loaded and accessed from the

alley.

3. Variety.

- a. A residential development shall have a variety of house models. The following table indicates the minimum number of different types of house models for developments of various sizes:

Table 3.50: Minimum Number of House Models	
Size of Development	Minimum
2-20 buildings	2
21-30 buildings	3
31-40 buildings	4
41+ buildings	5

- b. Each house model shall have multiple characteristics that clearly distinguish it from the other house models, such as different exterior materials, rooflines, garage placement, architectural style, number of stories, and/or building face.
- c. No more than two (2) of the same house model can be located adjacent to one another in developments that are required three (3) or more house models.
4. Other Construction Requirements:
- a. Minimum width from any direction of a dwelling unit shall be 16 feet.
- b. Roof pitch shall be no less than 2:12.
- c. Foundations shall be of permanent construction.

D. Townhome Buildings.

1. Orientation and Placement.
- a. The orientation of the primary entry and building facade shall be consistent with the established pattern along the same side of the block.
- b. Buildings shall not be constructed diagonally or skewed on the lot.
2. Garages. Detached garages shall be located in rear yards. Attached garages shall be oriented toward the rear yard or a rear alley.

E. Multi-Family Buildings, Nursing Homes, and Assisted Living Facilities.

1. Orientation. To the maximum extent feasible, the primary entrance and façade of individual buildings within a multi-family development shall be oriented towards:
- a. Primary, internal, or perimeter streets; or
- b. Common open space, such as interior courtyards, parks, or on-site natural areas or features with a clearly defined and easily accessible pedestrian circulation system.
2. Garages. Garage entries shall be internalized in building groupings and located away from street frontages or accessed using an alley.
3. Massing and Form. One (1) or more of the following techniques shall be used to reduce the overall bulk and mass of individual buildings:
- a. Breaking up the mass of the multi-family building by stepping back the façade (minimum two feet deep and one foot wide) for every 30 feet of building frontage so that the building appears

Article 3. Residential Zoning Districts

from the street to be separate homes;

- b. Organizing units around a central courtyard that maintains the impression of the traditional side yard setback between units along the street frontage; or
 - c. Designing the multi-family building so that the massing, arrangement of architectural elements, and use of exterior materials give the appearance of a large single-family home or townhome.
4. All-Sided Design. Although the front facade of a building is expected to be the primary focal point in terms of the level of architectural character and features, all sides of a multi-family residential building shall incorporate architectural detailing that complements the front facade and provides visual interest. Blank walls void of architectural detailing are prohibited. Five (5) architectural features listed below shall be incorporated into the overall design on each side of the building:
- a. covered porches;
 - b. balconies;
 - c. Prominent entry features;
 - d. windows;
 - e. door openings;
 - f. distinct variations in color (not a slight variation of a similar hue, such as beige or pastel);
 - g. variations in materials;
 - h. variations in building height;
 - i. variation in roof form;
 - j. dormers;
 - k. projected or recessed building walls; or
 - l. another architectural feature as approved by the City Council after a recommendation from the Planning Commission.

F. **Manufactured Homes.** Compatibility standards for manufactured homes meeting the definition of "single-family dwelling" are as follows:

- 1. Manufactured Homes qualifying as single-family dwellings shall be compared to site built and other housing in the immediate general area within the same zoning or residential district or area. Approval shall be granted upon the finding that the manufactured home is substantially similar or superior in size, siding material, roof material, foundation, and general aesthetic appearance to:
 - a. site-built or other forms of housing which may be permitted in the same general area under this ordinance; or
 - b. existing development; or
 - c. proposed development in the same zoning district or area.
- 2. All towing devices, wheels, axles, and hitches must be removed.
- 3. At each exterior door, there must be a landing that is a minimum of 36 inches by 48 inches.

G. **Illegal Dwellings.** The use of any floor area below base flood elevation for dwelling purposes is prohibited in all zoning districts unless the floor area meets the applicable building code and flood

mitigation requirements. Buildings erected as garages or accessory buildings, except approved accessory dwelling units, shall not be occupied for dwelling purposes.

H. **Architectural Deviations.** Except for Section 3.50 G, deviations from the requirements of Section 3.50 may be authorized after a recommendation of the Planning Commission and approval by the City Council.

1. In determining if a deviation is warranted, the following shall be considered:
 - a. The proposed architectural design and/or building material is equal or superior to these requirements as it relates to achieving the character desired by this section.
 - b. The proposed architectural design and/or building material better fits the character of the area than when it strictly conforms to the requirements of this section.
 - c. The deviation has no significant visual impact or distinction from the public right-of-way or adjacent properties.
 - d. The applicant shall demonstrate that conformance with the requirements is impractical due to complexity, but these factors shall not by themselves be the reasons for granting a deviation.
2. The City Council may grant a lesser deviation than requested.
3. The City Council may attach conditions necessary to uphold the intent of this section.

Section 3.60 Non-Residential Building Requirements

See Section 4.50 for building requirements for non-residential buildings located within residential zoning districts.

Section 3.70 Other Applicable Development Requirements

In addition to the requirements of this article, the following articles may apply to the development of land and certain uses and activities:

Table 3.70: Other Applicable Development Requirements			
Requirement	Article	Included	Applicability
General Provisions	Article 6	General provisions and requirements for certain activities that are not regulated distinctly by zoning districts	Varies
Specific Use Requirements	Article 7	Requirements specific to certain uses	See far right column of Table 3.30
Parking, Loading, and Traffic	Article 8	General parking requirements, minimum number of parking spaces and loading areas, design of parking and loading areas, access management, traffic impact studies, and other general requirements	All projects that require off-street parking or loading spaces or that require new driveways and curb cuts
Site Lighting	Article 9	General lighting and light fixture requirements, minimum and maximum levels, and lighting plan requirements	Primarily non-residential and multi-family development, residential lots to a lesser degree

Article 3. Residential Zoning Districts

Table 3.70: Other Applicable Development Requirements			
Landscaping and the Environment	Article 10	General landscaping requirements, landscape plan requirements, buffer landscaping, street yard greenways, parking lot landscaping, screening, tree preservation, grading and excavations, and stormwater management	Non-residential and multi-family site development
Streets and Subdivision Design	Article 11	Street requirements, private easements and maintenance, street dimensions, lots and layouts, easements, monuments, benchmarks, water supply, and sanitary sewerage	Major subdivisions with streets

Section 3.80 Review Processes and Procedures

See the following articles and sections for review processes and procedures:

Table 3.80: Review Processes and Procedures	
Requirement	Article
General Processes and Requirements	Article 12
Site Plan Review	Article 13
Special Use Permit Review	Article 14
Planned Unit Development Review	Article 15
Subdivision Review	Article 16
Zoning Map Amendment	If rezoning is required, see Article 17
Variance	If variances are required, see Article 21



Article 4. Commercial and Industrial Zoning Districts

Section 4.10 Intent and Purpose

- A. **Introduction.** This article outlines the intent and purpose statements for the commercial and industrial zoning districts and contains basic information pertaining to the land use, dimensional, and building requirements for properties in the City of Port Wentworth.
- B. **Zoning Districts.** The City is divided into four (4) commercial and industrial zoning districts described in Section 4.20. Each zoning district has unique requirements concerning land use and site development.

Section 4.20 Zoning District Intent Statements

- A. **Neighborhood Commercial (C-1).** This district is intended to encourage and accommodate a walkable downtown area with storefronts on the ground story and upper story residential, local market retail, personal services, restaurants, entertainment, offices, and professional services. Sites are located near the established commercial core of the Old Town area of the City of Port Wentworth. Characteristics of uses and land in C-1 include daytime and early evening operations, smaller-scale and mixed-use buildings, sidewalk sales, and on-street parking.
- B. **General Commercial (C-2).** This district is intended for a range of retail, office, and service uses, such as large-scale retailers, restaurants, office buildings, professional services, and other related commercial uses serving local and regional markets. Sites may be closer to residential areas and, in some cases, are part of mixed-used development and typically have easy access to arterials or major roadways. Characteristics of uses and land in C-2 may include daytime and early evening operations, larger employers, outdoor sales areas, pedestrian-oriented design, generous landscaping and greenspace, and larger parking areas for higher volumes of customers and visitors.
- C. **Interchange Commercial (C-3).** This district is intended for uses such as accommodations, fast food restaurants, vehicle service stations, convenience retail stores, and other service uses that primarily cater to individuals traveling or commuting by cars or commercial vehicles on the interstate highway or major state routes. Sites in this district have direct or convenient access to I-95 or SR-21. Characteristics of uses and land in C-3 include drive-through service, 24-hour or late-night operations, fast food and drive-through services, and high-visibility signage or structures.
- D. **Industrial (I-1).** This district is intended for large and intensive warehousing, distribution, and manufacturing, as well as heavier commercial uses and support services that provide the backbone for economic development and job creation. Sites in this district should have ready access to necessary utilities and direct access to major truck transportation routes with significant separation and buffering from residential areas. Characteristics of uses and land in I-1 may include outdoor storage areas, truck traffic, manufacturing, large buildings, and multiple worker shifts.

Section 4.30 Land Use Regulation

- A. **Requirements.** Land and buildings shall only be used in accordance with Table 4.30.
1. Permitted Use (P). This use is authorized by-right, subject to all other applicable provisions of this ordinance.
 2. Special Use Permit Required (S). This use is subject to review in accordance with Article 14.
 3. Permitted Use or Special Use (P/S). Designation will depend on whether the principal use or the similar land use is a permitted (P) or special use (S).
 4. Not Permitted. A cell marked with two dashes (--) indicates that a use is not permitted.
- B. **Other Requirements.** See the referenced section for additional requirements specific to the land use if noted in the far-right column.
- C. **Land Use Definitions.** See Article 25 for definitions of the land use terms in Table 4.30.

Table 4.30: Commercial and Industrial Districts- Land Use Regulation					
Use	C-1	C-2	C-3	I-1	Other
Accessory Uses- uses defined in Section 25.20					
Accessory building, non-residential	P/S	P/S	P/S	P/S	
Antennas and over the air reception devices	P	P	P	P	
Outdoor display and sales	P	P	P	--	7.150
Outdoor storage	--	--	P	P	7.160
Outdoor storage of containers	--	--	--	P	7.160
Accommodations, Hospitality, and Entertainment- uses defined in Section 25.30					
Banquet or meeting hall	P	P	P	--	
Campground or recreational vehicle park	--	--	S	--	7.60
Commercial indoor recreation facility	P	P	P	P	
Commercial outdoor recreation facility	--	--	--	P	
Hotel or motel	P	P	P	--	
Indoor theater	P	P	--	--	
Outdoor theater	--	--	--	S	7.170
Restaurant	P	P	P	--	
Restaurant with drive-through	--	S	S	--	7.100
Restaurant with accessory micro-brewery, distillery, or winery	P	P	P	--	
Tavern	P	P	P	--	
Civic and Institutional- defined in Section 25.50					
Cemetery	P	--	--	--	
Community-oriented cultural facility	P	P	--	--	
Community-based indoor recreational facility	P	P	--	--	
Government facility	P	P	P	P	
Public park or preserve	P	P	P	P	
Place of worship	P	P	--	--	
School- college or university	P	P	--	--	
School- pre-k to 12	P	P	--	--	
School- specialized training	P	P	P	P	

Table 4.30: Commercial and Industrial Districts- Land Use Regulation					
Use	C-1	C-2	C-3	I-1	Other
School- truck driving	--	--	--	P	
Industrial, Infrastructure, and Transportation- defined in Section 25.60					
Brewery, winery, distillery	--	--	--	P	
Commercial solar energy system	--	--	--	P	7.210
Crematorium	--	--	--	P	
Essential public services and utilities without buildings	P	P	P	P	6.60 A
Essential public services and utilities, with buildings	P	P	P	P	6.60 A
Manufacturing, processing, and packaging- heavy	--	--	--	S	
Manufacturing, processing, and packaging- light	--	--	--	P	
Outdoor storage, principal use	--	--	--	S	7.160
Outdoor container storage as principal use	--	--	--	S	7.160
Propane gas sales	--	--	--	P	
Salvage or impound operation	--	--	--	P	7.190
Sawmill or planing mill	--	--	--	P	
Self-storage	--	P	P	P	7.200
Truck terminal	--	--	--	S	
Warehousing and distribution	--	--	--	S	
Waste management and recycling	--	--	--	P	
Wholesaling and distribution	--	--	--	S	
Offices and Services- defined in Section 25.70					
Animal and pet services	P	P	P	--	7.40
Animal clinic	P	P	P		
Child day care center	P	P	--	--	
Contractor facility	P	P	--	P	
Funeral home or mortuary	P	P	--	--	
General offices and services	P	P	--	--	
General offices and services with drive-through	S	S	--	--	7.100
Hospital	--	P	P	--	
Research and development	--	--	--	P	
Truck stop or truck fuel sales	--	--	S	S	7.250
Vehicle repair, major	--	--	P	P	7.240
Vehicle repair, minor	S	P	P	P	7.240
Vehicle service station	S	S	S	P	7.250
Vehicle wash, cars	--	S	S	--	
Vehicle wash, trucks	--	--	--	P	
Residential Group Living- defined in Section 25.80					
Nursing home	S	S	--	--	
Residential Household Living- defined in Section 25.90					
Mixed-use residential	P	--	--	--	

Table 4.30: Commercial and Industrial Districts- Land Use Regulation					
Use	C-1	C-2	C-3	I-1	Other
Retail and Other Sales and Rental - defined in Section 25.100					
Bakery, 5,000 square feet or less	P	P	--	--	
Construction and landscape supply, outdoor	--	--	P	P	7.150
Greenhouse and nursery	--	P	P	--	
Retail sales	P	P	P	--	
Retail sales with drive-through service	--	S	S	--	7.100
Vehicle and equipment sales and rental, major	--	S	S	P	7.150
Vehicle and equipment sales and rental, minor	--	P	P	--	7.150
Other Uses- defined in Section 25.110					
Adult entertainment	--	--	S	S	7.30
Similar land use	P/S	P/S	P/S	P/S	2.60
Temporary land use	P	P	P	P	7.230

Section 4.40 Lot, Building, and Siting Requirements

- A. **Intent.** This section includes the dimensional requirements for lots and the requirements for the location and size of buildings.
- B. **Applicability.**
1. **Lots.** All lots shall meet the minimum area and width requirements of Table 4.40. Lots shall not be created or changed in dimension except in conformance with these requirements.
 2. **Buildings.** All placement of principal and accessory buildings shall conform to the minimum dimensional and sizing requirements listed in Section 4.40, as applicable.
 3. **Specific Use Requirements.** Stricter lot, building, and siting requirements may be included in Article 7 for specific land uses.

Table 4.40: Lot, Building, and Siting Requirements					
Requirement		C-1	C-2	C-3	I-1
Min. Lot Area (s.f. unless noted otherwise)		--	1 acre	1 acre	5 acres
Min. Lot Width/Frontage (ft.)		--	150	150	300
Max. Building Height (ft.)		35	45	45	50
Max. Building Coverage (%)		75	60	60	50
Min. Setbacks (ft.)	Front	0	25	25	50
	Street Side	0	25	25	50
	Side abutting residential districts	10	35	50	200
	Side abutting commercial and industrial districts	0	15	15	50
	Rear abutting residential districts	20	35	50	200
	Rear abutting commercial and industrial districts	10	15	15	50

Section 4.50 Building Requirements

- A. **Intent.** The intent of this section is to ensure that exterior building materials are of high quality, attractive, and consistent with other buildings within the same zoning district. Buildings should have architectural features and patterns that provide visual interest and reduce massive aesthetic effects.
- B. **Nursing Homes and Assisted Living Facilities.** See Section 3.50 E.
- C. **Requirements.**
1. **Walls.** The exterior walls shall be tilt-up concrete panels, split-faced block, brick on block, or a combination of tilt-up concrete (minimum height 10 feet), and metal panel construction. The use of materials such as nondecorative concrete block, corrugated metal, or pre-engineered metals installed with exposed fasteners will be prohibited in connection with the construction of the exterior of any buildings or other improvements.
 2. **Architectural Articulation.**
 - a. Building facades shall include a repeating pattern that shall include no less than three (3) of the elements listed below. Blank areas on walls shall not exceed 30 feet in width. At least one (1) of these elements shall repeat horizontally:
 - i. color and texture change.
 - ii. material change.
 - iii. step backs;
 - iv. change in building, parapet, or roofline height. If used to comply with this standard, the minimum change in roofline shall be two (2) feet;
 - v. awnings, canopies, or marquees extending at least four (4) feet beyond the building face; and
 - vi. expression of architectural detail through a change of plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.
 - b. These elements shall be integral parts of the building fabric and not superficially applied trim or graphics.
 3. **Rooftop Equipment.** Exterior rooftop equipment, such as storage tanks, cooling towers, transformers, antennae, electronic receivers, and other similar equipment and facilities, shall be screened from view from adjacent parcels and streets. The materials used for screening shall be compatible in architectural design and aesthetics with building materials employed in the construction of the primary building and other improvements to the parcel.
- D. **Architectural Deviations.** Deviations from the requirements of Section 4.50 may be authorized after a recommendation of the Planning Commission and approval by the City Council.
1. In determining if a deviation is warranted, the following shall be considered:
 - a. The proposed architectural design and/or building material is equal or superior to these requirements as it relates to achieving the character desired by this section.
 - b. The proposed architectural design and/or building material better fits the character of the area than when it strictly conforms to the requirements of this section.
 - c. The deviation has no significant visual impact or distinction from the public right-of-way or

Article 4. Commercial and Industrial Zoning Districts

adjacent properties.

- d. The applicant shall demonstrate that conformance with the requirements is impractical due to complexity, but these factors shall not by themselves be the reasons for granting a deviation.
2. The City Council may grant a lesser deviation than requested.
3. The City Council may attach conditions necessary to uphold the intent of this section.

Section 4.60 Other Applicable Development Requirements

In addition to the requirements of this article, the following articles may apply to the development of land and certain uses and activities:

Table 4.60: Other Applicable Development Requirements			
Requirement	Article	Included	Applicability
General Provisions	Article 6	General provisions and requirements for certain activities that are not regulated distinctly by zoning districts	Varies
Specific Use Requirements	Article 7	Requirements specific to certain uses	See far right column of Table 4.30
Parking, Loading, and Traffic	Article 8	General parking requirements, minimum number of parking spaces and loading areas, design of parking and loading areas, access management, traffic impact studies, and other general requirements	All projects that require off-street parking or loading spaces or that require new driveways and curb cuts
Site Lighting	Article 9	General lighting and light fixture requirements, minimum and maximum levels, and lighting plan requirements	Primarily non-residential and multi-family development, residential lots to a lesser degree
Landscaping and the Environment	Article 10	General landscaping requirements, landscape plan requirements, buffer landscaping, street yard greenways, parking lot landscaping, screening, tree preservation, grading and excavations, and stormwater management	Non-residential and multi-family site development
Streets and Subdivision Design	Article 11	Street requirements, private easements and maintenance, street dimensions, lots and layouts, easements, monuments, benchmarks, water supply, and sanitary sewerage	Major subdivisions with streets

Section 4.70 Review Processes and Procedures

See the following articles and sections for review processes and procedures:

Table 4.70: Review Processes and Procedures	
Requirement	Article
General Processes and Requirements	Article 12
Site Plan Review	Article 13
Special Use Permit Review	Article 14
Planned Unit Development Review	Article 15
Subdivision Review	Article 16
Zoning Map Amendment	If rezoning is required, see Article 17
Variance	If variances are required, see Article 21

Article 4. Commercial and Industrial Zoning Districts

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Attachment: PW Zoning Final Draft 5-18-23 (2828 : Zoning Ordinance Rewrite)



Article 5. Planned Unit Development District

Section 5.10 Intent and Purpose

It is recognized that traditional zoning, with its segregation of uses and rigid dimensional requirements, may not be suitable in all situations to best achieve the objectives of the City relative to desired land use and preservation of its resources and character. In order to permit and encourage more creative and innovative land development for the benefit of the community as a whole and in furtherance of the vision and goals of the City of Port Wentworth Comprehensive Plan, planned unit development (PUD) may be permitted as a zoning district to achieve the following purposes:

- A. provide for flexibility in development that will result in a better project for the developer, residents and users, as well as for the City in general;
- B. preserve existing natural assets, such as stands of trees, floodplain, open fields, marshes, rivers, streams, and the like;
- C. accomplish a more desirable and sustainable residential environment than would be possible through the strict application of minimum requirements of this ordinance;
- D. encourage the utilization of open space and development of recreational amenities generally located within walking distance of all living units;
- E. encourage the use of lands in ways that are most in accord with their character and adaptability;
- F. result in recognizable public benefits to the community-at-large; and
- G. allow efficient land use by facilitating economical and suitable arrangements for buildings, streets, utilities, and other land use features.

Section 5.20 Qualifying Conditions

At a minimum, all proposed PUDs shall meet the following qualifying conditions, as applicable, to be considered for approval:

- A. **Location.** PUDs may be located in any part of the City, subject to meeting all other applicable requirements.
- B. **PUD Purpose.** The applicant shall demonstrate that the PUD will achieve three (3) or more of the purposes listed in Section 5.10.
- C. **Size.** The minimum site size for a PUD shall be based on the type of development, as shown in the following table. Churches, public or private schools, public buildings, and residential subdivision amenities such as golf courses and health clubs, and their ancillary commercial uses, such as clubhouses and pro shops, shall not be considered non-residential uses for purposes of this condition.

Table 5.20: Minimum Site Size	
PUD Type	Minimum Required Site Size
All residential	20 acres
Mixed residential/non-residential	30 acres
All non-residential*	10 acres
* Where more than 10 percent of the PUD site area is to be devoted to industrial, warehousing, and/or distribution, the minimum required site size shall be 80 acres	

- D. **Housing Variety.** Any PUD containing residential uses shall include a variety of housing types and/or lot sizes to provide for varying lifestyles, diversity, and affordability.
- E. **Utilities.** The PUD shall be served by public water and sanitary sewer facilities.
- F. **Ownership and Control.** The tract(s) of land for which a PUD application is submitted must be either in single ownership or the subject of an application filed collectively by all owners of the property. Each property owner, or their agent, must sign the PUD application.
- G. **Recognizable Public Benefit.** The PUD shall achieve recognizable and substantial benefits that may not be possible under the existing zoning classification(s). At least two (2) of the following benefits shall be accrued to the community as a result of the proposed PUD:
1. preservation of significant natural features not otherwise required by this ordinance;
 2. a complementary mix of land uses or housing types that address a demonstrated community need;
 3. incorporation of infrastructure improvements or other means to mitigate existing and future traffic congestion in the vicinity of the PUD site;
 4. preservation of common open space beyond the minimum required;
 5. connectivity of preserved open space with adjacent open space, greenways, or public trails;
 6. coordinated redevelopment of multiple lots or parcels; or
 7. removal or renovation of deteriorating buildings, sites, or contamination clean-up.

Section 5.30 Permitted Uses

Any land use or combination of land uses may be considered for inclusion within a PUD.

Section 5.40 PUD Development Requirements

- A. **Minimum Lot Size and Zoning Requirements.** Lot area, width, setbacks, height, building coverage, minimum floor area, parking, landscaping, lighting, and other requirements for the district specified in the following table for the proposed use shall apply to all such uses within a PUD unless modified in accordance with the provisions of Section 5.40 B. Within a PUD, the minimum buffer requirements specified in Section 10.40 between uses shall not apply, provided the Planning Commission or City Council may require separation or buffering of uses as a condition of preliminary concept plan approval.

Table 5.40: Zoning Requirements by Use Type	
Land Use Type	Applicable Zoning District
Single-family residential	R-2
Two-family residential	R-5
Townhouses	
Multiple-family residential	
Commercial	C-2
Industrial	I-1
Public/Quasi-public	R-1

- B. **Modification of Minimum Requirements.** Regulations applicable to a land use in the PUD district may be altered from the requirements specified in Table 5.40, including the following: modification from the lot area and width, building setbacks, height, building coverage, signs, and parking. However, a reduction in lot size shall not result in an increase in the number of parcels or dwellings otherwise permitted by the applicable zoning district unless a density bonus is also granted in accordance with Section 5.40 C. In the absence of a density bonus, land gained by the reduction in lot sizes shall be added to the open space required within the PUD. The applicant for a PUD shall identify, in writing, all proposed deviations from the zoning district requirements. Modifications may be approved by the City Council during the preliminary concept plan review stage after Planning Commission recommendation. Adjustments to the minimum requirements may be permitted only if they will result in a higher quality and more sustainable development, consistent with the purpose of the PUD district, as expressed in Section 5.10.
- C. **Residential Density Bonus.** In addition to the modification of minimum requirements permitted in Section 5.40 B, the City Council, after Planning Commission recommendation, may permit an increase, not to exceed 20 percent, in the total number of residential units otherwise allowed within a PUD, according to the requirements in Table 5.40, where it is demonstrated that:
1. The appearance and construction will result in a development of high quality, as evidenced by the innovative design and predominant use of building materials such as stone, masonry, wood, and hardie-plank;
 2. Amenities beyond the minimum required open space, will be provided to create a more sustainable community and desirable living environment; and
 3. At least four (4) of the following will be included within the development:
 - a. Dedicated common open space is provided in excess of the minimum required, per Section 5.40 D.
 - b. One (1) or more parking structures are proposed within a mixed-use or non-residential PUD to meet the minimum parking requirements of this code.
 - c. One (1) or more LEED-certified buildings will be constructed.
 - d. Significant natural features, in addition to those required, will be preserved and/or substantial landscaping beyond the minimum requirements will be incorporated into the development.
 - e. Decorative pavers and/or aesthetic enhancements (e.g., plazas, boulevards, round-a-bouts, ornamental lighting, fountains, and street furniture) will be incorporated into the vehicular and pedestrian circulation system throughout the PUD.
 - f. Sidewalks will be constructed on both sides of all streets within the development.

Article 5. Planned Unit Development District

- g. A commercial and/or office component, comprising not less than 15 percent of the PUD site is proposed within the development.
- h. Property is to be conveyed to and accepted by the City or school district for a future public use.
- i. Three (3) or more public benefits, as identified in Section 5.20 G., will be achieved.

D. **Common Open Space.** For purposes of the PUD requirements, "common open space" is defined as an area of land or water, or a combination of land and water, designed and intended for the perpetual use and enjoyment of the users of the development and/or the general public. Common open space may contain accessory structures and improvements necessary or desirable for educational, noncommercial, recreational, or cultural uses. A variety of open space and recreational areas is encouraged such as: children's informal play areas in close proximity to neighborhoods or dwelling unit clusters; formal parks, picnic areas, and playgrounds; pathways and trails; scenic open areas and communal, noncommercial recreation facilities; and natural conservation areas. At a minimum, the following regulations shall apply to all common open space within a PUD:

1. The area of common open space shall not be less than 25 percent of the total land area of a PUD containing any residential units and not less than 10 percent of the total land area in non-residential developments. Land dedicated for recreation, in accordance with Section 5.40 D.2., shall count toward the common open space requirement.
2. All common open space shown on the final development plan must be reserved or dedicated by conveyance of title to a corporation, association, or other legal entity by means of a restrictive covenant, easement, or through other legal instrument. The terms of such legal instrument must include provisions guaranteeing the continued use in perpetuity of such open space for the purposes intended and for continuity of proper maintenance of those portions of the open space requiring maintenance.
3. The open space shall meet the following minimum dimensions, contiguity, and connectivity requirements:
 - a. The required open space shall be centrally located along the street frontage of the development to protect or enhance views, located to preserve significant natural features, adjacent to dwellings, and/or located to interconnect other open spaces throughout the development or on contiguous properties.
 - a. Required open space areas shall be of sufficient size and dimension and located, configured, or designed in such a way as to achieve the applicable purposes of these regulations and enhance the quality of the development. The open space shall neither be perceived nor function simply as an extension of the rear yard of those lots abutting it.
 - b. If the site contains a river, stream, or other body of water, the City may require that a portion of the required open space shall abut the body of water.
 - c. All required open space areas shall be configured so the open space is reasonably accessible to and usable by residents, visitors, and other intended users of the development. The minimum size of a required open space area shall be 15,000 square feet; provided, however, that the required open space abutting a public street may be less than 15,000 square feet; and, further provided, that the City Council, upon recommendation of the Planning Commission, may approve other open space areas of less than 15,000 square feet if these areas are designed and established as pedestrian or bicycle paths or are otherwise determined to be open space reasonably usable by residents, visitors and other intended users of the development. The

minimum average dimension of a required open space area shall be 100 feet.

- d. Open space areas are encouraged to be linked with any adjacent open spaces, public parks, bicycle paths, or pedestrian paths.
- e. Grading in the open space shall be minimal, with the intent to preserve existing topography, trees, and other natural features, where practical.
- f. A sign, structure, or building may be erected within the required open space if it is determined to be accessory to a recreation or conservation use or an entryway. These accessory structure(s) or building(s) shall not occupy, in the aggregate, more than one (1) percent of the total open space area. Accessory structures or uses of a significantly different scale or character than present in abutting residential districts shall not be located near the boundary of the development if they may negatively impact the residential use of adjacent lands as determined by the Planning Commission. Pathways, sidewalks, play fields, and courts shall be exempt from this limitation.
- g. The following areas shall not qualify as required common open space for the purposes of this section:
 - i. The area within any public street right-of-way.
 - ii. The area within private road easements.
 - iii. The area within a subdivision lot.
 - iv. Land within any required yard or setback area.
 - v. Any area less than 100 feet wide adjacent to the rear lot line of two (2) or more contiguous lots.
 - vi. Parking and loading areas.
 - vii. Fifty percent of any easement for overhead utility lines.
 - viii. Fifty percent of any rivers, streams, detention ponds, marshes, lakes or floodplains that are not generally accessible within the development. Accessible shall mean that the feature is bordered by a substantial open space area, park, playground, pathway or reasonable means of access for the enjoyment of all owners, visitors or others, in which case the total area may qualify as required common open space.
 - ix. Fifty percent of the area of any golf course.
- E. **Connectivity.** Pathways for bicycles and pedestrians shall be incorporated throughout the PUD and along all perimeter streets to ensure connectivity between uses and with adjacent properties. Pathways and sidewalks shall be constructed in accordance with the City design standards.

Section 5.50 Existing PUDs

- A. **Existing Planned Developments and Special Districts.** Within the City, there are properties that were zoned and approved as planned developments or other special districts prior to adoption of this ordinance. Unless specifically exempted, as described herein, all such previously approved planned developments shall comply with the requirements of this ordinance. The following approved projects shall be exempt from the requirements of this article and shall not be considered nonconforming:
 - 1. A general development plan was approved not more than 12 months prior to the adoption of this

Article 5. Planned Unit Development District

ordinance and a final site plan has not been submitted but will be submitted within 12 months of the date on which it was approved.

2. A final site development plan was approved prior to adoption of this ordinance and the entire project or significant phases of the project have been developed or substantial construction has been continuously and actively carried out on the site in accordance with the approved plan; or
 3. A final site development plan was approved not more than 12 months prior to the adoption of this ordinance and substantial construction commences and is continuously and actively carried on within 12 months of the date on which it was approved. The Zoning Administrator may grant one (1) extension of up to 12 additional months; provided the applicant requests an extension, in writing, prior to the expiration date of the final site development plan. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and construction will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the site development plan approval shall become null and void.
- B. Development of exempted planned development projects shall conform to the prior approved final development plans for such project. However, any expansion, alteration, or variation of the existing approved developments that constitutes a major change, as defined in Section 15.50, shall be subject to the major change procedural requirements of Section 15.50.
- C. Any planned development that is not exempted shall be subject to all applicable provisions of this ordinance.

Section 5.60 Other Applicable Development Requirements

In addition to the requirements of this article, the following articles may apply to the development of land and certain uses and activities.

Table 5.60: Other Applicable Development Requirements			
Requirement	Article	Included	Applicability
General Provisions	Article 6	General provisions and requirements for certain activities that are not regulated distinctly by zoning districts	Varies
Specific Use Requirements	Article 7	Requirements specific to certain uses	See far right column of Table 4.30
Parking, Loading, and Traffic	Article 8	General parking requirements, minimum number of parking spaces and loading areas, design of parking and loading areas, access management, traffic impact studies, and other general requirements	All projects that require off-street parking or loading spaces or that require new driveways and curb cuts
Site Lighting	Article 9	General lighting and light fixture requirements, minimum and maximum levels, and lighting plan requirements	Primarily non-residential and multi-family development, residential lots to a lesser degree
Landscaping and the Environment	Article 10	General landscaping requirements, landscape plan requirements, buffer landscaping, street yard greenways, parking lot landscaping, screening, tree	Non-residential and multi-family site development

Table 5.60: Other Applicable Development Requirements

		preservation, grading and excavations, and stormwater management	
Streets and Subdivision Design	Article 11	Street requirements, private easements and maintenance, street dimensions, lots and layouts, easements, monuments, benchmarks, water supply, and sanitary sewerage	Major subdivisions with streets

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Part III. Development Provisions

Attachment: PW Zoning Final Draft 5-18-23 (2828 : Zoning Ordinance Rewrite)

Part III. Development Provisions

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Article 6. General Provisions

Section 6.10 General Compliance

- A. **Compliance with Ordinance.** Except as otherwise provided in this ordinance, no building, structure, or premises shall be used or occupied; and no building or part of any building or other structures shall be erected, razed, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the provisions of this ordinance.
- B. **Unlawful Buildings and Uses.** Any building, use, or lot which has been unlawfully constructed, occupied or created prior to the date of adoption of this ordinance shall continue to be unlawful unless expressly permitted by this ordinance. Such unlawful buildings, uses, or lots shall not be considered to be nonconforming buildings, uses, or lots and shall not be afforded any protections or allowances otherwise granted to legally nonconforming buildings, uses, or lots.
- C. **Trash, Litter, or Junk.** It shall be unlawful for any person to accumulate, place, store, or allow or permit the accumulation, placement or storage of trash, litter, or junk on premises in the city, except in a lawful sanitary landfill, a lawful junkyard, or not to exceed seven (7) days storage in watertight storage receptacles designed for the temporary accumulation of trash. Waste receptacles and trash shall not be left unattended in any yard longer than a period of 24 hours unless they are kept or enclosed in a permanent structure designed to prevent disturbance of such receptacles by animals or severe weather conditions.
- D. **Restoring Unsafe Buildings.** Nothing in this ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the building official or required to comply with his lawful order, provided such restoration shall be subject to and completed in accordance with the City of Port Wentworth building code and all other applicable ordinances. Nonconforming buildings and uses shall also be subject to the limitations of this ordinance.
- E. **Voting Place.** The provisions of this ordinance shall not interfere with the temporary use of any property as a voting place in connection with a federal, state, county, municipal, or other public election.

Section 6.20 Accessory Buildings, Uses, and Structures

- A. **Accessory Buildings.**
 - 1. Accessory buildings or garages shall be considered to be part of the main building if structurally and architecturally integrated into the main building or if attached by an enclosed breezeway or similar enclosed structure not more than 10 feet in length.
 - 2. Detached accessory buildings shall not be located closer than 10 feet to the main building on the lot.
 - 3. A building permit shall be required for any accessory building exceeding 240 sq. ft. in area.
 - 4. No accessory building shall be located in a front or side yard.
 - 5. No accessory building shall be constructed on a lot before the principal building or use on the lot is constructed.

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6. Accessory buildings shall be set back at least five (5) feet from the side and rear lot lines. However, if the rear lot line of the property on which the accessory building is located is also the side lot line of the neighboring property, the accessory building shall be set back the same distance from the rear lot line as the required side yard setback for a principal building.
7. If a detached garage is accessed from an alley, there shall be no rear setback requirement.
8. The maximum number of accessory buildings permitted on any lot containing a single- or two-family dwelling shall comply with the requirements specified in Table 6.20, based on whether a garage is attached to the principal dwelling and the number of vehicle stalls provided within such garage:

Table 6.20: Maximum Size and Number of Accessory Buildings ¹					
Lot Size (sq. ft.)	Number of Accessory Bldgs. Allowed	Maximum Total Size (square feet) Allowed for All Accessory Buildings in Combination ²			
		If no attached garage	If one stall attached	If two stall attached	If three or more stalls attached
< 5,000	1	576	240	120	0
5,000 – 8,999	2	720	432	144	120
9,000 – 14,999	2	864	576	288	180
15,000 – 21,780	2	984	696	408	270
21,781 – 43,560	2	1,128	840	552	408
> 43,560 (1 acre)	3	1,128			

9. The area of accessory buildings shall be included in the maximum building coverage.
10. The maximum height of an accessory building shall not exceed 12 feet.
11. No accessory building, except as otherwise permitted in this ordinance, shall be used as a dwelling or rented.
12. Accessory buildings on lots within nonresidential districts shall comply with all yard setback requirements for principal buildings within the district in which located.

B. Domestic Animals.

1. The keeping of household pets, including dogs, cats, fish, birds, hamsters, and other animals commonly considered household pets is permitted in any residential district, provided no more than three (3) dogs or cats, six (6) months of age or older, in any combination shall be kept or housed in or at one (1) dwelling.
2. The keeping of farm animals not generally considered to be household pets, including, but not limited to, exotic animals, horses, pigs, sheep, cattle, goats, and poultry, is prohibited in all zoning districts, except within the R-1 District on existing bona fide farms and lots larger than five (5) acres. The keeping of wild animals shall not be permitted in any district.

¹ Bona fide farm buildings in the R-1 District shall be exempt from the size limits.

² Regardless of the total size shown, no more than 25 percent of the rear yard shall be occupied by accessory buildings.

C. Fences and Walls.

1. A permit shall be obtained prior to the erection or construction of any fence or wall.
2. Fences and walls, including gates, shall be constructed of durable, weather-resistant, rustproof, and easily maintainable materials customarily used in the construction of walls and fences, such as wood, metal, masonry, chain-link, composite, or vinyl. However, this provision shall not preclude the use of decorative architectural materials when consistent with the intent of this section and the character of the area where the fence is to be placed and as approved by the Zoning Administrator. Fence material shall be permitted subject to review and approval by the Zoning Administrator. Fences shall be maintained to ensure they remain free of deficiencies and are kept upright and firmly fastened to the ground and associated supporting structures.
3. Fences or walls in any residential district or on any residentially used lot shall not exceed six (6) feet in height, measured from the natural grade to the uppermost portion of the fence.
4. A non-sight obscuring security fence, not exceeding 12 feet high, may be permitted around the perimeter of an essential public service building, essential public service storage yard, towers, approved outdoor storage areas in the commercial (not including the C-1, Neighborhood Commercial) or industrial districts, and around the property boundary of sites in the I-1 District. The security fence may also include a maximum of one (1) additional foot of barbed wire. Razor wire and electrification shall not be permitted in any district.
5. Fences or walls erected within a front yard in any residential district or on any residentially used lot shall not exceed four (4) feet in height. This shall also apply to a secondary front yard on a corner lot, the front yard of a through lot, provided the fence or wall shall not exceed three (3) feet in height within the clear vision corner.
6. Fences shall not be erected within any public right-of-way or easements.
7. In any district, if both sides of the fence or wall are not identical, the finished side shall face the adjoining property.
8. Chain link fences shall not be erected in any front yard within either a residential district or any lot containing a dwelling unless enclosing a retention pond, essential public service, or publicly owned facility that has been approved by the city. In all such cases, the chain link fence shall be black vinyl coated.
9. Barbed wire shall not be permitted in any residential district or on any lot or parcel containing a residential use except for security around essential public services or publicly owned facilities.
10. Required screen walls shall be located inside the property line. The design of all walls, including openings for vehicular traffic or other purposes, shall only be as approved by the Zoning Administrator.

D. Mechanical Appurtenances.

1. Mechanical units located on the ground shall be located in the rear or side yard and may encroach as permitted in this ordinance. When attached to a building, the mechanical equipment shall be architecturally integrated or appropriately screened by shrubbery or fencing so as not to be visible from neighboring property. Screening shall comply with the requirements of this ordinance.
2. If located on the roof of a building or in a location that cannot otherwise be screened, the equipment shall be enclosed or designed in a manner that is architecturally integrated with the building where it is located.

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3. Mechanical units shall not be placed within any easement.

E. Swimming Pools, Spas and Hot Tubs.

1. Any swimming pool, spa, hot tub, or similar structure whose depth at any point exceeds 24 inches shall be subject to the following regulations and shall be fenced securely in accordance with the applicable requirements of the City of Port Wentworth building code.
2. Swimming pools, spas, hot tubs, and similar structures shall only be permitted in the rear yard.
3. Swimming pools, spas, hot tubs, and similar structures, whether above or below ground, shall be set back a minimum of 10 feet from any side or rear lot line, as measured from the edge of the pool.

F. Temporary Storage Units.

1. It shall be unlawful to place or permit the placement of a temporary storage unit on property located within the City of Port Wentworth for more than seven (7) consecutive days, provided a longer period may be approved by the Zoning Administrator for building construction or remodeling projects.
2. Temporary storage units shall only be placed upon or within a driveway, parking area or if access exists to the rear of the lot, the rear yard.
3. No temporary storage unit shall be placed upon or within public property or a public place, including, without limitation, a street, sidewalk, or street greenway.
4. The temporary storage unit shall not exceed eight (8) feet in height, eight (8) feet in width, and 16 feet in length.
5. The temporary storage unit shall be secured in a manner that does not endanger the safety of persons or property in the vicinity of the unit.
6. The temporary storage unit shall, at all times, be maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other holes or breaks.
7. No temporary storage unit shall be used for human occupancy or to store solid waste, construction debris, demolition debris, business inventory, commercial goods, hazardous materials, or goods for property other than the property on which the storage unit is located. Upon reasonable notice, the officials of the City of Port Wentworth may inspect the contents of any temporary storage unit at any reasonable time to ensure compliance with these requirements.
8. Any temporary storage unit which is not removed at the end of the time for which it may lawfully remain in place may be removed by the city immediately, with 24 hours notice and such notice affixed to the temporary storage unit, and the cost of such removal may be assessed against the property on which the unit was located.
9. A sign identifying the storage unit supplier, mounted on the temporary storage unit, shall not require a sign permit, provided the storage unit is in compliance with this subsection and all other applicable ordinances.

Section 6.30 Building Height Exceptions

The following structures are exempt from the height limitations of this ordinance: belfries, broadcast towers, antennas, chimneys, cooling towers, elevator bulkheads, fire towers, flag poles in non-residential districts, stacks, elevated water towers, stage lofts, monuments, cupolas, domes, spires, and penthouses

housing necessary mechanical appurtenances such as HVAC or similar equipment on the roof of a building. Parapet walls may not exceed the height limits by more than four (4) feet. Such exemptions from the height limitations more than six (6) feet high require approval of the Zoning Administrator, pursuant to the variance considerations of this ordinance.

Section 6.40 Setbacks and Yards

- A. **Setback Requirements.** All setbacks shall be measured from the property lines. For unplatted lots, an up-to-date property survey prepared by a surveyor registered in the State of Georgia shall be submitted with any application for building permit or site development plan approval. In the case of a private street easement, setbacks shall be measured from the easement line. A building shall not be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the setback requirements of the district in which it is located.
- B. **Encroachment into Right-of-Way.** No buildings, structures, service areas, or off-street parking and loading facilities, except driveways, shall be permitted to encroach on public or private rights-of-way.
- C. **Front Setback Requirements.** All yards abutting upon a public or private street right-of-way shall be considered as front yards or secondary front yards for setback purposes, except as otherwise provided in this ordinance. A setback within a secondary front yard is a side street setback.

- D. **Clear Vision Corner.** Signs, fences, walls, structures, benches, shrubbery, or other potential obstructions to vision, shall not be permitted to exceed a height of three (3) feet within a triangular area formed by the intersection of two street right-of-way lines or a street and railroad right-of-way line and a line connecting two points located on those intersecting right-of-way lines 20 feet from the point where the right-of-way lines intersect; provided, utility poles, street lights, and street signs shall be exempt from this requirement (Figure 6-1).

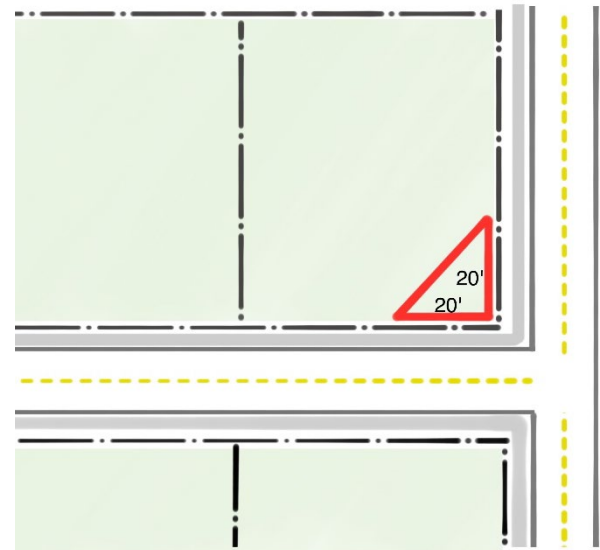


Figure 6-1 Clear Vision Corner

- E. **Setbacks and Yards by Lot Type.**
 1. **Interior Lots.** On interior lots, the minimum front, side, and rear building setbacks shall be met. Each interior lot shall be comprised of a front yard, two (2) side yards, and a rear yard.
 2. **Corner Lots.** On corner lots, the minimum front, side street, side, and rear building setbacks shall be met. Each corner lot shall be comprised of a front yard, a secondary front yard, a side yard, and a rear yard.
 3. **Through Lots.** On through lots, the minimum front building setback shall be met on each street fronting yard, and side setbacks shall be met. Each through lot shall be comprised of a front yard, two (2) side yards, and a rear yard.
 4. **Multi-Frontage.** On multi-frontage lots, the minimum front building setback shall be met on each street fronting yard, and a side setback shall be met. Each multi-frontage lot shall be comprised of a front yard, a secondary front yard, a side yard, and a rear yard.

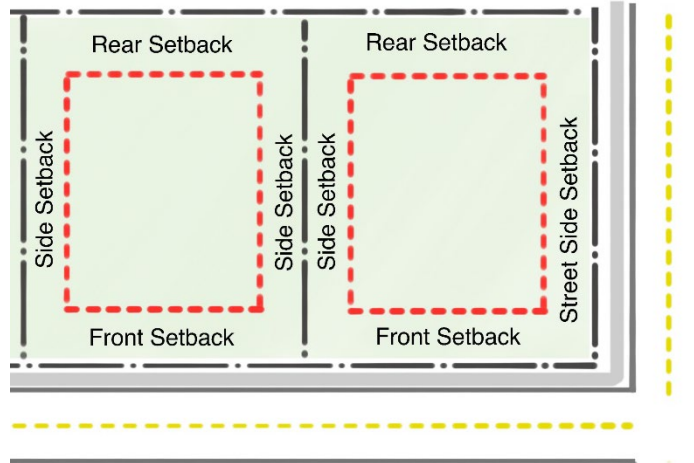


Figure 6-2 Setbacks for Interior (L) and Corner Lots (R)

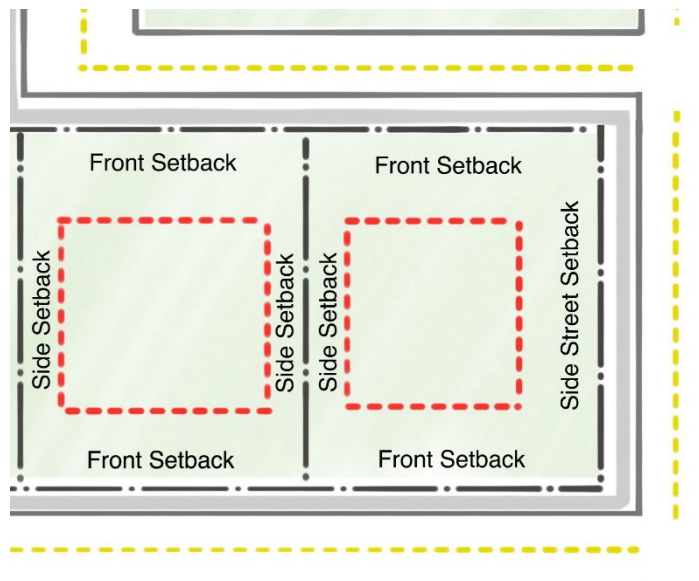


Figure 6-3 Setbacks for Through (L) and Multi-Frontage Lots (R)

- F. **Projections into Required Setbacks.** Certain structures and architectural features may project into the required setbacks, as provided in Table 6.40.

Table 6.40: Encroachments into Required Setbacks ¹			
Type of Feature	Allowed Encroachment into a Setback		
	Front Yard	Side Yard	Rear Yard
Accessory structures	See Section 6.20 A		
Accessible ramps, wheelchair lifts and similar structures	Least encroachment necessary to meet state or federal requirements, but no more than 8 ft.; must maintain a 3-foot side yard setback		
Air conditioning units, generators and other mechanical equipment ¹	None	3 ft.	3 ft.
		No more than 5 ft. from the building	
Arbors, trellises and pergolas (attached to principal building)	5 ft.	3 ft.	10 ft.
Awnings and canopies			
Balconies	5 ft.	None	10 ft.
Bay windows	3 ft.	3 ft.	3 ft.
Chimneys	3 ft.	3 ft.	3 ft.
Driveways	N/A	Up to 1 ft. from a side lot line	N/A
Eaves and gutters	2 ft.	2 ft.	2 ft.
Fences and walls	See Section 6.20 C		
Flagpoles	Permitted up to 6 ft. from all lot lines		
Light poles (not including ground-mounted lights)	Permitted up to 6 ft. from all lot lines		
Outdoor fireplaces and pits	None	None	Up to 10 ft. from a rear lot line
Paved patios and similar at-grade structures (not including driveways and sidewalks), un-roofed and unenclosed ¹	10 ft.	Up to 3 ft. from a side lot line	Up to 3 ft. from a rear lot line
Porches, decks and stoops, uncovered and unenclosed ²	5 ft.	3 ft.	10 ft.
Stairways (not including steps to main floor entry) and below-grade stairwells	5 ft.	3 ft.	10 ft.

¹ Building code may necessitate additional fire protection. Equipment shall not be located within any easement.

² Any covered or roofed porch, deck, patio, stoop or similar structure shall be considered part of the principal building and shall comply with the required setbacks applicable to the principal building.

Table 6.40: Encroachments into Required Setbacks ¹

Type of Feature	Allowed Encroachment into a Setback		
	Front Yard	Side Yard	Rear Yard
Swing sets and similar play structures (attached)	None	Up to 3 ft. from a side lot line	Up to 3 ft. from a rear lot line
Window wells and egress windows, below grade	3 ft.	3 ft.	3 ft.

Section 6.50 Lots

A. **Required Area or Space.** No lot or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered, or reduced as to make the area or space smaller than the minimum required under this ordinance. If already less than the minimum size required, the area or space shall not be further divided or reduced.

B. **Minimum Lot Frontage.** All lots and parcels shall have frontage on and be accessible from a public or private street. The required minimum frontage shall be equal to the minimum lot width. However, frontage for cul-de-sac lots for single-family and two-family dwellings may be reduced to 40 feet and minimum lot width shall be measured at the required front setback line. (Figure 6-3).

C. **Lots on Lakes, Rivers, and Streams.** Lots abutting or containing an inland lake, river, or stream shall comply with the following regulations:

1. The lot width on the street side shall not be less than the minimum width required for the zoning district in which the lot is located.
2. The lot width abutting a waterbody shall meet the minimum requirements of the zoning district in which the lot is located, measured at the ordinary high-water mark between side lot lines.
3. Waterfront lots shall be considered through lots with both the waterside and street side considered to be front yards. The front yard on the waterside shall be the area between the ordinary high water mark and the nearest wall of the principal building. This regulation shall not apply to stormwater basins or other man-made water features.
4. Accessory buildings shall be permitted within the waterside front yard but not within the required waterside setback area and shall comply with all applicable requirements of Section 6.20 A.

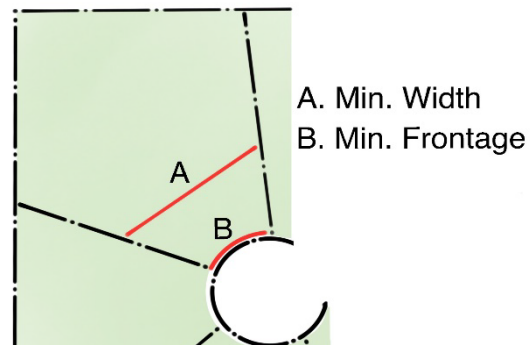


Figure 6-4 Cul-de-Sac Lot Frontage

Section 6.60 Utilities & Services

- A. **Essential Public Services.** The erection, construction, alteration, or maintenance of essential public services shall be permitted in any zoning district and shall be exempt from the application of this ordinance; provided buildings, parking areas, and other uses or structures accessory to the essential service shall not be exempt and shall conform to all applicable ordinance requirements and procedures. This provision, however, shall not be construed to waive the rights of the City of Port Wentworth to require that specific services be installed underground.
- B. **Water and Sanitary Sewer Service.** No structure for human occupancy shall, after the effective date of this ordinance, be erected, altered, or moved upon any lot or premises and used, in whole or in part, for dwelling, business, industrial, institutional, or recreational purposes unless provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial and industrial waste. All such systems shall be designed to preclude infiltration of flood waters into the system and discharges from the system into flood waters. Such installations and facilities shall conform to the minimum requirements for such facilities as established by the State of Georgia, Chatham County, City of Port Wentworth, and other relevant government codes, ordinances, and standards.

Article 6. General Provisions

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Attachment: PW Zoning Final Draft 5-18-23 (2828 : Zoning Ordinance Rewrite)



Article 7. Specific Use Requirements

Section 7.10 Intent and Purpose

This article outlines conditions applicable to specific land uses based on the unique operational characteristics that warrant additional regulations to protect public health, safety, and welfare. These requirements apply in addition to all the regulations of the zoning district in which the use is located, as well as all other applicable requirements in this ordinance.

Section 7.20 Accessory Dwelling Unit

A. General Requirements.

1. Single-Family. Accessory dwelling units are limited to single-family lots.
2. Number. Only one (1) attached or detached accessory dwelling unit shall be permitted per principal dwelling.
3. Occupancy. The principal dwelling or the accessory dwelling unit shall be owner-occupied.
4. Setbacks. Attached accessory dwelling units shall comply with all setback requirements applicable to the principal dwelling. Detached accessory dwelling units shall comply with all setback requirements applicable to accessory buildings.
5. Appearance. Attached and detached accessory dwellings shall retain a residential appearance consistent with the architectural design and building materials of the principal dwelling, including but not limited to roof material, roof type, siding material, and window type and placement.
6. Area. Accessory dwelling square footage shall not exceed 50 percent of the principal dwelling square footage, or 800 square feet, whichever is less. Square footage shall also not exceed the maximum accessory building square footage per Table 6.20. The minimum area is subject to Building Code compliance.
7. Metering and Mailing Address. The accessory dwelling shall not have a separate meter for public utilities, such as electric and gas service or a separate mailing address.

B. Specific Requirements for Attached Accessory Dwelling Units.

1. Attached accessory dwellings may be designed as an independent living area that can be isolated from the principal dwelling space; however, an internal connection to the principal dwelling must be maintained, and the principal and accessory living space must both be accessible through the primary entrance of the dwelling. This requirement does not preclude separate entrances to either living space.
2. An attached accessory dwelling unit located over an attached garage may be served by a single access point separate from the rest of the building.

C. Specific Requirements for Detached Accessory Dwelling Units.

1. A lot shall not be divided in a manner that separates a detached accessory dwelling unit and principal dwelling unit onto separate parcels if the division results in a nonconformity.
2. A new detached accessory dwelling unit to be constructed shall not be located closer to a front lot line than the principal dwelling.

Article 7. Specific Use Requirements

3. In the case of a detached accessory dwelling unit over garage space, such as a carriage house, the first-floor garage space shall not count against the maximum square footage applicable to the accessory dwelling unit.
4. The minimum square footage shall be the minimum necessary to comply with applicable building codes.
5. The height of a detached accessory dwelling unit shall not exceed the height of the principal dwelling. However, the height of a detached accessory dwelling unit over garage space may exceed the height of a single-story principal dwelling by 10 feet.

Section 7.30 Adult Entertainment Establishments

- A. **Applicability and Intent.** These standards are intended to regulate adult entertainment establishments businesses, promote the health, safety, morals, and general welfare of the citizens of the City, and establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City, thereby helping to reduce and eliminate the adverse secondary effects from such sexually oriented businesses. These standards have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of these standards to restrict or deny access by adults to sexually oriented materials protected by the First Amendment of the U.S. Constitution or Georgia statute or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of these standards to condone or legitimize the distribution of obscene material.
- B. **Licensing and Operations.** Adult Entertainment Establishments shall comply with all applicable City of Port Wentworth licensing and operations requirements.
- C. **Location Requirements.**
 1. No adult entertainment use shall be located within 2,000 feet of the exterior boundary of any residential zoning district, place of worship, K-12 school, library, day care center, public community center, park, fairground, recreation center, and publicly owned or maintained building opened for use by the general public.
 2. No adult entertainment use shall be located within 2,000 feet of any other adult entertainment use, whether such adult entertainment use is within or outside the city boundaries.
- D. **Retail Display.** No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
- E. **Site Lighting.** In addition to the requirements of Article 11, all off-street parking areas shall be illuminated from at least 90 minutes prior to sunset to at least 60 minutes after closing.

Section 7.40 Animal and Pet Services

- A. **General Requirements.**
 1. Outdoor activity areas shall be screened in accordance with Section 10.70. An outdoor activity area is a location for walking leashed and unleashed dogs, pet relief, leashed and unleashed dog training, dog exercise and play areas, and outdoor dog runs.
 2. All kennels shall be operated in conformance with any applicable County and State regulations.

3. Buildings used as commercial kennels or pet services shall be insulated in such a manner that excessive noise from barking is minimized.
4. Habitual barking, which results in a nuisance to neighboring landowners or residents, is prohibited.

B. Outdoor Exercise and Play Area Requirements.

1. Outdoor exercise and play areas are locations outside of enclosed structures that are intended and used for unleashed dog exercise, training, and play.
2. The outer limits of outdoor exercise and play areas shall not be located closer than 100 feet from any adjacent residential-zoned property.
3. Outdoor exercise and play areas shall be fenced.

C. Outdoor Run Requirements for Boarding and Day Care.

1. Outdoor runs are individually fenced areas connected to buildings that accommodate outdoor access for associated indoor pens or suites.
2. Outdoor runs shall not be located closer than 100 feet from any adjacent residential-zoned property.
3. Outdoor runs shall be located in the rear or side yards.
4. Outdoor runs shall be equipped with impervious surfaces suitable for cleaning with high-pressure water. Outdoor runs shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease, offensive odor, or dust generation.

Section 7.50 Bed and Breakfast

- A. **Principal Residence.** A bed and breakfast use shall only be established in a detached single-family dwelling, which shall also be the principal residence of the owner or manager.
- B. **Appearance.** The building shall maintain an exterior appearance that is in character with surrounding residential uses.
- C. **Lot Conformance.** A bed and breakfast shall be located on a lot that conforms to non-residential area requirements.
- D. **Guest Rooms.** The total number of guest rooms in the establishment shall not exceed six (6).
- E. **Term.** The length of stay for a guest or guests shall not exceed 14 consecutive days.
- F. **Cooking.** No separate cooking facilities shall be provided.
- G. **Food Service.** Meals shall only be served to the operator's family, employees, and overnight guests.

Section 7.60 Campground or Recreational Vehicle Park

- A. **Minimum Lot Area.** A minimum of five (5) acres is required to establish the use.
- B. **Setbacks.** Buildings shall be at least 100 feet from residential-zoned properties.
- C. **Buffer.** The site shall be subject to a buffer type B as noted in Table 10.40 B where abutting residential-zoned property.
- D. **General Requirements.** All recreational vehicle (RV) sites shall include water and sewer services unless separate restroom facilities are available.

Article 7. Specific Use Requirements

1. Accessory sheds and buildings are not permitted on individual RV sites.
2. A park attendant must be on duty at the park or available at all times to address the needs of campers, emergencies, and maintenance issues.
3. Common areas and individual sites shall be kept free of litter and debris at all times.
4. Service buildings shall be maintained in a sanitary condition at all times.
5. The operator shall ensure continued maintenance of landscaping and buildings. Common areas shall be mowed and kept free of fallen branches and tall grass and weeds.
6. RV lots shall be provided a concrete, paved, or gravel off-street car parking area of a minimum size to accommodate two vehicles without vehicle encroachment onto internal driveways.
7. Driveways shall be clear for emergency vehicle access at all times. Guest parking shall not obstruct driveways.
8. Dumpsters and trash bins shall be required in a common area. The dumpster shall be emptied frequently to avoid the accumulation of waste and debris.
9. No part of any campground shall be used for any other purpose than for temporary living quarters occupancy of individual recreational vehicle units or tent camping, except for such uses that are required for the direct servicing and well-being of campground guests and for the management and maintenance of the campground.
10. The open discharge of gray water within the park shall be prohibited.

Section 7.70 Commercial Outdoor Recreation, Low-Intensity

- A. **Minimum Lot Area.** A minimum of five (5) acres is required to establish the use.
- B. **Setbacks.** Buildings shall be at least 100 feet from residential-zoned properties.
- C. **Buffer.** The site shall be subject to a buffer type B as noted in Table 10.40 B where abutting residential-zoned property.
- D. **Parking.** Parking lots shall be at least 100 feet from abutting residential-zoned property lines.
- E. **Noise.** Outdoor electrified sound amplification is prohibited.
- F. **Lighting.** Light levels shall not be detectable along lot lines on a photometric plan (0.0 foot-candles).
- G. **Hours of Operation.** Hours of operation are limited to dawn to dusk.

Section 7.80 Community Garden

- A. **Drainage.** The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent property.
- B. **Sales.** The on-site sale of community garden products is prohibited except when permitted as an approved temporary use.
- C. **Noise.** The use of motorized equipment is restricted to hours beginning at 7:00 AM and ending at 9:00 PM.
- D. **Waste and Compost.** An on-site trash storage container must be provided and located as close as practicable to the rear lot line or when located on a lot with other uses, the rear side of the community

garden. Compost bins or piles must also be located in the same location. Trash must be removed from the site at least once a week.

- E. **Chickens and Farm Animals.** The keeping of animals is prohibited unless the community garden is located in a zone district that permits animals.
- F. **Hours of Operation.** Within a residential zoning district, operating hours for community garden activities are restricted to between 5:00 AM and 11:00 PM daily.

Section 7.90 Day Care Home (Adults and Children)

- A. **State Approvals and Regulations.**
 - 1. All licensing and permitting shall be obtained from the State of Georgia.
 - 2. All rules and regulations from the State of Georgia shall be adhered to.
- B. **Residency Requirement.** The owner or management of the dwelling shall reside on the premises.
- C. **Separation.** A day care home shall not be located within 1,000 feet from any other day care home.

Section 7.100 Drive-Through Service

- A. **Access and Circulation.** Site access and circulation shall be designed to minimize traffic conflicts, congestion, and disruption and enhance traffic safety on abutting public and private streets and drives. Access and drive aisles shall be arranged to prevent queued or parked vehicles from encroaching upon a sidewalk, street, intersection, or public right-of-way.
- B. **Stacking Spaces.** The City Council may require additional stacking spaces beyond those required by Table 8.40 based on the characteristics of the use and anticipated traffic volumes.
- C. **Sound.** Loudspeakers shall be modulated so that any generated sound is not audible beyond property boundaries.

Section 7.110 Farm Markets and Agritourism

- A. **Minimum Lot Area.** A minimum of five (5) acres is required to establish the use.
- B. **Setbacks.** Buildings shall be at least 100 feet from abutting residential-zoned property lines.
- C. **Buffer.** The site shall be subject to a buffer type B as noted in Table 10.40 B where abutting residential-zoned property.
- D. **Parking.** Parking lots shall be at least 100 feet from residential-zoned property.
- E. **Lighting.** Light levels shall not be detectable along lot lines on a photometric plan (0.0 foot-candles).
- F. **Noise.** Outdoor amplified sound is prohibited.
- G. **Hours of Operation.** The hours of operation of annual and seasonal events, as well as permanent uses, shall be set by the City Council. The intent of these restrictions is to ensure the use remains accessory and incidental to the farm use of the property and not a typical commercial use.

Section 7.120 Golf Course

- A. **Minimum Lot Area.** A minimum of 40 acres is required to establish the use.
- B. **Setbacks.** Buildings shall be at least 100 feet from residential-zoned property.
- C. **Parking.** Parking lots shall be at least 100 feet from residential-zoned property.

Section 7.130 Home Occupations

A. Major Home Occupation.

- 1. Minimum Lot Area. A minimum of five (5) acres is required to establish the use.
- 2. Location. Major home occupation operations must be conducted entirely within a principal dwelling, attached accessory building, detached accessory building, or combination of these buildings.
- 3. A maximum of 25 percent of the gross floor area of a dwelling and accessory buildings may be devoted to major home occupation business operations. Up to 25 percent of the floor area of the principal dwelling may be devoted to a major home occupation.
- 4. There shall be no physical evidence of the major home occupation from other properties or the public right-of-way aside from parking and customer visitation.
- 5. All equipment and vehicles shall be stored indoors.
- 6. Retail Sales. Accessory retail sales shall only be allowed if incidental to authorized uses and shall be subject to the parking and visitation requirements of this section. Only items produced on the subject lot shall be sold.
- 7. Operation and Employees.
 - a. Major home occupations shall only be owned and operated by a full-time resident of the dwelling.
 - b. Any occupant of the principal dwelling may be employed by the major home occupation.
 - c. A maximum of four (4) persons who are not residents of the dwelling may work on-site or may pick up and return work vehicles during any one (1) day.
- 8. Parking and Visitation.
 - a. Visitation of the site by clients, customers, or students shall be by appointment only.
 - b. No more than two (2) individual appointments shall be scheduled at any one (1) time unless group activities or classes are approved.
 - c. If open to the public for appointments or other approved activities, see Article 8 for parking requirements.

B. Minor Home Occupation.

- 1. Minor home occupations shall only be owned and operated by a full-time resident of the principal dwelling. Non-resident employees may not work on-site.
- 2. Home occupations must be conducted entirely within the principal dwelling and not within an accessory building.

3. Up to 25 percent of the floor area of the principal dwelling may be devoted to a home occupation.
4. There shall be no physical evidence of the home occupation from the exterior of the dwelling.
5. No customers or clients shall visit the site.

Section 7.140 Manufactured Home Community

A. Manufactured Home Spaces.

1. Each space shall contain a minimum area of 5,000 square feet and shall be at least 40 feet wide.
2. Each space shall abut on a driveway or other access with unobstructed access to a street.

B. Placement. Each manufactured home shall be placed upon a space so that:

- a. There is a minimum of 15 feet between mobile homes;
- b. It is not located within 50 feet of an exterior boundary of the manufactured home community;
- c. It is not located within 50 feet of a public right-of-way;
- d. It does not obstruct any roadway, walkway, or easement;
- e. It is not located within 10 feet of any internal street or drive.

C. Access. Internal access drives shall meet all Fire Department requirements for maneuverability.

Section 7.150 Outdoor Display and Sales

A. Setbacks. Outdoor display and sales areas shall comply with setbacks applicable to principal buildings.

B. Maximum Area. Accessory outdoor display and sales areas as part of a general retail establishment are limited to 20 percent of the principal building's square footage. For businesses where the primary sales area is outdoors, such as landscaping supply, construction supply, nurseries, and similar uses, there is no maximum sales area as long as all other zoning requirements are met.

C. Surface. See Outdoor Storage, Section 7.160 B.

Section 7.160 Outdoor Storage

A. Setbacks. Outdoor storage areas shall be subject to the setbacks for principal buildings.

B. Surface. Outdoor storage areas shall be asphalt, concrete, gravel, or crushed stone. Gravel and crushed stone surfaces are subject to the following requirements:

1. Shall be properly drained in accordance with the City of Port Wentworth Stormwater Ordinance and Comprehensive Development Manual.
2. Dust generation shall be minimized.
3. The surface will be maintained and free of weeds, grass, and overgrown vegetation at all times.

C. Screening. Outdoor storage areas shall be screened from all sides. See Section 10.70 for screening requirements.

D. Hazardous Materials. No flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored outdoors.

E. Containers. Containers shall not be stacked more than five (5) high.

Section 7.170 Outdoor Theater

- A. **Access.** Outdoor theaters shall have direct access to a state road.
- B. **Setbacks.** Buildings and screens shall be at least 100 feet from residential-zoned property.
- C. **Buffer.** The site shall be subject to a buffer type B as noted in Table 10.40 B where abutting residential-zoned property.
- D. **Circulation.** There shall be sufficient stacking and queuing space for vehicles entering the facility to ensure that there will be no resulting obstructions within the public right-of-way.
- E. **Design.** The site shall be designed to prevent the movie screens from being viewed from residential areas or adjacent major thoroughfares.

Section 7.180 Personal Care Home

- A. **State Approvals and Regulations.**
 - 1. All licensing and permitting shall be obtained from the State of Georgia.
 - 2. All rules and regulations from the State of Georgia shall be adhered to.
- B. **Residency Requirement.** The owner or management of the dwelling shall reside on the premises.
- C. **Separation.** A personal care home shall not be located within 1,000 feet from any other personal care home.

Section 7.190 Salvage or Impound Operation

- A. **Surface.** See Outdoor Storage, Section 7.160 B.
- B. **Screening.** Outdoor storage areas for damaged or disabled vehicles shall be screened from all sides. See Section 10.70 for screening requirements.
- C. **Parking.** Parking of operable vehicles shall comply with the requirements of Article 8.
- D. **Hazardous Materials.** All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within a building, and secondary containment measures shall be employed to prevent ground contact of any spilled materials.

Section 7.200 Self-Storage

- A. **Building Separation.** Storage buildings shall be separated by drive aisles no less than 24 feet in width.
- B. **Outdoor Storage.**
 - 1. Areas provided for outdoor storage of automobiles, boats, recreational vehicles, trailers, and similar personal property shall be designated on the site plan.
 - 2. Outdoor storage shall not be located within any required setback area.
- C. **Surface.** See Outdoor Storage, Section 7.160 B
- D. **Screening.** Outdoor storage areas shall be screened from all sides. See Section 10.70 for screening requirements.
- E. **Use Restriction.** Use of any storage unit for the conduct of manufacturing, repair, service, sales,

fabrication, assembly, or any other business purpose other than the storage of goods or merchandise is prohibited.

- F. **Caretaker's Dwelling.** A single one-bedroom dwelling unit is permitted as an on-site residence for the facility caretaker. This dwelling unit shall be physically attached to the building, which contains the leasing and management office for the facility.

Section 7.210 Solar Energy

- A. **Applicability.** This section does not apply to rooftop solar panels or smaller-scale solar energy collectors mounted on fences, poles, or on the ground with collector surface areas less than five (5) square feet and less than six (6) feet above the ground.
- B. **Solar Energy, Accessory Ground-Mounted.**
1. Applications and Review.
 - a. Accessory ground-mounted solar energy systems shall be approved administratively by the Zoning Administrator and the Building Official.
 - b. Accessory ground-mounted solar energy systems shall be approved administratively by the Zoning Administrator and the Building Official.
 2. Requirements.
 - a. Glare and Reflection. The exterior surfaces of solar energy collectors shall be substantially non-reflective of light. A system shall not be installed or located in a manner that directs glare onto neighboring dwellings or adjacent streets.
 - b. Location. Systems shall be placed in rear yards unless existing vegetation and other site constraints make rear yard placement unfeasible. The Zoning Administrator shall refer side and front yard placement requests to the Planning Commission in cases where there is a higher likelihood of visual impact to nearby residents.
 - c. Installation. Systems shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the City before installation.
 - d. Wires. All wires shall be buried underground. Overhead wires are prohibited.
 - e. Setbacks. Accessory ground-mounted solar energy systems shall be subject to the setbacks required for principal buildings. Measurement shall be taken from the outermost edge of the support structure or solar panel, whichever is closer to the property line, to the applicable property line.
 - f. Maximum Number. One (1) accessory non-commercial ground-mounted solar energy system and its associated support structure are permitted per lot or parcel. However, in the case of a uniquely shaped parcel or lot or extraordinary conditions of the land, a single system with multiple structures and panels may be approved as long as the structures are clustered in close proximity.
 - g. Maximum Size. Systems shall be designed and sized to produce no more than 125 percent of the annual kWh usage or 1,500 square feet, whichever is less. Proposed system power generation specifications and historical annual usage data shall be provided by the applicant for review.

Article 7. Specific Use Requirements

- h. **Maximum Height.** The maximum height of a system at its highest point, or at full tilt, shall be 16 feet. Height is measured from the natural grade below the system to the highest point of the panels or any part of the support structure, whichever is greater.
- i. **Abandonment.** Systems that cease to produce energy continuously for 12 months will be considered abandoned unless the landowner provides a plan to reinstate the operation of the system within six (6) months. If the system remains non-functional after six (6) months, it shall be determined as abandoned.
- j. **Removal.** The landowner shall remove the support structure, panels, and all equipment and restore the site to its condition prior to installation of the system within one (1) year of abandonment.

C. Commercial Solar Energy System.

- 1. **Applications.** In addition to all other required application contents, equipment, and unit renderings or plans shall be submitted for review. Multiple participating commercial solar energy parcels operating as one commercial solar energy system may be requested under a single special land use permit application. However, each participating commercial solar energy parcel is subject to special land use and site plan application fees.
- 2. **Principal or Accessory Use.** Commercial solar energy systems may be established as principal or accessory uses.
- 3. **Requirements.**
 - a. **Building Coverage.** Solar energy collectors and panels shall not count against the maximum building coverage required by the Zoning Ordinance.
 - b. **Glare and Reflection.** The exterior surfaces of solar energy collectors shall be substantially non-reflective of light. A system shall not be installed or located in a manner that directs considerable glare onto neighboring dwellings or adjacent streets. The applicant shall provide a glare analysis to demonstrate compliance with this standard.
 - c. **Minimum Setbacks.** Commercial solar energy systems and all equipment, aside from wires, shall be set back a minimum of 100 feet from property lines and public right-of-way. Commercial solar energy systems shall not be subject to property line setbacks between participating commercial solar energy parcels.
 - d. **Maximum Height.** The maximum height of a system at its highest point, or at full tilt, shall be 16 feet. Height is measured from the natural grade below the system to the highest point of the panels or any part of the support structure, whichever is greater.
 - e. **Minimum Acreage.** The minimum acreage for a commercial solar energy system on a single parcel is 40 acres. For commercial solar energy systems spanning multiple contiguous participating commercial solar energy parcels, the minimum combined acreage is 40 acres.
 - f. **Screening.** Views of collectors and equipment from residential properties or public right-of-way may be required to be screened. Screening methods may include the use of fences, screening walls, landscaping, or preservation of existing vegetation that will blend the facility into the natural setting and existing environment.
 - g. **Abandonment.** Systems that cease to produce energy continuously for 12 months will be considered abandoned by the City unless the responsible party provides a plan to reinstate the operation before the end of the 12-month period. If a plan is provided, a 12-month extension

- for reinstatement may be granted by the City Council.
- h. **Removal.** The responsible party shall remove all equipment and structures and restore the site to its condition prior to the installation of the system within one (1) year of abandonment.
 - i. **Decommissioning.** A decommissioning plan signed by the responsible party and the property owner (if different) addressing the following shall be submitted prior to approval:
 - i. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment, etc.).
 - ii. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels, and foundations.
 - iii. Restoration of property to its original condition or a condition that is stabilized and graded to be consistent with the character of the area.
 - iv. The timeframe for completion of decommissioning activities.
 - v. Description of any agreement (e.g. lease) with the property owner regarding decommissioning, if applicable.
 - vi. The entity or individual responsible for decommissioning.
 - vii. The financial plan for decommissioning activities and site restoration.
 - viii. Protocol for updating the decommissioning plan.
 - j. A performance guarantee may be required to be posted in the form of a bond, letter of credit, cash, or another form acceptable to the City to ensure removal upon abandonment. As a part of the decommissioning plan, the responsible party shall provide at least two (2) cost estimates from qualified contractors for full removal of the equipment, foundations, and structures associated with the facility. These amounts will assist the City when setting the performance guarantee amount. The performance guarantee shall be valid throughout the lifetime of the facility. Bonds and letters of credit shall be extended on a regular basis with expiration dates never less than two (2) years from the annual anniversary of special land use approval.
 - k. The property owner and responsible shall record the decommissioning plan with the office of the Clerk of Superior Court of Chatham County.

Section 7.220 **Stables, Commercial**

- A. **Minimum Lot Area.** A minimum of five (5) acres is required to establish the use.
- B. **Setbacks.** Buildings shall be at least 100 feet from residential-zoned property.
- C. **Buffer.** The site shall be subject to a buffer type B as noted in Table 10.40 B where abutting residential-zoned property.
- D. **Parking.** Parking lots shall be at least 100 feet from abutting residential-zoned property lines.
- E. **Lighting.** Light levels shall not be detectable along lot lines on a photometric plan (0.0 foot-candles).

Section 7.230 Temporary Offices and Land Uses

- A. **Temporary Construction Office.** A temporary office building or yard for construction materials and/or equipment is permitted in any zone without a permit for such period of time as it is both incidental and necessary to construction at the site.
- B. **Temporary Sales Office.** A temporary office is permitted in any zone without a permit for such period of time as it is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project.
- C. **Temporary Sales.**
1. **Permitting.** Temporary outdoor parking lot sales are subject to review and approval by the Zoning Administrator in accordance with this section in the C-1, C-2, C-3, and I-1 zoning districts.
 2. **Application Requirements.** Applications shall include a site plan illustrating structures, tents, off-street parking, and lighting.
 3. Sales and events shall be permitted a maximum of twice during a calendar year for a maximum of 30 days total per lot or parcel.
 4. The sales area shall not extend into the clear vision area at any street intersection.
 5. No more than 20 percent of the available parking spaces may be utilized for temporary use.
 6. All temporary structures shall be erected in a safe manner in accordance with any applicable Building Codes, ordinances, and standards.
- D. **Mobile Food Units.**
1. **Location.** Mobile food units may be permitted in the C-1, C-2, C-3, and I-1 zoning districts.
 2. **Location.** Mobile food units shall be located on a privately-owned property where an existing permanent business operates in a building with a certificate of occupancy. A maximum of one (1) mobile food unit shall be allowed on a lot or parcel at any time.
 3. **Visibility.** Mobile food units shall not obscure traffic sight visibility or operate in driveways or fire lanes.
 4. **Parking.** Mobile food units may operate in parking spaces if the required parking for the property remains in compliance with the parking requirements of this ordinance.
 5. **Drive-Through.** Mobile food units shall not provide a drive-through service of any kind.
 6. **Setbacks.** Mobile food unit parking shall be set back at least 20 feet from public right-of-way and 50 feet from all other lot lines.
 7. **Licensing.** Licenses shall be secured from the Georgia Department of Public Health.
- E. **Garage and Yard Sales.**
1. **Permitting.** Permits are not required.
 2. **Number.** Yard and garage sales are permitted for durations of four (4) days, no more than four (4) times a calendar year.

Section 7.240 Vehicle Repair

- A. **Overhead Doors.** Overhead doors shall not face residential-zoned property. The City Council may modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be diminished through use of building materials, architectural features, and landscaping.
- B. **Indoor Work.** All maintenance and repair work shall be conducted completely within an enclosed building.
- C. **Outdoor Storage.** There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies, or equipment, unless allowable within the applicable zoning district and in accordance with Section 7.160.
- D. **Parking.** Parking of operable vehicles awaiting service or pickup shall comply with the requirements of Article 8.
- E. **Requirements for Major Vehicle Repair.**
 - 1. Outdoor storage areas for damaged or disabled vehicles shall be screened from all sides. See Section 10.70 for screening requirements.
 - 2. Buildings shall be at least 100 feet from residential-zoned properties.

Section 7.250 Vehicle Service Station

- A. **Access and Circulation.** All fueling pumps shall be arranged to prevent queued or parked vehicles waiting to be serviced from encroaching upon a sidewalk, street, intersection, or public right-of-way.
- B. **Vehicle Repair.** Repair work shall be limited to minor vehicle repair unless major vehicle repair is approved for the site.
- C. **Surface.** All areas designated for vehicles shall be concrete or asphalt. Notwithstanding any other allowance in this ordinance, alternative surfaces are not permitted.
- D. **Canopy.** A permanent building or freestanding canopy shall be located over all fuel pump islands. Canopies shall meet setback requirements for principal buildings.
- E. **Hazardous Materials.** All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within a building, and secondary containment measures shall be employed to prevent ground contact of any spilled materials.

Section 7.260 Vehicle Wash

- A. **Indoor Washing.** All washing activities must occur inside a building.
- B. **Access and Circulation.** Site access and circulation shall be designed to minimize traffic conflicts, congestion, and disruption and enhance traffic safety on abutting public and private streets and drives. Access and drive aisles shall be arranged to prevent queued or parked vehicles from encroaching upon a sidewalk, street, intersection, or public right-of-way. Direct access to the wash building shall not be from an adjoining street, but rather from within the property.
- C. **Bypass Lane.** For automated drive-through wash facilities, a bypass lane is required that allows bypassing waiting vehicles.
- D. **Overhead Doors.** Overhead doors shall not face residential-zoned property. The City Council may modify this requirement upon a determination that there is no reasonable alternative and that the

Article 7. Specific Use Requirements

visual impact will be diminished through the use of building materials, architectural features, and landscaping.

- E. **Setbacks.** A vehicle wash facility building and any accessory buildings and uses, including vacuums, shall be located at least 100 feet from residential-zoned property.



Article 8. Parking, Loading, and Traffic

Section 8.10 Intent and Purpose

The purpose of this article is to prescribe regulations for off-street parking of motor vehicles in residential and non-residential zoning districts; to ensure by the provision of these regulations that adequate parking and access are provided in a safe and convenient manner; and to afford reasonable protection to adjacent land uses from light, noise, air/water pollution and other effects of parking lot proximity.

Section 8.20 General Requirements and Applicability

- A. **Applicability of Parking Requirements.** For all buildings and uses established after the effective date of this ordinance, off-street parking shall be provided as required by this article. In addition, the following shall also apply:
 1. Whenever use of a building or lot is changed to another classification of use, off-street parking facilities shall be provided, as required by this article for that use.
 2. If the intensity of use of any building or lot is increased, through the addition of floor area, increase in seating capacity, or other means, additional off-street parking shall be provided, as required by this article.
 3. Off-street parking facilities in existence on the effective date of this ordinance shall not be reduced below the requirements of this article, nor shall nonconforming parking facilities that exist as of the effective date of this ordinance be further reduced or made more nonconforming.
 4. An area designated as required off-street parking shall not be changed to another use unless equal facilities are provided elsewhere in accordance with the provisions of this article.
- B. **Location.** Off-street parking facilities required for all uses other than single and two-family dwellings shall be located on the lot or within 400 feet of the building(s) or use they are intended to serve, as measured from the nearest point of the parking facility to the nearest public entry of the building(s) or use served. Off-street parking facilities required for single-and two-family dwellings shall be located on the same lot or parcel as the dwelling they are intended to serve, and shall consist of a driveway, parking strip, parking apron, and, if applicable, garage.
- C. **Maximum Allowed Parking.** In order to minimize excessive areas of pavement that detract from aesthetics, contribute to high rates of stormwater runoff, and generate reflective heat, the minimum parking space requirements of this section shall not be exceeded by more than 10 percent unless approved by the City Council, as part of concept plan review, or if the parking spaces are located within a multi-level parking structure. In approving additional parking space, the City Council shall determine that the parking is necessary, based on documented evidence, to accommodate the use on a typical day. Further, all additional parking spaces exceeding 10 percent over the minimum requirement shall be located on permeable surfaces.
- D. **On-Street Parking.** Where on-street parking is available within 400 feet of the boundary of a lot or parcel, a portion of the off-street parking requirement may be waived by the City Council, in its consideration of a concept site development plan, upon determining that one or more of the following conditions is applicable (see Section 11.40 B):

Article 8. Parking, Loading, and Traffic

1. A number of the on-street spaces are currently routinely available and can reasonably be expected to be available to the use for which the waiver is requested;
 2. The nature of the proposed use is such that its peak demand occurs at times when the on-street parking is not likely to be used; or
 3. The on-street parking would not be the primary parking area for the use and may be considered as a temporary option in support of deferred parking, as provided in Section 8.50 B.
- E. **Maintenance.** All parking areas shall be maintained free of trash and debris. Surface, curbing, light fixtures, and signage shall be maintained in good condition.
- F. **Limitations on Use of Parking Lots.**
1. Off-street parking areas are intended only for temporary vehicle parking. Except when land is used as storage space in connection with the business of a vehicle repair (see Section 7.240) or salvage or impound operation (see Section 7.190), the use of parking areas or open land is not permitted for the storage or parking of wrecked or junked cars, or for creating a junkyard or nuisance.
 2. Loading spaces, as required in Section 8.90, and parking spaces, as required in Section 8.40, shall be considered separate and distinct requirements and shall be provided as individual components on the site. In no case shall one component be construed as meeting the requirements of the other.
 3. Parking lots and loading areas shall not be used for the long-term storage of trucks, trailers, or containers, except where such outdoor storage is specifically permitted in the zoning district and has been approved in accordance with this ordinance. Overnight parking or storage of commercial vehicles or containers shall be prohibited except for uses and locations approved for vehicle or container storage. This shall not be construed to prohibit the parking overnight of commercial fleet vehicles or the short-term parking of trailers in loading bays or staging areas related to commercial or industrial uses.
 4. It shall be unlawful to use a parking lot or open area to store or park any vehicle for the purpose of displaying vehicles for sale except in an approved vehicle sales dealership.

Section 8.30 Parking Lot Design and Dimensional Requirements

- A. **Location and Setbacks.** Off-street parking lots shall meet the setback requirements applicable to parking, as may be specified in the zoning district, as specified for individual uses, or sufficiently set back to remain outside of required buffer areas and street yard greenways.
- B. **Parking Construction and Development.** The construction of any parking lot shall require approval of a site development plan in accordance with Article 13. Construction shall be completed and approved by the Zoning Administrator before a certificate of occupancy is issued, and the parking lot is used.
1. **Pavement.** All parking lots and vehicle, container, and equipment storage areas shall be paved with asphalt or concrete and shall be graded and drained so as to dispose of surface water that might accumulate. Alternative paving materials, such as permeable/grass pavers, stone, or asphalt millings, may be approved for all or a portion of the parking areas, based upon credible evidence of the durability and appearance of the proposed materials. For storage areas, a substitute for hard-surfaced pavement may be approved by the City Council in conjunction with conceptual site development plan review upon a determination that there are no adverse effects on adjoining properties.

2. Drainage. Surface water from parking areas shall be managed in accordance with the City Engineering standards. The City Engineer shall determine the appropriate detention or retention treatment.
3. Dimensions. Parking space and aisle dimensions shall meet the following requirements and as specified in Table 8.30.
 - a. Angled parking between these ranges shall be to the nearest degree.
 - b. Space length may be reduced by up to two (2) feet if an unobstructed overhang, such as a landscaped area or sidewalk, is provided. A sidewalk shall have a minimum width of seven (7) feet where abutting a parking space. There shall be a minimum distance of seven (7) feet between the parking lot curb and the building. Where curbing does not exist, bumper blocks shall be provided to protect pedestrian space adjacent to the building.
 - c. All parking lots shall be striped and maintained showing individual parking bays, in accordance with the following dimensions; provided, if alternative materials are used wheel stops shall be installed to define the spaces:

Table 8.30: Dimensional Requirements (ft.)				
Parking Pattern	Parking Space		Maneuvering Aisle Width	
	Width	Length	One-way	Two-way
0°(parallel)	8	22	11	22
45°	9	18	11	22
60°	9	20	11	22
75° to 90°	9	20	12	22

4. Stacking Spaces. Waiting/stacking spaces for drive-through uses (such as banks, restaurants, car washes, pharmacies, dry cleaners, and oil change establishments) shall be at least 24 feet long and 10 feet wide. Stacking spaces shall not block required off-street parking spaces. Where the drive-through waiting lane provides for a single lane for five (5) or more vehicles, an escape/by-pass lane shall be provided to allow vehicles to exit the waiting lane.
5. Ingress and Egress. Adequate vehicular ingress and egress to the parking area shall be provided by means of clearly limited and defined drives. Parking lots shall provide interior access and circulation aisles for all parking spaces. The use of streets for maneuvering into or out of off-street parking spaces shall be prohibited.
6. Access Through Residential Districts. Ingress and egress to a parking lot in a non-residential zoning district shall not be through a residential district, except in instances where access is provided by means of an alley that forms the boundary between a residential and non-residential district or if specifically authorized by the City Council in conjunction with conceptual site development plan review.
7. Curbing. A six (6) inch concrete curb or approved alternative shall be provided around all sides of any parking lot of 10 or more spaces to protect landscaped areas, sidewalks, buildings, or adjacent property from vehicles that might otherwise extend beyond the edge of the parking lot. Curb openings are allowed for stormwater drainage, as recommended by the City Engineer. Plantings shall be set back two (2) feet from curbs to allow for bumper overhang. This curbing requirement

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may be modified, as recommended by the City Engineer, where stormwater runoff is intended to flow across the parking area or where a pervious border is designed.

8. Landscaping. Off-street parking areas shall be landscaped and/or screened in accordance with the requirements of Article 10. The use of rain gardens and other low-impact design solutions to minimize the impact of stormwater runoff is encouraged.
 9. Lighting. Parking lot lighting shall conform to the requirements of Article 9.
 10. Fire Lanes. Fire lanes shall be designated on the site and posted with signage prior to occupancy. Vehicle circulation shall meet turning radius requirements set by the fire department.
 11. Crosswalks. Pedestrian pathways and crosswalks in parking areas shall be distinguished from concrete and asphalt driving surfaces through the use of durable, low maintenance, striping or surface materials such as pavers, bricks, or scored, stamped, or colored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the parking area.
- E. **Barrier Free Parking in Parking Lots.** Within each parking lot, signed and marked barrier free spaces shall be provided at a convenient location, in accordance with the applicable requirements of the Americans with Disabilities Act of 1990 (ADA). Barrier free spaces shall be located as close as possible to building entrances. Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb cut with a gradient of not more than a 1:12 slope and a width of a minimum four (4) feet shall be provided for wheelchair access.
- F. **Single-Family Residential Parking.** Within any single-family residential zoning district, vehicles shall be parked only on the designated driveway area that provides access to a garage or lot from the abutting street. Parking areas shall not exceed 30 feet in width or half the lot width, whichever is less. The parking or storage of abandoned or inoperable vehicles, machinery, and recreational vehicles shall not be permitted except as specifically provided by Section 8.70.

Section 8.40 Required Off-Street Parking

- A. **Minimum Number.** The minimum number of required off-street parking spaces shall be provided and maintained on the premises or as otherwise allowed by this article in accordance with the applicable requirements of Table 8.40. As a condition of site development plan approval, a performance guarantee, in accordance with the provisions of Section 12.70, may be required to be posted.
- B. **Fractions.** When units or measurements determining the number of required parking spaces result in a fraction over one-half ($\frac{1}{2}$), a full parking space shall be required.
- C. **Uses Not Mentioned.** In the case of a use not specifically mentioned, the requirement for off-street parking facilities for a specified use that is most similar, as determined by the Zoning Administrator, shall apply.
- D. **Benches and Pews.** Each 24 inches of bench, pew, or similar seating facilities shall be counted as one (1) seat, except if specifications and plans filed in conjunction with a building permit application specify a maximum seating capacity, that number may be used as the basis for required parking spaces.
- E. **Occupancy.** Where parking requirements are based upon maximum seating or occupancy capacity, the capacity shall be as determined by the City building and fire codes.
- F. **Usable Floor Area.** Unless otherwise indicated, floor area shall be usable floor area (UFA).

Table 8.40: Parking Requirements by Use	
Use	Number of Parking Spaces
Accessory Uses	
Accessory dwellings	1 space per dwelling unit
Mailbox clusters serving residential subdivisions or other concentrated developments	A turn-out/off-set area shall be provided adjacent to the mailbox cluster of sufficient dimension (minimum 66 feet long by 7 feet wide) to accommodate three (3) standing vehicles
Residential subdivision amenities	1 per 10 persons allowed within the maximum capacity as established by the City fire and building codes
Accommodations, Hospitality, and Entertainment	
Banquet hall or meeting hall	1 per 3 persons allowed within the maximum occupancy load as established by the City fire and building codes
Bed and breakfast	2 for the owner/operator and 1 per leasable room
Commercial indoor recreation facility	1 per 3 persons allowed within the maximum occupancy load as established by City fire and building codes, plus 1 per employee
Commercial indoor recreation facility, billiard parlors	1 per 3 persons allowed within the maximum occupancy load as established by City building and fire codes or 2 per table, whichever is greater
Commercial indoor recreation facility, bowling alleys	4 per bowling lane, plus additional for accessory uses such as bars or restaurants
Commercial outdoor recreation facility, stadium, sports arenas, sports fields (ball diamonds, soccer fields, etc.) or similar place of outdoor assembly	1 per 3 seats or 3 per 6 feet of bench, plus 1 per employee. For fields without spectator seating, there shall be a minimum of 30 spaces per field.
Golf course, miniature or "par-3" courses	2 per 1 hole, plus 1 per employee
Golf course, public (except miniature or "par-3")	4 per golf hole, plus additional for any bar, restaurant, banquet facility, meeting room, or similar use
Hotel or motel	1 per guest unit. In addition, spaces required for ancillary uses such as lounges, restaurants, meeting rooms, or places of assembly shall be provided and determined on the basis of specific requirements for each individual use
Restaurant, standard sit-down restaurants with or without liquor license	1 per 75 sq. ft. of UFA
Restaurant, carry-out with no or limited seating for eating on premises	6 per service or counter station, plus 1 per employee
Restaurant with drive-through	1 per 75 sq. ft. UFA, plus 8 stacking spaces per food pickup window
Taverns and nightclubs	1 per 50 sq. ft. of UFA

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Table 8.40: Parking Requirements by Use	
Use	Number of Parking Spaces
Civic and Institutional	
Community-oriented cultural facilities, public libraries, and museums	1 per 400 sq. ft. of UFA, plus requirements for auditoriums, classrooms, or similar assembly rooms
General places of assembly	1 space per 4 seats or 1 space per 4 persons allowed based on maximum capacity in the main place of assembly, as established by the City fire and building codes
Government facility	1 per 300 sq. ft. of UFA plus requirements for auditoriums, meeting halls, or similar assembly rooms
Government facility, post office	1 per 200 sq. ft. of UFA for customer parking, plus 1 per employee and additional space for delivery vehicles
Place of worship and customary related uses	1 per 8 seats in the main unit of worship, plus spaces required for each accessory use, such as a school
School, college, or university, specialized training, or truck driving	1 per classroom plus 1 per 3 students based on the maximum number of students attending classes at any one time
School, high school, and performing and fine arts schools	1 per teacher, employee, and administrator, in addition to the requirements for places of assembly such as auditorium, gymnasium, or stadium
School, pre-k to 8	1 per teacher, employee, and administrator, in addition to the requirements for places of assembly such as auditorium, gymnasium, or stadium
Industrial, Infrastructure, and Transportation	
General industrial establishments, including manufacturing, research and testing laboratories, bottling works, printing, plumbing, or electrical work-shops	1 per employee computed on the basis of the greatest number of persons employed at any one time during the day or night; or 1 per 550 feet of GFA, whichever is greater
Self-storage	Unobstructed parking area equal to 1 space per 20 door openings, plus parking for uses on the site such as truck rental
Truck terminals	1 per employee, plus 2 truck spaces of 10 by 70 feet per truck berth or docking space
Warehouses and storage buildings	1 per employee computed on the basis of the greatest number of persons employed at any one time during the day or night; or 1 per 5,000 sq. ft. of GFA, whichever is greater.
Offices and Services	
Animal and pet services	1 per 400 sq. ft. of GFA, but no less than 4 spaces
Animal clinic	1 per 200 sq. ft. of UFA
Child day care centers, nursery schools, and day nurseries; adult day care centers	1 space per 2 employees. Sufficient area shall be designated for drop-off of children or adults in a safe manner that will not result in traffic disruptions
Contractor	1 per business vehicle, plus 1 per 1,000 sq. ft. GFA
Funeral home or mortuary	1 per 50 sq. ft. of assembly room or parlor floor space

Table 8.40: Parking Requirements by Use		
Use		Number of Parking Spaces
General offices and services, banks and other financial institutions		1 per 200 sq. ft. of UFA for the public. Drive-up windows/drive-up ATMs shall be provided with 3 stacking spaces per window or drive-up ATM
General offices and services, business, professional and general offices		1 per 300 sq. ft. of UFA, but no less than 5 spaces
General offices and services, dry cleaners		1 per 500 sq. ft. of UFA
General offices and services, laundromat		1 per washer-dryer pair, plus 1 space per employee
General offices and services, medical and dental		1 per 200 sq. ft. of UFA
General offices and services, personal services, beauty parlors, or barber shops		2 parking spaces per chair/station
Hospitals		1 per 2 beds, plus 1 per employee on the largest shift.
Vehicle service station		1 per employee, plus additional parking required for other uses within vehicle service station, such as the retail floor area, restaurants, or vehicle repair stalls. Each automobile fueling position may count as one-quarter (1/4) of a required space for other uses.
Vehicle repair, major or minor		2 per service stall, plus 1 per employee
Vehicle repair, quick oil change		2 stacking spaces per service stall, rack, or pit plus 1 per employee
Vehicle wash, self-service		2 spaces plus 2 stacking spaces per washing stall
Vehicle wash, full service		2 spaces, plus 1 per employee. 15 stacking spaces per washing stall or line, plus a minimum 30-foot-long drying lane to prevent water from collecting on street.
Residential Group Living		
Group homes		1 per 4 occupants
Nursing and assisted living		1 per 4 beds or occupants and 1 space per staff member or employee on the largest shift
Senior apartments and senior independent living		.75 spaces per dwelling unit. Should units revert to general occupancy, the requirements for multiple-family dwellings shall apply
Residential Household Living		
Multiple-family residential dwellings and attached single-family dwellings	Studio	1.25 spaces per dwelling unit
	1-bedroom	1.5 spaces per dwelling unit
	2-bedrooms	1.75 spaces per dwelling unit
	3 or more bedrooms	2 spaces per dwelling unit

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Table 8.40: Parking Requirements by Use		
Use		Number of Parking Spaces
Single-family detached and two-family dwellings		2 spaces per dwelling unit
Retail and Other Sales and Rental		
Retail, convenience store		1 per 200 sq. ft. of UFA
Retail, furniture and appliance, household equipment, show-room of a plumber, decorator, electrician, hardware, wholesale and repair shop, or other similar uses		1 per 800 sq. ft. of net UFA plus 1 additional space per employee
Retail, general, except as otherwise specified herein		1 per 250 sq. ft. of UFA
Retail, grocery store/supermarket		1 per 200 sq. ft. of UFA
Retail, home improvement centers		1 per 400 sq. ft. of UFA
Retail, open air businesses, except as otherwise specified herein		1 per 500 sq. ft. of lot area for retail sales, uses, and services
Retail, multi-tenant shopping centers	with 75,000 square feet or less of retail	4 per 1,000 sq. ft. of retail UFA
	with over 75,000 square feet of retail	4.5 per 1,000 sq. ft. of retail UFA
	with restaurants	If more than 20% of the shopping center's floor area is to be occupied by restaurants or entertainment uses, parking requirements for these uses shall be calculated separately. Where the amount of restaurant space is unknown, it shall be assumed to be 20%.
Vehicle and equipment sales and rental		1 per 300 sq. ft. of show room floor space, plus 1 per automobile service stall, plus 1 per employee

Section 8.50 Reduction and Deferment

- A. **Modification of Parking Requirements.** The City Council, during concept plan review, may reduce the parking space requirements of this article for any use based upon a finding that one or more of the following conditions shall be met:
1. Other forms of travel (such as transit, bicycle, or pedestrian) are available and likely to be used. In particular, the site design will incorporate both bicycle parking facilities and pedestrian connections.

2. Shared parking is available to multiple uses where there will be a high proportion of multipurpose visits or where uses have peak parking demands during differing times of the day or days of the week and meeting the following requirements:
 - a. Pedestrian connections shall be maintained between the uses.
 - b. Unless the multiple uses are all within a unified business center, office park, or industrial park all under the same ownership, shared parking agreements shall be filed by the Zoning Administrator with the City Clerk after approval.
3. Available municipal off-street or on-street spaces are located within 400 feet of the subject property.
4. Expectation of walk-in trade is reasonable due to sidewalk connections to adjacent residential neighborhoods or employment centers. To allow for a parking space reduction, the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation, providing safe and convenient access to the building entrance.
5. Where the applicant has provided a parking study conducted by a qualified transportation planner or transportation engineer, demonstrating that another standard would be more appropriate based on the actual number of employees, expected level of customer traffic, or actual counts at a similar establishment.
6. A parking study may be required, at the sole discretion of the City Council, to document that any one or more of the criteria 1 through 4 above would be met.

B. Deferred Parking.

1. Where a reduction in the number of parking spaces is not warranted, but an applicant demonstrates that the parking requirements for a specific proposed use would be excessive, the City Council may, at the concept plan review stage, defer a portion of the required parking. A site development plan shall designate areas of the site for future construction of the required parking spaces, meeting the design and dimensional requirements of this article. Any area so designated shall be maintained in a landscaped appearance and not occupy required buffers, street yard greenways, or parking lot setbacks, or be used for any other purpose.
2. The deferred parking shall meet the requirements of this article if constructed. Construction of the additional required parking spaces within the deferred parking area may be initiated by the owner or required by the City based on parking needs or observation and shall require approval of an amended site plan which may be approved by the Zoning Administrator.

C. Temporary Parking. It is recognized that special events or situations may occur infrequently which would result in a temporary reduction in the availability of required parking spaces or create a need for temporary off-site parking. Such events may include but are not limited to festivals or fairs, church/school car washes, holiday activities, or concerts. In those instances, the Zoning Administrator may authorize the use of a portion of the required parking area for other purposes on a temporary basis or permit temporary off-site parking, upon a demonstration by the applicant that:

1. the loss of the required parking spaces may be off-set by requiring employees or customers to park elsewhere or that due to the time of year or nature of the on-site business, the required spaces are not needed;
2. all or part of the displaced parking may be accommodated on unpaved areas of the site;

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3. permission has been granted by neighboring property owners or operators to use their parking facilities;
4. the duration of the special event is so short or of such a nature as to not create any appreciable parking shortage for the normal operation of the existing on-site use;
5. temporary off-site parking is located and designed to ensure safe and efficient circulation for both pedestrians and vehicles (a site plan may be required to demonstrate this); and
6. the proposed special event satisfies all other applicable City regulations.

Section 8.60 Shared Parking

- A. **Applicability.** Two (2) or more buildings or uses may share a common parking facility, provided the number of parking spaces available shall equal the required number of spaces for all the uses computed separately. Cumulative parking requirements for mixed-use developments or shared facilities may be reduced by the City Council, as part of concept plan review, where it can be determined that one (1) or more of the factors listed in Subsection C apply. In any case, the continued availability of required parking, either shared or by other means, shall be made a condition of any site plan approval and/or conditional use approval, as provided by this ordinance.
- B. **Maximum Shared Spaces and Location.** Parking facilities for a church, place of worship or similar intermittently used facility may be used to meet up to 50 percent of the off-street parking for uses lying within 400 feet of the facility, as measured from the nearest edge of the parking area to the nearest public entry point of the building or use; provided, the church, place of worship, or similar facility makes the spaces available by written agreement, and there is no conflict between peak times when the uses are in need of the parking facilities.
- C. **Request.** A request for shared parking that will result in fewer than the total number of spaces required for all uses separately may be approved as part of concept plan review. The following documentation shall be provided in conjunction with such a request:
 1. A parking analysis shall be submitted to the Zoning Administrator that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by or acceptable to the Zoning Administrator. It must address, at a minimum, the size and type of the proposed development or combination of uses, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
 2. A shared parking plan shall be enforced through written agreement among all owners of record and included in the development agreements filed with the City. The owner of the shared parking area shall enter into a written agreement with the City of Port Wentworth with enforcement running to the City. The agreement shall state that:
 - a. the land comprising the parking area shall never be disposed of, except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and
 - b. the owner agrees to bear the expense of recording the agreement, which shall bind his or her heirs, successors, and assigns.
- D. **Agreement.** An attested copy of the shared parking agreement between the owners of record shall be submitted to the Zoning Administrator to be recorded in a form established by the City attorney. The agreement must be recorded before issuance of a building permit or certificate of occupancy for any use to be served by the shared parking area. A shared parking agreement may only be voided if all

required off-street parking spaces for individual uses will be provided on-site or if other off-street facilities are provided in accordance with the provisions of this ordinance.

Section 8.70 Vehicle and RV Parking, Storage, and Repair

A. Vehicle Parking, Storage, and Repair.

1. It shall be unlawful for the owner, tenant, or lessee of any building or land within the City to permit the open storage or parking of any inoperable motor vehicle, machinery, or equipment, or parts thereof, outside of an enclosed garage or enclosed building, for a period of more than 48 hours. An inoperable motor vehicle, for purposes of this section, shall include motor vehicles which, by reason of dismantling, disrepair, or other cause, are incapable of being propelled under their own power or are unsafe for operation on the streets and highways of this state because of the inability to comply with the Georgia Motor Vehicles and Traffic Code, or do not have a current license and registration as required for operation by the Georgia Motor Vehicles and Traffic Code.
2. The repair, restoration, and maintenance of vehicles in any residential district or on property containing a dwelling unit, except as otherwise allowed, shall be conducted entirely within an enclosed building, except for those activities that can be and are completed in less than 24 hours. All such repair shall take place on private property and may not be conducted within any street right-of-way. This provision shall not apply to any lot larger than two (2) acres and occupied by a single-family dwelling in the R-1 district.
3. It shall be unlawful for the owner, tenant, or lessee of any residentially zoned or used lot or parcel to permit the open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers, bulldozers, earth carriers, cranes, or any other similar equipment or machinery unless parked for purposes of construction being conducted on that lot. This provision shall not apply to any lot larger than two (2) acres and occupied by a single-family dwelling in the R-1 district.

B. Storage of RVs. On residentially zoned or used lots or parcels of less than two (2) acres in size, recreational vehicles may only be located outside an enclosed building if the following requirements are met:

1. If located on an interior lot, recreational vehicles shall not be permitted in the front yard. On a corner or through lot, recreational vehicles shall not be permitted in any yard abutting a street.
2. Notwithstanding the provisions of Section 8.70 B.1., recreational vehicles may be parked within any yard on a hard-surfaced area for up to 48 hours within a seven (7) day period for purposes of cleaning, loading, or unloading.
3. Recreational vehicles may be stored for extended periods outside of principal building setbacks in side or rear yards, provided the vehicle is on a hard-surfaced area suitable for that purpose and is screened from view of adjoining properties in accordance with the requirements of Section 10.70. On lots of five (5) acres or larger in the R-1 District, recreational vehicles may be stored within any yard but not within the yard setback area.
4. Recreational vehicles may be used for temporary occupancy for periods not to exceed 48 hours, provided the recreational vehicle contains sleeping accommodations and is solely for the use of the owner of the lot or guests of the owner.

Section 8.80 Electric Vehicle Charging Stations

- A. **Intent.** To plan for the increase of electric vehicles and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure, this section authorizes required or excess parking spaces to be used as electric vehicle charging stations.
- B. **Accessory Use and Accessory Structures.** Electric vehicle charging station spaces are classified as accessory uses, and electric vehicle charging stations are classified as accessory structures. Electric vehicle charging station spaces and electric vehicle charging stations and equipment are permitted in all public and private parking lots.
- C. **Review.** The conversion of standard parking spaces to electric vehicle charging station spaces and the installation of electric vehicle charging station equipment shall be reviewed and approved by the Zoning Administrator in accordance with this section. For new and expanded parking lots subject to site development plan review, the Planning Commission shall review and approve electric vehicle charging station spaces and the installation of electric vehicle charging station equipment.
- D. **Encouragement of New Electric Vehicle Charging Stations.**
1. All new and expanded public and private parking lots are encouraged to include electric vehicle charging stations or be EV-capable or EV-ready.
 2. All new dwellings are encouraged to be constructed with a 220-240-volt / 40 amp outlet on a dedicated circuit and in close proximity to designated vehicle parking to accommodate the potential future hardwire installation of a Level-2 electric vehicle charging station.
- E. **Requirements for Electric Vehicle Charging Stations.**
1. An electric vehicle charging station space may be included in the calculation for the minimum required parking spaces in accordance with Table 8.40. There is no limit on the number of electric vehicle charging stations. However, the applicant shall demonstrate by the historical use of the parking area for internal combustion engine vehicles and the anticipated demand for electric vehicle charging stations that there is sufficient parking for both drivers of electric vehicles and internal combustion engine vehicles. At a minimum, the applicant shall provide the number of existing parking spaces and the average number of available parking spaces at peak business hours for one week. The Zoning Administrator or Planning Commission, as applicable, shall make all final determinations regarding the minimum number of parking spaces for internal combustion engine vehicles to ensure compliance with Section 8.40.
 2. Electric vehicle charging station spaces shall comply with the dimensional requirements of Table 8.30.
 3. Electric vehicle charging station equipment may be located on any part of a property but shall be no less than 10 feet from property lines and public or private right-of-way and shall not be located within clear vision corners per Section 6.40 D. Electric vehicle charging station equipment approved for on-street parking within the right-of-way is exempt from the setback requirement.
 4. Electric vehicle charging station equipment shall be protected with bollards or a comparable method. If curbing is used, the equipment shall be located at least two (2) feet behind the face of the curb.
 5. At least five (5) feet of clear area shall be maintained if installed on or adjacent to an internal sidewalk, walkway, or another area accessible to pedestrians, cyclists, or wheelchair users abutting a parking lot. Electric vehicle charging station equipment shall not obstruct these passageways.

6. Any parking space located in a public or private parking lot that is designated as an electric vehicle charging station or electric vehicle parking space shall have a sign posted that includes the maximum charging time allowed by the property owner and a notice that the parking of non-electric vehicles is prohibited. This does not apply to single-family and two-family dwellings.
7. Commercial electric vehicle charging stations are prohibited on residential properties.

Section 8.90 Loading Zones

- A. **Uses Requiring Loading Area.** On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehousing, distribution, retail sales, consumer services, or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets, alleys, and parking spaces. This provision shall not apply to retail sales and consumer service uses of less than 10,000 square feet.
- B. **Loading Area Requirements.** Loading and unloading spaces shall be paved and, unless otherwise adequately provided for, shall be 10 feet by 50 feet, with 15-foot height clearance, according to Table 8.90:

Table 8.90: Minimum Off-Street Loading Requirements	
Building Net GFA	Minimum Truck Loading Spaces
Industrial and wholesale operations with a gross floor area of 10,000 square feet or over and as follows:	Industrial and wholesale operations with a gross floor area of 10,000 square feet or over and as follows:
Industrial and wholesale operations with a gross floor area of 10,000 square feet or over and as follows:	
10,000—40,000 sq. ft.	1
40,000—100,000 sq. ft.	2
100,000—160,000 sq. ft.	3
160,000—240,000 sq. ft.	4
240,000—320,000 sq. ft.	5
320,000—400,000 sq. ft.	6
Each 90,000 square feet above 400,000	1
Office building, hotel or apartment hotel with a gross usable floor area of 100,000 square feet or more devoted to such purposes.	1 loading berth for every 100,000 square feet of floor area.
Retail operation and all first-floor nonresidential uses, with a gross floor area of more than 3,000 square feet and less than 20,000 square feet, and all wholesale and light industrial operations with a gross floor area of less than 10,000	1 loading space.
Retail operation including restaurant and dining facilities within hotels and office buildings, with a gross usable floor area of 20,000 square feet or more devoted to such purposes.	1 loading berth for every 20,000 square feet of floor area.

- C. **Orientation of Overhead Doors.** Overhead doors for truck loading areas shall not face a street right-of-way and shall be screened to not be visible from a street or an adjacent residential district to the maximum extent possible.
- D. **Residential Setback.** Loading and unloading spaces shall not be located closer than 50 feet to any residential district boundary unless the spaces are wholly within a completely enclosed building or completely screened from the residential district by an approved solid, sight-obscuring wall or fence at least six (6) feet in height.
- E. **Modification or Waiver.** The City Council, during concept plan review, may modify or waive the requirements of this section for any use based on the frequency of deliveries or shipping activity and/or the size of trucks.

Section 8.100 Access Management

- A. **Applicability.** Control over the number and location of access points, as specified in this section, along the City's major roadways is necessary to reduce congestion, improve safety, maintain acceptable flow, and minimize confusion. Therefore, the standards of this section shall apply to all non-residential development having frontage on and direct access to any arterial or collector street, as defined in this ordinance.
- B. **Driveway Location in General.**
 - 1. All driveways serving non-residential uses, hereafter referred to as "commercial driveways," shall comply with the requirements of this section.
 - 2. Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
 - 3. Driveways, including the radii, but not including right turn lanes, passing lanes, and tapers, shall be located entirely within the right-of-way frontage of the lot being served unless otherwise approved by the City or the Georgia Department of Transportation (GDOT), as applicable, and upon written certification from the adjacent property owner agreeing to such encroachment.
- C. **Driveway Spacing Standards.**
 - 1. Minimum spacing between two commercial driveways or a commercial driveway and a street intersection, either adjacent or on the opposite side of the street, shall be determined based upon posted speed limits along the parcel frontage. The minimum spacing indicated in Table 8.100 A is measured from centerline to centerline for driveways and nearest pavement edge to nearest pavement edge from driveways to street intersections.
 - 2. To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the street, where possible. If alignment is not possible, driveways shall be offset from those on the opposite side of the street the same distance as required in Table 8.100 A. These standards may be reduced by the City Council during conceptual site development plan review where there is insufficient frontage and shared access with an adjacent site is not feasible. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.

Table 8.100 A: Minimum Commercial Driveway Spacing	
Posted Speed Limit (MPH)	Minimum Driveway Spacing (In Feet)
25	125
30	125
35	150
40	185
45	230
50	275
55	350

D. Modification of Requirements.

1. Given the variation in existing physical conditions along the City's streets, modifications to the spacing and other requirements above may be permitted as part of the concept site plan review. The City Council shall consider the criteria in Section 8.100 D.2 when determining if there is a need for modification in the following circumstances and the degree to which any modification is necessary.
 - a. The modification will allow an existing driveway to remain that does not meet the standards of this section but that has or is expected to have very low traffic volumes (less than 50 in- and out-bound trips per day) and is not expected to significantly impact safe traffic operations.
 - b. The use is expected to generate a relatively high number of trips, and an additional driveway will improve overall traffic operations.
 - c. Practical difficulties exist on the site (sight distance limitations, existing development, topography, unique site configuration or shape) that make compliance infeasible, or existing off-site driveways make it impractical to fully comply with the standards.
 - d. Because of restricted turning movements or presence of a median in the street that restricts turning movements, the driveway does not contribute to congestion or an unsafe situation.
2. The City Council may modify the requirements of this section for any of the circumstances cited in Section 8.100 D.1. a-d, upon determining compliance with one or more of the following:
 - a. The proposed modification is consistent with the general intent of the standards of this section, the recommendations of the Port Wentworth Comprehensive Plan, and, if applicable, published GDOT guidelines.
 - b. Driveway geometrics have been improved to the extent practical to reduce impacts on traffic flow.
 - c. Shared access has been provided, or the applicant has demonstrated it is not practical.
 - d. Such modification is the minimum necessary to provide reasonable access, will not impair public safety or prevent the logical development or redevelopment of adjacent sites and is not simply for convenience of the development.

E. Commercial Driveways Permitted.

1. The number of commercial driveways serving a property shall be the minimum number necessary to provide reasonable user access and access for emergency vehicles while preserving traffic operations and safety along the abutting street.
2. Access shall be provided for each separately owned parcel. Access may be via an individual driveway, shared driveway, or service drive.
3. More than one (1) driveway may be permitted for property by the City Council, during concept plan review, only as follows:
 - a. One (1) or more additional driveways may be allowed for properties with a continuous frontage greater than 300 feet if it is determined there are no other reasonable access alternatives;
 - b. The City Council determines, based on a traffic impact analysis, that additional access is justified without compromising traffic operations along the abutting street(s); and
 - c. The minimum spacing requirements specified in Table 8.100 A would be met.

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F. Commercial Driveway Design.

1. All commercial driveways shall be designed according to the standards of the City of Port Wentworth or GDOT, as applicable.
2. For high traffic generators, or for commercial driveways along streets experiencing or expected to experience congestion, the City Council may require two (2) egress lanes at a driveway.
3. Where a boulevard entrance is proposed by the applicant or required by the City Council, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will use the driveway. The minimum area of the island shall be 180 square feet. Landscaping, tolerant of street conditions, on the section outside the right-of-way may be required.

G. Shared Driveways and Frontage Streets.

1. Where noted above, or where the City Council, during concept plan review, determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, a shared commercial driveway, frontage street, or rear service drive connecting two (2) or more properties or uses may be required. In particular, frontage streets or rear service drives may be required near existing traffic signals or locations having potential for future signalization; along arterial streets with high traffic volumes; and along street segments with a relatively high number of crashes or limited sight distance.
2. Shared driveways between two (2) abutting properties shall be encouraged in order to minimize the number and spacing of individual driveways and, in particular, where parcel widths on abutting properties are insufficient to accommodate individual driveway access in compliance with the specifications in Table 8.100 A; existing driveway spacing on adjacent parcels prevents compliance with the minimum separation requirements specified in Table 8.100 A; or as a condition of allowing more than one (1) driveway access to any parcel.
3. Shared commercial driveways and frontage streets shall be within a recorded access easement. A draft of the access easement shall be provided to the City for review prior to filing.
4. The number of access points along a frontage street shall be according to the standards of this section. City Council, when reviewing the concept plan, may allow temporary access where the frontage street is not completed if a financial guarantee is provided which assures elimination of the temporary access upon completion of the frontage street. Building permits shall not be issued until the financial guarantee has been submitted to the City.

- H. Design Standards.** Frontage streets and service drives shall generally be parallel to the front property line and may be located either in front of, adjacent to, or behind principal buildings. In considering the most appropriate alignment for a frontage street or service drive, as part of the concept plan review, City Council shall consider the setbacks of existing buildings and anticipated traffic flow for the site. However, placement of the frontage street or service drive intersection with the driveway from the abutting street shall be as far as possible from the street for safe and efficient operation. The distance between the nearest edge of the abutting street and the first internal movement from the frontage street or service drive shall meet the minimum requirements shown in Table 8.100 B. For large sites with high volumes or heavy truck traffic, and along high-volume streets, the required distance may be increased to avoid interference with the mainline traffic flow. If no other design alternatives exist, the City Council may permit lesser separation distances, provided the left turning movement shall be prevented by means of a raised concrete median. Sites shall be designed so interior driveways

I. accommodate at least 100 feet of vehicle storage.

1. Access easement. The shared driveway, frontage street, or service drive shall be within an access easement permitting traffic circulation between properties. This easement shall be 40 feet wide, except an access easement parallel to a public street right-of-way may be 30 feet wide, if approved by the City Council. The required width shall remain free and clear of obstructions unless otherwise approved.
2. Construction and materials. Shared driveways, frontage streets, and service drives shall have a base, pavement, and curb with gutter in accordance with City standards for public streets. See Table 11.40 for street specifications.
3. Parking. The frontage street or service drive is intended to be used exclusively for circulation, not as a parking maneuvering aisle. The posting of "no parking" signs may be required along the frontage street or service drive. In reviewing the site development plan, the City Council may permit temporary parking in the easement area where a continuous frontage street or service drive is not yet available, provided, the layout allows removal of the parking in the future to allow extension of the service road.
4. Access to frontage street or service road. All access points from abutting streets to the frontage street or service drive shall comply with the driveway spacing standards listed in Table 8.100 A.
5. Elevation. The site development plan shall indicate the proposed elevation of the frontage street or service drive at the property line, and the City shall maintain a record of all elevations so their grades can be coordinated.
6. Landscaping. The area between a frontage street and the street right-of-way shall be planted as a street yard greenway, as specified in Section 10.50.
7. Maintenance. Each property owner shall be responsible for maintenance of the easement and frontage street or service road.

Table 8.100 B: Interior Drive Separation

Lot Depth (ft.)	Minimum Required Distance (ft.)
1,000 or more	200
500 – 999	Not less than 1/5 lot depth
Less than 500	100

Section 8.110 Traffic Impact Analysis

A. Applicability.

1. TIA Required Unless exempted by Section 8.110 B, a Traffic Impact Analysis (TIA) shall be required for any development abutting a Georgia state highway or which is anticipated to generate more than 50 peak hour trips, based on the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE).
2. Redevelopment. In the case of redevelopment, trip generation will be defined as the number of net new trips generated by the proposed use beyond the trips generated by the previous use unless the previous use has been discontinued for more than 12 months.
3. Projects with Cumulative Impacts. A TIA shall be required for development projects that do not otherwise meet the thresholds of a required TIA, as specified in Section 8.110 A.1, if the application is for a project that:
 - a. Shares features such as site access, common ownership, or other infrastructure with nearby undeveloped property for which future development can reasonably be anticipated; and

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- b. The cumulative impact of the overall development can be expected to exceed the threshold for preparation of a TIA.
- 4. Other Circumstances. The City Council may waive the requirement to complete a TIA or may require a TIA to be submitted for developments not meeting the above requirements, based upon localized safety, operational, or street capacity issues, including levels of service (LOS) of existing streets.
- B. **Exemptions.** Previously approved developments for which a TIA was submitted in conjunction with a preliminary plat for subdivision, final site development plan, or planned development shall be exempt from the requirements of this section, provided the TIA is less than two (2) years old.
- C. **Procedure.** The TIA shall be submitted along with an application for a preliminary plat, preliminary concept development plan, and final site development plan review. The TIA shall be prepared by a professional transportation engineer licensed in the State of Georgia and shall, at a minimum:
 - 1. Identify existing conditions including abutting street cross-section, current (background) traffic volumes, peak hour directional volumes, signalization, and intersection level of service (LOS).
 - 2. Project the traffic to be generated by the proposed development and proposed developments in the immediate vicinity based on the most recent edition of the ITE Trip Generation Manual. The Zoning Administrator and/or the Georgia Department of Transportation (GDOT) may also specify annual growth factors to be used in the TIA;
 - 3. Evaluate site access, directional movements, and internal circulation;
 - 4. Evaluate, based on LOS during peak hours, the ability of the surrounding road network to support the proposed development and the cumulative traffic of current and other projected uses;
 - 5. Consider planned roadways or improvements identified by the City of Port Wentworth, Chatham County, and GDOT; and
 - 6. Identify specific improvements to the surrounding road network that are necessary to support the traffic to be generated at an acceptable level of service.

Section 8.120 Bicycle and Pedestrian Accommodation

Sidewalks shall be constructed in conjunction with the development or redevelopment of adjacent property and shall be located within the right-of-way or within the required setback area of all streets to ensure current and future connectivity. Where sidewalks are not located within the right-of-way, a public access easement shall be provided. Sidewalks shall be constructed in accordance with City of Port Wentworth design standards.



Article 9. Site Lighting

Section 9.10 Intent and Purpose

A. **Intent and Purpose.** The intent and purpose of this article are to:

1. ensure that all site lighting is designed and installed to maintain safe and adequate lighting levels on-site;
2. prevent excessive light spillage and glare directed at adjacent properties, neighboring areas, and motorists;
3. to minimize light pollution in the night sky; and
4. provide security for people, buildings, and land.

Section 9.20 General Requirements and Applicability

A. **General Requirements for All Property.**

1. **Limitations.** Light shall be confined on-site by the direction of the fixture, shielding, or adjustment of the level of brightness.
2. **Glare.** Lighting shall not be directed in any manner which causes excessive glare onto neighboring residential property or distraction to drivers.
3. **Direction.** All outdoor lighting, except ground lights that illuminate governmental flags and lights that are incorporated as architectural accent features of a building, shall be directed down or onto the object being illuminated. Flag and building lighting shall be placed so that lighting or glare is not directed toward streets or adjacent properties, and fixtures shall be located, aimed, or shielded to minimize light spilling into the night sky.
4. **Prohibited Light Sources.** The following light sources are prohibited:
 - a. **Laser Source.** The use of laser source light or any similar high-intensity light for outdoor advertising or entertainment is prohibited.
 - b. **Searchlights.** The operation of searchlights for advertising purposes is prohibited.
 - c. **Flashing Lights.** Except for motion-activated security lighting and temporary holiday lighting, permanent lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation are prohibited.
 - d. **Public Safety.** Lighting that is similar to that used for traffic control devices or emergency vehicles is prohibited.

B. **Applicability.** The remaining sections within this article apply to non-residential and multi-family residential developments.

Section 9.30 Lighting Plans

- A. **Submittal Requirements.** Compliance with the lighting design criteria shall be demonstrated by submitting the following information as part of the required site plan:
1. Lighting plan (as part of the site plan package) showing light fixture locations and type designations.
 2. Fixture mounting height(s).
 3. Type and number of lighting fixtures.
 4. Lamp source type (bulb type, i.e. high-pressure sodium, LED, etc.), lumen output, color temperature, and wattage.
 5. Lighting manufacturer-supplied specifications (cut sheets) that include photographs or illustrations of the fixture(s), indicating the certified full cut-off characteristics or B.U.G. rating of the fixture or demonstration that the fixture is fully shielded.
- B. **Photometric Plans.** A photometric plan is required for all parking areas. The Zoning Administrator or Planning Commission may require a photometric plan for other areas illuminated on a site to ensure that the intent and requirements of this section are met. Photometric plans shall include the following:
1. Maximum illuminance levels should be expressed in ground-level footcandle measurements on a grid of the site showing footcandle readings in every five or ten-foot square.
 2. The grid shall include light contributions from all sources (i.e. pole-mounted, wall-mounted, sign, and street lights).
 3. Footcandle measurements shall be shown five feet beyond the property lines.
 4. A calculation summary indicating footcandle levels on the lighting plan, noting the maximum, average, and minimum, as well as the uniformity ratio of maximum to minimum, and average to minimum levels. Average and uniformity ratios shall only be calculated within the parking spaces and drive aisles and shall exclude other illuminated areas of the site.

Section 9.40 Fixtures

- A. **Color Temperature.** The lighting color temperature of new and replacement light fixtures shall not exceed 4,000 Kelvins.
- B. **Fixture Type.** Lighting fixtures for non-residential and multi-family residential uses shall be a down-light type and full cut-off and shall not allow light to be emitted above the fixture. For LED lighting, up-light shall be zero for B.U.G. (backlight, uplight, glare) ratings. Fixtures shall comply with the following requirements:
1. A full cut-off fixture shall have no direct up-light and shall reduce glare by limiting the light output to less than 10 percent at and below 10 degrees below the horizontal.
 2. If the applicant cannot provide manufacturer confirmation of full cut-off characteristics of light fixtures, the fixture shall be fully shielded, which will be determined by visual inspection of the fixture or a specification sheet. Fully shielded light fixtures are constructed and installed in such a manner that all light emitted by it, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal.
 3. Under-canopy lighting shall be mounted flush with the canopy surface.

- C. **Setbacks.** Light fixtures shall be no closer than six (6) feet from property lines.
- D. **Mounting Height.** Light fixture mounting heights shall not exceed the following:

Table 9.40: Light Fixture Mounting Height		
Zoning District		Maximum Height (ft).
Residential		20
Commercial and Industrial	Less than 100 feet from a residential-zoned lot	20
	100 feet or more from a residential-zoned lot	40

Section 9.50 Site Lighting Levels

A. Required Lighting.

1. All non-residential and multi-family residential parking lots shall be illuminated for customer and resident safety.
2. Lighting shall be provided throughout any parking lot. Lights to illuminate parking lots shall not be attached to any building except for illuminating parking spaces that are within 10 feet of building walls.

- B. **Illumination Levels.** Light levels on a lot or parcel that are subject to site plan approval under this ordinance shall meet the requirements in Table 9.50 for the developed portion of the site.

Table 9.50: Required Site Illumination				
Location on Site	Min. fc	Max. fc	Ave. fc	Uniformity Ratio Max. to Min./ Ave. to Min.
Passenger Car Parking Lots	.5 fc ¹	10 fc	1 fc	10:1 / 4:1
Under Canopies Such as Gas Stations, Drive-Thru Bank Porte-Cochere	3 fc	20 fc	-	-
Along Front Lot Line Adjacent to the Street Frontage	0 fc	3 fc	-	-
Along a Lot line Adjoining a Non-Residential Use or District	0 fc	1 fc ²	-	-
Along a Lot line Adjoining a Residential Use or District	0 fc	0.5 fc	-	-
Outdoor Storage	-	10 fc	-	-
Semi-Truck and Trailer Parking Lots	-	10 fc	-	-

¹ The minimum illumination levels shall not apply to portions of the site that are fenced to restrict public access, such as storage yards.

² The light level along a non-residential lot line may be increased to the maximum footcandle level where there is shared access/vehicular connections or the adjacent use is a similar use.

Section 9.60 Lighting Modifications

- A. **Authority.** After review by the Planning Commission, the City Council may modify the illumination requirements in Table 9.50 and other lighting requirements based on a review of the applicant's proposal against industry standards and advanced lighting technology, so long as lighting plans ensure safe conditions and minimize the impact on adjacent properties.
- B. **Considerations.** The Planning Commission and City Council shall consider the following during the review of lighting modification requests:
1. The amount of space on the site available for lighting.
 2. Existing lighting on the site and on adjacent properties.
 3. The type of land use on the site and the size of the development.
 4. The potential impact on existing and proposed adjacent land uses.
 5. The effect that the required lighting would have on the operation of the existing or proposed land use.



Article 10. Landscaping and Environment

Section 10.10 Intent and Purpose

The City of Port Wentworth determines it is necessary and desirable to enact landscaping and tree preservation regulations for the protection of the public health, safety, and welfare. The importance of plant material is recognized by the City for its contribution to shade, cooling, noise and wind reduction, soil erosion prevention, oxygen production, dust filtration, carbon dioxide absorption, aesthetic and economic enhancement of real property, and its contribution to the general well-being and quality of life of the citizens of Port Wentworth. In order to achieve these purposes, this article calls for landscaping specific areas and for the conservation, planting, and replacement of trees, shrubs, and groundcover without denying the reasonable use and enjoyment of real property.

Section 10.20 General Requirements and Applicability

A. **Applicability.** This article governs and regulates the following activities within the City:

1. All projects subject to the site development plan requirements of Section 13.20.
2. The subdivision of land.
3. Removal of any protected tree, as defined in Section 10.90 B.
4. Removal of any trees less than three (3) years prior to commencing a development project on the property.
5. The planting, removal, and perpetual maintenance of any dedicated common area or public land.

B. **Exceptions.** The regulations of this article shall apply in all areas of the City except:

1. Those lands which are subject to Section 1.70.
2. Those lands which may in the future be annexed into the City, and on the effective date of that annexation, are improved by the construction of a building or other structure, or have received final approval for residential subdivision, in compliance with the zoning ordinance of the jurisdiction from which they are annexed as they exist on the date of annexation.
3. Commercial timber operations in existence prior to the adoption of this ordinance; provided, no cutting shall be permitted within 50 feet of a street right-of-way.
4. The mitigation of wetlands pursuant to an approved plan from the U.S. Army Corps of Engineers, shall be exempt.
5. Trees grown for sale by commercial nurseries.

C. **Review and Permitting Procedures for Site Development.** All activities identified in Section 10.20 A shall be subject to the following procedural requirements:

1. **Pre-application Review.** Applicants are strongly encouraged to meet with the Zoning Administrator to discuss site design concepts or present a preliminary plan prior to submission of a request for tree removal permit or landscaping plan approval. Such discussions shall not be binding on the applicant or the City, are strictly at the option of the applicant, and no official action will be taken regarding the discussion or presentation.

Article 10. Landscaping and Environment

2. **Application.** Upon receiving an application for concept site development plan review, subdivision approval, or landscape plan approval, the Zoning Administrator shall determine if the application is complete in all respects, as required by this section and the applicable requirements of Article 13. Incomplete applications will be returned to the applicant without further processing. Separate applications for a tree removal permit shall be processed in accordance with the procedures described in Section 10.90.
3. **Technical Review.** The Zoning Administrator shall review all applications and plans relative to compliance with the requirements of this article and all other ordinances and laws of the City. Such plans may, at the discretion of the Zoning Administrator, be submitted to qualified landscape architectural consultants, arborists and/or urban foresters for review and comment, the cost of which shall be paid by the applicant.
4. **Design Review.** Schematic landscape plans shall be reviewed by the City Council as part of the concept site development plan review. Final site development plans and tree removal applications shall be reviewed and decided upon by the Zoning Administrator which shall consider all revisions and conditions imposed by City Council during concept site development plan review and the comments from the Zoning Administrator or other qualified professionals and shall approve, approve with conditions, or deny the application, based on conformance with the applicable landscape standards of Section 10.30 and requirements of this article. If denied, the reasons for the denial shall be stated in the motion to deny and submitted in writing for the record.

D. Required Submissions.

1. **Landscape Plan.** A conceptual landscape plan illustrating compliance with the requirements of this article relative to buffers, parking lot landscaping, screening, street yard greenways, and protected trees shall be submitted with any application for preliminary plat or concept site development plan approval, unless exempted per Section 10.20 B. Following approval of such application a detailed landscape plan and, if applicable, a tree survey in accordance with Section 10.90 D of this article shall be submitted in conjunction with the final plat or final site development plan review.
 - a. **Requirements.** The detailed landscape plan, prepared and sealed by a landscape architect licensed in the State of Georgia, shall include the location, botanical name, common name, quantity, and size of all proposed plantings. Additionally, the plan shall include:
 - i. summary plant schedules, charts, and notes as necessary to clearly demonstrate conformance with all applicable planting requirements for the site;
 - ii. existing and proposed contours at intervals not to exceed two (2) vertical feet;
 - iii. anticipated mature height shall be indicated, and the crown spread shall be shown on the plan with circles indicating anticipated plant size at maturity;
 - iv. calculations for the proposed landscaping indicating how the plan complies with the regulations of this article;
 - v. existing natural and man-made landscape features and proposed buildings and structures, as required for the overall site plan;
 - vi. planting details to ensure proper installation and establishment of proposed plant material;
 - vii. grass areas and other methods of ground cover;
 - viii. a description of irrigation methods for landscaped areas; and

- ix. a landscape maintenance program, including a statement that all diseased, damaged or dead materials shall be replaced in accordance with the standards of this article.
 - b. Separate Plan. Unless it can be clearly shown on a plat or site plan sheet, a separate landscape plan sheet shall be drawn at the same scale as the required plat or site plan. To ensure that landscaping is not affected by, or interferes with utilities, the plans shall indicate all existing or proposed utilities and easements.
 - c. Deviation from Plans. After approval of a landscape plan, an applicant may request an amendment of the proposed plan. Review of such changes shall be processed in accordance with Section 13.80 as a site development plan amendment.
2. **Financial Guarantee.** At the final plat approval phase, the final site development plan approval phase of any development, or prior to issuance of a certificate of occupancy, the applicant may be required to submit a performance bond to ensure that the improvements are completed in conformance with the approved plan and in a timely manner.

Section 10.30 General Landscape Regulations

- A. **Material Standards.** Existing trees within any required buffer or street yard greenway shall be preserved, if possible. Protected trees, as defined in Section 10.90 B, shall be subject to all applicable requirements of Section 10.90. In addition, the following standards shall apply at a minimum to all newly planted landscaped areas and any additional trees needed to meet the respective requirements of this article.
1. Native and regionally appropriate plant species are required. Invasive species, as identified by the United States Forest Service, the University of Georgia, or included as prohibited within Article 26 are prohibited from being planted in Port Wentworth. Further, replacement of invasive species with desirable hardwood species is encouraged.
 2. All plant and tree material shall meet the American Standard for Nursery Stock standards published by and available from the American Association of Nurserymen.
 3. Landscape materials must be free from injury, pests, disease, nutritional disorders, or root defects, and must be of good vigor to assure a reasonable expectation of survivability.
 4. No more than 25 percent of a single tree species shall be used to meet any requirement of this article.
 5. The minimum standards specified in Table 10.30 shall apply to all plantings required by this article at time of planting, except as otherwise specified.

Table 10.30: Plant Specifications			
Plant Type	Min. Size	Min. Height	Other
Canopy trees – large	3 in. caliper	16 feet	
Canopy trees – medium	2 in. caliper	10 feet	Multi-stemmed – one (1) inch on any cane
Canopy trees – small	1½ in. caliper	6 feet	Multi-stemmed – one-half (½) inch on any cane
Palms – large		10 ft. clear trunk	
Palms – medium		6 ft. clear trunk	
Palms – small		4 ft. clear trunk	
Shrubs		24 inch	Containerized

B. Installation Standards.

1. Installation of trees and landscape materials shall be in accordance with the standards established by the American National Standards Institute (ANSI).
2. Root barriers shall be installed within tree lawns less than seven (7) feet between the back of curb and the sidewalk to prevent root penetration and destruction of infrastructure.
3. Large and medium trees shall not be planted beneath or directly adjacent to overhead power lines and shall be a minimum of 10 feet from any building or underground utility unless root barrier is used.
4. Small trees and palms shall be a minimum of five (5) feet from any building or underground utility.
5. All trees and landscaped areas shall be provided with a means of water delivery in quantities sufficient to establish and maintain the viability of the plants, except for areas of established trees and other vegetation that are retained; provided, site grading or development activities will not result in damage to those areas.

C. Maintenance Standards.

1. All plant material shall be maintained in good condition at all times in accordance with standards established by ANSI. Plantings that die or are destroyed must be replaced, during the next suitable planting season.
2. Attaching lights, signage, fence rails, and any other items to trees is strictly prohibited.
3. All sites are required to remain in compliance with the requirements of this article and are subject to inspection by the City for this purpose.

Section 10.40 Buffer Landscaping

A. Buffer Screening Standards. Buffering is a method of visually shielding or obscuring one use from another. The buffer may consist of a combination of required plantings, wall, screen fence, or berms. In the event walls, fences, or berms are used to provide screening, the City Council may reduce the required number of trees and shrubs by up to 50 percent if it is determined that the purpose of the buffer will still be achieved. **However, where topographic conditions, minimal separation of uses, noise generation, or other potential nuisance characteristics exist, the City Council may require construction of a fence, wall, or berm along all or a portion of the buffer in addition to the required plantings.**

1. Plantings. Plantings shall consist of a combination of trees and shrubs, as specified in Table 10.40 B. Planted areas shall be located along the abutting property lines in areas that will provide the most effective screening.
 - a. Evergreen species, under normal growing conditions, shall attain a minimum height of eight (8) feet. The spacing of evergreens shall be such that within three (3) years the plantings can be expected to provide a continuous opaque screen.
 - b. All other trees and shrubs used within any buffer area shall conform to the size requirements specified in Table 10.30 at time of planting.
 - i. Existing trees and other vegetation within the buffer area shall be retained to the extent possible and may be counted toward meeting the applicable buffer requirement.
 - ii. Protected trees, as defined in Section 10.90 B, shall be identified and the requirements of Section 10.90 shall apply.

2. Walls. If walls are incorporated into the buffer, they shall be constructed of masonry material on both sides and be not less than six (6) nor more than eight (8) feet in height. The wall shall be placed along the interior side of the buffer with the required plantings on the outer side facing the adjoining property.
3. Fences. If fences are incorporated into the buffer, they shall be constructed of standard pressure treated wood fencing materials (but not woven wood), shadow-box design, provide at least 90 percent opacity and be not less than six (6) nor more than eight (8) feet in height. Fences shall be placed along the interior side of the buffer with the required plantings on the outer side facing the adjoining property.
4. Berms. Earthen berms, if incorporated into the buffer, shall have a slope of 3:1 and a flat-topped crown at least two (2) feet wide. Plant material shall be placed along the top of the berm and the side slope facing the adjoining property. Berms shall be undulated to provide a more natural appearance.

B. Buffer Design. All buffers required by this article shall conform to the following specifications:

1. Landscape plans and tree surveys shall be required to show the type and location of all existing and proposed plantings within a required buffer.
2. Landscaping within buffer areas shall be used to screen objectionable views or nuisances, such as parking and service areas, loading docks, outdoor activity areas, refuse containers, air conditioning units and transformers. To achieve such purposes, trees may be clustered rather than uniformly spaced to achieve optimum screening and buffering.
3. Existing trees within the designated buffer area may be credited toward meeting the requirements of this article. Protected trees within the buffer area shall be preserved and regulated in accordance with Section 10.90.

C. Buffer Location. Buffers shall be located on the outer perimeter of a lot or parcel along the lot lines between dissimilar zone districts or residential and nonresidential uses within the same district. The required buffer shall be provided even when dissimilar districts or residential and nonresidential uses are separated by an existing or proposed public right-of-way; provided, the buffer shall not be located on any portion of an existing, dedicated, or reserved public or private street right-of-way.

D. Use of Buffers. A buffer may be used for some forms of passive recreation such as pedestrian, bike, or equestrian trails, or as stormwater retention, detention, or water quality area provided that:

1. No required materials shall be eliminated;
2. The total depth of the required buffer area shall be maintained; and
3. The effectiveness of the desired screening shall not be diminished.

E. Maintenance. The responsibility for buffer maintenance shall remain with the owner of the property. Any required plant that has died shall be replaced. Maintenance of planted areas shall consist of mowing, removal of litter and dead plant materials, and necessary pruning. Fences and walls shall be kept in a condition that meets the requirements of this article.

F. Buffers Required.

1. Perimeter Buffer. When two (2) adjoining properties are in dissimilar zone districts or where a nonresidential use abuts a residential use in the same district, the property within the zone district allowing the more intensive uses or the site containing the nonresidential use abutting residential

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shall provide a buffer, as shown in Table 10.40 A. Where a buffer or trees and vegetation exist within the required buffer area, the existing trees and vegetation may count toward meeting the buffer requirements of this section and shall be supplemented, as needed, to fully comply with the requirements shown in Table 10.40 B, Buffer Zone Specifications. When two adjoining parcels are vacant, no buffer shall be required until the more intensively zoned property or nonresidential use for that property, as applicable, acquires a site development plan approval. In calculating the area devoted to meeting the buffer requirements, areas dedicated for drainage ditches, easements or rights-of-way shall not be included.

Table 10.40 A: Buffer Zones Required

Zoning Districts	Required Buffer									
	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	I-1	Non-Res ¹
R-1				A	A		B	B	C	B
R-2				A	A		B	B	C	B
R-3				A	A		B	B	C	B
R-4							B	B	C	A
R-5							B	B	C	A
C-1							A	A	C	
C-2									B	
C-3									B	

Table 10.40 B: Buffer Zone Specifications

Requirements	Buffer Zones ²		
	A	B	C
Minimum depth (ft.)	20	35	75 ³
Canopy trees ⁴	2	2	1
Medium/Ornamental trees ³	2	3	3
Evergreen trees ³	2	3	5
Shrubs ³	4	6	10
Berm ⁵	-	-	4

¹ Non-residential uses within a residential zoning district.

² Additional screening options, per paragraph A of this section, may be proposed or required.

³ The buffer requirement shall be 100 feet for proposed heavy manufacturing uses, as defined in Article 25 of this ordinance.

⁴ Number required per 100 linear feet of buffer, as measured along the property line

⁵ An earthen berm, not less than eight (8) feet in height, shall be required along the full length of the buffer and shall meet the requirements of Subsection D.4. below. Where such berm would require the removal of existing healthy trees that provide a substantial visual screen serving the purpose of the buffer, the City Council may alter the berm requirement.

2. Highway Buffer. In addition to the previously listed buffer requirements, buffers shall be required where residential districts abut I-95, GA-21, and GA-25. Residential developments located along or adjacent to these highways shall be buffered from the traffic noise and lights. A masonry wall, berm, landscaping, or combination of these elements shall be established along the residential district boundary abutting the highway right-of-way, as approved by the City Council. The height of a wall or berm shall not be less than six (6) feet or more than eight (8) feet. Additionally, any such buffer wall or berm within a residential development shall be landscaped on the residential side with plantings that screen the wall or berm from adjacent properties.

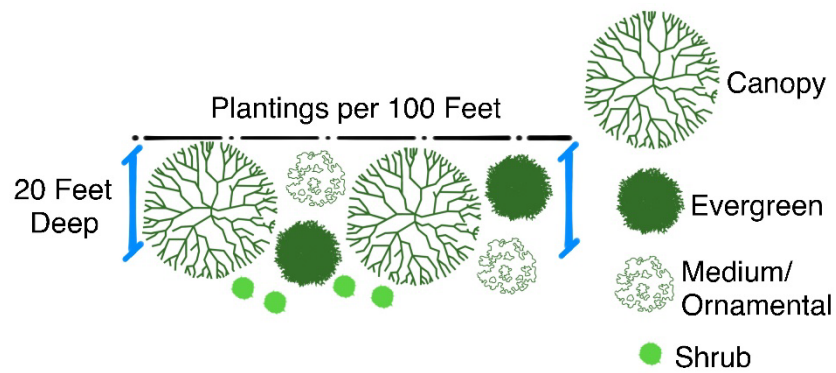


Figure 10-1 Buffer Zone A

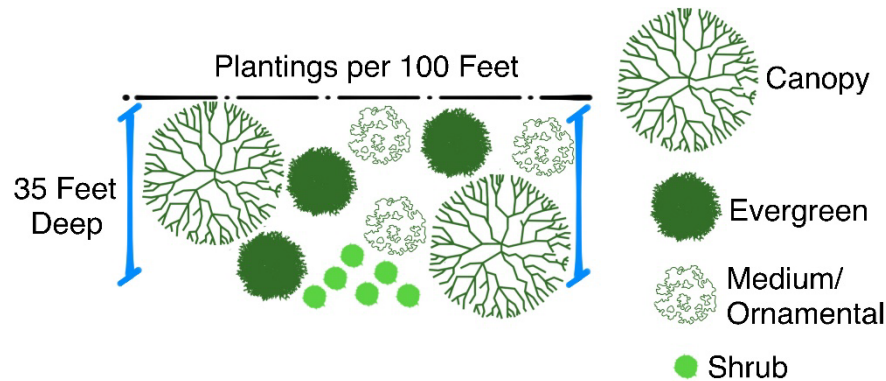


Figure 10-2 Buffer Zone B

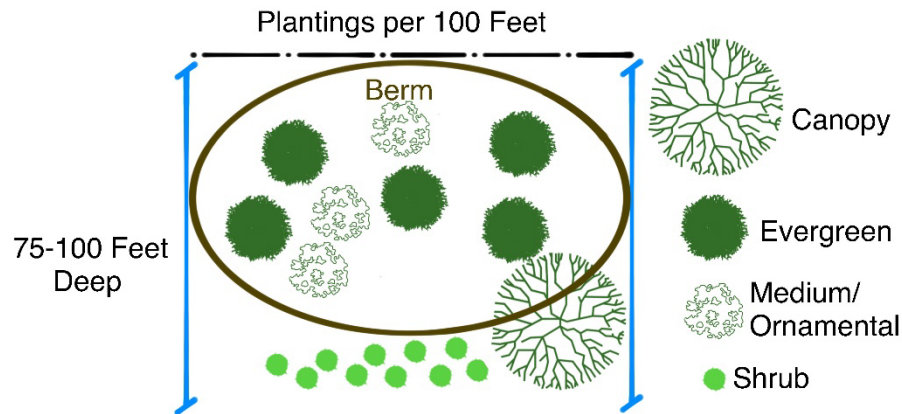


Figure 10-3 Buffer Zone C

Section 10.50 Street Yard Greenway Landscaping

To protect and enhance the beauty and aesthetics of properties within the City of Port Wentworth and effectively screen front yard parking areas when viewed from the street right-of-way, the following shall be required.

A. General Provisions.

1. All required greenways shall contain only living plant materials; provided, the following may be located within the greenway in addition to the planting requirements, when approved as part of the final site development plan:
 - a. Decorative walls or fences less than four (4) feet high;
 - b. Vehicular access drives placed approximately perpendicular to the right-of-way;
 - c. Electrical, telephone, gas, water supply, sewage disposal, and other utilities may be constructed to pass through or across the required buffer area. If the installation of such services impacts the requirements of this ordinance, additional landscaping and/or greenway area may be required to meet the intent and standards of this section;
 - d. Foot and bicycle paths (including sidewalks);
 - e. Landscape sculpture, lighting fixtures, trellises, pedestrian amenities and arbors;
 - f. Bus/transit shelters;
 - g. Signs;
 - h. Berming or mounding of soil; and
 - i. Bioretention and other heavily vegetated stormwater BMPs.
2. When calculating lot frontage, driveways shall be subtracted from the linear foot total.
3. Where existing or created lagoons and drainage swales will occupy a substantial portion of the required street yard greenway, additional depth may be required to achieve the intent of this section.
4. Any area not otherwise planted shall be sodded.

5. The minimum planted size for each plant type within required street yard greenways shall meet the minimum specifications cited in Table 10.30.
- B. Non-Residential Uses.** Non-residential (commercial, industrial, office, civic, institutional, etc.) uses shall provide a greenway adjacent to the public street right-of-way. In all cases, the requirements of Section 10.90 shall be met; provided, that existing protected trees shall be counted toward the planting requirements for street yard greenways.
1. For non-residential development fronting on Arterial Streets, the following standards shall apply:
 - a. A minimum 25-foot-deep landscaped greenway shall be established parallel to the entire frontage along the road right-of-way. If an easement parallels the frontage and precludes planting the required trees, the greenway shall be in addition to the easement or increased to the extent that the planting requirements can be met. (Example: If a 15-foot power easement is directly adjacent to the right-of-way and does not permit trees within it, the 25-foot greenway would commence from the interior edge of the easement for a total of 40 feet).
 - b. The greenway shall include:
 - i. One (1) large canopy tree (Live Oak preferred) per 50 feet of linear frontage, spaced no more than 50 feet on-center (o.c.) for the entire lot frontage. For areas where overhead utilities exist that preclude planting large trees, two (2) medium canopy trees shall be provided for every one (1) large tree required.
 - ii. Four (4) small canopy trees (Crape Myrtle preferred) or palms for every 100 linear feet of lot frontage.
 - iii. A double row staggered evergreen shrub hedge or otherwise approved continuous grouping of evergreen shrubs planted along the lot frontage planted at a minimum of two and one-half (2 ½) feet o.c. and a species capable of being maintained at a three (3) foot height within two (2) years of planting.
 - iv. Vehicular entrances shall be defined using a mixture of trees, shrubs and groundcovers that will create a sense of arrival. Clusters of flowering and other ornamental plant species such as knockout roses, ornamental grasses and annuals is strongly encouraged. A minimum of 200 square feet shall be planted on each side of the entrance drive.
 2. For all non-residential development fronting on Collector Streets the following standards shall apply:
 - a. A minimum 15-foot-deep landscaped greenway shall be established parallel to the entire frontage along the street right-of-way. If an easement parallels the right-of-way frontage and precludes the ability to meet the requirements, as specified below, the 15-foot greenway shall be in addition to the easement width or increased to the extent that the planting requirements can be met. (Example: A 15-foot power easement directly adjacent to the right-of-way that does not allow trees planted within it will require the 15-foot greenway to start inside the property once outside the easement for a total of 30 feet required).
 - b. The greenway shall include:
 - i. One (1) large canopy tree (Live Oak preferred) per 50 feet of linear frontage, spaced no more than 50 feet on-center (o.c.) for the entire lot frontage. For areas where overhead utilities exist that preclude planting large trees, two (2) small or medium canopy trees shall be provided for every one (1) large tree required.

- ii. A double row staggered evergreen shrub hedge or otherwise approved continuous grouping of evergreen shrubs planted along the lot frontage planted at a minimum of two and one-half (2 ½) feet o.c. and a species capable of being maintained at a three (3) foot height within two (2) years of planting.
- iii. Vehicular entrances shall be defined using a mixture of trees, shrubs and groundcovers that will create a sense of arrival. Clusters of flowering and other ornamental plant species such as knockout roses, ornamental grasses and annuals is strongly encouraged. A minimum of 100 square feet shall be planted on each side of the entrance drive.

C. **Residential and Sylvicultural (Timbering) Uses.** A street yard greenway at least 20 feet in depth shall be established adjacent to the Arterial or Collector street right-of-way of all single- and two-family residential developments and 50 feet in depth along timber harvesting sites; provided, timbering sites adjacent to a residential use shall maintain a separation of 100 feet along the entire property line that abuts the residential use. The following requirements shall apply to the street yard greenways:

1. Plantings. Plantings shall consist of trees and shrubs in combination. Planted areas shall be in areas that will provide the best screening effectiveness. The following minimums shall apply to street yard greenway plantings:
 - a. Fifteen (15) large evergreen shrubs per 1,000 square feet of greenway (Shrubs shall attain a minimum height of six (6) feet within three (3) years after planting).
 - b. Two (2) small or medium canopy trees per 1,000 square feet of greenway.
 - c. One (1) large canopy tree per 1,000 square feet.
2. Protected Trees. In all cases, the requirements of Section 10.90 shall be met; provided, that existing protected trees shall be counted toward the planting requirements for street yard greenways.
3. Walls. If incorporated into the required street yard greenway, walls shall be constructed in durable fashion of masonry materials on both sides and be a minimum height of four (4) feet. The wall shall be placed along the interior of the greenway area with the required plantings located on the street side of the wall.
4. Fences. If fences are incorporated into the greenway, they shall be constructed of durable, low-maintenance materials such as standard pressure treated wood (but not woven wood) or vinyl and be at least four (4) feet in height. Fences shall be placed along the interior of the greenway with the required plantings located on the street side of the fence.
5. Berms. Earthen berms, if incorporated into the greenway, shall have a slope of 3:1 and a flat-topped crown at least two (2) feet wide. Plant material shall be placed along the top of the berm and the side slope facing the street. Berms shall not exceed six (6) feet in height and shall be undulated to provide a more natural appearance.

D. **Single-Family Detached Subdivisions.** In addition to the requirements of Section 10.50 B, the required street yard greenway for single-family detached residential subdivisions shall also be subject to the following standards:

1. For single-family subdivisions, a greenway 50 feet in depth and meeting the requirements of Section 10.50 B shall be maintained along the street frontage where the rear yard of the lots abuts the street right-of-way.
2. The greenway shall be a combination of existing healthy vegetation and/or newly planted landscaping; provided, all existing protected trees shall be retained within the greenway. The

greenway shall remain uninterrupted along the length of the property, except to allow for access roads, signs, and entry features. Diseased, dead, or invasive species shall be removed from the greenway. Should the existing vegetation not provide an adequate greenway, additional supplemental plantings, berms, etc. may be required.

- E. **Multiple-Family and Attached Single-Family Uses.** In addition to the requirements of Section 10.50 B, the required street yard greenway for multiple-family and attached single-family uses, shall also be subject to the following standards:
1. A street yard greenway of 50 feet in depth shall be maintained along the entire property frontage abutting the Arterial or Collector street right-of-way.
 2. The greenway shall remain uninterrupted along the length of the property, except to allow for access roads, signs, and entry features.
 3. All protected trees shall be retained within the greenway and supplemented, as needed. In all cases, the requirements of Section 10.90 shall be met; provided, that existing protected trees shall be counted toward the planting requirements for street yard greenways.

Section 10.60 Parking Lot Landscaping

- A. **Applicability.** Surface parking lots of more than 20 spaces shall include landscaped tree islands meeting the requirements of this section.
- B. **Requirements.** The following landscaping requirements shall apply for parking lot interiors:
1. A landscaped island at least 10 feet wide and 120 square feet in area shall be installed within all parking rows at intervals no greater than every 10 parking spaces. Each landscaped island shall contain one (1) medium canopy tree, as specified in Table 10.30.
 2. If overhead utilities preclude the planting of a medium tree, small trees and/or palms shall be planted at a ratio of two (2) small trees and/or palms to every one (1) medium tree required.
 3. All island plantings shall be protected from vehicle bumpers with curbing, wheel stops or other appropriate means of protection.
 4. All islands shall have soil suitable for vigorous plant growth to a minimum depth of 24 inches. The top of grade for the center of all islands shall be mounded to a height of 12 inches above adjacent curb or edge of pavement. The use of unsuitable, muck/clay soils in these areas is prohibited. Any islands that have been compacted during construction shall have the compacted soil removed and replaced with appropriate soil capable of allowing vigorous plant growth. The City reserves the right to inspect the soil within these areas at any time and should the soils be found to be substandard, the soils, plantings, mulch, etc. shall be removed and replaced, as necessary, to be in conformance. A note acknowledging these soil requirements shall be included on all landscape plans.
 5. All islands shall also be planted with low growing shrubs and/or groundcover.
- C. **Alternatives.** Alternatives to the strict application of the maximum of 10 spaces in a row may be considered where practices such as preservation of existing trees are proposed.

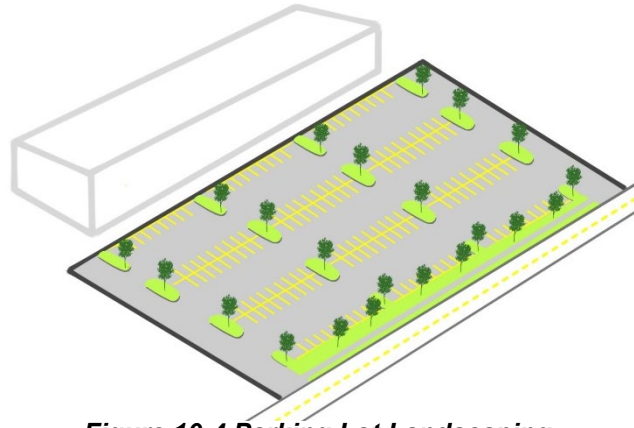


Figure 10-4 Parking Lot Landscaping

Section 10.70 Screening

- A. **Applicability.** Outdoor storage, service, and dumpster areas shall be adequately screened with permanent vegetation and/or walls when visible from adjacent properties or street right-of-way, in accordance with the following:
1. The design of a screening wall shall be the same architectural style as the principal building or buildings on the lot.
 2. Except where otherwise allowed by these regulations, any wall shall be opaque to prevent the passage of light and debris and shall be constructed of textured or split-faced block, brick, stone, stucco over concrete block, architectural tile, or similar opaque materials. Unfinished concrete block shall not be permitted.
 3. The height of a wall shall be adequate to block view to the area being screened, but shall not exceed eight (8) feet, except as otherwise allowed by this section. Wall height shall be measured from the finished grade at the base of the wall to the top of the fence or wall but shall not include columns or posts.
 4. Walls shall be interrupted at intervals not exceeding 25 feet by architectural features such as pilasters or columns or by various species of plants that are at least as tall as or taller than the wall.
 5. Such walls shall be setback a minimum of five (5) feet from any adjacent property lines, unless otherwise approved as part of the site development plan review.
 6. Additionally, during site development plan review, evergreen plantings or other trees may be required along the wall to provide a visual accent for lengthy and monotonous walls.
- B. **Landscape Alternative.** In lieu of a screen wall, a dense landscape screen which, in the site development plan reviewer's sole discretion, meets the intent of this section to visually screen and soften the impact of the storage, service, or dumpster area.
- C. **Modification.** Where the storage, service, or dumpster is located adjacent to a required buffer or street yard greenway, the requirements of this section may be waived or modified by the City Council, as provided in Section 10.80.

Section 10.80 Landscaping Modifications

- A. **Conditions.** The requirements of this article may be waived or modified by the City Council, under any of the following conditions:
1. If it is clearly demonstrated that the existing topography and/or vegetation will achieve the purposes of this article.
 2. If it is clearly demonstrated that for topographic reasons, no required screening device could reasonably screen the ground level activities of the use from the adjacent street or first-floor view of an abutting structure.
 3. It is clearly demonstrated that an existing (or proposed) public right-of-way separation between adjoining properties will achieve the purposes of this article.
- B. **Petition.** Any person affected by this article may petition the City Council for a waiver or modification from the strict application of any provision or provisions, as follows:
1. The application shall be made upon a form provided by the Zoning Administrator.
 2. A public hearing shall be held on the application after due notice to the applicant and adjoining property owners.
 3. The City Council, upon considering all evidence and input at the public hearing, shall approve or deny the request, based upon the following criteria:
 - a. That there are unique physical circumstances or conditions or exceptional topographical or other physical conditions peculiar to the particular property that prevent or severely inhibit compliance with all or a portion of the requirements of this article.
 - b. Failure to grant relief would result in practical difficulties and exceptional hardship.
 - c. That granting relief would not adversely impact the overall purpose and intent of this article and would be the minimum necessary based on conditions of the property.
- C. **Alternate Site Planting.** Council, after finding that a waiver or modification of the landscaping requirements meets the above review criteria, may require that the trees/shrubs shall be planted on an alternate site with the following conditions:
1. The required number of trees, shrubs, etc. planted offsite in lieu of onsite planting shall be two (2) times the number required to meet the onsite planting requirement.
 2. The alternate location for the required planting must be approved by the City Council.

Section 10.90 Tree Preservation

- A. **Requirements.** These regulations shall apply to all trees and land in the City of Port Wentworth, except as noted below; provided, that even for those exempted, tree preservation and best practices are strongly encouraged to uphold the intent of this ordinance.
1. **Applicability.** All trees not specifically exempted shall be regulated by the provisions of this ordinance. Protected tree classifications are defined in Section 10.90 B. Conditions under which protected trees may be removed by permit are specified in this section.
 2. **Exemptions.** The parties listed below are exempt from this section to the extent specified.
 - a. Timber harvesters and foresters: Timber harvesting and forestry shall be exempt from this

section. However, harvesting trees less than three (3) years prior to installation of artificial improvements or other development activities shall be a violation of this ordinance, unless approved by the City Council.

- b. Commercial tree farms and nurseries: Growers raising trees for sale and transplant shall not be held to the provisions of this article; provided, such trees are not planted in protected wetlands or required buffer zones after the adoption of this ordinance.
 - c. Public utilities: Utility providers shall be exempt from these regulations within easements and rights-of-way in which clearing is necessary for the public safety and welfare. The regulations of this article, however, shall apply within any required buffer zone.
 - d. Occupied single-family dwelling: Developed single-family residential lots shall be exempt from the heritage tree protection requirements, but not those pertaining to grand trees or specimen trees: provided, the lot is occupied by a single-family dwelling or manufactured home erected on the lot prior to the adoption of this ordinance. This provision shall not exempt individual lots or parcels being prepared for development and shall not exempt existing developed lots from the provisions of Section 10.90 A.4 regarding the preservation of trees within the street yard greenway.
3. Maintenance or Removal. Nothing in this section shall be construed to prevent the ordinary pruning, trimming, and maintenance of a tree, nor to prevent the cutting or removal of any tree that is diseased, dying, or required to be removed by a governmental agency for public safety. However, such maintenance or removal shall only be performed by a certified arborist.

4. Street Yard Greenway Trees. On any lot or parcel developed prior to the adoption of this ordinance, no existing trees shall be removed, except as otherwise permitted, from the area where a street yard greenway is required by Section 10.50.

- B. **Protected Tree Classifications.** These regulations shall apply to three (3) categories of trees: Heritage Trees, Grand Trees, and Specimen Trees, collectively known as Protected Trees.
- 1. Heritage Tree. All trees meeting a minimum of 12 inches diameter at breast height (DBH) but less than 24 inches DBH.
 - 2. Grand Tree. A grand tree, due to its age and stature, is considered to have irreplaceable value and is defined as any tree 24 inches in DBH or greater.
 - 3. Specimen Tree. A tree that is of significant size for that species as determined by an arborist, landscape architect, forester, or other licensed tree professional.
- C. **Tree Preservation Standards.** Protected trees, unless otherwise permitted by these regulations, shall not be removed, or be caused to be removed. Approval to remove such trees shall be obtained from the Zoning Administrator upon filing a request for a tree removal permit. If approval to remove protected trees is given, the removed trees shall be replaced according to the mitigation requirements of Section 10.90 G. Individuals failing to obtain a tree removal permit shall be cited as provided in Section 10.90 F.
- D. **Tree Removal Permit.** Except as otherwise exempt, it shall be unlawful to fell, improperly prune, or otherwise destroy a protected tree without first obtaining a tree removal permit from the Zoning Administrator.
- 1. Exception. A tree removal permit shall not be necessary to remove a tree creating imminent danger to other trees, permanent structures, public utilities, rights-of-way, or persons. A tree posing

imminent danger shall be defined as one damaged by a storm, fire, or vehicular accident such that its structural integrity is seriously compromised and that the tree can be reasonably expected to fall and injure persons or structures.

2. Permit Application Procedure.

- a. Application for a tree removal permit must be made at least three (3) business days in advance of the proposed tree removal. The Zoning Administrator shall issue the permit, valid for 60 days, if the request meets the criteria for tree removal, as specified in Section 10.90 D.3.
 - b. The applicant may apply for a tree removal permit concurrently with a subdivision plan submittal, request for conceptual site development plan approval, or a building permit.
 - c. A tree survey, meeting the requirements of this section, shall be submitted as part of the permit application. The tree survey shall be prepared by a certified arborist and shall depict the location, species, and size in DBH of all protected trees in the development area and differentiate them as to whether they are heritage, grand, or specimen trees. The development area shall be defined as all areas within 50 feet of any proposed grading, temporary and permanent structures, and other improvements; and as wetlands proposed to be disturbed. The survey shall specify which trees are proposed for removal.
 - i. For developments disturbing more than 25 acres, this tree survey requirement may be satisfied by a "sample area" survey. Each sample shall cover at least one (1) acre. Sample areas shall be evenly distributed throughout the site and proportional to the acreage of types of forest found on the site. Sample areas shall represent at least five (5) percent of the site or five (5) acres, whichever is greater. The surveyor shall estimate the relative densities and total number of heritage trees across the site based on the distribution of these trees in the samples. Grand trees and specimen trees shall nevertheless be individually surveyed and documented by location, species, and size in DBH. Upon reviewing the sample survey, the plan reviewer may require that inventories be taken of additional sample sites of their choosing.
 - ii. For development plans disturbing 25 or fewer acres, all protected trees shall be individually surveyed.
 - d. Trees to be preserved will be physically marked with brightly colored engineer's tape. The property may first be inspected by the Zoning Administrator before approval is granted. The tape on those trees approved for preservation shall be left in place throughout construction. Following inspection by the Zoning Administrator, the tree removal permit will be approved, partially approved, or disapproved.
 - e. If the permit is approved or partially approved, the applicant shall post a financial guarantee, as provided in Section 12.90, prior to commencing any tree removal activities to ensure preservation of those trees not authorized for removal.
 - f. It shall be the responsibility of the applicant to post the tree removal permit on the property in a place that is visible from the public right-of-way throughout any tree removal activity.
3. General Criteria. The following conditions, when attested to by a registered forester or certified arborist, shall constitute grounds for issuance of a tree removal permit regardless of use or zone:
- a. Trees potentially hazardous to surrounding trees, permanent structures, public utilities, rights-of-way, or persons due to a loss of stability caused by high wind, unstable soil, age, or other natural forces.

Article 10. Landscaping and Environment

- b. Diseased and/or infectious trees and trees in decline.
 - c. Trees or their root systems causing visible damage to permanent structures that cannot be prevented through proper pruning.
 - d. Trees or their root systems causing damage to utility lines that cannot be prevented through proper pruning.
 - e. Trees inhibiting access through a street right-of-way such that proper pruning cannot mitigate the condition.
 - f. Trees creating hazardous conditions on pedestrian walkways underneath such trees due to excessive debris of a size and shape known to cause injuries from tripping and falling, as determined by the Zoning Administrator.
4. Design Criteria for Property Development. The following criteria shall be followed with respect to the applicable property development:
- a. Subdivision of parcel: The subdivider shall make conscious efforts to avoid grand trees and specimen trees, as well as groupings of heritage trees in proposing placement of rights-of-way and easements. Additionally, lots shall be platted in a way that avoids removal of grand trees, specimen trees, or groupings of heritage trees such as locating them in the middle of proposed lots. Lot lines should be platted adjacent to protected trees to retain them as design features and vegetative buffers and to mitigate storm water run-off and erosion problems.
 - b. Building envelopes: Grand trees and specimen trees within a proposed building footprint and for a distance of 20 feet from the perimeter of that footprint shall be mitigated if removed, in accordance with Section 10.90 G. Heritage trees within a building footprint and an area 20 feet from the perimeter of the footprint may be removed without mitigation, if determined to be necessary by the reviewer.
 - c. Setbacks and buffers: Protected trees shall not be removed from required setbacks (except as may be permitted by paragraph b regarding building envelopes), street yard greenways, or buffer zones and shall be counted toward the landscape requirements for such areas. A protected tree may be limbed up if located outside a required buffer. Heritage trees may be limbed up to eight (8) feet, while grand trees and specimen trees may be limbed up to 16 feet to provide view sheds.
 - d. Means of access and parking: Grand trees and specimen trees shall not be removed to make way for parking lots, parking spaces, drive aisles, or driveways, unless the applicant demonstrates to the satisfaction of the reviewer that no reasonable alternative exists. Heritage trees may be removed in these locations, but mitigation shall be required per Section 10.90 G.
 - e. Outdoor uses and active recreation areas. Except as otherwise restricted in this section, protected trees may be removed on land where the principal use is proposed outside; provided, mitigation shall be required for all trees per Section 10.90 G. The Zoning Administrator shall determine whether the proposed outdoor use qualifies under this provision and that the protected tree removal is the minimum necessary to accommodate the proposed use. Qualifying uses shall include, but are not limited to: outdoor sales areas with minimal ancillary indoor space, transportation and construction businesses that store fleet vehicles on site, outdoor storage of containers and oversized bulk items that cannot practically be stored under roof, industrial activities and processes that do not occur under roof, as well as recreation areas, such as golf courses, athletic fields, courts, and pools managed by schools,

public recreation departments, country clubs, home owners associations, and other legally established organizations.

- f. Streets: Protected trees may be removed without mitigation from public rights-of-way to allow for arterial and collector street construction, including widening, intersection improvements, parallel bicycle/pedestrian improvements, and drainage improvements. Grand and specimen trees removed for construction of local street projects shall be mitigated per Section 10.90 G, while heritage trees may be removed from local street rights-of-way without mitigation.
 - g. Water, sewer, and drainage improvements: Protected trees may be removed, but must be mitigated per Section 10.90 G, for installation of water, sewer, and drainage infrastructure and implementation of associated easements on private property.
 - h. Waters of the State: Protected trees within 25 feet of any water of the state shall be preserved and no disturbance shall occur within the critical root zone, even if more than 25 feet distant from such water.
- E. **Tree Protection Procedures.** The base and root system of most trees are very sensitive to changes and must be protected to ensure the tree's health and survival. The following measures shall also be taken to protect trees located off-site, but whose limbs and drip lines encroach across property boundaries.
- 1. Protected trees shall have their critical root zone guarded before, during, and after construction against the following:
 - a. Unnecessary cutting, breaking, or skinning of roots
 - b. Skinning and bruising of bark
 - c. Storing or stockpiling construction, excavation, or other machinery, tools, materials, and debris within drip lines
 - d. Burning within drip lines
 - e. Absorption of wastewater run-off within drip lines
 - f. Excessive foot or vehicular traffic within drip lines
 - g. Parking vehicles within drip lines
 - 2. Wounds to protected trees shall be cleaned to sound wood by removing loose bark and wood, leaving a smooth edge around the wound, and be properly dressed.
 - 3. If any protected tree roots are to be removed, they shall be severed clean and treated with a two (2) inch layer of mulch applied on the surface above the roots, to be retained and replenished throughout harvesting and construction activities.
 - 4. Soil removal or fill within the drip line of a protected tree shall be limited to six (6) inches in depth. Any soil added under the drip line shall be a loamy soil mix to ensure minimal compaction.
 - 5. The following additional measures shall be taken to protect trees scheduled to be retained in preparation for and during property development.
 - a. Setbacks. Site improvements, other than landscaping and hardscaping, shall not occur within the critical root zone.
 - b. Protective barricading. Barricades shall be erected around all protected trees according to required setbacks, as provided in Subsection 5.a. above. Barricades shall be erected prior to the start of site grading and shall remain in place until all construction activities are complete. The

following standards apply:

- i. Barricading trees in groups is encouraged.
- ii. Barricades a minimum of three (3) feet high shall be erected and readily apparent, including in the rear view or side mirror of vehicles and construction equipment moving in reverse.
- iii. Barricading shall consist of orange safety fencing supported by wood/metal members or other comparable material approved by the Zoning Administrator. In any case, barricading shall be capable of repelling a man moving at walking speed. Flagged string or tape, alone, shall not be sufficient to meet the barricading material requirements.
- iv. All tree protection areas shall be designated with signs or tape posted visibly on or within the required barricade. Tree protection area signs shall denote the area as off limits for the sake of tree protection.
- v. Utilities shall not be installed in tree protection areas without the use of special tunneling techniques to preserve root systems.

F. Violation and Penalty.

1. The removal, damage, or destruction of a protected tree without a required tree removal permit shall constitute a violation of this ordinance. Each protected tree that is removed, damaged, or destroyed shall constitute a separate offense. Each day during which the loss of the tree goes unmitigated, as provided below, shall be judged a separate offense.
2. In lieu of any fines and penalties incurred by a violator of this section, the Zoning Administrator may require tree replacement as a condition of granting Certificates of Occupancy. Replacement trees shall be required such that the total caliper-inches of new trees shall be equivalent to a 50% increase in the mitigation requirements as set forth in Section 10.90 G. In no case, however, shall any replacement tree measure less than four (4) inch DBH for any protected tree.
3. In the event that violations of this article result in the issuance of a stop work order, the violator shall be responsible for tree replacement, payment of fines, or posting a financial guarantee, as determined by the Zoning Administrator, before construction is allowed to resume.
4. In the event that the violator of tree protection standards cannot be identified and located, the developer shall be held responsible for fines and mitigation.

G. Mitigation for Tree Removal.

1. Trees planted for mitigation shall meet the performance standards of this article. Mitigation for protected trees shall be as specified in Table 10-90, based on the species of the tree that was removed. In addition, the following size requirements shall apply:
 - a. Mitigation for heritage trees shall occur at a rate of 50 percent, where every two (2) inches of heritage trees removed, measured in DBH, shall be replaced by one (1) inch of mitigation trees, measured in caliper-inches.
 - b. Mitigation for grand and specimen trees shall occur at a rate of 100 percent, where every inch of tree removed, measured in DBH, shall be replaced by one (1) inch of mitigation trees, measured in caliper-inches.
 - c. Any tree planted for mitigation shall measure at least four (4) inches DBH at the time of planting.
2. Any tree at least six (6) inches DBH but less than 12 inches DBH retained within the area of

disturbance may be retained to contribute, inch for inch, to a tree mitigation requirement; provided, the tree does not stand in a wetland, any required buffer, street yard greenway, or other area in which the tree would otherwise be required to be conserved. Such trees shall be protected as heritage trees.

3. Trees planted for mitigation in new developments shall be in addition to those required for street yard greenways, buffering, and parking lots and may be used to create a street yard greenway in existing developments where such greenway does not currently exist.
4. There is hereby created a city tree escrow fund for the purpose of receiving money paid to the city in lieu of mitigation. The fund will be used by the city to purchase, plant, and maintain trees or landscaping on public rights-of-way, easements, or other public property. If the required mitigation cannot be met on site due to lot size and allowable lot coverage, then payment shall be made to the tree fund.

Table 10.90: Tree Replacement by Species Category

Species Category		Percent Replacement Required
1	Live Oak, Bald Cypress, American Beech, Gingko, American Holly, Southern Magnolia, Sweetbay Magnolia, Tupelo, Chinese Pistache, White Oak, Willow Oak, Overcup Oak, Chestnut oak, Eastern Red Cedar	100
2	Persimmon, Ash species, Hickory species, Tulip Poplar, Sycamore, swamp White Oak, Scarlet Oak, Southern Red Oak, Shumard Oak, Post Oak, Laurel Oak	75
3	Sugarberry, Hackberry, Willow species, Water Oak, Black Cherry, American Elm, Red Maple	50
4 ¹	Pine species, Sweet Gum, Callary Pear varieties, River Birch, Mimosa, Chinaberry, Chinese Tallow, Camphor tree, White Poplar	0

Section 10.100 Grading, Excavation, and Ponds

The construction, maintenance, or existence within the City of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, is hereby prohibited; provided, this section shall not apply to the following:

- A. any excavation under a permit issued by the City where such excavation is properly protected and warning signs posted in such manner as approved by the City; and
- B. rivers, streams, other natural water bodies, ditches, reservoirs, and similar bodies of water created or existing by authority of governmental units or agencies.

¹ Species in this category shall be exempt from the requirements of Section 10.90, except that Pine species and Sweet Gum shall be maintained in buffer areas requiring protection of all vegetation or vegetation of a certain size, and may be approved for plantings in such buffers.

Section 10.110 Stormwater Management

All requirements of Article III, Stormwater Management, of Chapter 7 of the City Code of Ordinances shall be met.



Article 11. Streets and Subdivision Design

Section 11.10 Intent and Purpose

- A. **Intent.** To ensure safe travel and street conditions for all users, streets established in any subdivision shall comply with the requirements of this article.
- B. **Purpose.** Street design shall enhance the quality of life for Port Wentworth's citizens by promoting high-quality residential development and minimizing safety hazards to drivers, cyclists, and pedestrians.
- C. **Technical Specifications.** The Community Development Department maintains a set of standard details and specifications on file illustrating details of construction and design of streets, sidewalks, stormwater drainage facilities, site improvements, and other elements related to the development of land in accordance with the Zoning Ordinance. These details and specifications are contained in the City of Port Wentworth Comprehensive Development Manual.

Section 11.20 Subdivision Street Requirements

- A. **Overall Design.**
 - 1. **Access and Circulation.** Proposed streets shall provide a safe, convenient, and functional system for vehicular, bicycle, and pedestrian circulation and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development. New subdivisions shall be supported by a thoroughfare network having adequate capacity and safe and efficient traffic circulation.
 - 2. **Street Layout.** Street layout should show consideration of natural features such as trees and wetlands, drainage requirements, traffic calming measures, addition or relocation of public spaces, and utility location.
 - 3. **Major Thoroughfare Plan.** The subdivider shall design the street system within such subdivision to conform to the location and arrangement of such arterial streets and collector streets of any applicable major thoroughfare plan adopted by the City of Port Wentworth.
 - 4. **Interior Streets.** Interior streets within subdivisions shall be so laid out and designed that their use by through traffic and speeding traffic will be discouraged.
 - 5. **Continuation of Existing Street Pattern.** The arrangement of streets in a subdivision shall provide for the alignment with, or the continuation of, or the appropriate projection of, existing principal streets in surrounding areas.
 - 6. **Street Access to Adjoining Property.** If the City Council determines that street access to the adjoining property is needed, a street right-of-way shall be extended to the boundary of such property, and such right-of-way shall be dedicated to the public. If access through an unopened street is required, then the developer of the property for which access is required shall be responsible for opening and improving the unopened street.
 - 7. **Subdivisions on Arterial Streets.** Where a subdivision abuts or contains an existing or proposed arterial street, residential lots shall not have individual driveways to the arterial street.
- B. **Minimum Curb and Street Radius.** The lot line radius at intersecting streets shall be not less than 20 feet. The centerline radius of all curvilinear streets shall be not less than 75 feet.

C. Dead Ends.

1. Permanent dead-end streets. Dead-end streets, designed to be such permanently, shall be provided at the closed end with a turnaround having an outside roadway diameter of not less than 96 feet and a right-of-way diameter of not less than 100 feet.
2. Temporary dead-end streets. Temporary dead-end streets shall be provided with a temporary turnaround area which shall meet the requirements for design, maintenance, and removal as approved by the Mayor and Council.

D. Block lengths. Any block exceeding 600 feet in length shall include a mid-block crosswalk. Blocks shall not exceed 800 feet.

E. Street Names.

1. Street name markers. Street name markers which shall be constructed to City specifications shall be installed at all street intersections.
2. Street names. All streets within a subdivision hereafter established shall be named as approved by the Manager and Council. No name shall be used which will duplicate or be confused with existing street names.

F. Gates. No gates or other limited access devices shall be allowed on public streets.

G. Sidewalks and Bike Lanes.

1. Sidewalks shall be installed on both sides of streets. Requirements may be reduced or eliminated for roads adjacent to or crossing wetland areas or lakes, where dwellings or buildings are not proposed, **or in industrial development**.
2. When provided, bike lanes shall be in addition to the minimum pavement width. Bike lanes are a separate feature from pedestrian sidewalks and multipurpose trails and shall be constructed as such in accordance with guidelines developed by the American Association of State Highway and Transportation Officials (AASHTO).

H. Streetlights. Streetlights shall be installed in residential areas at a distance to provide safety to the neighborhood in accordance with City guidelines and requirements. Streetlights shall be installed in retail areas to provide illumination to encourage evening activity along the street.

Section 11.30 Private Street Easements and Maintenance

A. Review and Recording.

1. Applications for private streets and shared commercial driveways shall include a recordable legal instrument describing and granting the easement and a maintenance agreement.
2. The easement shall be recorded, and a copy of the recorded easement shall be provided to the Zoning Administrator.

B. Easement Width. See Table 11.40.

C. Maintenance Agreement Content. A copy of a recordable travel surface maintenance agreement, signed by all owners of the lands served by the access easement and other parties in interest, which includes the following:

1. Provisions that assure that the travel surface will be maintained and repaired for the full width and length to ensure safe travel and accessibility by emergency vehicles at all times.

2. A legal description of the easement and a legal description of the individual lots or parcels to be served. All properties served by the easement and travel surface shall be subject to the maintenance agreement.
3. Provisions declaring that the maintenance agreement constitutes a restrictive covenant, running with the benefitted lands, and binding on all current and future owners and other parties in interest as to the respective obligations stated therein.
4. Provisions to indemnify, save and hold the City of Port Wentworth and its officers, employees, and agents harmless from any and all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair, or replace the travel surface.

Section 11.40 Street Dimensional Requirements

A. Street Design and Construction Specifications.

All streets established in any subdivision shall be designed and constructed in accordance with the following specifications. Street types shall be proposed as part of preliminary plat review and approved based on the design requirements and standards in this article.

- B. **On-Street Parking.** On-street parking lanes may be approved by the City Council during the preliminary plat process and shall be a minimum of eight (8) feet in width. This width shall be in addition to the pavement width requirements in Table 11.40. On-street parking shall be marked or posted with signage approved by the Community Development Department.
- C. **Curb and Gutter.** Curb and gutters shall be required for all streets.

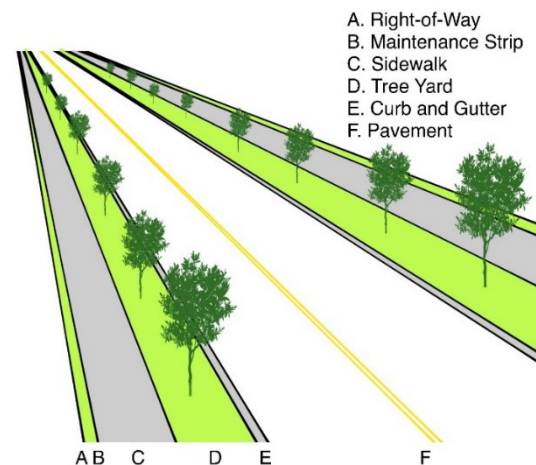


Figure 11-1 Street Design Elements

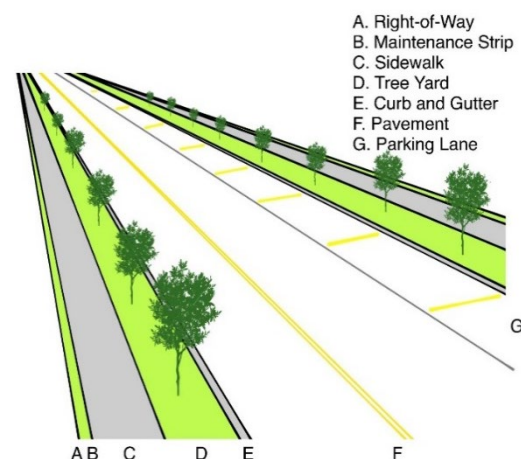


Figure 11-2 Street Design with Parking Lane

Table 11.40: Dimensional Requirements for Streets and Alleys

Specification	Arterial Street	Collector Street	Minor Street	Marginal Access	Alley
A. Min. width of right-of-way or private easement	80 ft.	60 ft.	60 ft.	40 ft.	20 ft.
B. Maintenance strip	1 ft.	1 ft.	1 ft.	1 ft.	1 ft.
C. Min. sidewalk width-single-family residential	5 ft.	5 ft.	5 ft.	5 ft.	--
D. Min. sidewalk width-multi-family residential	6 ft.	6 ft.	6 ft.	6 ft.	--
E. Min. sidewalk width-commercial ¹	8 ft.	8 ft.	8 ft.	8 ft.	--
F. Min. tree yard ²	6 ft.	6 ft.	4 ft.	4 ft.	--
G. Curb and gutter (each side)	2 ft.	2 ft.	2 ft.	2 ft.	2 ft.
H. Pavement width	36 ft.	30 ft.	24 ft.	24 ft.	14 ft. ³
I. Parking Lane	8 ft.	8 ft.	8 ft.	8 ft.	--

Section 11.50 Subdivision Lot Layout and Design

- A. **Street Access.** All lots shall front an existing public or private street unless performance guarantees are posted prior to the recording of a final plat.
- B. **Lot Lines.** Side lot lines shall be as nearly as practical at right angles to straight street lines and radial to curved street lines.
- C. **Corner lots.** Corner lots for residential use shall be provided with sufficient width and depth to permit the establishment of front and side street setbacks.
- D. **Through Lots.** Through lots shall only be permitted where it shall be found necessary to separate a development from major arterials or to overcome specific disadvantages or topography and orientation.
- E. **Minimum Lot Elevation.** No lot shall be approved that does not contain a suitable site of sufficient elevation to permit a finished floor elevation as required in the Flood Damage Prevention Ordinance if located in a FEMA Special Flood Hazard Area, or at a greater elevation than the localized one (1) percent annual, 24-hour chance design storm event, if not located in a FEMA Special Flood Hazard Area.
- F. **Residential Lots in Floodplain.** Residential subdivision lots shall be prohibited within floodplain areas where the cost of providing governmental services in the area would pose an unreasonable economic

¹ Not required for industrial development.

² Not required for industrial development.

³ Pavement width shall be increased if required by the Fire Department.

burden.

- G. **Lot Width and Lot Area Requirements.** Lots shall conform to the lot area and lot width requirements as set forth by the applicable zoning district in which the subdivision is located or as required by the Chatham County Health Department. Where the Chatham County Health Department requires wider or larger lots for private water and sewer, the stricter requirement shall prevail.
- H. **Commercial and Industrial Lots.** Lots shall be of adequate depth and width for the type of commercial or industrial development contemplated and shall be sufficient in area and dimension to provide off-street parking and loading facilities.
- I. **Preservation of Noteworthy Features.** In all subdivisions, to the maximum degree reasonably practicable, efforts shall be made to preserve historic sites, scenic points, trees in accordance with Article 10, and other desirable natural growths, watercourses and other water areas, and other features worthy of preservation, either as portions of public sites and open spaces, or in such other forms as to provide amenity to the neighborhood.
 - 1. Large trees or other desirable natural growths located in public or private street rights-of-way or public or private easements shall not be removed unless such removal is necessary for the installation of utilities or drainage structures or for other purposes in the public interest and approved by the Mayor and Council.
 - 2. Such removal may be prohibited if the amenity of adjacent property, or the amenity of the general neighborhood, is adversely affected.
- J. **Exempt Lots.** Lots that do not comply with the requirements of the applicable zoning district are prohibited, except as follows:
 - 1. **Signage, Landscape Features.** The creation of an unbuildable lot in a proposed subdivision for the exclusive purpose of subdivision identification signage or subdivision entrance landscape features is authorized only under the following circumstances (no waiver, exception or variance is allowed):
 - a. The lot must be located at an entrance to the subdivision as an "island" in the right-of-way of a local or minor collector street;
 - b. A mandatory homeowner's association is required for the subdivision for ownership and maintenance of the lot as common area.
 - 2. **Stormwater Management Facilities.** The creation of an un-buildable lot for the exclusive purpose of providing and maintaining a stormwater management facility is authorized.
 - 3. **Private Streets.** The creation of an un-buildable lot for the exclusive purpose of providing and maintaining a private street is authorized.
 - 4. **Conservation Areas** The creation of an un-buildable lot for the exclusive purpose of conserving land from development is authorized and must be recorded as such.
 - 5. **Common Areas.** The creation of an un-buildable lot, in common ownership, for the exclusive purpose of providing neighborhood amenities such as swimming pools or outdoor amenity space.

Section 11.60 Easements, Monuments, and Benchmarks

A. Easements.

1. Types. The following kinds of easements shall be required within subdivisions:
 - a. Utility Easement. Utility easements for water, sewer, and gas shall be provided where necessary, shall not be less than five (5) feet in width, and shall be centered on side or rear property lines when possible. The location, elevation, and construction of all public utilities, such as sewer, gas, electrical and water systems, and streets, shall be in such a manner as to minimize or eliminate damage by flooding.
 - b. Drainage Easement. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way which shall conform substantially with the lines of such water course, drainageway, channel, or stream or shall be of such additional width or construction, or both, as will be adequate for the purpose.
 - c. Maintenance Easement. Where a drainage canal is of such size that it requires mechanical means for cleaning, such as a dragline, there shall be a 12-foot access easement on either side of such canal for access purposes unless similarly sized areas already lie within the drainage right-of-way within which the canal is located.
2. Width. Required easement widths shall be increased if required by the City Engineer or in accordance with the Comprehensive Development Manual.
3. Dedication. Easements shall be noted on the preliminary plat and shall be dedicated prior to final plat approval.

B. **Monuments.** The subdivider shall provide stone or concrete monuments four (4) inches in diameter or square, 30 inches long, with a flat top, which shall be set at each street corner, and at all points of curvature in each street. The top of the monument shall contain a metal pin or be scored with an indented cross to properly identify the location. The subdivider shall also provide all interior lot corners of subdivisions with concrete monuments, iron pins, or iron pipes. Iron pipes shall be at least one-half-inch in diameter and 24 inches in length.

C. **Benchmarks.** At least two (2) benchmarks shall be established within a subdivision. Such benchmarks shall be at opposite corners of the property being subdivided.

Section 11.70 Water Supply and Sanitary Sewerage

A. Public Water and Public Sewerage.

1. When available in accordance with the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources and City of Port Wentworth requirements, every portion of a subdivision shall be served by public water; when feasible, as determined by the Mayor and Council, every portion of a subdivision shall be served by a sanitary sewer system. All such systems shall be designed to preclude infiltration of flood waters into the system and discharges from the system into flood waters.
2. Water and sewer systems must be constructed in accordance with EPD and City of Port Wentworth design specifications; sewer systems must connect to an existing publicly-owned treatment plant, where practical, and both water and sewer systems and trunk lines shall be conveyed to the City of Port Wentworth.

3. When sewer is available, connections will be required to lots that were previously approved with septic systems.
- B. **Private Water and Private Sewerage.** Where either public water or public sewers or both are not available to a subdivision as determined by the Mayor and Council and a subdivider shall decide to establish a private water supply system and a private sewer system, then the plans and specifications for such private water system and sewer shall be approved by the Chatham County Health Department and the Mayor and Council. Any such private systems shall be so located as to avoid impairment of them, or contamination from them, during times of flooding.
 - C. **Publicly-Owned Water and Sewer Systems.**
 - D. **Fire Hydrants.** Fire hydrants shall be required for all subdivisions by a public or private internal water distribution system and shall be located and designed in accordance with the standards as set forth in the "Standard Fire Prevention Code," 1985 edition as amended, Section 603.1.3.
 - E. **Non-Potable Reuse Line (NPRC).** A non-potable reuse water main shall be installed in a subdivision. The system shall include reuse water mains, valves, fittings, and hydrants and shall be installed in accordance with the plans and specifications approved by the City of Port Wentworth. The system shall be designed and installed in accordance with the City of Comprehensive Development Manual.

Section 11.80 Subdivision Modifications

When a peculiar shape, or the topography of a tract of land, or other unusual condition, makes it impractical for a developer to comply with the literal interpretations of the design requirements of this article, the City Council, following a recommendation of the Planning Commission, may approve modifications to the design requirements in this article as part of preliminary plat review; provided, however, that in so doing the intent and purpose of this article are not violated.

Article 11. Streets and Subdivision Design

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Part IV. Review Processes and Standards

Attachment: PW Zoning Final Draft 5-18-23 (2828 : Zoning Ordinance Rewrite)

Part IV. Review Processes and Standards

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Article 12. General Processes

Section 12.10 Intent and Purpose

Intent and Purpose. The intent and purpose of this article are to establish a uniform set of submittal, processing, and review requirements for land development proposals and new structure requests to determine compliance with the requirements and standards of this ordinance.

Section 12.20 Application, Contents, Fees, and Completeness

A. Application.

1. **Application.** Requests for review and approval of uses, activities, construction, and development required by the Zoning Ordinance shall be provided on official City application forms. An application shall be submitted to the Community Development Department during normal office hours.
2. **Authority to File Applications.** Applications shall only be submitted by an owner of the property subject to the request or an agent authorized in writing by the owner.
3. **Deadline.** For all requests that require Planning Commission or Zoning Board of Appeals review, complete applications shall be submitted by the deadlines established by the Planning Commission and Zoning Board of Appeals for the meeting in which the applicant desires the request to be considered.
4. **Contact Person and Meeting Representation.** The application shall indicate one (1) person as the primary contact. The Zoning Administrator or other authorized City official will communicate with the contact person concerning the application and review procedures. The applicant shall notify the City in writing if there is a change in the contact person. The contact person shall be present at all scheduled review meetings, or consideration of the application may be postponed due to lack of representation.

B. Fees.

1. **Administrative Fee.** Required administrative fees shall be paid to the City at the time of application submittal. Administrative fees are non-refundable unless the project is withdrawn prior to administrative time and effort spent on review and processing. The fee schedule is set and approved by the City Council.
2. **Professional Review Fees.** An applicant shall also submit a professional review fee set and approved by the City Council. This fee is an estimate of the costs which may be incurred by the City in reviewing and acting upon development proposals.

- C. **Content.** Applicants shall refer to the submittal checklists and shall provide the items required that are specific to the request.

D. Completeness Review.

1. **Requirement.** An application submitted for review in accordance with this article shall be submitted in complete form, including the application, required checklist items, and applicable fees.
2. **Completeness Determination.** If deemed to be complete by the Zoning Administrator or other authorized City official, an application will be formally processed and reviewed. If the Zoning

Article 12. General Processes

Administrator or other authorized City official waives required checklist items, the application may be deemed complete if all other items are received.

3. Incomplete Application. If deemed incomplete by the Zoning Administrator or other authorized City official, the applicant will be informed within 14 days of such determination, and the application will not be formally processed and reviewed until it is determined to be complete.

Section 12.30 Review Authorities and Application Types

- A. **Review Authorities.** Table 12.30 summarizes application types and review authorities under the Zoning Ordinance.

Table 12.30: Review Authorities				
Application Type	Zoning Admin.	Planning Commission	City Council	Zoning Board of Appeals
Legislative Review				
Zoning Text Amendment	R	R (PH)	D (PH)	--
Zoning Map Amendments	R	R (PH)	D (PH)	--
PUD Concept Plan and Rezoning	R	R (PH)	D (PH)	--
Special Use Permit	R	R (PH)	D (PH)	--
Subdivision Review				
Preliminary Plat	R	R	D	--
Final Plat with Dedication	R	--	D	--
Final Plat (exempt, minor, and major amendments) without Dedication	D	--	--	A (PH)
Permit Review				
Concept Site Plan and Major Amendments	R	R	D	--
Minor Changes to Concept Site Plans and Final Site Plans	D	--	--	A (PH)
Final Site Plans	D	--	--	A (PH)
Final PUD Plan	D	--	--	A (PH)
Tree Removal Permit	D	--	--	A (PH)
Zoning Permit	D	--	--	A (PH)
Administrative Plan and Amendment	D	--	--	A (PH)
Relief				
Administrative Adjustment	D	--	--	A (PH)
Variance	R	--	--	D (PH)
R= review and recommendation authority; D= decision-making authority; A= appeal authority; (PH)= A public hearing is required				

- B. **Zoning Administrator Reviews.**

1. Zoning Permits.

- a. **Zoning Permit- Use Compliance.** A change from one permitted use to another permitted use, or establishment of a new permitted use, is subject to a use compliance review.
 - b. **Zoning Permit- Structure Compliance.** Buildings and structures that do not require site plan review per this ordinance are reviewed administratively. Zoning permits are valid for one (1) year and expire if the structure or building construction does not commence within this timeframe.
 - c. **Zoning Permit- Certification of Site Compliance.** Once all site work associated with a site plan, the Zoning Administrator shall issue a zoning permit.
 - d. **Zoning Permit- Minor Site Plan Amendment.** For a minor amendment to a site plan in accordance with this ordinance which meets zoning requirements, the City Manager shall issue a zoning permit.
2. **Building Permits and Certificates of Occupancy.** Building permits and certificates of occupancy are processed in accordance with the building code. However, as the process relates to the Zoning Ordinance, the following applies:
- a. Building permits shall not be issued for building construction until all applicable zoning and site plan approvals are secured, as applicable, and after all conditions of approval are satisfied. However, at the discretion of the Zoning Administrator, building permits may be issued conditionally so long as site plan requirements are satisfied prior to the issuance of a certificate of occupancy.
 - b. Certificates of Occupancy shall not be issued until all applicable site improvements are installed and certified as complete by the Zoning Administrator or other authorized City Official. However, at the discretion of the Zoning Administrator, Temporary Certificates of Occupancy may be issued conditionally so long as required site improvements are completed within a specified timeframe. Performance guarantees may be required pursuant to this ordinance.

Section 12.40 Notices for Public Hearings

- A. **Requirements.** Whenever a public hearing is required by this ordinance, the notification requirements of this section shall be followed.
- B. **Legal Notice.** Notice of public hearings shall be published within a newspaper of general circulation within the city in which are carried the legal advertisements of the City or as permitted by State law. The notice shall state the time, place and purpose of the hearing and include the location of property that is the subject of the zoning action, the present zoning district of the property, and the proposed zoning district or proposed zoning action, as applicable. The notice shall be published once, at least 15 days but not more than 45 days, prior to the date of the hearing.
- C. **Signs Posted.** Where a zoning action of property is initiated by an individual or a property owner, the zoning administrator shall post a sign at least 15 days prior to the required public hearing in a conspicuous place on the property that is the subject of an application. The sign or signs will contain information as to the current zoning district, the proposed zoning district or zoning action, and the date, time, and location of the public hearing.
- D. **Notification to Adjacent Property Owners.** At least 15 days, but not more than 45 days before the date of the public hearing, a notice setting forth the date, time and place for the hearing shall be sent by mail to the applicant, the mayor and council, and all owners of property located adjacent to, or within 300 feet of, or across a public right-of-way from the property that is the subject of the zoning

application. The notice shall also include the location of the property, its present zoning classification, and the proposed zoning classification or requested zoning action. The names and addresses of owners of those properties to be notified shall be provided by the applicant. However, where a map amendment is initiated by the Planning Commission the names and addresses of those adjacent property owners shall be provided by the Zoning Administrator. Failure of the Zoning Administrator to send notices or failure of the property owner to receive notification shall not affect the validity of any zoning action. This procedure exists as a supplement to the legally required notification procedures.

Section 12.50 Decisions and Records

- A. **Recommendations.** A recommending authority shall review an application against applicable zoning requirements and standards and shall provide a recommendation to the decision-making authority.
- B. **Decisions.** The decision-making authority provides final decisions on all applications.
- C. **Appeals.** Final decisions may be appealed to an appeal authority.
- D. **Actions.** Recommendations and final decisions are limited to the following:
 - 1. Approval.
 - 2. Approval with conditions.
 - 3. Denial.
 - 4. Postpone or table action (not available for zoning permit reviews).
- E. **Records and Findings.** Action taken regarding an application, along with the findings in support of that action, shall be recorded in the meeting minutes and by resolution or ordinance, if applicable. Actions of the Zoning Administrator shall be documented in writing. Copies of all officially approved plans shall be filed at the City Offices.

Section 12.60 Conditions of Approval

- A. **Applicability.** Reasonable conditions of approval may be recommended by the Planning Commission and approved by the City Council for rezonings, Planned Unit Developments, and special use approvals. Conditions may also be applied to variance approvals by the Zoning Board of Appeals.
- B. **Criteria.** Conditions shall be designed to ensure compliance with the intent of the Zoning Ordinance and shall be based on the following criteria. Conditions shall:
 - 1. ensure that there will be no adverse impact on public services and facilities;
 - 2. ensure that the use is compatible with adjacent and nearby land uses and activities;
 - 3. protect natural resources; the health, safety, welfare, and social and economic well-being of those who will use the land use or activity under consideration; residents and landowners immediately adjacent to the proposed land use or activity; and the community as a whole;
 - 4. ensure compatibility between the proposed use or activity and the rights of the City to perform its governmental functions;
 - 5. meet the intent and purpose of the Zoning Ordinance, be related to the regulations and standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards; and
 - 6. ensure compliance with the intent of other City ordinances that are applicable to the site plan.

- C. **Performance Guarantee.** A performance guarantee in accordance with this ordinance may be incorporated as a condition of approval.

Section 12.70 Performance Guarantees

To ensure compliance with this ordinance and any conditions of project approval, the City may require a cash deposit, certified check, irrevocable letter of credit, or surety bond covering the estimated cost of improvements to be accepted by the city to ensure completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The City shall not require the deposit of the performance guarantee until it is prepared to issue the permit. The City shall rebate cash deposits based on an established policy. The monetary value of a performance guarantee shall be approved by the City Engineer and Zoning Administrator.

Section 12.80 Administrative Adjustments

- A. **Purpose.** Administrative adjustments are intended to allow the Zoning Administrator or their designee to review and approve minor deviations from specified zoning requirements. This authority provides limited flexibility to consider requests for adjustments without requiring an applicant to seek a variance or amendment to this ordinance.
- B. **Process and Authority.** An administrative adjustment shall only be reviewed as part of a formal development application or as a minor amendment to a plan. The Zoning Administrator or their designee may approve an adjustment if the applicant provides justification that the adjustment will address an unusual or unique site or building condition and does not result in an adverse or incompatible effect on adjacent property. At their discretion, Zoning Administrator or their designee may forward the adjustment request to the Planning Commission for review and action.
- C. **Justification.** The applicant shall submit documented justification for the request and demonstrate that there is an unusual or unique site or building condition that warrants an adjustment.
- D. **Effect of Approval.** An administrative adjustment shall only apply to the specific requirement and aspect of a site plan or building plan as indicated on the plan and is only valid if developed or built in the manner shown on the plan.
- E. **Validity.** Approval of an administrative adjustment expires in two (2) years unless substantial construction has commenced and is continuing.
- F. **Allowable Administrative Adjustments.** The Zoning Administrator or their designee may grant adjustments for the following requirements to the limitations noted in Table 12.80.

Table 12.80: Allowable Administrative Adjustments	
Requirement	Limitation of Adjustment (maximum)
Lot Requirements	
Minimum lot area	10%
Minimum lot width	10%
Minimum lot frontage	10%
Building Requirements	
Maximum building height	10%
Maximum building coverage	10%
Minimum front setback	10%

Table 12.80: Allowable Administrative Adjustments	
Requirement	Limitation of Adjustment (maximum)
Minimum street side setback	10%
Minimum side setback	10%
Minimum rear setback	10%
Projection into setback	10%
Projection past height maximum	10%
Accessory building size and height	10%
Development Requirements	
Fence or wall height	10%
Landscaping numeric requirements	10%
Light fixture height	10%

- G. **Prohibited Adjustments.** Any adjustment inconsistent with adopted building codes, fire codes, and engineering requirements, or the use of an adjustment on the same requirement and aspect of a site, is prohibited.



Article 13. Site Development Plan Review

Section 13.10 Intent and Purpose

The intent of this article is to establish a uniform set of requirements for the planning and design of developments within the City to achieve the following objectives to determine compliance with the provisions of this ordinance.

Section 13.20 Applicability

Varying levels of site development plan review are established, depending on the scale of the proposed development and potential impacts it may have on the community and immediate surroundings. This section defines the parameters under which varied levels of plans will be required for all commercial, industrial, institutional, and residential development and defines the required review, as follows:

- A. **Administrative Review.** The Zoning Administrator shall review site development plans in connection with the creation of a use or the erection of a building or structure as indicated in Table 13.20.
- B. **Preliminary Concept Plan Review.** After review and recommendation by the Planning Commission, the City Council shall act upon all concept site development plans in connection with the creation of a PUD district and as otherwise required in Table 13.20.
- C. **Final Plan Review.** The Zoning Administrator shall act upon all final site development plans as indicated in Table 13.20.
- D. **Applicable Projects.** Table 13.20 specifies the project categories applicable to each level of site development plan review.

Table 13.20: Site Development Plan Review			
Applicable Projects	Administrative	Concept	Final
Requests for Land Disturbance Permit	X		
Construction of a new accessory building, not exceeding 1,000 sq. ft.	X		
Additions of less than 20 percent of the current gross floor area of an existing building or 5,000 sq. ft., whichever is less, in any zoning district	X		
Changes in the use of any existing building in any zoning district; provided, the use is a "permitted" use in that district and any expansion does not exceed 20 percent or 5,000 sq. ft., as stated above	X		
Construction or expansion of a parking lot, not involving new buildings or additions	X		
Minor changes to an approved site plan, as specified in Section 13.80	X		
Applications for special use permits, as specified in Article 14		X	X
New construction of a principal building in any zoning district		X	X

Table 13.20: Site Development Plan Review

Applicable Projects	Administrative	Concept	Final
Construction of a new accessory building, greater than 1,000 sq. ft.			X
Major changes to an approved site plan, as specified in Section 13.80		X	X
As otherwise required by this ordinance	X	X	X
When, in the opinion of the Zoning Administrator, a project which otherwise qualifies for administrative review may have a significant impact on surrounding properties, he may, in his sole discretion, submit the site development plan to the Planning Commission for a recommendation. based on the standards of Section 13.60 and any additional information needed to make an informed decision. The Zoning Administrator shall then make the final decision.	X		

Section 13.30 Exemptions

Site development plan review shall not be required for a single or two-family dwelling when permitted by right on a lot on which there exists no other building or use or for any minor home occupation or accessory building in a residential district or residential planned unit development.

Section 13.40 Process

The process of reviewing a site development plan shall be as follows:

- A. **Administrative Plan Reviews.** Administrative reviews shall be performed by the Zoning Administrator as follows:
1. The applicant shall submit an application, checklist materials, and fees in accordance with Section 12.20 A-C.
 2. The Zoning Administrator shall review the site development plan for completeness in accordance with Section 12.20 D and shall obtain comments, as they consider necessary, from City departments or consultants.
 3. The Zoning Administrator shall consider the site plan, any comment received, and the applicable standards of this ordinance and shall act upon the plan in accordance with Sections 12.50 and 13.60. The Zoning Administrator may submit the application to the Planning Commission for comment.
 4. The reasons for the Zoning Administrator's action, along with any conditions that may be attached, shall be stated in writing and provided to the applicant, pursuant to Section 12.50.
 5. If approved, then two (2) copies of the approved site development plan shall be signed and dated by the Zoning Administrator and the applicant. One (1) copy shall be kept on file with the City and one (1) copy shall be returned to the applicant or his designated representative. If the plan is approved with conditions, a revised plan, including an electronic version, shall be submitted reflecting those conditions and signed by the applicant and Zoning Administrator prior to issuance of any permits.

B. Concept Site Development Plan Reviews. Concept plan reviews shall be performed by the Planning Commission and City Council in accordance with the procedures described below.

1. Prior to submitting an application for concept plan review, the prospective applicant shall conduct a neighborhood meeting to present the concept development plan and invite comments. The meeting shall be scheduled in the evening for the convenience of the potential participants. Invitations shall be sent by the prospective applicant by first-class US mail or hand-delivered to all property owners within 300 feet of the subject property. The prospective applicant shall document the meeting indicating the location, list of those invited, number of attendees, comments received, and how (or if) the comments are addressed in the concept development plan to be submitted to the City.
2. Following the required neighborhood meeting, copies of a complete preliminary concept plan and an electronic version, in a quantity and format specified by the City shall be submitted to the Zoning Administrator along with an application for that purpose, documentation of the neighborhood meeting, and a fee, as established by the City Council.
3. The Zoning Administrator shall review the preliminary concept plan development plan for completeness in accordance with Section 12.20 D.
4. Once the concept plan is complete, the Zoning Administrator shall transmit the plan, along with comments from City departments and consultants, to the Planning Commission for consideration at an upcoming meeting, not to exceed 60 days from the determination of completeness.
5. The Planning Commission shall consider the concept plan and shall act in accordance with this ordinance. While comments from the neighborhood meeting may be considered, the Planning Commission review shall be based on the requirements of this Article and the review standards of Section 13.60. The Planning Commission shall render its decision in accordance with Section 12.50 and shall conform with Section 13.60 for any recommended conditions of approval.
6. The reasons for the Planning Commission's recommendation, along with any proposed conditions, shall be forwarded to the City Council for action on the request. While comments from the required neighborhood meeting may be considered, the City Council shall make its decision based on the requirements of this Article, the standards of section 13.60, and the Planning Commission recommendation.
7. If approved, then two (2) copies of the concept plan shall be signed and dated by the mayor and the applicant. One (1) copy shall be kept on file with the City, and one (1) copy shall be returned to the applicant or their designated representative. If the plan is approved with conditions, a revised plan, including an electronic version, shall be submitted reflecting those conditions and signed by the applicant and the mayor prior to the issuance of any permits.

C. Final Plan Reviews. Final site development plan review shall be performed by the Zoning Administrator, as follows:

1. The applicant shall submit an application, checklist materials, and fees in accordance with Section 12.20 A-C.
2. The Zoning Administrator shall review the site development plan for completeness in accordance with Section 12.20 D, and shall obtain comments, as they consider necessary, from City departments or consultants.
3. The final site development plan shall conform to the preliminary concept plan in all relevant aspects such as use, building size and location, parking, access, buffering, and open space. If

Article 13. Site Development Plan Review

significant deviations are noted, then the plan shall be reviewed as a concept plan in accordance with the procedures of this article and then resubmitted with revisions, if any, for final plan review.

4. Once the site development plan is complete and addresses the substantive review comments from staff and consultants, the final site development plan shall be transmitted to the Zoning Administrator for action. The Zoning Administrator, at their discretion, may forward the plan to the Planning Commission for a recommendation.
5. The Zoning Administrator shall consider the final site development plan and shall approve, approve with conditions, or deny the plan, in accordance with this ordinance. The Zoning Administrator shall render its decision in accordance with Section 12.50 and shall conform with Section 13.60 for any conditions of approval. The Zoning Administrator's review shall be based on the requirements of and conformity with this article and this ordinance, including the standards of Section 13.60.
6. If approved, then two (2) copies of the final site development plan shall be signed and dated by the Zoning Administrator and the applicant. One (1) copy shall be kept on file with the City, and one (1) copy shall be returned to the applicant or his designated representative. If the plan is approved with conditions, a revised plan, including an electronic version, shall be submitted reflecting those conditions and signed by the applicant and the Zoning Administrator prior to issuance of any permits.

Section 13.50 Development Plan Requirements

- A. **Required Content.** Each site development plan shall contain the following information. Incomplete plans may be returned to the applicant without further processing until fully compliant with the requirements of this section.

Table 13.50: Development Plan Required Information			
Required Information	Site Development Plan Level		
	Administrative	Concept	Final
General Information			
Date, north arrow and scale	X	X	X
Name and address of property owner and petitioner	X	X	X
Location sketch	X	X	X
Legal description of the subject property	X	X	X
Boundary survey	X	X	X
Size of subject property (in acres)	X	X	X
Name and firm address of plan preparer	X	X	X
Preparer's professional seal			X
Existing Conditions			
Existing zoning classification of subject property	X	X	X
Property lines and required setbacks	X	X	X
Location, width and purpose of all easements	X	X	X
Location and dimensions of all existing structures on the property	X	X	X

Table 13.50: Development Plan Required Information			
Required Information	Site Development Plan Level		
	Administrative	Concept	Final
Location of all existing driveways, parking areas and total number of existing parking spaces on the property	X	X	X
Location of all existing structures, driveways and parking areas within 300 feet of the subject property		X	X
Location of all existing structures, driveways and parking areas within 50 feet of the subject property	X		
Abutting street right-of-way width		X	X
Existing water bodies (rivers, streams, marshes, etc.)	X	X	X
Existing landscaping and vegetation on the property	X	X	X
Tree survey (see Section 10.4 D.2.c)		X	
Size and location of existing utilities (water, sanitary and storm)	X	X	X
Location of all existing surface water drainage facilities	X	X	X
Proposed Development			
Layout and typical dimensions of proposed parcels and lots		X	X
Location and dimensions of all proposed buildings	X	X	X
Finished floor elevations of all buildings	X		X
Number of proposed dwelling units (by type – detached, attached, multiple-family, etc.), including typical floor plans for each type of unit		X	X
Location of all proposed streets, drives and sidewalks	X	X	X
Dimensions and radii of proposed drives, acceleration/deceleration lanes and sidewalks	X		X
Curbing, parking areas (including dimensions of typical space and total number of spaces to be provided), and unloading areas	X		X
Location of walls and fences	X	X	X
Height and materials of walls and fences			X
Recreation areas, common use areas, dedicated open space and areas to be conveyed for common or public use	X	X	X
All deed restrictions or covenants		X	X
General design concept for landscaped areas, including buffers and other interior areas of the site		X	
Landscape plan, per Article 10	X		X
Exterior lighting location, fixture type		X	X
Signs (location, dimensions, setbacks)	X		X
Proposed method of handling sanitary sewage and providing potable water	X	X	X
Size and location of proposed utilities, including connections to public sewer and water supply systems			X
Location of fire hydrants and spacing between hydrants			X

Table 13.50: Development Plan Required Information			
Required Information	Site Development Plan Level		
	Administrative	Concept	Final
Concept grading plan w/one (1) foot contours showing proposed changes to existing site		X	
Final grading plan w/one (1) foot contours	X		X
Generalized location and type of stormwater drainage facilities	X	X	
Storm drainage system, including location of catch basins, manholes, detention pond design, and materials			X
Narrative description of the project including proposed use, existing floor area (square feet), size of proposed expansion (square feet), and any change in the number of parking spaces	X	X	
Building Details			
Typical elevation views of all sides of each building type	X		X
Elevation views of building additions	X		X
Color and material specifications	X		X
Building height	X	X	X
Gross and net floor area of non-residential buildings	X	X	
Livable floor area of dwellings by type	X		X
Additional Information			
Traffic impact analysis, as required by Section 8.90.		X	
Any other information required by the Zoning Administrator, Planning Commission, City Council, or City Manager to demonstrate compliance with other applicable provisions of this ordinance	X	X	X

- B. **Information Waiver.** Specific requirements of any site development plan may be waived in accordance with Section 12.20 D.

Section 13.60 Review Standards

Site development plans shall be approved upon a finding of compliance with the following standards:

- A. The site development plan must comply with all standards of this article and all applicable requirements of this ordinance and all other applicable laws and regulations.
- B. The site must be designed to minimize hazards to adjacent property and to reduce the negative effects of traffic, noise, smoke, fumes, and glare to the surrounding area.
- C. Unless a more specific design standard is required by the City through a different ordinance, all uses and structures subject to site development plan review shall comply with the following standards:
 1. **Traffic Circulation.** The number, location, size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties. Right-of-way recommendations for streets shall be met and setbacks from such streets shall be measured accordingly.

2. Stormwater. Stormwater detention and drainage systems shall be designed so the removal of surface waters will not adversely affect neighboring properties or public stormwater drainage systems. Stormwater detention and drainage systems shall comply with the requirements of this ordinance.
3. Landscaping. Tree preservation and landscaping shall comply with the requirements of this ordinance.
4. Lighting. Lighting shall comply with the requirements of this ordinance.
5. Utility Service. All utility service shall be underground, unless impractical and approved by the City engineer. Utility service shall comply with the requirements of this ordinance.
6. Exterior Uses. Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall comply with the requirements of this ordinance.
7. Emergency Access. All buildings and structures shall be readily accessible to emergency vehicles, and shall comply with the requirements of this ordinance.
8. Water and Sewer. Water and sewer installations shall comply with all City codes and ordinances and with the requirements of this ordinance.
9. Signs. Signs shall comply with all City codes and ordinances and with the requirements of this ordinance.
10. Building Design. New or substantially remodeled buildings shall comply with the requirements of this ordinance.

Section 13.70 Conditions

Conditions which are designed to ensure compliance with the intent and regulations of this ordinance and the City code of ordinances may be imposed on site development plan approval in accordance with Section 12.60.

Section 13.80 Changes to an Approved Site Plan

Projects shall be developed in full compliance with the approved site development plan unless a change is requested and approved in accordance with this section. Changes to an approved site development plan shall be permitted only under the following circumstances:

- A. The holder of an approved site development plan shall notify the Zoning Administrator of any proposed change to the plan.
- B. Changes to an administrative site development plan may be approved by the Zoning Administrator.
- C. Minor changes to concept or final site development plans may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design, nor any specified conditions imposed as part of the original approval. Minor changes shall include, but are not limited to, the following:
 1. Change in building size up to 20 percent of total approved floor area, not exceeding 5,000 sq. ft.
 2. Movement of buildings or other structures by no more than 10 feet.

Article 13. Site Development Plan Review

3. Alterations to parking layout; provided, the number of parking spaces does not increase by more than 10 percent of the approved total and the number or location of access drives does not change.
 4. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
 5. Changes in building materials to materials of a comparable or higher quality.
 6. Changes in floor plans which do not alter the character of the use.
 7. Changes required or requested by a City, county, state, or federal regulatory agency in order to conform to other laws or regulations.
- D. Major changes to concept or final site development plans shall be reviewed in the same manner as the original application, pursuant to this ordinance.

Section 13.90 Expiration

- A. An application for final site plan approval shall be submitted within 24 months of the date on which the concept site plan was approved. If an application for final site plan approval is submitted more than 24 months after the date on which the concept site plan was approved, then such application shall be reviewed in the same manner as the original concept plan. If a project is to be completed in phases, this requirement shall apply to each phase.
- B. Final site plan approval shall expire 24 months from the date of its approval unless substantial construction has commenced and is continuing. For the purpose of this section, "substantial" shall be a determination by the Zoning Administrator, who may request City staff or consultants assist in such determination. Such determination shall comply with Section 12.50.
- C. The Zoning Administrator may grant **two (2) extension of up to 24 additional months each**; provided the applicant requests an extension, in writing, prior to the date on which the final site plan is due or the expiration date of the approval of the final site plan. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered difficulties beyond the control of the applicant, and the final site plan will be submitted or construction will proceed within the extension period.

Section 13.100 Prior Approved Plans

- A. Any final site plan previously approved shall have the 24-month substantial construction requirement of Section 13.90 B beginning upon the adoption date of this ordinance.
- B. Any concept plan previously approved shall have the 24-month window in which to submit their final site plan of Section 13.90 A beginning upon the adoption date of this ordinance.
- C. The Zoning Administrator shall follow the **extension provisions of Section 13.90 C** with any such previously approved plans.

Section 13.110 Appeal

The applicant may appeal any decision of the Zoning Administrator or any condition of approval by the Zoning Administrator to the Zoning Board of Appeals. The applicant may appeal any decision of the City Council pursuant to this ordinance, the City code, or State law.



Article 14. Special Use Permit Review

Section 14.10 Intent and Purpose

- A. **Intent and Description.** A special use permit is intended to manage specific land uses that may potentially impact or interfere with surrounding land uses; the natural environment; public infrastructure and services; and/or public health, safety, and welfare. Land uses that require special use permits are often desired by the community at large, but by their very nature, may:
1. have a tendency to generate excessive traffic;
 2. have a potential for a large number of persons to be attracted to the area of the use, thus creating noise or other pollutants;
 3. have a detrimental effect on the value of potential development of other properties in the neighborhood; or
 4. create a higher potential for accidents or danger to public health or safety.
- B. **Conditions and Safeguards.** Special use permit approval may require the application of imposition of conditions to ensure safeguards for neighboring property owners and the general public.

Section 14.20 Applicability

- A. **Permit Required.** Any use classified as requiring a special use permit pursuant to this ordinance shall be reviewed in accordance with this article and shall not be commenced without a valid special use permit and other applicable site development plan approvals, zoning permits, and building permits.
- B. **Resubmittal.** No application for a special use permit for the same use affecting the same or any portion of the property that was denied by the City Council will be accepted for filing within six (6) months of the date the application was denied.
- C. **Ownership.** A special use permit shall run with the land. Change in property ownership does not invalidate the special use permit, provided the operation remains compliant with this ordinance and any conditions of approval.

Section 14.30 Process

- A. **Process.** Review of a special use permit shall either precede or proceed concurrently with a concept site plan review, and may proceed concurrently with, a property's rezoning application, hearing, and consideration. Any applications or reviews that run concurrently shall be considered separate and distinct from each other. A public hearing shall be held by the City Council prior to action on a special use permit. If approved, concept and final site plan review shall be required if the use is proposed with associated site improvements or building construction.
1. The Zoning Administrator shall review the special use permit application for completeness in accordance with Section 12.20 D and shall obtain comments, as they consider necessary, from City departments or consultants.
 2. Once the application is complete, the Zoning Administrator shall transmit the plan, along with comments from City departments and consultants to the Planning Commission for consideration at an upcoming meeting, not to exceed 60 days from the determination of completeness

3. The Planning Commission shall consider the application and shall act in accordance with this ordinance. The Planning Commission review shall be based on the requirements of this article and the review standards of Section 14.40. The Planning Commission shall render its decision in accordance with Section 12.50 and shall conform with Section 12.60 for any recommended conditions of approval.
 4. The reasons for the Planning Commission's recommendation, along with any proposed conditions, shall be forwarded to the City Council for action on the request.
 5. The City Council shall hold a public hearing in accordance with this ordinance and shall make its decision based on the requirements of this article, the standards of Section 14.40, and the comments from the public comments and Planning Commission recommendation.
- B. **Permits and Conditions.** If approved, then two (2) copies of the special use permit and concept plan, if applicable, shall be signed and dated by the mayor and the applicant. One (1) copy shall be kept on file with the City and one (1) copy shall be returned to the applicant or their designated representative. If the permit is approved with conditions, a revised concept plan, including an electronic version, shall be submitted reflecting those conditions and signed by the applicant and the mayor prior to the issuance of any future permits.

Section 14.40 Review Standards

Special use permits shall be approved only upon a finding of compliance with the following standards:

- A. **Zoning Ordinance and Comprehensive Plan.** The special use will be consistent with the goals, intent, and purposes of the City of Port Wentworth Zoning Ordinance and Comprehensive Plan.
- B. **Use Compatibility and Character.** The special use and associated building construction and site development will be designed, constructed, operated, and maintained to ensure compatibility with adjacent and nearby land uses, compatibility with the property's zoning classification, and it will consider the essential character of the area in which it is proposed. Further, it will not impede the normal and orderly development and improvement of surrounding property.
- C. **Public Services and Infrastructure.** The site and the land use will be adequately served by essential infrastructure and services, such as roads, stormwater drainage infrastructure, schools, law enforcement, and fire protection; will not create excessive additional requirements at public cost for infrastructure; will not be detrimental to the economic welfare of the community; and will not prevent the City from maintaining sufficient levels of service to existing development.
- D. **Impact and Nuisances.** The use and its site design will not be hazardous or disturbing to existing or future uses in the same general vicinity and the community as a whole, and it will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to persons, property or general welfare because of excessive activity, noise, vibration, smoke, fumes, glare, odor, or visual impact.
- E. **Environmental Impact.** The protection of existing sensitive natural resources shall be considered during site design, as applicable, to the maximum extent practical, or the impact shall be effectively mitigated. The special use and associated building construction and site development will not cause irreversible environmental degradation and damage.
- F. **Traffic.** The use will not result in unsafe traffic conditions or negative impacts on bicycle and pedestrian travel and shall comply with the number, spacing, and alignment of existing and proposed access points relative to their impact on traffic movement on abutting streets and adjacent properties, as specified in

Sec. 8.100

Section 14.50 Conditions

Conditions which are designed to ensure compliance with the intent of this ordinance and the City of Port Wentworth code of ordinances may be imposed on special use permit approval in accordance with Section 12.60. Any modification of a condition of approval following City Council approval shall be processed in the same manner as the original application.

Section 14.60 Appeal

Decisions regarding special use permits by the City Council are final. An appellant may appeal the decision of the City Council pursuant to this ordinance, the City code, or State law.

Attachment: PW Zoning Final Draft 5-18-23 (2828 : Zoning Ordinance Rewrite)

Article 14. Special Use Permit Review

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Article 15. Planned Unit Development Review

Section 15.10 Intent and Purpose

This article establishes the application and review procedures to be followed when considering a request for Planned Unit Development (PUD) zoning approval.

Section 15.20 Application Process

- A. **Pre-application Conference.** Prior to submitting a formal application, the applicant shall schedule a meeting with the Zoning Administrator to discuss the zoning classification of the site, the applicable requirements and materials, the qualifying conditions, the review procedures and the proposed development concept. The Zoning Administrator shall notify other appropriate staff and/or City officials. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the City.
- B. **Neighborhood Meeting.** Following the pre-application conference and prior to submitting an application, the prospective applicant shall conduct a neighborhood meeting to present the concept PUD plan and invite comments. The meeting should be scheduled in the evening for the convenience of the potential participants. Invitations, at a minimum, shall be sent by the prospective applicant via US mail or hand-delivered to all property owners within 300 feet of the subject property. The prospective applicant shall document the meeting indicating the location, list of those invited, number of attendees, comments received, and how (or if) the comments are addressed in the concept PUD plan to be submitted to the City.
- C. **Preliminary PUD Review and Rezoning.** The following procedures shall be followed for the review of any PUD request.
 1. **Application.** An application for rezoning to the PUD district shall be submitted to the Zoning Administrator by the owner, owner's authorized representative, or option holder of the property that is the subject of the application. The application shall be filed on a form provided for that purpose, along with a fee established by the City Council, and a PUD concept plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Planning Commission.
 2. **Concept Plan.** A PUD concept plan shall be submitted and include the following:

Table 15.20: Concept PUD Plan Required Information

Required Information
General Information
Date, north arrow, and scale
Name, address, phone number and email address of the applicant(s)
Name, address, phone number and email address of the professional or firm that prepared the plan
Legal description of the property

Table 15.20: Concept PUD Plan Required Information

Required Information
General location map
Existing Conditions
Property boundary survey
Existing zoning on the subject property and all abutting properties
Adjacent buildings and structures within 100 feet of the property boundaries
Location and dimensions of all existing structures on the property
All perimeter streets abutting the property, including right-of-way width
Existing topographic conditions (two (2) foot intervals)
Existing natural features (woods, ponds, streams, and marshes)
Tree survey (see Section 10.4 D.2.c)
Approximate location of existing utilities
Proposed Development
Proposed uses within the PUD
Conceptual layout of the development illustrating the general location of interior streets and access points to abutting streets
Concept grading plan showing proposed changes to existing site
Proposed utilities, including a preliminary utility plan
Generalized location and type of stormwater drainage facilities
Location, width, and purpose of easements
Parking areas
Areas to be developed by type of use
Layout and typical dimensions of proposed parcels and lots
Number of proposed dwelling units (by type – detached, attached, multiple-family, etc.)
Common open spaces and required buffers
Building Details
Gross and net floor area of non-residential buildings
Building height
Perspective sketches or photographs of representative building types, illustrating the proposed architectural style and building materials
Narrative
Identification of the present owners of all land within the proposed project
Statement of how the PUD meets each of the Qualifying Conditions specified in Section 5.20.
Explanation of the proposed character of the PUD, including a summary of acreage by use, number and type of dwelling units, gross residential density, area and percent of the project to be preserved as common open space, minimum lot sizes by type of use.
A complete description of any requested deviations, in accordance with Section 5.40 B., from the minimum spatial or other requirements applying to the property.
An explanation of why the proposed development should be given a density bonus, if applicable, in accordance with Section 5.40 C.
A general description of the proposed development schedule and anticipated phases.
Intended agreements, provisions and covenants to govern the use of the development, approval of building materials/architectural styles and open space areas to be preserved.
A traffic impact analysis, per Section 8.90.

Table 15.20: Concept PUD Plan Required Information
Required Information
Other
Any other information required by the Zoning Administrator, Planning Commission, or City Council to demonstrate compliance with other applicable provisions of this ordinance

- D. **Planning Commission Review.** Following receipt of a complete application package, the Zoning Administrator will cause the application materials to be forwarded to the Planning Commission for review. Within 45 days after submission of a complete application and all required plans and information, the Planning Commission shall conduct a public hearing and make a recommendation to the City Council, as follows:
1. Notice of hearing. Public notice of the time, date, location and purpose of the hearing shall be provided, in accordance with the requirements of Section 12.40.
 2. Public hearing. The Planning Commission shall conduct a public hearing in accordance with its rules of procedure.
 3. Recommendation. Following the public hearing, the Planning Commission shall recommend to City Council that the PUD concept plan and PUD zoning be approved as presented, approved with supplementary conditions, or disapproved. The recommendation shall be based on the standards of Section 13.60 and 15.40.
 4. Project representation. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
- E. **City Council Action.** Upon receiving the recommendation from the Planning Commission, council shall take final action on the request.
1. Action. Council shall approve, approve with supplementary conditions, or disapprove the PUD concept plan, and zoning change, based on the standards of Section 15.40.
 2. Conditions. If conditions are attached to the Council's approval, the final site plan shall reflect those conditions. Failure of the applicant to comply with any conditions of approval shall be considered a violation of this ordinance and subject to all applicable enforcement, remedies, and penalties provided for in this ordinance.
 3. Project representation. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
- F. **Final PUD Review:** The following procedures shall be followed for review of the final site plan.
1. Timing. An application for final site plan approval shall be filed not later than 24 months after the date of approval of the PUD concept plan and zoning change, otherwise the PUD concept plan approval shall be considered expired. One (1) extension of up to six (6) months may be authorized by the Zoning Administrator for cause. The applicant shall submit the request for extension to the Zoning Administrator in writing, prior to the expiration of the original approval period. The Zoning Administrator shall make a written determination regarding his decision to extend or deny the extension. Both the request and the determination shall be made part of the record.

Article 15. Planned Unit Development Review

2. **Application.** An application for approval of the final site plan shall be submitted to the Zoning Administrator by the property owner or owner's authorized representative. The application shall be filed on a form provided for that purpose, along with a fee established by the City Council, including a final site plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the City Manager for final action.
 - a. **Final Plan.** A final site plan, substantially consistent with the approved PUD concept plan and containing all information required in Section 13.50 (final plan), shall be submitted with the required application form. If applicable, a plat may be submitted concurrently in accordance with the City's subdivision ordinance.
 - b. **Project Narrative.** A project narrative shall also accompany the application and final site plan and provide the following:
 - i. Proposed covenants and/or deed restrictions governing the use, design, maintenance, ownership and control of the development and common areas;
 - ii. Identification of the entity responsible for maintenance of common areas;
 - iii. Description of all deviations from the otherwise applicable zoning requirements;
 - iv. Net and gross density of any residential component of the project;
 - v. Open space calculations, identifying the gross acreage and percent of lands to be preserved as common open space, including calculations by phase of the development, if applicable.
 - vi. Restrictions or requirements regarding architectural style and/or building materials;
 - vii. Improvements that would be the responsibility of the developer such as construction of roads, parks, utilities, pathways, sidewalks, and similar elements;
 - viii. An anticipated development schedule by phase, if applicable; and
 - ix. An updated traffic impact analysis shall be required if the final plan deviates substantively from the approved PUD concept plan with respect to number of dwelling units, square footage of buildings, or proposed uses.
3. **Phased Projects.** If a proposed PUD is to be constructed in two (2) or more phases, final site plan approval may be granted for individual phases; provided, a complete plan for the entire development was first given concept plan approval and that each subsequent phase shall be submitted for final site plan approval and is consistent with the approved concept plan. The City Manager may require additional information beyond what is otherwise required if, in their judgment, more detailed information is necessary due to the size of the development; number of phases proposed; or the interrelationship of roads, utilities, or drainage systems within the total site.
4. **City Manager Action.** Following receipt of a complete application package, the Zoning Administrator shall cause the application materials to be forwarded to the City Manager for review. The City Manager shall consider the application and take action to approve, approve with supplementary conditions, or disapprove the final site plan, based on the review standards of Section 15.40 and the site plan review standards of Section 13.60. At their sole discretion, the City Manager may refer the final site plan to the Planning Commission for a recommendation.
5. **Performance Guarantee.** In conjunction with the approval of a final site plan, the petitioner may be

required to provide a performance guarantee for all public and common improvements, in accordance with Section 12.70.

6. Private Covenants and Restrictions.

- a. Covenants and restrictions for the property within any PUD district are required and must be recorded with the office of the county clerk prior to the approval of a plat or issuance of a building permit. These restrictions shall run with the land to ensure that, if subdivided or developed in phases, the covenants and restrictions shall still be enforced.
- b. Covenants and restrictions shall:
 - i. Be based on the conditions attached to the approved PUD application;
 - ii. Subject each owner or person taking title to land located within the development to the terms and conditions of the covenants and restrictions as well as any other applicable regulations;
 - iii. Establish a property owners association (POA) with mandatory membership for each owner or person taking title to land located within the development, and require the collection of assessments from owners in an amount sufficient to pay for its functions; and
 - iv. Provide for the ownership, development, management, and maintenance of any private open space, private community parking facilities, private community meeting spaces, or other common areas, as required by Section 5.40 D.2.

7. Expiration. Approval of the final site plan by the City Manager shall expire 12 months after the date of that approval unless substantial construction has been commenced and is continuing. An extension of up to 12 additional months may be granted by the City Manager, in accordance with the requirements of Section 13.90.

Section 15.30 Development Impact Assessment

As part of the PUD concept plan review process, the City Council, at its sole discretion, may require the applicant to prepare a development impact assessment to evaluate the potential impacts on municipal improvements and facilities, natural and historic resources, and the fiscal affect on the City. The content of such assessment shall be as follows:

- A. Executive Summary
- B. Introduction, Project Description, Objectives, Environmental Setting
- C. Projected Impacts and Mitigation Alternatives
 - 1. Fiscal. The developer shall estimate and quantify the additional revenues and costs to the City of Port Wentworth as a result of the proposed development. Fiscal analysis involves assessing the public service costs and revenues associated with the development. Such an analysis projects the net cost of the development on the fiscal balance sheet of the community. Since fiscal feasibility plays an important role in determining whether or not to proceed with a proposed development, fiscal impact analysis is a critical component of the development impact assessment.

2. Community Facilities.

- a. Water supply and distribution. The developer shall provide an estimate and provide calculations of water supply needs including domestic and adequate fire flow protection. Anticipated improvements necessary to accommodate the proposed development shall be specified.
- b. Wastewater collection and treatment. The developer shall provide a quantitative estimate of sewage to be generated and specify any anticipated improvement necessary to accommodate the volume.
- c. Solid waste. The developer shall provide a quantitative estimate of the solid waste expected to be generated by the proposed development, including the assumptions used in all calculations.
- d. Stormwater management. The developer shall address all components of Article III. Stormwater Management, Section (5), Subsections (a) and (b) of the Code of Ordinances, City of Port Wentworth. The remaining requirements of Article III. shall be addressed in the final site development plan. A discussion of the adequacy of the receiving stormwater conveyance shall be provided.
- e. Stormwater quality. The developer shall provide narrative discussing measures that will be used to preserve and/or improve the physical, chemical, biological, or radiological integrity of stormwater runoff from the proposed development.
- f. Schools. The developer shall provide narrative discussing the impact to the local school system, if any, including number of students to be generated, potential number of new employee families to reside in Port Wentworth, capacity of existing schools that would be impacted, and busing needs.
- g. Parks and recreation. The developer shall provide narrative discussing impact to the municipal parks and recreation facilities or programs, including the location of existing parks, potential facility demands by employees, families, and visitors generated by the proposed development.
- h. Public safety (police and fire). The developer shall provide data and narrative identifying impacts, including special needs, personnel, and equipment. The assessment shall identify the current availability of equipment and staffing, current demands on fire and police service per capita and per dwelling unit, increased demand on services based on number of employees, dwelling units, or residents in the proposed PUD, and any added personnel or equipment needs.

Section 15.40 Review Standards

In considering a PUD request, the Planning Commission, City Council, and/or City Manager, as applicable, shall find that the proposed development meets all applicable requirements and qualifying conditions of this ordinance, as well as each of the following general standards:

- A. **Purpose of PUD.** The proposed development shall be consistent with the stated purpose of this district, as found in Section 5.10.
- B. **Qualifying Conditions.** The proposed development shall satisfy each of the Qualifying Conditions, as stated in Section 5.20.
- C. **Recognizable and Substantial Benefits.** Approval of the PUD will result in a recognizable and substantial benefit to the users of the project and to the community which would not otherwise be

feasible or achievable under conventional zoning districts. The development shall provide two (2) or more of the benefits specified in Section 5.20 G.

- D. **Comprehensive Plan.** The PUD shall be consistent with the recommended future land use patterns, goals, and relevant recommendations contained in the City of Port Wentworth Comprehensive Plan.
- E. **Surrounding Uses.** The development shall be compatible with the existing and intended uses surrounding the subject property.
- F. **Natural Environment.** The design and layout of the PUD shall be harmonious with the natural character of the site and surrounding area and shall employ best management practices to ensure their conservation.
- G. **Public Facilities and Services.** The proposed development shall not place undue burden on the capacity of public facilities and services such as, but not limited to, roads, fire and police protection, water, sanitary sewer service, and drainage.
- H. **Health, Safety, and Welfare.** The PUD shall not contain uses or conditions of use that may be injurious to the public health, safety, or welfare.
- I. **Consistent with All Applicable Standards and Requirements.** The proposed development shall conform to all applicable requirements of this ordinance, unless specifically modified and approved, as authorized by Section 5.40 B.
- J. **Final Site Plan.** The final site plan is substantially consistent with the representations made and plans shown during the prior PUD concept plan stage of approval.

Section 15.50 Changes to an Approved Plan

- A. The PUD shall be constructed in compliance with the approved final site plan unless changes are approved in accordance with this section. Changes to an approved final site plan shall be permitted only as specified in Section 13.80.
- B. A proposed change to an approved final site plan that is determined by the Zoning Administrator to not be a minor change shall be considered a major change. A major change shall necessitate an amendment to the approved final PUD plan and shall be submitted and reviewed in accordance with the procedures established for the final PUD plan. When, in the sole judgment of the City Manager, the proposed change is a substantial deviation from the approved PUD concept plan, the change shall be reviewed as a new application, in accordance with the provisions of Sections 15.20 C and 15.20 D; provided, public hearings shall not be required, but may be conducted at the discretion of the Planning Commission and/or City Council.

Article 15. Planned Unit Development Review

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Article 16. Subdivision Review

Section 16.10 Intent and Purpose

A. **Intent and Purpose.** The intent and purpose of this article are to:

1. conserve and protect the natural, economic, and scenic resources of the City of Port Wentworth;
2. prevent and reduce the traffic congestion and traffic hazards which result from narrow or poorly aligned streets, and which result from excessive entrance and exit points along major traffic arteries;
3. eliminate the costly maintenance problems which develop when streets and lots are laid out without proper consideration being given to the drainage characteristics of the tract of land at the time the land is being subdivided into streets and lots;
4. prevent the spread of urban blight and slums;
5. insure that residential lots will be of such design, area, and width as will prevent health and sanitation problems from developing in those subdivisions with lots to be served by individual water supply and waste disposal systems;
6. insure that all building lots will be accessible to fire fighting equipment and other emergency and service vehicles;
7. to protect the investments of the buyers of subdivision lots; and
8. promote and protect the health, safety, prosperity, and welfare of the citizens of the City of Port Wentworth and for other purposes.

Section 16.20 Applicability and Subdivision Types

A. **Applicability.** Upon the effective date of this ordinance, no subdivision plat for any land within the City of Port Wentworth, unless exempted below, shall be filed with or recorded by the Clerk of the Superior Court until the plat has been submitted and approved according to the procedures set forth in this article, including the following:

1. All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of immediate or future sale, transfer, or building development.
2. All divisions of land involving a new street or a change in existing streets.
3. Re-subdivision of land and when appropriate to the context relates to the process of subdivision or to the land subdivided.

B. **Subdivision Types.**

1. Exempt Subdivision.
 - a. The subdivision of a tract of land into two (2) or more lots, each having an area of five (5) acres or more, and in which no new street is required. The dividing of a tract into two (2) or more lots of five (5) acres or more each, which requires new access roads, easements or lot width variances at the required building setback line, shall be defined as a subdivision under the terms of this ordinance.

- b. 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 set forth in this ordinance.
- 2. Minor Subdivision. Any subdivision comprising three (3) lots or less and not involving a new street or change in an existing street.
- 3. Major Subdivision. Any subdivision comprising four (4) lots or more or any subdivision involving a new street or change in an existing street.

Section 16.30 Sketch Plan

- A. **Informal Review.** Prior to submitting a formal subdivision application, a sketch plan may be submitted for informal review comments. Comments are non-binding and shall not be construed as an approval or commitment to approval.
- B. **Sketch Plan Requirements.** A sketch plan is a less formal plan which shall include the following information, as applicable:
 - 1. Boundary lines of the property being subdivided;
 - 2. Layout of streets, roads, and other features in relation to existing conditions;
 - 3. Water courses and marshes found on the tract of land being subdivided and the limits of habitable area; and
 - 4. The location, name, and right-of-way width of any existing streets on the land being subdivided or on land adjacent to the tract of land being subdivided.

Section 16.40 Exempt and Minor Subdivision Process

- A. **Submittal.** Applications shall be submitted in accordance with Section 12.20.
- B. **Final Plat.** Exempt and minor subdivisions may be submitted as final plats and shall comply with the requirements of these regulations, including minimum finished floor elevation requirements.

Section 16.50 Major Subdivision- Preliminary Plat Process

- A. **Submittal.** Applications shall be submitted in accordance with Section 12.20.
- B. **Deadline.** Complete applications must be received by the Port Wentworth Planning Commission at least 20 business days prior to the Planning Commission meeting at which they are to be considered. Revisions to a subdivision under review by the Planning Commission must be received 10 business days prior to the Planning Commission meeting at which each subdivision is scheduled to be heard.
- C. **Review.** Upon determination of a complete application, the Zoning Administrator will promptly distribute the application for review by internal City Departments and external agencies.
- D. **Planning Commission Action.** Except where an extension of time is authorized by the applicant for preliminary plat review, the Planning Commission shall have 45 business days from the date of submittal of a complete preliminary plat with application to act on the preliminary plat application. The Planning Commission shall provide a recommendation to the City Council per Section 12.50.
- E. **City Council Action.** Upon receipt of a recommendation from the Planning Commission, the City Council shall hold a public hearing . After a hearing is held, the City Council shall act on the preliminary plat per

Section 12.50.

- F. **Standards of Approval.** When reviewing or approving a preliminary plat, the Planning Commission and City Council shall consider:
1. Recommendations from internal City Departments and external agencies;
 2. Compliance with the applicable requirements of the Zoning Ordinance; and
 3. Substantial conformance with the City's applicable adopted plans, policies, and the any official or adopted design manuals of the City of Port Wentworth.
- G. **Validity of Approval.** Approval of a preliminary plat shall be valid for one (1) year. If work has not started on a subdivision on or before the end of this one (1) year period, the approval shall expire. An expired approval requires that a preliminary plat be resubmitted in accordance with this section.
- H. **Extension.** The City Council may approve one (1) extension of up to one (1) year if requested in writing by the applicant prior to the expiration date of the original approval. The extension may be approved if the City Council determines that the applicant has provided reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If work has not started on a subdivision on or before the end of this one (1) year extension period, the approval shall expire.

Section 16.60 Preliminary Plat Requirements

- A. **Preliminary Plat Requirements.** The preliminary plat shall be drawn at a scale of not less than 200 feet to the inch. The preliminary plat shall contain the following information:

Table 16.60: Preliminary Plat Submittal Checklist
Existing Features
The bearings and distances of the boundary lines of the property to be subdivided.
The location of any streams, natural drainage ways, and other waterways which exist on the property.
The distance and direction to public water lines and sanitary sewer lines.
The name, location, and right-of-way width of existing streets either on the property or on land adjoining the property.
Existing contours of the property in solid lines and at one-foot intervals and based on mean sea level datum.
The name of subdivision or property owners adjoining the property.
The location of railroads, of public or private rights-of-way or easements, and of parks or other public spaces either on the property or adjoining the property.
Proposed Design Features
The location, purpose, and width of any proposed drainage or utility easements and identification of those to be dedicated.
Lot lines and lot line dimensions; proposed lot numbers.
The location and specifications for proposed streets and lanes, including right-of-way lines, proposed paving, proposed finished grades, proposed pavement width, if any; profiles and typical cross-sections of such streets; and such other information as shall be required to show compliance with the design specifications established by this ordinance for streets.
Proposed street names.
Proposed final contours in dashed lines at one-foot intervals and based on mean sea level datum.

Building setbacks.
Proposed crosswalks.
The expected limits of the 100-year flood where appropriate.
Supplemental Information
A statement from the subdivider shall be placed on the preliminary plat which shall describe the method by which storm sewers, sanitary sewers, and water facilities will be provided. If septic tanks or individual waste disposal systems are to be used in a subdivision, then soil tests shall be done in accordance with Chatham County Health Department requirements and the results of such tests, together with a contour map showing, where appropriate, the approved location for each private disposal system of each test hole, shall accompany the preliminary map.
Grading and drainage plans shall be submitted with each subdivision application. If the required drainage plans reveal that a request for subdivision approval would overload the capacity of the channel downstream or increase flood stages upstream, the subdivision approval permit shall be denied, unless equivalent flow and storage capacity is replaced and maintained by the owner within the flood plain affected.
When the preliminary plat includes only a part of the tract on which the subdivider has an interest, the developer shall submit a tentative street plan for all of said tract.
All exhibits accompanying the preliminary plat shall be prepared by a registered civil engineer and shall contain the seal of such engineer along with a statement that the plat meets the provisions and standards of the Flood Drainage Prevention Ordinance for the City of Port Wentworth.

Section 16.70 Final Plat Process

- A. **Submittal.** Applications shall be submitted in accordance with Section 12.20 and Section 16.80, and the number of copies shall be as required on the application form. For major subdivisions, all construction and site improvements must be complete unless a performance guarantee is posted to ensure the completion of required work.
- B. **Approval Authority.** Final plat approval by the Zoning Administrator is required before a final plat of a subdivision is recorded with Clerk of Superior Court of Chatham County or the transfer or sale any of the land within the subdivision by reference to a plat.
- C. **Review.** Upon determination of a complete application, the Zoning Administrator will promptly distribute the application for review by internal City Departments and external agencies.
- D. **Phasing.** Final plat submittals for a major subdivision may be submitted in phases.
- E. **Zoning Administrator Action.**
 1. If the Zoning Administrator finds that the final plat does not meet all the standards of approval in this section, the applicant will be notified in writing of the specific provisions that have not been met and offer the applicant the opportunity to make changes to the final plat.
 2. If the Zoning Administrator finds that the final plat meets all the standards of approval in this section, the application will be certified as complying with all applicable requirements of the Zoning Ordinance and this article.
- F. **Dedications.**
 1. Where the approved final plat includes public dedication, the application will be scheduled for the next available City Council meeting. Upon certification by the Zoning Administrator that the application complies with all applicable requirements of the Development Code, no changes to the

- application are permitted prior to the City Council meeting.
2. The City Council must accept or decline any dedication of land or public improvements.
 3. Decisions of the City Council are final. Any party not satisfied with a decision of the City Council may pursue appeals to Chatham County Superior Court within 30 calendar days of the decision.
- G. **Recording.** Once approved by the Zoning Administrator, or the City Council in the case of a final plat with dedications, the applicant will record the final plat in the records of the Clerk of the Chatham County Superior Court and file a copy with the Community Development Department.
- H. **Standards of Approval.** When reviewing or approving a final plat, the City Manager shall consider:
1. Substantial conformance with the approved preliminary plat;
 2. Recommendations from internal City Departments and external agencies;
 3. Compliance with the applicable requirements of the Zoning Ordinance; and
 4. Substantial conformance with the City's applicable adopted plans, policies, and any official or adopted design manuals of the City of Port Wentworth.
 5. Completion of all infrastructure and required improvements.
- I. **Lot Sales.** After the final plat of the subdivision has been recorded, then all lots shown on such subdivision may be made available for sale, and such subdivision shall be entitled to all privileges and services available to other subdivisions within the City.

Section 16.80 Final Plat Requirements

- A. **Final Plat Requirements.** The original copy of the final plat shall be drawn on 18-inch by 24-inch sheets of mylar with black India ink or equivalent material at a scale of not less than 200 feet to the inch. Where necessary, the final plat may be several mylar sheets accompanied by an index sheet showing the entire subdivision. The final plat shall contain the following information:

Table 16.80: Final Plat Submittal Checklist
Plat Details
Title, scale, north arrow, and date.
Key map showing the location of the subdivision in the City.
All plats shall show the expected limits of the 100-year flood where appropriate.
Primary control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
Tract boundary lines; right-of-way lines of streets; easements and other right-of-way; property lines of all lots; and in all such cases with surveyed dimensions. Bearings or deflection angles, radii, arcs, and central angles of all curves shown.
Name and right-of-way width of each street or other right-of-way.
Location, dimensions, and purpose of any easement.
Number to identify each lot or site.
Purpose for which sites, other than residential lots, are dedicated or reserved.
Minimum building set back line on all lots and other sites.
Location and identification of monuments.
Names of record owners of adjoining unplatted land.
Reference to recorded subdivision plats of adjoining platted land by record name.

Certificate that all survey work was performed by a registered civil engineer or registered surveyor.
Statement by owner, on the plat, dedicating streets, rights-of-way, easements, and any sites for public use. This statement shall be signed by the owner, or his attorney as agent, and shall read as follows: "All streets, rights-of-way, easements and any sites for public use as noted on this plat are hereby dedicated to the City of Port Wentworth for the use intended. Such dedications are more specifically described in the deed that accompanies this plat. (Owner or attorney as agent)"
Supplemental Information (Not included in the final plat)
The developer must provide the city with a detailed cost report of all public infrastructure that was installed as part of the development. The detailed cost report shall include both on-site improvements and off-site improvements. The intent of the detailed cost report is for cost accounting of publicly held facilities.
Certification from County Health Department if served by well and/or septic
Drawings of record
Maintenance guarantees
Maintenance agreement

- B. **Certification from County Health Department.** If lots are not to be served by either public sewers or public water, or both, then the final plat shall be accompanied by a certificate from the Chatham County Health Department certifying health department approval of the water supply system and/or waste disposal system to be used and health department approval of lot sizes and lot widths established in such subdivision.
- C. **Maintenance Guarantees.** The developer will provide a cash security or bond payable to the City in the amount of 25 percent of the total public infrastructure construction costs for roadways, drainage facilities, and appurtenances and 10 percent of the total public infrastructure construction costs for water and sewage systems, with no security less than \$50,000. The amount must be sufficient to cover all possible repairs required during the warranty/maintenance period (See Section 16.90). The City Engineer and Community Development Director shall review and approve all cash security amounts.
- D. **Maintenance Agreement.** The developer shall execute a maintenance agreement suitable in a form to the City Attorney.

Section 16.90 Maintenance Guarantees

- A. **Maintenance Periods.** The developer must maintain the public infrastructure for the periods outlined below:
1. Roadways, drainage facilities and appurtenances will be maintained by the developer for a period of two (2) years from the date of acceptance of the final plat. The two (2) year period shall not begin until after all infrastructure and inspections are completed with all deficiencies corrected. The date of the beginning of the maintenance period shall be set by Mayor and Council upon acceptance of the final plat. The developer must request in writing that the City take the roadways, drainage facilities, and appurtenances for maintenance at the end of the two (2) year period. The request may be filed with the City no sooner than 45 business days prior to the end of the period. The City must notify the developer of deficiencies or needed repairs within 30 business days of the request. A notice of needed repairs or deficiencies will require that the developer extend the bond for a period of six (6) months to allow for time to correct such deficiencies or needed repairs. If the needed repairs or deficiencies continue to exist at the expiration of the extended maintenance period, the bond will be extended by such a period as identified by the Mayor and Council. The developer may request in writing that the City accept the roadways, drainage facilities, and

appurtenances prior to the end of the extended maintenance period, if all deficiencies and needed repairs have been satisfactorily corrected. The Mayor and Council shall determine whether to accept the infrastructure within 45 business days after all needed repairs and deficiencies have been satisfactorily corrected.

2. Water and sewage systems will be maintained by the developer for a period of 12 months from the date of acceptance of the final plat. The twelve month period shall not begin until after all water and sewer infrastructure and inspections are complete with all deficiencies corrected. The date of the beginning of the 12 month period shall be set by the Mayor and Council upon acceptance of the final plat. The developer must request in writing that the City take the water and sewerage systems for maintenance at the end of the 12 month period. The request may be filed with the City no sooner than 45 business days prior to the end of the period. The City must notify the developer of deficiencies or needed repairs within 30 business days of the request. A notice of needed repairs or deficiencies will require that the developer extend the bond for a period of six (6) months to allow for time to correct such deficiencies or needed repairs. If the needed repairs or deficiencies continue to exist at the expiration of the extended maintenance period, the bond will be extended by such a period as identified by the Mayor and Council. The developer may request in writing that the City accept the water and sewerage systems prior to the end of the extended maintenance period, if all deficiencies and needed repairs have been satisfactorily corrected. The Mayor and Council shall determine whether to accept the infrastructure within 45 business days after all needed repairs and deficiencies have been satisfactorily corrected.
 3. The developer shall post separate bonds for:
 - a. the water and sewerage systems; and
 - b. roadways, drainage facilities, and appurtenances.
 4. Should the developer construct and install water and sewage infrastructure that serves or is intended to serve multiple phases of a project, the developer may request that the portion of the required security derived from the construction cost of that infrastructure be prorated across each proposed phase of the project. Proration of any part of the required cash security will be at the sole discretion of Mayor and Council.
- B. **Release of Security.** The security shall only be released at the request of the developer. In no event will the security be released prior to 45 business days before the maintenance period ends. Release of the security shall be by formal action of City Manager.
- C. **Forfeit.** The security will be forfeited to the City after a period of 10 years from the date of the approval of the final plat for the initial phase of the subdivision by the City Manager, should the public infrastructure be incomplete and unaccepted by the City at the end of the 10-year period.

Section 16.100 Plat Amendments

- A. **Minor Revisions.** Proposed revisions to a recorded plat that do not alter or change in any way the street and/or utility layout of the plat and does not add additional lots shall be submitted as follows:
1. The subdivider shall file with the City Manager four (4) copies of the original plat with all minor revisions shown in red.
 2. The plats shall be accompanied by a statement signed by all affected property owners acknowledging their awareness and approval of the revisions.
 3. Review shall occur in accordance with Section 16.70.

Article 16. Subdivision Review

- B. **Major Revisions.** Any amendment not qualifying as a minor amendment shall be processed as a preliminary plat per Section 16.50.



Article 17. Zoning Map and Text Amendments

Section 17.10 Intent and Purpose

This article establishes the procedures to be followed for any amendment to the provisions of this ordinance or to the zoning designation of any property in the City of Port Wentworth.

Section 17.20 Initiation

Proposals to amend these regulations may be in the form of requests to change the ordinance text or the Zoning Map. Applications for amendment to the text or map may be initiated by the owner or option holder of property that is the subject of an amendment request or by the Planning Commission or City Council upon its own initiative.

Section 17.30 Amendment Review Process

- A. **Application.** Each application to amend the zoning text or map shall be filed with the Zoning Administrator on forms provided for that purpose along with the application fee and any other required documentation. Only complete applications containing all required information and exhibits and the required fee, shall be processed by the Zoning Administrator in accordance with the public notice and hearing requirements of this ordinance.
- B. **Additional Requirements for Map Amendments.**
 1. **Required Information.** All applications for zoning map amendments shall include, in addition to a fully completed application form and required filing fee, the following:
 - a. A legal description of the subject property by lot, block, and subdivision designations, or if none, by metes and bounds;
 - b. The property identification number from the county's tax records;
 - c. Names, addresses, and zip codes, at the date of filing, of owners of property being rezoned and of property owners adjacent to and across any public right-of-way from the property being proposed for rezoning, including properties diagonally across an intersection; and,
 - d. All known previous applications for a map amendment affecting the subject property.
 2. **Resubmittal of Map Amendments.** No application for a zoning map amendment that has been denied by the City Council shall be resubmitted within six (6) months of the date when the request was first denied. However, if the amendment request is for a different zoning district than the previous request, an application may be accepted.
- C. **Public Notice.** Notice of public hearing shall be given in accordance with the requirements specified in Section 12.40 of this ordinance.
- D. **Planning Commission Action.**
 3. The Planning Commission shall hold a public hearing on each application for a text or map amendment.
 4. Upon completing the public hearing, the Planning Commission shall consider the application, testimony of the applicant and public, all reports, and supplemental information that may have

been provided and shall make a recommendation to the City Council to approve or deny the subject application. The applicant may also choose to withdraw the request, without prejudice, prior to a decision by the Planning Commission. The Planning Commission may recommend amendments to the request, which in the case of map amendments, would reduce the land area for which a rezoning application is made or change the district requested to a more restrictive district. In the case of a text amendment, wording modifications may be recommended, which are deemed advisable so the purpose of this ordinance will be served, and the public health, safety, and general welfare secured.

- E. **Council Action.** After receipt of the Planning Commission's report and recommendation, the City Council shall conduct a public hearing and may approve, deny, or defer the application. An action to defer shall include a written statement of justification for such action and a specific location and meeting date to which the application is deferred; no further public notice shall be required. In the case of map amendments, Council may consider the addition or deletion of conditions of rezoning in accordance with the standards of Section 17.40 B., so the purpose of this ordinance will be served, and the public health, safety, and general welfare secured. Should the Council consider additions or deletions of conditions, the application may be referred to the Planning Commission for review and recommendation.

Section 17.40 Approval Standards

- A. **Map Amendments, in General.** In order to promote the public health, safety, and general welfare of the City against the unrestricted use of property, the City Council and Planning Commission may consider the following standards and any other factors relevant to balancing the public interest in making a rezoning decision:
1. Is the request in conformance with the City's Comprehensive Plan?
 2. Is this request a logical extension of a zoning boundary which would improve the pattern of uses in the general area?
 3. Does the current zoning classification unreasonably restrict the use and enjoyment of the subject property?
 4. Has a change of conditions occurred in the surrounding area which makes the current zoning of the property unreasonable?
 5. Is there sufficient land already appropriately zoned and available elsewhere in the City?
 6. Is this spot zoning and generally unrelated to either existing zoning or the pattern of development of the area?
 7. Could traffic created by the proposed zoning classification travel through established residential neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?
 8. Would the proposed zoning allow uses that could generate traffic flow beyond the carrying capacity of the current street system?
 9. Is there an imminent need for the rezoning and for the uses permitted within the proposed district?
 10. Would the allowed uses substantially conflict with existing or intended development density patterns in the surrounding area?
 11. Would the proposed zoning change likely precipitate similar requests which would generate or accelerate adverse land use changes in the zone or neighborhood?

12. Would any or all of the allowed uses in the proposed zone district adversely impact adjacent or nearby properties in terms of:
 - a. Environmental quality or livability, by creating undue traffic, noise, odor, or visual hazards incompatible with the established or intended development pattern.
 - b. Property value, by rendering such properties less desirable and, therefore, less marketable for the type of development to which they are committed or restricted.
13. Would the rezoning create development potential of such increased intensity that storm water runoff from the site would exceed current limits, resulting in adverse impacts upon existing or planned down-stream drainage systems?
14. Would the rezoning result in public service demands beyond existing capacities and impose an economic burden on the community at-large?

B. Conditional Zoning Amendments.

1. In deciding any application for an amendment to the zoning classification of a parcel of property, the City Council may, on its own motion or upon the recommendation of the Planning Commission or the Zoning Administrator, grant the application subject to such conditions deemed necessary to promote and protect the health, safety, morality, and welfare of the City and to further the purposes of this ordinance. Such conditions shall be imposed for the benefit of the community to prevent or lessen any negative impact expected to result from the zoning map amendment.
2. Conditions that may be adopted include, but are not limited to, vegetative or structural buffers, preservation of existing vegetation and tree cover, maximum density and/or number of lots, access limitations, minimum lot size, setback restrictions, and property use restrictions. Such restrictions shall be binding upon the applicant and any successor in title.
3. If the conditions under consideration by City Council are unacceptable to the applicant, the applicant may withdraw its application without prejudice to the filing of a new application seeking a different zoning classification.
4. Map amendments approved conditionally shall be reflected on the zoning map by a notation indicating that the property has been conditionally zoned.

C. Text Amendments. In its consideration of amendments to the text of this ordinance, the following may be applied to guide the deliberations of the Planning Commission and City Council:

1. The proposed text amendment would clarify the intent of this ordinance.
2. The proposed text amendment would correct an error in this ordinance.
3. The proposed text amendment would address changes to the state legislation, recent case law, or opinions from the state attorney general.
4. The proposed text amendment would promote compliance with changes in other City ordinances and county, state, or federal regulations.
5. In the event the amendment would add a use to a district, that use would be fully consistent with the purpose of that district and the character of the uses allowed within the district.
6. The amendment would not create incompatible land uses within a zoning district.
7. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental

Article 17. Zoning Map and Text Amendments

requirements, best practices, and similar technical items.

8. As applicable, the proposed change would be consistent with the City's ability to provide adequate public facilities and services.
9. The proposed change would be consistent with the ordinance's intent to protect the public health, safety, and welfare of the community.



Part V. Administration

Part V. Administration

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Article 18. Zoning Administration

Section 18.10 Intent and Purpose

- A. **Administration.** The provisions of this ordinance shall be administered and enforced by the Zoning Administrator who may designate other City staff to assist in the performance of those duties.
- B. **Enforcement.** In carrying out the administration and enforcement duties of this ordinance, the Zoning Administrator shall also act in accordance with the requirements of all other City regulations regarding code enforcement and may cooperate with other municipal officials in the enforcement of this ordinance.

Section 18.20 Authority

- A. **Basic Duties.** The Zoning Administrator shall have the power to grant certificates of zoning compliance, make inspections of premises necessary to carry out his duties in the enforcement of this ordinance, and otherwise carry out the duties assigned herein.
- B. **Official zoning Map.** The Zoning Administrator shall be responsible for maintaining the Official Zoning Map.
- C. **Enforcement.** The Zoning Administrator shall have the authority to determine zoning compliance in accordance with the requirements of this ordinance.
- D. **Violations.** If the Zoning Administrator finds any provisions of this ordinance being violated, they shall notify the person responsible for the violations, in writing, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order the discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; and shall take any other action authorized by this ordinance to ensure compliance or to prevent violation of its provisions.

Section 18.30 Zoning Compliance

- A. **Change or Extension of Use.** It shall be unlawful to change the type of use or type of building occupancy or to extend any use on any lot on which there is a non-conforming use until the Zoning Administrator has determined the change complies with applicable provisions of this ordinance.
- B. **Permit Required.** It shall be unlawful to commence excavation for, or construction of, any building or other structure, including accessory buildings exceeding 240 square feet in gross ground floor area and parking areas, or to commence the moving or alteration of any structure, unless the plans, specifications and intended use of such building or structure conforms in all respects to the provisions of this ordinance. The Zoning Administrator shall determine if the project complies with this ordinance according to this section.
 - 1. It shall be unlawful for the Zoning Administrator to approve any plans, issue permits, or otherwise determine zoning compliance for any excavation, construction, or use until they have inspected the plans in detail and found them in compliance with this ordinance.
 - 2. Issuance of an approval shall in no case be construed as waiving any provision of this ordinance.

Article 18. Zoning Administration

3. The Zoning Administrator shall not refuse to issue a permit or approval when the applicant complies with conditions imposed by this ordinance and all other applicable City, county, and state regulations. Violations of private contracts, such as covenants or private agreements, which may result from granting a permit, are not cause for denial of the permit.
 4. The Zoning Administrator may refuse to issue zoning approval where there are unresolved or outstanding violations to any City ordinance, including this zoning ordinance. Upon resolution of prior unresolved or outstanding violations, the Zoning Administrator shall issue the approval in accordance with subparagraph 3, above.
 5. When the Zoning Administrator receives an application that requires Planning Commission, City Council, or Zoning Board of Appeals approvals, the Zoning Administrator shall so inform the applicant.
 6. A zoning approval shall not be made until all applicable fees, charges, and expenses have been paid in full.
 7. In the case of a single- or two-family dwelling or an accessory structure on the same lot as a single- or two-family dwelling, the building official may determine zoning compliance during review of a building permit.
- C. Zoning compliance review shall not be required for ordinary repairs or maintenance, including but not limited to roofing, siding, and interior work, provided that such construction does not increase the gross ground floor area of the building, does not change the use of the structure, and/or does not alter the off-street parking area.
- D. A structure that does not require a zoning compliance review shall still comply with the requirements of this ordinance.
- E. If a proposed excavation, construction, moving, or alteration or use of land as set forth in the application is in conformity with the provisions of this ordinance and in conformance with the provisions of the building code, the Zoning Administrator shall determine that the project complies with this ordinance, provided all other requirements are satisfied. If the Zoning Administrator determines that the project or use is not in compliance, the reasons for the rejection shall be stated in writing.

Section 18.40 Other Duties

- A. The Zoning Administrator is not, under any circumstance, permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in the ordinance to any person making application to excavate, construct, move, alter, or use either buildings, structures or land.
- B. The Zoning Administrator shall have the authority to review all plans, applications, and requests prior to such plans, applications, and requests being heard by the Planning Commission or City Council to determine completeness and conformance with the requirements of this ordinance.
- C. The Zoning Administrator shall have the authority to make inspections of buildings or premises necessary to carry out his duties in the enforcement of the ordinance.
- D. The Zoning Administrator may not make changes to this ordinance or vary the terms of this ordinance in carrying out his duties except as authorized by Section 12.80.
- E. The Zoning Administrator shall require every application for excavation, construction, moving, alteration, or change in type of use or type of occupancy, to be accompanied by a site development plan, if required by Article 13, and prepared in accordance with the specifications of Article 13.



Article 19. Planning Commission

Section 19.10 Intent and Purpose

The Planning Commission is an appointed body charged with various responsibilities related to the administration and enforcement of the zoning ordinance. Among its statutorily mandated responsibilities is that of an advisory role to the City Council related to adopting and amending the ordinance, including changes to the zoning map. Other duties are delegated by this ordinance and described in Section 19.20.

Section 19.20 Powers and Duties

In order to protect the public health, safety, morals, convenience, prosperity, and general welfare, as well as promote efficiency and economy in the development of the City, the Planning Commission shall have the power and duty to:

- A. Prepare a comprehensive plan or parts thereof for the development of the City.
- B. Prepare and recommend for adoption to the City Council a Zoning Ordinance and zoning map for the City, and amendments to the Zoning Ordinance.
- C. Review all applications for text and map amendments and all recommendations for text and map amendments referred to it by the City Council and make recommendations thereupon to the City Council.
- D. Prepare and recommend for adoption to the City Council regulations for the subdivision of land within the City and to administer the regulations as applicable.
- E. Prepare and recommend for adoption to the City Council a plat or plats or an official map showing the exact location of the boundary lines of existing, proposed, extended, widened, or narrowed streets, public open spaces, or public building sites, together with regulations to control the erection of buildings or other structures within such lines, within the City or a specified portion thereof.
- F. Review and prepare recommendations regarding all requests, as specified by this ordinance, including, but not limited to, Zoning Map amendments, Zoning Ordinance text amendments, PUD concept plans, special use permits, concept site plans, preliminary plats, and final plats involving dedications.

Section 19.30 Rules and Procedures

- A. **Members, Officers, and Quorum.** The membership, election of officers, and quorum for conducting business is established by City Code, as adopted and amended by the City Council.
- B. **Meetings and Records.** The Planning Commission shall make its own rules of procedure and determine its time of meeting. All meetings of the Planning Commission at which official action is taken shall be open to the public, and all records of the Planning Commission shall be a public record.
- C. **Staff and Outside Services.** The Planning Commission may, with City Council approval, appoint such employees and staff as it deems necessary for its work and may contract with the state planning agency, City planners, and other consultants for such services as it may require.
- D. **Expenditures.** The expenditures of the Planning Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the City Council.

Article 19. Planning Commission

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Attachment: PW Zoning Final Draft 5-18-23 (2828 : Zoning Ordinance Rewrite)



Article 20. City Council

Section 20.10 Intent and Purpose

The Mayor and City Council, as the City's elected officials, are the sole legislative authority empowered to adopt and amend the Zoning Ordinance. As such, the City Council may, at its discretion, delegate certain non-legislative responsibilities and appoint those boards, commissions, and committees to whom such responsibility is entrusted.

Section 20.20 Powers and Duties

- A. **Ordinance Amendments.** The City Council, by law, is responsible for adopting and amending this ordinance, including the Zoning Map.
- B. **Preliminary and Final Plat Approval.** The City Council shall be responsible for acting on requests for preliminary plat approval following receipt of a recommendation from the Planning Commission and final plats when dedications are proposed.
- C. **Site Plans.** The City Council shall review and act upon all concept site plans related to proposed development projects within the City.
- D. **Appointments.** The City Council shall appoint those bodies responsible for the administration, enforcement, and implementation of the various provisions of this ordinance that have been delegated to them.
- E. **Budget.** Approval of budgets and expenditures related to the administration and enforcement of this ordinance is the responsibility of the City Council.

Section 20.30 Rules and Procedures

City Council membership, meeting requirements, and procedures shall be as established by City Charter.

Article 20. City Council

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Attachment: PW Zoning Final Draft 5-18-23 (2828 : Zoning Ordinance Rewrite)



Article 21. Zoning Board of Appeals

Section 21.10 Intent and Purpose

The Zoning Board of Appeals (ZBA) is created as an objective, quasi-judicial body to act on matters specifically authorized by this ordinance including hearing appeals of certain administrative decisions and considering variance requests from dimensional requirements. It is not within the scope of the ZBA's authority to amend the terms of this ordinance or to permit any use of land or building that is not specifically permitted within a zoning district in question.

Section 21.20 Creation and Membership

- A. The Zoning Board of Appeals shall be composed of five (5) members, who shall be residents of the City. Members shall be appointed by the City Council and shall serve for a term of three years; provided, the terms of the members first appointed shall be for varying numbers of years, none exceeding three years, in order to provide for differing expiration dates of member terms.
- B. The City Council shall fill any vacancies and may remove a member for cause after written notice and an opportunity for a public hearing. Cause may include, but shall not be limited to, repeated failure to attend meetings, misfeasance, and malfeasance.
- C. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant upon any matter which the ZBA is required to pass under this article or to grant any variance from the dimensional requirements of this ordinance.
- D. In the event that any members of the ZBA are absent from a meeting at which the required concurring vote is not obtained, and if the affirmative vote of such absent members would have resulted in the required concurring vote, the matter may, at the discretion of the chairperson, be continued on the agenda for consideration and decision at the next subsequent meeting when all members are present.
- E. The ZBA shall elect a chairperson and vice-chairperson from its members annually and adopt rules of procedure. These rules shall be available for public inspection at the office of the City Clerk.

Section 21.30 Powers and Duties

- A. The Zoning Board of Appeals, in conformity with the provisions of this article, may reverse or affirm, wholly or in part, or may modify any order, requirements, decision, or determination appealed from, and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers to hear and decide all matters referred to it or upon which it is required to pass under this article.
- B. The provisions of this article are to be construed as consistent with the applicable provisions of the relevant statutes of the State of Georgia. In the event of a conflict between the provisions of this article and other statutory provisions, the statutory provisions shall prevail.
- C. The ZBA, after public hearing, shall have the power to decide applications related to the following:
 1. Appeals. Where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant, or refusal made by the Zoning Administrator, other administrative officer, or body in the carrying out or enforcement of the provisions of this ordinance. The Board of

Article 21. Zoning Board of Appeals

Appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, a decision of an administrative official or may modify the order, requirements, decisions or determinations of such administrative official, and to that end shall have all the powers of such administrative official. In exercising the above powers, the ZBA may issue or direct the issuance of a permit.

2. Variances. Where by reason of the exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of the land, building, or structure, or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this ordinance would involve practical difficulties or would cause undue hardship.

Section 21.40 Rules and Procedures

- A. Meetings shall be held at the City offices and shall be open to the public.
- B. A record of the proceedings of each meeting shall be kept by the ZBA, relating evidence presented by the applicant and the resolution by the ZBA, the vote of each member on each question, or, if absent or failing to vote, indicating such fact. These shall be a public record and immediately filed in the office of the ZBA.
- C. The ZBA shall receive reasonable assistance from other departments in carrying out the functions of the ZBA.
- D. The Zoning Board of Appeals shall not consider any variance application or appeal without the payment of an application fee in an amount established by the City Council. The application or appeal shall be filed with the Zoning Administrator, who shall transmit the application, together with all plans, specifications, and other papers pertaining to the application or appeal, to the City Clerk.
- E. An appeal from any ruling of the Zoning Administrator or other person administering any portion of this ordinance may be filed by any person affected or aggrieved, including the City. Notice of the appeal shall be filed with the Zoning Administrator specifying the grounds for the appeal and shall be filed within 15 calendar days after the order, requirements, decision, or determination appealed from is made.
- F. An appeal shall stay all proceedings in furtherance of the action appealed from unless it is determined that a stay would, in the opinion of the Zoning Administrator, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the ZBA or by a court of competent jurisdiction on application.
- G. When a variance application or appeal has been filed in proper form, and with the required data, the Zoning Administrator shall immediately place the application or appeal upon the calendar for hearing and cause notices stating the time, place, and object of the hearing to be served. Notices shall be given in accordance with Section 12.40. Any party may appear at the hearing in person or by representative.
- H. Upon the day for hearing any variance application or appeal, the ZBA may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper, to be served upon other property owners as it decides may be interested in the application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the resumption of the hearing.
- I. No application for a variance that has been denied wholly or in part by the ZBA shall be resubmitted except upon proof of changed conditions satisfactory to the Zoning Administrator.

Section 21.50 Decisions

- A. The ZBA shall decide all variance applications and appeals within 30 days after the final hearing. A copy of the ZBA's decision shall be transmitted to the applicant or appellant, and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator who shall incorporate the terms and conditions of the decision in the permit to the applicant or appellant whenever a permit is authorized by the ZBA. The decision of the ZBA shall be final and may only be appealed to a court of competent jurisdiction.
- B. Consideration of any appeal shall be based solely on the record upon which the original administrative decision was made. New evidence or testimony that was not part of the original record shall not be heard by the ZBA.
- C. A variance from the provisions or requirements of this ordinance shall be authorized only upon an affirmative finding by the ZBA, based upon competent material and substantial evidence on the whole record, that all of the following criteria are satisfied:
 1. There are unusual, exceptional, or extraordinary circumstances or conditions applying to the property that do not apply generally to other property in the same vicinity or use district, and such conditions are not the result of the owner's or occupant's own actions. Such conditions may include topography, unique natural conditions, or the size or peculiar shape of the lot.
 2. As a result of such unusual circumstance or conditions, there is an unnecessary hardship or practical difficulty that renders it difficult to carry out the provisions of this code.
 3. Granting the requested variance would not be contrary to the intent and purpose of this ordinance.
 4. The variance approved is the minimum variance that will make possible the legal use of the land, building or structure.
 5. Granting the variance will not result in the authorization of a use not otherwise permitted in the district in which the property is located or cause substantial detriment to the public good.
- D. The cost of compliance with the ordinance requirements or a nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for granting a variance.

Section 21.60 Time Limit on Variances

Unless otherwise specifically provided by the ZBA as a condition of approval, any variance granted by the ZBA shall automatically become null and void after a period of 12 months from the date granted, unless the owner or his/her agent has demonstrated that substantial steps have been taken toward effecting the variance. Building permits shall only be granted for plans consistent with the approved application. Any deviation from the information submitted will require a new public hearing and approval by the ZBA.

Section 21.70 Appeal of a ZBA Decision

All decisions of the Board of Appeals are final. Any appeal of a ZBA decision shall be filed with a court of competent jurisdiction in Chatham County.

Article 21. Zoning Board of Appeals

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Attachment: PW Zoning Final Draft 5-18-23 (2828 : Zoning Ordinance Rewrite)



Article 22. Nonconformities

Section 22.10 Intent and Purpose

- A. **Intent.** It is recognized that there may exist within zoning districts certain lots, buildings, structures, and/or uses which were lawfully created before this ordinance was passed or amended, but are now prohibited, regulated, or otherwise restricted under the terms of this ordinance. It is the intent to permit these legal nonconformities to continue until removed, but not to encourage their survival.
- B. **Incompatibility.** Nonconforming lots, buildings, structures, and uses are hereby declared to be incompatible with the provisions of the district in which they are located. Such nonconformities shall not be enlarged upon, expanded, or extended, except as otherwise permitted in this article, and shall not be used as grounds for adding other buildings, structures, or uses prohibited elsewhere in the district.
- C. **Lawful Construction.** Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently conducted.
- D. **Illegal Nonconformity.** Nothing in this ordinance shall be interpreted as authorization for, or approval of, continuing the use of a structure or premises which was not legally created and in existence at the time of the adoption or amendment of this ordinance.

Section 22.20 Nonconforming Lots of Record

- A. **Use of Lot.** Where a lot of record in existence at the time of adoption or amendment of this ordinance does not meet the minimum requirements for lot width or lot area, the lot of record may be used for any permitted or special use allowed in the district in which the lot is located; provided, any building or structure constructed on the lot complies with all other applicable requirements for the zoning district.
- B. **Contiguous Nonconforming Lots.** If two (2) or more contiguous vacant lots in existence at the time of the passage of this ordinance, or an amendment thereto, under single ownership do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance. No portion of that undivided parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this ordinance.

Section 22.30 Nonconforming Uses

- A. **Use Restriction.** A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance. The extension of a lawful nonconforming use throughout all portions of a single building or structure existing at the effective date of this ordinance shall not be considered an expansion of a nonconforming use.
- B. **Moving a Nonconforming Use.** No part of any nonconforming use shall be moved unless that movement eliminates or reduces the nonconformity.
- C. **Abandonment.** If a nonconforming use is abandoned for any reason for a period of more than 12

Article 22. Nonconformities

months, any subsequent use shall conform to the requirements of this ordinance. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:

1. utilities, such as water, gas, and electricity to the property, have been disconnected;
2. the property, buildings, and grounds have fallen into disrepair;
3. signs or other indications of the existence of the nonconforming use have been removed;
4. equipment or fixtures necessary for the operation of the nonconforming use have been removed;
or
5. other actions which, in the opinion of the Zoning Administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.

D. **Change to Another Nonconforming Use.** A nonconforming use may be changed to another nonconforming use provided all the following determinations are made by the Zoning Administrator:

1. The proposed use shall be as, or more, compatible with the surrounding neighborhood than the previous nonconforming use, considering factors such as hours of operation, traffic, noise, and similar external impacts.
2. The proposed nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land or building than the previous nonconforming use.
3. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this ordinance.

E. **Change to a More Restrictive Use.** A nonconforming use which is changed to a conforming use or to another nonconforming use of a more restrictive classification shall not be permitted to revert to the original or less restrictive use.

F. **Outdoor Uses.** Uses consisting of lots occupied by storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, miniature golf courses, and similar outdoor uses, where the only buildings on the property are ancillary to the outdoor use and where the use is nonconforming, shall be subject to the following restrictions, in addition to all other applicable provisions of this article.

1. Nonconforming outdoor uses of land shall only be converted to a conforming use.
2. When a nonconforming outdoor use of land has been changed to a conforming use, it shall not be used again for any other nonconforming use.
3. A nonconforming outdoor use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming.
4. When any nonconforming outdoor use of land is discontinued for a period of more than six (6) months, any future use of the land shall be limited to those uses permitted in the zoning district under which the property is governed. Vacancy and/or nonuse of the land for more than six (6) months, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

Section 22.40 Nonconforming Buildings and Structures

- A. **Building Restrictions.** Where a lawful building or structure exists at the effective date of this ordinance, or an amendment thereto, but does not comply with one or more dimensional requirements of this ordinance such as building coverage, height, or setbacks, that building or structure may continue to be occupied and used so long as it remains otherwise lawful, subject to the following provisions:
1. No nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity, except in cases in which the setback of a building or structure is nonconforming by less than 50 percent of the distance required by this ordinance. Only in such cases, the building or structure may be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced.
 2. In the event that a nonconforming building or structure is destroyed to an extent of more than 50 percent of its replacement value, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this ordinance.
 3. If a nonconforming building or structure is moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this ordinance.
- B. **Normal Repairs and Maintenance.** None of the provisions of this section are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would prevent strengthening or correcting any unsafe condition of the building or structure.

Section 22.50 Nonconforming Site Development

- A. **Continued Use of Site.** The use of nonconforming sites may be continued, and sites are not required to be upgraded to conform with this ordinance, so long as no site development improvements are initiated.
- B. **Conformance.** Conformance with all applicable site development requirements shall be demonstrated during site plan amendment review or plan reviews for the complete redevelopment of sites. However, for site plan changes, only the affected area of a site must be brought to conformance.

Section 22.60 Exceptions

- A. **Uncompleted Structures.** If a permitted construction project remains dormant for more than 12 months, the building permit and all other permits shall become null and void. The owner of such uncompleted structure may maintain the structure in its existing condition for up to six (6) months while awaiting new permits. If the applicant does not receive the necessary permits within the six (6) month period, the uncompleted structure shall be removed. The City Council may grant one (1) extension of up to 12 additional months where it is found that circumstances beyond the owner's control such as extreme weather conditions, availability of materials, or labor shortages, have caused delays.
- B. **Errors and Violations.** The issuance or granting a permit or approval of plans or specifications shall not be considered as approval for any violation of any provision in this ordinance. No permit presuming to give the authority to violate or cancel any provision of this ordinance shall be valid.
- C. **Illegal Nonconformity.** Any lot, use, building, or structure established in violation of the provisions of this ordinance or any prior ordinance or amendment shall not be considered a legal nonconformity and shall not be entitled to the provisions, remedies, and safeguards of this article.

Article 22. Nonconformities

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Attachment: PW Zoning Final Draft 5-18-23 (2828 : Zoning Ordinance Rewrite)



Article 23. Enforcement

Section 23.10 Intent

- A. **Intent.** In the interpretation and application of this ordinance, all provisions shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than this zoning ordinance; or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this ordinance imposes a greater restriction than is required by any existing ordinance or by rules, regulations, or permits, the provisions of this ordinance shall control. Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary to the preservation or protection of public health, safety, morals and general welfare.
- B. **Administration.** The provisions of this ordinance shall be administered and enforced by the Mayor and City Council, Planning Commission, Zoning Board of Appeals, Zoning Administrator, and their respective designees. The Zoning Administrator shall, among other duties, issue all permits, and notices of violations provided for in this ordinance.

Section 23.20 Procedures

- A. **Enforcement.** Enforcement of this ordinance is the responsibility of the Zoning Administrator, who shall, jointly with other inspections personnel, have the right to withhold permits. The Zoning Administrator shall not have the authority to grant approval to any permit for a use, activity, building, structure, or other physical change that does not meet the requirements of the zoning ordinance.
- B. **Complaints Regarding Violations.** Whenever the Zoning Administrator receives a written, signed complaint alleging a violation of this ordinance, he or she shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.
- C. **Persons Liable for Violations.** The owner, tenant, or occupant of any building or land, or part thereof and any architect, engineer, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.
- D. **Enforcement.** When the Zoning Administrator finds that any provision of this ordinance is being violated, the Zoning Administrator or designee shall execute the following procedures:
1. Send a written notice to the person responsible for such violation, indicating the nature of the violation, ordering the action necessary to correct it, and setting a time limit for correction. Additional notices may be sent at the Zoning Administrator's discretion.
 2. If no response is received from the owner or no action is taken, a second and final notice shall be sent by certified mail stating the action the Zoning Administrator intends to pursue if the violation is not corrected and shall advise that the Zoning Administrator's decision may be appealed to the City Council at the next scheduled meeting.

Article 23. Enforcement

3. If no appeal is filed or no corrective action is taken, the Zoning Administrator may, upon approval by City Council:
 - a. initiate such action as needed to correct the violation and assess the cost of the corrective action to the property, as permitted by the City Code of Ordinances; or
 - b. file a complaint with the clerk of the municipal court, as follows:
 - i. Upon receipt of the complaint, the clerk of the municipal court shall cause the complaint to be served along with a notice of hearing. Such hearing shall be held before the judge of the municipal court not less than 10 days nor more than 30 days after service of the complaint.
 - ii. Complaints or orders issued by the municipal court pursuant to the provisions of this ordinance shall, in all cases, be served upon each person in possession of said property, each owner, and each party in interest. Return of service shall be signed by the public officer or his agent or an affidavit of service executed by any citizen of this state, other than the resident initiating the complaint; and the return of such public officer or agent thereof or the affidavit of such citizen that such party or parties were served either personally or by leaving a copy of the complaint or order at the residence shall be conclusive as to such service.
 - iii. If any owners and parties in interest reside out of the City, service shall be perfected by causing a copy of the complaint or orders to be served upon the party or parties by the sheriff or any lawful deputy of the county of residence of the party or parties; or service may be made by any citizen. The return of services signed by the public officer, his agent, or an affidavit of service executed by any citizen of this state, other than the resident initiating the complaint; and the return of such documentation attesting that the parties were served, either personally or by leaving a copy of the complaint or order at the residence, shall be conclusive as to such service.
 - iv. Nonresidents of this state shall be served by posting a copy of the complaint or orders in a conspicuous place on the premises affected by the complaint or orders. Where the address of such nonresidents is known, a copy of the complaint or orders shall be mailed to them by registered or certified mail.
 - v. In the event either the owner or any party in interest is a minor or person laboring under disabilities, the guardian or other personal representative of such person shall be served and if such guardian or personal representative resides outside the county or City they shall be served as provided for in paragraph D.3.b.iv. of this section. If such guardian or personal representative or in the event such minor or disabled person lives outside the City or is a nonresident, service by leaving a copy at the place of their residence shall be sufficient evidence as to the service of such person or persons; in the case of other persons who live outside of the City or are nonresidents, service shall be perfected by serving the judge of the probate court of the county wherein such property is located who shall stand in the place of and protect the rights of such minor or disabled person or appoint a guardian ad litem for such person.
 - vi. In the event the whereabouts of any owner or party in interest is unknown and the same cannot be ascertained by the Zoning Administrator in the exercise of reasonable diligence, the Zoning Administrator shall make an affidavit to that effect. Then the service of such complaint or order upon such persons shall be made in the same manner as provided in

paragraph D.3.b.iv. of this section or service may be perfected upon any person, firm, or corporation holding itself out as an agent for the property involved.

- vii. A copy of such complaint or orders shall also be filed in the proper office or offices of the municipal court and such filing of the complaint or orders shall have the same force and effect of appropriate lis pendens notice and may contain a statement to the effect that a lien may arise against the described property and that an itemized statement of such lien is maintained on a lien docket maintained by the City clerk.

C. Stop Work Orders.

1. Upon notice given by the Zoning Administrator or Building Official that any land use is occurring or that any work on a building or structure is being carried out contrary to or in violation of any provision of this ordinance, such land use or work shall be immediately stopped. The stop work order shall be in writing and shall be given in the name of the Zoning Administrator or Building Official. It shall be posted on the property involved and shall be sent by first class U.S. mail to the owner of the property involved, as the owner's address is shown in the current property tax assessment roll and may also be sent to any other last known address of the property owner.
2. Any person who shall continue to work in or about a building or structure, or to use land or a building or structure after a stop work order has been posted at the site and mailed to the property owner, shall be in violation of this ordinance, including provisions thereof cited in the stop work order, except such work as the Zoning Administrator or the Building Official may authorize to be performed in order to moderate or end a violation or address potentially hazardous conditions.

Section 23.30 Violations and Penalties

A. Violations.

1. Any use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained, or changed, in violation of any provision of this ordinance is hereby declared to be a nuisance per se.
2. Any person who disobeys, omits, neglects, or refuses to comply with any provision of this ordinance or any permit, approval or exception granted hereunder, or any lawful order of the Building Official, Zoning Administrator, Zoning Board of Appeals, Planning Commission, or the City Council issued in pursuance of this ordinance shall be in violation of this ordinance. Any such violation is hereby declared to be a nuisance per se.

B. Penalties.

1. The owner of any land, building, or structure that is erected, altered, converted, or maintained in violation of this ordinance shall be subject to a minimum penalty of \$500.00. Continuance of a violation shall be considered a separate and distinct offense for each day the violation is continued. Furthermore, such land, building, or structure that is in violation of this ordinance is not eligible to petition for a variance or other zoning action and will be subject to fines until the land, building, or structure is brought within compliance with this ordinance.
2. Any person or entity that violates, or assists in the violation of, any provision of this ordinance or fails to comply with the requirements thereof shall be subject to a minimum penalty of \$500.00 for each such violation. Continuation of any violation of this ordinance shall be considered a separate and distinct offense for each day any such violation is continued.

Article 23. Enforcement

C. **Other Penalties Related to Subdivisions.** In addition to the penalties of Section 23.30 B, the follow shall apply until violation is abated:

1. The City shall not accept the dedication of any street within such subdivision; nor shall the City improve, maintain, grade, pave, or light any street within such subdivision unless such street or streets shall have received the status of public streets prior to the adoption of this ordinance.
2. The City shall not assume any responsibility for drainage problems within such subdivision unless City owned and maintained drainage structures already exist in such subdivision.
3. The City shall not issue a building permit within such subdivision.
4. No unit of local government shall be authorized to extend any publicly operated service or utility into such subdivision.



Part VI. Definitions and Specifications

Part VI. Definitions

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Article 24. General Definitions

Section 24.10 Intent and Purpose

- A. **Applicability.** The following listed rules of construction shall apply to the text of this ordinance.
1. The particular shall control the general.
 2. The headings which title an article, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this ordinance or as enlarging or restricting the terms and provisions of this ordinance in any respect.
 3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 4. Unless the context clearly indicates to the contrary:
 - a. Words used in the present tense shall include the future tense;
 - b. Words used in the singular number shall include the plural number; and
 - c. Words used in the plural number shall include the singular number.
 5. The word "person" includes a firm, association, partnership, joint venture, corporation, trust, municipal or public entity or equivalent entity or a combination of any of them as well as a natural person.
 6. The word "used" or "occupied," as applied to any land, building or structure, shall be construed to include the words "intended," "arranged," "designed to be used," or "occupied."
- B. **Common Understanding.** For the purpose of their use in this ordinance, the following terms and words are hereinafter defined. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

Section 24.20 Definitions A, B, C

- A. **Addition.** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall.
- B. **Alley.** A street affording only secondary means of rear vehicular access to abutting lots and land and which is not intended for general traffic circulation.
- C. **Altered or Alteration.** Any change, addition, or modification in the construction of any building or structure, including, without limitation, any change in the supporting members, bearing walls, columns, posts, beams, girders or roof structure, any architectural change of the interior or exterior of a building or structure which may affect its structural integrity, or any addition to or diminution of a structure or building.
- D. **Animal, Domestic.** An animal commonly domesticated as a companion or pet and kept in a home or yard. Examples include dogs, cats, birds, fish, rabbits, small rodents, and similar animals, and are not used for commercial purposes. Household or domesticated animals do not present an unusual risk to a person or property and are not considered farm or wild animals.
- E. **Animal, Farm.** Any animal or fowl customarily raised on a bonafide commercial farm for the production of income, including but not limited to goats, rabbits, horses, cows, pigs, chickens, turkeys, sheep,

Article 24. General Definitions

ducks, and geese or that are customarily raised for non-commercial consumption or production by the residents of the premises.

- F. **Animal, Wild.** An animal not domesticated by humans or any animal which a person is prohibited from possessing by law.
- G. **Arborist.** A professional in the practice of arboriculture and certified by The International Society of Arboriculture.
- H. **Awning.** A shelter projecting from and supported by the exterior wall of a building and constructed of non-rigid materials on a supporting framework. Awnings are classified as a roof type.
- I. **Basement.** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement is not counted as a story.
- J. **Block.** All of the property located along one (1) side of a street between two (2) intersecting streets.
- K. **Buffer.** A strip of land which provides visual separation and aesthetic relief between potentially incompatible uses or provides protection to natural resources through the use of landscaping, preservation of existing vegetation, berms, or screening, or a combination of materials.
- L. **Build Out or Built Out.** Full completion of the public infrastructure, private infrastructure, structures (residential, commercial, auxiliary, etc.), amenities, lot development, and the like.
- M. **Building.** A permanent independent structure with a roof, supported by walls, columns or other supports that is designed for the shelter, housing or enclosure of persons, animals, possessions or property of any kind or to conduct business activities. A combination of materials, whether portable or fixed, forming a structure with a roof, affording a facility or shelter for use or occupancy by persons, animals, or property.
- N. **Building Coverage.** The lot area stated as a percentage of the total, covered by all buildings and areas under roofs.
- O. **Building Frontage.** The outside wall of a building approximately parallel, nearest, and oriented to a street.
- P. **Building Height.** The vertical distance from the average adjacent grade at the center of the front of the building to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
- Q. **Building, Principal.** A building in which is conducted the main or principal use of the lot on which the building is located.
- R. **Canopy.**
 - 1. **Building canopy.** A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements.
 - 2. **Freestanding canopy.** A freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.
- S. **City.** Unless the context clearly discloses a contrary intent, the word "City" shall mean the City of Port Wentworth, Georgia.
- T. **City Council.** The City Council of the City of the City of Port Wentworth, Georgia.
- U. **City Manager.** The City Manager of the City of Port Wentworth, Georgia.

- V. **Commercial Use.** An activity involving the sale of goods or services carried out for profit.
- W. **Community Development Director.** The Community Development Director of the City of Port Wentworth, Georgia.
- X. **Construction.** The erection of a new building or the alteration of an existing building in connection with its repair or renovation.
- Y. **Critical Root Zone.** The area around and under a tree, the radius of which measures one (1) foot per one (1) inch of diameter at breast height (DBH) from the trunk outwards and twenty-four inches in depth. For example, for a 10-inch DBH tree, the Critical Root Zone is located at least 10 feet out from the trunk and 24 inches deep.
- Z. **Cul-De-Sac.** A circular vehicle turn-around area constituting the terminus of a street that has only one outlet to another street.

Section 24.30 Definitions D, E, F

- A. **Development.** Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and storage of materials or equipment. Shall also mean:
 - 1. The division of a lot, tract, or parcel of land into two (2) or more lots, plots, sites, tracts, parcels, or other divisions by plat or deed;
 - 2. The construction, installation, or alteration of a structure, impervious surface, or drainage facility;
 - 3. Cleaning, scraping, grubbing, or other activities that significantly disturb the soil, vegetation, and trees of a site; or
 - 4. Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, or trees of a site.
- B. **Diameter at Breast Height (DBH).** The diameter of a tree measured, in inches, at 54 inches above natural grade.
- C. **Dwelling Unit.** A building or portion of a building designed for use and occupancy by one family, having permanent provisions for living, sleeping, cooking, and sanitation. A recreational vehicle, portable building, tent, or other transient residential use, such as hotels/motels and bed and breakfasts, are not considered a dwelling.
- D. **Easement.** A designated area surveyed, legally described, and recorded, which authorizes a person, government, agency or public utility company to use public or private land owned by another for a specific purpose.
- E. **Easement, Private Street.** A designated area surveyed, legally described, and recorded, applied to a private street, which authorizes vehicle travel and the installation and maintenance of public utilities.
- F. **Exempt.** The release of the obligation to comply with specific sections of this ordinance.
- G. **Façade.** The entire building front including the parapet, typically the front of a building, provided any face given special architectural treatment shall be considered a facade.
- H. **Family.** An individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together within a dwelling, or a collective number of individuals

Article 24. General Definitions

domiciled together in one dwelling whose relationship is of a continuing non-transient domestic character. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

- I. **Fence.** A constructed barrier intended to prevent access, create an enclosure, or to mark a boundary.
- J. **Fill.** A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.
- K. **Floor Area.**
 - 1. **Floor Area, Gross.** The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure or from the centerline of a wall separating two (2) buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.
 - 2. **Floor Area, Usable.** That area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers, measured from the interior faces of the exterior walls. Areas used principally for the storage or processing of merchandise, for hallways, stairways, and elevator shafts, or for utilities and sanitary facilities shall be excluded from this computation.
 - 3. **Floor Area, Livable.** The finished area of a dwelling unit heated and/or air conditioned, located above ground, but not including garages, covered patios or porches, or other outdoor space.

Section 24.40 Definitions G, H, I

- A. **Garage.** A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, recreational vehicles and/or incidental personal property of the occupants of the premises.
- B. **Grade.**
 - 1. **Grade, Average Adjacent.** The average of the highest and lowest adjacent grade against a building foundation.
 - 2. **Grade, Finished.** The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.
 - 3. **Grade, Natural.** The elevation of the ground surface in its natural state before man-made alterations.
- C. **Grading.** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
- D. **Ground Cover.** Low growing, spreading plants, other than turf grass, such as but not limited to ivy, liriopse, juniper, mondo grass or sedge.
- E. **Household.** All persons occupying a house, apartment, group of rooms, or a single room occupied as separate living quarters, regardless of their relationship to one another.
- F. **Impervious Surface.** Any surface composed of any material that greatly impedes or prevents the natural infiltration of water into the underlying native soils. Impervious surfaces include but are not limited to, rooftops, buildings, sidewalks, driveways, streets, and roads.

Section 24.50 Definitions J, K, L

- A. **Land Development Activity.** Any project undertaken to change or improve a site that involves one or more land disturbing activities.
- B. **Land Disturbing Activity.** Any activity that changes stormwater runoff rates, volumes, and pollutant loads on a site. These activities include but are not limited to, the grading, digging, cutting, scraping, or excavating of soil, the placement of fill materials, paving, construction, substantial removal of vegetation and any activity that bares soil or rock or involves the diversion or piping of any natural or manmade watercourse.
- C. **Landscape Materials.** Any combination of living plant materials and nonliving materials such as rocks, pebbles, wood chips, mulch and pavers, and decorative features, including sculpture, patterned walks, fountains, and pools.
- D. **Loading Space.** An off-street portion of a lot of record designated for the temporary parking of commercial vehicles while loading or unloading materials used, sold, or made on the premises.
- E. **Lot Area.** The area of land included within a lot as defined by lot lines but excluding any public rights-of-way and private street easements.
- F. **Lot.** A developed or undeveloped parcel or tract of land in one ownership, legally transferable as a single unit of land.

1. **Lot, Corner.** A lot with at least two contiguous sides abutting two intersecting streets and where the interior angle of the intersecting streets is less than 135 degrees. Also, a lot located on a curved street or streets if tangents of the curve, at the points of beginning with the lot or the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees.

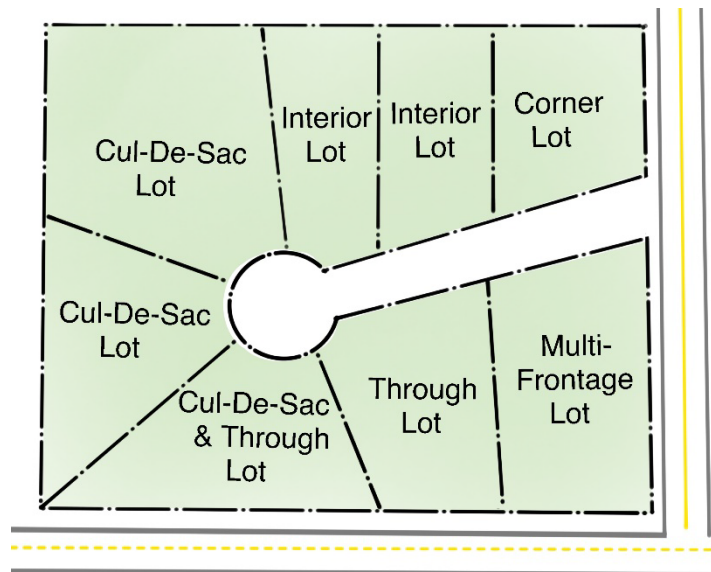


Figure 24-1 Lot Types

2. **Lot, Interior.** A lot other than a corner, multi-frontage, through, or corner lot, bordered on three sides by other lots.
 3. **Lot, Multi-Frontage.** A lot bordered by streets on three (3) sides.
 4. **Lot, Through.** An interior lot bordered by two, more or less parallel streets. For the purposes of this definition, if one side of the lot is bordered by an alley opposite of a street the lot is not considered a through lot.
 5. **Lot, Waterfront.** A lot with one or more of its lot lines adjoining a stream, river, or lake.
- G. **Lot Depth.** The average distance between the front lot line and the rear lot line. The average shall include measurements of the side lot lines if extending from front lot line to rear lot line and the shortest measurement from the front lot line to the farthest point of the rear lot line
 - H. **Lot Frontage.** The length of the front lot line measured at the public street right-of-way or private street easement.

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- I. **Lot Width.** The horizontal distance between side lot lines measured at the two (2) points where the required setback intersects the side lot lines or along the front property line on a curvilinear lot.
- J. **Lot Lines.** The lines bounding a lot, as defined below:
 - 1. **Lot Line, Front.** In the case of an interior lot, the line separating the lot from the street right-of-way or road easement that is not classified as a secondary front lot line.
 - 2. **Lot Line, Secondary Front.** On a corner lot or multi-frontage lot, the lot line separating the lot from the street right-of-way or road easement which is not the front lot line, opposite of the side lot line on a corner lot and the side lot line on a multi-frontage lot.
 - 3. **Lot Line, Rear.** The lot line opposite and most distant from the front lot line. On a corner lot, the rear lot line is typically opposite the shorter of the two front lot lines. In the case of a triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. On irregularly-shaped lots, the rear lot line is determined based on a line perpendicular to the front lot line extending to the point where a rear lot line would be 10 feet in width and parallel to the front lot line. This rear lot line is intended for the purpose of establishing the rear setback and lot depth only.
 - 4. **Lot Line, Side.** The lot lines connecting the front and rear lot lines of an interior or corner lot or connecting the front lot lines of a through lot. Any lot line other than a front or rear lot line

Section 24.60 Definitions M, N, O

- A. **Manufactured Home.** A factory-built, single-family structure manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is designed to be used as a place of human habitation with or without a permanent foundation when connected to the required utilities. It is not constructed with a permanent hitch or other device allowing transportation of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. All manufactured housing must bear a decal issued by the Georgia Department of Community Affairs to certify the unit as to construction and safety standards.
- B. **Mobile Food Vending Unit.** A mobile food vending unit shall mean any motorized or non-motorized vehicle, trailer or other enclosure designed to be portable and not permanently attached to the ground from which food is vended, served or offered for sale. A mobile food vending unit may include ancillary sales of branded items consistent with the food and beverage offered, such as a t-shirt that bears the name of the organization.
- C. **Mulch.** Pine straw, pine or cypress bark, pebbles, lava rock, or synthetic landscaping materials.
- D. **Nonconforming Building or Structure.** A structure or building lawfully constructed that does not conform to the dimensional requirements of the Zoning Ordinance but existed prior to the effective date of this ordinance or any amendment to this ordinance.
- E. **Nonconforming Lot.** A lot lawfully existing on the effective date of this ordinance, or its subsequent amendment, that does not meet the current area and/or dimensional requirements of the zoning district in which it is located.
- F. **Nonconforming Site.** A site that does not conform to the regulations of the zoning district in which it is situated, applicable conditional use requirements of Article 7, or any applicable development provisions.

- G. **Nonconforming Use.** A land use that does not conform to the regulations of the zoning district in which it is situated, or applicable conditional use requirements of Article 7, and lawfully existed on the effective date of this ordinance, or any amendments to the ordinance.
- H. **Occupancy.** The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.
- I. **Occupied.** Arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

Section 24.70 Definitions P, Q, R

- A. **Parking.** The temporary, transient storage of motor vehicles used for transportation, while their operators are engaged in other activities. It shall not include storage of new or used motor vehicles for sale, services, rental or any other purpose other than specified above.
- B. **Parking Space.** The space required to park one vehicle, exclusive of driveways and access aisles, in accordance with the requirements of this ordinance.
- C. **Permit.** An official authorization issued by a representative of the City, to conduct a specific activity under the provisions of this ordinance.
- D. **Permitted Use.** A use of property specifically allowed within a zoning district wherever that district exists in the City, provided all dimensional and other requirements applicable to that district are satisfied.
- E. **Planning Commission.** The City of Port Wentworth Planning Commission.
- F. **Pond.** An outdoor body of standing water, accumulated in a natural or artificially constructed basin or depression in the earth, either above or below or partly above and partly below grade, capable of holding water to a depth of greater than two (2) feet when filled to capacity.
- G. **Porch.** A roofed-over space attached to the outside of an exterior wall of a building which has no enclosure other than exterior walls of the building.
- H. **Principal Use.** The primary or predominant use of a lot.
- I. **Recreational Vehicle.** Any of the following vehicles or equipment: recreation camper, boat, boat trailer, snowmobile, snowmobile trailer, motorcycle or motorcycle trailer, all-terrain vehicle, all-terrain vehicle trailer, enclosed trailers, utility trailers, or similarly licensed vehicles, trailers, or equipment.
- J. **Root Barrier.** An underground wall or barrier placed to block tree roots from intruding upon or impacting nearby structures or other plants.

Section 24.80 Definitions S, T, U

- A. **Setback.** The minimum horizontal distance that buildings and any structure 30 inches in height or greater shall be separated from a public street right-of-way or private street easement, lot line, shore of a lake, wetland, edge of a stream, or river bank, to meet the minimum requirements of this ordinance.
 - 1. **Setback, Front.** The line marking the required setback from the public street right-of-way or private street easement.
 - 2. **Setback, Rear.** The line marking the required setback distance from the rear lot line.
 - 3. **Setback, Side.** The lines marking the required setback distance from the side lot lines.

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4. **Setback, Street Side.** The line marking the required setback from the public street right-of-way or private street easement in the direction of the secondary front yard.
- B. **Sewage, Public.** A system that is owned, maintained, and operated by the City, a community corporation, or a privately owned system serving a community and approved by the Chatham County Health Department.
- C. **Shipping Container.** A receptacle designed for the transport of cargo aboard ship and also by truck trailer or rail car, and which exhibits features designed to facilitate the movement of containerized cargo, including but not limited to corner fittings for pins, design for stacking, and which is otherwise designed and constructed in conformance with standards for shipping containers as set forth by the International Standards Organization.
- D. **Site Plan.** A plan of a proposed project that shows all relevant features necessary to determine if it meets the requirements of this ordinance.
- E. **Special Event.** A temporary and non-commercial community event, such as a festival, fair, car show, or sporting event.
- F. **Special Use.** A use identified by this ordinance which may have characteristics of its operation (such as traffic, noise, hours of operation, or other potential nuisance effects) that requires special use permit review and may warrant additional conditions beyond the general requirements of the district in which it is located to mitigate its impacts and ensure its compatibility with its surroundings.
- G. **Start of Construction.** The date the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms; installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure.) See also, "Substantial Improvement".
- H. **Story.** The portion of a building included between the surface of any above floor grade and the surface of the floor next above it, or if there is no floor above it, then the space between any floor and the ceiling next above it. A story shall have vertical walls.
- I. **Street.** Any public or private thoroughfare which affords the principal means of access to abutting property.
 1. **Street, Arterial.** A road or highway, as shown on the official map maintained by the City of Port Wentworth, which carries large volumes of traffic at relatively high speed between population centers or from one section of the City to another.
 2. **Street, Collector.** A public way, as shown on the official map maintained by the City of Port Wentworth, designed primarily to connect local streets with arterial streets or to provide access from residential areas to major destination points such as shopping or employment centers and which may be expected to carry a significant volume of traffic. Any street may be declared a collector street by city council at any time and shall be designated as such on the official street map.
 3. **Street, Local.** These roads serve the final function in destination trips and the initial function at point of origin. They provide direct access to adjacent land as well as serve the purpose of short distance transportation needs. This category encompasses all streets, roads and highways not

classified as either arterial or collector streets.

4. **Street, Marginal Access.** Those minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties, and protection from through traffic.
5. **Street, Opened.** A street shall be deemed to be opened if it is either of the following:
 - a. Available for public use prior to the adoption of this ordinance; or
 - b. Was constructed to City specifications following the adoption of this ordinance.
6. **Street, Privately Maintained.** A street maintained by private parties through use of private funds.
7. **Street, Publicly Maintained.** A street maintained by federal, state, county, or local public agencies.
8. **Street, Unopened.** A street or any part thereof shall be deemed to be unopened if it is not cleared, graded, and available for public use.
- J. **Street Centerline.** That line surveyed to be the centerline of a street, or in the event that no centerline has been determined, it shall be that line running midway between and parallel to the outside right-of-way lines of such streets.
- K. **Street Frontage.** The distance within which a front lot line of a lot adjoins a public street, measured between the two (2) lot lines intersecting the street right-of-way or easement.
- L. **Street Intersection.** Any street which joins another street at an angle, whether or not it crosses the other.
- M. **Street Yard Greenway.** A strip of land on a lot or parcel abutting a street right-of-way line that is landscaped and maintained as a visual edge to create a unified appearance along the street frontage and an attractive foreground for the abutting development.
- N. **Structure.** A combination of materials constructed, erected, or placed in or upon the ground or is attached to something having such a location. Structures may include but are not limited to: buildings, elevated decks, radio towers, signs, and storage bins, but exclude sidewalks and paving on streets, driveways, parking areas, or patios placed at grade.
- O. **Subdivider.** An individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity (or agent thereof) that undertakes any activities covered by this ordinance. The word "subdivider" is intended to include the terms "developer" and "builder" even though the persons involved in successive stages of a project may vary.
- P. **Subdivision.** The division of a single lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for the purpose of sale or development.
 1. **Subdivision, Exempt.** An administrative subdivision process that addresses subdivisions that do not involve a new street, or change in existing streets or the extension of water, sewer or gas lines. The following are included within this definition:
 - 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 then current standards of the City.
 - b. Lot line adjustments,
 - c. The division of a single lot into two (2) lots, and

- d. The division of land into parcels of five (5) acres or more.
- 2. **Subdivision, Major.** All divisions of a tract or parcel of land not considered exempt or minor subdivisions, including:
 - a. The division of land into six (6) or more lots, building sites, or other divisions for any purpose, whether immediate or future, of sale, legacy, or building development;
 - b. Any division of land involving a new street or change in existing streets; or division of land involving the extension of water or sewer, including resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided.
- 3. **Subdivision, Minor.** The division of a tract or parcel of land into five (5) lots or less, building sites, or other division for any purpose, whether immediate or future, of sale, legacy or building development, and where appropriate to the context relates to the process of subdividing or to the land or area subdivided and that does not involve a new street; a change of an existing street; or the extension of water or sewer.
- Q. **Swimming Pool.** A structure located inside, outside, or partly in each, designed to hold water to a depth of greater than 24 inches when filled, and intended to be used for swimming purposes.
- R. **Trailer, Utility.** A vehicle with or without its own motive power, which is mounted on wheels or is designed to be so mounted and transported.
- S. **Traffic Study.** A written report prepared by an transportation engineer or a professional planner, describing in detail the roads and streets which serve an area of the City, furnishing information on ingress and egress to and from lots, providing current traffic counts on existing streets and projected traffic counts on both existing and proposed streets, and additionally containing an impact statement describing the expected impact of the proposed activities on traffic flow and traffic patterns within a specific area of the City.
- T. **Tree.**
 - 1. **Tree, Canopy.** A deciduous shade tree.
 - 2. **Tree, Evergreen.** A tree with foliage that persists and remains green throughout the year.
 - 3. **Tree, Ornamental.** A small deciduous tree grown for its foliage and/or flowers.

Section 24.90 Definitions V, W, X, Y, Z

- A. **Variance.** An allowed modification to a requirement of this ordinance, as authorized by the Zoning Board of Appeals under the provisions of this ordinance.
- B. **Vehicles and Trailers, Commercial.** Any vehicle or trailer bearing or required to bear commercial license plates and/or DOT numbers. Examples include, but are not limited to:
 - 1. Semi-truck tractors;
 - 2. Semi-truck trailers, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies, and full or partial box-type enclosures;
 - 3. Food trucks and vehicles of a type that are commonly used for the delivery of food or vending supplies;
 - 4. Pickup trucks, vans, and trailers commonly used by construction industry contractors;

5. Tow trucks and repair service trucks;
 6. Vehicles designed to transport 16 or more passengers, including the driver; and
 7. Commercial trailers designed to haul heavy equipment, materials, and supplies.
- C. **Violation.** The failure of a use, structure or other development to be fully compliant with the provisions of this ordinance.
- D. **Water, Public.** A system that is owned, maintained, and operated by the City, a community corporation, or a privately owned system serving a community and approved by the Chatham County Health Department.
- E. **Yard.** An open space at grade between a building and the adjoining lot lines.
1. **Yard, Front.** An open space between the front of a principal building and the front lot line, generally adjacent to a street and extending the full width of the lot.
 2. **Yard, Front.** An open space between the front of a principal building and the front lot line and extending the full width of the lot. The narrower of the two (2) front lot lines on a corner lot. Where the lot lines are of equal length and/or the primary front yard is not evident, the Zoning Administrator shall determine the front yard. In the case where there is an existing principal building, it is the front yard that the front building elevation faces.
 3. **Yard, Rear.** An open space between the rear of a principal building and the rear lot line and extending the full width of the lot.
 4. **Yard, Secondary Front.** A front yard on a corner lot that the front building elevation does not face which extends from the rear of the front yard designation to the rear lot line.
 5. **Yard, Side.** An open space between the side of a principal building and the side lot line extending from the front yard to the rear yard.
- F. **Zoning Administrator.** An official authorized by the City Manager to administer, interpret, and enforce the City of Port Wentworth Zoning Ordinance.
- G. **Zoning District.** A designation on the Official Zoning Map in which requirements for the use and dimensions of the land and buildings are prescribed.

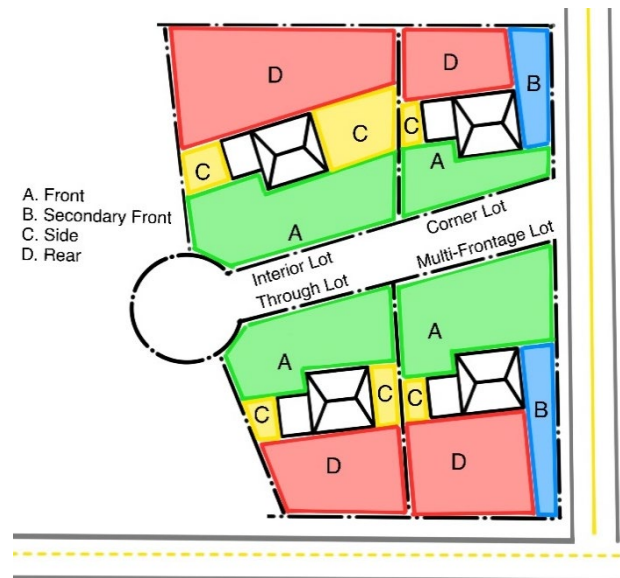


Figure 2 Yard Designations by Lot Type

Article 24. General Definitions

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Attachment: PW Zoning Final Draft 5-18-23 (2828 : Zoning Ordinance Rewrite)



Article 25. Land Use Definitions

Section 25.10 Intent and Purpose

This article includes all land use definitions included Tables 3.30 and 4.30.

Section 25.20 Accessory Uses

- A. **Accessory Building or Structure.** A detached building or structure on the same lot with and of a customarily incidental nature that is subordinate to the principal structure and accommodates an accessory use.
- B. **Accessory Dwelling Unit.** An attached or detached dwelling unit that contains an independent living area, including sleeping quarters, bathroom, living area, and kitchen facilities that is secondary and subordinate to a principal single-family dwelling.
 - 1. **Accessory Dwelling Unit, Attached.** An accessory dwelling unit that is physically attached to a principal single-family dwelling as an addition; incorporated internally within a principal dwelling within the basement or attic; or above an attached garage. Except for an accessory dwelling unit above an attached garage, an attached accessory dwelling unit is connected by internal access between separate living spaces. The inclusion of a secondary kitchen or kitchenette within the principal dwelling does not alone result in the classification as an attached accessory dwelling unit.
 - 2. **Accessory Dwelling Unit, Detached.** An accessory dwelling unit that is physically detached from a principal single-family dwelling as a standalone and separate building.
- C. **Accessory Use.** A land use or activity that is customarily and clearly incidental and subordinate to the principal use of the land or building.
- D. **Antennas and Over-the-Air Reception Devices.**
 - 1. **Amateur Radio Service.** A federally licensed radio-communication service for the purpose of self-training, intercommunication, and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest particularly with respect to providing emergency communications.
 - 2. **Over-The-Air Reception Device and Satellite Dish Antennas.** Antennas and dish antennas designed to receive direct broadcast satellite service, including direct-to-home satellite service, to receive or transmit fixed wireless signals via satellite, receive video programming services via broadband radio service (wireless cable), receive or transmit fixed wireless signals other than via satellite, or receive local television broadcast signals.
- E. **Day Care Home, Adults.** An establishment where care and therapy is provided to elderly persons during normal business hours.
- F. **Day Care Home, Children.** A private residence certified by the Georgia Department of Human Resources and operated by any person paid to supervise and care for three (3) but not more than six (6) children under 18 years of age who are not related to such person and whose parents or guardians are not residents in the same private residence. This service may be provided for a duration of less than 24 hours per day and does not include and is not limited to residents of the dwelling. Owner or manager shall reside on the premises.

- G. **Home Occupation, Major.** A business operated on a residential parcel that because of its nature, intensity, and characteristics, is not customary for a residential property and does not qualify as a minor home occupation. A major home occupation is an incidental and secondary use of the property. Business operations include financial advisors, accountants, business services, personal services, making of handcrafted products, accessory retail sales, and independent trucking.
- H. **Home Occupation, Minor.** A use which includes any activity which is clearly secondary to residential use and carried out for economic gain. It is conducted within a dwelling, carried out by its occupants utilizing equipment typically found in a home, and it is not evident from the outside.
- I. **Outdoor Display and Sales, Permanent.** The outdoor placement, storage, or keeping, for display purposes, of equipment, vehicles, trailers, and other similar goods for sale on premises.
- J. **Outdoor Storage, Commercial.** The outdoor placement of goods such as building or construction materials, equipment, vehicles, trailers, and other supplies, for future use, production, assembly, preservation, or disposal, as an accessory function to a principal building and use. This definition does not include materials related to permitted on-site construction projects.
- K. **Subdivision Amenity.** Improved areas designed and intended for the playing of a game such as basketball, volleyball or tennis, and indoor or outdoor facilities such as community meeting rooms, picnic areas, swimming pools, or playgrounds. These facilities serve dwelling units and are owned and/or controlled by a neighborhood club, homeowner's association, or similar organization. The term includes fences surrounding the recreational amenity and all surface area inside the fences and overhead lighting fixtures.
- L. **Solar Energy, Building-Mounted.** A solar energy collector attached to the roof or wall of a building.
- M. **Solar Energy, Ground-Mounted.** A solar energy collector that is mounted directly to a support structure on the ground and is not connected to a building. The system is intended to generate energy for the principal and accessory land uses and buildings on the lot or parcel of land on which the system is located.

Section 25.30 Accommodations, Hospitality, and Entertainment

- A. **Banquet or Meeting Hall.** A use which provides rental space for such functions as, but not limited to: wedding parties, conferences, service club meetings, and other similar gatherings, along with the catering of food services off the premises.
- B. **Bed and Breakfast.** A house, or portion of a house, where short-term lodging rooms and breakfast and light snacks are provided to overnight guests and where the operator lives on the premises or in adjacent premises.
- C. **Campground or Recreational Vehicle Park.** A form of temporary lodging where guests bring tents, travel trailers, campers, or other similar forms of shelter to experience the natural environment. Campgrounds rent pads or spaces to guests and may also include accessory uses such as a camp store, shower/bathroom facilities, and recreational facilities.
- D. **Commercial Indoor Recreation Facility.** A facility, open either to the general public or to members and their guests, located in an enclosed building that is designed to accommodate sports, recreational activities, training, or related enterprises. Also included are accessory uses that are clearly in support of the primary use, such as sporting goods shops, food service and party/banquet facilities serving patrons of the indoor recreation use, spectator accommodations, changing/locker rooms and employee offices.
- E. **Commercial Outdoor Recreation Facility.** A facility providing a variety of outdoor recreational

opportunities and entertainment services, often for a fee, including, but not limited to amusement and theme parks; go-cart tracks; golf driving ranges; miniature golf courses; marinas; watercraft rentals; and water parks. It may also include commercial facilities customarily associated with the above indoor commercial recreational uses, including bars and restaurants, arcades, etc.

- F. **Commercial Outdoor Recreation, Low-Intensity.** An outdoor venue for nature-based recreation and ecotourism activities, including but not limited to disc golf, ropes courses, eco-challenges, adventure racing and events, zip-line courses, and other activities which rely primarily on the preserved natural environment as a core element of the activity and use.
- G. **Golf Course.** A use consisting of regulation and par three golf courses having nine or more holes, and accessory facilities and uses, including driving ranges, clubhouses with bar and restaurant; locker and shower facilities; pro shops for on-site sales of golfing equipment and clothing; and golf cart storage facilities.
- H. **Hotel or Motel.** A building under single management that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. Other supportive facilities may also be included, such as, but not limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities, and similar facilities/services intended principally to serve registered guests.
- I. **Indoor Theater.** A building or part of a building used to show movies or a facility used for drama, dance, musicals, or other live performances. This use may also include accessory concession and retail sales.
- J. **Outdoor Theater.** An outdoor commercial facility which shows movies on outdoor screens. This use may also include accessory concession and retail sales.
- K. **Restaurant.** A business establishment whose method of operation involves either the delivery of prepared food by servers to customers seated at indoor or outdoor areas, or prepared food is acquired by customers at a counter or cafeteria line and consumed at tables within a completely enclosed building, but does not include drive-through services, which are separately defined and regulated. Service of alcoholic beverages by the drink is incidental to the service of food, and food receipts exceed 50 percent of sales.
- L. **Restaurant with Drive-Through.** A business establishment whose method of operation involves the delivery of prepared food or beverages to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises. A drive-through restaurant may also have indoor or outdoor seating.
- M. **Tavern.** A commercial establishment licensed to sell at retail and serve beer, wine, liquor or other alcoholic beverages for consumption on the premises and where the service of food is incidental to the sales and consumption of such beverages. Taverns include nightclubs, lounges, and bars.

Section 25.40 **Agricultural**

- A. **Farm.** The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.
- B. **Farm Market.** A year-round or seasonal location where transactions and marketing activities between farm market operators and customers take place. At least 75 percent of the products offered must be produced on and by the affiliated farm measured by retail floor space during peak production season, or 75 percent of the average gross sales. Processed products will be considered as produced on and by

the farm if at least 50 percent of the product's primary or namesake ingredient was produced on and by the farm.

- C. **Farm-Related Businesses and Agritourism.** Agriculturally-oriented commercial and tourism endeavors on farms that are accessory to and have a direct and intrinsic relationship to the principal agricultural use of the subject property, conducted by a farmer or rancher for the enjoyment or education of the public to promote the products of the farm and generate additional farm income, including but not limited to: artisan craft sales, corn mazes, U-Pick operations, petting and feeding zoos, hay rides, demonstration farms; agricultural museums; living history farms; on-farm farmers' markets; winery tours and wine tasting, garden tours and the production and sale of cider, wine, and beer.
- D. **Stables, Commercial.** A structure designed for the feeding, boarding, breeding, and exercising of horses that are owned by someone other than the owner of the premises and for which the owner of the premises receives compensation. This definition also includes riding stables, riding academies, and horse show facilities.
- E. **Stables, Private.** A structure designed for the feeding, boarding, breeding, and exercising of horses that are owned by the occupant of a principal dwelling on the premises.

Section 25.50 Civic and Institutional

- A. **Cemetery.** One (1) or a combination of more than one (1) of the following: a burial ground for earth interments, a mausoleum for crypt entombments, or a columbarium for the inurnment of cremated remains. For the purposes of this ordinance, a cemetery does not include a crematorium.
- B. **Community-Oriented Cultural Facility.** A public or non-profit facility that provides educational and cultural experiences for the general public, examples of which include: aquariums, arboretums, art galleries, botanical gardens, libraries, museums, planetariums, civic centers, and theaters predominantly used for live performances, and zoos. It may also include accessory retail uses such as a gift/book shop, restaurant, etc.
- C. **Community-Based Indoor Recreation Facility.** A facility providing a variety of indoor recreational opportunities including, but not limited to: gymnasium, swimming pool, tennis, racquetball and/or handball courts, batting cages, and other indoor sports activities. This use includes all public, government, and not-for-profit organizations chartered to provide community-based recreation services.
- D. **Government Facility.** Buildings, structures, and facilities that may include administrative offices, public works services, law enforcement, fire protection, libraries, museums, cemeteries, recreational centers, and storage areas for public equipment and materials for local, county, state, and federal public agencies.
- E. **Public Park or Preserve.** A facility providing a variety of outdoor recreational opportunities including, but not limited to: playground equipment, playing fields, tennis and basketball courts, swimming pools, boat ramps, and fishing piers, and areas for passive recreation such as hiking trails, picnic areas, and bird blinds.
- F. **Place of Worship.** A building or structure or group of buildings or structures that, by design and construction, are primarily intended for conducting organized religious worship services. Associated accessory uses include, but are not limited to, classrooms, meeting halls, indoor and outdoor recreational facilities, daycare, counseling, and kitchens.

G. School:

1. **College or University.** A facility for post-secondary education, other than a trade or commercial school, that provides education, whether full-time or part-time, and that grants associates, bachelors, masters, or doctoral degrees, and may include research functions. Includes professional schools (law, medicine, etc.) and technical colleges.
2. **Pre-school to 12.** A school that is not a publicly owned or publicly operated school that offers courses of instruction for students in one or more grades from kindergarten through 12th grade.
3. **Specialized Training.** A specialized instruction establishment that provides individual and group instruction, education, and/or training, including, but not limited to: the arts, dance, music, tutoring, photography, martial arts, health and wellness, business and vocational schools, passenger vehicle driver education schools, barbering, hairdressing, appliance and computer repair, and teaching of industrial or trade skills which machinery is employed as a means of instruction.
4. **Truck Driving.** Commercial facilities which provide instruction and education concerning the driving of trucks.

Section 25.60 Industrial, Infrastructure, and Transportation

- A. **Brewery, Winery, Distillery.** The industrial production of beer, wine, and spirits.
- B. **Commercial Solar Energy System.** A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Also known as a solar farm.
- C. **Crematorium.** A facility consisting of one or more furnaces for cremation services.
- D. **Essential Public Services and Utilities.** Any person furnishing to the public, transportation, water, gas, electricity, telephone, cable television, communication, steam, telegraph, sewage disposal or other similar service, including the township. The erection, construction, alteration, or maintenance by a public utility, or municipal department, of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water, transmission, distribution collection, supply, or disposal systems. This includes related poles, wires, pipes, conduit, cables, public safety alarm and communication equipment, traffic signals, hydrants, and similar accessories that are necessary to furnish adequate service, addressing general public health, safety, convenience, or welfare. These do not include wireless telecommunication towers (unless located on public property and used as part of a municipal emergency communications network); wind energy turbines; offices, utility buildings, substations, or structures that are enclosures or shelters for service equipment; or maintenance depots.
- E. **Manufacturing, Processing, and Packaging- Heavy.** A facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Examples of heavy manufacturing uses include the following: chemical product manufacturing; concrete, gypsum, and plaster product manufacturing; glass product manufacturing; paving and roofing materials manufacturing; petroleum refining and related industries; plastics, other synthetics, and rubber product manufacturing; primary metal industries; pulp and pulp product manufacturing; textile and leather product manufacturing.
- F. **Manufacturing, Processing, and Packaging- Light.** A facility accommodating manufacturing processes involving less intense levels of fabrication and/or production, such as the assembly, fabrication, and

Article 25. Land Use Definitions

conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. The premises may include secondary retail or wholesale sales. Examples of light manufacturing uses include: artisan/craft product manufacturing; clothing and fabric product manufacturing; furniture and fixtures manufacturing, cabinet shop, media production, photo/film processing lab not accessory to a retail business, printing & publishing, and food preparation and packaging.

- G. **Mineral Extraction.** The extraction, by mining, of natural resources from underground.
- H. **Outdoor Storage, Principal.** The outdoor placement of building or construction materials, landscape materials, equipment, trailers, and other supplies, for future use, production, assembly, preservation, or disposal where there is no other principal use on the site.
- I. **Outdoor Container Storage Yard.** An outdoor storage area for short-term or long-term placement of containers associated with port operations that are awaiting pick up for land or sea shipping transport.
- J. **Propane Gas Sales.** An establishment providing LPG dispensing and bulk containers for sale.
- K. **Salvage or Impound Operations.** Any land or structure used for storing, dismantling, reconditioning, collecting, purchasing or selling of scrap metal or other discarded goods and materials, including the collection, dismantlement, and salvage of two or more inoperative vehicles, boats, trucks, or other types of machinery or equipment, or the impounding of any operable or inoperable vehicle associated with towing or wrecker services.
- L. **Sawmill or Planing Mill.** A facility where logs are sawn, split, shaved, stripped, chipped, or otherwise processed to produce lumber and other wood products.
- M. **Self-Storage.** A building or group of buildings in a controlled access and/or fenced compound that contains varying sizes of individualized, compartmentalized, and controlled access rooms, stalls or lockers for the storage of customer's goods or wares.
- N. **Truck Terminal.** A facility at which freight is consolidated to be shipped or where full load consignments may be loaded and off-loaded, and where vehicles and trailers are regularly maintained and stored.
- O. **Warehousing and Distribution.** Facilities for redistributing goods from one truck to another that serve as intermediate transfer points and are primarily used for staging loads and temporary storage, where vehicles and trailers are regularly maintained and stored.
- P. **Waste Management and Recycling.** A facility used for collecting waste and recyclables, sorting, and transferring materials.
- Q. **Wholesaling and Distribution.** An establishment engaged in selling merchandise in bulk quantities to retailers; to contractors, industrial, commercial, agricultural, institutional, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

Section 25.70 Offices and Services

- A. **Animal and Pet Services.** Any lot or premises on which six or more dogs or cats or other household pets, six months old or over, are kept temporarily or permanently for sale, boarding, breeding, training, shelter, competition, showing, or day care.
- B. **Animal Clinic.** An establishment used by a veterinarian where animals are treated.

- C. **Child Day Care Center.** A facility operated by a person, partnership, association, society, agency, corporation, institution, or group that receives pay for the care of seven (7) or more children, under 18 years of age, where children remain less than 24 hours per day.
- D. **Contractor Facility.** An office and storage or warehouse facility accommodating a construction, skilled trade, landscaping, extermination, tree care, industrial service contracting business, or other similar trades.
- E. **Funeral Home or Mortuary.** A building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or related services, including the storage of caskets, funeral urns, funeral vehicles, and other funeral supplies. For the purposes of this ordinance, this use does not include a crematorium.
- F. **General Offices and Services.** Establishments that offer financial, business, business support, medical, personal, professional, and administrative services.
 - 1. **Financial Services.** Financial institutions, including, but not limited to: banks, credit agencies, investment companies, security, and commodity exchanges.
 - 2. **Business Services.** Establishments providing direct services to consumers, including, but not limited to: employment agencies, insurance agent offices, real estate offices, and travel agencies.
 - 3. **Business Support Services.** Establishments providing services to other businesses, including, but not limited to: computer rental and repair, copying, quick printing, mailing and mailbox services.
 - 4. **Medical.** A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff.
 - 5. **Personal Services.** Establishments providing non-medical services to individuals, including, but not limited to: barber and beauty shops, tattoo parlors, dry cleaners pick-up and drop-off, small appliance repair, laundromats, massage therapists, shoe repair shops, and tanning salons. These uses may include incidental retail sales related to the services they provide.
 - 6. **Professional and Administrative Services.** Office-type facilities occupied by businesses or agencies that provide professional or government services or are engaged in the production of intellectual property.
- G. **General Offices and Services with Drive Through Service.** Facilities where services may be obtained by motorists without leaving their vehicles. Examples of drive-through services include bank teller windows and drive-up ATMs, dry cleaners pick-up and drop-off, etc.
- H. **Hospital.** An institution licensed by the State, where people, including inpatients, receive medical, surgical or psychiatric treatment and nursing care.
- I. **Temporary Office.**
 - 1. **Temporary Construction Office.** An office, typically mobile, established at a permitted construction site to accommodate personnel. A location for outdoor storage of materials and equipment is commonly associated with the use.
 - 2. **Temporary Sales Office.** An office, either mobile or located in a model home, used to accommodate real estate agents and associated administrative staff for the purposes of selling or renting real property in subdivisions or other housing developments.
- J. **Truck Stop or Truck Fuel Sales.** An establishment that is engaged primarily in the fueling, servicing,

repair, or parking of semi-trucks and trailers or similar heavy commercial vehicles, and which may include the sale of accessories and equipment for such vehicles, food sales, and other services for truck drivers.

- K. **Vehicle Repair, Major.** The servicing, repairing, refinishing, equipping, or adjusting of vehicles, or their components, for compensation, including but not limited to powertrain and suspension repair or rebuilding, body work, frame alignment, and other vehicle repair work creating noise, glare, fumes, or smoke; but not including vehicle wrecking, junking or salvaging or fuel sales.
- L. **Vehicle Repair, Minor.** A business providing general maintenance on motor vehicles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers, and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios, and air conditioners; wheel alignment and balancing; but, excluding tire recapping or grooving or any major mechanical repairs, collision work or painting.
- M. **Vehicle Service Station.** An establishment where motor vehicle fuel is dispensed for retail sale. This use may also collectively include minor vehicle repair services (see vehicle repair, minor); retail sales of convenience items (see retail), restaurant (see restaurant and restaurant with drive-through) and a single bay vehicle wash (see vehicle wash), but not overnight vehicle storage. This use does not include truck stops or truck fuel sales.
- N. **Vehicle Wash, Cars.** A building or portion of a building with machine or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of cars and light trucks and vans. This use may also include accessory outdoor vacuums.
- O. **Vehicle Wash, Trucks.** A building or portion of a building with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of commercial trucks and vans, and semi-trucks and trailers. This use may also include accessory outdoor vacuums.

Section 25.80 Residential Group Living

- A. **Personal Care Home.** Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one (1) or more personal services for two (2) or more adults who are not related to the owner or administrator by blood or marriage. The owner or manager shall reside on the premises.
- B. **Nursing Home.** A home for the aged, chronically ill, or incurable persons in which three (3) or more persons, not of the immediate family, are received, kept, or provided with food and shelter or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Section 25.90 Residential Household Living

- A. **Dwelling (note- ascending density, not alphabetical).**
 - 1. **Single-Family Dwelling.** A freestanding dwelling unit designed and intended for one family that is physically separate from any other dwelling.
 - 2. **Two-Family Dwelling.** A building containing two (2) dwelling units on a single lot designed for or used by two (2) families living independently of one another and may also be referred to as a duplex.

3. **Townhome.** A Building containing three (3) or more dwelling units arranged side by side, separated from each other by a common walls and having separate direct means of egress and ingress to each unit from the outside
 4. **Multiple-Family Dwelling.** A building containing three (3) or more dwelling units designed for occupancy by three (3) or more families living independently of one another.
- B. **Manufactured Home Community.** A property that has been planned, designed, improved, and maintained for the placement of two (2) or more manufactured homes and permitted accessory uses where home sites are leased to individuals who retain customary leasehold rights.
- C. **Mixed-Use Residential.** A dwelling or dwellings on upper floors over a commercial business.

Section 25.100 Retail and Other Sales and Rental

- A. **Bakery, Small Scale.** An establishment less than 5,000 square feet primarily engaged in the retail sale of baked products for consumption off-site. The products may be prepared either on or off-site, and the use may include accessory food service.
- B. **Construction and Landscape Supply, Outdoor.** A commercial establishment that sells supplies for building construction and/or landscaping projects, where such supplies are placed outdoors.
- C. **Greenhouse and Nursery.** A retail or wholesale business whose principal activity is the display and sales of plants grown on the site within an enclosed building (greenhouse) or outdoors (nursery).
- D. **Retail Sales.** Stores and shops that sell goods and merchandise to the general public.
- E. **Vehicle and Equipment Sales and Rental, Major.** An operation selling or renting commercial trucks and vans, boats, recreational vehicles, heavy equipment, manufactured homes, landscaping machinery, trailers, farm equipment, and similar items. It may also include accessory repair shops and the sales of parts and accessories incidental to dealerships.
- F. **Vehicle and Equipment Sales and Rental, Minor.** An operation selling or renting cars, trucks, vans, and small equipment. It may also include accessory repair shops and the sales of parts and accessories incidental to dealerships.

Section 25.110 Other Uses

- A. **Adult Establishment.** Any adult bookstore, adult entertainment establishment, adult motion picture theater, or adult motion picture arcade.
1. **Adult Bookstore.** A commercial establishment or facility in the city that maintains 25 percent or more of its floor area for the display, sale, and/or rental of the following items (aisles and walkways used to access these items shall be included in "floor area" maintained for the display, sale, and/or rental of the items):
 - a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes, CDs, DVDs or other video reproductions, or slides or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas, as defined herein; or
 - b. Instruments, devices, novelties, toys or other paraphernalia that are designed for use in connection with specified sexual activities as defined herein or otherwise emulate, simulate, or represent "specified anatomical areas" as defined herein.

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2. **Adult entertainment Establishment.** Any establishment or facility in the City of Port Wentworth where adult entertainment is regularly sponsored, allowed, presented, sold, or offered to the public.
 3. **Adult motion picture arcade.** A commercial establishment to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are regularly maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis upon matter displaying specified sexual activities or specified anatomical areas.
 4. **Adult motion picture theater.** A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration.
- B. **Similar Land Use.** A land use determined to be similar in nature, character, function, and operation as a land use listed Tables 3.30 or 4.30.
- C. **Temporary Land Use.** Outdoor sales approved for temporary durations and in temporary locations, including parking lot sales, mobile food units, garage sales, and yard sales.



Article 26. Planting Specifications

Section 26.10 Prohibited Species

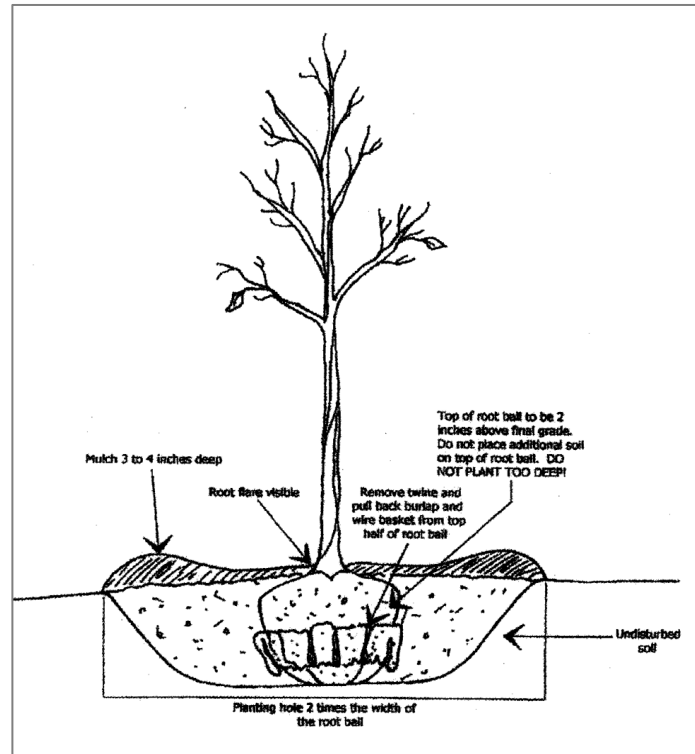
The trees listed in Table 26.10 shall not be used in any planting area required by this ordinance.

Table 26.10: Prohibited Species

Name	Reason for Prohibition
Box Elder	Aggressive shallow roots; weak wood
Bradford Pear	Genetic flaw; splits apart, susceptible to breakage
Catalpa	Weal wooded
Chinese Tallow tree	Aggressive shallow roots; susceptible to breakage; weedy tree
Female Ginkgo	Foul smelling fruit
Green Ash	Aggressive shallow roots; anthracnose
Hackberry	Large diameter surface roots; susceptible to breakage
Mimosa	Prone to disease; weedy tree; susceptible to breakage
Pecan	Large diameter surface roots, disease prone; susceptible to breakage
Princess tree	Aggressive shallow roots; weedy tree, messy, weak wooded
Russian olive	Poor form, disease
Silver Maple	Aggressive shallow roots; weak wood
Sweetgum	Aggressive surface roots; fruit a litter nuisance
Tree-of-heaven	Aggressive shallow roots; weedy tree; seeds; weak wood
Water Oak	Large diameter surface roots; susceptible to breakage.

Section 26.20 Planting Details

- All trees are to be nursery grown and locally adapted, ball and burlap (B&B) preferred. Minimum trees size is two (2) inch caliper.
- Remove all treated or plastic-coated burlap, strapping, wire or twine from root ball.
- For container grown trees, carefully remove the plant from the container and cut any matted or circling roots.
- Water tree after planting. For mulch, use pine needles or seasoned mulch and use no more than three (3) to four (4) inches deep.
- Tree wrap is optional.
- Staking is optional. Rubber hose and rope or wire for staking is not recommended. 3/4" nylon strap or tree trace strap is preferred. Staking should be removed after one growing season.



Section 26.30 Tree Protection Details

- A. See plans for location of all tree protection fences.
- B. All tree protection devices must be installed prior to land disturbance, including the cutting of any trees.
- C. No grading is to occur in the tree conservation areas or tree critical root zones.
- D. Remove all barriers upon completion of project.
- E. Tree protection details:

