

ARTICLE 1 – GENERAL PURPOSE AND LEGAL STATUS PROVISIONS

SECTION 1.1 OFFICIAL TITLE

This ordinance shall be known and may be formally cited as, the “City of Midville, Georgia, Zoning Ordinance,” or alternatively cited as the “Midville Zoning Ordinance.” The term “Ordinance” may be used as an abbreviation of the official title of the Midville Zoning Ordinance

SECTION 1.2 SCOPE AND JURISDICTION

This Ordinance constitutes the zoning code for the City of Midville, Georgia, which includes regulations governing location and use of building structures and land; and for the zoning of property, general development, and a variety of other related topics regarding the use of land. The provisions of the Midville Zoning Ordinance shall govern all land management within the city limits of Midville, Georgia.

SECTION 1.3 AUTHORITY

The City Council of Midville, Georgia, under the authority of Article IX, section 2, Paragraph 4 of the Constitution of the State of Georgia enacted July 1, 1983, as amended; and pursuant to the Zoning Procedures Law (O.C.G.A §36-66-1 et seq.) and other applicable laws enacted by the Georgia General Assembly, and the rules of various departments of the Georgia State Government which shall not be deemed to limit or repeal any other powers granted by the Governing Body under the state statutes; hereby ordains, and enacts into law those articles and sections contained within this Ordinance and including all subsequent amendments to this Ordinance.

SECTION 1.4 PURPOSES

The purposes of the Midville Zoning Ordinance, include but are not limited to the following:

1. Promote the health, safety, welfare, morals, and prosperity of the residents of the City of Midville;
2. Preserve the unique character of the City of Midville, Georgia;
3. Classify land uses described by individual zoning districts, overlay districts, and special zoning districts;
4. Balance the interest of both public and private entities in land development;
5. Protect established land-uses from the encroachment of incompatible uses;
6. Promote responsible growth, secure safety from fire and health dangers, and promote desirable living conditions;
7. Provide economically sound and stable land development by assuring that development activity is supported by adequate infrastructure

SECTION 1.5 RULES OF CONSTRUCTION

Standard rules related to the construction and use of the Ordinance include but are not limited to the following:

1. The interpretation and application of the provisions of the Midville Zoning Ordinance shall be held to the minimum requirements for the promotion of the health, safety, and general welfare of the residents of the City of Midville, Georgia.
2. Where there is a conflict between the provisions of this Ordinances, the more restrictive provision shall prevail unless the specific language of the Ordinance requires a different interpretation.
3. Purpose statements are not regulatory standards but rather descriptions of intent that guide the application and administration of this Ordinance.

SECTION 1.6 ADOPTION AND EFFECTIVE DATE

It is ordained by the City Council of Midville, Georgia that the following Articles and Sections that collectively constitute the Midville Zoning Ordinance of the City of Midville, Georgia are adopted. This Ordinance shall take effect immediately upon its adoption.

SECTION 1.7 REPEAL OF CONFLICTING CODES

All other conflicting Codes or Ordinances or parts of Codes or Ordinances related to the content of the Midville Zoning Ordinance are hereby repealed.

SECTION 1.8 VALIDITY AND SEVERABILITY

If any Article, section, subsection, sentence, clause, phrase, or portion of the Midville Zoning Ordinance, or any amendment is for any reason held invalid or unconstitutional by court of a competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such decision shall not affect the validity of any remaining portions of the Midville Zoning Ordinance which have not specifically been declared to be invalid.

SECTION 1.9 PREVIOUSLY ISSUED PERMITS

The validity of permits issued prior to the adoption of the Midville Zoning Ordinance and any subsequent amendments shall not be affected unless such permit shall have otherwise been invalidated by expiration or other cause not associated with the Ordinance.

SECTION 1.10 GOVERNMENTAL BODIES

Unless otherwise specifically provided, governmental bodies and authorities exempt from regulation under the police power of the City of Midville are exempt from the regulations contained in this Ordinance.

SECTION 1.11 CODIFICATION

Unless otherwise specifically provided, governmental bodies and authorities exempt from regulation under the police power of the City of Midville are exempt from the regulations contained in this Ordinance.

ARTICLE 2 - INTERPRETATION, TERMS AND DEFINITIONS

SECTION 2.1 INTERPRETIVE AUTHORITY

The interpretation of any words, terms, phrases, definitions, tables, figures, graphics, or illustrations; or any other information contained in the Midville Zoning Ordinance; shall be made by the Designated Zoning Official unless such authority is specifically granted to another officer, board, or commission as provided in this Ordinance. Interpretations of this Ordinance to be appealed are subject to the provisions described in Section 6.11(APPEALS).

SECTION 2.2 INTERPRETIVE PARAMETERS

For the purposes of this Ordinance, the following parameters shall apply to the use of the following terms, words, or phrases unless otherwise specifically noted with another Section or Article:

1. Words used in the present tense include the future tense; words used in the singular tense include the plural tense; and, words used in the plural tense include the singular.
2. Words suggesting masculine gender shall also include feminine gender and vice versa.
3. The word "person" includes an individual, firm, partnership, corporation, association, estate, trust, joint venture, board, agency, or any other interstate body, or legal public or private entity.
4. The terms "shall" and "must" are always mandatory and not discretionary, while the terms "should" and "may" are permissive.
5. The term "such as" shall not be inferred to be exclusive, and is intended to mean "including but not limited to."

SECTION 2.3 GENERAL TERMS AND DEFINITIONS

Section 2.3.1 Applicability of General Terms and Definitions

Each term defined in this Article shall be construed as having application throughout this Ordinance, unless the context clearly indicates otherwise. Where a term is defined in any other Article of this Ordinance, such terms or list of terms shall be viewed as an extension of the list of general terms defined within Section 2.3.2 (List of General Terms and Definitions). Generally, a term defined in an Article applies specifically to that Article; however, the Designated Zoning Official may use this same term outside of the original strict context of the Article unless such application poses a conflict with other terms defined by this Ordinance, or confusion in the administration of the provisions of this Ordinance.

Section 2.3.2 List of General Terms and Definitions

Adult business: means any "adult bookstore," "adult movie house," "explicit media outlet," or any place utilized for commercial purposes for the depiction, performance, display, transaction, or similar action of materials or activities involving "sexual conduct" or "sexually explicit nudity" all such terms defined in O.C.G.A. 36-60-3. Nothing in this definition shall be inferred to condone any commercialized "sexual conduct" or "sexually explicit nudity" that is a violation of any other local, state, or federal, law, ordinance, or statute.

Agriculture, Agricultural Operations or Agricultural or Farm Products: according to the O.C.G.A. §1-3-3 means raising, harvesting, or storing of crops; or managing livestock or poultry; producing or storing feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the production of aquaculture, horticultural, dairy, livestock, poultry, eggs, and apiarian products. All agricultural

processes shall occur on tracts of land at least one (1) acre in size, including all associated activities. Retail selling of products raised on the premises is permitted, if necessary space is made accessible for the parking of customer's vehicles off of the public right-of-way.

Agricultural structures: means structures that are intended for the primary or exclusive support of an agricultural function.

Airport: means an area of land or water including any related buildings and structures used for the purpose of serving landing and departing aircraft, including helicopter, sailplanes, etc.

Alley: A minor, permanent private service-way which is used for secondary vehicular access to the back or the side of properties which otherwise have primary vehicular access to a public street.

Alternative tower structure: shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures.

Annexation: The process in which a parcel of land is transferred from the jurisdiction of unincorporated Burke or Emanuel County to the jurisdiction of the City of Midville.

Antenna: shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

Assisted living care facility or community: "Assisted living community" or "community" means a facility that serves 25 residents or more that is licensed by the State of Georgia to provide assisted living care as defined in the O.C.G.A. 111-8-63 Georgia Code, to include provision of personal services, the administration of medications by a certified medication aide and the provision of assisted self-preservation.

Applicant: Property owner or their authorized representative who has petitioned the City Council for approval of an application under the terms of this Ordinance.

Automobile service station: means any area of land, including any buildings or structures thereon, that is used to dispense motor vehicle fuels, oils, and accessories at retail, and where repair service is incidental and no storage or parking space is offered for rent.

Awning: A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, walkway, or window from the elements. Awnings are often made of fabric or flexible plastic supported by a rigid frame, and may be retracted into the face of the building.

Base flood: means any flood having a one percent chance of being equaled or exceeded in any given year.

Bed and Breakfast Inn (B&B): Business establishment that operates within a single-family detached dwelling by an owner-occupant, offering temporary lodging and one or more meals to the public while traveling. Employment may not exceed two full time employees in addition to the owner. Meals may be offered to the guests only.

Biomedical waste facility: means any land or structure used for the final disposal, treatment, incineration, or storage of biomedical wastes as defined in O.C.G.A. 12-8-22, as amended, whether or not they are mixed with or include other wastes allowed under Subtitle D of the Resource Conservation and Recovery Act of 1976, as amended.

Block: A piece or parcel of land entirely surrounded by public streets.

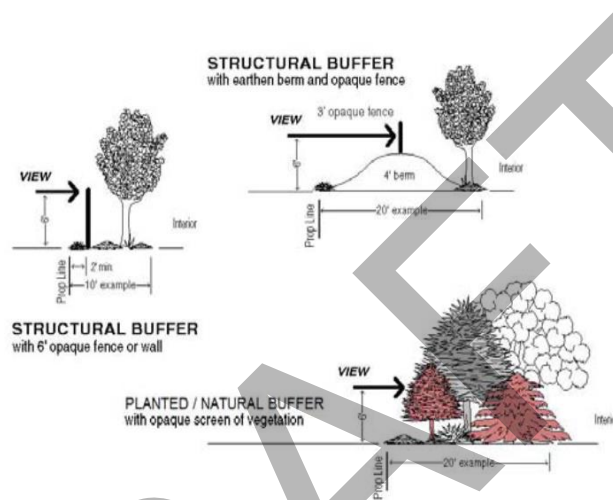
Boarding house: means a building other than a hotel or motel where lodging is provided for compensation with or without meals but excluding individual cooking facilities.

Buffer: A strip of land located between a side or rear property line and a building, structure, or use, intended to separate and obstruct the view of the side on which the buffer is located from an abutting property. A buffer is intended to provide screening, as defined and as may be required by this Code.

Buffer, natural: means a dense planting of shrubs and trees established and maintained to a height of not less than six feet on a strip of land separating property uses from neighboring uses. Also includes areas along the course of any state waters that are required to be maintained in an undisturbed and natural condition.

Buffer-natural undisturbed: A buffer containing a natural area consisting of trees and/or other vegetation, undisturbed except for approved access and utility crossings replanted vegetation where sparsely vegetated.

Buffer-planted: A buffer consisting of newly planted trees and shrubs native to the region.



Buffer-structural: A visual screen created through construction of a solid wooden fence, decorative masonry wall, or combination of earthen berm and fence or wall.

Build to-line: Line establishing the maximum allowable distance between the nearest portion of any building excluding steps, gutters, and similar fixtures, and the property line when measured perpendicular thereto.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building – accessory: Building subordinate to the principal building and used for purposes incidental to the principal building on the same lot. An accessory building may be detached or attached to the principal structure.

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

Building – footprint: Horizontal area measured within the exterior walls of the ground floor (i.e., footprint) of all principal buildings and accessory buildings.

Building – height: Vertical distance from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the mean height level between the eaves and ridge for gable, hip, and gambrel roofs, and to the deck line for mansard roofs.

Building – principal: Building in which the principal use of the lot is conducted.

Building – retail: Commercial establishment which generally sells commodities or services in varying quantities to ultimately the consumer and aforementioned commodities or services are primarily for the use of the purchaser.

Business – wholesale: means a commercial establishment that generally sells commodities or service in large quantities or by piece to retailers, contractors, other wholesale businesses, or manufacturing establishments. These commodities or services are mainly for resale, for use in the fabrication of a product, or for use by a retail service.

Canopy: A permanent structure, not enclosed and not retractable, attached or unattached to a building, for the purpose of providing shelter to patrons or automobiles, of as a decorative feature on a building wall.

Cemetery: Land and/or structure in the City of Midville dedicated to and used for the interment of human or pet remains. It may include a burial park for earth interments, mausoleum for vault or crypt interments, a columbarium for storing urns containing human remains, or a combination of one or more.

Change of use: means the discontinuance of an established land use and substitution of a use of a different kind, class, or nature in compliance with these regulations. Change of use does not include a change of tenants or proprietors, unless accompanied by a change in the type of use.

City: The City of Midville, Georgia.

City council: The elected members of the Midville, Georgia City Council which serves as the “Governing Body” (see Governing Body).

Club, or lodge: means building within which or land upon which organized fraternal, recreational, social, or educational meetings are conducted on a regular, not-for-profit basis. Fraternal organizations must demonstrate that they have received recognition and sanction from a parent group or organization. A private club must demonstrate that its membership is limited by either:

- (1) The use and operation of an amateur athletic facility including, but not limited to, golf courses, tennis courts, shooting ranges, or swimming pools; or
- (2) Residency in a particular subdivision, condominium, apartment project, dormitory, or other residential development.

Clinic: means a nonresidential establishment where patients are examined, diagnosed, and/or treated on an outpatient basis by licensed physicians, psychologists, psychiatrists, dentists, or chiropractors. No overnight accommodations.

Cluster development: means a residential subdivision within which individual lot sizes have been reduced to permit the creation of common open space maintained by a homeowner's association for the residents of the subdivision.

Collocation: means the placement or installation of new wireless facilities on previously approved and constructed wireless support structures, including monopoles and towers, both self-supporting and guyed, in a manner that negates the need to construct a new freestanding wireless support structure. Such term includes the placement of accessory equipment within an existing compound.

Communication(s) facility/facilities: means communication tower(s), antenna(s), and associated physical and technical equipment.

Communication towers & antennas: means a guyed, monopole, lattice or self-support tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar

forms of electronic communication. This definition does not include a satellite earth station as regulated by section 34-731 and a structure used for amateur or recreational purposes such as a ham radio, a citizens band radio or home television antenna under 70 feet in total height. The following definitions define existing tower types:

- a) *Guyed tower* means a guyed tower that can be either a lattice or monopole tower which has cables attached to the tower and ground to provide stability to the tower.
- b) *Lattice tower* means a communication tower that generally has three or four support steel legs and holds a variety of antennas.
- c) *Monopole tower* consists of a single self-supporting pole which is generally wider in diameter at the base and narrows at the top and may support any combination of whip, panel or dish antennas.
- d) *Support structure* means any structure on which one or more antennas may be mounted. The term "support structure" is inclusive of "stealth structure".
- e) *Stealth structure* means a communication tower which is made to resemble an artificial tree, church steeple, cupola, bell tower, clock tower, or grain silo or similar natural or manmade alternative design mounting structure that camouflages or conceals the presence of antennas or towers and the accessory equipment.

Community shopping center: means a shopping facility comprised of primarily retail enterprises usually housing a major chain department or variety store, or a supermarket as the principal tenant or anchor. Such a facility is intended to serve a population area of 5,000 or more. The minimum gross floor area for this type of center shall be 50,001, and the maximum gross floor area shall be 349,999.

Community water system: means a privately owned water system that complies with the minimum standards set by the Environmental Protection of the Georgia Department of Natural Resources.

Comprehensive plan: means any comprehensive plan adopted by the City of Midville as approved by the Georgia Department of Community Affairs.

Conditional use: Zoning ordinance provision that impose conditions, restrictions, or limitations on a permitted use that are in addition to the restrictions applicable to all land in the zoning district.

Condominium: means a form of individual ownership of a unit combined with joint ownership of common areas of the building and grounds in a development as provided in the Georgia Condominium Act.

Construction, actual: means the commencement and continuous, uninterrupted construction for the purpose of permanent placement and fastening of materials to the land or structure for which a permit required pursuant to this chapter has been issued for the same purposes. Construction includes filling, grading, the installation of drainage facilities, and the substantial demolition, clearing, excavation, or removal of an existing structure preparatory to new construction, provided that work shall be reasonably continuous until completion of the approved construction.

Construction field office: a building or structure temporarily located on a site under development and/or construction which houses offices of the construction contractor and/or affiliated sub-contractors.

Convalescent home: see definition of "nursing home"

Convenience store: means a retail store containing less than 2,000 square feet of gross floor area entirely in one story of a building that is designed and stocked to sell primarily food, beverages, sundries, and other grocery items to customers who purchase goods to satisfy special immediate needs (often characterized by impulse buying), as opposed to a "supermarket," which provides a wider range of goods which are intended to satisfy the full daily grocery needs of its customers. A convenience store is designed to attract and depends upon a large volume of stop and go traffic.

Conventional construction: means a dwelling unit constructed on the building site from basic materials delivered to the site, and which is constructed in accordance with the Standard Building Code or the Southern Building Code (SBCCI), and

meeting the following development standards:

- (1) The home has a minimum width in excess of 16 feet.
- (2) The pitch of the dwelling unit's roof has a minimum vertical rise of four feet for each 12 feet of horizontal run.
- (3) Structure is placed upon a permanent masonry foundation, unbroken except for foundation vents and a foundation entry door.
- (4) A unit of construction constructed outside the boundaries of Burke County may not be brought into Burke County and used as a dwelling if such home was constructed more than five years from the date the application is requested.

Cul-de-sac: A street having one end open to traffic and being permanently terminated by a vehicular turnaround of circular design.

Day care facility, group: Any place operated by a person, agency, corporation, or institution, and licensed or registered by the state of Georgia as a day care center, group day care home, or childcare learning center wherein the operator and employees thereof receive compensation for one (1) of the following activities, such activities not being conducted concurrently at the facility: A) care, supervision, training, and oversight is provided on less than a 24 hour basis for individuals who are elderly, physically ill or infirm, physically handicapped, mentally handicapped, or have other developmental disabilities; or, B) care, supervision, and protection of seven (7) or more children who are under 18 years of age is provided for less than 24 hours per day.

Day care facility, home: Any private residence which is a business registered by the state of Georgia as a family day care home, and is operated by any person residing therein with or without compensation, providing for the care, supervision, and protection of six (6) or fewer children who are under 18 years of age. For the purpose of computing the number of children within the child day-care facility, all children who are related by blood, marriage, adoption or guardianship to the person or persons operating the facility shall be included.

Developable land area: means that portion of a lot which does not consist of surface waters, wetlands as delineated on the National Wetland Inventory maps for Burke County (prepared by the U.S. Fish and Wildlife Service), slopes in excess of 25 percent, areas reserved for storm-water retention or detention, special flood hazard areas (as delineated by the Federal Emergency Management Agency), or other areas dedicated for public improvements, and/or common use (Also see definition for "net density").

Development, planned: means for the purpose of signage, a planned development is a development of a single parcel of property to contain a number of businesses, such as an office park, strip shopping center, industrial park, and the like. Each such business, industry, office, etc. shall occupy its own designated space wholly independent and separate from any other adjoining business, industry, office, etc.

Division (of land:) means any division of a tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, or building development, involving a new street or a physical change in existing streets. This is term commonly interchanged with the term "subdivision."

Duplex: See "dwelling, two-family"

Dwelling – principal: Building designed or used as the primary residence on a lot.

Dwelling – accessory (attached): A secondary dwelling unit which is added to an existing single-family dwelling or in the case of a loft apartment, added to the upper floor of a commercial building, for use as a complete, independent living facility with provisions within the accessory dwelling unit for cooking, sleeping, eating, and equipped with sanitation services.

Dwelling – accessory (detached): A secondary dwelling unit which is added to the property as a freestanding accessory building. The dwelling unit operates as an independent building with designated areas to cook, eat, sleep, and equipped with sanitation services.

Dwelling, loft: A dwelling unit located in an upper story space of an existing non-residential building or a new mixed-use building.

Dwelling, multifamily: A building designed for, or occupied exclusively by, three (3) or more families living independently.

Dwelling, single-family (detached): means a permanently sited building occupied or designed to be occupied exclusively by one family, not including dwellings defined herein as mobile homes or single-family attached dwellings.

Dwelling, single-family attached: means one of a series of two or more single-family dwelling units on separate lots or in condominium ownership, which are joined at one or more points by one or more common walls or other common facilities, not including the walls of an enclosed courtyard or similar area.

Dwelling unit: means a dwelling or portion thereof providing complete living facilities for one family.

Easement: A grant, by the property owner of a portion of land, for use by the public, a utility, a corporation, or person for specified purposes. No structure of any kind is permitted upon easements except that which is allowed or required in conjunction with the designated use. An easement acts as a reciprocal agreement between the subdivision property owners. Each property owner is responsible for maintaining such easement on the property. Drainage and utility easements are intended to be reciprocal easements among the subdivision property owners and not a dedication to the City.

Employee: means any person who works in a business establishment, including the business proprietor, owner, or partner, whether paid or unpaid, full-time or part-time.

EPA: Environmental Protection Agency

Escort bureau/introduction services: means any business, agency or persons who, for a fee, commission, hire, reward or profit, furnished or offer to furnish names of persons, or who introduce, furnish or arrange for persons who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

Family: An individual, or two (2) or more persons related by blood, marriage, adoption or guardianship, or a group of no more than three (3) unrelated persons, occupying a single dwelling unit; provided, however, that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families.

Farm: means any plot or tract of land devoted to uses in agriculture, forestry, horticulture, or the raising of livestock, poultry, or small animals as a source of income.

Farming – commercial: Any primary use of a tract or parcel of land for the purpose of raising for sale any type of agriculture products, nursery stock, including, but not limited to, soil crops, fish, fowl, silviculture, or livestock.

FAA: means the Federal Aviation Administration.

FCC: shall mean the Federal Communications Commission.

Fee simple: Property owner unconditionally owns a specified piece of land

Flag lot: means an interior lot located to the rear of another lot, but with a narrow portion or extension of the lot extending and providing access to a public right-of-way.

Floor area –gross: Total horizontal area in square feet of all floors of building as measured to the outside surfaces of exterior walls and including halls, stairways, attached garages, porches, balconies, and basements.

Floor area –net: Area included along the surrounding walls of a building, exclusive of vents, shafts, halls, attics, and basements.

Flood: means a general or temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain or flood-prone area: means any land area susceptible to being inundated by water from any source (see definition of "flood").

Flood-proofing: means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, or their contents.

Frontage: means the distance along which the front boundary line of a lot coincides with a public street right-of-way.

GDOT: Georgia Department of Transportation

Governing body: shall mean in all instances the Midville City Council.

Guyed tower: means a guyed tower that can be either a lattice or monopole tower which has cables attached to the tower and ground to provide stability to the tower.

Habitable floor: means any floor usable for living purposes, which includes areas to work, sleep, eat, cook, and for recreation or a combination thereof. A floor used only for storage purposes shall not be considered a habitable floor.

Halfway house: See Transitional Centers

Hazardous materials: means any explosive, corrosive, flammable, toxic, or carcinogenic material, chemical, or substance that poses a serious threat to human health or welfare. Such substances do not include common household products and cleansers which may, by their nature, include or constitute hazardous materials, as long as they are used exclusively for their intended purpose and are not stored in quantities that are excessive for common residential use.

Hazardous waste: means any material, chemical, or substance which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed. This definition includes all solid wastes defined as "hazardous wastes" by the Board of Natural Resources under Chapter 391-3-11 of the "Rules of Georgia Department of Natural Resources, Environmental Protection Division (as amended).

Heavy industry: means an existing or proposed industrial use, operation, or process which creates excessive noise, odor, smoke, or dust, or that may possess other objectionable characteristics which may be detrimental to, or incompatible with, surrounding properties and neighborhoods.

Height: shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Highway: a street or traffic way serving as and designated as a state or federal route.

Hotel/motel: means a building, or portion thereof, or a group of buildings, which provides sleeping accommodations in six or more separate units or rooms for transients on a daily, weekly, or similar short-term basis. Where such establishment is permitted as a primary use, all uses customarily accessory thereto for the comfort, accommodation, and entertainment of patrons, including restaurants, but not including bars, taverns, and nightclubs unless specifically permitted, shall be permitted.

HUD: Housing and Urban Development

Impervious surface: means any area of land where the surface has been compacted to 98 percent or more, or has been covered with a layer of material (asphalt, concrete, brick, or a structure containing a solid roof, floor, pad, or foundation) that is similarly resistant to permeation by water.

Industrialized building: means any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site, and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.

Intermediate care home: see definition of “nursing home”

Junkyard: A place of business primarily engaged in the storage, sale, dismantling, or other processing of uses or waste materials which are not intended for reuse in their original forms. Typically uses include metal salvage yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies.

Kennel: means an establishment, other than an animal shelter, where dogs or cats or other domestic animals are maintained for boarding, holding, training, or similar purposes for a fee or compensation.

Landfill: means an area of land on which or an excavation within which solid waste is placed for disposal and which is not a land application unit, surface impoundment, injection well, or compost pile.

Lattice tower: means a communication tower that generally has three or four support steel legs and holds a variety of antennas.

Light industry: means any industrial business or operation that does not satisfy the definition of a heavy industry contained in this chapter.

Livestock: means all animals of equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, and other grazing animals, customarily raised or kept on farms for commercial purposes generally confined to food production or labor.

Lot: A parcel of land designated by number or other symbol as part of a legally approved and recorded subdivision or as described by metes and bounds and recorded in the office of the Clerk of Burke County Superior Court.

Lot, corner: A lot abutting upon two or more streets at a corner; a lot abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines or of the street lines as extended is the corner.

Lot, double frontage: A lot, other than a corner lot, abutting upon two or more streets. A corner lot shall be considered having double frontage if it has access on three or more sides or shows access to two streets parallel to one another.

Lot, flag: An interior lot, located behind another lot, which has a narrow strip of land not less than 20 feet in width for its entirety that runs along one side of the front lot to provide access to the public street. A panhandle or pipe stem lot is considered a flag lot.

Lot, width: The distance between the side lot lines at the setback line as measured along a straight line parallel to the front lot line or parallel to the front lot lines or parallel to the chord thereof.

Manufactured home: means a structure, transportable in one (1) or more sections, which, when each section is in the traveling mode, is eight (8) feet or more in body width or 40 feet or more in length or, when erected on site is 320 or more square feet, built on a permanent chassis and designed to be used as a single family dwelling on a permanent foundation. Manufactured homes are equipped with the ability to connect to the required utilities, to include plumbing, heating, air-conditioning, and electrical systems contained therein and manufactured after June 15, 1976; or a structure that otherwise comes within the definition of a "manufactured home" under the National Manufactured Housing Construction and Safety Standards Act 1974, as amended (U.S.C. 5401-5445). Manufactured homes are constructed in factories and must comply with the codes created by the Department of Housing and Urban Development.

- (1) The pitch of the roof has a minimum vertical rise of three feet for each 12 feet of horizontal run, and the roof is finished with a type of shingle commonly used in conventional construction
- (2) The exterior siding consists of wood, hardboard, vinyl, brick, masonry, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in conventional residential construction.
- (3) A masonry, mortared curtain wall(skirting), unpierced except for required ventilation and access, is installed so that it encloses the area located under the home to the ground level. Such a wall must have a minimum thickness of four inches.
- (4) The tongue, axles, transporting lights, and towing apparatus are removed after placement on the lot and before occupancy.
- (5) Exterior doors all must have a landing or porch area that is constructed to comply with the minimum standards as set by the current International Residential Code.

Manufactured home neighborhood: means any lot, parcel or tracts of land designed to accommodate six or more manufactured homes on individual lots with a minimum size of one-half acre, including all buildings, structures, tents, vehicles, accessories or appurtenances used or intended as equipment of such manufactured home neighborhood, whether or not a charge is made for use of the park and/or its facilities. A manufactured home park does not include automobile, manufactured home or RV sales lot, on which unoccupied manufactured homes or trailers are parked for inspection and sales. Manufactured home neighborhoods must comply with the specific requirements for such parks as delineated in this Ordinance, Article 5: Supplemental Use Regulations. Manufactured homes wishing to locate within a manufactured home neighborhood must have been constructed before June 15, 1976, those manufactured homes constructed after June 15, 1976 must be located elsewhere after attaining "special" approval from Midville City Council.

Mobile home: see manufactured home

Mixed use building: A building, planned, constructed as a unit, used partially for residential use and partially for office, personal service, retail, entertainment or public uses. This term includes live-work units, which are jointly used for

commercial and residential purposes but where the residential use of the space is secondary or accessory to the primary use as a place of work.

Model home: means a principal residential building or dwelling unit, temporarily open to viewing by prospective home buyers or leasees, on property containing or proposed to contain a residential development or subdivision, and which may also be used temporarily as real estate sales office for lots or dwelling units within the development or subdivision.

Monopole tower: consists of a single self-supporting pole which is generally wider in diameter at the base and narrows at the top and may support any combination of whip, panel or dish antennas.

Modular or Industrialized home : means a structure that is constructed entirely in a factory, transported to a site on a flatbed truck, then the block segments are assembled with a crane, and placed on a permanent foundation. The modular home results in a permanent structure that bears a seal of compliance with regulations of the Southern Building Code or the Georgia Industrialized Building Act.

Motel. See definition of "hotel."

Neighborhood shopping center: means a shopping facility comprised primarily of retail and service enterprises selling or providing standard convenience goods and services. Such a facility is intended to serve immediately adjacent residential neighborhoods. The maximum gross floor area for this scale of development shall be 40,000 square feet.

Net density: means an expression of a common measure indicating the ratio of the total developable land area of a proposed development project divided by the number of buildable lots or residential dwelling units. Total developable land area is the total land area of the proposed development site, less land dedicated for public improvements, areas of common use, or areas of sensitive natural resources.

Non-conforming building: A building or structure that does not meet one or more height, setback, building coverage, or other dimensional requirements for the zoning district in which said building or structure is located (or if within an overlay zone that establishes dimensional requirements for buildings and such overlay zone provisions are controlling, does not meet one or more of such dimensional requirements for the overlay zone in which said building or structure is located); or a building or structure occupied by a use subject to the provisions of this Ordinance, and which does not meet one or more height, setback, building coverage, or other dimensional requirements of this Ordinance for said specific use.

Non-conforming lot: defined as a lot of record which legally existed prior to the adoption of this Zoning Ordinance but which, due to the adoption of this Ordinance, does not conform to the minimum access, frontage, lot size, lot width, or other lot requirements of the zoning district or overlay zone in which the lot is located as established by this Ordinance; or a lot of record lawfully established after the effective date of this Ordinance which, due to an amendment of this Ordinance, does not conform to the minimum access, frontage, lot size, lot width, or other lot requirements of the zoning district or overlay zone in which the lot is located.

Non-conforming use: A use or activity that: was lawfully established prior to the adoption of this Zoning Ordinance, but which, by reason of such adoption or amendment, is no longer a use or activity permitted by right in the zoning district in which said use or activity is located (or if within an overlay zone that establishes use restrictions and such overlay zone uses are controlling, is no longer a use or activity permitted in the overlay zone in which said use is located) as established in this Zoning Ordinance; or a use or activity that was lawfully established prior to the amendment of this Zoning Ordinance, but which, by reason of such amendment, is no longer a use or activity permitted by right in the zoning district in which said use or activity is located (or if within an overlay zone that establishes use restrictions and such overlay zone

uses are controlling, is no longer a use or activity permitted in the overlay zone in which said use is located) as established in this Zoning Ordinance or an amendment thereto.

Nursing home: An extended or intermediate skilled care facility licensed by the state of Georgia to provide continuous medical supervision to individuals who by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. Nursing homes maintain the services and facilities for skilled nursing and rehabilitative care, which includes the availability of a physician and dentist for emergency care. Nursing home facilities do not include boarding houses and group residences.

O.C.G.A.: Official Code of Georgia Annotated.

Open-air business: means any commercial establishment with the principal use of displaying products in an area exposed to open air on three (3) or more sides of the property, including but not limited to rock yards, nurseries, garden centers or supply stores, landscaping companies, lumber and building material yards, statuary and monument sales, or other similar merchandise.

Open space: means a yard area which is not used for or occupied by a dwelling, driveway, off-street parking lot, loading space, drying yard, or refuse storage space.

Outdoor: Not located within a building as defined in this Article.

Overlay zoning district: Means a special zoning district that is superimposed over one or more general zoning districts to create an additional set of requirements that must be satisfied by all land development activities in order to protect certain special resources.

Passenger car: Every motor vehicle, except motor driven cycles, and low-speed vehicles, designed for carrying ten passengers or less and used for transportation of persons.

Personal care home: means 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 or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. The "term personal care home" does not include the following categories: "childcare institution", "transitional housing", "rehabilitation house facility", a "rooming house" or a "boarding house." (Section 111-8-62 of Georgia Code)

Place of worship: A building or structure, or group of buildings or structures, regularly utilized to assemble for the purpose of public religious worship, and including all accessory building and uses customarily associated with such primary purpose.

Planned development: means an area of land controlled by a landowner, to be developed as a single entity for a number of dwelling units, and commercial and industrial uses, if any, the plan for which does not correspond in lot size, bulk, or type of dwelling or commercial or industrial use, density lot coverage and required open space to the regulations established in any one or more districts. A planned development may be designated as a residential subdivision, or a planned unit development (PUD).

Pollution: means the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Professional: When used in connection with "use," "office," and "occupancy," a use or occupancy by persons generally engaged in rendering personal, executive, or administrative services or activities, including but not limited to accountants, architects, engineers, land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stockbrokers, and administrative agencies considered professional in character. Occupations that are considered professional in nature typically are represented by national organizations which promulgate ethical codes and standards of conduct for persons employed in that trade. These national organizations also provide a forum for exchange of ideas and may issue licenses for persons practicing the professional trade. This term does not include repairs or sales of tangible personal property stored or located on the premises or any use which would create any loud noise, noxious odors, hazardous wastes, or air emissions.

Public right-of-way: Roadway surface being used by the traveling public and/or proposed to be used by the traveling public, being paved or unpaved, being either existing or proposed alleys, roadways, stub-outs, cul-de-sacs, etc.

Real property: all land, structures, firmly attached and integrated equipment (such as light fixtures or a well pump), anything growing on the land, and all "interests" in the property which may be the right to future ownership.

Recreational vehicle: A vehicle that is designed for human occupancy on a temporary basis, which may or may not have motive power. The term recreational vehicle is described in the following two categories:

- a) *Accessory recreational vehicle:* refers to all non-motorized vehicles to be utilized for human occupancy on a temporary basis, which may include vacation trailers and fifth wheel trailers; also, off road vehicles like dune buggies, ATVs, and watercrafts. A camper is categorized as an accessory vehicle when standing alone.
- b) *Motor Home:* includes those vehicles not exceeding 400 square feet or less as measured at the largest horizontal projection, may be towed with a light duty truck or self-propelled and are designed for recreational or seasonal use. When a motor home is attached to a light duty truck it is categorized as a motor home, however, once the motor home is detached from the light duty truck it is then categorized as a "camper." Motor homes are not designed for permanent human dwelling.

Regional shopping center: means one or more commercial structures and associated lands designed as a unit that contains at least 350,000 net square feet of floor area or will accommodate at least 30 retail and/or service establishments, one or more of which caters to a broad consumer market and serves as a market "anchor" for the other businesses in the center. Such a facility is intended to primarily serve the residents of Burke County and surrounding counties.

Residential child care facility: means an institution, society, agency, or facility providing full-time care for children outside of their own homes, including temporary shelters or other facilities for children and their families or portions thereof. This term shall include "child-caring institutions," as defined in the Georgia Children and Youth Act (Ga. Code 49-5-1), but shall not include foster family homes.

Restaurant – drive-in: Establishment which accommodates customers placing orders and being served food and beverages without having to depart the automobile. A drive in restaurant may also cater to customers who order and consume food within the establishment.

Restaurant – fast food: Establishment in which the principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off-premises.

Restaurant – full service: Establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state, and in which customers are served their food/beverages by a restaurant employee at a table or counter at which the food/beverage is consumed, or customers are served their food and beverages by means of a cafeteria-type operation where food and beverages are consumed within the restaurant building. This definition includes

cafeteria, coffee shops, taverns, pubs, and sidewalk cafes.

Retail Use: Any business offering goods and products for sale to the public, which may include the incidental repair of such goods and products, that operates entirely within a building except for outdoor display. Specific land uses that may otherwise meet the definition of retail use but are independently listed within the tables of permitted and conditional uses provided with Code shall be considered as a retail use by this definition.

Right of way: a public road or public way that is accepted by the governing body.

Riverine: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Salvage Yard: see "Junkyard"

Site-built: see "Conventional construction."

Solid waste: means any solid refuse materials generated by residential, commercial, industrial, or institutional uses for disposal.

Solid waste facility: means any land or structure used for the long-term disposal, storage, transfer, collection, treatment, utilization, process, incineration, or any combination thereof, of solid waste. This definition shall include inert waste landfills, private industry landfills, municipal solid waste landfills, composting facilities, medical waste or biomedical incinerators, and hazardous waste treatment, storage, or disposal facilities.

Special temporary outdoor event: means an intermittent event accessory to the normal daily activities of a business or organization, or any temporary event conducted by a civic, philanthropic, educational or religious institution. Special temporary outdoor events include

Street: A dedicated and accepted right-of-way for vehicular traffic. Includes but is not limited to highway, thoroughfare, lane, road, boulevard, way, place, court, trail or otherwise.

Street Width: shortest distance between the lines delineating the traveling surface of a street. For streets with curbs, the width is measured from the edge of pavement.

Structure: Anything built, constructed or erected, or established or composed of parts joined together in some definite manner, the use of which requires location on the ground or which is attached to something having permanent location on the ground. For purposes of this Zoning Amendment Ordinance, parking decks, swimming pools, tennis courts, signs, dog houses, and outdoor fenced animal runs are considered structures. Tents, vehicles, trailers, and play equipment attached to the ground in some permanent or temporary way shall be considered structures. A structure may or may not be easily moved from a given location on the ground. Walls and fences are considered structures but are subject to setback regulations for walls and fences rather than principal or accessory building setback regulations. Driveways and parking lots are not considered structures.

Structure – Temporary: Structure which is permitted within a land-use district without any foundation or footing and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

Subdivider: Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision. This definition includes any authorized agent.

Subdivision: All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record; however, the following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivisions.

Subdivision-Major: Division of land into two (2) or more lots that will require the construction or extension of public, streets, water or sanitary sewerage (other than the direct connection of buildings to existing facilities).

Subdivision-Minor: Division of land into two (2) or more lots, but no more than five (5) lots that will be adequately served by existing public streets, water and sanitary sewerage and that does not involve public dedication.

Substantial improvement: means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. When used in the context of the Flood Hazard Area Overlay District, substantial improvement is considered to occur when first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either: (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications, which are solely necessary to assure safe living conditions; or (b) any alteration of a structure listed on the National Register of Historic Places.

Support structure: means any structure on which one or more antennas may be mounted. The term “support structure” is inclusive of “stealth structure”.

Stealth structure: means a communication tower which is made to resemble an artificial tree, church steeple, cupola, bell tower, clock tower, or grain silo or similar natural or manmade alternative design mounting structure that camouflages or conceals the presence of antennas or towers and the accessory equipment.

Tenant house: means a single-family residential dwelling which is leased by a private farming entity for migrant, or other agricultural workers for the purpose of providing temporary housing where agricultural labor is in demand.

Tower: shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like.

Transmission tower: means a structure situated on a site that is intended for transmitting or receiving telecommunications signals, including, but not limited to, television, radio, and telephone signals.

Transitional Center (Halfway House): means a licensed, temporary, residential living arrangement for persons leaving an institutional setting or initially placed in lieu of more restrictive custodial confinement, wherein supervision, rehabilitation (including, but not limited to drug rehabilitation), and counseling are provided from support staff who are present whenever residents are present, in order to mainstream residents back into society, enable them to live independently.

Trailer: see manufactured home

Use – accessory: Use incidental and subordinate to the principal use.

Use – conditional: Use permitted in a particular zoning district only upon showing that such use in a specific location will comply with all the conditions and standards for the location or operation of such use as specified in the appropriate Article and authorized by the City Council.

Use – principal: Primary purpose or function that a lot serves or is proposed to serve and conducted in the principal building.

Use – temporary: Use established for a fixed period of time with the intent to discontinue such use upon the expiration of a time period unless permission to continue is use is renewed.

Variance: means a request for and/or the granting of relief from any of the dimensional requirements of the zoning ordinance. Requests for variances include, but are not limited to a request for reduced setbacks, reduced road frontage, reduced minimum lot size, reduced number of parking spaces.

Variance, administrative: request for and/or the granting of relief from any of the dimensional requirements of the zoning ordinance by the Designated Zoning Official. Requests for variances include, but are not limited to a request for reduced setbacks, reduced road frontage, reduced minimum lot size, reduced number of parking spaces. The Designated Zoning Official can only grant minor relief from the aforementioned dimensional requirements.

Vertical design element: means an architectural feature of a building, such as a clock tower, bell tower, steeple, or other similarly designed support structure.

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

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

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

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

Zoning: In order to regulate the location of structures, the height and bulk of structures, the use and intensity of use of lots and structures, and to regulate open spaces and aesthetics, the City is divided into zoning districts which are individually described in this Ordinance. Those districts are set forth in Article 3 of this Ordinance from lowest to highest intensity.

Zoning decision: means the final legislative action by the city council which results in: (a) the adoption of a zoning ordinance; (b) the adoption of an amendment to a zoning ordinance which changes the text or map of the zoning

ordinance; (c) the adoption of an amendment to a zoning ordinance which rezones property from one zoning classification to another; or, (d) the grant or denial of a special exception or variance.

Zoning District – Base: Zoning district that emphasizes the placement of prescribed land use to specific parcels within the city, and may include a varying degree of supplemental dimensional and design requirements applicable to individual land uses. Base zoning districts are illustrated in on the “Official Zoning Map of Midville, Georgia” and may alternatively be referred to throughout this chapter simply as a “base district.”

Zoning District – Overlay: Zone which imposes a set of requirements or relaxes a set of requirements imposed by the underlying zoning district when there is a special public interest in a particular geographic area that does not coincide the underlying zone boundaries

Zoning district – Special: A zoning district which provides for a set of requirements that are unique to an individual tract of land, and replaces in full, the requirements of the base zoning district.

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ARTICLE 3 – ZONING DISTRICTS

SECTION 3.1 ZONING DISTRICTS ESTABLISHED

The City of Midville hereby established zoning districts as an integral component of the management of land use and development within the municipal limits; and, categories such districts as base zoning districts, overlay zoning districts, or special zoning districts as set forth in Section 3.2, 3.3 and 3.4 of this Article.

SECTION 3.2 BASE ZONING DISTRICTS

The City of Midville's base zoning districts, and the purpose of each, are listed in Table 3.1. The purpose statements for each base zoning district serve as a summary of the intended district character and regulatory intent.

TABLE 3.1: BASE ZONING DISTRICTS		
Zoning District		Purpose
R-A	Residential-Agricultural	The purpose of the Residential-Agricultural (R-A) District is to promote and maintain a rural and agricultural character with low intensity of single family dwelling units located on larger lots, while preserving an area of transitional land use between the City of Midville and Burke County.
R-1	Residential 1 – Single Family Residential	The purpose of the Residential 1 (R-1) Single Family Residential District is to promote a greater density of single family residential units in a neighborhood environment on lots smaller than those found in the R-A District. This district also offers a secondary capacity for open spaces and institutional uses.
R-2	Residential 2 –Single Family Residential	The purpose of the Residential Single Family 2 (R-2) District is to create an area that promotes a moderate density number of single family dwellings on medium size lots.
R-MF	Residential-Multifamily	The purpose of the Residential Multifamily (R-MF) District is to provide an area for multifamily residential developments including, but not limited to duplexes, townhomes, apartment complexes and uses that complement the neighborhood environment such as churches, schools, parks and open spaces, etc.
PI	Public Institutional	The intended purpose of this district is to encourage the land use of publicly owned property, property owned by quasi-public service entities, and property used for institutional facilities.
RF	Riverfront	The Riverfront (RF) District area along the Ogeechee River provides the City of Midville a distinctive natural feature which has the capability to attract unique residential and recreational opportunities and should be protected from negative impacts.
TC	Town Center	The purpose of the Town Center (TC) District is to have a central location that fosters a sense of community in Midville. This district may include hospitality, business, residential and public services for residents and visitors.
I-1	Light Industrial	The Light Industrial District (I-1) contains lighter industrial uses with the purpose of providing an area for storage, assembly, and transportation of products and goods.
A-1	Agricultural Support	This district allows for agricultural related activities like storing, packing, processing and assembling of materials and crops, while also accommodating for agricultural administration and research purposes.
PUD	Planned Unit Development	The purpose of a Planned Unit Development (PUD) District is to allow unique projects and developments within the City of Midville. A PUD District allows a variety of mixed land uses to exist in one area, such as residential, recreation, commercial and industrial within one development.

SECTION 3.3 OVERLAY ZONING DISTRICTS

The Midville Zoning Ordinance grants the Midville City Council the authority to create overlay zoning districts. These districts provide the City Council of Midville the opportunity to address specific circumstances that may exist within a defined geographic area. These circumstances may include, but not limited to, addressing the following needs: promoting historic preservation, providing for design standards that enhance community character, protecting environmental resources, and enhancing initiatives.

Overlay zoning districts created and applied to parcels within Midville shall not physically replace the underlying base zoning districts(s) for such property, but shall be applied and mapped in addition to each applicable parcel's base zoning district. Unless specifically stated in any other article or section of this code, or otherwise creating a conflict between ordinance provisions as provided in Section 1.5 (Rules of Construction) of this Ordinance, the standards of an overlay zoning district shall be applied to applicable parcels in addition to, or to varying degrees in place of, the standards of each parcel's base zoning district.

SECTION 3.4 SPECIAL ZONING DISTRICTS

The Midville Zoning Ordinance grants the Midville City Council the authority to create special zoning districts. These districts provide the City Council of Midville with the opportunity to create an area to accommodate the development of property in a unique manner on a case-by-case basis that may not otherwise be accommodated by utilizing the existing base zoning districts. Special zoning districts may be structured so that their application to property within Midville is subject to a detailed and planned process that will allow for the flexible application of dimensional and other general development provisions in exchange for higher quality development, including enhancements not otherwise required by this Ordinance.

Special zoning districts created and applied to parcels within Midville shall physically replace the pre-existing base zoning district(s) for such property, and shall be mapped in the same manner as a base zoning district. Once applied, the standards of a special zoning district shall replace in full those of the parcel's original base zoning district. Each special zoning district applied to property following the approval of city council may incorporate dimensional and other development provisions that are unique to the applicable parcels.

SECTION 3.5 OFFICIAL ZONING MAP

The boundaries of all zoning districts in the City of Midville are displayed on the map entitled "Official Zoning Map of Midville, Georgia" and which may be referenced herein as the "Official Zoning Map." All notations, references and other information displayed on the Official Zoning Map are part of the Midville Zoning Ordinance and have the same force and effect as if described in the text of the Ordinance. The Official Zoning Map shall be kept in the office of the Designated Zoning Official.

SECTION 3.6 ZONING DISTRICT BOUNDARIES

Boundaries of zoning districts herein established, and as displayed on the Official Zoning Map, shall adhere to the following provisions for the purpose of the administration, interpretation, and enforcement of this Ordinance.

1. Where zoning district boundaries are indicated as approximately following the municipal boundaries, such municipal boundaries shall be construed as the zoning district boundaries.
2. Where zoning district boundaries are indicated as approximately following property lines, such property lines shall be construed as the zoning district boundaries.
3. Where zoning district boundaries are indicated as approximately following creeks, rivers, streams, or other bodies of water the centerline of the creek, river, stream or other body of water shall be construed as the zoning district boundaries.
4. Where zoning district boundaries are indicated as approximately following a street, road, highway, railroad, or other utility right-of-way, the centerline of such right-of-way shall be construed as the zoning district boundaries; except that where such right-of-way is officially vacated or abandoned, the zoning district of the property to which it reverts shall apply regardless of the previous right-of-way centerline location.
5. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Official Zoning Map.
6. Where there is uncertainty regarding the exact location of the boundaries of a particular base zoning district, overlay zoning district, or special zoning district as displayed on the Official Zoning Map, a determination shall be made by the Designated Zoning Official. Any such administrative determination is subject to appeal in accordance with Section 7.11 (Appeals) of this Ordinance.

ARTICLE 4 – ZONING DISTRICTS REGULATIONS

SECTION 4.1 PERMITTED LAND USES BY ZONING DISTRICT

The City of Midville has a list of land uses allowed within specific zoning districts established in Article 3 of this Code. No new, altered, or reinstated land use shall be established within the City of Midville; nor, corresponding certificate of compliance issued by the City of Midville; unless said land use is permitted within the zoning district applied to the applicable property located within the municipal limits of Midville, and in accordance with the provisions of this Article.

Section 4.1.1 General Parameters for Determining Permitted Land Uses

1. Land uses listed with Table 4.1 shall be permitted, permitted with conditions, or permitted as a special use in each applicable zoning district. Uses shall not be permitted, and buildings and structures associated with such use shall be erected, structurally altered, or enlarged on property, unless said use is permitted with the applicable zoning district as listed in Table 4.1., and in accordance with one (1) of the following designations:

“P” (Permitted Use) - Indicates that the use is permitted in the zoning district.
“C” (Conditional Use) - Indicates that the use is permitted in the zoning district subject to use-specific requirements contained in Article 5 (Supplemental Use Regulations.)
“S” (Special Use) - Indicates that the use may be permitted by Midville City Council subject to use-specific requirements contained in Article 5 (Supplemental Use Regulations,) and the procedural requirements of Section 6.6 (Special Use Permit.)
2. Any listed use that does not have the letter P, C, or S listed in a particular zoning district is prohibited in that zoning district. The exceptions to these provisions are legal non-conformities established prior to the effective date of this ordinance and the regulation which rendered the use as non-conforming.
3. The majority of commercial, industrial, and institutional land uses listed in the tables contained within this Article are assigned a corresponding North American Industry Classification System (NAICS) code. Land uses assigned an NAICS code shall be defined by their NAICS definition. A land use which falls into multiple NAICS categories shall be defined by the most detailed definition (A five (5) digit NAICS class overrides a four (4) digit NAICS class.) If no NAICS code is assigned to a land use, then such use shall be defined utilizing a corresponding definition located in Article 2, Section 2.2 (Interpretations, Terms, and Definitions).
4. Each land use listed in Table 4.1 as permitted within one (1) or more zoning districts shall be inferred to be a “principal use” as defined by this Ordinance. An exception to this provision is that in no case shall an accessory use or temporary use identified in Table 4.1 be considered a principal use of property. List of accessory and temporary land uses permitted with the City of Midville are located within Tables 4.2 and 4.4 respectively.

Section 4.1.2 Prohibited Land Uses

Without limiting the general prohibition of unlisted and incompatible land uses from the City of Midville as provided in Subsection 4.1.3 (Uses not Listed), the following land uses are expressly prohibited in the City of Midville.

1. Industries which manufacture: caustic or corrosive acids; chlorine or other noxious gases; explosives; fertilizer on an industrial scale or glue; products involving hair or fur; and industrial uses involving a drop forge or using hammers.
2. Solid waste landfills.
3. Hazardous waste disposal.
4. Petroleum refining.

Section 4.1.3 Uses not Listed

The Designated Zoning Official shall determine whether a particular land use not listed in the tables contained in this Article may be reasonably interpreted as adhering to a particular use category. In rendering an interpretation of a land use not listed in herein, the Designated Zoning Official shall be guided by the following provisions:

1. The Designated Zoning Official may consider an unlisted land use permitted on a case-by-case basis where they determine that the proposed use is materially similar to a specific listed land use according to corresponding NAICS codes, or definitions contained in Article 2 (Interpretations, Terms and Definitions).
2. In determining that an unlisted land use is materially similar to a specific listed land use, such use shall then be subject to all the same supplemental regulations, or special use requirements of the use for which it was found to be compatible prior to being established.
3. Unlisted land uses which the Designated Zoning Official cannot group as similar or compatible to a specific listed land use according to corresponding NAICS codes, or definitions contained in Article 2 (Interpretations, Terms, and Definitions), shall be deemed as incompatible and shall be prohibited from being located within Midville.

The determination of the Designated Zoning Official regarding uses not otherwise listed in the tables contained in this Article shall be recorded in writing. The official may opt to refer interpretation of an unlisted use to the city council at a regularly scheduled meeting for the ratification by the Council. Such an action does not constitute an amendment to the text of this Ordinance and shall not be subject to the procedural requirements of Section 7.5 (text amendments.)

TABLE 4.1: PERMITTED LAND USES BY ZONING DISTRICT

P= Permitted C= Conditional S= Use Permitted Only After Permission has been granted by the City Council	North America Classification System Code	Permitted Use By Zoning District									Supplemental Regulations
USE		R-A	R-2	R-1	R-MF	RF	PI	TC	I-1	A-1	
Residential											
Dwelling - Multifamily					P						
Dwelling - Single Family Attached					P			S			
Dwelling - Single Family Detached		P	P	P	P	P	P	P			
Dwelling-Single Family Detached Manufactured Homes		C	C	C							Art. 5 Sec. 5.1.11
Dwelling-Single Family Detached Modular/Industrialized Homes		C	C	C							Art. 5 Sec. 5.1.12
Residential, Group Living											
Boarding House		S	S		S		S				Art. 5. Sec. 5.1.4
Transitional or Halfway House		S	S		S		S				
Nursing Home		S	S		S						Art. 5 Sec. 5.1.14
Assisted Living Care Facilities		S	S		S						Art. 5 Sec. 5.1.14
Personal Care Home		C	C	C	C			C			Art.5 Sec.5.1.16
Commercial / Institutional											
Administration, Public	92						P	P		P	
Adult Business									S		Art. 5 Sec. 5.1.1
Ambulatory Health Care Services	621	P						P			
Animal Clinic / Veterinarian's Office	541940	S						P		P	
Animal Grooming	812910							P			
Automotive / Machinery Repair	811							P			
Bank and Financial Institutions	5221							P			
Barber and Beauty Salons	812112							P			
Bed and Breakfast	721191	C	C	C	C	C		C			Art. 5 Sec. 5.1.3
Billiards or Pool Hall	713990							P			
Building Contractor's Office	236							P			
Business Service Center	56143						P	P			
Carpet / Upholstery Cleaning Service	561740							P			
Caterer	722320							P			
Cemetery		S	S	S	S	S		S			Art.5 Sec.5.1.5
Clubs and Lodges - Non-Commercial	813410				S	S	P	P			
Convenience Store	445120					S		P			
Communication Towers & Antennas		S	S	S	S	S	S	S	S	S	Art.5 Sec.5.1.6
Convenience Store with Gas Station	447110	S				S	P	P		P	
Courier Service	492110						P	P			
Day Care Facility - Group						C		C			Art.5 Sec.5.1.8
Document Preparation Service	561410					S	P	P			
Dry Cleaning Services	812320							P			
Equestrian Facilities (Training Only)	115210	P				S				C	
Fitness and Recreational Sports Centers	713940						P	P			
Financial Investments	5239						P	P			
Forestry	113, 1153	P									
Funeral Home	812210							S			
Gas Station without Convenience Store								P			
Grocery Stores	445110							P			
Hotel / Motel	7211							P			

P= C= S= =	North America Classification System Code	Permitted Use By Zoning District									Supplemental Regulations
USE		R-A	R-2	R-1	R-MF	RF	PI	TC	I-1	A-1	
Commercial / Institutional											
Hospitals - General Medical and Surgical	6221							S			
Insurance Office	524210						P	P			
Junkyard/Salvage Yard									S		Art.5 Sec.5.1.10
Laundromat (Coin Operated)	812310							P			
Library		P	P	P	P	P	P	P			
Mixed Use Building							C	P			
Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers	4231							C			
Museum / Historical Site / Similar Use	7212	S	S	S	S	S	S	S			Art.5 Sec.5.1.13
Open-air Business							C	C		C	Art.5 Sec.5.1.15
Pawn Shop	52298										
Performing Arts and Spectator Sports Facilities	7111, 7112					S	P	P			
Personal Care Services; Other	812199							P			
Pest Control or Extermination Services	561710						P				
Place of Worship		C	C	C	C	C	C	C			Art.5 Sec.5.1.17
Restaurants - Full Service	72251							P			
Professional Services	541						P	P			
Restaurants - Limited Service (incl. Fast Food)	722513							P			
Restaurants - Limited Service with Drive Thru	722513							P			
Retail Use								P			
School- Elementary and Secondary	6111	P	P	P	P	P	P	P			
School, College- University and Professional	6112, 6113						P	P			
School- Specialty	6116						S	S			
Studios – Independent Artists, Writers and Performers	7115							P			
Taxidermist	711510							C			Art.5 S.5.1.18
Telephone Answering Service	561421						P	P			
Theater: Indoor	512131							P			
Travel Agency	561510						P	P			
Travel Trailer and Motor Home Park		C				C					Art.5 S.1.19

USE	North America Classification System Code	R-A	R-2	R-1	R-MF	RF	PI	TC	I-1	A-1	Supplemental Regulations
Industrial Uses											
Apparel Manufacturing	315								S		Art.5 S.5.1.7
Beverage Manufacturing (excl. Alcohol)	312								S		Art.5 S.5.1.7
Computer or Electronic Manufacturing	334								S		
Dry Cleaning Plant	812320								S		Art.5 S.5.1.7
Food Manufacturing	311								S		Art.5 S.5.1.7
Furniture Manufacturing	337								S		Art.5 S.5.1.7
General Freight	4841								P		
Industrial Trucks, Tractors, or Trailer Merchant Wholesalers	4841								P		
Motor Vehicle Merchant Wholesaler	4231								P		
Other Commercial and Industrial Machinery & Equipment Rental and Leasing	5324								P		
Pharmaceutical & Medical Supply Manufacturing	325412								S		Art.5 S.5.1.7
Printing and Related Services	323								S		Art.5 S.5.1.7
Specialized Freight Trucking	4842								P		
Textile Mills	313								S		Art.5 S.5.1.7
Truck Tractor and Leasing	5321								P		
Truck Repair Shops	81111								P		
Utility Sub-Stations		P	P	P	P	P	P	P	P		
Warehouse & General Storage	493110								P	P	
Warehouse Self Storage	531130								P	P	
Wholesale Trade	42								P	P	
Agricultural											
Animal Production and Aquaculture	112	P									Art. 5 Sec. 5.1.2 Art.5 Sec. 5.2.9
Crop Production	111	P									Art. 5 Sec. 5.1.2
Farm Machinery and Equipment Manufacturing	333111	P								C	Art. 5 Sec. 5.2.9
Farm and Garden Machinery and Equipment Merchant Wholesalers	423820	P								C	Art. 5 Sec. 5.2.9
Merchant Wholesale Distribution of Farm Supplies	424910	P								C	Art. 5 Sec. 5.1.2
Regulation of Agricultural Marketing and Commodities	926140	P								C	Art. 5 Sec. 5.2.9
Research and Development in Physical, Engineering and Life Sciences(except Nanobiotechnology and Biotechnology)	541715	P								C	Art. 5 Sec. 5.2.9
Support Activities for Animal Production	1152	P									Art. 5 Sec. 5.1.2 Art.5 Sec. 5.2.9
Support Activities for Crop Production	1151	P								C	Art. 5 Sec. 5.1.2
Accessory Uses											
	List of permitted uses can be found in Table 4.2										
Temporary Uses											
	List of permitted uses can be found in Table 4.4										

Accesory Uses By Zoning District											
C=Conditional	Permitted Uses By Zoning District										
USE	North America Classification System Code	R-A	R-2	R-1	R-MF	RF	PI	TC	I-1	A-1	Supplemental Regulations
Accessory Uses											
Accessory Dwellings		C	C	C	C	C	C				Article 5, Section 5.2
Caretaker Residence		C	C								
Communal Resident Facilities											
Drive-Through Facilities							C	C			
Home Enterprise		C	C	C	C	C	C	C			
Home Occupation		C	C	C	C	C	C	C			
Livestock		C	C	C	C	C	C			C	
Outdoor Display Area							C	C			
Yard Sale		C	C	C	C	C					

Section 4.2 PERMITTED ACCESSORY USES AND STRUCTURES

Allowable accessory uses of land within the City of Midville are listed within Table 4.2. Accessory uses of land within Midville shall be permitted on property only in conjunction with an established principal land use. Where permitted, accessory land uses and structures shall adhere to the applicable provisions of Section 5.2 (Accessory Uses and Structures) of this Code.

The provisions of Section 4.1 (Permitted Land Uses by Zoning District) regarding principal land uses shall also apply to this Section in order to determine whether or not an accessory use identified within Table 4.2 or other similar use not otherwise identified within the table, may be established within the municipal limits of Midville.

Accessory Uses By Zoning District											
C=Conditional	Permitted Uses By Zoning District										
USE	North America Classification System Code	R-A	R-2	R-1	R-MF	RF	PI	TC	I-1	A-1	Supplemental Regulations
Accessory Uses											
Accessory Dwellings		C	C	C	C	C	C				Article 5, Section 5.2
Caretaker Residence		C	C								
Communal Resident Facilities											
Drive-Through Facilities							C	C			
Home Enterprise		C	C	C	C	C	C	C			
Home Occupation		C	C	C	C	C	C	C			
Livestock		C	C	C	C	C	C			C	
Outdoor Display Area							C	C			
Yard Sale		C	C	C	C	C					

TABLE 4.3: PERMITTED HOME ENTERPRISES AND HOME OCCUPATIONS

The establishment of a home enterprise or home occupation within a residential structure shall be limited to those land use listed in Table 4.3. By their nature, all home enterprises and home occupations are accessory and conditional uses, and may be permitted only subject to requirements contained within Section 5.2(Accessory Uses and Structures) of this Ordinance.

The provisions of Section 4.1(Permitted Land Uses by Zoning District) regarding principal land uses shall also apply to this Section in order to determine where there or not a home enterprise or home occupation identified within Table 4.3, or other similar use not otherwise identified within the table, may be established within the municipal limits of Midville.

HOME ENTERPRISES AND HOME OCCUPATIONS BY ZONING DISTRICT											
E=Home Enterprise O= Home Occupation	Permitted Uses By Zoning District										
USE	North America Classification System Code	R-A	R-2	R-1	R-MF	RF	PI	TC	I-1	A-1	Supplemental Regulations
Home Enterprise & Home Occupations											
Barber (Single Chair)	812111	O	O	O	O	O	O	O			Article 5, Section 5.2
Barber (3 Chairs Maximum)	812111	E	E	E	E	E	E	E			
Beautician (Single Chair)	812112	O	O	O	O	O	O	O			
Artist	711510	E/O	E/O	E/O	E/O	E/O	E/O	E/O			
Construction Contractor's Office	236	E/O	E/O	E/O	E/O	E/O	E/O	E/O			
Coffee Shop	722515	E	E	E	E	E	E	E			
Computer Repair	811212	E/O	E/O	E/O	E/O	E/O	E/O	E/O			
Cottage Food Sales		E/O	E/O	E/O	E/O	E/O	E/O	E/O			
Crafts	453220	E/O	E/O	E/O	E/O	E/O	E/O	E/O			
Day Care Facilities- Group		E	E	E							
Day Care Facilities- Home		O	O	O	O	O	O	O			
Dressmaking/Seamstress/ Tailor/Alterations	3152	E/O	E/O	E/O	E/O	E/O	E/O	E/O			
Day Care Facility- Home (6 or Less Individuals)		O	O	O	O	O	O	O			
Home Marketing (ie., Amway, Mary Kay, etc)	561422	E/O	E/O	E/O	E/O	E/O	E/O	E/O			
Interior Decorator	541410	E/O	E/O	E/O	E/O	E/O	E/O	E/O			
Physician of other Licensed Medical Practitioner	621	E/O	E/O	E/O	E/O	E/O	E/O	E/O			
Professional Service Office (ie., Attorney, Architect, Engineer, etc)	541	E/O	E/O	E/O	E/O	E/O	E/O	E/O			
Teaching Musical Instruments (1 Student)	611610	O	O	O	O	O	O	O			
Tutoring (Maximum 4 Students)	611691	O	O	O	O	O	O	O			
Notary Public	541199	O	O	O	O	O	O	O			
Photography (1 Customer)	541921	E/O	E/O	E/O	E/O	E/O	E/O	E/O			
Real Estate Agent	53190	E/O	E/O	E/O	E/O	E/O	E/O	E/O			

TABLE 4.4: PERMITTED TEMPORARY USES BY ZONING DISTRICT

Allowable temporary uses of land within the City of Midville are listed within Table 4.3. Where permitted, temporary land uses and structures shall adhere to the applicable provisions of Section 5.3(Temporary Uses and Structures) of this Code.

The provisions of Section 4.1 (Permitted Land Uses by Zoning District) regarding principal land uses shall also apply to this section in order to determine whether or not a temporary use identified within Table 4.4, or other similar use not otherwise identified within the table, may be established within the municipal limits of Midville.

TABLE 4.4 PERMITTED TEMPORARY USES BY ZONING DISTRICT

E= Home Enterprise O= Home Occupation		Permitted Use By Zoning District									Supplemental Regulations
USE		R-A	R-2	R-1	R-MF	RF	PI	TC	I-1	A-1	
Temporary Uses											
Construction Field Offices/ Equipment Sheds		C	C	C	C	C	C	C			Art.5 S.5.3.2
Model Home		C	C	C	C	C					Art.5 S.5.3.3
Special Temporary Outdoor Event		C	C	C	C	C	C	C			Art.5 S.5.3.4
Temporary Leasing/Sales Offices		C	C	C	C	C					Art.5 S.5.3.5

DIMENSIONAL STANDARDS FOR BASE ZONING DISTRICTS

Basic dimensional standards for base zoning districts is located in Table 4.4. Application of the dimensional standards presented within the table to property with Midville may however be subject to variation in accordance with Section 6.3 (General Dimensional Requirements), or other provisions of this Ordinance. Notwithstanding the direction provided in section 1.5 (Rules of Construction) of this Ordinance.

TABLE 4.5: DIMENSIONAL STANDARDS FOR BASE ZONING DISTRICTS

[illegible]

ARTICLE 5- SUPPLEMENTAL USE REGULATIONS

SECTION 5.1 CONDITIONAL AND SPECIAL USES

Certain uses listed in Article 4 (Zoning Districts Regulations) are subject to additional and use-specific regulations. Land uses addressed within this Section, also referenced in Article 4 as conditional uses, may be approved by the Designated Zoning Official subject in adherence to the conditions listed in the applicable Section of this Article. Land uses addressed within this Section, and referenced in Article 4 as special uses, require the consent of the Midville City Council.

Certificates of compliance for an approved conditional use or special use run with the land and are transferable unless otherwise indicated in relation to a specific land use where identified in the applicable Section of this Article.

Section 5.1.1 *Adult Businesses*

Studies have found that adult businesses can result in undesired secondary effects, which may include, but are not limited to, an increase in crime, depreciation of property values, and to generate blight. Midville has adopted regulations to minimize these secondary effects.

The City Council shall determine if a person(s) seeking to establish or operate an adult business is in compliance with each of the following minimum provisions:

1. Adult businesses shall not be located within 1000 feet of any lot zoned to allow the following dwellings: single family attached, single family detached, multifamily, single family detached manufactured and single family modular/industrial.
2. Adult businesses shall not be located within 1000 feet of the lot line of any government building, library, park, place of worship, personal care home, nursing home, assisted living facility, playground, school building, childcare facility or school.
3. Adult businesses shall not be located within 2000 feet of the lot line of other adult businesses.

The distance restrictions set out above shall apply in any and all directions from the lot line of the proposed adult business use at the point closest to the lot line of the other property, as measured in a straight line to the point on the lot line of the other property that is located closest to the lot line of the proposed adult use property. The distance shall be verified by plat showing distances furnished by the applicant, prepared by a land surveyor registered in the State of Georgia. This plat shall accompany and be made part of the application for a special use approval.

Adult businesses shall be required to comply with the Midville Zoning Ordinance regarding adult businesses or adult entertainment. The City of Midville shall revoke the business license of any adult business that violates this Ordinance, or other provisions or codes of the City of Midville.

Certificates of compliance for the special use of and adult business on any property, and the associated business license, are not transferable to any other party and require application for a new special use.

Section 5.1.2 *Agricultural Process and Support Uses*

These regulations will allow Midville to meet the agricultural needs of the community, as it is a priority for Midville. Some agricultural activities incur undesirable effects in the way of noise and vibration, however these activities are permitted within the agricultural districts, to include: storing, packing, processing and assembling of materials and crops, also accommodating for agricultural administration and research purposes All proposed facilities must first obtain approval from the Designated Zoning Official and met the following provisions to minimize and limit disturbances to those surrounding districts:

1. Warehouses and storage units must remain in compliance with all appropriate federal, state, and county, environmental regulations.
2. To help mitigate potential visual and/or noise impacts on adjoining lands areas the City Council may impose special landscaping and buffer requirements, on a case-by-case basis, as it deems necessary to screen the proposed use from neighboring properties.
3. All proposed facilities and agricultural land uses located in the A-1 or R-A district must contain a minimum of 21,780

square feet.

4. Facility equipment and vehicles may be stored on the property that utilizes said vehicles. All vehicles must be fully operational and maintained.

Section 5.1.3 Bed and Breakfast Inns (B&B)

Bed and breakfast inns operated within the City of Midville shall be subject to the following provisions:

1. The bed and breakfast inn shall be operated by the owner-occupant(s), or a member of the family, residing in the dwelling.
2. Employment shall not exceed two (2) non-resident employees in addition to the owner.
3. A minimum of two (2) guest rooms, but no more than six (6) guest rooms may be rented.
4. There shall be no changes to the exterior of the dwelling that conflict with the structure's original intent or identity of a serving as a single household residence; nor, changes that may be incompatible with the character of the neighborhood.
5. No guest will exceed a stay in the bed and breakfast for a period of more than 14 consecutive days.
6. Vehicle parking at all times shall remain off-street within the inn driveway or other on-site parking.
7. All licenses required by the state, county, or city regulations must be obtained and presented to the Designated Zoning Official prior to zoning approval.
8. Breakfast will be offered daily to each guest.

Section 5.1.4 Boarding Houses

Boarding houses and groups residences can potentially result in negative impacts on a community like overcrowding, unsanitary conditions, illicit activities, and other disturbances. The Midville City Council has created standards to prevent negative impacts, while still allowing boarding houses and group residences within the City so that basic human needs are met. Midville City Council on a case-by-case basis will consider proposed boarding houses and group residences. Subject to the approval of the City Council, no person shall establish or operate a group residence, or let a person occupy any rooming unit in any boarding house or group residence, except in compliance with the following minimum provisions:

1. No person shall operate a boarding house or group residence unless he or she holds a valid business license issued in the name of the operator and for the specific dwelling. The City of Midville shall compile and maintain a list of registered boarding houses and group residences. Property owners operating a boarding house or group residence on the effective date of this Ordinance shall be required to have a business license for their establishment.
2. As part of the registration process, property owners of existing and new boarding houses or group residences shall appoint an agent, who lives in Burke County as the person responsible for the property. The designated agent shall be available to be contacted 24 hours a day, 7 days a week. This agent is the party designated to receive all notices concerning the use of property. The name and telephone number of the agent responsible for the boarding house and group residence will be provided by the City to any resident who has complaints about the boarding house or group residence. The designated agent for the property shall be responsible for responding expeditiously to any complaints received by the City of Midville or Burke County. If the agent is unable to be contacted for a period of 48 hours, the business license may be revoked by the City of Midville or Burke County.
3. At least one (1) flush water toilet and bathtub or shower, connected to a water sewerage system and in good working condition, shall be supplied for each five (5) persons or fraction thereof residing in the boarding house or group residence. All such facilities shall be located within the dwelling so as to be accessible from a common hall or passageway to all persons sharing such facilities.
4. No basement, attic, or accessory building shall be used as a habitable room for occupancy by any person.
5. No room shall be used as a sleeping room by any person unless there are at least seven hundred 700 cubic feet of air-space exclusive of closet space; and such room is served by heat and air conditioned, and furnished with a mattress elevated above the floor by a bedframe for each registered occupant.
6. A building plan, prepared by a registered architect, shall be provided to the Designated Zoning Official for provision to the City Council in addition to those submittal package components typically required for consideration of special use.
7. The property owner shall be individually responsible for the maintenance of safe and sanitary conditions in every part of the boarding house or group residence.

The City of Midville shall revoke the business license of any boarding house or group residence where it observes violations of this Ordinance, or other provisions of the City of Midville Ordinances; or, where it receives repetitive, recurring, or an excessive number of complaints from citizens. These complaints must be documented in order for the City of Midville to proceed with the revocation of the business license, and the certification of compliance with this Ordinance.

Certificates of compliance for the special use of a boarding house or group residence on any property, and the associated business license, are not transferable to any other party and require application for a new special use.

Section 5.1.5 Cemeteries

Subject to the approval of City Council, no person shall establish or operate a cemetery except in compliance with at least the following provisions:

1. Each new cemetery shall be located on a site not less than (2) acres.
2. Cemeteries shall be enclosed by a fence or wall no less than four (4) feet in height.
3. All structures shall be setback a minimum of 15 feet from any property line or roadway right-of-way.
4. All graves or burial lots shall be located a minimum of 15 feet from any property line or roadway right-of-way.
5. Where the square footage of a cemetery existing at the time of adoption of this Ordinance or a new cemetery subsequently approved by City Council is proposed to be expanded, the entire cemetery shall be subject to the provisions of this Section; and, reasonable efforts shall be made to reduce non-conformities of per-existing portions of the cemetery with this Ordinance.
6. The Designated Zoning Official shall receive a site plan and perpetual care plan for presentation to the City Council prior to the approval of a request for a new cemetery, or for the expansion of an existing cemetery.

Section 5.1.6 Communication Towers and Antennas

Communication towers and antennas will be located, constructed, and buffered to ensure compatibility with surrounding land uses. A certificate of zoning compliance must be obtained as part of the application process. An application for certificate of zoning compliance for any communication tower, antenna or use if a stealth structure, must be made by the Designated Zoning Official. Once the Designated Zoning Official has reviewed the application for completeness, then the application will be given to the City Council for approval. The application must be complete and include the following provisions:

A. Application Requirements

(a) A complete application for a communication tower must contain the following:

1. *Inventory of Existing Sites*: An inventory of the applicant's existing towers that are either within the jurisdiction of the governing body or within one mile of the border thereof, including specific information about the type, location, height, and design of each tower. The Designated Zoning Official may share information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing body; provided, however, that the Designated Zoning Official is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
2. *Site Plan*: Site plan(s) to scale specifying the zoning district and adjacent land uses, as well as the location of the proposed tower(s), guy anchors (if any), transmission building and/or other accessory uses, lighting, access, parking, fences, and landscaped areas.
 - (1) *Landscape Plan (if landscaping is required)*: Landscape plan(s) to scale indicating size, spacing and type of plantings required.
 - (2) *Lighting Plan (if lighting is required)*: Lighting plan(s) to scale indicating the location, type and intensity of lighting required.
 - (3) *Utilities Inventory*: Utilities inventory showing the locations of all water, sewage, drainage and power lines impacting the proposed tower site.
 - (4) *Environmental Impact Statement*: An environment impact statement fully describing the effect that the proposed tower and/or antenna will have on the environment and surrounding area including the

radiological impact on human health, impacts on adjacent residential structures and districts, impacts on structures and sites of historic significance and impacts on streetscapes.

- (5) *Engineer's certification on interference:* A certified statement prepared by an engineer licensed to practice in Georgia that the construction of the tower, including reception and transmission functions, will not interfere with the usual and customary transmission or reception of radio, television, etc., service enjoyed by adjacent properties.
- (6) *Maintenance:* A description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs, and traffic, noise or safety impacts of such maintenance.
- (7) *Engineer's certification for structural integrity:* A certification from a professional structural engineer licensed in the State of Georgia shall be required for all new towers stating that the tower can support the loads on the structure including any antennas located thereon. The same certification shall be provided when antennas are added to a tower or any other conforming or legal nonconforming structure.
- (8) *Engineer's certification for fall zones:* A certification from a professional structural engineer licensed in the State of Georgia shall be required for all new towers stating that the tower, if failure occurs, will fall within the designated setbacks for the proposed tower.
- (9) *Report from a professional structural engineer licensed in the State of Georgia, documenting the following:*
 - i. Tower height, color, and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design. A cross-section of the tower structure shall be included.
 - ii. Total anticipated capacity of the structure, including number and types of antennas which can be accommodated.
 - iii. Evidence of structural integrity of the tower structure.
 - iv. Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris.
- (10) *Computer generated simulations:* A computer simulation shall be created for each proposed tower or antenna, which shall accompany the application for a certificate of zoning compliance or special use permit. The computer simulation shall be a to-scale representation and be 8½ inches by 11 inches in size and shall show the representation from all four sides of the proposed site. The commission or Designated Zoning Official may require additional simulations.
- (11) *Statements from reviewing authorities:* Written statements from the FAA, FCC and any appropriate state review authority stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.
- (12) *Letter of intent to lease excess space and land:* Applications for a new tower must include a letter of intent to lease excess space on the tower structure and to lease additional excess land on the tower site when the collocation potential of the tower is absorbed, if structurally and technically possible.
- (13) A reasonable pro rata charge may be made for collocation, consistent with an appropriate sharing of construction, financing and maintenance costs: Fees may also be charged for any structural or RF changes necessitated by such shared use. Such sharing shall be a condition of [if] approval is granted.
 - i. The applicant shall describe what range of charges are reasonably expected to be assessed against shared users.
 - ii. The applicant shall base charges on generally accepted accounting principles and shall explain the elements included in the charge.
- (14) The applicant shall quantify the additional tower capacity anticipated, including the approximate number and types of antennas: The applicant shall also describe any limitations on the ability of the tower to accommodate other uses, e.g., radio frequency interference, mass height, frequency or other characteristics. The applicant shall describe the technical options available to overcome those limitations and reasons why the technical options considered were not chosen to be incorporated. The Designated Zoning Official shall approve those limitations if they cannot be overcome by reasonable technical means.

- (15) Evidence of the lack of space on all suitable existing towers to locate the proposed antenna and of the lack of space on existing tower sites to construct a tower for the proposed antenna.
- (16) Each applicant must make a good faith effort to substantially demonstrate that no existing or planned towers can accommodate the applicant's proposed antenna/transmitter as described below:
- i. The applicant shall contact the owners of all existing or planned towers of a height roughly equal to or greater than the height of the tower proposed by the applicant. A list shall be provided of all owners contacted, the date of such contact, and the form and content of such contact.
 - ii. Such contact shall be made in a timely manner; that is, sufficiently before the filing of an application to include a response into the application when filed.
 - i. Failure of a listed owner to respond shall not be relevant if a timely, good faith effort was made to obtain one. However, where an existing or planned tower is known to have capacity for additional antennas of the sort proposed, based on the decision regarding such tower, that application for a new tower shall not be complete until the owner of the existing or planned tower responds. Such response is to be required as a condition of approval.
 - ii. Once an owner demonstrates an antenna of the sort proposed by the applicant cannot be accommodated on the owner's tower as described below, the owner need not be contacted by future applicants for antennas of the sort proposed.
- (17) The applicant shall request the following information from each tower contacted:
- i. Identification of the site by location, tax lot number, existing uses, and tower height.
 - ii. Whether each such tower could structurally accommodate the antenna proposed by the applicant without requiring structural changes be made to the tower. To enable the owner to respond, the applicant shall provide each such owner with the height, length, weight, and other relevant data about the proposed antenna.
 - iii. Whether each such tower could structurally accommodate the proposed antenna if structural changes were made, not including totally rebuilding the tower. If so, the owner shall specify in general terms what structural changes would be required.
 - iv. If structurally able, would collocation by such existing tower be precluded for reasons related to radio frequency interference. If so, the owner shall describe in general terms what changes in either the existing or proposed antenna would be required to accommodate the proposed tower, if at all.
 - v. If collocation is possible, the fee an owner of an existing tower would charge for such shared use.
- (18) Collocation is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The Designated Zoning Official, commission and the governing body may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new tower development are presumed unreasonable.
- (19) *Additional information:* The Designated Zoning Official may request additional information in order to fully evaluate and review the application and the potential impact of a proposed tower and/or antenna.
- (20) *Application fee:* In order to cover the actual cost to the City of reviewing these applications and obtaining expert opinion and studies, the following fees are hereby established. A fee of \$1,000 shall be paid at the time of application. If the actual cost to the City is greater than this fee, the applicant shall be billed for the difference and payment shall be made prior to the hearing before the commission. In no case shall the maximum total charge exceed \$3,000.
- (b) *Application review timeline:* Within 150 calendar days of the date an application for a new tower is filed with the local governing authority, unless another date is specified in a written agreement between the local governing authority and the applicant, the local governing authority shall:
- (1) Make its final decision to approve or disapprove the application; and
 - (2) Advise the applicant in writing of its final decision.

- (c) Within 30 calendar days of the date an application for a tower is filed with the local governing authority, the local governing authority shall determine if it is a complete application and, if it determines the application is not a complete application, notify the applicant in writing of any information required to complete such application. To the extent additional information is required to complete the application, the time required by the applicant to provide such information shall not be counted toward the calendar day review period set forth in subsection 34-668(b). Information requested to complete the application may only include the documents, information, and fees specifically enumerated in the local governing authority's existing regulations, ordinances, and forms pertaining to the location, construction, collocation, modification, or operation of wireless facilities.

B. Separation distances between communication towers shall be applicable for and measured between the proposed tower and those towers that are existing and/or have received land use or permit approval. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as follows:

EXISTING TOWERS SEPARATION DISTANCES BY TYPE IN LINEAR FEET

Proposed Towers Type	Lattice	Guyed	Monopole 50 Feet in Height or Greater	Monopole Less Than 50 Feet in Height
Lattice	1,000	1,000	750	750
Guyed	1,000	1,000	750	750
Monopole 50 feet in height or greater	750	750	750	500
Monopole less than 50 feet in height	500	500	500	500

C. Collocation guidelines

It is the intent that new antennas where possible shall be collocated on existing towers and poles, placed on existing buildings, or be within an existing support structure. Any additional users collocating on existing communication towers shall require review and approval. All new towers shall be designed to structurally accommodate the maximum number of additional users technically practicable. Applications for a new tower must include a letter of intent to lease excess space on the tower structure and to lease additional excess land on the tower site. When a communication tower is proposed, evidence shall be provided demonstrating that no other tower is available.

- (a) A reasonable pro rata charge may be made for collocation, consistent with an appropriate sharing of construction, financing and maintenance costs. Fees may also be charged for any structural or RF changes necessitated by such shared use. Such sharing shall be a condition of [if] approval is granted.
- (1) The applicant shall describe what range of charges are reasonably expected to be assessed against shared users.
 - (2) The applicant shall base charges on generally accepted accounting principles and shall explain the elements included in the charge.
- (b) Collocation is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. Designated Zoning Official, City Council and the governing body may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new tower development are presumed unreasonable.

Applications for collocation or modification of a communications facility that are entitled to streamlined

processing:

- (a) *Eligibility.* Applicants that meet the following requirements shall be reviewed for conformance with applicable site plan and building permit requirements, including zoning and land use conformity, but shall not otherwise be subject to the issuance of additional zoning, land use, or special use permit approvals beyond the initial zoning, land use, or special permit approvals issued for such wireless support structure or wireless facility.
 - (1) The proposed modification or collocation shall not increase the overall height or width of the wireless support structure to which the wireless facilities are to be attached;
 - (2) The proposed modification or collocation shall not increase the dimensions of the equipment compound initially approved by the local governing authority;
 - (3) The proposed modification or collocation shall comply with applicable conditions of approval, if any, applied to the initial wireless facilities and wireless support structure, as well as any subsequently adopted amendments to such conditions of approval; and
 - (4) The proposed modification or collocation shall not exceed the applicable weight limits for the wireless support structure, as demonstrated by a letter from a structural engineer licensed to practice in this state.
- (b) A complete application must include the following:
 - (1) Engineer's certification on interference. A certified letter prepared by a radio frequency engineer licensed to practice in Georgia that the proposed communications facility/facilities will not interfere with public safety emergency communications.
 - (2) *Site Plan.* Site plan(s) to scale specifying the zoning district and adjacent land uses, as well as the location of the proposed communications facility, guy anchors (if any), transmission building and/or other accessory uses, lighting, access, parking, fences, and landscaped areas.
 - (3) Statement of compliance with requirements as laid out in subsection (a) of this section
 - (4) *Application fee.* In order to cover the actual cost to the City of reviewing these applications and obtaining expert opinion and studies, the following fees are hereby established. For those applications requiring administrative approval, a fee of \$500 shall be paid at the time of application.
- (c) *Review timeline.* Within 90 calendar days of the date an application for modification or collocation of wireless facilities is filed with the local governing authority, unless another date is specified in a written agreement between the local governing authority and the applicant, the local governing authority shall:
 - (1) Make its final decision to approve or disapprove the application; and
 - (2) Advise the applicant in writing of its final decision.
- (d) Within 30 calendar days of the date an application for modification or collocation is filed with the local governing authority, the local governing authority shall determine if it is a complete application and, if it determines the application is not a complete application, notify the applicant in writing of any information required to complete such application. To the extent additional information is required to complete the application, the time required by the applicant to provide such information shall not be counted toward the 90 calendar day review period set forth in subsection (c) of this section. Information requested to complete the application may only include the documents, information, and fees specifically enumerated in the local governing authority's existing regulations, ordinances, and forms pertaining to the location, construction, collocation, modification, or operation of wireless facilities.

D. Financial assurance

- (a) *Financial assurance required:* An applicant for a proposed communication tower or antenna shall provide a financial assurance as specified in this section as a condition of permit issuance. The Designated Zoning Official will determine the reasonable cost to remove the communications facility and restore the facility site to the condition that it was in before construction and installation of the facility. An applicant must provide financial assurance in that amount before a permit will be issued. A financial assurance must be irrevocable and not cancelable, except by the City.
- (b) *Duration of financial assurance:* Each form of financial assurance must remain valid for the duration of the permit and for at least six months following the termination, cancellation, or revocation of the permit.
- (c) *Form of financial assurance:* Financial assurance must be provided in one or more of the following forms:
 - (1) A deposit with the City. The deposit will not earn interest.
 - (2) A surety bond issued by an admitted surety insurer.

- (3) A standby letter of credit, naming the City as beneficiary, issued by a bank authorized to do business in the State of Georgia. The letter of credit must be payable within seven business days, upon demand by the County.
- (4) An escrow account comprised of any of the following: cash; a negotiable bond of the United States or any state, county, or municipality endorsed by the applicant and rated "A" or "A2" or higher by a nationally-recognized bond rating organization; or a negotiable certificate of deposit in a depository insured by the Federal Deposit Insurance Corporation. The value of any of those will be based on the then-current value, not the value at maturity. The financial instruments held in escrow must be payable within seven business days, upon demand by county.
- (5) A renewable bond, or any other financial assurance or security acceptable to the Designated Zoning Official.

(d) Substitution of financial assurance:

- (1) Substitution permitted. At any time during the term of a permit, a permittee may replace its financial assurance with another form of financial assurance authorized under this section. After receiving a request to replace its financial assurance, and after the permittee provides the new financial assurance to the City, the City will return any deposit, or authorize the cancellation or revocation of any other financial assurance being replaced.
- (2) Substitution required: If, during the term of the permit, the Federal Deposit Insurance Corporation or another governmental entity becomes the receiver or conservator of the issuer of a financial assurance, or the issuer files for bankruptcy or dissolves, the City may request that the permittee provide a new financial assurance authorized under this section. Within 30 days after that request, a permittee must provide a new financial assurance, and, after it is provided, the City will cancel the financial assurance being replaced. If a permittee does not provide a new financial assurance within 30 days after City's request, the permit will be suspended until the new financial assurance is provided.

(e) City's use of financial assurance: After providing notice to the permittee, the City may draw upon and use a financial assurance to remove an abandoned facility.

E. Appeals: Appeals shall be conducted as directed in this Ordinance Section 7.13 Appeals.

F. Removal of antennas and towers

- (a) *Annual Report Certifying Continued Operation:* The owners of all communications facilities operate within the City shall file an annual report with the Designated Zoning Official. Said report shall be filed on or before the 31st day of December each year, and shall include the following:
 - (1) Certification that the communications facility is currently in use, and if not in use, the date the communications facility ceased being in use.
 - (2) A report from a licensed professional engineer or other qualified industry expert that the communications facility structure meets or exceeds all relevant federal and state requirements.
 - (3) A report by a radio frequency engineer or other appropriate industry expert that the communications facility is in compliance with current FCC radio emission standards as well as the terms of their federal license.
 - (4) An updated, current inventory of the owner's existing communications facilities sites within the City.
- (b) *Abandonment:* Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the Designated Zoning Official notifying the owner of such abandonment. If such antenna or tower is not removed within said time period, the City may remove such antenna or tower utilizing the owner's financial assurance as provided for in this section or place a lien upon the property for the costs of removal. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- (c) *Lack of maintenance:* All towers and antennas shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such towers. If upon inspection by the Designated Zoning Official such tower is determined not to comply with the Ordinance standards or to constitute a danger to persons or property, then upon notice being provided to the owner of the tower and the owner of the property if such owner is different, such owners shall have 30

days to bring such tower into compliance. In the event such tower or antenna is not brought into compliance within 30 days, the City may provide notice to the owners requiring the tower or antenna to be removed. In the event such tower or antenna is not removed within 30 days of receipt of such notice, the City may remove such antenna or tower utilizing the owner's financial assurance as provided for in this section or place a lien upon the property for the costs of removal. Delay by the City in taking action shall not in any way waive the City's right to take action. The City may pursue all legal remedies available to it to insure that communication towers and antenna not in compliance with the Ordinance standards or which constitute danger to persons or property are brought into compliance or removed. The City may seek to have the tower or antenna removed regardless of the owners' or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted

Section 5.1.7 Environmental Land Use for Businesses

Each business wishing to operate in Midville must first obtain a business certificate from the Designated Zoning Official, at this time they must also verify that the potential business location adheres to the following standards:

- a. Businesses that do not pose a threat to the environment are permitted to be located a minimum of 50 feet away from the Ogeechee River.
- b. All other businesses, including Apparel Manufactures, Dry Cleaning Plants, Furniture Manufactures and Textile Mills are permitted to operate 100 feet from the Ogeechee River.
- c. No septic tanks or septic tank drain fields shall be permitted within the 50 or 100 feet setback.

Each business operating in Midville must comply with all applicable environmental regulations on a federal, state, and local level that pertain to their business. These regulations protect both the citizens and environment within the City of Midville. Each business has the responsibility to be informed about all applicable environmental regulations and to remain in compliance with these regulations. Proof of compliance must be provided to the Designated Zoning Official before a business permit is issued, which references compliance with all applicable agencies.

We have listed some of the agencies that regulate a wide range of environmental topics:

- 1) *The Environmental Protection Agency (EPA)* regulations are organized on a sector-by-sector basis, each sector has specific guidelines that apply to their sector, which include the laws and regulations, compliance, policies and guidelines and/or enforcement. Each sector that the EPA regulates is listed below with the corresponding NAICS codes:
 - Agriculture (NAICS 111-112)
 - Automotive (NAICS 336, 4231, 8111)
 - Construction (NAICS 23)
 - Dry Cleaning (NAICS 8123)
 - Electric Utilities (2211)
 - Forestry and Logging (NAICS 113)
 - Healthcare and Social Assistance (NAICS 62)
 - Manufacturing (NAICS Sectors 31-33)
 - Mining (NAICS 212)
 - Oil and Gas Transportation (NAICS 211)
 - Public Administration and Government (NAICS Sector 92)
 - Water and Sewage Utilities (NAICS 2213)
- 2) *Occupational Safety and Health Administration (OSHA)* regulates the environment inside the workplace, which is an arm of the U.S. Department of Labor.
- 3) *U.S. Army Corps of Engineers* addresses many wildlife concerns that are connected with the destruction of wetlands. The U.S. Army Corps of Engineers determines if an area is a wetland and then issues permits for use of this area, therefore all use of areas that may be a wetland require initial contact to be made with the local Army Corps of Engineers' office.
- 4) *U.S. Fish and Wildlife Service* ensures that the use of pesticides caused by development and human encroachment does not endanger species.
- 5) *Food and Drug Administration* handles the safety of food and any substance that is applied to the human body.

- 6) *Consumer Product Safety Commission (CPSC)* deals with the safety of consumer products. The CPSC has information on *formaldehyde in manufactured homes, fiberglass in insulation, safety of all-terrain vehicles and equipment used for children's safety.*
- 7) *Georgia Department of Agriculture* has the following divisions that regulate local businesses: Animal Industry Division, Food Safety Division, Food & Measures Division, Marketing Division, and Plant Division.
- 8) *Burke County Cooperative Extension office* extends information on gardening and farming for the City of Midville and all of Burke County.
- 9) *Division of the Georgia Department of Natural Resources* enforces all Georgia specific environmental rules, these rules regulate a broad list of rules that are regularly changed and being updated.
- 10) *Burke County* addresses issues of solid waste on a county level.
- 11) *East Central Health District and the Burke County Health Department* inspect local restaurants and address environmental health issues.

The following list may not include all agencies and governmental entities that regulate the waste produced and environmental concerns for businesses in Midville. This list will serve as a useful guide and reference point for businesses seeking permits to operate within the City. Each business owner is responsible for their own business and to remain in compliance with all environmental regulations that govern their specific sector. If businesses do not remain in compliance with all applicable environmental regulations, the Designated Zoning Official has the authority to revoke their business license on a case-by-case basis.

Section 5.1. Group Day Care Facilities

Group day care facilities must be licensed and registered by the State of Georgia as a day care center, group day care home, or childcare learning center and shall be subject to the following provisions:

1. Group day care facilities serving children shall have a minimum outdoor play area of 150 feet per child.
2. Group day care facilities serving children shall have all outdoor play areas surrounded by a wall or fencing of a minimum of five (5) feet in height. Walls and fencing shall be maintained in such conditions that ingress and egress to the play area may only occur at controlled access points.
3. A minimum of 35 square feet of air conditioned and heated interior floor space shall be provided per child or other individual served.
4. Off-street drop-off and pick-up facilities shall be provided which shall be adequate to contained all associated vehicular activity. Pick-up and drop-off shall be conducted on the property and not in the public right-of-way.
5. Group daycare facilities may be operated as a home enterprise where the provisions of the Section, and other applicable sections of this Ordinance, are met.

Section 5.1.9 Industrial Uses

Industrial uses have the potential to generate negative impacts on surrounding properties as a result of the activities conducted thereon, including impacts on air quality, noise, light, glare, odor, vibration, waste disposal, etc., that are incompatible with other land uses in the City of Midville and the overall environment. To mitigate such potential occurrences, industrial uses designated within section of table 4-1 of Article 4 (Zoning District Regulations) of this Ordinance as special uses shall be considered by Midville City Council on a case-by-case basis. Subject to the approval of City Council, no person shall establish or operate an applicable industrial use except in compliance with at least one of the following provisions:

1. The property of which a proposed industrial use is to be located and contained within a minimum of (one) 1 acre and shall comply with applicable dimensional requirements for the Light Industrial (I-1) District as established in Article 4 (Zoning District Regulations) of this Ordinance.
2. Buildings containing an industrial use, and all buildings or structures within which hazardous materials are stored or utilized for commercial or industrial use, shall not be sited within 1000 feet of any residential dwelling or any tract of land, lot, or parcel that is used as a school, public space, place of worship, medical facility or office (including clinics), or other institution for children, elderly, or dependents at the time the industrial use is proposed. The provisions shall also apply in cases

where the City of Midville is already processing any application, site plan, or subdivision, to accommodate any of the above listed uses prior to the receipt of a formal special use application for an applicable industrial use.

3. No zoning approval shall be used until the Designated Zoning Official is presented with copies of all federal and state permits and approvals verifying compliance of the proposed land use activities with all applicable federal and state regulations, including, but not limited, to National Pollutant Discharge Elimination System and Air Quality Control Regulations promulgated by the Environmental Protection Agency. The City Council may require the applicant to utilize the best available technology to treat and minimize potential pollution impacts generated by the proposed use.
4. Industrial uses shall be attractively landscaped to help mitigate their potential visual impacts on adjoining lands. The City Council may impose special landscaping and buffer requirements as it deems necessary to screen the proposed use from neighboring properties.
5. All areas of property to be utilized as an industrial use that do not constitute developable land areas shall be reserved and maintained as open space. The City Council may require an additional buffer area up to 25 feet in width between the proposed uses or activities and the open space lands, if it deems the buffer necessary to protect the open space lands from potential or accidental pollution impacts.
6. Industrial uses shall be served by municipal water and sewer.
7. There shall be no activities which emit dangerous or harmful radioactivity or electrical disturbance adversely affecting the operation of equipment beyond the boundaries of the lot.
8. No vibration shall be discernible to the human sense of feeling shall perceptible, without instruments at any point beyond the lot line.
9. Apparel Manufactures, Dry Cleaning Plants, Furniture Manufactures and Textile Mills are not permitted to operate closer than 100 feet to the Ogeechee River due to concerns associated with the proper disposal of chemicals. The listed facilities may only operate in the industrial zones with approval from the City Council. Each potential facility will be examined by the City Council to determine if it is a) of adequate distance from the Ogeechee River, b) will not create environmental hazards for the City of Midville or the Ogeechee River c) harm the residents of Midville.

Section 5.1.10 Junk Yards, Salvage Yards, Towing Yards, Wrecking Yards

Operations that require the storing of inoperative equipment or vehicles for prolonged periods of time can result in a hazardous and an unhealthy environment; furthermore, the storing of hazardous materials, noise, dust, clutter of junk and salvage materials create a negative impact for the community, endanger the health and safety of residents, and reduce the value of adjoining properties. Due to the adverse side effects, it is necessary to create regulations that preserve the health, safety, aesthetic and economic well-being of the community. To mitigate such potential impacts, junk yards, salvage yards, towing yards, and wrecking yards shall be considered by Midville City Council on a case-by-case basis. Subject to the approval of City Council, no person shall establish or operate a junk yard, salvage yard, towing yard, or wrecking yard except in compliance with at least the following minimum provisions:

1. The land area for a junk yard, salvage yard, or wrecking yard, shall be a minimum of two (2) acres.
2. Junk yards, salvage yards, towing yards, wrecking yards, shall be a minimum of 500 feet from any residential zoning district boundary.
3. Any junk yard, salvage yard, towing yard, or wrecking yard, shall have a minimum slope of five (5) percent.
4. The exterior boundary of any junk yard, salvage yard, towing yard, or wrecking yard, shall be located 50 feet from all adjacent properties.
5. The exterior boundary of any junk yard, salvage yard, towing yard or wrecking yard, shall be completely enclosed by a solid wooden fence or masonry wall having a minimum height of eight (8) feet. All fences and walls shall be maintained in good condition and shall be void of openings except at approved controlled access points to allow for vehicular ingress and egress. City Council may permit that the minimum eight (8) foot screening provision be higher to account for topographic issues; and, may allow the screening provision to be met through a combination of fences, walls, and berms. The City of Midville allows the screening provision to be a combination of fences, walls, and berms; however, Steel Chain Link fences are not permitted in this provision.
6. All required screening fences and walls shall be surrounded by an additional vegetative screen to be located between the exterior of the fence or wall and the property line. The City Council shall determine the width of the vegetative screen, and materials to be included within, on a case-by-case basis; but, such vegetative material shall be adequate to further conceal the principal use from the view of adjacent properties and public rights-of-way at maturity.

7. Materials stored within any junk yard, salvage yard, towing yard, or wrecking yard shall not be stored so as to exceed the height of exterior fencing.
8. Storage between the fence or walk and the street or property line is prohibited.

Section 5.1.11 Manufactured Homes

Manufactured homes are subject to all HUD Regulations and the following provisions:

1. Manufactured homes shall be placed on a permanent chassis installed in accordance with the installation instructions from the manufacturer, as appropriate, and the transportation mechanisms, including tongue, wheels, axles, hitch, transporting lights, and towing apparatus shall be removed prior to occupancy.
2. The entire perimeter area between the bottom of the structure and the ground of each manufactured home shall be skirted or underpinned with brick, masonry or finished concrete that completely encloses the perimeter of the undercarriage except for proper ventilation and access to openings.
3. The exterior siding of the manufactured home shall consist of materials common to conventional residential construction, such as vinyl, wood or hardboard siding material.
4. The manufactured home shall have a minimum pitched roof with a slope of at least two (2) feet in rise for each twelve (12) feet in width of horizontal run. Roof materials made of wood shake, tile, asphalt, and shingle are permitted. All other materials used for roofing must be approved by the City Council on a case-by-case basis.
5. The manufactured home shall have a minimum 320 square feet when erected.
6. Steps and landing deck, or entry area at least ten (10) feet by ten (10) feet shall be added for each entrance to the manufactured home prior to occupancy.
7. Manufactured and mobile homes existing at the time of the adoption of this Ordinance but not adhering to the provisions of this Section may not be relocated to another lot, parcel or property within the municipal limits of Midville.
8. Manufactured and mobile homes are permitted in Midville on a conditional basis in the following districts: R-A, R-2, and R-1.
9. Manufactured homes permitted under this Section may be used for residential purposes only. No such building shall be permitted for temporary occupancy except as otherwise allowed by the provisions of Section 5.3 (Temporary Uses and Structures.)

Section 5.1.12 Modular/Industrialized Homes

All modular and industrialized homes are regulated in Georgia by the Department of Community Affairs (DCA). The installation and construction regulations are provided in the O.C.G.A 8-2-110. All regulations must be followed for modular and industrialized homes located in Midville, to include the following considerations:

1. Manufacturers must obtain state approval for their manufacturing systems and quality control procedures.
2. Inspection of all modular and industrialized homes must be inspected by the DCA.
3. All modular and industrialized buildings must meet the Georgia State Construction Codes.
4. All buildings will have a DCA insignia that indicates compliance with Georgia's construction standards.
5. The entire perimeter area between the bottom of the structure and the ground of each modular or industrialized home shall be placed on a permanent concrete foundation.
6. All materials used shall be common to conventional residential construction.

Section 5.1.13 Museums and Historical Sites

Museums and Historical Sites both require proper accreditation. Museums must acquire accreditation from the American Association of Museums. Sites that are set aside for historical purposes must first register through Georgia's Historic Preservation Division and/or the National Register of Historical Places.

Section 5.1.14 Nursing Homes and Assisted Living Care Facilities/Communities

Nursing home and Assisted Care facilities will meet the requirements of the State Board of Health and applicable rules for the State of Georgia Department of Human Resources. Proof of compliance that the owner has met these requirements shall be completed and put on file by the Designated Zoning Official prior to the issuance of a certificate of compliance to this Ordinance.

Potential facilities may be located within RA and MF zoning districts, but are first subject to review by the City Council in accordance with the provisions of Section 7.7 (Special Use Permits of this Code). In considering special use applications

for institutional resident care facilities, the City Council may approve maximum residential densities of up to 12 dwelling units per acre, such consideration not constituting a variance of the provisions of this Ordinance. Alternative residential densities shall be consistent with a site plan approved by City Council.

Section 5.1.15 Open-Air Businesses

Open-air businesses shall be subject to the following provisions:

1. Administrative functions, sales offices, restrooms, and other facilities supporting the principal business shall be located within a building constructed on a permanent foundation, excluding any industrialized, manufactured, or mobile building.
2. The Designated Zoning Official may require that the exterior boundary of any open air business which abuts a property used for residential purposes incorporate any combination of a fence, wall, berm, and vegetative material necessary to screen the open-air use from the residential property.

Section 5.1.16 Personal Care Home

Before applying for a certificate of compliance with the City of Midville, the owner of the dwelling must first obtain a license to operate a Personal Care Home from the Healthcare Facility Regulation Division Georgia Department of Community Health. Each Personal Care Home situation must be reviewed by the Designated Zoning Official to determine if the home meets safety guidelines. The following considerations will be reviewed before a Personal Care Home obtains a certificate of compliance from the City of Midville:

1. Personal Care Homes cannot be located inside the RF District because this area is prone to flooding.
2. A copy of the license to operate a personal care home from the Healthcare Facility Division of the Georgia Department of Community Health must be given to Midville's Designated Zoning Official.
3. As part of the registration process, property owners of existing and new personal care homes shall designate an owner or administrator as an agent, who lives in Burke County as the person responsible for the property. The designated agent shall be available to be contacted 24 hours a day, 7 days a week. This agent is the party designated to receive all notices concerning the use of property. The name and telephone number of the agent responsible for the personal care home will be provided by the City to any resident who has complaints about the personal care home. The designated agent for the property shall be responsible for responding expeditiously to any complaints received by the City.
4. The personal care home owner or administrator cannot be related to the residents by blood or marriage.
5. Personal care homes that operate currently and in the future will remain in compliance with the Healthcare Facility Regulation Division of the Georgia Department of Community Health, which includes adhering to the O.C.G.A Sections 31-2-4, 31-7-2, and 31-7-12.

Section 5.1.17 Places of Worship

Places of worship, and their associated accessory uses, have the potential to generate high levels of activity on a recurring basis. In order to mitigate the potentially disruptive impacts to surrounding residential neighborhoods that may occur due to frequent assemblage, places of worship including their associated accessory uses shall be subject to the following provisions:

1. Places of worship shall be located on a property that has frontage on a major roadway where motor vehicle access to and from the site may be provided in accordance with any intersection and/or driveway spacing requirements provided by this Ordinance. Motor vehicle access to and from property used for a place of worship shall be provided from a local street.
2. The principal assembly building used as a place of worship shall be setback a minimum of fifty (50) feet from all property lines abutting a residential zoning district or a district abutting used for residential purposes.
3. Accessory buildings associated with the place of worship shall be setback a minimum of twenty (20) feet from all property lines abutting a residential zoning district or a district being used for residential purposes.
4. Accessory uses associated with a place of worship may include, but are not limited to, a residence for the housing of a priest, pastor, minister, rabbi, etc., school building, recreational facilities, religious bookstore serving the immediate congregation, and cemeteries, and must be on the same lot as the principal building used as a place of worship.

The addition of accessory buildings to house uses associated with a place of worship; excluding those accessory buildings or structures otherwise exempted from review and approval by this Ordinance; following the original

conditional approval of the principal use shall require the additional administrative review and approval of the Designated Zoning Official.

Section 5.1.18 Taxidermist Businesses

Due to the nature of taxidermy and sanitation concerns, taxidermy businesses may operate in a limited capacity within the Town Center District. A taxidermy business may operate by creating awareness, placing orders and displaying animals. The taxidermy business is not permitted to practice the actual art of taxidermy, which includes the preparing, stuffing, and mounting the skins of animals.

Section 5.1.19 Travel Trailer and Motor Home Park

The Travel Trailer and Camper Parks in Midville are for recreational use and short-term stay. Vacationers and campers are permitted to reside at the site for no more than thirty (30) days. Only camper and motor homes, as defined in Article 2, are permitted at the travel trailer and motor home parks.

All travel trailer and motor home parks are to bring a copy of their business license to Midville's Designated Zoning Official. Property owners of existing and new travel trailer and motor home parks shall designate an owner or administrator as an agent, who lives in Burke County and that takes responsibility for the site. The designated agent shall be available to be contacted 24 hours a day, 7 days a week. This agent is the party designated to receive all notices and complaints received by the City concerning the site.

The following regulations have been created to ensure these sites offer safe and sanitary conditions:

- 1) Roads must be a minimum of 15 feet for one-way and 22 feet for two-way streets. Roads surfaces must be smooth, hard, and dense, constructed with materials like asphalt, concrete, or compacted gravel. All roads are to be well maintained.
- 2) Lot amenities must include access to a water, sewage, and refuse systems.
- 3) Restroom and bathing facilities are to be fully operational, located on site.
- 4) Sites must contain a minimum of one acre of land and contain at least 8 travel trailer spaces fully complete and ready for occupancy.
- 5) The topography, soil, and drainage of the ground needs to be kept safe for all the occupants.

SECTION 5.2 ACCESSORY USES AND STRUCTURES

Property within the City of Midville may include buildings, structures, or uses which are located on the same lot as a principal building, but which are ancillary and subordinate to the primary use of the property. Such accessory buildings, structures, or uses may be permitted subject to supplemental and use-specific regulations. Land uses addressed within this Section, may be approved by the Designated Zoning Official subject to adherence to the conditions listed in the applicable Section of this Article.

Section 5.2.1 General Accessory Use Regulations

Accessory uses of property, include building and structures serving such use, shall be subject to the following provisions:

- Buildings accessory to residential uses in residential zoning districts shall be located in a rear or side yard with the exception of corner lots. No accessory building will be allowed on the side of a residential lot where two roadways intersect.
- In all other zoning districts, accessory building, structures, and uses shall be located in a rear or side yard with the exception of decorative landscape structures.
- No accessory building shall be erected on a lot until construction of the principal building or establishment of a principal use has commenced.

- The uses of any industrialized building, manufactured or modular home as an accessory building is prohibited.
- The net floor area of an accessory building or structure shall not exceed ten (10) percent of the lot area or 10,000 square feet, whichever is less.
- Accessory buildings and structures shall be setback no less than a minimum ten (10) feet from any property line, except for fences or walls that may be permitted at the property line.
- Accessory buildings or structures shall not exceed the height of the principal building on the site, unless specifically exempted from height restrictions by this Ordinance, or where serving a principal agriculture use of the property in the R-A and A-1 district, or principal industrial use in the I-1.

Section 5.2.2 Accessory Structures and Uses, Customary Residential

A wide variety of structures may be customarily situation on a piece of residential property, and serve as an accessory use to principal residential dwelling unites thereon. The following are examples of customary accessory structures, not meeting the definition of a “building,” which may be found on residential property

- | | |
|---|---|
| <ul style="list-style-type: none"> • Private garages • Children’s play house • Home workshop • Swimming pools • Satellite dishes • Fences and Walls | <ul style="list-style-type: none"> • Agricultural Buildings • Detached garages • Tennis Court • Sheds • Similar uses |
|---|---|

The list of customary accessory structures and uses identified within this Section is not all-inclusive, and the Designated Zoning Official with the approval of the City Council may determine on a case-by-case basis that a similar structure of use warrants being categorized as a customary residential accessory structure or use. Customary accessory structures are exempt from a certificate of compliance as provided in Section 7.4.3(Exemptions from Certificate of Compliance) of this Ordinance, but such uses are still subject to the following minimum dimensional requirements of Section 5.2.1 (General Accessory Use Regulations).

Section 5.2.3 Accessory Dwelling

Accessory dwelling units shall be subject to the following provisions:

1. One (1) accessory dwelling unit may be permitted on a property containing an owner–occupied single family detached residence.
2. Use of an accessory dwelling unit is not permissible where the principal dwelling unit is vacant or otherwise uninhabitable; except, where otherwise being occupied by the owner-occupants of the property on a temporary basis as a result of renovation of the principal dwelling unit.
3. An accessory dwelling may be contained in either a detached accessory building or attached to the principal building.
4. Accessory dwelling units shall contain a minimum of 300 feet of heated and air conditioned floor space per occupant; but, shall not exceed 50 percent of the gross floor area of the principal building or 1,000 feet, whichever is less.

Section 5.2.4 Caretaker Residence

A caretaker residence may be established as a dwelling unit accessory to an industrial use subject to the following provisions:

1. Only one (1) caretaker residence may be established.
2. The caretaker residence shall be located in a building intended for housing with permitted and active industrial use. Caretaker residences shall not be established as an independent single-family dwelling unit or another stand-alone building.
3. The caretaker residence shall contain a minimum of 300 square feet of heated and air conditioned floor space per occupant; but, shall not exceed 25 percent of the gross floor area of the first floor of the principal building or 1000 square feet, whichever is less.
4. Approval of a caretaker residence by the Designated Zoning Official is contingent upon the applicant providing evidence of their need for full-time or 24 hour on site security, and that they have or are preparing a contract employment agreement, or other similar documentation illustrating their intention to provide for that need.

Section 5.2.5 Communal Resident Facilities

Residential subdivisions and multi-family developments may include communal facilities for the convenience and enjoyment of residents. Such facilities include, but are not limited to: clubhouses, swimming pools, playground equipment. Community management offices, volleyball courts, laundry facilities, etc. Communal resident facilities are subject to the following provisions:

1. Communal resident facilities shall be for the convenience and enjoyment of existing residents and shall not be operated as business enterprises advertising to and/or serving non-residents.
2. Communal resident facilities may include a community management office for the assistance of residents, or for the lease or sale of lots or units within a permitted residential development or subdivision; but, such office space shall not exceed 50 percent of any clubhouse or other similar community building.

Communal resident facilities that also meet the definition of “building” as established by this Ordinance, and which are established, or are intended to be established, on a separate parcel or lot meeting the dimensional requirements of this Ordinance, shall be considered as principal uses on such lot or pending lot and subject to the dimensional requirements for the principal buildings in the applicable zoning district.

Section 5.2.6 Drive- Through Facilities

Drive-through facilities proposed to be located within the Town Center (TC) District shall be subject on a case-by-case basis and to the review of the City Council. All facilities shall include providing access to customer service windows or to self-service amenities, which are intended to allow occupants of a motor vehicle to make a purchase or receive a service on a business property without having to exit the motor vehicle. Drive-through facilities do not include lanes, driveways, or portions of parking lots serving as loading areas for persons or merchandise.

Section 5.2.7 Home Enterprise

Home enterprise provisions are hereby established to promote the retention and adaptive use of residential structures through conversion of residential dwellings to mixed-use properties. Home enterprise provisions are intended to promote investment in existing structures, and to allow for a transition between the Commercial and Town Center districts and Midville residential areas. Home enterprises identified in Section 4.3 (Permitted Home Enterprises and Home Occupations) may be established in a residential dwelling subject to the following provisions:

1. Home enterprises may only be operated in single-family detached dwellings.
2. The home enterprise shall be operated by either the owner of the principal dwelling, a member of the family residing in the dwelling, or a tenant of the dwelling with written approval from the owner of the dwelling.
3. Occupants of the dwelling shall be authorized to work on the premises in connection with the home enterprise.
4. Two (2) non-residents will be allowed to work on the premises for the purpose of a home enterprise.
5. The exterior appearance of the dwelling used for a home enterprise must remain that of a residential use. External alterations inconsistent with residential use shall be prohibited.
6. The floor space associated with the home enterprise shall not exceed 50 percent of the gross floor area of the entire structure or 1000 square feet whichever is less.
7. A home enterprise may display certain material in front of the dwelling including a limited amount of merchandise, one (1) easel board sign or one anchored folding sign board.
8. The exterior display of any materials associated with home enterprise while the home enterprise is not open for business is prohibited.
9. Off-street parking shall be prohibited to serve the commercial use in an amount, and a manner, consistent with the provisions of Section 6.5 (Off-Street Parking) of this Ordinance. Vehicle traffic related to the home enterprise shall at all times be parked off-street within the residential driveway or other required on-site parking.
10. A home enterprise shall not generate traffic, sound, smell, vibration, light, or dust that is offensive or creates a nuisance. There shall be no exterior lighting of the building or property that is not in character with a residential neighborhood. Home enterprises must exclude the use of machinery or equipment that emits sound that is detectable beyond property. Chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment and which is used primarily for commercial purposes shall not be permitted.
11. A home enterprise shall not generate traffic in conjunction with the home enterprise between 8:00 pm to 7:00 am.
12. All licenses required by the state, county, or city regulations must be obtained and presented prior to receiving zoning approval.

Section 5.2.8 Home Occupations

Home occupations identified in Section 4.3 (Permitted Home Enterprises and Home Occupations) may be established in a residential dwelling subject to the following provisions:

1. The home occupation shall be subordinate to the use of the dwelling for residential purposes.
2. The home occupation shall be operated by either the owner of the principal dwelling, a member of the family residing in the dwelling; or, a tenant of the dwelling with approval and authorization from the owner of the dwelling.
3. Occupants of the dwelling shall be authorized to work on the premises in connection with the home occupation.
4. The home occupation shall not exceed 25 percent of the gross floor area of the first floor or 750 square feet whichever is less.
5. The exterior appearance of the dwelling used for such activity must remain that of a dwelling. Now external alterations inconsistent with the residential use of the dwelling are permitted.
6. Vehicle traffic related to the home occupation, if any, shall at times be parked off-street within the residential driveway or other on site permitted parking.
7. Motor vehicles kept on site in association with the home occupation shall be used by residents only and only vehicles used as primarily passenger vehicles shall be permitted in connection with the conduct of the home occupation.
8. The transporting of goods by truck or tractor-trailer; provided, however, that the provision shall not prevent the delivery or pick-up of packages by a commercial carrier.
9. A home occupation shall not generate traffic, sound, smell, vibration, light, or dust that is offensive or that creates a nuisance. There shall be no exterior lighting of the building or property that is not in character with a residential neighborhood. Home occupations must exclude the use of machinery or equipment that emits sound that is detectable beyond the property. Chemical, electrical, or mechanical equipment that is normally a part of domestic or household equipment and which is used primarily for commercial purposes shall not be permitted.
10. A home occupation shall not generate traffic in conjunction with the home occupation between the hours of 8:00 pm to 7 am.
11. Retail sales of products of goods produced or fabricated on the premises as a result of the home occupation are the only type of products or goods allowed to be sold on the premises.
12. The home occupation and dwelling shall comply with all applicable building and fire codes. Home occupations shall not be permitted in any dwelling unit in which the primary residential uses does not fully comply with applicable zoning requirements for the general zoning district in which it is located.
13. There shall be no activity associated with the home occupation visible outside the dwelling.
14. All licenses required by the state, county, or city regulations must be obtained and presented prior to receiving a certificate of compliance.
15. Up to two (2) home occupations may be concurrently operated within the same dwelling unit; except that, only one (1) home occupation may be permitted within a dwelling unit if a second home occupation is to be located within an accessory structure. In no case shall the combined businesses exceed the maximum dimensional requirements permitted by items (4) and (16), or otherwise result in a condition that would cause a violation of any of the other provisions of this Section.

Notwithstanding the provisions listed above, a single home occupation may be permitted in an accessory structure serving a residential dwelling provided that all the provisions of Section 5.2.3 (Accessory Dwelling) of this Ordinance are met. Home occupations within an accessory structure shall also adhere to all the provisions of this Section, except for item (4) which shall be substituted by the following:

16. The home occupation located within the accessory building shall not exceed 50 percent of the gross floor area of the structure or 500 square feet whichever is less.

The right to operate a home occupation is conditional and may be continued only for as long as the use of the property is conducted in accordance with the provisions of this Ordinance, or otherwise conducted lawfully and does not produce a condition that constitutes a nuisance. Actions constituting grounds for the immediate termination of a home occupation by unlawful activity can occur if this Ordinance or any other law is violated.

Section 5.2.9 Livestock

Livestock and all related animal husbandry services are permitted in the R-A district to be raised for commercial and personal enjoyment purposes. All land uses associated with livestock and related animal husbandry are subject to the following additional provisions:

1. No livestock will be kept on a lot that is less than one (1) acre in area.
2. Agricultural structures used to house and provide services to livestock will not be located closer than 50 feet from the property line.

Section 5.2.10 Outdoor Display Area

The outdoor display of merchandise may be permitted in association with a permitted and active business establishment engaged principally in retail sales and contained within a principal building on a commercial property. Outdoor display areas shall be subject to the following provisions:

1. Outdoor display areas shall not exceed 10 percent of the lot area, or 50 percent of the floor area within the principal building dedicated to sales.
2. Outdoor sales areas shall not encroach into required setback areas; nor, into parking areas, and shall not obstruct safe and direct pedestrian access between the street or parking area, and the principal customer entrance of the business.
3. Outdoor display areas shall not be used for the storage of materials, equipment, scrap or junk not clearly intended for sale or lease in conjunction with the enclosed business establishment.

The provisions of this section do not apply to an open-air business.

Section 5.2.11 Yard Sales

Yard sales, garage sales, rummage sales, tag sales, or other similar temporary activities, where permitted on a property used for residential purposes may be allowed without a certificate of compliance subject to the following provisions.

1. The activity shall not exceed 48 hours, occur more frequently than once every 90 days, nor otherwise constitute a special temporary outdoor event as defined by this Ordinance.
2. Sales shall take place between the hours of 6:00 am and 6:00 pm. All items, including displays and sales tables, shall be removed from view by the end of the sales day.
3. No music, games, sale of concessions or other entertainment or activities may be conducted at the time and place of the sale, and there shall be no the sales day.
4. Adequate parking shall be provided at the sale site such that it does not encroach onto neighboring property, nor, prohibit access to and from other property.

SECTION 5.3 TEMPORARY USES AND STRUCTURES

Specific land uses may be allowed within the municipal limits of the City of Midville on a temporary basis, for a prescribed period of time. The establishment of temporary uses and structures shall be subject to the approval of the Designated Zoning Official unless otherwise stayed within a particular Section.

Section 5.3.1 General Standards for Temporary Uses and Structures

All proposed temporary uses and structures shall be subject to the following provisions:

1. Temporary uses shall not interfere with ongoing development activities on site, or with the use of permanent buildings, structures, infrastructure, and amenities.
2. Temporary uses shall not impact adjacent or proximate residential uses adversely, or in a manner that would be inconsistent with those impacts that would typically be generated by a permanent and permitted use on the property.
3. Permanent alterations to the site are prohibited except for those which will serve existing principal and permanent uses.

4. A signed letter from the property owner authorizing the temporary use, structure, and scope of activity must be submitted with the application for a temporary use permit.
5. Temporary uses and structures shall not be permitted within public rights-of-way or utility easements.
6. Off-street parking shall be adequate to accommodate the proposed temporary use in addition to any existing permanent and principal use.
7. Temporary uses do not involve the construction or alteration of a permanent building or structure, and does not allow the permanent placement of any industrialized, manufactured, mobile or modular building on a property for residential occupancy.
8. A site plan of the proposed use shall accompany the application for temporary use. This site plan may be drawn in a legible manner to scale and identify adjacent streets, relevant buildings or structures, parking, and zoning district setbacks, location of the proposed use, and all other relevant information necessary to evaluate the proposed temporary use.

Section 5.3.2 Construction Field Offices and Equipment Sheds

Temporary construction-related activities, including field offices and equipment and storage sheds may be permitted within industrialized, manufactured, mobile, and other temporary buildings to support work on a construction site approved by the City of Midville. Construction field offices and equipment sheds shall be subject to the following:

1. Construction field offices and equipment/storage sheds shall be located on the same site as a specific construction project; except, where site constraints prohibit the placement of construction field offices and equipment/storage sheds on the project site, such activities may be located “remotely” on adjacent or proximate property subject to the agreement of the Designated Zoning Official.
2. Construction field offices and equipment/storage sheds shall be removed from the project site, or adjacent site or proximate site(s) within 30 days of completion of constructions.
3. Any portion of a construction site, or adjacent or proximate site used for construction field offices or equipment/storage sheds shall be restored to an undistributed condition following removal of the temporary structures.
4. Construction field offices and equipment/storage sheds shall not be subject to the applicable zoning district provisions of Section 5.1.11 related to manufactured homes.

Section 5.3.3 Model Home

A dwelling unit may be constructed and used as a model home or temporary office for the lease or sale of lots or units within a permitted residential development or subdivision subject to the following provisions:

1. A model home shall be placed on a development site in accordance with an approved preliminary place or site plan; and, such that upon final plat approval it is located on an individual lot that meets all applicable zoning district dimensional requirements for residential use.
2. Sales shall be limited to lots and dwelling units within the subdivision where the model home is located.
3. The use of the model home for a sales office shall be discontinued within 30 days after ninety 90 percent of the dwelling units within the development or subdivision have been constructed.

Section 5.3.4 Special Temporary Outdoor Event

Special temporary outdoor events accessory to a business, non-profit, or other civic organization may be authorized subject to the following provisions:

1. All parking for special temporary outdoor events must be accommodated on the property in which the event is proposed to occur; or, may be located “remotely” on an abutting or proximate property which is not separated from the event site by a collector or arterial street. Remote parking to serve a temporary special outdoor event that is separated by the event by a collector or Arterial Street may be approved by the City Council on a case-by-case basis. Where the City Council approves such a waiver on remote parking requirements, it shall document how attendees will be safely transported between the event and parking facilities.
2. Special temporary outdoor events shall be limited to normal business hours if associated with a business activity. In no case shall any special temporary outdoor event operate after 8:00 pm and before 7:00 am, unless the City Council approves alternative hours of operation on a case-by-case basis.

3. Special temporary outdoor events shall not be conducted on any property which is principally used for residential purposes.
4. Special temporary events that may also be categorized as a carnival, circus, or similar traveling event or show shall only be permitted in areas that in non-residential areas.
5. The duration of a special temporary outdoor event shall not exceed 30 consecutive days.
6. Each business or organization requesting approval of a special temporary outdoor event shall be limited to four (4) events per every 12 month period. No more than four (4) special temporary outdoor events may be authorized for a specific property, or adjacent property under common ownership, per every 12 month period; and, each event must be separated by at least 30 consecutive days.

Notwithstanding the provisions listed above, some special temporary outdoor events may be proposed that function on an alternative schedule such as on weekends, or during consecutive months in a season. To accommodate such possibilities, the City Council may consider alternative special outdoor event schedules that are not subject to items (5) and (6) above regarding duration and recurrence. Subject to the approval or conditional approval of City Council, alternatively scheduled special outdoor events shall adhere to at least the following minimum provisions:

1. The special temporary outdoor event shall adhere to items (1) through (4) within this Section.
2. The event will serve a civic purpose as interpreted by City Council, and shall not be intended to primarily serve as an extension of the normal daily activities of a business.
3. The cumulative number of non-consecutive days on which the event may be conducted shall not exceed 32 in any 12 month period.
4. Each organization requesting approval of an alternatively scheduled special temporary outdoor event shall be limited to one (1) permit per every 3 month period. Nor more than one (1) alternatively scheduled special temporary outdoor event maybe authorized for a specific property, or adjacent property under common ownership, per every 6 month period.

Section 5.3.5 Temporary Leasing/Sales Offices

Temporary offices may be established within industrialized, manufactured, mobile, and other temporary buildings for the lease or sale of lots or units within a permitted residential development or subdivision. Such temporary leasing and sales offices shall be subject to the following provisions:

1. Temporary leasing and sales offices are subject to the conditional use requirements of Section 5.1.8 related to manufactured homes.
2. Temporary leasing and sales offices shall be located on the same site as a specific development or subdivision project for which it has been established; or, may be located "remotely" on an abutting property which is not separated from the project site by a street.
3. Temporary leasing and sales offices shall be permitted for a period of 12 months, subject to a renewal of up to two (2) six (6) month periods if requested.
4. In no case shall temporary leasing and sales offices remain on a project site for more than two (2) years; nor, following the establishment of a model home to the same development or subdivision.

SECTION 5.4 MISCELLANEOUS USES AND ACTIVITIES

Article 4 of this Ordinance (Zoning District Regulations) specifies that land uses not listed within one (1), many, or all zoning districts established by the City of Midville shall be determined to be prohibited from the applicable district, districts, or the City as a whole. Such prohibition is not meant to prevent the use and enjoyment of private property in a manner that is clearly incidental to those principal and accessory uses that may otherwise be permitted on property within particular zoning districts. Notwithstanding this intention, certain miscellaneous and incidental activities and uses of property shall be subject to the applicable provisions in this section.

Section 5.4.1 Junked Vehicles and Material

Unless allowed within a junk yard, salvage yard, towing yard or wrecking yard, therefore being in compliance with the provisions of Section 5.1.8, it shall be unlawful to park or continuously store abandoned, wrecked, junked, or inoperable

vehicles, power-driven construction equipment, used lumber or metal, used appliances, or any other miscellaneous scrap material that is visible from a public street or adjacent or abutting property. Such vehicles or material shall be enclosed with a minimum six (6) foot high opaque fence and screened with vegetation. Enclosures for the purpose of storing junked vehicles and material shall adhere to the minimum setback requirements for accessory structures and uses, and shall not be allowed in front yards. Additional screening as determined by the Designated Zoning Officer, based upon the elevations and uses of surrounding properties, may be required to comply with this provision in both side and rear yards.

Section 5.4.2 Vehicle Parking in Residential Districts

The parking or storage of commercial vehicles (Including, but not limited to buses, dump trucks, delivery trucks, semi-trailers, etc.) shall not take place on any vacant residential lot; nor, shall the storage of such vehicles be considered a permissible principal use of property. It shall be unlawful to park or store commercial vehicles in the front yard of any property zoned for residential use, except in the R-A district when such vehicles are accessory to and serve the principal agriculture use of the property. All residential districts allow for one (1) commercial vehicle to be parked in the side or rear yard of a property.

ARTICLE 6- GENERAL DEVELOPMENT REGULATIONS

SECTION 6.1 GENERALLY

The City of Midville hereby adopts common standards and rules by which land uses may be established or altered within the municipal limits of the City. The provisions of this Article govern the manner in which permitted land uses may be located on property within Midville, and provide the standard provisions that must be incorporated into proposed development activities in order to ensure that new or modified developments adhere to, or exceed, the City's basic rules for facilitating growth that is functionally compatible with local infrastructure, and aesthetically compatible with the City's districts and neighborhoods.

SECTION 6.2 GENERAL USE REQUIREMENTS

Section 6.2.1 Use of Land

No land shall hereafter be used, occupied, or altered except in full compliance with the provisions of this Zoning Ordinance, unless specifically provided otherwise by this Ordinance.

No use or activity shall hereafter be established, re-established, located, extended, or expanded except in full compliance with provisions of this Zoning Ordinance, unless specifically provided by this Ordinance.

No building or structure or part thereof shall hereinafter be located, relocated, occupied or used, extended, converted or structurally altered except in full compliance with provisions of this Zoning Ordinance, unless specifically provided otherwise by this Ordinance.

Section 6.2.2 Use upon a Lot of Record

No building or structure shall be erected, or use established, unless upon a lot of record as defined by this Zoning Ordinance, unless specifically provided otherwise in this Ordinance.

Section 6.2.3 One Single-family Dwelling Unit per Lot of Record

One only (1) detached single-family dwelling unit, one (1) single-family attached dwelling, one (1) two-family dwelling, or manufactured home, under fee-simple ownership shall be permitted on a single lot of record. This Section shall be construed to prevent the location of more than one (1) non-residential building on a single lot of record, where permitted.

SECTION 6.3 GENERAL DIMENSIONAL REQUIREMENTS

Basic dimensional requirements for land uses are established in Article 4 (Zoning District Regulations) of this Ordinance for broad application to property in the City of Midville. Reliance on a single tabular set of dimensional requirements however provides little clarity to their method of interpretation and application in individual scenarios. The dimensional requirements in this Section supplement those standards provided in Article 4, and shall prevail and apply where an inconsistency exists.

Section 6.3.1 Height

No building or structure shall hereafter be erected or altered so as to exceed the height limits established for the zoning district in which the building or structure is located; or any alternative height limits established for a specific building, structure, or use in Article 5 (Supplemental Uses Regulations), or any other provision in this Ordinance.

Section 6.3.2 Exemptions to Height Restrictions

The following buildings and structures or parts thereof are hereby exempt from the height limitations as set forth in the zoning districts:

1. Agricultural buildings such as barns, silos, windmills, grain elevators, and other farm structures, but not including dwellings.
2. Cooling towers, gas holders, or other industrial structures where required by an allowed manufacturing process.
3. Church spires, belfries, cupola, domes, monuments, observation towers, transmission towers, windmills, chimneys, conveyors, flagpole, radio towers and aerals. This exemption does not apply to towers and wireless telecommunication facilities which shall be subject to the applicable provisions of Article 5 (Supplemental Use Requirements) of this Ordinance.

Section 6.3.3 Lot Size and Density

No lot shall hereafter be developed with a number units that exceeds the residential density for the zoning district (or if applicable and controlling, the overlay district or special zoning district) in which the lot is located as established by the Ordinance.

No lot shall hereafter be platted, established, or developed unless it meets or exceeds the minimum lot size for zoning district (or if applicable and controlling, for the overlay zoning district or special zoning district) in which the lot is located as established by the Ordinance, provided, however, that where an overlay zoning district or a special zoning district allows the reduction of a lot size, or adjustment of density requirements for the applicable zoning district, than the overlay zoning district or special zoning district standards shall apply.

No lot shall hereafter be platted, established, or developed that fails to meet the minimum lot width for the zoning district (or if applicable and controlling, the overlay zoning district or special zoning district) in which the lot is located as established by this Ordinance, except as otherwise specifically provided.

Section 6.3.4 Land Area of a Lot

The minimum lot size requirements for property in each zoning district is based on the land area of a lot, including those lands that may be periodically or seasonally inundated by water such floodplains and wetlands. Open areas of water such as a lake or pond, or portion thereof, shall not be used to calculate a property's minimum required lot area. For purposes of this provision, detention or retention areas and ponds developed as part of residential subdivision shall be considered a lake or pond and shall be used to calculate the square footage of individual lots proposed to be subdivided, whether or not detention or retention area retains water on a permanent basis.

Section 6.3.5 Street Frontage

No lot shall hereafter be platted, established, or developed that fails to maintain the minimum road frontage on public street as established in Article 4; provided, however, fee simple lots for attached residential dwelling units (i.e. townhouses) may be platted to lot widths and with street frontages specified for such uses in the Midville Ordinance.

The street frontage requirement of the Midville Ordinance shall not inhibit access to a building, structure, or activity by means of an access easement, if the lot on which it is located meets the minimum required street frontage and use accessing the easement is permitted in the zoning district in which the lot is located.

Section 6.3.6 Yards and Building Setbacks

No lot shall hereafter be developed, and no building or structure shall hereafter be erected or altered in a manner to have narrower or smaller rear yards, front yards, or side yards than specified and required for the zoning district in which the property is located.

Section 6.3.7 Building Coverage

No lot shall hereafter be developed, and no building or structure shall hereafter be erected or altered in any manner that exceeds the maximum building coverage or impervious surface area coverage specified for zoning district in which it is located.

SECTION 6.4 BUFFERS AND SCREENING

The Midville Ordinance hereby establishes basic landscaping requirements to enhance the aesthetic, economic, and environmental value of property subject to, or potentially impacted by development activity. To assist in facilitating beneficial development activity in the City of Midville, property shall be subject to the provisions of this Section.

Section 6.4.1 Buffer Requirements

Where required within this Ordinance, buffers shall be established exclusively within the lot, parcel or tract, upon which the triggering activity and corresponding development is located. Required buffers shall not be located on another lot, or in a manner on the affected property that is not clearly associated with the intent to mitigate the impact of a specific building, structure or use.

No certificate of compliance shall be issued for development whereby required buffers have been installed that contain vegetative material, or are of spatial dimensions, that are less than those that are specified within a specific provision of this Ordinance.

Section 6.4.2 Screening of Commercial Service Areas and Rooftop Equipment

Service areas, including loading areas, loading entrances, dumpster pads, sites for trash or recycling containers, and heating ventilation, and air conditioning equipment (whether on the ground or on the roof a building) shall be screened from the view of adjoining properties, public streets, parking areas, and other areas open to the public. Such screening, may be structural or vegetative or a combination of both, is subject to the approval of the Designated Zoning Official.

Rooftop mechanical and electrical equipment, including but not limited to elements of a building's heating and air conditioning system, shall be screened from public view by building elements that are designed as an integral part of the building architecture, or by a parapet wall.

SECTION 6.5 OFF-STREET PARKING

Unless specifically provided elsewhere in this Ordinance, at the time of the establishment of any use, or erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, there shall be provided permanent off-street parking spaces incorporating surface materials and other improvements as specified in this Ordinance.

Section 6.5.1 Off-Street Parking Area on Same Site

All parking areas containing spaces required by this Section, and for all additional parking provided in excess to this Section, for all uses shall be located on the same lot as the use for which such parking is intended, except as specifically provided otherwise in another Section of this Ordinance.

Section 6.5.2 Parking Area Use Limitations

Section 6.5.2.1 Limited Use

Areas provided to meet the minimum parking requirements of this Section as to handicapped and other parking spaces, along with aisles and driveways necessary to provide access to those spaces, shall not be used for any purpose other than the temporary parking of an on-site vehicle for the present on-site or uses. Specifically, no such parking area may be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.

Section 6.5.2.2 Temporary Structures

The City of Midville may allow temporary parking arrangements on a property that serve and are in conjunction with a temporary use that has been established and approved in accordance with the provisions of Section 5.3 (Temporary Uses and Structures) of this Ordinance, and provided that any such arrangement and associated structures are removed from the site at the conclusion of the activity.

Section 6.5.3 Design Requirements

Section 6.5.3.1 Paving

Public parking lots intended to provide for off-street parking spaces in commercial, public institutional, agricultural support, multifamily, and industrial land uses are required by the Midville Zoning Ordinance to improve and maintain the following paving materials and standards:

- Concrete Interlocking Paver System (sand base)
- Concrete Design Blocks (sand base)
- Brick Pavers (flexible/rigid base)
- Granite Setts (on six (6) inch sand base)
- Cut Stone (on flexible/ridged base)
- Exposed Aggregate in Concrete Base
- Four (4) inch Stabilized Aggregate Base Plus (1) inch Hot Laid Asphaltic Concrete Binder
- Bituminous Surfacing- Double Treatment
- Concrete (minimum four (4) inches 3,000 lbs. mix)
- Asphalt (minimum four (4) inches)

The City Council needs to approve all alternative surfacing materials utilized by private and some public land uses. The following alternative surfacing materials that may be used include, but are not limited to, mulch, wood, gravel, turf, porous asphalt and cobble for all areas not assigned for disability access. These land uses are permitted to use alternative surfacing materials:

- a. Parking that is reserved for employees or company vehicles, in addition to minimum parking spaces required for customers.
- b. Home enterprises and home occupations are permitted to add a maximum of three (3) additional parking spaces.
- c. Recreational areas to include, but not limited to, parks, playgrounds, fields use for sports, and fairgrounds.
- d. Overflow parking areas for open air businesses, religious facilities, produce markets, flea markets or uses similar in nature.
- e. Minimum parking of five (5) spaces or less.
- f. Other uses as approved by an administrative variance.

Section 6.5.3.2 Curb and Gutter

Curb and gutter shall be constructed along and border those portions of parking areas abutting the public street right-of-way, and including driveway throats providing access to and from the site from the street. Consistent with Subsection 6.5.3.7, wheel stops shall be provided where parking spaces abut and face the edge of a parking area where a curb and gutter edge treatment has not been provided.

Section 6.5.3.3 Grading

Proper grading to eliminate sheet flow of drainage water onto sidewalks, public rights-of-way, and abutting properties shall be designed and constructed. Provisions may be necessary for on-site collection and storage of drainage water.

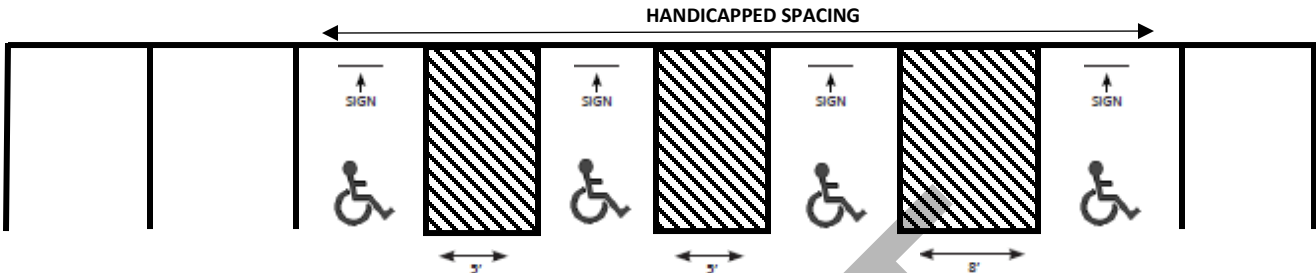
Section 6.5.3.4 Parking Space Dimensions, Standard

Every parking space shall provide a usable rectangular area at least 9 feet wide by 18 feet long, excluding access aisles.

Section 6.5.3.5 Parking Space Dimensions, Handicapped

All handicapped parking shall comply with the requirements of the federal Americans with Disabilities Act (ADA.) Handicapped parking spaces shall be clearly demarcated, and shall be designated as reserved by a sign showing the symbol of accessibility, per applicable state law requirements. Such signs shall be located so that cannot be obscured by a vehicle parked in that space. Each handicapped space shall be served by at least one (1) adjacent aisle five (5) feet wide to facilitate access to the motor vehicle. (See Figure 6-1)

6-1: Handicapped Spacing



Section 6.5.3.6 Minimum Dimensions of Access Aisles

Access aisles in parking lots must be at least thirty (30) feet wide for two (2) way traffic and sixteen (16) feet wide for one-way traffic. One-way traffic must be clearly marked with directional arrows on the pavement at each intersection and in each section that contains another aisle.

Section 6.5.3.7 Markings and Wheel Stops

Clear and permanent markings shall be provided to define individual parking spaces, drive aisles, drive lanes, and intersections in accordance with specifications approved by the Designated Zoning Official. Markings shall not be required of spaces used exclusively for the demonstration of inventory associated with motor vehicle rental or sales. Wheel stops shall be provided in all parking facilities that do not already have curbing for all spaces abutting property lines, buildings, and landscaping. No vehicle shall overhang a public right-of-way. Wheel stops shall be a minimum of four (4) inches in height and width and six (6) feet in length. They shall be firmly attached to the ground and so constructed as to withstand normal wear.

Section 6.5.4 Off-Street Parking Requirements

Unless specifically provided otherwise in the Midville Zoning Ordinance, on each lot where a building, structure, or use exists, each site shall be designed to provide and shall provide for a minimum number of off-street parking spaces as provided in Table 6.1, and handicap-accessible off-street parking spaces as specified in Table 6.2.

Section 6.5.4.1 Parking Space Requirements, Standard

Standard off-street parking spaces shall be provided for each new, or expanding land use, in an amount consistent with or in excess of the minimum requirement provided in Table 6.1. It is the intent of this Ordinance that all land uses listed in Article 4 (Zoning District Regulations) shall be provided with off-street parking unless specifically exempted herein. The Designated Zoning Official is hereby provided with the discretion to determine the general land use categories identified in Table 6.1 that best match for those land uses identified in Article 4 for purposes of determining.

TABLE 6.1: MINIMUM OFF-STREET PARKING SPACES

Use	Parking Spaces Required
Residential (Single-Family)	
Dwelling-Loft	2 per dwelling unit
Dwelling- Single-family Detached	2 per dwelling unit
Dwelling-Manufactured & Modular/Industrialized	2 per dwelling unit
Residential (Multi-Family)	
Dwelling-Multi-Family	1 per bedroom+ 1 per 4 dwelling units
Dwelling-Single-family Attached	1 per bedroom
Dwelling- Two-family	1 per bedroom
Accommodations and Group Living	
Boarding House	1 per bedroom
Group Residence	1 per bedroom
Hotel, Motel, and Other Lodging Facilities	1 per guestroom + required spaces for additional uses (ie., restaurants, assembly space, etc.)
Nursing and Assisted Living Facilities & Personal Care Homes	1.5 for each 4 beds
Commercial Retail and Services	
General Business and Professional Offices	1 for every 500 square feet of total floor space
General Commercial Retail Establishments	1 for every 500 square feet of retail sales area
General Professional Service Establishments	1 for every 500 square feet of area accessible to patrons
Ambulatory Health Care Facilities (incl. Medical & Dental Offices, Outpatient Care Services, Medical Labs, etc.)	1 for every 500 square feet of total floor space
Automotive and Machinery Service, and Repair	1 for every 1000 square feet of retail sales area or customer area
Banks and Financial Institutions	1 for every 500 square feet of total floor space
Convenience store	1 for every 500 square feet of retail sales area
Convenience Store and Gas Station	1 for every 500 square feet of retail sales area + 1 per pump
Dry Cleaning Services and Laundromat	1 for every 1000 square feet of customer service area
Funeral Home	1 for every 4 seats in largest chapel or main assembly area
Gas Station without Convenience Store	1 per every 2 pumps
Grocery Stores	1 for every 500 square feet of total space
Home Occupation	Not Applicable
Hospitals- General Medical and Surgical	1.5 per Bed
Open-Air Business	1 per every 500 square feet of indoor floor space accessible to patrons + 1 per every 1,500 square feet of outdoor sales or display area
Personal Care Service Facilities	1 per every 500 squarefeet of area accessible to patrons
Restaurant- Full Service	1 per every 500 square feet of customer service and seating area
Restaurant- Limited Service (incl. Fast Food) w/ seating	1 per every 500 square feet of customer service and seating area
Restaurant- Limited Service (incl. Fast Food) w/o seating	1 per every 1000 square feet of customer service area
Shopping Center, Mall or Other Unified Commercial Development not Otherwise Enumerated	2.5 per every 1000 square feet of retail sales area

TABLE 6.1: MINIMUM OFF-STREET PARKING SPACES

Use	Parking Spaces Required
Industrial Uses:	
Cementary	Not Applicable
Day Care Facility- Group	2 spaces + 1 per every 6 children or other individuals served (based on maximum allowable capacity)
Clubs and lodges, Non-Commercial	1 for every 1000 square feet
Fitness and Recreational Sports Centers	10 spaces plus + 1 per every 500 square feet of court area, surface water area, or other floor area accessible to patrons.
Government Offices	1 for every 500 square feet of total floor space
Library	1 for every 500 square feet of total space
Museum/ Historical/ Similar Use	1 for every 500 square feet of total floor space
(Indoor) Performing Arts and Spectator Sports Facilities, and other Places of Assembly (Ie. Auditorium, Assembly Hall, Civic Center, Spectator Sport Facilities, Theater, etc.)	1 for every 5 seats in room with greatest seating capacity; or, 1 per 50 square feet in largest assembly area without fixed seats.
(Outdoor) Performing Arts and Spectator Sport Facilities, and other Places of Assembly (Ie. Auditorium, Assembly Hall, Civic Center, Spectator Sport Facilities, Theater, etc.)	1 for every 5 seats in room with greatest seating capacity; or, 1 per 50 square feet in largest assembly area without fixed seats.
Place of Worship	1 for every 5 seats in room with greatest seating capacity; or, 1 per 50 square feet in largest assembly area without fixed seats + required spaces for additional use (i.e. day care facility, school, etc.)
School, Elementary and Secondary	2 spaces per classroom + required spaces for additional use (i.e. offices, places of assembly, etc.)
School, College, University and Professional	5 spaces per classroom + required spaces for additional use (i.e. offices, places of assembly, etc.)
School, Speciality	1 for every 500 square feet of total floor space
Park/Recreation/Conservation:	
General Outdoor Recreational Areas, Parks, etc.	1 for each 5,000 square feet of land area
General Indoor Amusement or Place of Recreation (i.e. Billiard Halls, Bowling Alleys, Skating Rinks, Etc.)	1 for each 500 square feet of area accessible to patrons
Agricultural	
Agriculture	Not Applicable
Equestrian Facilities	1 per every 2000 square feet of total space
Forestry	Not Applicable

Section 6.5.4.2 Parking Space Requirement, Handicapped

In addition to those standard parking spaces required and provided in accordance with Ordinance, handicap-accessible off-street parking spaces shall be provided for each new, or expanding land use, in an amount consistent with or in excess of the minimum requirement provided in Table 6.2. All handicapped off-street parking spaces and areas shall adhere to the applicable design and dimensional requirement of Section 6.4.

Section 6.5.5 Administrative Variances

In accordance with Section 7.10 (Administrative Variances) of this Ordinance, the Designated Zoning Official may consider request for administrative variances from the following provisions of Section 6.5:

- Section 6.5.3.1 Paving
- Section 6.5.3.4 Parking Space Requirements, Standard

**TABLE 6.2: REQUIRED NUMBER OF
HANDICAPPED PARKING SPACES**

Total Required Parking Space	Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 Percent of Total
1001 and over	20 Plus 1 for each 100 over 1000

Section 6.6 ACCESS TO SERVICE AREAS

Section 6.6.1 Time Period for Access to Service Areas

Access to service areas, including dumpster pads, shall be limited to the hours of 7:30 am to 6:00 pm, unless an emergency situation warrants access to these areas.

ARTICLE 7- ADMINISTRATION

SECTION 7.1 GENERALLY

The City of Midville hereby established use of some standard parameters and procedures for the effective administration of the Midville Zoning Ordinance. It shall be inferred that the parameters and procedures set forth within this Article apply to all types of zoning ordinance applications unless alternative or conflicting administrative provisions are provided within specific sections of this Article, or another section of this Ordinance, in order to account for unique issues related to zoning.

SECTION 7.2 ADMINISTRATIVE AUTHORITY

The City Council of Midville is established as the governing body for the Midville Zoning Ordinance. In exercising its authority, the City Council may delegate select administrative powers related to this Ordinance to other designees, including appointed boards or commissions. The delegation of powers shall be consistent with the Constitution of the State of Georgia, all other applicable laws enacted by the Georgia General Assembly, and with the rules of various departments of the Georgia State Government; and such delegated powers may be amended or rescinded by the City Council consistent with the applicable procedures as set forth within this Ordinance.

Section 7.2.1 Designated Zoning Official

Provisions of this Ordinance shall be administered by the person designated by the City Council as the Designated Zoning Official. The Designated Zoning Official or designee shall have all the necessary powers explicitly provided or reasonably implied in connection with the administration of the Midville Zoning Ordinance, including but not limited to those listed in this section. Where provisions indicate the Designated Zoning Official has the authority to review and approve a given application or activity, said authority shall also include the denial of such activity or application.

At a minimum, the Designated Zoning Official shall have authority to:

1. Adopt schedules of dates, times and places as appropriate and necessary for the processing of applications established by the Midville Zoning Ordinance.
2. Accept applications for text amendments, zoning map amendments, annexations, variances, and special use requests, and other processes which require an application.
3. Provide applicants with administrative deadlines necessary for the processing of applications.
4. Prepare administrative procedures, guidelines, application forms, and to tend to other administrative details not inconsistent with provisions of the Midville Zoning Ordinance.
5. Review, authorize, and issue permits for temporary uses specifically provided in Article 5, Section 5.3.
6. Provide notices or require notice of applications submitted.
7. Provide recommendations on text amendments, zoning map amendments, annexations, variances, and special use applications to the City Council as may be appropriate.
8. Waive certain requirements, and to require additional information be submitted, for applications.
9. Conduct investigations as reasonably deemed necessary to assure or compel compliance with requirements and provisions of the Midville Zoning Ordinance, even if such responsibilities are delegated to other enforcement officers.
10. To enforce the provisions of the Midville Zoning Ordinance.
11. Delegate the functions and responsibilities of the Official's position to other qualified personnel.
12. Interpret the provisions of the Midville Zoning Ordinance as provided in Article 1, Section 1.5 of this Ordinance.
13. Maintain and update the Official Zoning Map of the City of Midville, and provide determinations as to the zoning district boundaries represented thereon.
14. Review requests for administrative variances and either approve or deny the request.

SECTION 7.3 BOARDS AND COMMISSIONS [RESERVED]

SECTION 7.4 CERTIFICATE OF COMPLIANCE

Section 7.4.1 Certificate of Compliance Required

No new, altered, or reinstated land use shall be established; and, no building or structure, not otherwise exempted from review under the provisions of this Ordinance shall be erected, moved, expanded or structurally altered; without first having received a certificate of compliance issued by the City of Midville. Certificates of compliance to this Ordinance must be obtained prior to the issuance of any land development permit, building permit or business license by the city.

For purposes of administering this Ordinance, the City of Midville may consider a “certificate of compliance” and a “permit” as synonymous terms where an application for such permit has been submitted and approved in accordance with the applicable provisions of this Ordinance. Such instances shall be clearly delineated within the applicable sections of the Midville Zoning Ordinance. Certificates of compliance are valid only for the period within which the corresponding land development permit or business license remains valid, and within the terms of said permit, license or determination. Activity conducted before the issuance of, or in a manner inconsistent with, any certificate of compliance and/or corresponding permit shall be ruled invalid, as a violation of this Ordinance, and shall be subject to the enforcement procedures and remedies contained in this article; unless alternative enforcement provisions are provided within another section or article of this Ordinance in order to account for unique issues related to a specific type of activity or land development.

Section 7.4.2 Categories of Compliance Certification

The certification of compliance of proposed land development and use activities that are subject to the provisions of the Midville Zoning Ordinance shall be reviewed in accordance with one (1) of the following methods:

1. Administrative Certification: Includes applications, certifications, or determinations for land development, building or use activities that require the review and approval of the Designated Zoning Official or designee; but, do not require the approval of any elected body, or appointed board or commission; and, do not require a public hearing.
2. Legislative or Quasi-Judicial Certification: Includes applications for land development, building and use activities; or instances where determinations rendered in accordance with this Ordinance require a quasi-judicial review; where the City Council of the City of Midville retains final review authority; and, where public notice and a public hearing are required.

Section 7.4.3 Exemptions from Certificate of Compliance

It is not the intent of this Ordinance to inhibit or restrict those basic and common activities of building or property improvement or maintenance which, the performance of which by a homeowner, business owner or property owner, would be reasonably expected and anticipated by neighbors and citizens to enhance property value or aesthetics; and, would not otherwise change the physical characteristics or use of the property, would have an apparent impact on adjacent property, nor would otherwise be contrary to the purpose and provisions of this Ordinance.

Exemptions from certification of compliance to the provisions of this Ordinance shall not be deemed to grant authorization for any work to be done in any manner that would serve as a direct violation of this Ordinance, or any other laws or ordinances of the City of Midville; nor, which would indirectly allow for or facilitate a subsequent activity that would result in a violation of said Ordinance or laws.

Certificates of compliance shall not be required for at least the following:

1. One-story detached accessory structures such as tool and storage sheds, playhouses, tree houses and similar uses, not in excess of 120 square feet.
2. Pre-fabricated above-ground swimming pools, porches and patios, gazebos, carports or other similar unenclosed structures.
3. Structures that do not include vertical elements extending above ground level such as patios, retaining walls, in-ground swimming pools, etc.
4. Swings, slides and other playground equipment.
5. Utility meters, heating and cooling units, chimneys, antennas, and other similar features which are appurtenant to the use and enjoyment of the principal building or structure on the property.
6. Fencing, including fencing material used to create enclosures such as kennels, and walls extending above the ground, unless such fencing or wall is erected in order to adhere to a particular provision of this Article.

7. Renovation or maintenance activities to buildings or structures that are contained within said building or structure, does not increase the size of said building or structure, and is not specifically subject to review or approval by a provision of this Code.
 1. Preparation or resurfacing of driveways serving single-family residential or manufactured housing use.
 2. Temporary sales such as yard sales or garage sales, or other temporary activities on a property used for residential purposes consistent with the provisions of Subsection 5.2.11 (Yard Sales) this Ordinance.
 3. Tree removal, grading, or other land disturbance related to any of the other activities contained within this list.

Exemptions listed herein that meet the definition of a “building” as provided within this Ordinance must adhere to the dimensional requirements of the zoning district within which it is located. Nothing within this list of exemptions shall be construed as exempting an activity of similar nature that is specifically subject to a review and approval process as established within the provisions of this Article. It shall be at the discretion of the Designated Zoning Official to determine whether or not a specific activity in question warrants a review and approval under the provisions under the Ordinance.

SECTION 7.5 GENERAL ADMINISTRATIVE PROCESSES

General administrative provisions are hereby established by the City of Midville for the purpose of standardizing, to the extent feasible, the method by which actions requiring certification of compliance with the Midville Zoning Ordinance are processed.

Additional and unique procedural steps for varying land development or use activities, not otherwise addressed herein, and following submission of the applicable submittal packages are provided in Sections 7.5 through 7.11. These unique procedural steps generally address the method of review for the particular activity, criteria necessary to formulate a determination, the effect and scope of determination on a particular request, and other factors.

Section 7.5.1 Applicability

The applicability of the general administrative processes enumerated within this section may be limited by either of the following two (2) factors:

1. Where an alternative or conflicting administrative process is provided within another Section or Article of this Ordinance in order to account for unique issues related to a specific type of land development or activity, the alternative administrative provisions of such section shall take precedence.
2. Where alternative, conflicting, or more detailed administrative parameters are provided for in a subsequent section of this article, the alternative, conflicting, or more detailed parameters shall take precedence.

Section 7.5.2 Fees

Reasonable fees shall be charged by the City of Midville to cover all or a portion of the costs incurred by the City for the effective administration of this Ordinance. Activities for which is determined that a fee should be assessed, shall be incorporated into a fee schedule fixed from time to time by resolution of the City Council of Midville.

Section 7.5.3 Requirements for Submittal

- A) Submittal Package Required: Persons seeking a certificate of compliance for a land development, building or use activity through administrative, legislative or quasi-judicial means shall adhere to the requirements for submittal as provided within this section. Required submittal packages shall vary depending on type of land development activity for which approval is being requested. Submittal packages shall consist of those items presented in 7.5.3; except that the Designated Zoning Official reviewing the submittal package is authorized to require any additional and support information necessary to provide clarity to the request, and to substantiate any subsequent determinations or decisions thereon by the City Council of Midville
- B) Submittal Package Parameters: Specific components of a submittal package necessary for the review of land development and use activities requiring a certification of compliance are subject to the following general parameters:

1. Application Form: Completed applications shall be in the form provided by the City of Midville.

2. Application Fee: Fees shall be non-refundable fee unless otherwise provided within the fee schedule established by the City Council of the City of Midville. A fee shall not be charged if City Council initiates the application.
3. Letter of Authorization: Authorized agent(s) of property/properties owner(s) shall submit a notarized letter of authorization which has the signature of the property/properties owner(s) permitting the applicant to submit the submittal package and be responsible for the request. A notarized letter of authorization which has the signature of the property/properties owner(s) is also needed if the applicant is one of multiple owners of property/properties which authorizes the applicant to submit the submittal package and assume responsibility for the request.
4. Plat or Boundary Survey. A plat or boundary survey of the property or properties involved in the application shall be prepared by, and bear the stamp of, a Registered Land Surveyor.
5. Proposed Conceptual Site Plan. Proposed conceptual site plans of the subject property shall reference and be based on a boundary survey of the exterior boundaries of the property prepared by a Registered Land Surveyor, and shall include the following:
 - a. Name, address, and telephone number of the property owner.
 - b. Name, address, and telephone number of the applicant.
 - c. Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
 - d. Proposed use of the property.
 - e. Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).
 - f. Location map of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Location maps must be drawn at a scale sufficient to show clearly the information required.
 - g. Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
 - h. Natural features within the property, including drainage channels, bodies of water, wooded areas and other significant natural features. On all water courses entering or leaving the property, the direction of flow shall be shown. The 100-year flood plain, if any, shall be outlined.
 - i. Man-made features within and adjacent to the property, including existing streets and names, city and county political boundary lines, and other significant information such as location of utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
 - j. The proposed project layout including:
 - i. For subdivisions, approximate lot lines and street right-of-way lines, along with the front building setback line on each lot.
 - ii. For multi-family and nonresidential development projects, the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas and driveways.
 - k. The proposed phasing of the development if it is proposed to be built in sections.
 - l. A statement as to the impact on local utilities, public facilities, and public services.
 - m. The approximate location of proposed storm water detention facilities.
 - n. Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

The City of Midville shall only process full, complete, and accurate submittal packages according to the applicable provisions of this article. The City of Midville shall not process requests where the submittal package is incomplete, or contains information that is improper or erroneous. The Designated Zoning Official is further authorized to establish administrative deadlines for receipt of submittal packages and other material directly related to the submittal.

Section 7.5.4 Public Notice Requirements

A. Public Hearings Required: Land development, building or use activities for which a certificate of compliance is required through a legislative or quasi-judicial process, including text amendments, zoning map amendments, annexations, special use permits, variances, and appeals, shall be subject to a public hearing, and to the public notice requirements provided in this section – such requirements being consistent with the authority and duties provided to the City of Midville the state of Georgia Zoning Procedures Law (by O.C.G.A. § 36-66-1 et. seq.)

1. Notice of Public Hearing – Newspaper. A minimum of fifteen (15) days, but not more than forty-five (45) days, prior to the public hearing considering the application before the City Council, a notice shall be published in a newspaper of general circulation within the city limits. The published notice shall be prepared by the Designated Zoning Official and shall state the time, place and purpose of the hearing.

2. Notice of Public Hearing – Sign. A minimum of fifteen (15) days, but not more than forty-five (45) days, prior to the public hearing considering an application before the City Council, a sign or signs shall be posted in a conspicuous location along each street frontage of each property for which a hearing is scheduled for the purposes of considering a zoning map amendment, annexation, special use permit or variance. In cases in which the property has no street frontage the sign or signs shall be placed on each street from which access is gained to the property. Required signs shall state the time, place and purpose of the hearing; and, shall include the property's present and proposed zoning classifications if the hearing is to consider a zoning map amendment. Requirements for the placement of signage for public hearings shall not apply to amendments to the text of this Ordinance, or zoning map amendments, that have been initiated by the City Council, or to appeals.

- Notice of Public Hearing – Adjacent Property Owners. A minimum of ten (10) days prior to the public hearing, a written notice shall be mailed to all persons owning property located abutting or across any street from the property that is the subject of a zoning map amendment, annexation, special use permit or variance. The written notice shall be mailed to the property owners as such names appear on Burke County Tax Records. Written notices to property owners shall include all that information required for public hearing advertisement in a newspaper, all additional and applicable information required on signs advertising public hearings; and, shall be accompanied by a location map showing the extent of the property subject to the public hearing.

B. Special Public Hearings for Drug Treatment Facilities- Actions requiring a certificate of compliance through a legislative process, and that relate to or will allow for the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, shall be subject to a special public hearing. The special public hearing shall be held at least six (6) months and not more than nine (9) months prior to the date of final action on the zoning decision by City Council, and shall be in addition to that required by Subsection 7.5.4 (A.) Special public hearings required by this subsection shall be advertised in a newspaper of general circulation, with signage on the subject property, and through mailings to adjacent property owners consistent with the provisions of Subsection 7.5.4 (A.)

Section 7.5.5 Public Hearing Requirements

City Council shall adopt policies and procedures which govern the manner in which public hearings are called and conducted. Printed copies of such policies and procedures shall be available for distribution to the public, and shall at a minimum specify such information as required by the state of Georgia Zoning Procedures Law (O.C.G.A. § 36-66-5.)

SECTION 7.6 TEXT AMENDMENTS

The text of the Midville Zoning Ordinance may be amended from time to time by the City Council of Midville. Text amendments shall be initiated and considered by the City Council under the provisions of this section, and the applicable provisions of Section 7.5 (General Administrative Processes.)

Section 7.6.1 Initiation and Submittal

A text amendment of the Midville Zoning Ordinance may be initiated solely by the City Council. Text amendments shall be subject to the applicable requirements of Section 7.5.3 (Requirements for Submittal) of this Ordinance – such submittal being prepared by the Designated Zoning Official.

Section 7.6.2 Public Hearing and Action by Governing Body

Text amendments of this Ordinance shall be subject to the public notice and public hearing provisions of this section 7.5.4 (Public Notice Requirements) and 7.5.5 (Public Hearing Requirements.)

In rendering a decision on a text amendment, the City Council shall consider information supplied by the Designated Zoning Official, and any information presented at a public hearing. The City Council shall approve or deny the application, including or excluding any modification it recommends, or table the item until the subsequent meeting of the City Council. In cases where the amendment has been proposed to be modified by City Council, and it deems that such modification substantially changes the intent or scope of the original proposed text amendment, the City Council may direct a new public hearing be advertised by the Designated Zoning Official.

Approval, approval with modifications, or modifications, or denial of an amendment to the text of this Ordinance must be rendered by a vote of the City Council within 60 days of the last public hearing at which the text amendment was considered; or, such proposed amendment shall automatically have been determined to be denied.

Section 7.6.3 Criteria for Consideration of Text Amendments

The City Council shall consider at least the following standards for text amendments- prioritizing those standards that are appropriate to the circumstances of each proposal:

1. Extent to which the proposed amendment is consistent with the purpose and intent of the Midville Zoning Ordinance.
2. Extent to which the proposed text amendment is compatible with the purpose and intent of the comprehensive plan.
3. Effectiveness of proposed text of addressing new or changing conditions in the City of Midville.
4. Extent to which the proposed text amendment promotes the public health, safety, and general welfare of the City of Midville.

Section 7.6.4 Effective Date

A text amendment shall be in full force and effect upon its approval or upon stated effective date and shall, from that point in time apply to all property within the municipal limits of the City of Midville unless otherwise exempted by Section 7.12 (Nonconformities).

Section 7.6.5 Reapplication

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

SECTION 7.7 ZONING MAP AMENDMENTS (REZONINGS)

The Official Zoning Map of the City of Midville may be amended from time to time by the City Council of Midville. Zoning map amendments (rezonings) shall be initiated and considered by the City Council under provisions of this section.

Section 7.7.1 Initiation and Submittal

An application for the rezoning of any property in the City of Midville may be initiated by the City Council, the owner(s) of the property, or an authorized agent of the property owner(s). Text amendments shall be subject to the applicable requirements of Section 7.5.3 (Requirements for Submittal) of this Ordinance.

Section 7.7.2 Pre-Application Conference

Applicants or potential applicants seeking a zoning map amendment that is associated with the annexation of property into the municipal limits of the City of Midville shall first be required to attend a pre-application conference with the Designated Zoning Official. No zoning map amendment application associated with the annexation of property into the municipal limits of the City of Midville shall be submitted, or accepted by the Designated Zoning Official for processing, unless the applicant has participated in a pre-application conference.

Section 7.7.3 Review and Staff Recommendation

The Designated Zoning Official shall review the zoning text amendment submittal package for completeness and prepare the application for the consideration of the City Council. The Designated Zoning Official may, but shall not be required to, distribute parts of, or the entire, zoning text amendment submittal package to other departments and external agencies for review and comment as appropriate. Written comments received as result of, and in accordance with, the City of Midville's review process shall be included with the applicants submittal package information submitted for consideration by the Designated Zoning Official to the City Council. The Designated Zoning Official may render recommendations to the City Council based on the criteria for consideration provided in Subsection 7.6.3, and any other relevant evidence that is applicable to a particular response.

Section 7.7.4 Public Hearing and Action by Governing Body

Zoning map amendments shall be subject to the public notice and public hearing provisions of Section 7.5.4 (Public Notice Requirements) and 7.5.5 (Public Hearing Requirements). In rendering a decision on a zoning map amendment, the City Council shall consider information supplied by the Designated Zoning Official, and any information presented at the public hearing. The City Council shall approve or deny the application, or it may approve the application with

conditions, or table the item until the subsequent meeting of the City Council. In cases where the public hearing process reveals that an alternative zoning designation than that originally requested by the applicant may have referred, the application may be modified with no restriction or at no additional fee subject to the written agreement of the applicant; but, such modified application must be re-advertised and reviewed, and a new public hearing held, as if it were a new application and in accordance with the procedural requirements of this Article.

Approval, approval with conditions, or denial of a zoning map amendment must be rendered by a vote of the City Council within 60 days of the last public hearing at which the text amendment was considered; or, such proposed amendment shall automatically have been determined to be denied.

Section 7.7.5 Criteria for Consideration of Application

The City Council shall consider at least the following standards for zoning map amendment requests- prioritizing those standards that are appropriate to the circumstances of each proposal:

1. Is the proposed zoning suitable to the view of the zoning and development of adjacent and nearby property?
2. Will the proposed zoning adversely affect the existing use of usability of adjacent or nearby property?
3. Is the proposed zoning compatible with the purpose and intent of the Comprehensive Plan?
4. Are there substantial reasons why the property cannot or should not be used as currently zoned?
5. Will the proposed zoning cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?
6. Is the proposed zoning supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?
7. Does the proposed zoning reflect a reasonable balance between the promotion of public health, safety, morality, or general welfare and the right to unrestricted use of property?

Section 7.7.6 Withdrawal of Application

An application for a zoning map amendment may be withdrawn at any time at the discretion of the person or entity initiating such a request upon written notice to the Designated Zoning Official, up until one (1) day prior to the public hearing by City Council. An applicant's request to withdraw the application on the day of or during the public hearing may only be granted by the City Council. Withdrawal of a zoning map amendment application will be subject to one (1) of the following three (3) provisions:

1. If the application is withdrawn by the applicant prior to the publication of notice of a public hearing and before the City Council, the application shall be withdrawn administratively by the Designated Zoning Official without restriction on the re-filing of a proposed zoning map amendment in the future.
2. If the applicant withdraws the application after notice has been published or is irretrievably set for publication but the application may not be resubmitted for a period of six (6) months on the date of withdrawal.
3. If the request for withdrawal is made on the day of or during the public hearing on the case, the request may be approved by a majority vote of the City Council, but an application for rezoning on the property may not be submitted for a period of six (6) months from the date of withdrawal.

Withdrawal of an application for a zoning map amendment at any time during the submittal, review and public hearing process shall not entitle the applicant to a refund of their application fee.

Section 7.7.7 Effective Date

An approved zoning map amendment shall be in full force and effect upon its approval or upon stated effective date, including the all provisions of the district that apply to the subject property and applicable district provisions that impact adjacent property, unless an existing use or activity on said properties is otherwise expected by Section 7.12 (Nonconformities.)

Section 7.7.8 Reapplication

If a proposed zoning amendment is denied by the City Council, or the application for said amendment is otherwise withdrawn following of a publication in accordance with Section 7.7.6 (Withdrawal of Application), no zoning map amendment may be considered for the property which was subject of denial or withdrawn application for a period of six (6) months.

SECTION 7.8 SPECIAL USE PERMITS

Special uses of property may be permitted from time to time by the City Council of Midville. Requests for special uses shall be initiated and considered by the City Council under the provisions of this section.

Section 7.8.1 Initiation and Submittal

An application for a proposed special use of property listed in Table 4-1 of Article 4 (Permitted Land Uses by Zoning District,) may be initiated by the City Council, the owner(s) of the property, or an authorized agent of property owner(s). Special use applications shall be subject to, and processed in accordance with, Section 7.7 (Zoning Map Amendments) of this Ordinance. A special use is not a use by right, and may be subject to approval, approval with conditions, or denial by action of the City Council.

A conceptual site plan meeting the minimum parameters established within Subsection 7.5.3(B) (Submittal Package Parameters) may be required by the City of Midville as part of a special use application package that shall also be sufficient to illustrate a proposed special use's adherence to the unique dimensional requirements that are listed within the applicable subsection of Section 5.1 (Conditional and Special Uses.)

Section 7.8.2 Pre-Application Conference

Applicants or potential applicants seeking a special use that is associated with the annexation of property into the municipal limits of the City of Midville shall first be required to attend a pre-application conference with the Designated Zoning Official. No application for a special use on property proposed to be annexed into the municipal limits of the City of Midville shall be submitted, or accepted by the Designated Zoning Official, unless the applicant has participated in a pre-application conference.

Section 7.8.3 Duration and Scope of Validity

The approval of the special use request on a property located in the City of Midville shall be in full force and effect upon its approval by the City Council and shall be effective for a period of twelve (12) months, unless a shorter time frame is specifically established by the City Council as a condition for variance approval. If no action is taken by the applicant to implement the purpose of the variance request within twelve (12) months from the date of approval, or other short time frame established by City Council, said approval shall become null and void. A special use that is granted shall be specific to the request made only by the current applicant and shall not stay with the property.

SECTION 7.9 ANNEXATIONS

Annexations of property into the municipal limits of the City of Midville shall be processed in the appropriate method provided within the Official Code of Georgia Annotated (O.C.G.A § 36-66-1 et.seq.).

Section 7.9.1 Pre-Application Conference Required

Applicants or potential applicants seeking the annexation of property into the municipal limits of the City of Midville shall be required to attend a pre-application conference with the Designated Zoning Official. Among the purposes of the pre-application conference is for the is the Designated Zoning Official to advise potential applicants on whether or not their pending request may be consistent with the applicable provisions of state statute, and to clarify the applicant's options regarding the concurrent zoning of the property. No annexation application shall be submitted to the City Of Midville, or accepted by the Designated Zoning Official for processing, unless the applicant has participated in a pre-application conference.

Section 7.9.2 Zoning Concurrent with Annexation

The zoning of property to be annexed into the municipal limits of the City of Midville shall be consistent with the applicable sections of the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-1 et.seq.), and with Section 7.7 (Zoning Map Amendments) of this Ordinance; except, that there shall be no waiting period for reapplication of an annexation request for property for which a prior application was denied or withdrawn. Applications for a special use may be considered concurrently with annexation applications. Where an application for annexation does not specify a preferred zoning district for the property to be annexed, the City Council shall initiate a zoning map amendment of the subject property or properties as provided for in Subsection 7.7.1.

Section 7.9.3 Variance not a Condition of Annexation

No application for a variance, or administrative variance, for property from the provisions of this Ordinance shall be submitted to the City of Midville, or accepted by the Designated Zoning Official for processing, while the applicable property is in the process of being annexed and until after the effective date of pending annexation. The conditions of City Council that may be applied to the zoning map amendment or special use applications submitted concurrent to an annexation being considered by the City of Midville shall not have the effect of granting a variance from the provisions of this Ordinance.

SECTION 7.10 VARIANCES

Persons may seek relief, from compliance with certain requirements of the zoning-related requirements of the Midville Zoning Ordinance when the strict application of the Ordinance would create a particular and unique hardship, by filling an application for variance in accordance with this Section with the Designated Zoning Ordinance consideration by the City Council. This relief may be granted only to the extent necessary to alleviate such unnecessary hardship and not as a convenience to the applicant or to gain any advantage or interest over similarly zoned properties.

Section 7.10.1 Initiation and Submittal

An application for a variance of provision of this Ordinance for any property in the City of Midville may be initiated to the City Council, the owner(s) of the property, or an authorized agent of the property owner(s). Variance applications shall be subject to the applicable requirements of Section 7.5.3 (Requirements for Submittal) of this Ordinance. Each provision of this Ordinance for which a variance is sought shall constitute a separate request and shall require the submittal of a separate application. Each property for which a variance is requested shall be considered a separate request and shall require the submittal of a separate application; except that the City of Midville may process a single application for multiple properties where such properties are being combined and developed as a single tract.

Section 7.10.2 Review and Staff Recommendation

The Designated Zoning Official shall review the variance application submittal package for completeness and prepare the application for the consideration of the City Council. The Designated Zoning Official may, but shall not be required to, distribute parts of, or the entire, variance application submittal package to other departments and external agencies for review and comment as appropriate. Written comments received as a result of, and in accordance with, the City of Midville's review process shall be included with the applicants submittal package information submitted for consideration by the Designated Zoning Official to the City Council. The Designated Zoning Official may render recommendations to the City Council based on the criteria for consideration provided in Subsection 7.10.4. and any other relevant evidence that is applicable to a particular request.

Section 7.10.3 Public Hearing and Action by Governing Body

Variance requests shall be subject to the public notice and public hearing provisions of Section 7.5.4 (Public Notice Requirements) and 7.5.5 (Public Hearing Requirements.) In rendering a decision on a variance request, the City Council shall consider information supplied by the Designated Zoning Official, and any information presented at the public

hearing. The City Council shall approve or deny the application, or it may approve the application with conditions, or table the item until the subsequent meeting of the City Council. The action of City Council shall be final.

Approval, approval with conditions, or denial of a variance request must be rendered by a vote of the City Council within 60 days of the public hearing at which the request was considered; or, such a request shall automatically have been determined to be denied.

Section 7.10.4 Criteria for Consideration of Application

The City Council shall consider at least the following standards for variance requests-prioritizing those standards that are appropriate to the circumstances of each proposal:

1. There are extraordinary and exceptional conditions pertaining to a particular piece of property in question due to size, shape, or topography; and,
2. The strict application of the Midville Zoning Ordinance to this particular piece of property would create unnecessary hardship; and, there are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned.
3. Relief, if granted, would not cause substantial detriment to public good or impair the purpose and intent of this Ordinance.
4. The applicant has illustrated beyond a doubt that a failure to approve the variance request will cause inability to make any reasonable use of the land if the provision of the Ordinance in question were applied literally.
5. The hardship is not self-created (e.g., a lot is purchased with the knowledge of an existing restriction).

Section 7.10.5 Provisions that Cannot be Varied

1. A condition was created by the applicant, including the result of an unwise investment of real estate decision.
2. A change in conditions of approval was imposed through a rezoning application approved by the City Council.
3. The reduction of a minimum lot size required by a zoning district.
4. The use of land or buildings or structures that is not permitted by the zoning district that is applicable to the property.
5. Any increase in the number of dwelling units or non-residential building floor area otherwise permitted by the zoning district that is applicable to the property.

Section 7.10.6 Withdrawal of Application

An application for a variance from a specific provision of this Ordinance may be withdrawn at any time at the discretion of the person or entity initiating such a request upon written notice to the Designated Zoning Official, up until one (1) day prior to the public hearing by City Council. An applicant's request to withdraw the application on the day of or during the public hearing may only be granted by the City Council. Withdrawal of a variance application from a specific provision of this Ordinance will be subject to the one (1) of the following three (3) provisions:

1. If the application is withdrawn by the applicant prior to the publication of notice of a public hearing before the City Council, the application shall be withdrawn administratively by the Designated Zoning Official without restriction on the re-filing of a proposed zoning map amendment in the future.
2. If the applicant withdraws the application after notice has been published or is irretrievably set for publication but the application has not been heard by the City Council, the application shall be withdrawn administratively by the Designated Zoning Official and an application for a variance from the specific provision of Ordinance in question may not be resubmitted for a period of six (6) months from the day of withdrawal.
3. If the request for withdrawal is made on the day or during the public hearing on the case, the request may be approved by a majority vote of the City Council, but an application for a variance from the specific provision of Ordinance in question may not be submitted for a period of six (6) months from the date of the withdrawal.

Withdrawal of an application for a variance at any time during the submittal, review and public hearing process shall not entitle the applicant to a refund of their application fee.

Section 7.10.7 Duration and Scope of Validity

The approval of the variance request on a property located in the City of Midville shall be in full force and effect upon its approval by the City Council and shall be effective for a period of twelve (12) months, unless a shorter time frame is specifically established by the City Council as a condition for variance approval. If no action is taken by the applicant to implement the purpose of the variance request within twelve (12) months from the date of approval, or other shorter time frame established by the City Council, said approval shall become null and void. A variance that is granted shall be specific to the request made only by the current applicant and shall not stay with the property.

Section 7.10.8 Reapplication

If a variance application from a specific provision of this Ordinance is denied by the City Council, or the application for said request is otherwise withdrawn following publication of a publication in accordance with Section 7.10.6 (Withdrawal of Application), a variance application from said provision may be considered for the property which was the subject of denial or withdrawn application for a period of six (6) months.

SECTION 7.11 ADMINISTRATIVE VARIANCES

The Designated Zoning Official shall have the authority to, upon application, to grant or deny administrative variance from certain provisions of the Midville Zoning Ordinance where his or her opinion, the intent of the Midville Zoning Ordinance can be achieved and equal performance obtained by granting an administrative variance. The authority of the Designated Zoning Official to review and approve, approve subject to conditions, or deny administrative variances shall be limited only to those matters and provisions of the Ordinance that are listed within this section.

Section 7.11.1 Provisions Subject to Administrative Variance

The following provisions of the Midville Zoning Ordinance may be administratively varied by the Designated Zoning Official subject to the parameters of this section:

1. Setbacks, front yards, and rear setbacks may be reduced up to 10 feet as said footage is applied to the construction of improvement on an individual parcel.
2. Building Coverage: The maximum building coverage shall not exceed five (5) percent above the applicable maximum.
3. Maximum Height: The maximum height of building shall not exceed eight (8) feet above the applicable maximum.
4. Paved Parking: An alternative paving material must be shown by the applicant to improve storm water run-off rates while providing the same or enhanced structural stability as those surfacing materials otherwise required by this Ordinance.
5. Minimum Parking: A reduction in the rate of minimum required standard parking shall not exceed 20 percent of the required amount and shall be considered based on the scale and impacts of the request, and the ability to prove good cause. This ordinance does not permit administrative variances from minimum handicapped parking requirements.

Section 7.11.2 Requirements for Processing Administrative Variances

Persons requesting an administrative variance from an eligible provision of the Midville Zoning Ordinance shall adhere to the requirements for submittal as provided within this section. The City of Midville shall process complete and accurate applications for administrative variances according to the provisions of this section; except, that the City of Midville shall not process requests where the submittal package is incomplete, or contains information that is improper or erroneous.

1. Submittal Package: Administrative variance requests shall be filed with the Designated Zoning Official. Submittal packages shall at a minimum contain an application form generated by the City of Midville and completed accurately, a written narrative explaining and justifying that request and any associated application fee required by the City of Midville.
The Designated Zoning Official reviewing the application is authorized to require any additional and supporting information necessary to for the applicant to justify the request for relief, whether or not much information is specifically required by the City's administrative variance application form. The City of Midville reserves the right to require a separate submittal package for each provision of the Ordinance for which an administrative variance is being sought.
2. Review for Completeness: The Designated Zoning Official shall review all administrative variance submittal packages within 10 business days of the receipt of the package for completeness. Initial completeness review shall not include additional and supporting information not required in writing by the City of Midville's application form but otherwise determined to be necessary by the Designated Zoning Official in order to render a fair and accurate decision. Five (5) additional business days from the initial receipt of the submittal package shall be provided for the receipt of the discretionary supporting information required by the Designated Zoning Official. Incomplete, improper or erroneous submittal packages, including those lacking the required discretionary information, will be returned to the applicant.
3. Decision: The Designated Zoning Official shall approve, with conditions, or deny administrative variance requests within 28 business days of the receipt of a completed submittal package, including required discretionary information. The decision of the designated Zoning Ordinance shall be provided in writing, and shall consider whether one (1) or more conditions necessary for the approval of variances exists as provided in section 6.9 of this Ordinance.

Section 7.11.3 *Effects of Decision*

All administrative variances are considered on a case-by-case basis and evaluated on the individual merits of each use. The ruling of the Designated Zoning Official on a request for an administrative variance shall be considered a precedent substantiating future requests, and may differ cases of perceived similarity due to a wide variety of factors, including but not limited to changing conditions of property and development, modifications of city policy, negative conditions resulting from prior grants of administrative variances, etc.

The decision of the designated Zoning Official on a request for an administrative variance is final and may be appealed to the City Council of the City of Midville under provisions of Section 7.13 (Appeals). Any Applicants that is denied an administrative variance, or who disagrees with any of the conditions set for as part of the approval of an administrative variance, may instead file a variance application under the provision of Section 7.10 (Variances.)

SECTION 7.12 NONCONFORMITIES

The adoption of the Midville Zoning Ordinance, including subsequent amendments; or, other actions conducted under the provisions of this Ordinance such as zoning map amendments, annexations, etc; may deem existing uses, lots, building, and structures that were previously lawful before, prohibited under the terms of the ordinance. These nonconforming situations are declared to be incompatible with authorized and land uses, dimensional requirements, or other applicable provisions within the zoning district(s) in which they are located. The intent of the City of Midville is to allow these nonconformities to continue until they are otherwise removed or cease. Nonconformities shall not be used as grounds for adding other buildings, structures, or uses of land prohibited by the Midville Zoning Ordinance. No building, structure, or use of land shall be enlarged, expanded, moved, or otherwise altered, in any manner that will increase the nonconformity.

Section 7.12.1 *General Parameters Related to Nonconformities*

Nonconformities of property, whether by land use, dimensional requirement, or other applicable provision of this Ordinance shall be subject to the following and applicable general parameters:

1. Buildings or structures with nonconforming characteristics which are occupied by a nonconforming use shall be enlarged, expanded, moved or otherwise altered in any manner except in compliance with the Midville Zoning Ordinance.
2. Nonconforming uses, building, structures, or lots of record with nonconforming characteristics, shall not be extended or enlarged beyond the area of use either on the same lot or adjoining property or beyond the conforming size, height, or other dimension or characteristics of the building or structure as it existed on the date of adoption of the Midville Zoning Ordinance or subsequent amendments.
3. No changes in plans, construction, or designated use of any building or structure for which development or building permit was lawfully apply only issued, or preliminary or final subdivision plat was lawfully approved, prior to the effective date of the Midville Zoning Ordinance, or subsequent amendment, shall be required provided:
 - a. That the permit or approval has not expired on its terms prior to the effective date of this Ordinance.
 - b. Actual building construction is commenced prior to the expiration of such permit or approval.
 - c. Actual building construction is carried on pursuant to said permit or approval and limited to and in strict accordance with said permit or approval.
 - d. No renewals or extensions of said permit or approval shall be authorized.
4. A nonconforming use, structure, building, lot of record, or other nonconforming characteristic that is changed to a conforming state shall be permitted to revert to a nonconforming situation.
5. No nonconforming situation shall be changed to another nonconforming situation.
6. It shall be the sole responsibility of the owner of a nonconforming lot, building or structure to prove to the City of Midville that such nonconformity of property was lawfully established and existed on the effective date of adoption or amendment of this Ordinance.

Section 7.12.2 *Damage to Nonconforming Buildings and Structures*

Nonconforming buildings and structures damaged by fire or other natural cause, and not as the result of unlawful activity, may be subject to re-establishment as provided within this section. Re-establishment of a nonconforming building or structure, and associated nonconforming land use, following damage by fire or other natural cause may only occur if reconstruction of the building or structure is completed within 18 months of the date of damage.

1. Nonconforming buildings or structures with nonconforming characteristics that have been damaged by fire or other cause in an amount of less than 75 percent of the assessed value may be reconstructed according to its prior configuration; except, that the Designated Zoning Official may require that the situations of nonconforming building or structure was used in whole in or part for a nonconforming land use activity or operation, such use may be re-established.
2. Nonconforming buildings or structures with nonconforming characteristics that have been damaged by fire or other cause in excess of 75 percent of the assessed value shall be reconstructed except where such building or structure shall adhere to the dimensional requirements of this Ordinance. Where such nonconforming building or structure was used in whole in or part for a nonconforming land use activity or operation, such use may be re-established.

Where the reconstruction of buildings and structures that are not conformance with the dimensional requirements of this Ordinance is permitted consistent with this Section, such reconstruction shall adhere to the most current building codes administered and enforced by the City of Midville, and shall not obligate the City to approve the reconstruction of a building or structure that is structurally unsafe.

Section 7.12.3 Correction or Reduction of Nonconformities

It is the desire of the City of Midville to reduce the frequency of nonconforming situations over time. To this end, the Designated Zoning Ordinance is authorized to seek methods for the correction of the nonconforming use of building, land and structures during the land development or permitting approval processes provided in this Ordinance. As part of the administrative approval or permits, or other determination or authorization process of the City of Midville as provided in this Ordinance, efforts will be made to seek incremental compliance of nonconforming situations to the requirements of this Ordinance.

As part of any land development review, whether through applications, site plan, review, plats, etc., the Designated Zoning Official is directed to document and make note of where existing nonconforming situations exist on the property, and where such situations may be corrected or reduced through reasonable modifications to such application, plat, or plan. In determining where corrections or reductions of nonconforming situations are warranted, the Designated Zoning Official shall be guided by one (1) of two (2) options:

1. Strict Compliance: Conformity of the dimensional requirements of the Ordinance can clearly be achieved through the permitting or land development approval process.
2. Proportional or Reasonable Compliance: Some degree of conformity can be achieved toward the dimensional standards of the Ordinance.

Section 7.12.4 Discontinuance and Abandonment of Nonconforming Uses

A nonconforming land use shall not be re-established on a property following the lapse of such nonconforming activity or operation for an extended period of time. Subject to the applicable parameters of this Section, a lapse in nonconforming land use activity shall be treated as “discontinuance” or “abandonment.” The mere issuance or re-issuance of a business license of the City of Midville during the period of time that would constitute a discontinuance or abandonment without additional supporting evidence provided by the owner that a tangible effort was made to re-establish the nonconforming land use on the property shall not serve as adequate justification to avoid loss of the nonconforming status.

1. Discontinuance: The lapse of the activity or operation of a non-conforming land use for a period of six (6) to 18 months shall constitute a condition of discontinuance. A nonconforming land use meeting the definition of discontinuance shall not be re-established unless the property owner proves to the Designated Zoning Official that a diligent effort has been made to re-establish the nonconforming land use in question prior to the expiration of the 18 month period in question through, sale, rent, or similar means.
2. Abandonment: The lapse of the activity or operation of a non-conforming land use for a period of 18 or more months shall constitute a condition of abandonment. A nonconforming land use meeting the definition of abandonment shall be re-established regardless of any prior effort of the property owner to re-establish the nonconforming land use in question during the 18 month period in question.

A lapse in nonconforming land use activity for a period of time that is less than what would constitute a discontinuance or abandonment may be re-established a legal nonconforming land use so long as all licenses and permits required by the City of Midville area maintained, and the use activity is otherwise conducted in a lawful manner.

SECTION 7.13 APPEALS

Persons aggrieved by the determination or action of the Designated Zoning Official or other designated administrative official rendered on administration or enforcement of this Ordinance may request an appeal to the City Council of Midville. The appeal of determination related to any and all of the provisions of this Ordinance shall adhere to this section; except, where an alternative appeals process is provided within another section of this Ordinance in order to account for unique issues related to a specific type of activity or land development.

Section 7.13.1 *Requirements for Processing Appeals*

Persons appealing the determination of the Designated Zoning Official or other designated administrative official shall adhere to the requirements for initiation and submittal of appeals as provided within this section. The City of Midville shall process complete and accurate applications of appeal according to the provisions of this section; except, that the City of Midville shall not process appeals where the submittal package is incomplete, or contains information that is improper or erroneous.

1. Submittal Package: Appeals shall be filed with the Designated Zoning Official within 15 days of the decision or determination in question by a letter from the applicant stating the following:
 - a. Name of applicant
 - b. Contact information including: Mailing Address, Phone Number and Email
 - c. Specific decision being appeals
 - d. Reason for requesting appeal (including new relevant information
 - e. Action desired by City CouncilThe letter of appeal shall be accompanied by any other application form generated by the City of Midville for the purpose of processing appeals, completed accurately, and any associated application fee required by the City of Midville. A separate submittal package shall be completed and submitted for each provision, determination, and administrative action for which an appeal is being sought.
2. The filing of a full and completed submittal package of appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Designated Zoning Official certifies to the City Council that by reason of the facts a stay would impede the abatement of a condition of urgent or imminent danger to the health and safety of the public.
3. The full submittal package, and all papers constituting the record upon the determination or action appealed from was taken, shall be transmitted to the City Council by the Designated Zoning Official.
4. The application of appeal shall comply with the public notice and public hearing requirements provided in Section 7.5 of this Ordinance.
5. Appeals shall be heard by the City Council at either the next regularly scheduled meeting or at a called meeting of the City Council and must be held within 60 days following the acceptance of an appeals request.
6. The Designated Zoning Official and City Council may call for further information to be provided at either the next scheduled meeting or called meeting of the City Council within the next 30 days following the appeals hearing and may continue the hearing for the purpose of the receiving such information, for further discussion among the Council members, or for such proceeding as it deems appropriate.

Section 7.13.2 *Effects of Determination*

The City Council, in deciding on an appeal may in conformity with this article, affirm the City's previous decision, reverse its previous decision, or modify the order, requirement, or decision or may return the matter to the Designated Zoning Official for further investigation or action as it directs.

Approval of an appeal by City Council on an application filed in accordance of the provisions of this sections shall nullify any prior and applicable administrative action taken in regard to a permit, citation, or determination on the property in question. The decision of City Council shall be in full force and effect upon its approval and shall cause the applicable permit to be issued, citation to be revoked, determination to be reversed, other enforcement action to be rescinded, or cause to be modified any such determination or action, such as the case may be.

SECTION 7.14 VIOLATIONS AND ENFORCEMENT

Section 7.14.1 Complaints and Violations

Any activity conducted in a manner that is inconsistent with the provisions of this Ordinance, including those conducted inconsistent with or in advance of receiving a permit, certification, determination, or other type of approval required herein, shall constitute a violation. Such activities shall be subject to the enforcement procedures and remedies contained in this section; unless alternative enforcement provisions are provided within another section of this Ordinance in order to account for unique issues related to a specific type of activity or land development.

A violation or alleged violation, of this Ordinance may be filed by any person with the Designated Zoning Official either verbally or in writing; or, may be initiated by the Designated Zoning Official through observation. The Designated Zoning Official shall record such alleged violation, investigate, and undertake those activities necessary to enforce the provisions of the Ordinance.

Section 7.14.2 Fines and Charges

1. Fines: Any person violating this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be subject to a minimum fine of one hundred and fifty dollars (\$150.00) for each violation. Each day such violation occurs shall constitute a separate offense.
2. Abatement Expenditures: In instances where the abatement of a violation of this Ordinance occurs through the action of the City of Midville, or otherwise through the expenditure of public funds, the cost of such expense may be charged by the City of Midville to the responsible party. The City of Midville shall retain discretion to determine on a case-by-case basis the method in which abatement expenditures are recovered, including through the application of a lien against the real property upon which such cost was incurred. Abatement expenditures charged to the responsible party shall be independent of, and in excess of, any fined levied as a result of conviction or violation of this Ordinance.

Section 7.14.3 Enforcement Techniques

The City of Midville may issue citations to prosecute violations of this Ordinance before a court of competent jurisdictions; and further, shall have their disposal the additional enforcement techniques provided within this section. The enforcement techniques listed in this section include remedies for violations or alleged violations for this Ordinance which may be applied to responsible parties in addition to those provided in Section 7.14.2 (Fines and Charges.)

1. Stop Work Order: The City pf Midville may upon notice order the cessation of work being performed in violation to the provisions of this Ordinance or otherwise in a dangerous manner.
2. Injunction: The City of Midville may issue an injunction to cause a violation of this Ordinance to cease or be corrected.
3. Revocation of Permit, License, or Certification: The City of Midville mat suspend or invalidate existing land development permits, licenses, certifications, or other determinations previously issued in accordance with this Ordinance.
4. Revocation of Legal Nonconformity: The City of Midville may revoke the legal nonconforming status of building, structure, or use of land consistent with the provisions of Section 7.12 (Nonconformities.)
5. Bond Forfeiture: The City of Midville may deem that a person required to post a bond or other financial guarantee for performance or maintenance is in violation of the provisions of this Ordinance, that the violator has forfeited such bond or financial guarantee,

and may call the financing mechanism in order to use the proceeds for the purposes of bringing the unlawful activity into compliance.

6. Withholding of Utility Service: The City of Midville may withhold, or request or direct an applicable utility service provider to withhold, utility, service to any property on which a violation is alleged to have occurred.
7. Summary Abatement: Notwithstanding the other enforcement techniques provided within this section, the City of Midville may through removal, demolition, clearance, or other similar action cause to be abated a building, structure, or property condition without prior notice having been served where in the opinion of the City, the violation constitutes a condition of urgent or imminent danger to the health and safety of the public.
8. Other Necessary Actions: The Designated Zoning Official is authorized to take other appropriate or necessary action to ensure compliance with or to prevent the violation of the provisions of this Ordinance.

The specific methods or processes utilized by the City of Midville for the purpose of enforcing violations or alleged violations of this Ordinance shall vary according to the type of violation, and according to other factors which may include but not be limited to repetitive violations by a specific party, or a specific property. The City of Midville shall seek to provide consistency in enforcement methods and processes where the nature of Ordinance violations is similar.

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