

ORDINANCE NO. 2025-01

An Ordinance regulating within the City of Blythe, State of Georgia, the location, height, bulk, number of stories and size of buildings and other structures; the sizes of yards, courts, and other open spaces; the density *and* distribution of population; and the uses of buildings, structures, and land for trade, industry, residence, recreation, mining, agriculture, forestry, conservation, sanitation, protection against floods, public activities, and boundaries thereof; defining certain terms used herein; providing for the method of administration and amendment; establishing and defining the powers and duties of the Planning Commission; providing penalties for violations, repealing conflicting ordinances; and for other purposes.

ARTICLE I: PREAMBLE, ENACTMENT CLAUSE AND SHORT TITLE

1.1 Preamble and Enactment Clause

The City Council of the City of Blythe, Georgia, pursuant to Article IX, Section 2, paragraph 4 of the 1983 Constitution of the State of Georgia, and for the purpose of promoting the health, safety, morals, order, convenience, prosperity, and general welfare of the people of the City of Blythe, Georgie, considering, among other things, present conditions and anticipated future growth and development of the City of Blythe with due regard to its relationship to neighboring incorporated and unincorporated territories and to the relationship of surrounding incorporated and unincorporated territories to the incorporated territory of the City of Blythe, and to guide and accomplish a coordinated, adjusted, and harmonious development of the City of Blythe, and to best promote efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire, traffic, noise, pollution and other dangers, adequate provision for light and air, the efficient and economical expenditure of public funds, adequate provision of public utilities and other public services as will facilitate economical and adequate provisions for transportation, soil and water conservation, water quality, water supply, drainage, education, sanitation, recreation, development and conservation of the natural resources of the City of Blythe, fostering agriculture and other industries for the purpose of lessening hazards to life, limb, and health in the City of Blythe, and for the civil defense of the population, does hereby ordain and enact into law the following articles and sections:

1.2 SHORT TITLE

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

ARTICLE II: DEFINITIONS

2.1 Interpretation of Certain Terms and Words

For the purpose of interpreting this Ordinance, certain words and terms as used herein are defined as follows: Words used in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural number include the singular. The word "person" includes a firm, association, organization, partnership, corporation, trust, and company of any kind or nature as well as an individual. The word "lot" includes the word "plot" or "parcel."

The word "building" includes the word "structure." The words "must" and "shall" are mandatory and not directory. The words "should" and "may" are permissive. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied." The term "City Governing Body" means the City Council of the City of Blythe, Georgia. The word "street" includes street, avenue, boulevard, road, highway, lane, circle, drive, freeway, viaduct, alley, and other public ways.

2.2 List of Definitions

Except as specifically defined herein all words used in this Ordinance shall have the meaning customarily assigned to them.

Access Drive – a private way giving access from a public road to land abutting the right-of-way thereof; a vehicular entrance to or exit from such abutting property to a public road.

Accessory Use – a use customarily incidental and subordinate to the principal use or building located upon the same lot with such principal use or building.

Adult Entertainment Use – the use of any land or structure or any portion thereof for an adult bookstore, adult entertainment establishment, or adult theater as defined hereinbelow:

(1) *Adult bookstore*: A store which contains or is used for the display or sale of books, magazines, movie films, still pictures and any and all other written materials, photographic materials, novelties, devices and related sundried items, which are distinguished or characterized by their emphasis on matters depicting, describing or related to specified sexual activities or specified anatomical areas, as defined hereinbelow; or an establishment with a segment or section devoted to the sale or display of such material.

(2) *Adult entertainment establishment*: An establishment which contains, or is used for, commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by employees, devices, equipment or by personnel provided by the establishment; or where the patron views a series of dance routines, strip performances or other gyrational choreography provided by the establishment which appeals to the prurient interest of the patron.

(3) *Adult theater*. A regulated use for the viewing of performances or activities by others, whether such performances are in the form of live shows, motion pictures, slide shows or other forms of photographic or visual display, which are distinguished or characterized by the emphasis on matters depicting, describing or related to specified sexual activities or specified anatomical areas, as defined below; or an establishment with a segment or section devoted to the sale or display of such material.

(4) *Specified anatomical areas*: Human genitals and pubic regions, buttocks, female breast below a point immediately above the top of the areola if less than

completely and opaquely covered, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(5) *Specified sexual activities*: Acts of human masturbation, sexual intercourse, sodomy or any acts of bestiality, or fondling or other erotic touching of human genitals, pubic region, buttock or breast of either male or female.

Agricultural Use – the use of land and structures for the production and processing of soil crops and livestock in a customary manner on tracts of land at least five (5) **acres in area**. Crops, livestock or products derived therefrom may be offered for retail sale on the premises upon which they are raised or produced provided ample parking is provided for each customer's vehicle off the public rights-of-way.

Aquifer – any stratum (rock layer) or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

Block – a piece or parcel of land entirely surrounded by public streets, roads or highways, other than alleys.

Buffer – an area of natural vegetation or manmade construction which is intended to provide a visual and dimensional separation between dissimilar land uses.

(1) *Natural buffer*: A visual screen created by vegetation of such density so as to present an opaque visual separation when viewed from one side to the other throughout the year.

(2) *Structural buffer*: A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm, which may be supplemented with vegetation, so as to present an opaque visual separation when viewed from one side to the other.

Building – any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of persons, animals or chattels.

Building, Accessory – a detached building designed for a use which is clearly incidental and subordinate to the principal structure or use of the land, which shall not be more than 16 feet in height and which is located on the same lot as the principal structure or use.

Building Height – the vertical distance measured from the level of the established grade opposite the middle of the front of the building, to the highest point of the roof surface of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip, or gambrel roof.

Building Inspector – the person appointed, employed, or otherwise designated by the City of Blythe as the Building Inspector and/or his designated agent or agents.

Building Line – a line between which line and any street line of a district, lot, tract, or parcel of land, no structure or part of a structure may be erected, altered, or maintained.

Building, Main – any building in which is conducted the main use of the lot on which said building is located. In any residential district any dwelling shall be deemed to be a main building on the lot upon which it is situated.

Building Permit – a written permit issued by the Planning Commissioner of the City of Blythe.

Building Line Setback - the distance between the building line and the property line in a district, lot, tract, or parcel of land.

Cargo Containers – as any metal or primarily metal container designed or constructed to ship, store, or handle bulk goods or items, or which appears substantially similar to such containers in appearance. Such containers include reusable steel boxes, freight containers, and bulk shipping containers; originally; a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation or storage of freight, articles of goods or commodities; generally capable of being mounted or moved on a rail car, or loaded on a ship.

Carport – a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used solely for vehicle storage for the occupants of the premises. A carport may be attached to the main building or detached (free standing). In the case of an attached carport, the side of the main building is considered as one enclosed side.

Club, Church, or Fraternal Organization Use – the use of land and structures for social educational, religious, or recreational activities or purposes which are not primarily for profit.

Commercial Use – any use of land and structures involving in whole or in part the storage and/or display of merchandise or materials for the purpose of wholesale or retail sale or any use involving the rendering of a personal service.

Conditional Use – a use not ordinarily permitted but which may be permitted upon the imposition of conditions related to the promotion of the public health, safety, morals, or general welfare of the public and designed to minimize the negative impact on surrounding lands. Such conditions may include, but are not limited to, restrictions on land use; height, setback and other non-use requirements; physical improvements to the property and infrastructure serving the property. Before a conditional use permit may be issued, the standards governing the exercise of the zoning power set forth in Section 17.7 of this Ordinance shall be applied and the application for such permit must be approved in the same manner as a zoning request.

County Health Officer – the person appointed, employed, or otherwise designated by Augusta-Richmond County, Georgia, or Burke County, Georgia, as the Environmental Health Specialist for their respective jurisdictions.

County Road Superintendent – the person appointed, employed, or otherwise designated by Augusta-Richmond County, Georgia, or Burke County, Georgia, as the County Road Superintendent for their respective jurisdictions.

Cow – for purposes of this Ordinance, an animal of the bovine breed, including cow, calf, heifer, steer, bull, bullock and ox but does not include bison, African buffalo, water buffalo, yak or antelope.

Cross Drain – a device, usually constructed of reinforced concrete or consisting of concrete or corrugated aluminum pipe, whose function is to transfer or drain surface water from one side of a roadway to the other and located beneath the surface of the roadway.

Data Center – physical facilities used to house and operate computing machines and related hardware, including information technology systems infrastructure such as servers, data storage drives, and equipment, serving digital needs relating to complex processes such as cloud computing, cybersecurity, ecommerce, communications, data processing, and artificial intelligence driven uses.

Day Care Center – any type of group day care programs including nurseries for children of working parents, nursery schools for children under minimum age for education in public schools, parent cooperative nursery schools, playgroups for pre-school children, programs covering after-school care for school children provided such establishment is licensed by the State of Georgia and conducted in accordance with State requirements.

Driveway – a privately owned vehicular passageway having at least one end thereof connected to a public street, and providing ingress to and/or egress from a lot.

Dwelling – a building designed, arranged or used for permanent living quarters for one or more persons.

Dwelling, Single-Family – a detached dwelling unit other than a manufactured home, designed for and occupied by one family only, with a minimum width of no less than fourteen (14) feet, a minimum roof pitch of 2:12, and a roof surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass, or metal tiles, slate, or other approved materials.

Dwelling, single-family attached: A single family dwelling attached to at least one other single family dwelling by a common vertical wall functioning as the property line, with each dwelling located on a separate lot.

Dwelling Unit – a building providing complete living facilities for one family.

Family – an individual or two (2) or more persons related by blood, marriage or adoption and not more than two other individuals living together in a dwelling unit or a group of not more than four (4) individuals not related by blood, marriage or adoption living together in a dwelling unit. Every additional group of four or less persons living in such a housekeeping unit shall be considered a separate family for the purposes of this ordinance.

For the purposes of this Ordinance, "a family" may include foster children placed in a family foster home licensed by the State of Georgia, but shall not include fraternities, sororities, rooming houses or boarding houses, rest homes, tourist homes, group care facilities, or family care homes.

Filling Station – the use of land and structures for service which primarily involves the retail sale of gasoline and related vehicular fuel and additives, oil and related lubricants and additives, and minor accessories, batteries, packaged supplies, tires, tubes, and the like and minor services such as lubrication, engine adjustments, minor parts adjustments, repair, replacement, polishing, tire and tube balancing, repair, and replacement, washing, waxing, and the like for individual passenger vehicles excluding steam cleaning, spray painting, engine overhaul, overnight vehicular storage, commercial parking, wrecker operation, and vehicular repairs where such repair includes metal bumping, grinding, or hammering, or other noisy operations, or removing the head of the engine.

Lot, Flag - flag lots are prohibited in all zoning districts. A flag lot is a tract or lot of land of uneven dimensions in which the portion fronting on a public street is less than the required minimum width required for construction of a building or structure on that lot. flag lot is typically an interior lot located generally to the rear of another lot, but with a narrow (flag pole) portion of the lot extending to the public street. (See Figure 1.1.A).

Frontage – the distance for which property abuts one side of a street, road, highway, or other public way measured along the dividing line between the property and the right-of-way of such street, road, highway or other public way.

Garage – a building used for the storage or housing of motor driven vehicles.

Generalized Wetlands Map – the current US Fish and Wildlife Service National Wetlands Inventory maps for the City of Blythe, Georgia.

Governing Body – the Mayor and City Council of the City of Blythe, Georgia.

Groundwater Recharge Area (a.k.a. Aquifer Recharge Area) – an area of the earth's surface where water infiltrated the ground, thereby replenishing the groundwater supplies within an aquifer.

Home Occupation – the use of part of a dwelling unit solely by an occupant thereof for pursuits compatible with a domestic household, provided that: 1) such use is clearly incidental and secondary to the use of the dwelling unit as a private residence; 2) such use does not change the external character of the dwelling unit as a private residence and does not reveal from the exterior that the dwelling unit is being used in part for other than a residence; 3) such use does not create or become a public nuisance with respect to noise, traffic or parking; 4) no goods, wares, merchandise, stock in trade or commodities are offered or exposed for sale, or sold, or kept for sale in the dwelling unit, and no mechanical equipment is used except that which is customarily used purely for domestic household purposes; 5) such use shall not occupy more than twenty-five percent (25%) of the heated

floor space of the dwelling unit; and 6) there are no assistants employed on the premises of the dwelling unit who are not occupants of the dwelling unit.

Hydric Soils – soils that form as a result of saturated soils conditions. The Soil Conservation Service maintains a list of these soils.

Hydrophytic Vegetation – macro phytic plants tolerant of or dependent on saturated soil conditions.

Individual Septic Tank – A general term referring to a means of sewage disposal, other than a public or community system, serving buildings or structures designed or used for human occupancy, congregation, or employment.

Junk Yard – any parcel of land or building for which the principal or accessory use is the abandonment, collection, demolition, dismantlement, keeping, storage, bailment, salvage or sale of used, discarded, worn out or scrapped machinery, vehicles, vehicle parts, scrap metal, chains, used pipes, waste paper, rags, appliances, enamelware, furniture, bottles, cans, rope, iron, copper or other scrap or discarded materials.

Jurisdictional Determination – an official written statement or map signed by the US Army Corps of Engineers or, in the case of coastal marshlands, the Georgia Department of Natural Resources.

Jurisdictional Wetlands – a wetland area that meets the definitional requirements for wetlands as determined by the US Army Corps of Engineers.

Kennel – any establishment where dogs or cats are maintained for boarding, holding, training, or similar purposes for a fee or compensation.

Land Subdivision – a parcel or tract of land, the dimensions of which are shown on a map and filed with the Clerk of the Superior Court of the county in which said property is located, as of the date of the adoption of this ordinance.

Lane – a public thoroughfare or way which ordinarily affords only a secondary means of access to abutting property and which is not more than twenty feet wide.

Lot – a measured parcel or tract of land having fixed boundaries and designated on a plat or survey.

Lot, Corner – a lot which abuts on two or more streets and/or roads at their intersection, or upon a curved street, provided that the two sides of the lot, or the tangents to the curve of the street line at its starting points at or within the side lines of the lot, intersect to form an interior angle of not more than 135 degrees.

Lot Depth – the distance between front and rear lot lines. If two opposite sides of said lot are not parallel, the depth shall be deemed to be the mean distance between the front and rear lot lines.

Lot Line, Front – the front lot line of an interior lot separating the lot from the fronting street right-of-way. All lot lines of a corner lot which abut a street shall be front lot lines.

Lot, Interior – a lot not situated as a corner lot, with road frontage on only one side of the lot.

Lot Line, Rear – the rear lot line boundary opposite and more or less parallel to the front lot line. The rear lot line of an irregular or triangular lot shall be for the purpose of this ordinance a line not less than ten feet long, lying wholly within the lot, and parallel to and farthest distance from the front lot line.

Lot Line, Side – a side lot boundary line that is not a front lot line or a rear lot line. A side lot line separating a lot from a street line is an exterior side lot line. Any other side lot line is an interior side lot line.

Lot Width – the width of the lot measured at the building line setback.

Manufactured House or Manufactured Home – a detached structure constructed in one or more units with wheels for movement (whether or not such wheels are later removed) with a minimum 2:12 roof pitch and roof surface of wood shakes, shingles, asphalt composition, concrete, fiberglass or metal tiles, slate, or other material as approved by the building official, and defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 USC 5401, et seq. The definition at the date of adoption of this Ordinance is as follows:

"Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or *forty* body feet or more in length, or when erected on site, is three hundred twenty or more square feet, and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained herein; except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this title.

Map, Official – the official zoning map of the City of Blythe, Georgia, which shows the boundaries of the various districts superimposed upon the property map and record system for the City of Blythe, Georgia.

Multi-family Dwelling – a residential building designed for or occupied by two or more families with the number of families in residence not exceeding the number of dwelling units provided.

Non-conforming Use – a lawful use of or vested right to use any building, structure or land existing at the time of the adoption of this Ordinance or the adoption of any amendment

thereto which does not comply with the standards set forth in this Ordinance or subsequent amendments.

Parking Lot – a parcel of land devoted to unenclosed parking spaces that may include partially enclosed one-story buildings, and where a charge is made for parking or storage of vehicles.

Parking Space – an area of appropriate dimensions of not less than 200 square feet, exclusive of access or maneuvering area, or ramps or columns, etc., to be used exclusively as a temporary storage space for private motor vehicles. Truck loading space shall not be included in such area. When the application of a unit of measurement for parking spaces to a particular use or structure results in a fractional space, any fraction under one-half shall be disregarded; fractions of one-half and over shall be counted as one space.

Person – any individual, firm, co-partnership, corporation, company, association, joint stock association, or body politic, and includes *any* trustee, receiver, assigns or other similar representative thereof.

Personal Care Home – a use in which domiciliary care is provided with support and supervisory personnel that provide room and board, personal care and rehabilitation services in a family environment for resident handicapped persons, who have physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently. However, handicapped shall not include: 1) the current illegal use of, or addiction to, either alcohol or a controlled substance; 2) any person whose residency may constitute a direct threat to the health or safety of other individuals or whose tendency would result in substantial physical damage to the property of others; 3) work release facilities for convicts or ex-convicts or other housing facilities serving as an alternative to incarceration; or 4) persons who are otherwise not deemed to be handicapped as that term is defined under the Fair Housing Act, 42 U.S.C.A. § 3601 *et seq.*

Planning Commission – the City of Blythe Planning and Zoning Commission.

Pollution Susceptibility – the relative vulnerability of groundwater to pollution from chemical spills, leaching of pollutants from dump sites, animal waste from agricultural operations or pollution generated by other human activities.

Pollution Susceptibility Maps – the maps prepared by the Georgia Department of Natural Resources (DNR) that show the relative susceptibility of groundwater to pollution. Pollution susceptibility maps categorize the land areas of the State into areas of high, medium, and low groundwater pollution potential.

Portable Storage Containers – a portable or moveable, weather resistant receptacle designed and used for the storage or shipment of household goods, wares, valuables or merchandise.

Public Use or Structure – any land or building owned, used, or maintained by a federal, state, county, or municipal government or their agencies; accessible to, supported or shared by all members of the community.

Public Road – a street or road or right-of-way for either which is owned or maintained by a unit of government or an authorized agency thereof.

Public Sanitary Sewerage – a sanitary system for the collection and treatment of water borne wastes, and which is operated by a local unit of government or approved for operation by a local government.

Qualified Surveyor – a person licensed by the State of Georgia to perform the duties of a land surveyor.

Recreational vehicle – aircraft, campers, camping trailers, motor homes, off-road vehicles, travel trailers, utility trailers, and watercraft.

Registered Engineer – a person licensed by the State of Georgia to perform the duties of an engineer.

Regulated Activity – any activity which will, or which may reasonably be expected to result in the discharge of dredged or fill material into waters of the US, excepting those activities exempted in Section 404 of the Federal Clean Water Act.

Residential – a building or portion thereof containing or designed to contain space for human dwelling.

Restaurant – the use of land and structures for on-premises sales and consumption of food and beverages including food trucks or carts.

Right-of-Way Line – the dividing line between a lot, tract or parcel of land and a contiguous public right-of-way for a street, road, highway or other public way.

Roadway – that portion of a road which is improved, designed, or ordinarily intended for use by vehicular traffic. Divided roads and roads with frontage or access roads have more than one roadway. On undivided roads without frontage roadways or access roads, the roadway width lies between the curb lines or between the pavement edges, whichever is appropriate.

Rooming or Boarding House – a dwelling, other than a hotel or lodging house, where meals or housing accommodations for three (3) or more persons are provided for hire.

Sign – any words, lettering, parts of letters, figures, numbers, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is known, such as are used to designate an individual, a business, or a commodity or product, which are visible from any public highway and used to attract attention.

Sign, Temporary – a sign, banner, informational sign, or advertising display, or other advertising device, constructed of cloth, canvas, fabric, wood, or other temporary material,

with or without a structural frame, and intended for a limited period of display, including decorative displays for holidays or public demonstrations, built or intended to be displayed for a short period of time.

Significant Groundwater Recharge Areas – the areas mapped by DNR in Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology (chemical nature and form of the rock), soil type and thickness, slope, density of lithologic contacts, geologic structure, presence of "karst" topography (sinkholes, caves and fissures associated with limestone and other carbonate rocks), and potentiometric surfaces.

Skirting or underpinning – installation of acceptable material from the exterior base of the manufactured house to the ground which may or may not provide support to the house.

Solar Farms – property used in solar energy development; more specifically, land utilized in the construction and installation of an energy conversion system, including appurtenances, that converts solar energy to a usable form of energy to transfer to the public electric grid in order to sell electricity to a public utility entity. Also known as "solar farm."

Story – the vertical distance of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and ceiling next above it, provided that a cellar shall not be considered a story. Attic or basement space is construed as one-half.

Street or Road – any publicly owned way used for vehicular traffic, regardless of its designation, where the public title to land extends between right-of-way lines.

Structure – anything constructed or erected with a fixed location on or in the ground or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings, manufactured homes, walls, signs, fences, swimming pools, satellite dishes, fallout shelters, mailboxes, billboards and poster panels.

Structural Alterations – any change in the supporting members of a building or structure, such as bearing walls, columns, beams, girders, floor joists, or roof joists, or in the exterior walls.

Subdivider – a person who subdivides land or causes land to be subdivided.

Subdivision – the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development purposes other than agricultural. "Subdivision" includes resubdivision and, when appropriate to the content. Relates to the process of subdividing or to the territory subdivided.

Surety Bond – an agreement in which one person accepts legal liability for another's performance of a contract or obligation.

Truck Stop – the use of land and structures for rental and servicing of vehicles and en-route sales of fuel, lubricants, minor accessories, and the like primarily to vehicles of greater than ¾ ton rated capacity, but not sales of such vehicles.

Use – the purpose for which a building or other structure or a tract of land is designed, arranged, intended, maintained, or occupied; the activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

Water supply – a water supply system which is operated by a local government unit or approved for operation by a local government, including pump and distribution lines, and other facilities appurtenant thereto, serving or designed to serve more than two (2) buildings or structures used or designed to be used for human occupancy.

Wetland – an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas.

Wetland Delineation – the establishment of wetland boundaries by a representative of the US Army Corps of Engineers, or an authority designated by the Corps.

Wetlands Functions – the beneficial roles that wetlands serve, including: storage, conveyance, and attenuation of floodwater and stormwater; protection of water quality and quality and reduction of erosion; habitat for wildlife, including rare, threatened and endangered species; food chain support for a wide variety of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic and recreational amenities.

Wetland Protection District – all wetlands within the jurisdiction of the City of Blythe, Georgia, and shown on the generalized wetland map.

Yard – an open space on the same lot with a main building which space is open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

Yard, Front – an open, unoccupied space on the same lot with a main building, extending the full width of the lot, situated between the street and the front line of the building projected to the side lines of the lot.

Yard, Rear – an open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and rear line of the building projected to the side lines of the lot.

Yard, Side – an open, unoccupied space on the same lot with a main building, situated between the building and the side lot line and extending from the front yard to the rear yard. Any lot line not a rear lot line or a front lot line shall be deemed a side lot line.

ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS

3.1 Division into Districts

For the purpose of this Ordinance, the City of Blythe is divided into five (5) districts designated as follows:

- AG – Agricultural District
- R-1 – Residential District (conventional single-family housing)
- R-2 – Residential District (conventional or manufactured single-family housing)
- R-3 – Residential District (conventional or manufactured multi-family housing)
- BP – Business Professional District

Said districts designate certain uses and conditional uses within each district. A use not specifically permitted within a district is NOT permitted.

3.2 District Boundaries

The boundaries of each district are as shown on a map which is entitled "official Zoning Map of the City of Blythe, Georgia" and certified by the Planning Commission. Said map and all explanatory matter thereon are hereby made a part of and incorporated into this Ordinance. Said map shall be maintained in City Hall.

3.3 Rules for Determining Boundaries

Where uncertainty exists regarding the location of the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- 1 Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- 2 Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be the boundaries.
- 3 Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by using the scale shown on the Zoning Map.
- 4 Where a district boundary line, as appearing on the Zoning Map, divides a lot in single ownership at the time of this enactment, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof.

ARTICLE IV. RESIDENTIAL DISTRICTS

4.1 Intent and Purpose of Residential Districts

The Residential Districts will maintain the quality of life and aesthetic character of the areas of the City of Blythe in which Citizens live

4.2 Table of Standards in Residential Districts

	R-1	R-2	R-3
Minimum Lot Sizes (sq. ft)	43,560	43,560	43,560
Minimum Lot Width (ft)	100	100	100
Front Yard Setback (ft)	30	30	30
Rear Yard Setback (ft)	30	30	30
Side Yard Setback (ft)	20	20	20
Minimum Heated Floor Area Per Dwelling or Manufactured Home (Sq ft)	1,800	1,500	1,200

4.3 R-1 Residential District

1. Permitted uses:

- a. Single-family dwellings which are conventionally built, i.e., stick-built, on the lot; with a minimum square footage requirement of 1,800 square feet; only one dwelling shall be permitted per lot of record.
- b. Any public or private school, as approved by the Planning Commission;
- c. Accessory buildings, subject to the restrictions outlined in Section 8.7 of this Ordinance;
- d. Churches, synagogues and similar places of worship and their customary related uses;
- e. Non-commercial private parks, playgrounds and open spaces;
- f. Municipal, county, state, federal and other public uses, including parks and playgrounds; and
- g. Swimming pools, which shall be enclosed with an appropriate barrier as required by the State Minimum Standard Building Codes adopted by the City of Blythe; a solid or chain link fence not less than four (4) feet in height and constructed or sited in the rear yard is appropriate.
- h. Carports, subject to the restrictions outlined in Section 8.18 of this Ordinance.

2. Conditional uses:

- a. occupations as restricted by the conditions set forth in Section 8.6 of this Ordinance.
- b. The boarding, keeping or housing of horses or cows as restricted by the conditions set forth in Section 8.17 of this Ordinance.

3. Lot Size and Setback Requirements:

- a. Lot Size: All lots in an R-1 Residential District shall have a minimum width of one hundred (100) feet and minimum area of 43,560 square feet (1 acre). Irregularly shaped lots shall measure a minimum of one hundred feet in width along the building setback line.
- b. Setbacks: No main building in an R-1 Residential District shall be located closer than 30 feet to a front lot line or rear lot line and closer than 20 feet to a side lot line. An accessory structure in an R-1 Residential District shall not be located in the front yard of any lot, shall not be located in the side yard of any lot, shall not be located closer than 20 feet to the main building on the lot, shall not be located closer than 20 feet to the side lot line, and shall not be located closer than 10 feet to the rear lot line.

4.4 R-2 Residential District

1. Permitted Uses:

- a. Single-family dwelling which are conventionally built, i.e., stick-built, on the lot; only one dwelling shall be permitted per lot of record.
- b. Manufactured home, subject to the restrictions in Section 8.5 of this Ordinance; minimum square footage shall be no less than 1,500 sq. ft.; only one dwelling shall be permitted per lot of record.
- c. Any public or private school, as approved by the Planning Commission;
- d. Non-commercial private parks, playgrounds and open spaces;
- e. Churches, synagogues and similar places of worship and their customary related uses;
- f. Municipal, county, state, federal and other public uses, including parks and playgrounds;

- g. Swimming pools, which shall be enclosed with an appropriate barrier as required by the State Minimum Standard Building Codes adopted by the City of Blythe; a solid or chain link fence not less than four (4) feet in height is appropriate; and
- h. Accessory Buildings, subject to the restrictions outlined in Section 8.7 of this Ordinance.
- i. Carports, subject to the restrictions outlined in Section 8.18 of this Ordinance.

2. Conditional Uses:

- a. Home occupations as restricted by the conditions set forth in Section 8.6 of this Ordinance; and
- b. Personal care homes as restricted by the conditions outlined in Section 8.11 of this Ordinance.
- c. The boarding, keeping or housing of horses or cows as restricted by the conditions set forth in section 8.17 of this Ordinance.

3. Lot Size and Setback Requirements:

- a. Lot Size: All lots in an R-2 Residential District shall have a minimum width of one hundred (100) feet and minimum area of 43,560 square feet (1 acre). Irregularly shaped lots shall measure a minimum of one hundred (100) feet in width along the building setback line.
- b. Setbacks: No main building in an R-2 Residential District shall be located closer than 30 feet to a front lot line or rear lot line and closer than 20 feet to a side lot line. An accessory structure in an R-2 Residential District shall not be located in the front yard of any lot, shall not be located in the side yard of any lot, shall not be located closer than 20 feet to the main building on the lot, shall not be located closer than 20 feet to the side lot line, and shall not be located closer than 10 feet to the rear lot line.

4.5 R-3 Residential District

1. Permitted Uses:

- a. Single-family dwelling which are conventionally built, i.e., stick-built, on the lot; minimum square footage shall be no less than 1,200 sq. ft.; only one dwelling shall be permitted per lot of record.

- b. Manufactured home, subject to restrictions in Section 8.5 of this Ordinance; minimum square footage shall be no less than 1,200 sq. ft.; only one dwelling shall be permitted per lot of record.
- c. Two-family and multi-family dwelling units (duplexes, triplexes and quadraplexes) provided separate bath/toilet facilities and kitchen/dining facilities are provided for each dwelling unit;
- d. Public or private schools, as approved by the Planning Commission;
- e. Non-commercial private parks, playgrounds and open spaces;
- f. Churches, synagogues and similar places of worship and their customary related uses;
- g. Municipal, county, state, federal and other public uses, including parks and playgrounds;
- h. Swimming pools, which shall be enclosed within an appropriate barrier as required by the State Minimum Standard Building Codes adopted by the City of Blythe; a solid or chain link fence not less than four (4) feet in height is appropriate; any swimming pool shall be located in the rear yard; and
- i. Accessory buildings, subject to the restrictions outlined in Section 8.7 of this Ordinance.
- j. Carports, subject to the restrictions outlined in Section 8.18 of this Ordinance.

2. Conditional Uses:

- a. Home occupations as restricted by the conditions set forth in Section 8.6 of this Ordinance; and
- b. Personal care homes as restricted by the conditions set forth in Section 8.11 of this Ordinance.
- c. The boarding, keeping or housing of horses or cows as restricted by the conditions set forth in section 8.17 of this Ordinance.

3. Lot Size and Setback Requirements:

- a. Lot Size: All lots in an R-3 Residential District shall *have* a minimum width of one hundred (100) feet and minimum area of 43,560 square feet (1 acre). Irregularly shaped lots shall measure a minimum of one hundred (100) feet in width along the building setback line.
- b. Setbacks: No main building in an R-3 Residential District shall be located closer than 30 feet to a front lot line or rear lot line and closer than 20 feet to a side lot line. An accessory structure in an R-3 Residential District shall not be located in the front yard of any lot, shall not be located in the side yard of any lot, shall not be located closer than 20 feet to the main building on the lot, shall not be located closer than 20 feet to the side lot line, and shall not be located closer than 10 feet to the rear lot line.

ARTICLE V. AGRICULTURAL DISTRICTS

5.1 Intent and Purpose of Agricultural Districts

The Agricultural Districts will maintain the quality of life and aesthetic character of the rural areas of the City of Blythe and will protect the character and suitability of such areas for particular uses. These districts will also promote open spaces and protect these areas from congestion and heavy traffic.

5.2 Table of Standards

The following table sets forth the requirements as stated for lot size, lot design and certain building requirements in the agricultural zoning district as indicated.

	AG
Minimum Lot Size(sq. ft)	217, 800 (5 acres)
Minimum Lot Width (ft)	250
Front Yard Setback (ft)	75
Rear Yard Setback (ft)	75
Side Yard Setback (ft)	25
Minimum Heated Floor Area Per Dwelling or Manufactured Home (sq. ft.)	1,000

5.3 AG Agricultural District

1. Permitted Uses:

- a. Agriculture, dairy, and ranching, and other normal agricultural uses;
- b. Buildings incidental to agriculture, dairy, and ranching uses;
- c. Buildings incidental to forestry;
- d. Public or private schools;
- e. Single-family dwelling which are conventionally built, i.e., stick-built, on the lot; only one dwelling shall be permitted per lot of record.
- f. Swimming pools which shall be enclosed with an appropriate barrier as required by the State Minimum Standard Building Codes adopted by the City of Blythe; a solid or chain link fence not less than four (4) feet in height is appropriate;
- g. Commercial and non-commercial private parks, playgrounds and open spaces;
- h. Municipal, county, state, federal and other public uses, including parks and playgrounds;
- i. Home occupations as restricted by the conditions set forth in Section 8.6 of this Ordinance;
- j. Churches, synagogues and similar places of worship and their customarily related uses;
- k. Accessory buildings, subject to the restrictions set forth in Section 8.7 of this Ordinance; and
- l. Manufactured home, subject to the restrictions set forth in Section 8.5 of this Ordinance; minimum square footage shall be no less than 1,000 sq. ft.; only one dwelling shall be permitted per lot of record.
- m. Carports, subject to the restrictions outlined in Section 8.18 of this Ordinance.

2. Conditional Uses:

- a. Animal kennels, boarding of animals, and animal grooming establishments, provided that:
 - (i) No activity associated with such establishments are conducted within 400 feet of a permanent dwelling or manufactured home located on another tract of land; and
 - (ii) The applicant for a Conditional Use under this section shall submit a site plan showing the boundaries of the property to be used, its

dimensions, the location of existing and proposed structures to be used for the purpose of this section, and the distance from these locations to any dwelling or manufactured home located on adjacent tracts of land, in addition to the site plan requirements in Article 11 of this Ordinance.

- b. Personal care homes restricted by conditions set forth in Section 8.11 of this Ordinance;
- c. Cemeteries, provided each has a minimum lot size of 25 acres and is in compliance with all applicable state codes and regulations; and
- d. Junkyards, provided that the use is enclosed on all sides by a solid wall or board fence not less than six feet in height. In no case shall this use be allowed within 300 feet of any Residential District.
- e. Telecommunication towers or antennas set forth in Art. X
- f. Solar farms set forth in Sec. 8.20

3. Lot size and Setback Requirements:

- a. Lot Size: All lots in an AG Agricultural District shall have a minimum width of 250 feet and a minimum area of 217,800 square feet (5 acres).
- b. Setback Requirements: A main building in an AG Agricultural District shall not be located closer than 75 feet to a front lot line or rear lot line and shall not be located closer than 25 feet to a side lot line. An accessory structure in an AG Agricultural District shall not be located in the front yard of any lot, shall not be located in the side yard of any lot, shall not be located closer than 20 feet to the main building on the lot, and shall not be located closer than 25 feet to the rear lot line or 25 feet to the side lot line.

ARTICLE VI. NEIGHBORHOOD BUSINESS/PROFESSIONAL DISTRICT

6.1 Intent and Purpose of Neighborhood Business/Professional Districts

The Neighborhood Business/Professional zones shall protect and promote the health, safety, and general welfare of the citizens of the City of Blythe by providing sufficient space for commercial and retail uses and related activities, and by keeping such activities a sufficient distance away from residential areas of the City of Blythe in order to protect residential areas against traffic, noise, and other hazards created by such commercial and retail uses.

6.2 Table of Standards

The following table sets forth the requirements as stated for lot size, lot design and certain building requirements in the Neighborhood Business/ Professional zoning district as indicated.

	BP
Minimum Lot Size (sq. ft)	43,500
Minimum Lot Width (ft)	100
Front Yard Setback (ft)	50
Rear Yard Setback (ft)	50
Side Yard Setback (ft)	20
Road Frontage Planted Buffer Width (ft)	5
Minimum Heated Floor Area Per Dwelling Or Commercial Building (sq. ft)	1,000

6.3 BP Neighborhood Business/Professional District

1. Permitted Uses

- a. Residential uses shall be permitted above the first floor in any BP Neighborhood Business. Professional District;
- b. Professional uses which may occupy an entire building or a group of buildings. These professional uses include, but are not limited to, physicians, lawyers, engineers, architects, animal hospitals, and insurance agents;
- c. Clubs, lodges, fraternal associations, or other non-profit uses;
- d. Day care center subject to the conditions set forth in Section 8.14;
- e. Signs: One exterior non-illuminated sign per lot pertaining only to a use conducted within the building shall be permitted in the BP Neighborhood Business/Professional District. A sign not located flat against the building shall be less than three square feet in area and less than six feet in height. Such sign shall not be located within twenty (20) feet of any Residential District nor shall it be located within 25 feet of the intersection of the right-of-way lines of intersecting streets;
- f. Uses customarily incidental to any of the above uses and accessory buildings, when located on the same lot, including garages for the use of patrons and for employees;
- g. Retail uses, such as clothing, hardware, or other establishment where a customer must visit the site to obtain goods;

- h. Drive-in retail uses where a customer is waited upon in an off-street parking area, or where customer conducts business directly from a vehicle with an agent in the building;
- i. Food and beverages sales establishments, such as restaurants, bakeries, confectionery stores, etc.;
- j. Services uses, including but not limited to appliance repair, beauty/barber shop, tailor, or gasoline filling station;
- k. Truck stops;
- l. Public or private schools;
- m. Municipal, county, state, federal and other public uses, including parks or playgrounds;
- n. Public and private parks and open space, including commercial facilities;
- o. Churches, synagogues and similar places of worship and their customarily related activities; and
- p. Accessory Buildings, subject to the restrictions set forth in Section 8.7 of this Ordinance.
- q. Carports, subject to the restrictions outlined in Section 8.18 of this Ordinance.

2. Conditional Uses

- a. Liquor Store, subject to the restrictions set forth in Section 8.10 of this Ordinance; and
- b. Adult Entertainment uses, subject to the restrictions set forth in Section 8.10 of this Ordinance.

3. Lot Sizes and Setback Requirements:

- a. Lot Size: All lots in a "BP" Neighborhood Business/Professional District shall have a minimum width of 100 feet and a minimum area of 43,560 square feet (1 acre). Irregularly shaped lots shall measure a minimum of one hundred feet in width along the building setback line.
- b. Setback Requirements: No building or structure in a BP Neighborhood Business/Professional District may be located closer than 50 feet to a front lot line or rear lot line and 20 feet to a side lot line. Where a commercial structure

shares a common firewall with an adjacent commercial structure, the side yard setback may be waived. Where a commercial lot abuts a residential lot, the side yard setback requirement will be strictly enforced. An accessory structure in an BP Neighborhood Business/Professional District shall not be located in the front yard of any lot, shall not be located in the side yard of any lot, shall not be located closer than 20 feet to the main building on the lot, shall not be located closer than 50 feet to the rear lot line, and shall not be located closer than 20 feet to the side lot line.

- c. Landscaping Requirement: In the BP Neighborhood Business/Professional District, a planted buffer strip shall be placed along all road frontages. The buffer strip shall be installed by the owner of the property, and shall contain grass or other ground covering, and shall be a minimum of five (5) feet in width. The property owner shall maintain such buffer strip with appropriate watering and debris, tall grass, weed, and rubbish removal. No buildings, structures, storage of materials, or parking shall be permitted in the buffer area. Trees and/or shrubs may be used in the buffer area where appropriate if branches are kept to a height so as not to obstruct or impair traffic or vision from a roadway.

ARTICLE VII. SPECIAL OVERLAY DISTRICT

7.1 Groundwater Recharge Area Protection District

1. Intent: In order to provide for the health, safety, and welfare of the public and a healthy economic climate within the City of Blythe, Georgia, and surrounding communities, it is essential that the quality of public drinking water be ensured. For this reason, it is necessary to protect the subsurface water resources that are contained within aquifers, which are permeable rock strata occupying vast regions of the subsurface. These aquifers are replenished by infiltration of surface water runoff in zones of the surface known as groundwater recharge areas. Groundwater is susceptible to contamination when unrestricted development occurs within significant groundwater recharge areas. It is, therefore, necessary to manage land use within groundwater recharge areas in order to ensure that pollution threats are minimized. The objectives of this section are to:

- a. Protect groundwater quality by restricting land uses that generate, use or store dangerous pollutants in recharge areas;
- b. Protect groundwater quality by limiting density of development; and
- c. Protect groundwater quality by ensuring that any development that occurs within the recharge area shall have no adverse effect on groundwater quality.

2. Establishment of District A Groundwater Recharge Area District is hereby established which shall correspond to all lands within the jurisdiction of the City of Blythe, Georgia,

that are mapped as significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18 1989 edition.

3. Pollution Susceptibility: All recharge areas within the City of Blythe have a medium pollution susceptibility, as indicated by the Georgia Pollution Susceptibility Map prepared by the Georgia Department of Natural Resources.

4. Permit Requirements and Enforcement. The City of Blythe will approve no building permit, rezoning request, or subdivision plan unless the permit, request or plan is in compliance with the groundwater protection standards listed in Section 7.1.5 below

- a. Enforcement: The City of Blythe, its agent, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this ordinance and may take or cause to be made such examinations, surveys or sampling as the City of Blythe deems necessary.
 - (i) The City Council shall have authority to enforce this ordinance; issue permits hereunder; and address violations or threatened violations hereof by issuance of violation notices, administrative orders and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator.
 - (ii) Any person who commits, takes part in, or assists in any violation of any provision of this section shall be fined not more than \$500 for each offense. Each violation shall be a separate offense and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.
 - (iii) The City Council shall have the authority to issue cease and desist orders in the event of any violation of this ordinance. Cease and desist orders may be appealed to the Superior Court of the county in which the affected property is located.
 - (iv) When a building or other structure has been constructed in violation of this section, the violator shall be required to remove the structure.
 - (v) When removal of vegetative cover, excavation or fill has taken place in violation of this section, the violator shall be required to restore the affected land to its original contours and to restore vegetation as far as practicable.
- b. Permit Review and Site Plan Requirement: With the exception of certain exempted activities identified in Section 7.1.4c, applications for a development permit within the Groundwater Recharge Area District shall

include a site plan. The following information is required for all site plans, in addition to the requirements of Article XI, Subdivision Regulations, of this Ordinance:

- (i) A map or maps, drawn to a scale of one-inch equals 50 feet or other approved scale, showing all planned improvements including the width, depth, and length of all existing and proposed structures, roads, water courses and drainage ways, water lines, storm water facilities, and utility installations shall be provided by the applicant.
 - (ii) Location, dimensions and areas of all impervious surfaces, both existing and proposed, on the site.
 - (iii) The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
 - (iv) Elevation of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than five feet.
 - (v) Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
 - (vi) Calculations of the amount of cut and fill proposed and cross-sectional drawings showing existing and proposed grades in areas of fill or excavation. Elevations, horizontal scale and vertical scale must be shown on cross-sectional drawings.
 - (vii) Activities to comply with site plan. All development activities or site work conducted after approval of the site plan shall conform to the specifications of said site plan. Significant changes to the site plan that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of the overall appearance of the development as proposed, can be amended only with the approval of the City Council. Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.
- c. Exemptions to Site Plan Requirements: The following activities and developments are exempt from the requirement for detailed site plans:

- (i) Repairs to a facility that is part of a previously approved and permitted development.
 - (ii) Construction of minor structures, such as sheds
- d. Review Procedures: The application shall be made to the City Council and will be reviewed within 45 days. The review period shall include the preparation of findings (approval, approval with conditions, or disapproval) by the City Council. The applicant will receive written notification of the findings of the City Council. If the review process is not completed within 45 days, the application is considered to be approved.
- e. Public Notice and Public Hearing: Public notice of permit applications, through publication in local newspapers, is required. A public hearing on the application, to be held before the City of Blythe may be scheduled if requested by a citizen. Public announcement of the hearing shall be printed in a newspaper of general circulation in the City of Blythe at least 15 days but not more than 45 days prior to the hearing. A record of the proceedings shall be made and kept on file by the City of Blythe. Any person may testify at the hearing. Decisions of the City of Blythe may be appealed to the Superior Court of the county in which the affected property is located.
- f. Duration of Permit Validity:
 - (i) If construction described in the development permit has not commenced within 1 year from the date of issuance, the permit shall expire.
 - (ii) If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 6 months after the date that work ceased.
 - (iii) Written notice of pending expiration of the development permit shall be issued by the Building Inspector.

5. Groundwater Protection Standards.

- a. Waste Disposal Facilities and Synthetic Liners: For all pollution susceptibility areas, new waste disposal facilities must have synthetic liners and leachate collection systems.
- b. Requirements for Agricultural Compounds: New agricultural impoundment sites shall be lined if they are within a high pollution susceptibility area; a medium pollution susceptibility area and exceed 15 acre-feet; or a low pollution susceptibility and exceed 50 acre-feet. As a minimum, the liner shall be constructed of compacted clay having a thickness of one foot and a

vertical hydraulic conductivity of less than $5 \times 10^{7\text{th}}$ cm/sec or other criteria established by the Natural Resource and Conservation Service.

- c. Hazardous Waste Disposal Facilities: No land disposal of hazardous waste shall be permitted within any significant Groundwater Recharge Area.
- d. Hazardous Waste Handling and Storage: New facilities that handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and local fire code requirements.
- e. Above Ground Chemical and Petroleum Storage Tanks: For all significant Groundwater Recharge Areas, new above ground chemical or petroleum storage tanks having a minimum of 660 gallons must have secondary containment for 110 percent of tank volume or 110 percent of the largest tanks in a cluster of tanks.
- f. Minimum lot sizes for new homes: New homes served by septic tank/drain field systems shall be on lots having minimum size limitations as set within this Code and as follows, based on application of the Occupational Health and Safety Review Manual (hereinafter DHR Table MT-1). The minimums set forth in Table MT-1 may be increased further based on consideration of other factors (set forth in Sections A-F) of the OHR Manual:
 - (i) 150% of the subdivision minimum lot size calculated based on application of OHR Table MT-1 if they are within a high pollution susceptibility area.
 - (ii) 125% or the subdivision minimum lot size calculated based on application of OHR Table MT-1 if they are within a medium pollution susceptibility area.
 - (iii) 110% or the subdivision minimum lot size calculated based on application of OHR Table MT-1 if they are within a low pollution susceptibility area.
- g. No construction may proceed on a building or manufactured home to be served by septic tanks unless the county health department first approves the proposed septic tank installations as meeting the requirements of the Georgia Department of Human Resources of On- Site Sewage Management (hereinafter OHR Manual), and Sections 7.1.5f and 7.1.5g hereinabove.

6. Judicial Review

- a. Jurisdiction: All final decisions of the City of Blythe concerning denial, approval or conditional approval of a permit shall be reviewable in the appropriate Superior Court of Richmond or Burke County.
- b. Alternative Actions: Based on those proceedings and the decision of the court, the City Council may, within the time specified by the court, elect to:
 - (i) Institute negotiated purchase or condemnation proceedings to acquire an easement of fee interest in the applicant's land.
 - (ii) Approve the permit application with lesser restrictions or conditions (i.e. grant a variance).
 - (iii) Institute other appropriate actions ordered by the court that fall within the jurisdiction of the City Council.

7. Assessment Relief: Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of land.

7.2 Wetland Protection District

1. Intent: The wetlands within the City of Blythe, Georgia are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition, the wise management of forested wetlands is essential to the economic well being of many communities within the State of Georgia. Nationally, a considerable number of these important natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other acts. Piecemeal or cumulative losses will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare. It is therefore necessary for the City of Blythe, Georgia law ensure maximum protection for wetlands by discouraging development activities that may adversely affect wetlands. The purpose of this district is to promote wetland protection, while taking into account varying ecological, economic development, recreational and aesthetic values. Activities that may damage wetlands should be located on upland sites to the greatest degree practicable as determined through a permitting process. The objective of this district is to protect wetlands from alterations that will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, groundwater recharge, aesthetic nature and wildlife habitat.

2. Wetland Protection District.

- a. Wetland Protection District: This section shall apply to all lands within wetlands located within the jurisdiction of the City of Blythe, Georgia. A Generalized Wetlands Map, adopted as part of this Ordinance, shows the general location of wetlands and should be consulted by persons contemplating activities in or near wetlands. The Generalized Wetland Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of this Ordinance. The Generalized Wetland Map shall be on file in the office of the Clerk of the City of Blythe.
- b. Wetland Protection District Boundaries: The Generalized Wetland Map is a general reference document, and the wetland boundaries indicated on the map are approximations. The purpose of the Generalized Wetland Map is to alert developers/landowners if they are within proximity to a wetland, which means that there is a high likelihood of the presence of a jurisdictional wetland and a need for the developer/landowner to seek U.S. Army Corps of Engineers guidance as to whether a Section 404 permit will be required prior to any activity. The Generalized Wetland Map does not represent the boundaries of jurisdictional wetlands within the jurisdiction of the City of Blythe, Georgia and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this ordinance does not relieve the landowner from federal or state permitting requirements.

3. Local Development Permits

- a. Local Development Permit Requirements: No regulated activity will be allowed within the Wetland Protection District without written permission from the City of Blythe in the form of a local development permit. Issuance of a local development permit is contingent on full compliance with the terms of this ordinance and other applicable regulations. All activities that are not identified in Section 7.2.3b shall be prohibited without prior issuance of a local development permit. If the area proposed for development is located within 200 feet of the Wetland Protection District boundary, as determined by the City of Blythe or authorized designee using the Generalized Wetland Map, a U.S. Army Corps of Engineers determination shall be required. If the Corps determines that wetlands are present on the proposed development site and that a Section 404 Permit or Letter of Permission is required, a local development permit will be issued only following issuance of the Section 404 Permit or Letter of Permission.

b. Permitted and Prohibited Uses.

The following uses shall be allowed as of right within a wetland to the extent that they are not prohibited by any other ordinance or law, including laws of trespass, and provided they do not require structures, grading, fill, draining or dredging except as provided herein:

- (i) Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided they do not affect waters of Georgia or of the United States in such a way that would require an additional 404 Permit.
- (ii) Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing.
- (iii) Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.
- (iv) The continued cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
- (v) The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved agricultural Best Management Practices are allowed.
- (vi) Education, scientific research and nature trails.
- (vii) Temporary Emergency Permit: A temporary emergency permit can be issued by the City of Blythe for the following reasons:
 - (1) Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telegraph, telecommunication or other services, provided that such roads, structures, or facilities are not materially changed or enlarged and written notice prior to the commencement of work has been given to the City of Blythe and provided that the work is conducted using best management practices to ensure that flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired and that any adverse effect on the aquatic environment will be minimized.
 - (2) Temporary water-level stabilization measures associated with ongoing silvicultural operations.

(3) Limited ditching, tilling, dredging, excavating or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided that the maintenance or repair activity does not result in the impairment, alteration or loss of wetlands not previously subject to agricultural and silvicultural use under the terms and provisions of Section 7.2.3d.

(4) Limited excavating and filling necessary for the repair and maintenance of piers, walkways, nature trails, observation decks, wildlife management shelters, boathouses or other similar water-related structures, provided that they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the wetland.

The following uses shall be prohibited within a Wetlands Protection Area district:

- (i) Receiving areas for toxic or hazardous waste or other contaminants
- (ii) Hazardous or sanitary waste landfills.

c. Site Plans: Applications for a local development permit within the Generalized Wetland Protection District shall include a site plan, drawn at a scale of one-inch equals 50 feet or other approved scale with the following information:

- (i) A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.
- (ii) A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
- (iii) Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 200 feet.
- (iv) The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.

- (v) Elevations of the site and adjacent lands within 200 feet or the site at contour intervals of no greater than two feet; and no greater than one foot for slopes less than or equal to two percent.
 - (vi) Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
 - (vii) All proposed temporary disruptions or diversions of local hydrology.
- d. Activities to Comply with the Site Plan: All development activities or site work conducted after approval of the site plan shall conform with the specifications of said plan. The site plan may be amended only with the approval of the City of Blythe. The City of Blythe may require additional information deemed necessary to verify compliance with the provisions or this ordinance or to evaluate the proposed use in terms of the purpose of this district.
- e. Subdivision Approval in the Wetland Protection District: Any application for a subdivision approval shall include a Jurisdictional Determination approved by the U.S. Army Corps of Engineers. If the Corps determines that wetlands are present and that a Section 404 Permit or Letter of Permission is required, subdivision approval will be issued only following issuance of the Section 404 Permit or Letter of Permission.
- f. Filing Fee: At the time of the application, the applicant shall pay a filing fee specified by the then current City of Blythe Fee Schedule. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation and wetland boundary determinations as deemed necessary by the City of Blythe.
- g. Review Procedures: The application shall be made to the Planning Commission or designated appointee and will be reviewed within 45 days. The review period shall begin upon determination by the Building Official or designated appointee that the application submitted is complete. The review period shall include the preparation of findings (approval or disapproval) by the City Council or designated appointee. The applicant will receive written notification of the findings of the City of Blythe.
- h. Appeals: The decision of Blythe City Council may be appealed to the Superior Court of the county in which the affected property is located.
- I. Duration of Permit Validity:

- (I) If construction described in the development permit has not commenced within 1 year from the date of issuance, the permit shall expire.
- (ii) If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 6 months after the date that work ceased.
- (iii) Written notice of the pending expiration of the development permit shall be issued 2 months in advance of such expiration by the City Council or designated appointee.

4. Monitoring and Enforcement. The City of Blythe, its agent, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this ordinance and may take or cause to be made such examinations, surveys or sampling as the City of Blythe deems necessary.

- a. All enforcement and monitoring activities conducted by the City of Blythe that involve entrance to privately owned land by the City of Blythe shall be preceded by written notification to the landowner. Said notification shall be issued at least 5 days prior to the activities specified in the notification.
- b. The City Council or designated appointee shall have authority to enforce this section; issue permits hereunder; and address violations or threatened violations hereof by issuance of violation notices, administrative orders and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator.
- c. Law enforcement officials or other officials having police powers shall have authority to assist the City Council or designated appointee in enforcement.
- d. The City Council or designated appointee shall have authority to issue cease and desist orders in the event of any violation of this ordinance. Cease and desist orders may be appealed to the Superior Court of the county in which the affected property is located.

5. Penalties

- a. Any person who commits, takes part in or assists in any violation of any provision of this Article may be fined not more than \$500 for each offense. Each violation shall be a separate offense, and in the case of a continuing violation, each day's continuance shall be deemed a separate and distinct offense.

- b. When a building or other structure has been constructed in violation of this Article, the violator may be required to remove the structure at the discretion of the City of Blythe.
- c. When removal of vegetative cover, excavation or fill has taken place in violation of this Article, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the City of Blythe.
- d. If the City of Blythe discovers a violation of this ordinance that also constitutes a violation of any provision of the Clean Water Act as amended, the City of Blythe shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers and the landowner.
- e. Suspension or Revocation. The City of Blythe may suspend or revoke a permit if it finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of work set forth in the permit. The City of Blythe shall cause notice of denial, issuance, conditional issuance, revocation or suspension of a permit to be published in a daily newspaper having broad circulation in the area where the wetland is located.

6. Judicial Review

- a. Jurisdiction: All final decisions of the City of Blythe concerning denial, approval, or conditional approval of a special permit shall be reviewable in the Superior Court of the county in which the affected property is located.
- b. Alternative actions: Based on these proceedings and the decision of the court, the City of Blythe may, within the time specified by the court, elect to:
 - (i) Institute negotiated purchase or condemnation proceedings to acquire an easement of fee interest in the applicant's land.
 - (ii) Approve the permit application with lesser restrictions or conditions (i.e. grant a variance).
 - (iii) Institute other appropriate actions ordered by the court that fall within the jurisdiction of the City Council.

7. Assessment Relief: Assessors and boards of assessors shall consider wetland regulations in determining the fair market value of land. Any owner of an undeveloped wetland who has dedicated an easement or entered into a conservation program with the government or a nonprofit organization restricting activities in a wetland shall have that portion of land

assessed consistent with those restrictions. Such landowner shall also be exempted from special assessment on the wetland to defray the cost of municipal improvements such as sanitary sewers, storm sewers and water mains.

ARTICLE VIII. SUPPLEMENTARY REGULATIONS

8.1 Utility Easements: Utility Easements: Except where alleys or rear service drives are not permitted for the purpose, easements, not exceeding ten (10) feet in width, shall be required on, over, through, across, above, and/or over that portion of each lot along each lot line and elsewhere, if necessary, for stormwater drainage facilities, for the extension of existing or planned utilities, and for ingress and egress for said purposes.

8.2 Off-Street Parking and Loading

1. General Requirements:

- a. All off-street automobile storage or parking facilities shall be designed with appropriate means of vehicular access to a street or lane. Except for single-family dwellings fronting on a minor or local street, no required off-street parking facilities shall be arranged so as to require backing from the space directly onto a public street.
- b. Off-street parking plans shall be submitted as part of the proposed site plans. Such plans shall show the proposed layout of all parking areas, the total number of off street parking spaces to be provided, and the dimensions of the typical individual parking space. Off-street parking plans including driveways and curb cuts shall be reviewed by the Planning Commission staff.
- c. Individual parking spaces shall have the minimum dimensions of ten feet in width and twenty feet in length unless off-street parking is to be provided in common parking bays or lots.
- d. Off-street parking spaces and lots shall be graded to provide adequate drainage and shall be paved with an all weather material or equivalent surface subject to the approval of the City or County Engineer.
- e. Along those lot lines of an off-street parking area that abuts residential districts, a solid screen of no less than five feet in height shall be erected. The screen shall begin five feet from the right-of-way line of a public street and continue for the entire length of the property lines abutting a residential district.
- f. No curb cuts shall be allowed within 25 feet of the intersection of the right-of-way line of two public streets. No curb cut shall be

allowed within 25 feet of any other curb cut on or off the site, nor shall any curb cut be allowed within twelve and one-half (12 ½) feet of any property line.

- g. Any light used to illuminate required parking areas shall be arranged so that the light is reflected away from adjacent properties.
- h. No sign (permanent or temporary), light standard, or screening material shall be placed so as to inhibit the orderly use of a parking facility or in a manner which reduces the number of usable parking spaces. No sign, light standard, or screening material shall be placed so that it obstructs visibility for drivers or pedestrians.
- i. All off-street parking spaces or lots shall be marked by a durable painted stripe designating no less than the required minimum parking areas.
- j. No motor vehicle repair work of any kind shall be permitted in conjunction with *off* street parking areas except minor repair on vehicles owned by the occupant or resident of the principal use for which the off-street parking is intended.
- k. If the required off-street parking space cannot reasonably be provided on the same lot, tract, or parcel on which the principal use is conducted, the applicant may be permitted to provide such space on other off-street property, provided such space lies within 300 feet of the property line of the principal use. Such space may be parking provided for other uses, provided the utilization of the parking area by the proposed uses do not conflict with the activities associated with the primary use, and that the applicant obtains written authorization for utilization of the parking facility on a continuing basis.
- l. The off-street parking requirements contained herein shall not apply to single-family dwellings.

2. Off-Street Parking Requirements for all Use Zones: Off-street automobile parking or storage facilities shall be provided on every lot, tract, *or* parcel on which any permitted use or conditional use is established in accordance with this ordinance. Off-street parking or storage space shall be provided with vehicular access to a public street and shall be equal to or greater than the minimum requirements set forth as follows:

- a. Uses involving general assembly of the public: One space for every four seats in the main assembly area.

- b. Professional Uses: At least one space of off-street parking for every 200 square feet of gross floor area or portion thereof.
 - c. Retail Uses: At least one space for every 200 square feet of building area or portion thereof.
 - d. Drive-in Retail Uses: At least one space for every 100 square feet of building area or portion thereof.
 - e. Restaurants: One space for every 200 square feet of building area or portion thereof.
 - f. Other approved uses: At least one space for every 200 square feet of gross floor area or portion thereof. Multi-Family Dwellings: At least two spaces for every residential unit in *the* dwelling.
 - g. Multi-Family Dwellings: At least two spaces for every residential unit in the dwelling
 - h. Day Care Centers: One space and at least one additional space for every 1a children that may be accommodated by the day care center.
3. Reduction in Number of Required Off-Street Parking Spaces: The Planning Commission may, at its discretion, reduce the minimum number of parking space required for a specific use provided that sufficient evidence is presented justifying the need for such reduction in the requirements and every effort has been made to provide off-street parking in accordance with the stipulations.
4. Parking Space Design:
- a. Each parking space shall be no less than 200 square feet in area.
 - b. At least five percent (5%) of the interior parking area shall be landscaped with plantings, and one tree for each ten (10) spaces shall be installed. Parking lot street frontage screening and perimeter screening shall be a minimum of five feet wide. Planting required within the parking lot is exclusive of other planting requirements, such as screening between conflicting uses or required road frontage buffer areas in BP Neighborhood Business/Professional Districts.
 - c. Appropriate directional signage or road paintings shall be applied to each parking lot in order to direct traffic and minimize traffic conflict.

8.3 Street Access Controls

1. In order to promote the safety of the motorist and pedestrians and to minimize traffic congestion and conflict, the following regulations shall apply:
 - a. Vehicular access from lots to streets shall not exceed 30 feet in width.
 - b. No more than two points of vehicular ingress/egress from a property to any abutting public street shall be permitted for each 400 feet of lot frontage or fraction thereof; provided however that lots with less than 100 feet of frontage shall have not more than one point of access to each abutting public street.
 - c. No point of access shall be allowed within 50 feet of the right-of-way line of any public road intersection, measured from the closest point of the access drive.
 - d. No access drive shall be located closer than 25 feet to another such access drive on the same lot or on adjacent lots.
 - e. No access to a State or Federal route shall be permitted without the prior approval of the Georgia Department of Transportation.

8.4 Non-Conforming Uses

1. Repairs and Alterations:
 - a. Repairs and non-expanding alterations may be made up to 50% of the structure valuation as assessed by the appropriate Board of Tax Assessors or its successor, at the time the petition is presented.
 - b. No structural alterations will be permitted except as provided for in Section 8.4.7 of this ordinance.
 - c. No enlargements will be permitted except as provided for in Section 8.4.7 of this ordinance.
2. Non-Conforming Lots: A building or structure non-conforming as to regulations for use, lot area, setbacks or for dwelling units shall not be added to or enlarged in any manner unless said building or structure, including such addition and/or enlargement, is made to conform to all regulations of the zone in which it is located and all other applicable restrictions of this Ordinance except as is provided for in Section 8.4.7 of this Ordinance.
3. Continuation or Change of Use:

- a. The non-conforming use of land, buildings or structures lawfully existing on the effective date of this ordinance may be continued.
 - b. The non-conforming use of land, buildings or structures may be changed only to a use of the same or a more restricted classification.
4. Expansion: A non-conforming use of a portion of a building or structure designed for and presently in a conforming use shall not be expanded or extended into any other portion of such conforming building or structure nor changed except to a conforming use.
5. Non-Conforming Use of Land: The non-conforming use of land (where no building is involved) lawfully existing on the effective date of this ordinance may be continued provided that no non-conforming use of land shall be expanded or extended either on the same or adjoining property.
6. Abandoned Non-Conforming Use: Any non-conforming use which has been abandoned for a period of one year or more shall not be used for any purpose other than that permitted in the zone in which such use is situated.
7. Structural Alterations and Enlargement: An existing non-conforming use may be permitted to expand in the district in which it is located upon approval by the Planning Commission, provided that:
 - a. A site plan showing the existing non-conforming land and buildings and the proposed expansion has been submitted for approval;
 - b. The existing non-conforming use is a type permitted in a BP Neighborhood Business/Professional District as set forth in Article VI of this Ordinance;
 - c. The enlargement does not exceed 20% of the square footage contained within the existing non-conforming structure, the amount of expansion permitted to be calculated using the square footage on record with the Board of Tax Assessors;
 - d. The expansion shall not extend beyond the property lines of the existing non conforming use except where additional land is acquired to meet the off-street parking requirements of Section 8.2 of this Ordinance;
 - e. The expansion is in compliance with all setback and yard requirements of the zone in which the non-conforming use is located;

- f. Off-street parking and loading are provided in accordance with Section 8.2 of this Ordinance;
- g. The expansion does not involve the construction of any separate structures; and
- h. No previous expansion has occurred under the provisions of this section.

8. Non-Conforming Use Due to Reclassification: The forgoing provisions of this section shall also apply to buildings, structures, land, or uses which hereinafter become non-conforming due to any reclassification of zones under this ordinance or any subsequent change in the regulations of this ordinance.

9. Exceptions: Any new use permitted as a conditional use or granted a variance under the terms of this Ordinance shall not be deemed a non-conforming use, but shall without further action be considered a conforming use.

8.5 Manufactured Homes.

1. "Double-Wide" manufactured homes shall be permitted in AG Agricultural Districts, R-2 Residential Districts, or R-3 Residential Districts. These manufactured homes must meet the following conditions:
 - a. Manufactured homes shall be compared to site built and other housing in the immediate general area within the same zoning or residential district or area. Approval shall be granted upon the finding that the manufactured home is substantially similar in size, siding material, roof material, foundation, and general aesthetic appearance to existing housing which may be permitted in the same general area under this Ordinance in the same zoning district or area. The roof shall have a minimum 2:12 pitch and be constructed of wood shakes, shingles, asphalt composition, concrete, fiberglass or metal tiles, slate, or other material as approved by the building official.
 - b. All towing devices, wheels, axles, and hitches must be removed.
 - c. At each entrance or exit door there must be a landing that is a minimum of three feet by three feet.
 - d. The home shall be placed on a permanent foundation and shall be securely affixed to the ground by tie-downs according to the guidelines and standards of the Southern Standard Building Code, as the same may be amended from time to time by the Southern Building Code Congress International, Inc., or

Appendix H of the Georgia State Building Code, whichever is most restrictive.

- e. Installation of skirting or underpinning shall be required, and such enclosure shall be completed within 45 days of the date the home is placed on the site. Installation shall be in accordance with the manufacturer's installation instructions. Acceptable materials may include masonry, brick, stone, stucco or other similar materials, but shall not include metal. Vinyl is **not** an acceptable material in the R-2 Residential District. In the R-3 Residential District or AG Agricultural District, vinyl shall be an acceptable material.
 - f. Front, rear and side yard setbacks shall apply according to the district in which the manufactured home is located.
 - g. No utilities shall be connected to the home, nor shall a certificate of occupancy be issued until all of the foregoing requirements are met.
2. "Single-Wide" manufactured homes shall be permitted in AG Agricultural Districts or R-3 Residential Districts. These manufactured homes must meet the following conditions:
- a. The home must be connected to the water system (well or public water) and septic tank, as approved by the appropriate health department.
 - b. In the event minimum installation standards have not been adopted by the State of Georgia, the home must be installed according to the manufacturer's installation instructions when available, Appendix H of the Georgia State Building Code, or the Southern Standard Building Code, as the same may be amended from time to time by the Southern Building Code Congress International, Inc., whichever is most restrictive.
 - c. The home shall be placed on a permanent foundation and shall be securely affixed to the ground by tie-downs according to the guidelines and standards of *the* Southern Standard Building Code, as the same may be amended from time to time by the Southern Building Code Congress International, Inc., or Appendix H of the Georgia State Building Code, whichever is most restrictive.
 - d. Installation of skirting shall be required, and such enclosure shall be completed within 45 days of the date the home is placed on the site. Installation shall be in accordance with the Blythe Zoning Ordinance 2025-01

manufacturer's installation instructions. Acceptable materials may include masonry, brick, stone, vinyl or other similar materials, but shall not include metal.

- e. Front, rear and side yard setbacks shall apply according to the district in which the manufactured home is located.
- f. The roof shall have a minimum 2:12 pitch and be constructed of wood shakes, shingles, asphalt composition, concrete, fiberglass or metal tiles, slate, or other material as approved by the building official.
- g. All towing devices, wheels, axles, and hitches must be removed.
- h. No utilities shall be connected to the home nor shall a certificate of occupancy be issued until all of the foregoing requirements are met.

- 3. Manufactured homes shall not be utilized for accessory structures or buildings.

8.6 Home Occupations: In districts where home occupations are permitted as a conditional use, the following restrictions must be met:

- 1. Application for home occupation must be made to the Planning Commission, and the applicable permit fee as set forth on the current City of Blythe Fee Schedule must be paid.
- 2. The office, if any, for the home occupation shall be situated in the same dwelling unit as the home of the occupant.
- 3. The residential character of such dwelling is not changed.
- 4. For home occupations, there shall be no assistants employed who are not occupants of the dwelling in which the occupation is conducted.
- 5. The necessary functions of the home occupation shall not occupy over 25% of the floor area of the dwelling unit.
- 6. One name plaque or sign for each dwelling unit, excluding flashing or animated types and not exceeding one and one-half (1 ½) square feet in area, including the name of the occupant and/or any permitted occupation shall be permitted.
- 7. The Planning Commission may deny a home occupation permit if, in its judgement, such occupancy will be hazardous or injurious to the welfare of the community or if compliance with the requirements of this section has not been met.

8.7 Accessory Uses: In districts where accessory structures are permitted, the following restrictions must be met:

1. In calculating compliance with setback requirements, measurements shall be made from the property line to nearest point on the structure, including eaves and overhanging portions.
2. No accessory building shall be closer than twenty (20) feet from any other structure on the same lot or parcel of land.
3. Where the *rear* yard abuts upon a street, no accessory building shall be closer to the rear lot line than the required setback for the zone.
4. Accessory structures must, to the extent possible, be similar to the main building in character, design, construction and quality, and shall not exceed 16 feet in height.
5. Manufactured homes shall not be allowed as accessory buildings.
6. Cargo Containers and Portable Storage Containers shall be not be allowed as accessory buildings.

8.8 Landscaping Requirements.

1. Screening Between Conflicting Land Uses: If any lot or parcel abuts a lot or parcel in a different zoning district, the following table of minimum screening height/width requirements shall apply. The material used for screening shall be dense vegetation or solid materials such as brick, stone, or wooden fence, or a combination of vegetation and solid structure, as approved by the Planning Commission. The material should provide a year-round visual screen so as to minimize adverse impacts.

	All R Zones	AG Zone	BP Zone
R Zone		3 feet/10feet	6 feet/10 feet
AG Zone	3 feet/10feet		6 feet/10 feet
BP Zone	6 feet/10 feet	6 feet/10 feet	

This screening requirement may be waived if the adjacent land uses are strictly residential in both the R Residential District and the AG Agricultural District.

2. Walls and Fences:
 - a. Walls, fences, and/or vegetation shall be erected where required for privacy, screening, separation, security, erosion control, or to serve other necessary and reasonable functions.

- b. The design and materials used shall be functional and compatible with existing and proposed site architecture.
- c. No fence or wall shall be so constructed or installed as to constitute a hazard to traffic or pedestrian safety.
- d. A fence, wall, latticework screen, or other landscape feature not more than six (6) feet in height may be located in any required front, side, or rear yard except for corner lots.

8.9 Corner Lots: Where lots abut a public street on two sides, the front yard setback limits shall apply to each side of the lot abutting a public street. No structure, shrub, or outdoor use shall be placed on a corner lot so as to permanently or temporarily obstruct vision on the street right-of-way intersection.

8.10 Liquor Stores/Adult Entertainment Uses:

- 1. No use of land or structures for *adult* entertainment or for the distribution, sale, possession for sale, or on-site consumption of alcoholic beverages shall be located closer than 1,000 feet from the property line of the land upon which such use is proposed to the property line of any existing similar establishment, adult entertainment use or alcoholic beverage distribution use or any existing or proposed school, park, library, church, synagogue, or other public use or structure. Said distance shall be measured in a straight line from the point on the property line of the land proposed to be used for adult entertainment or the distribution, sale, possession for sale, or on-site consumption of alcoholic beverages which is nearest to the closest point on the property line of *any* existing similar establishment, adult entertainment use, alcoholic beverage distribution use or any existing or proposed school, park, library, church, synagogue, or other public use or structure to said closest point on the property line of any existing similar establishment, adult entertainment use, alcoholic beverage distribution use or any existing or proposed school, park, library, church, synagogue, or other public use or structure.
- 2. No land, lot, structure, or portion thereof shall be jointly used for adult entertainment and the distribution, sale, possession for sale, or on-site consumption of alcoholic beverages.

8.11 Personal Care Homes: In districts where personal care homes are permitted as conditional uses, the following restrictions must be met:

- 1. **Location:** No personal care home shall be located in areas where the health, safety, and welfare of the residents of the home would be compromised. Examples of such areas would be near industrial sites or other sites where environmental quality would be poor, and also areas where law enforcement records indicate that the incidence of crime is high.
- 2. **Proximity to Other Personal Care Homes.** No personal care home shall be located less than 1200 feet from an existing or proposed personal care home.

8.12 Deeds of Conveyance: All deeds of conveyance of real property located in any development which include the construction of streets, roads, and/or stormwater management facilities which are not dedicated to and accepted by the county or counties in which the improvements are located shall contain on the face thereof the following language in prominent bold capital letters:

"THE GRANTEE HEREIN ACKNOWLEDGES THAT ANY AND ALL MEANS OF INGRESS AND EGRESS TO THE PROPERTY CONVEYED HEREIN ALONG THE STREETS OF THE DEVELOPMENT AND ALL STORMWATER MANAGEMENT FACILITIES OF THE DEVELOPMENT AS OUTLINED ON THE PLAT OF SAID DEVELOPMENT ARE PRIVATELY OWNED. THEY ARE NOT MAINTAINED BY THE CITY OF BLYTHE AND ARE NOT PART OF THE STREET, ROAD OR PUBLIC WORKS SYSTEMS OF THE CITY OF BLYTHE. THE INDIVIDUAL OWNERS OF LAND IN THE DEVELOPMENT ARE RESPONSIBLE FOR THE UPKEEP AND MAINTENANCE OF THE STREETS, ROADS AND STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAT OF SAID DEVELOPMENT THROUGH THE DEVELOPMENT'S INCORPORATED HOMEOWNERS' ASSOCIATION."

8.13 Proof of Incorporation of Homeowners' Association: The developer of any subdivision in the City of Blythe shall provide proof to the Planning Commission from the Georgia Secretary of State of the incorporation of the subdivision's homeowners' association and proof that said association holds the title to the right-of-way of the streets and the title to the stormwater management facilities on behalf of the purchasers of lots in said subdivision and proof that all purchasers in said subdivision are required to be members of said homeowners' association.

8.14 Day Care Centers.

1. No day care center shall be located closer than 400 feet to any other existing or proposed day care center.
2. Outdoor play areas along common property lines with residential uses shall be screened with not less than a six foot high buffer.
3. The lot size shall meet the requirements of the BP zoning district.
4. One off-street loading space and at least one additional off-street loading space for every 20 children that may be accommodated by the day care center shall be provided.

8.15 Placement of Main Buildings: All main buildings shall be built, erected *or* placed so that its front entrance shall face the street as parcel is recorded with County Assessment Recorder. On corner lots, main buildings may be placed so that its front entrance faces either street.

8.16 Merger of Lots: Two or more lots located wholly *or* partially within the incorporated boundaries of the City of Blythe may be merged into one lot provided that the owner of said lots submits to the Planning Commission a certified copy of a plat which has been recorded in the Office of the Clerk of Superior Court of the county in which the property is located showing said former lots as one lot.

8.17 Boarding of Horses and Cows: In the zoning districts where the boarding of horses and cows is permitted as a conditional use, the following restrictions must be met:

1. The minimum lot size for one horse is one (1) acre. The minimum lot size for two horses is two (2) acres. The minimum lot size for three horses is three (3) acres. For four or more horses, the minimum lot size is four (4) acres.
2. The minimum lot size for one cow is eight-tenths (0.8) of an acre. The minimum lot size for two cows is 1.6 acres. The minimum lot size for three cows is 2.4 acres. For four or more cows, the minimum lot size is 3.2 acres.
3. No activities (boarding, grooming, grazing, stabling, feeding, roaming, riding, etc.) associated with horses are conducted within seventy-five (75) feet of a neighboring or adjacent dwelling, house or manufactured home located on another tract of land.
4. No activities (boarding, grooming, grazing, stabling, feeding, roaming, riding, etc.) associated with cows are conducted within fifty (50) feet of a neighboring or adjacent dwelling, house or manufactured home located on another tract of land.
5. Any stable, barn or other structure provided for the animal must comply with the setbacks applicable to the zoning district in which the lot is located.
6. The applicant shall provide written consent from all owners and tenants of adjoining properties.
7. Lots not under common ownership may not be merged or used together to satisfy the minimum lot size requirements.
8. All animals must be enclosed within the boundaries of the lot by a fence of appropriate size and strength.
9. All enclosures, stables, structures and barns shall be kept in a clean and sanitary condition at all times.
10. The animal owner shall minimize accumulations of animal feces on the property and keep the property free of noxious odors.
11. All animals shall be maintained solely for the use, companionship and enjoyment of the property owner or lawful tenant and shall not be used for commercial purposes on the property or for the commercial production of farm products.
12. The applicant for a conditional use shall submit a site plan showing the boundaries of the property to be used, its dimensions and acreage, the location of existing and proposed

structures and fencing and the distance from these locations to any neighboring dwelling or manufactured home.

13. A conditional use, if granted, applies only to applicant's use of the property and cannot be transferred or assigned to another owner or tenant.

8.18 Carports: In zoning districts where carports are permitted, the following restrictions must be met:

1. Except as provided in paragraph 2 below, carports must meet applicable zoning district setback requirements for accessory structures. In calculating compliance with setback requirements, measurements shall be made from the property line to nearest point on the structure, including eaves and overhanging portions.
2. No setback requirement shall apply for the distance between the carport and the main building or dwelling. With the exception of the main building or dwelling, no carport shall be closer than twenty (20) feet from any other structure on the same lot or parcel of land.
3. Where the rear yard abuts upon a street, no carport shall be closer to the rear lot line than the required setback for the zoning district.
4. Carports must, to the extent possible, be similar to the main building in design, material and color.
5. Carports must not be placed or constructed in a designated utility easement or drainage easement.
6. Carports may not exceed fourteen (14) feet in height and may not exceed nine hundred (900) square feet in ground area.
7. The erection of a carport requires a plan review by the Planning Commission, a building permit to be issued and inspection by the City.

8.19 Driveways: In all zoning districts where driveways or access drives are constructed, installed or developed, the following restrictions must be met:

1. Driveways and access drives shall be graded and constructed so as to provide positive drainage away from all buildings. Drainage for driveways shall be coordinated with the general storm water drainage pattern for the area.
2. Driveways and access drives shall be constructed to accommodate natural storm water flow.
3. Cross-drains shall be provided in driveways to accommodate natural storm water flow.

4. A building permit is required for driveway or access drive construction. The Building Inspector will inspect driveway construction to ensure it meets the requirements of this section.

8.20 Recreational Vehicles

1. It shall be unlawful for any recreational vehicle to be used as a residence for a period of time exceeding 30 consecutive days, or 60 calendar days, in any given year as a temporary residence. It shall be unlawful for any recreational vehicle, temporary storage container, trailer, or vehicle to be used as a dwelling unit. Conditional use permits may be granted on a case basis, i.e. flooding, destruction damage not to exceed 6 months.
2. It shall be unlawful for an owner to allow a recreational vehicle to be parked on any public right-of-way, except for loading and unloading, which loading and unloading shall not exceed 12 hours.
3. All human waste shall be disposed of using permanently connected toilet facilities.
4. If a residential structure becomes uninhabitable through no action of the homeowner, the homeowner may request permission from the planning commission to camp on the property for up to six months while repairs are made. Any request for additional camping periods of time must be requested from the city council.

8.21 Solar Farms

1. **Application Process.** Once a solar project location is selected by a developer and a plan has been developed, a presentation shall be scheduled with the City of Blythe's Planning Commission. This presentation shall provide the complete details of the project, including drawings/layout of the proposed site, total energy generation, parcel maps including parcel numbers, total anticipated investment, decommissioning plan, and detailed written plans for addressing all line items of this ordinance.
2. **Permit and Fees.** The City of Blythe will require a site improvement permit on all land use projects. The permit cost will depend on the amount of the investment, and must be purchased at City Hall prior to commencement of the work.

The Georgia EPD may also require a land disturbance fee for any project exceeding one acre. The project owner is responsible for obtaining this permit from EPD.

Once a permit is issued for a Solar Project, the applicant must commence construction within six months of issuance, or the permit shall expire. Construction must be completed within eighteen months of permit issuance unless the permit expressly provides otherwise. Exceptions to these time limitations may be made at permit issuance for good cause. For tax purposes, the Solar Project shall be considered complete and operational no later than eighteen months after commencement of construction.

3. **Site Considerations.** The electric energy produced in Solar Electric Power Generation establishments that is used to provide electric power transmission systems or to electric power distribution systems and shall be subject to the following conditions:

- a. **Glint & Glare:** Solar components must have a UL listing and must be designed with an anti-reflective coating(s). All construction shall be in compliance with the National Electric Code and the Georgia Building Code. The developer shall graphically demonstrate to the City of Blythe's Planning Commission through the use of renderings, photographs, or similar credible media that the proposed solar collection device or combination of devices shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways, and shall not interfere with traffic or create a safety hazard. Screening, using fencing of at least eight (8) feet in height, along with vegetative buffers placed outside the security fence, shall be provided along all sides of the project that face a public road or a residential area. If it is determined by the City of Blythe's Planning Commission that buffering or screening is needed, one or more of the following may be implemented:
 - i. On-site mature vegetation exists at a minimum height of ten (10) feet and a depth of seventy-five (75) feet between the security fence and adjacent properties or rights-of-way; or
 - ii. A single row of evergreens in combination with mature vegetation, installed at a minimum height of five (5) feet, and achieving opaqueness and a minimum height of ten (10) feet within five (5) years; or
 - iii. A double row of off-set evergreens, absent mature vegetation installed at a minimum height of five (5) feet, and achieving opaqueness and a minimum height of ten (10) feet within five (5) years.

Panels are to be located and situated so that glare does not create a distraction or nuisance to traffic or adjacent residential properties. An engineer or qualified consultant must submit a statement that the glint and glare will not be offensive to residents or traffic.

- b. **Lot Size:** The minimum lot size required for a solar collection facility shall be three (3) acres. This excludes any proposed solar collection facility to be installed on an existing building.
- c. **Set Backs:** A minimum building setback of two hundred fifty (250) feet where abutting residential property and seventy-five (75) feet from public rights-of-way is required for ground mounted systems. This excludes any proposed solar collection facility to be installed on an existing building.
- d. **Height Limitations:** No structure shall exceed a height greater than ten

(10) feet, except for existing poles and overhead wiring. This is measured from the finished grade at the base of the structure to its highest point. This would exclude any roof-mounted solar collection systems.

- e. Roof Mounted Systems: Roof-mounted panels shall not extend beyond the perimeter of the building on which the system is mounted or constructed. The total height of the solar panels shall not exceed the maximum building height of the underlying zoning district. Elevation drawings must be submitted to show:
 - i. The highest finished slope of the solar collector and the slope of the finished roof surface on which it is to be mounted.

ARTICLE IX. SIGNS

9.1 Signs/Outdoor Advertising

1. Where permitted, one exterior non-illuminated sign per lot pertaining only to a use conducted within the building shall be permitted in any zone. A sign not located flat against the building shall be less than three square feet in area and less than six feet in height. Such sign shall not be located within twenty feet of a single-family dwelling nor shall it be located within 25 feet of the intersection of the right-of-way lines of intersecting streets.
2. Billboard signs shall not be permitted in any district in the City of Blythe.
3. Temporary signs shall be allowed in any district for a period of not longer than six months. Such sign shall not be larger than three square feet in area, and shall not be located within 25 feet of the intersection of the right-of-way lines of intersecting streets. Once removed, *the* sign may not be replaced by the same sign or any other temporary sign for a period of six months. Temporary signs shall be allowed only upon issuance of a temporary sign permit, which shall be subject to the following requirements:
 - a. A temporary sign permit shall allow the use of a temporary sign for a specified six (6) month period;
 - b. The fee for a temporary sign permit shall be \$25.00. This amount shall be refunded to the applicant at the conclusion of the 6-month specified time period if the temporary sign is removed prior to or on the specified date; and
 - c. The Planning Commission shall be responsible for issuing temporary sign permits and conducting necessary inspections to ensure the removal of the temporary sign at the conclusion the specified six month time limit.

The provisions of this Section 9.1.3. shall not apply to political signs or signs advertising real estate for sale and/or lease.

4. No sign shall be erected or maintained whereby reason of its position, wording, illumination, size, shape, or *color* it may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal or device.
5. No sign shall be erected until the *sign* permit fee then in effect, as set forth on the City of Blythe Fee Schedule, is paid in full.

ARTICLE X. TELECOMMUNICATION FACILITIES

This article will protect the health, safety, and welfare of residential neighborhoods and foster a competitive environment for telecommunications carriers that does not unreasonably discriminate among providers of functionally equivalent personal wireless services and shall not prohibit or have the effect of prohibiting the provision of personal wireless services, and so as to promote Blythe as a proactive city in the availability of personal wireless telecommunications service.

10.1 Building Codes: To ensure the structural integrity of telecommunications facilities, the owner of a telecommunications facility shall ensure that it is maintained in compliance with standards contained in applicable local building codes and constructed to the EIA/TIA 222-E standards, as published by the Electric Industries Association, which may be amended from time to time. Owners of telecommunications facilities shall conduct periodic inspections of such facilities at least once every five years to ensure structural integrity. Inspections shall be conducted by a qualified independent engineer licensed to practice in Georgia. The results of such inspection shall be provided to the City Council of Blythe.

10.2 Regulatory Compliance: All telecommunication facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate telecommunication facilities.

10.3 Landscaping: Landscaping shall be used to effectively screen the view of the telecommunications facility from adjacent public roads, public property, and residential property. Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace the lost.

10.4 Setbacks: Telecommunication towers shall be set back a distance equal to the height of the tower from any existing residential use. The setback shall be a distance equal to half the height of the tower from any other use. Minimum setbacks for the zoning district shall apply. Setback shall be measured from the base of the tower.

10.5 Co-Location: Telecommunication providers shall be required to locate their transmitting facilities on existing towers unless the provider is able to prove that a new tower construction is vitally necessary and unavoidable.

10.6 Permit Fee: No telecommunication facility shall be erected or installed until the appropriate permit fee, as set forth on the then current City of Blythe Fee Schedule, has been paid in full.

ARTICLE XI. SUBDIVISION REUGLATIONS

The approved final plat of any land subdivided into two parcels or more shall be recorded in the Office of the Clerk of Superior Court of the county, either Richmond County or Burke County, in which the land is located.

These regulations shall apply to any parcel or plot of land in Blythe that is divided into five or more lots or parcels of land. Resulting individual lots must conform to minimum lot sizes for the district in which the subdivision lies.

11.1 Plat Approval or Disapproval

1. Preliminary Subdivision Plat.

- a. Submission: The subdivider shall submit to the Planning Commission, at least 15 days prior to the next regular meeting of the Planning Commission, the following:
 - (i) A letter requesting review and approval of a preliminary plat and giving the name and address of a person to whom the notice of the hearing by the Planning Commission on the Preliminary Plat should be sent; and
 - {ii} Thirteen (13) copies of a preliminary plat of the proposed subdivision drawn in scale; and
 - (iii) The payment to the City of Blythe of a review fee calculated in accordance with the City of Blythe Current Fees Schedule.
- b. Contents: The preliminary plat shall meet the general requirements and minimum standards of design set forth in Section 11.4 and the minimum standards for improvement set forth in Section 11.3 and shall give the following information:
 - (i) All dimensions to the nearest one-tenth (1/10) of a foot and all bearings and angles to the nearest minute; and
 - (ii) The name, location, and acreage of the proposed subdivision; the name and address of the owner; the name of the subdivision designer; and

- (iii) The date prepared, north point, and graphic scale; and
- (iv) The location of existing property lines, buildings, fences, streets, streams, rivers, lakes, ponds, railroads, sewer lines, water lines, septic tanks, filtration fields, wells, bridges, wetlands, groundwater recharge areas, and drainage structures within the subdivision; and
- (v) The names of the owners of adjoining properties, the names of any adjoining subdivisions; and
- (vi) The names, locations, widths, and other dimensions of streets, easements, recreational areas, and rights-of-way; and
- (vii) The arrangement and dimensions of proposed lots; and
- (viii) The limits of any area subject to flooding; and
- (ix) Sufficient data to readily determine and reproduce on the ground the location, bearing, and length of every street, lot line, block line, or boundary line; and
- (x) A location sketch map showing relationships of the proposed subdivision to the surrounding area within one mile of the subdivision sites; and
- (xi) A statement inscribed on the plat and signed by a registered engineer or qualified surveyor certifying the accuracy of the dimensions and bearings shown on the plat; and
- (xii) A statement, either directly on the plat or in an identified attached document of any private covenant; and
- (xiii) Topography of the site showing contours at vertical intervals of ten feet except when specifically not required by the Planning Commission. All contours, grades, and pipe inverts shall be tied to mean sea level elevation; and
- (xiv) Any additions to the site plan required by Sections 7.1 and 7.2 of this Ordinance if the subdivision site lies within a Special

Overlay District; and

- (xv) A proposed street lighting plan with underground utilities to be approved by the appropriate authority.

c. Certification and Approval.

(i) **Public Health Certification.** Where individual septic tanks, or means other than connection to a public sanitary sewerage system, are to be employed temporarily or permanently as a method of sewage disposal for one or more lots within a subdivision, evidence of the tentative approval of such methods by the County Health Officer shall be submitted with the subdivision plat. Acceptable evidence of such tentative approval shall be a written statement bearing the signature of the County Health Officer and specifying that the subdivider has consulted the County Board of Health as to the suitability of such methods within the subdivision and each lot therein and that the tentative approval of the Board of Health has been granted for the use of such methods or that the subdivider has been apprised of subdivision design modifications to be made to render proposed lots suitable for septic tank use. Such modifications shall be specifically stated in the Health Officer's certification statement.

(ii) **Road Development Certification.** A statement signed by the land subdivider shall be submitted with the subdivision plat and shall certify that all rights-of-way and road improvements, including grading, base and surface materials, ditches and other drainage facilities will be made in accordance with the provisions of Sections 11.2, 11.3, and 11.4 of this Ordinance, or that a surety bond has been posted by the subdivider, in a form acceptable to the City Council, as a guarantee that the required improvements will be made.

(iii) **Soil Erosion Approval.** Acceptable approval by the Environmental Protection Division of the Georgia Department of Natural Resources of applicant's Soil Erosion and Sedimentation Control plan as required by the "1975 Soil and Erosion Control Act", as amended, shall be submitted with the subdivision plat.

(iv) **Fire Protection Approval.** Applicant must receive appropriate

approval from the Fire Department to ensure all lots in the subdivision will be close enough to a fire hydrant or other appropriate water source to ensure adequate fire protection for each lot, parcel, or building site.

(v) Action by the Planning Commission. The designated representative of the Planning Commission shall check the plat for conformance to these regulations and report his findings and recommendations to the Planning Commission, which shall afford a hearing on the Preliminary Plat. Notice of the time and place of the hearing shall be sent by the Planning Commission by registered or certified mail to the person designated in the letter requesting Preliminary Plat review and approval. Thereafter, the Planning Commission shall give conditional approval, conditional approval subject to modifications, or disapproval of the Preliminary Plat. A notation of the Planning Commission's action shall be made on two (2) copies of the Preliminary Plat, including a statement of the reasons for disapproval if the plat is disapproved or requires modifications for approval. One copy shall be returned to the subdivider or his agent and one copy retained in the files of the Planning Commission.

(vi) Conditional Approval of Plat. Upon submission of a subdivision plat, the Planning Commission shall conduct its review and disapprove or grant conditional approval of the subdivision plat. Whenever a subdivision plat shall have been granted conditional approval by the Planning Commission, the Chairman shall inscribe and verify by his initial on each sheet of three (3) copies of the plat the following notation:

"Conditional Approval of the Preliminary Plat Granted by the Planning Commission on (date)."

Commission action granting such conditional approval shall be entered into the official record of the meeting at which such action was taken.

Conditional approval of a Preliminary Plat does not constitute approval of a final plat. It indicates only approval of the layout as a guide to the preparation of the Final Plat. Approval of a Preliminary

Plat shall expire and be null and void after a period of one (1) year unless an extension of time is approved by the Planning Commission

(vii) Stipulations to Conditional Approval. As a part of its conditional approval of a subdivision plat, the Planning Commission may stipulate modifications in subdivision design, required improvements, or subdivision plat as it may deem necessary to ensure compliance with the provisions of this Ordinance, provided however that such modifications shall be included in the official action of the Commission granting conditional approval.

(viii) Exclusion of Property Transfer. The conditional approval of a subdivision plat authorizes the excavation and grading of land, the construction of roads, and the installation of other required improvements. Such conditional approval, however, shall not authorize the transfer of property by sale, lease, or legacy; nor any agreement or negotiation for such transfer; nor use of the approved plat for such purposes; nor constitute the final approval of a subdivision plat as required therefore.

(ix) Distribution of Notice of Conditional Approval. After a subdivision plat shall have received conditional approval, copies of the approved plat, bearing the required inscription and verification, and statements of any stipulations of conditional approval, shall be distributed as follows:

- (1) One (1) copy of each returned to the subdivider together with a written notice of such action; and
- (2) One (1) copy of each forwarded to the County Health Officer; and
- (3) One (1) copy of each retained in the files of the Planning Commission.

(x) Interim Modifications to Approved Plats. Modifications to a conditionally approved subdivision *plat* may be authorized by the Planning Commission at the request of the subdivider when the subdivider shows to the satisfaction of the Commission that extraordinary and exceptional conditions encountered in the

development of the approved subdivision necessitate such modification. No modification to an approved subdivision shall be made by the subdivider until approved in writing by the Planning Commission. The Commission shall not grant a modification to an approved submission that would be detrimental to the public safety, convenience, or welfare or *contrary* to the purposes and intent of this code.

(xi) Inspections and Notices to Comply. The Planning Commission shall have the authority to inspect submission development and site preparation to determine if such activities are in accordance with an approved plat or stipulated conditions or modifications approved thereto. Whenever it has been determined that such activities are not being conducted in such accord, a written notice to comply, bearing the signature of the Chairman of the Planning Commission, shall be sent to the subdivider by registered or certified mail. Said notice shall set forth the violations cited as the result of the inspection, measures to be constituted by the subdivider to remedy the violations cited, and time period within which such measures are to be completed.

(xii) Voidance of Plat Approval. Whenever a subdivider does not remedy the violations cited in the notice to comply within the allotted completion time period, the action of the Planning Commission granting conditional approval of the plat may be declared null and void and the subdivider deemed in violation of this code. In such instances, the Planning Commission may require the resubmission of a subdivision plat, extend the time period originally granted to remedy cited violations, require revisions to the provisions of any surety bonds as may have been posted by the subdivider or require the posting of such a bond, or through its attorney or other designated official may institute injunction, mandamus, estoppel, or other appropriate action or proceeding to correct or abate such unlawful activity.

(xiii) Disapproval of Subdivision plat. The Planning Commission may deny conditional approval of a subdivision plat on any of the following grounds:

- (1) The submission plat together with the required certifications, letters, or fees are not submitted in complete and required form; or

- (2) The plat does not conform to required minimum standards; or
- (3) The Planning Commission determines that the land proposed for submission is unsuitable therefore because of flood hazard or other conditions which could endanger public health; or
- (4) The Planning Commission determines that a proposed subdivision is premature because of inadequate utilities, public schools, transportation facilities, law enforcement, or public maintenance funds, and because such subdivision development would necessitate excessive expenditures of public funds for the provision and maintenance of such services. Whenever a plat shall have been disapproved, the Planning Commission shall state the grounds in the official record of the meeting at which such action was taken. The subdivider shall be notified in writing of such action, including grounds therefore, with a copy of such notice forwarded to the Clerk of Superior Court and the County Health Officer.

2. Final Subdivision Plat

- a. Submission: After a subdivision plat shall have been conditionally approved by the Planning Commission and the required improvements made by the subdivider or surety bond posted in lieu thereof, the subdivider shall submit to the Planning Commission the following:
 - (i) A letter requesting the Planning Commission to consider the subdivision plat for final approval and giving the name and address of a person to whom a notice shall be sent specifying the date, time, and place of a meeting of the Planning Commission when it will act on the request; and
 - (ii) The original drawing of the subdivision plat and two (2) copies, corrected to show any modifications in subdivision design and development as may have been stipulated by the Planning Commission as a part of its conditional approval of the plat or as

may have been necessary due to the topography or other conditions peculiar to the land subdivided and as may have been approved by the Planning Commission; and

(iii) A copy of the terms of any surety bond as may have been posted by the subdivider guaranteeing any required improvements; and

(iv) The following certifications:

(a) ownership and, if applicable, dedication and acceptance.

(b) engineering accuracy (by registered engineer or qualified surveyor).

(c) approval of any private or public means of sewage treatment and disposal (by the County Health Officer).

(d) acceptable installation of streets, stormwater management facilities and other improvements {by the county road commission or the Georgia Department of Transportation) or execution of performance bond in lieu thereof.

(e) acceptance of streets, stormwater management facilities and other improvements by the county road superintendent and/or the Georgia Department of Transportation and/or the incorporated subdivision homeowners' association.

(f) acceptable installation of underground utility lines (by approving agent) or execution of performance bond in lieu thereof.

(g) acceptable installation of soil erosion and sediment control systems as required by the "Georgia 1975 Soil Erosion Act," as amended and approval of recording (by Chairman of the Planning Commission).

(h) acceptable proximity to fire hydrant or other water source for adequate fire protection (by Fire Department official).

(v) Payment in full to the City of Blythe of the amount set forth in Blythe Zoning Ordinance 2025-01

the then current City of Blythe Fee Schedule.

- b. Final Approval of Plat: Upon submission of a final plat, the Planning Commission shall have sixty-five (65) days in which to review the plat and grant its final approval of or disapproval of the submission plat. Failure by the Planning Commission to grant final approval or disapprove a plat within sixty-five (65) days from date of submission is hereby deemed to constitute approval and certification of approval shall be issued by the chairman of the Planning Commission on demand, provided, however, that the submitter may waive the automatic consent after the sixty-five day review period and consent to an extension of the review period. Whenever a subdivision plat shall have been granted final approval, the Chairman of the Planning Commission shall inscribe and verify by his signature on each sheet of the original drawing of the plat, the following notation:

"All requirements of the Zoning Ordinance of the City of Blythe, Georgia, for final approval of this subdivision plat having been met, final approval is hereby granted. This does not, however, certify that this subdivision development complies with applicable federal, state, and local laws or regulations."

Date

Chairman, Blythe Planning Commission

Commission action granting final approval of a subdivision plat shall be entered into the official record of the meeting at which such action was taken.

- c. Distribution of Final Plat: Distribution of Final Plat. After a subdivision plat shall have received final approval and the required inscription and verification entered on the original drawing of the plat, the City Clerk shall distribute the original drawing and copies thereof as follows:
- (i) The original drawing of the plat shall be returned to the subdivider; and
 - (ii) One (1) copy forwarded to the County Health Officer; and
 - (iii) One (1) copy retained in the files of the Planning Commission.
- d. Action by the Planning Commission: The designated representative of

Blythe Zoning Ordinance 2025-01

the Planning Commission shall check the Final Plat for the conformance with the approved preliminary Plat and with the provisions set forth in these regulations and shall report his findings and recommendations to the Planning Commission, which shall afford a hearing on the Final Plat, notice of the time and place of which shall be sent by the Planning Commission by registered or certified mail to the person designated in the letter requesting Final Plat review and approval, not less than five (5) days prior to the date of the hearing. Thereafter, the Planning Commission shall approve or disapprove the Final Plat. A notation of the action shall be made on the original tracing and two(2) prints of the final plat, including a statement of the reasons therefore if the Final Plat is disapproved.

- e. Disapproval of Plat. The Planning Commission may deny final approval of a subdivision plat on any of the following grounds:
 - (i) When the plat together with required accompanying information, fees, and letters are not submitted in complete and proper form; or
 - (ii) Where the plat does not conform to the conditionally approved plat, including any modifications as may have been granted; or
 - (iii) Where the plat does not reflect the required minimum standards of improvements; or
 - (iv) Where the conditional approval of a plat shall have been declared void by the Planning Commission; or
 - (v) Where the plat has been previously disapproved by the Planning Commission.

Whenever a plat has been disapproved, the Planning Commission shall state the grounds for such action in the official record of the meeting with which such action was taken.

The subdivider shall be notified in writing of such action, including grounds therefore, with a copy of such notice forwarded to the Clerk of Superior Court and the County Health Officer.

- f. In addition to the foregoing, all final plats of privately developed

subdivisions shall, in prominent bold capital letters, be labeled as a "PRIVATE SUBDIVISION" and shall contain on the face thereof the following language:

"THE STREETS, ROADS AND/OR STORMWATER MANAGEMENT FACILITIES OF THE SUBDIVISION SHOWN HEREON ARE PRIVATELY OWNED. THEY ARE NOT OWNED BY THE CITY OF BLYTHE. THEY ARE NOT MAINTAINED BY THE CITY OF BLYTHE. THEY ARE NOT PART OF THE STREET, ROAD OR PUBLIC WORKS SYSTEMS OF THE CITY OF BLYTHE. THE CITY OF BLYTHE HAS NOT REVIEWED, CERTIFIED OR APPROVED THE DESIGN, CONSTRUCTION OR MAINTENANCE OF THE STREETS, ROADS, AND/OR STORMWATER MANAGEMENT FACILITIES SHOWN HEREON AND, THUS, ACCEPTS NO LIABILITY, RESPONSIBILITY OR DUTY RELATED THERETO. THE PERPETUAL RESPONSIBILITY FOR THE UPKEEP, MAINTENANCE AND REPAIR OF THE STREETS, ROADS AND/OR STORMWATER MANAGEMENT FACILITIES SHOWN HEREON ARE THE RESPONSIBILITY OF THE INDIVIDUAL OWNER(S) OF LAND IN THE SUBDIVISION THROUGH THE SUBDIVISION'S INCORPORATED HOMEOWNER'S ASSOCIATION AND NOT THE CITY OF BLYTHE."

- g. Recording the Final Plat. After a subdivision plat shall have received final approval and the required inscription and verification entered on the original drawing of the plat, and before any lots are sold, the subdivider shall transmit one (1) copy of the approved plat bearing the required inscription and signature to the Clerk of Superior Court for recording in the County's register of deeds and property transactions. Said copy of the plat offered for recording shall conform to the Georgia Plat Act of 1978. The maximum sheet size for plats offered to the Clerk of Superior Court for recording shall not exceed eighteen (18) by twenty-four (24) inches.

11.2 General Requirements

1. Suitability of Land

- a. Land Physically Unsuitable for Subdivision. Land which the Planning Commission has found to be unsuitable for development
 - i. Because of flooding, bad drainage, steep slopes, rock formations, or

other such features which may endanger health, life or property, aggravate erosion, increase flood hazard, or necessitate excessive expenditures of public funds for supply and maintenance of services, and

- ii. Land which other public agencies concerned have investigated and found in the best interest of the public not suitable of the type of platting and development proposed;

Shall not be approved for subdivision unless adequate methods are formulated by the developer for meeting the problems created by subdivision of such land.

- b. Land Unsuitably Located for Subdivisions. The Planning Commission shall not approve what it considers to be scattered or premature subdivision of land which would endanger health, safety, or property because of lack of or adverse effect on water supply, schools, proper drainage, good transportation, other public services or public funds for the supply or maintenance of such services.

- 2. Street Classification: Streets and roads are hereby classified according to the function which they serve, the type, speed, and volume of traffic they will carry and the required standards of design. The broad categories shall be (a) arteries; (b) collectors; and (c) land service streets. The designation in the major street and road plan of arteries and collectors does not prevent other streets proposed in or adjoining subdivisions from being similarly classified. The Planning Commission shall determine the classification of all new streets extended. Classifications are defined as follows:

- a. Arteries - Those major streets used for traffic of moderate to fast speeds and high volumes between major local centers of employment, recreation, and shopping and suburban centers; access at intersections with other arteries, collector streets, and major local centers.
- b. Collector Streets - Those major streets used for traffic of moderate speeds and high peak volumes between minor streets and the system of arteries or serving as principal entrance streets or primary circulation routes within a neighborhood or other limited area; access at all other streets and some private ways.
- c. Land Service Streets - Those minor streets used for traffic of low speeds and low volumes situated predominately within a neighborhood or other

limited area; and providing access to individual properties.

3. Relation to the Existing/Proposed Future Street System

- a. The location and width of all streets and roads shall conform to the official Major Thoroughfare Plan as filed with the Clerk of Superior Court of Richmond or Burke County, Georgia.
- b. Existing streets that terminate at or adjoin a subdivision boundary shall be deemed a part of the subdivision. The proposed street system within a subdivision shall not be less than the minimum right-of-way width as required in Section 11.3 of this Ordinance. Subdivisions that adjoin only one side of existing streets shall dedicate one-half ($\frac{1}{2}$) of the additional right-of-way needed to meet minimum width requirements. If any part of the subdivision includes both sides of an existing street all the required additional right-of-way shall be dedicated.
- c. Where, in the opinion of the Planning Commission, it is necessary to provide for street access to adjoining property, proposed streets shall be extended by dedication of right-of-way to the boundary of such property.
- d. When an artery adjoins or is included in a subdivision, lots therein which abut the artery shall be provided with another means of access, e.g. (1) platting a single tier of lots which back to the artery and front a minor street, (2) platting a service drive, (3) platting a looped land service street and cul-de-sac, (4) platting a rear service drive for access, or (5) other methods approved by the Planning Commission.
- e. Subdivisions streets which intersect an artery shall do so at intervals not less than 500 feet.

4. Public Open Space and Assets

- a. Public Open Spaces. The Planning Commission may require the dedication or reservation of open space recreational area within the subdivision up to a total of ten (10) percent of the gross area of the plat, including any water frontage for park, school, or recreational purpose, or the equivalent.
- b. Public Community Assets. In all subdivisions, due regard shall be shown for all natural features such as large trees and water courses and for historical spots and similar community assets which, if preserved, will add

attractiveness and value to the property.

5. Variances. The subdivider may request a variance from the requirements and minimum standards of design contained in Article XI of this Ordinance provided the subdivider makes a specific request for each variance sought and provided the subdivider makes payment to the City of Blythe of a variance review fee for each variance requested in an amount according to the then current City of Blythe Fee Schedule. Each such variance request shall be reviewed by the Planning Commission to determine whether strict adherence to the requirements would cause the subdivider unnecessary hardship and would not carry out the intent of these regulations. The Planning Commission may find the existence of an unnecessary hardship upon finding that:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and
 - b. The application of the zoning ordinance to this particular piece of property would create an unnecessary hardship; and
 - c. Such conditions are peculiar to the particular piece of property involved; and
 - d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance.

The Planning Commission shall, after review, recommend the approval, conditional approval or denial of said request. Said recommendation shall, if appealed, be reviewed by the City Council pursuant to the authority and procedures set forth in Article XIV of this Ordinance.

6. Guarantee in lieu of Completed Improvements. No final subdivision plat shall be approved by the Planning Commission or accepted for record by the Clerk of Superior Court until one of the following conditions has been met:
 - a. All required improvements have been constructed in a satisfactory manner and approved by the Planning Commission, or
 - b. The City of Blythe has accepted a performance bond in the amount equal to the estimated cost of installation of the required improvements as determined by the Building Inspector, whereby improvements may be made and utilities installed without cost to public bodies in the event of default of

the subdivider

7. Drainage Easements:

- a. Easements for drainage may be required where necessary. Such easements shall be placed along rear and/or side property lines. Redesign of the lot arrangement may be required to meet extreme drainage conditions.
- b. Easements, when required for drainage of the area to be subdivided, shall be of such width as is necessary to permit proper construction and maintenance of the drainage facilities required to drain the area properly. Drainage easements shall be a minimum Width of ten feet, provided, however, that easements up to fifty feet may be required if necessary.
- c. Easements shall center along or be adjacent to a common property line where practicable.
- d. Subdivision development shall not block or obstruct the natural drainage from an adjoining area. Provision of drainage facilities to maintain the established flow of off- site water through any property to be subdivided shall be the responsibility of the subdivider.
- e. Existing natural drainage shall be retained or adequately relocated.

11.3 Minimum Improvements

1. **Monuments and Lot Markers.** Iron pins with a minimum diameter of one-half inch and a minimum length of twenty-four (24) inches shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, at the intersection of curves and tangents along street lines, and at all corners of the plot. All markers shall be driven so as to be flush with the finished grade.
2. **Storm Drainage.** An adequate drainage system, including necessary open ditches, reinforced concrete pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water.

All cross drains and all side drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to slopes. The size of openings to be provided shall be, in no case, less than fifteen (15) inches. Cross drains shall be built on straight line and grade, and shall be laid on a firm base but not rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with ends fitted and matched to provide

tight joints and a smooth uniform invert. The pipes shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure impact, and in no case shall the top of the pipe be less than one (1) foot below the roadbed. In residential and commercial subdivisions, the subdivider may be required to provide curbs and gutters to insure surface drainage without erosion or damage to pavement edge.

Open ditches in excess of two (2) feet below the finished grade within the limits of any residential or commercial subdivision in Blythe are forbidden. Ditches two (2) feet or less in depth shall have a flat bottom with a minimum width of two (2) feet, and side slopes to finish grade shall be no steeper than two (2) horizontal feet to one (1) vertical foot so that grass in said ditches can be cut with normal hand grass cutting equipment.

Any area within a subdivision requiring storm drainage facilities in excess of two (2) feet maximum depth, a closed ditch shall be provided with adequately designed and installed underground storm drainage systems consisting of piping, catch basin, junction box, manholes and headwalls.

3. **Street Development.** Every subdivision developer shall be required to grade and improve new streets and alleys. Such improvements shall be made in accordance with the Augusta-Richmond County Street and Road Design Technical Manual, as amended from time to time. (see Appendix A)

- a. **Preparation of Right-of-Way.** The full width of all roadways shall be prepared so that pavement and sidewalks (where required) can be constructed in such a manner that future extension of additional utilities or street improvements will not damage yards of abutting property. Abutting property shall be suitably sloped to the right-of-way line. Due regard shall be shown for desirable trees not impairing visibility.

Preparation of Subgrade. Before grading is started, the entire area to be paved shall be first cleared of all stumps, roots, brush and other objectionable materials. In all areas to be graded or filled, the subdivider shall stockpile the topsoil later to be spread in all disturbed areas not paved.

Cuts. All tree stumps, boulders, and other obstructions shall be removed to a depth of two (2) feet below the subgrade. Rock, when encountered, shall be scarified or removed to a depth of twelve inches below the subgrade.

Fill. All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess

materials, including organic materials, soft clay, etc., shall be removed from the development site. The till shall be spread according to the most current Georgia Department of Transportation standard compaction and density as certified by the County Road Superintendent or Georgia Department of Transportation representative.

The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped, but where water is used to assist compaction, the water content shall not exceed the optimum of moisture.

Protection of Banks. Immediately after grading and filling and respreding of topsoil, all areas of disturbed soil shall be fertilized and seeded (or in steep areas sodded or otherwise appropriately treated) with suitable vegetative cover to retard erosion.

- b. Pavement Base. Pavement base material and installation shall be provided as specified by the County Road Superintendent. The width of the base shall be adequate to yield the pavement widths required in the following subsection.
- c. Minimum Width of Pavement. The minimum width of pavements required for arteries, collectors, and land service streets shall be as follows:

<u>Classification</u>	<u>Width of Pavement (Ft.)</u>
Arteries	28 or as negotiated
Collector Streets	24
Land Service Streets	20
* or larger as may be required by the Planning Commission	

- d. Drainage. Drainage facilities on streets shall be as required by the County Road Superintendent. Curb cuts will be made in such manner that the flow of water in the gutter will not be blocked or restricted in any manner, and so that no water flowing in the gutter will be diverted onto privately owned property. Where a subdivision borders a county road, the developer shall widen the road and install curb and gutter on the side adjacent to and within the limits of the subdivision.

Minimum pavement width requirements for nonresidential streets shall be increased eight feet or more on one or both sides if needed to provide ingress and egress to automobile parking or truck loading space without interference to or from normal passing traffic. Standards for their preparation shall be as negotiated with the Planning Commission.

4. Sidewalks. Sidewalks shall be required where deemed by the Planning Commission as being within a one-mile radius of existing or planned school, neighborhood recreation, or commercial areas, or other public place. Where provided, sidewalks shall be located not less than one (1) foot from the property line to prevent interference or encroachment by fencing, walls, hedges, or other planting or structures placed on property line at a later date.
5. Utilities. The subdivision developer shall install, at the subdivision developer's expense, all water mains and lines, fire hydrants, service taps, connections and all other hardware components necessary to extend public water service to each lot of the subdivision. The location of connections to existing public water mains shall be determined by the City of Blythe Water Works Department. After grading is complete and approved and before base is applied, all of the underground work - water mains, fire hydrants, water meters, gas mains, etc. - and all service taps and connections shall be installed completely and approved throughout the length of the road and across the flat section. Where utility mains are off the pavement, the developer may elect to omit the installations of service connections providing that at such time as they be needed, they may be jacked across the street without breaking or weakening the existing pavement. Where rock is known to exist beneath the pavement at such a depth as to interfere with the jacking of service connections, the complete installation or service connections shall be completed before any base is applied.
6. Site Improvements. Wherever grading or filling occurs on lots within the subdivision, the subdivider shall first stockpile the topsoil from affected areas, and immediately after grading and filling shall redistribute to areas of disturbed soil sufficient topsoil to support growth of lawn grass, and other vegetation, and shall immediately seed such areas with appropriate vegetative cover to prevent erosion, silting of streams, and other damages.

Due regard shall be shown for such desirable trees as are already on the site, and grading and filling should be planned to preserve as many as possible.

Where land is platted or reserved for non-residential use bordering and across minor streets from residential lots, a suitable buffer planting of trees and shrubs in accordance with Section 8.8 of this Ordinance and approved by the Planning Commission shall be required.

7. Street Name Signs. Appropriate street signs add sales value to land subdivisions and enable strangers, delivery concerns, and even potential lot buyers to find their way. Street name signs of a type approved by the County Road and Bridges

Commission and the City of Blythe shall appear at all intersections.

11.4 Design Standards. All lands subdivided within the City of Blythe shall be required to meet the following minimum design standards:

1. Street Design Standards.

- a. Width of Street Right-of-Way. The minimum width of right-of-way measured from lot line to lot line shall be as follows:

<u>Classification</u>	<u>Width of Right-of-Way (feet)</u>
Artery	100 or as negotiated
Collector Street	80
Land Service Street	60

- b. Vertical Alignment of Streets. Grades on arteries and collectors shall not exceed seven (7) percent; and grades on land service streets shall not exceed thirteen (13) percent.
- c. Private Streets. All private streets shall be constructed to the same standards, including paving, as are public streets and roads that are conveyed to the county. Property owners served by the private street shall maintain such private street through a homeowners' association incorporated in the State of Georgia, and all deeds of conveyance related to real property in said subdivision shall contain on the face thereof in prominent bold capital letters the language set forth in Section 8.12 of this Ordinance.
- d. Service Drives. Service drives or alleys shall be provided to the rear of all lots used for business purposes and shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the Planning Commission of the need for alleys of service drives, such as subdividing adjacent to an artery.
- e. Cul-de-sac. Cul-de-sacs, or dead-end streets, shall be no more than five hundred (500) feet long unless necessitated by topographic or other conditions and approved by the Planning Commission. Such streets shall be provided at the closed end with a turn around having a minimum roadway diameter of at least one hundred (100) feet.

- f. **Street Names.** Proposed streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets. In no case shall the name for a proposed street duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, road, pike, drive, way, place, court, or other derivatives. Through its index list of street names and guide for naming and suffixing, the Planning Commission can assist the subdivider in avoiding duplication and in coordinating the names of streets within the subdivisions.
- g. **Street and Road Design.** The width and location of all roads and streets shall be shown by the preliminary subdivision plat and shall conform to the design standards set forth in the Augusta-Richmond County Street and Road Design Technical Manual (see Appendix A), in addition to the above standards.

2. Lots

- a. **Adequate Building Sites.** Each lot shall contain a building site not subject to flooding or periodic inundation and the lot size shall comply with Sections IV, V and VI of this Ordinance.
- b. **Arrangement.** Each lot must abut a public street or road. Insofar as practical, side lot lines shall be at right angles to straight street lines or radical to curved street lines.
- c. **Size.** Each lot must contain minimum road frontage and minimum width as required in Sections IV, V and VI of this Ordinance.
- d. **Flag Lots.** Flag lots are prohibited in all zoning districts (AG, R-1, R-2, R-3 and BP).

3. Blocks

- a. **Length.** Blocks shall be neither less than four hundred (400) feet nor more than twelve hundred (1200) feet in length, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street pattern.
- b. **Width.** Blocks shall be wide enough to allow two (2) rows of lots, except where reverse frontage on major streets is provided or when prevented by topographic conditions or size of property or location next to an artery, in which case the Planning Commission may approve a single row of lots.

ARTICLE XII. BUILDING PERMIT AND SITE PLAN

12.1 Building Permit Required. It shall be unlawful to commence any land disturbing activity for the construction, erection, or placement of any building or structure, or to commence construction, erection, or placement of any building or structure, or to commence the moving, alteration, or repair of any structure, until the proper authorities have issued all necessary permits for such work, including, but not limited to, a building permit containing a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this Ordinance. For the purpose of this section, repair shall be deemed to mean any repair that does alter the existing structure. If said repair does not alter the existing structure, no building permit will be required. The building permit required shall be administered according to guidelines stated in the Georgia State Minimum Standard Codes, as may be amended from time to time.

12.2 Issuance. The Building Permit shall only be issued by the City Clerk only after it has received the approval of the City Building Inspector, the City Clerk and the Planning Commission Chairperson and payment has been made of the appropriate building permit fee as shown on the then current City of Blythe Fee Schedule. Each building permit shall bear on the face thereof in prominent bold capital letters the following language:

"ISSUANCE OF THIS PERMIT SHALL NOT BE CONSTRUED AS A REPRESENTATION OR CERTIFICATION BY THE CITY OF BLYTHE, GEORGIA, THAT THE WORK AUTHORIZED HEREBY COMPLIES WITH APPLICABLE FEDERAL, STATE AND LOCAL LAWS OR REGULATIONS."

12.3 Exceptions to Building Permit. Exempted from the building permit requirement shall be applications to modify single-family dwellings or accessory buildings thereto where such modifications will not have a total valuation exceeding \$1000.00.

12.4 Application and Site Plan. Before a building permit may be issued, the plans and intended use shall indicate conformity in all aspects to the provisions of this Ordinance. Each application for a building permit shall be submitted with a site plan, drawn to scale, showing the lot; accurate dimensions of the lot; front, side, and rear yards; building footprint; off-street parking area; any required landscaping; locations, size, setback lines, and uses of any other building not on the lot but within 50 feet of the lot; lighting plan; the number of dwelling units the building is designed to accommodate (if residential); signature of County Health Department official approving the proposed location of the septic tank and field lines, provided public sewerage is not available; and any other information deemed necessary by the Planning Commission.

If the application and site plan conforms with the provisions of this Ordinance, state minimum building codes, and other appropriate City ordinances, the permit shall be issued upon payment of the required fee. If the application and site plan do not comply, the Planning Commission Chairperson shall deny the building permit, stating the cause of such denial in writing.

12.5 Expiration of Building Permit. If the work authorized by the building permit has not commenced within six (6) months of the date the permit was issued or is suspended or abandoned for a period of six (6) months after commencement, the building permit shall become invalid. The building inspector may renew the permit. A renewal fee is required to be paid by the applicant before the permit is renewed.

12.6 Conditional Use Permit. A building permit for a conditional use shall not be approved until such conditional use has been approved by the Planning Commission and payment of the conditional use permit fee as set forth in the then current City of Blythe Fee Schedule has been made.

12.7 Certificate of Occupancy. A Certificate of Occupancy issued by the Building Inspector shall be required in advance of any occupancy or use of the following:

1. Any building hereafter erected or enlarged
2. Any change in use of an existing building to a different use
3. Any vacant land except for the raising of crops
4. Any change in non-conforming use

No certificate of occupancy shall be issued unless the lot or building or structure complies with all the provisions of this Ordinance. A record of all Certificates of Occupancy shall be kept on file in the City Office and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved. If the Certificate of Occupancy is not granted upon request, the Building Inspector and/or City Clerk shall state in writing the reason the certificate was not granted.

ARTICLE XIII. ENFORCEMENT AND PENALTIES

13.1 Enforcement. It shall be the duty of the City Council of the City of Blythe to enforce the provisions of this ordinance within the corporate limits of the City in the manner and form and with the powers provided in the laws of the State and the Charter and Ordinances of the City. The City Council of Blythe shall appoint an appropriate enforcement authority.

13.2 Permit Issuance. All commissions, boards, departments, officials, and public employees

of the City of Blythe and Richmond County or Burke County which are vested within the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for any use, building, or purpose if the same would be in conflict with the provisions of this ordinance. Any permit or license issued in conflict with the provisions of this ordinance shall be null and void.

13.3 Violations. The erection, placement, construction, alteration, addition, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated, or maintained, contrary to any provisions of this ordinance is hereby declared to be a violation of this ordinance and unlawful. The City Attorney shall immediately, upon any such violation having been called to his attention, institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate, or remove violation. Such action may also be instituted by any property owner who may be damaged by any violation of this ordinance. The remedy provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law. The Building Inspector shall identify actions not in conformance with this Ordinance; the City Clerk shall notify the property owner of the violation via certified mail. If the violation is not corrected within thirty days from the notification, a penalty shall be assessed.

13.4 Penalties. Any person or corporation whether as principal, agent, employee, or otherwise who violates any provision of this ordinance shall be guilty of an offense and may, upon conviction, be punished by a fine in an amount not to exceed \$1000 and/or imprisonment for a period not to exceed 60 days.

13.5 Interpretation. The Planning Commission shall provide final interpretation for all provisions of this Ordinance.

ARTICLE XIV. PLANNING COMMISSION

14.1 Establishment of Planning Commission. There is hereby established and created the Planning Commission of the City of Blythe, Georgia, which shall consist of five (5) members nominated by the mayor and confirmed by the City Council of the City of Blythe for terms of one (1) year. Appointments shall be made by resolution. Each member shall be a resident of the City of Blythe. Members may be reimbursed for actual expenses incurred while representing the Planning Commission. Any vacancy in the membership of the Planning Commission shall be filled for the unexpired term in the same manner as the initial appointment. Members of the Planning Commission serve at will and may be removed at any time by the vote of three (3) members of city council.

14.2 Planning Commission's Duties. The duties of the planning commission shall include the following:

1. Conduct initial review and make initial determinations of all questions of interpretation, application, and enforcement related to all provisions of this zoning ordinance;
2. Review and approve, disapprove, or conditionally approve those plats as required under this zoning ordinance;
3. Annually assess the city's adopted growth management plan with regard to changing conditions, rezoning approvals, and other data as appropriate;
4. Recommend to city council the approval or disapproval of all amendments to the growth management plan;
5. Conduct initial reviews and make initial recommendations on all requests for zoning changes and variances as provided in this zoning ordinance. Variances may be permitted where, owing to special conditions, literal enforcement of the provisions of the zoning ordinance will, in an individual case, result in an unnecessary hardship, provided that the spirit of the zoning ordinance shall be observed, public safety and welfare secured, and substantial justice done. The Planning Commission may recommend to City Council the granting of such variance in such individual cases of unnecessary hardship upon finding that
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and
 - b. The application of the zoning ordinance to this particular piece of property would create an unnecessary hardship; and
 - c. Such conditions are peculiar to the particular piece of property involved; and
 - d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance; provided, however, that no variance may be granted for a use of land or building or structure which is prohibited by the zoning ordinance.
6. Perform such other duties assigned by this zoning ordinance to the planning commission and perform those duties expressly or implicitly required by this zoning ordinance which are not specifically assigned to another city official, board, commission or agency;

7. Conduct such other business and affairs as may be, from time to time, designated by City Council.

ARTICLE XV. VARIANCE ANCE APPEALS OF ADMINISTRATIVE DECISIONS

15.1 Variance. The Planning Commission shall have the power to hear, review, grant, grant with condition(s), or deny requests for variance from the terms of the zoning ordinance. The Planning Commission may grant a variance(s) from the terms of the zoning ordinance as will not be contrary to the public interest, where owing to special conditions, literal enforcement of the provisions of the zoning ordinance will, in an individual case, result in an unnecessary hardship, so that the spirit of the zoning ordinance shall be observed, public safety and welfare secured, and substantial justice done. The Planning Commission may grant such variance in such individual cases of unnecessary hardship upon finding that

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and
- b. The application of the zoning ordinance to this particular piece of property would create an unnecessary hardship; and
- c. Such conditions are peculiar to the particular piece of property involved; and
- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance; provided, however, that no variance may be granted for a use of land or building or structure which is prohibited by the zoning ordinance.

15.2 Appeals of Administrative Decisions.

1. The City Council shall have the power to hear and review any appeal where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official, administrative board, administrative commission or administrative agency in the enforcement of this ordinance and to make recommendations to City Council regarding said review.
2. **Procedure:** Appeals to the City Council may be taken by any person aggrieved, or by any official, department head, or board affected by any decision of the Planning Commissioner or administrative officer. Such appeal shall be taken within thirty (30) days of the adverse decision, by filing with the City Clerk a notice of appeal specifying the grounds thereof and by paying in advance the costs of publication

of the notice of public hearing on the appeal.

- a. Upon notice by the City Clerk of a filing of appeal, the official, agency, board, or commission from which the appeal is taken shall forthwith transmit to the City Council all papers constituting a record upon which the action appealed was taken. An appeal stays all legal proceedings in furtherance of action appealed from, unless the official from whom the appeal is taken certifies to the City Council, after notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the City Council or by a court of record on application, on notice from the officer from whom the appeal is taken, and on due cause shown.
- b. Following receipt of appeal, the City Council shall:
 - i. Fix a reasonable time of the hearing of the appeal or other matter referred to it;
 - ii. Publish once in a newspaper of general circulation in the City a Notice of Public Hearing on the appeal. Such notice shall be published at least 15 days but not more than 45 days prior to the date of the hearing and shall indicate the time and place of the hearing and the nature of the appeal to be considered by the City Council; and
 - iii. The hearing shall be conducted in a manner consistent with those rules for conducting a public hearing before the Planning Commission set forth in Section 17.2.4 of this Ordinance.
- c. In exercising its powers, the City Council may, in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, or may modify the order, requirements, decision or determination which is brought before it.

ARTICLE XVI. LOCATION AND MAINTENCE OF MAPS

16.1 Zoning Map. The Official Zoning Map of Blythe shall be located at the office of the City of Blythe. It shall be the responsibility of the Mayor to keep current and maintain the Official Zoning Map.

16.2 Generalized Wetlands Map. The Generalized Wetlands Map of Blythe shall be located at the office of the City of Blythe.

ARTICLE XVII. ZONING ORDINANCE AMENDMENTS

17.1 Application for Amendment: Applications to amend this Ordinance may be in the form of proposals to adopt a new zoning ordinance, proposals to amend the text of this Ordinance, proposals to rezone property from one zoning classification to another, proposals by the governing body which zones property to be annexed into the city, or requests for grant of a permit related to a special use of the property. Unless initiated by the governing body or the Planning Commission, all applications to amend this Ordinance, including the map or maps, shall be filed with the Planning Commission and shall be in compliance with the following:

1. A conference with the staff of the Planning Commission shall be held prior to submission of the application, which shall be submitted at least twenty-one (21) days prior to the date on which it is to be considered by the Planning Commission.
2. A statement from the owner of the property submitting the petition, or a statement from the owner of the property designating his representative in the petition, shall be furnished with the petition on a form supplied by the Planning Commission.
3. Included with the petition to amend this Ordinance shall be a properly prepared plat of survey of the property showing distances and bearings of the boundaries thereof and a tie to a known point and also stating in feet the nearest distance from said property to the boundary of the incorporated area of the City of Blythe.
4. A legal description of the tract or tracts to be rezoned.
5. A letter from the owner or his authorized representative requesting the amendment, including a statement regarding the proposed use, address, and telephone number for correspondence, and any other information required elsewhere in this ordinance, shall be included with the petition.
6. A fee that has been calculated by the Planning Commission as representative of the cost of processing and advertisement of the proposed amendment as listed on the then current City of Blythe Fee Schedule shall be paid at the time of application.

17.2 Review of Proposed Amendments. This ordinance, including the map or maps, may be amended from time to time, but no amendment shall become effective unless it shall have been proposed by, or first submitted to, the Planning Commission for review and recommendation.

1. The Planning Commission shall conduct, on behalf of the City Council, public hearings on all proposed amendments to this ordinance and maps.

2. At least 15 but not more than 45 days prior to the date of the hearing, the Planning Commission shall cause to be published within a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing. The notice shall state time, place, and purpose of the hearing. If a zoning decision of a local government is for the rezoning of property and the rezoning is initiated by a party other than local government then:

- a. The notice shall include the location of the property, the present zoning classification of the property, the proposed zoning classification of the property, and the date, time, place and purpose of the public hearing; and
- b. A sign indicating the present zoning classification of the property, the proposed zoning classification of the property, and the date, time, place and purpose of the public hearing shall be placed in a conspicuous location on the property not less than 15 days prior to the date of the hearing.

3. The Planning Commission shall hold a public hearing on each application for an amendment pursuant to this Article in accordance with a schedule adopted by the Planning Commission. As to each application, the Planning Commission shall make a recommendation for approval, denial, deferral, or no recommendation. A written report of the Planning Commission's recommendation shall be submitted to City Council within thirty days of the public hearing and such written report shall be a public record.

4. Conduct of Hearing.

- a. All persons who wish to address the Planning Commission at a hearing on the proposed amendment under consideration by the Planning Commission shall first sign up on a form to be provided by the City prior to the commencement of the hearing. The Commission Secretary will read the proposed amendments under consideration. The Secretary will then call each person who has signed up to speak on the amendment in the order in which the persons have signed up to speak, except the applicant who will always speak first. Prior to speaking, the speaker will identify himself or herself and state his or her current address. Only those persons signed up to speak prior to the commencement of the hearing will be permitted to speak, unless a majority of the Commission, in its discretion, allows the person to speak to the amendment, notwithstanding the failure of the person to sign up prior to the hearing.

- b. Each speaker will be allowed five (5) minutes to address the Planning Commission concerning the amendment then under consideration, unless the Planning Commission, prior to or at the time of the reading of the proposed amendment, vote to allow additional time in which to address the Commission on said proposed amendment. The speaker may initially use all of the time allotted to him to speak or he may speak and reserve a portion of his allotted time for rebuttal. Provided, however, that the proponents and opponents of each amendment shall have no less than ten (10) minutes per side for presentation of data, evidence, and opinion thereon. At the conclusion of each speaker's presentation, members of the Planning Commission may question the speaker. One member of the Planning Commission shall be designated as the time keeper to record the time expended by each speaker.
- c. Each speaker shall speak only to the merits of the proposed amendment under consideration and shall address his remarks only to the members of the Planning Commission. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinion irrelevant to the proposed amendment under consideration. The chair may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.
- d. Nothing contained herein shall be construed as prohibiting the chair from conducting the hearing in an orderly and decorous manner to assure that the public hearing on a proposed amendment is conducted in a fair and orderly manner.

17.3 Planning Commission Action. The Planning Commission shall review and make a recommendation to the governing body of approval, approval to alternate classification, denial, deferral, withdrawal without prejudice, or no recommendation, on each application at a public hearing held in accordance with this ordinance of the Council of Blythe, Georgia. The action of the Planning Commission may recommend a change of the zoning classification to a classification other than that requested by the applicant, a reduction of the land area for which the request is made and/or recommend conditions of rezoning which may be deemed advisable so that the purpose of this ordinance will be served.

17.4 Governing Body Action. The Governing Body having jurisdiction of the property under consideration shall, at a regular meeting, approve, deny, or defer action on such application. The action of the governing body may recommend a reduction of the land area for which the application is made and/or recommend conditions of rezoning which may be deemed advisable so that the purpose of this ordinance will be served. When such conditions are added

to approval of an application, the governing body may require that a zoning restriction agreement be recorded with the Clerk of the Superior Court of the county in which the affected property is located. The cost of recording such agreement shall be borne by the applicant.

17.5 Reversionary Clause. The Planning Commission Staff may submit information to the governing body having jurisdiction relative to property which has been rezoned for a period of 18 months from the date of approval, and for which no site plan or subdivision development plan approval or building permit has been obtained. The governing body may then review such information and, if considered appropriate, initiate reversionary zoning procedures. Such reversionary actions shall proceed in accordance with the amendment provisions of this ordinance.

17.6 Repeat Rezoning Attempts. When an application for rezoning is defeated, either by the City Council or ultimately on appeal, the same property may not again be considered for rezoning until the expiration of at least six months immediately following the defeat of the rezoning.

17.7 Standards Governing the Exercise of Zoning Power. The following standards governing the exercise of the zoning power are adopted in accordance with O.C.G.A. §36-66-S(b):

- a. The existing land uses and zoning classifications of nearby property;
- b. The suitability of the subject property for the zoned purposes;
- c. The extent to which the property values of the subject property are diminished by the particular zoning restrictions;
- d. The extent to which the diminution of property values of the subject property promotes the health, welfare, safety, morals, or general welfare of the public;
- e. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
- f. Whether the subject property has a reasonable economic use as currently zoned;
- g. The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property;
- h. Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;

- I. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
- j. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, public water supply, or schools; and
- k. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

ARTICLE XVIII. SEVERABILITY AND ABROGATION

18.1 Severability. If any section, clause, provision, or portion of the Ordinance shall be ruled invalid or unconstitutional by any court of competent jurisdiction, such determination shall not affect the validity or enforceability of any other section, clause, provision, or portion of this Ordinance.

18.2 Conflict with Other Regulations. The Comprehensive Zoning Ordinance of the City of Blythe adopted May 24, 1994, as amended April 20, 2000, is hereby repealed. The Land Development Code of the Town of Blythe adopted April 27, 1992 is hereby repealed. All other Ordinances and parts of ordinances in conflict herewith are hereby repealed.

ARTICLE XIX. TABLE OF PERMITTED USES

The following table should be used as reference only. Some uses or zoning districts may have additional restrictions. Articles II, III, IV, V, and VI of this Ordinance should be consulted for additional restrictions or requirements.

p = permitted use

c = conditional use

	R-1	R-2	R-3	AG	BP
Accessory Building	p	p	p	p	p
Adult Entertainment					C
Agricultural Uses				p	
Animal Kennels				C	
Church or other place of worship	p	p	p	p	p
Clubs					p
Dairy Uses				p	
Drive-in Retail Uses					p
Food and Beverage Sales					p

Forestry Uses				p	
Fraternal Association					p
Home Occupation	C	C	C	p	
House, Manufactured, "double-wide" or larger		p	p	p	
House, Manufactured, "single-wide"			p		
House, Multi-Family			p		
House, Single Family	p	p	p	p	
House, Two Family			p		
Junkyard				p	
Liquor Store					C
Lodges					D
Multi-Family Structure			p		
Non-Profit Uses					D
Park, Commercial					D
Park, Public/Private - noncommercial	p	p	p	p	p
Personal Care Home		C	C	C	
Professional Uses				p	
Public Building/Use	p	p	p	p	D
Ranching Uses				p	
Retail Uses					p
Service Uses					p
Signs					p
Truck Stop					0

ARTICLE XX. EFFECTIVE DATE AND COUNCIL APPROVAL

20.1 Effective Date. This ordinance shall take effect upon its passage by the City Council of Blythe.

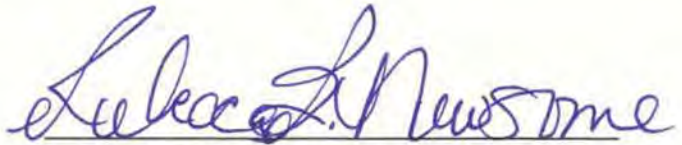
20.2 Approval. This Comprehensive Zoning Ordinance and Subdivision Regulations of Blythe, Georgia, is hereby approved the 26th day of January 2026.

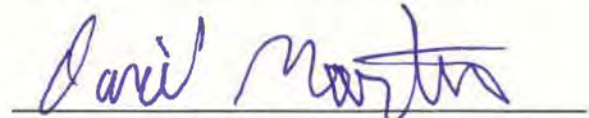
NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF BLYTHE, GEORGIA, that the "City of Blythe Zoning Ordinance and Zoning Map is, hereby approved and adopted for the City of Blythe, Georgia,

This Ordinance shall become effective on the 27th day of January, 2026.

Read, passed and adopted this 26 day of January, 2026.


NOEL CARTAGENA, Councilmember

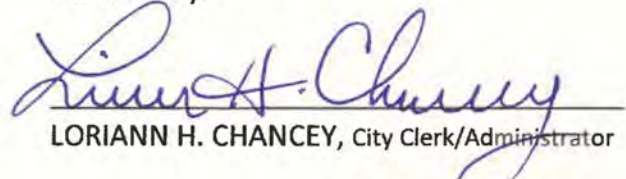

REBECCA BARTLETT NEWSOME, Mayor


J. DANIEL MARTIN, Councilmember


PHILLIP L. STEWART, Councilmember


Michael L. Rineer, Councilmember

Attested By:


LORIANN H. CHANCEY, City Clerk/Administrator



 NWI Wetlands
 R-1
 R-2
 R-3
 BP
 AG



