

STATE OF GEORGIA  
CITY OF RINCON

ORDINANCE

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF RINCON REPEALING THE CODE OF THE CITY OF RINCON, GEORGIA AT CHAPTER 90 (ZONING AND GROWTH MANAGEMENT), ARTICLE III (GENERAL PROVISIONS), SECTION 90-67 (PROHIBITED USES IN RESIDENTIAL DISTRICTS), SECTION 90-69 (SINGLE-FAMILY RESIDENTIAL STANDARDS), SECTIONS 90-72 THROUGH 90-87 REGARDING ACCESSORY STRUCTURES AND SPECIAL USE REGULATIONS, AND SECTION 90-94 (PERIMETER FENCE AND WALL STANDARDS AND REQUIREMENTS) AND ARTICLE VI (ZONING DISTRICTS), SECTIONS 90-171 THROUGH 90-220 REGARDING ZONING DISTRICTS AND USES; TO BE REPLACED WITH CHAPTER 90 (ZONING AND GROWTH MANAGEMENT), SECTIONS 90-27 (ESTABLISHMENT AND PURPOSE OF ZONING DISTRICTS) THROUGH 90-61 (RESERVED); TO PROVIDE FOR NOTICE; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Rincon, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government;

WHEREAS, the Mayor and Council have authority to amend the City's ordinances from time to time and where necessary to maintain adequate regulations, and;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF RINCON HEREBY ORDAINS, in a regular meeting assembled and pursuant to lawful authority thereof, as follows:

**Sec. 90-27. - Establishment and purpose of zoning districts.**

(A) Classification of districts: In order to classify, regulate and restrict the uses of land, buildings, structures and other open spaces about buildings, the City of Rincon is divided into districts as follows:

- (1) Agricultural—AR-1—Agricultural Residential (five acres or more). A district where general agricultural uses of a commercial nature may be conducted on five acres or more, but which prohibits uses that are incompatible to uses in adjacent districts or uses which may create public nuisances.
- (2) Agricultural—AR-2—Agricultural Residential (less than five acres). A district where limited agricultural uses of a commercial nature may be conducted, but where the list of allowable uses is more restrictive than the list for AR-1.
- (3) Residential—R-1—Purpose of district. A district where only limited residential uses are allowable and where a density of only two "conventional houses" per gross acre is allowable; the most restrictive of all residential use districts.
- (4) Residential—R-2 – Purpose of district. A district that permits limited single-family and duplex residential uses with a density of four units per acre. Duplex units shall be counted as .5 units per acre for density purposes and shall be required to meet specific design requirements as described in Sec. 90-31(C).
- (5) Residential Multi-Family—R-3. A district that permits duplexes, townhouses, and apartments. . Duplex units shall be counted as .5 units per acre for density purposes

and shall be required to meet specific design requirements as described in Sec. 90-31(C).

- (6) Residential—R-4. Purpose of district. A district where mobile homes and recreational vehicle parks are permitted.
- (7) Residential—R-5 – Purpose of district. A district that permits limited single-family and duplex residential uses with a density of five units per acre. Duplex units shall be counted as .5 units per acre for density purposes and shall be required to meet specific design requirements as described in Sec. 90-31 (C).
- (8) Commercial—OC. A district where business and professional offices, institutional uses and certain commercial activities may be established as described on the use table, but no commercial outdoor storage businesses are allowed.
- (9) Commercial—B-1 A district where limited commercial activities may be conducted, primarily to provide goods and services to adjacent neighborhoods, but no commercial outdoor storage businesses are allowed.
- (10) Commercial—B-2 A district where general commercial activities may be conducted, primarily to provide goods and services to the entire community.
- (11) Industrial—L-1 Purpose of district. A district where limited industrial uses, light manufacturing, and industrial parks are permitted.
- (12) Industrial—H-1 Purpose of district. A district where general industrial activities and manufacturing are permitted under strict environmental and community protection controls.
- (13) Special— (PUD) Purpose of district. The purpose of the PUD district is to encourage flexibility in land planning that will result in improved design, character and quality of new mixed-use developments; to promote the most appropriate use of land; to facilitate the provision of streets and utilities; and to preserve the natural and scenic features and open space.

(B) Table 90-27.1 describes the development standards required per zoning district.

### Agricultural Districts

	Max. dwelling units per acre	Min. Front setback	Min. side setback	Min. rear setback	Min. width of property	Min. depth of property	Max building height
AR-1 and AR-2	1	50 ft	15 ft	15 ft	200 ft	200 ft	35 ft

## Residential Districts

	Min. land area per lot	Max dwelling unit per gross acre	Min. Front setback	Min. side setback	Min. rear setback	Min. width of lot	Min. depth of lot	Min open space	Max building height
R-1	22,000 SF	2	35 ft	15 ft	25 ft	150 ft	150 ft	55%	35 ft
R-2	12,000 SF	4	35 ft	15 ft	25 ft	100 ft	120 ft	55%	35 ft
R-3	5,600 SF	8 (townhomes) 15 (apartments)	35 ft	15 ft	25 ft			35%	50 ft
R-4	8,000 SF	4	35 ft	15 ft	25 ft	80 ft	100 ft	55%	35 ft
R-5	8,500 SF	5	25 ft	10 ft	20 ft	85 ft	100 ft	55%	35 ft

## Commercial and Industrial Districts

	Min. Land Area	Min. front setback	Min. side setback	Min rear setback	Min. open/green space
OC	10,890 SF	35 ft	15 ft	15 ft	20%
B-1	21,780 SF	35 ft	15 ft	15 ft	20%
B-2	21,780 SF	35 ft	10 ft	15 ft	20%
L-1	5 acres	35 ft	15 ft	15 ft	20%
H-1	15 acres	35 ft	15 ft	15 ft	20%

### Sec. 90-28. - Districts shown on maps.

The boundaries of the various districts are shown on a Zoning Map of Rincon, which is located in the office of the city hall. The Zoning Map of the incorporated area is hereby made a part of this chapter; and all notations, references, and other information shown thereon shall be as much a part of this chapter as if all the matter and information set forth by said maps were fully described herein.

### Sec. 90-29. - Interpretation of zoning district boundaries.

When uncertainty exists with respect to the location of boundaries of any zoning district as shown on the Zoning Map of the City of Rincon, the following rules shall apply:

(A) Unless otherwise specifically indicated, where district boundaries are indicated on the Zoning Map as approximately following the center line of a street, highway, railroad right-of-way line, stream bed

or river bed or such center lines extended, then such center lines shall be construed to be such district boundaries.

(B) Where district boundaries are indicated on the Zoning Map as approximately following the corporate limits line of the city, then such corporate limits line shall be construed to be such district boundaries.

(C) Where district boundaries are indicated on the Zoning Map as being set back from a street, road, highway, railroad, stream or river and parallel thereto, then such district boundaries, unless otherwise specifically indicated, shall be construed as being at the scaled distance from the center line of such street, road, highway, railroad, stream or river and as being parallel thereto.

(D) Where a district boundary divides a lot, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of the lot; provided, however, that such extension shall not include any part of such lot which lies more than 50 feet beyond the district boundary; and provided further, that this provision shall not apply to a through lot. In the case of a through lot, the restriction of the district applying to adjoining lots which front on the same street as the lot frontage in question shall apply.

**Sec. 90-30. Equivalent Zoning Districts**

The zoning districts below shall be renamed as follows:

Table 90-30.1

Previous District	Current District
GA	AR-1
LA	AR-2
R2	R-1
RR2.5	R-1
R4	R-2
R6	R-2
R8	R-3
R11	R-3
M6	R-4
MXU	PUD
LC	B-1
GC	B-2
LN	L-1
GN	H-1

**Sec. 90-31. – Design Standards.**

(A) Conventional Single-Family structure and design standards:

(1) Plastic panels are prohibited as roofing materials with the exception of being used as materials for skylights or patio covers.

(2) The exterior walls shall be comprised of the following materials: clapboards, simulated clapboards such as conventional vinyl or metal siding over a minimum covering of one-half

inch exterior wood sheathing, wood shingles, shakes, stucco, brick, brick veneer, concrete block, or similar materials, but shall not include smooth, ribbed, corrugated metal panels.

(3) A minimum of ten feet wide driveway access from a public or private road is required for all lots.

(4) All principal structures shall be placed on a permanent foundation. For the purposes of this section, a permanent foundation shall mean a concrete slab, concrete footers, foundation wall, pilings or post construction which complies with the City Building Code.

(5) All dwelling units and habitable spaces must meet the requirements of all Federal, State and local Codes.

(6) If handicapped ramps are added they must meet the requirements of ADA, Federal, State and local Codes.

(7) State of Georgia Building and Construction Codes.

(B) Manufactured home safety standards.

For the purposes of public safety, all manufactured homes or other such forms of mobile, modular, or manufactured housing are subject to the following requirements:

(1) Manufactured home stand requirements. Prior to the issuance of a manufactured home relocation permit the owner of the parcel or lot for which the manufactured home is to be placed must have an approved mobile home stand.

(2) Manufactured home tie down requirements. All manufactured homes shall be tied down in accordance to the manufacturer's installation requirements and all Federal, State and local Codes.

(3) Manufactured home siding, stairs, and foundation requirements:

- i. All manufactured homes shall have siding materials consisting of wood, masonry, vinyl, concrete, stucco, masonite, or metal lap. The exterior siding material shall extend to ground level except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.
- ii. Skirting and/or siding must be in place within 30 days from the date the relocation permit is issued.
- iii. Stairs and landings are required at all exits and shall comply with all Federal, State and local Codes.
- iv. A proposal for refuse collection, storage and disposal shall be submitted, and approved by the city, during the final manufactured home site plans approval stage.

(4) Foundation requirements on all manufactured homes are as follows:

- i. Supports or piers shall not be more than two feet from the exterior end wall
- ii. All grass and organic material shall be removed, and the foundation must be placed on stable soil (dirt pad).
- iii. In no case shall wheels, any undercarriage or transporter unit be left on any structure.

(5) Manufactured home additions and auxiliary structures. Any significant feature added to a manufactured home that was not part of the manufacturers' original design is considered to be either an addition or an auxiliary structure.

- i. All auxiliary structures (such as porches, decks, awnings, cabanas, stairs, etc. unless provided and approved by the manufacturer) shall be entirely self-supporting, unless designed and approved by a professional engineer or registered architect. All such structures shall be constructed in accordance with the Federal, State and Local Building Codes.

(C) Duplexes in single-family districts.

Where permitted in single-family zoning districts, districts shall provide the following standards:

- (1) The duplex shall be attached and appear as a single dwelling unit.
- (2) The exterior of the duplex shall appear as a single dwelling unit and shall comply with the design standards prescribed in Sec. 90-31-A.1 and 90-31-A.2.
- (3) Vehicular access and garages shall be to the side or rear of the building.
- (4) Where feasible, each duplex entrance shall be located on separate exterior walls.

(D) Townhouses.

- (1) Townhouse units shall have an individual entrance, with entrance vestibules, canopies or porches to give identity to each unit and provide weather protection.
- (2) Townhouses shall appear as a unified building mass, maintaining a common architectural language across the entire length of units. However, this mass shall be varied by changes in unit orientation, color/material variations, shifts in roof profile, and variation at corner units. Windows, bays, balconies, and other articulation could also be used to express the individuality of each unit.
- (3) Each building shall incorporate treatments that "complete" the end and corner units, including:
  - i. an extended base or ground floor units
  - ii. a protrusion, porch or bay that wraps the corner, or
  - iii. an embedded corner tower

(4) Windows

- (i) Use multiple-pane windows.
- (ii) Provide windows that are designed to create shadows (either recessed or protruding).
- (iii) Use visually significant window elements (i.e. frame dimensions, lintels, casings, sills, and trim).
- (iv) Locate windows so that the occupants from one residence cannot look directly into an adjacent residence.

## (5) Roofline

- (i) Vary the roofline along the building length to reflect individual units.
- (ii) Pitched and continuous sloping roof forms are encouraged.
- (iii) Flat roofs shall be discouraged. Where flat roofs are used, they should be detailed with parapets or roof overhangs, and detailed with brackets, corbels, or other decorative supports.

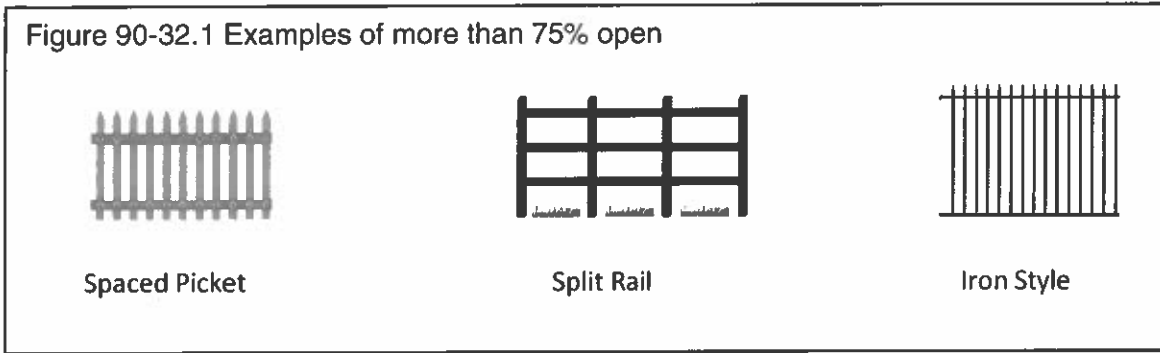
### **Sec. 90-32. - Perimeter fence and wall standards and requirements.**

Perimeter fences and walls are allowable on land lots in all Zoning Districts; however, a fence permit is required.

Front-yard fences shall consist of more than 75% open voids (see Figure 90-32.1), as viewed on a horizontal plane, and shall not be constructed more than 4 linear feet in height.

- (A) Rear and side yard fencing shall not be constructed more than 7 linear feet in height unless extraordinary property protection or security requirements or special "attractive nuisance" enclosure requirements are evident or can be proven.
- (B) Barbed wire fences are prohibited on any residential property.
- (C) Fences shall be constructed with the finished side facing adjacent properties or street rights-of-way.
- (D) The height of a fence or wall shall be measured from the finished grade at the base of the fence or wall to the top of the fence or wall but shall not include posts or columns.
- (E) Only the following materials shall be permitted:
  - (1) Wrought iron and extruded aluminum;
  - (2) Split-face concrete masonry units (CMU);
  - (3) Brick;
  - (4) Stone with mortar or dry stack stones;
  - (5) EIFS or stucco;
  - (6) Composite materials;
  - (7) Vinyl; and
  - (8) Decay-resistant wood. Wooden fence surfaces other than cypress or cedar should be painted or stained in order to protect the wood from decay.
  - (9) Other materials as approved by the Building Inspector.
- (F) No wall or fence may be constructed of exposed concrete block, tires, roofing tin, wooden pallets, junk or other discarded materials.
- (G) Retaining walls, flood control structures or similar devices or structures are exempted from the limitations of this section.

(H) All fences shall be regularly maintained and kept in good condition by the respective property owners.



### 90.33. Uses

#### (A) Permitted Uses

The uses listed in table 90.33.1 may be permitted upon application to the Planning and Development Department. New development must be reviewed by the Planning and Zoning Board, which shall submit a recommendation to City Council. A site development plan is required to accompany the application.

#### (B) Conditional Uses.

The conditional uses listed may be permitted and will be subject to conditions as outlined by Mayor and Council, and subject to the requirements of Sec. 90-42 and Sec. 90-337. A site development plan is required to accompany the application.

(1) Restrictions on conditional uses. No conditional use may be:

- i. Extended to occupy a greater area of the land unless authorized to do so by the governing body.
- ii. Extended to occupy a greater area of building or structure unless such additional area of building or structure already exists as part of the building or structure, and is clearly designed to house the same kind of use as the conditional use occupying the building unless authorized to do so by the City Council.

#### (C) Special Uses.

Special uses are permitted uses that have additional standards as provided for in Sec. 90-44.

#### (D) Uses not listed in the use table

When a requested use is not already listed in the use table as permitted, special use, or conditional, the Director of Planning and Development shall determine if the requested use is most similar to a listed use. This determination shall be made based on the type, intensity, environmental and social impacts of the proposed use. The requested use shall then be subject to the same standards as the most similar use.

#### (E) Prohibited Uses



(1) A use shall be prohibited unless:

- i. The use is specifically listed in the use table as a permitted, special use, or conditional use.
- ii. The Director of Planning and Development has determined that a requested use is most similar to a listed use, as described in table 90.33.1.

(2) Under no circumstances shall the following be permitted in any residential zoning district:

- i. In open areas, the parking or storage of an unoccupied house shall not be permitted. Houses shall be connected to utilities.
- ii. Commercial vehicles with more than two-axes shall not be parked or stored on any residentially zoned property at any time with the following exceptions:
  - a) trailers used for supply and equipment storage at a properly permitted construction site; or
  - b) the property is a minimum of two acres in size; and
  - c) no more than two of these vehicles shall be stored on the site; and
  - d) these vehicles shall not be visible from the road; and
  - e) no maintenance of these vehicles shall occur on the property; and
  - f) a parking permit shall be required and must be approved by the City Manager and the Director of Planning and Development.
- iii. To park or store power driven construction equipment, used lumber or metal, ~~firewood~~, or any other miscellaneous scrap or savable material in quantity on lots less than five acres in size.
- iv. Recreational vehicles on private property for dwelling purposes. Recreational vehicles shall only be permitted if parked in the side or rear of the primary structure and shall not protrude past the front of the primary structure and shall not be hooked up to sewer.

(C) Under no circumstances shall the following be permitted in any zoning district:

~~(1) Title pawn shops~~

~~(2) Pawn shops~~

~~(3) Cash checking facilities~~

(1) Recreational vehicles on private property for dwelling purposes. Recreational vehicles shall only be permitted if parked in the side or rear of the primary structure and shall not protrude past the front of the primary structure and shall not be hooked up to sewer.

Table 90-33A.1 Key C = Conditional Use, P = Permitted Use, SU = Special Use	AR- 1	AR- 2	R- 1	R- 2	R- 3	R-4	R-5	OC	B- 1	B-2	L-1	H- 1
Adult Entertainment Establishments (See Adult Entertainment Ordinance)										SU		
Adult Care Facilities	SU	SU			SU			SU	SU	SU		
Amusement Facility									P	P		
Athletic Club or Gymnasium								P	P	P		
Automotive Repair Services										SU	SU	
Boarding House or Bed & Breakfast Inn	C	C			C	C	C	P	P	P		
Bulk Fuel Storage	C										C	

Table 90-33A.1 Key C = Conditional Use, P = Permitted Use, SU = Special Use	AR- 1	AR- 2	R- 1	R- 2	R- 3	R-4	R-5	OC	B- 1	B-2	L-1	H- 1
Business and Professional Offices								P	P	P	P	
Check Cashing Facility										C		
Cemetery	P	P	P	P	P	P	P	P	P	P	P	
Childcare Center	P	P			P		P	P	P	P		
Church or Place of Worship	P	P	P	P	P	P	P	P	P	P	P	
Commercial Crop and Tree Farm	P	P										
Community Center	P	P	P	P	P		P	P	P	P		
Cultural Facilities	P	P			P	P	P	P	P	P		
Domestic Animal Kennels, Commercial	SU	SU										
Duplex (two-family attached)				P	P		P					
Feed and Grain Sales and Storage	P										P	
Food and Beverage Processing											P	
Full-service car wash										SU		
Funeral Home								SU	SU	SU	SU	
Gas Station									SU	SU	SU	
Health Services								P	P	P		
Horse or, Livestock Ranch, Commercial	P										C	
Industrial Bulk Storage											C	
Junk or Salvage Yard											C	
Library	P	P	P	P	P			P	P	P		
Machine Tool and Industrial Equipment Repair											P	
Manufactured Home	P			C		P						
Micro-brewery										P	P	
Mini-warehouse storage										P	P	
Mobile Home, Travel Trailer, Campgrounds, and Recreational Vehicle Parks						SU						
Motel or Hotel								P		P	C	
Motorized Equipment and Machinery Sales											P	
Movie Theater									P	P		
Multi-unit Attached—Apartments					P							
Nano-Brewery									P	P	P	

Table 90-33A.1 Key C = Conditional Use, P = Permitted Use, SU = Special Use	AR- 1	AR- 2	R- 1	R- 2	R- 3	R-4	R-5	OC	B- 1	B-2	L-1	H- 1
Nursery, Plant								P	P	P		
Pawn Shop										C		
Private Club	SU	SU			SU	SU		SU	SU	SU		
Public Park	P	P	P	P	P	P		P	P	P		
Restaurants						C		P	P	P	P	
Retail and Personal Services								P	P	P		
Schools, Public or Private	C	C		C	C		C	C				
Self-Service Laundry								P	P	P		
Single-Family (detached conventional)	P	P	P	P								
Tattoo Shop and/or Body Piercing									P	P		
Title Pawn Shop										C		
Townhouse					P							
Truck and Tractor Trailer Repair										C	C	
Vehicle Sales									P	P	P	
Veterinary Clinic or Hospital, or Animal Boarding (requires sound- resistant construction)	SU	SU						SU	SU	SU		
Warehousing											P	
Water and Sewage Systems												P
Wholesale Trading											P	

**Sec. 90-34. - Planned unit developments (PUD).**

(A) Applicability. The PUD District is applicable to tracts of at least five (5) acres of land if creation of a single master development will yield greater benefits to the general public than would otherwise occur through more conventional planning and zoning concepts.

(B) Eligibility Criteria. A PUD must meet the following criteria:

- (1) Demonstrated Benefit. The City encourages the PUD to provide the following:
  - i. Preservation and/or substantial enhancement of significant natural or historic features;
  - ii. Preservation and/or substantial enhancement, as applicable, of significant usable open space;
  - iii. Incorporation of a complementary mixture of uses or a variety of housing types;
  - iv. Inclusion of creative design that allows redevelopment of a nonconforming site, bringing it into closer compliance with the Ordinance; and/or
  - v. Economic development through the creation of primary jobs.

(C) Public Services. All PUDs shall be served and/or be able to be served by adequate public services, including, but not limited to, water, sanitary sewer, roads, police, fire, and school services.

For developments that have the potential for significant impact on infrastructure and services the applicant shall be required to provide an analysis of the impact on transportation, utilities, and community services.

(D) Allowed Uses. Land uses for the PUD shall be designated on the associated PUD Concept Plan and/or PUD Master Plan approved by the City Council. These land uses shall be incorporated into the ordinance adopting the PUD zoning for the property. Uses that will be favorably considered for a PUD include family entertainment, restaurants and outdoor dining areas and limited retail services.

(E) Prohibited Uses. Land uses that are specifically prohibited in a PUD shall include uses that are automobile related (i.e. full-service car washes, gas stations, automotive repair services, vehicle sales, etc.), motels, adult entertainment, vape shops, medical facilities, tax and quick loan offices, self-service laundry, and veterinary hospitals and boarding facilities.

(F) Dimensional Requirements. A table shall be provided that details any and all dimensional standards, including but not limited to setbacks, buffers, height and number of parking spaces.

(G) Approved Plan. No use of the parcel, nor construction, modification, or alteration of any use or structure within a PUD shall be permitted unless such construction or use complies with the terms and conditions of the approved plan. A PUD plan shall be approved subject to the procedures and criteria in the ordinance.

(H) Administrative procedures for PUD zoning. Requests pertaining to the establishment of a PUD district shall be considered as an amendment to the Zoning Ordinance and shall be administered and processed accordingly. Requests must include a master plan the addresses use, setbacks, lot size, density, bulk and other requirements. Applicants seeking PUD zoning shall meet with appropriate staff and the City Manager or designee for a preliminary review prior to making an application for rezoning. A general outline of the proposal along with a supporting concept plan or master plan shall be submitted. The final master plan will then follow the same process as a rezoning.

(I) The preliminary concept or master plan. The preliminary plans shall include the following:

(1) Existing features.

- i. The bearings and distances of the boundary lines pertaining to the property to be divided.
- ii. The location of any streams, natural drainage ways, trees greater than eight inches DBH, wetlands, and other waterways which exist on the property.
- iii. The distance and direction to waterlines and sanitary sewer lines.
- iv. The name, location, and right-of-way width of existing streets either on the property or on the land adjoining the property.
- v. The location of railroads, public or private rights-of-way or easements, utilities, and parks or other public spaces, either on the property or adjoining the property.

(2) Proposed design features.

- i. The location of, purpose, and width of any major proposed drainage or utility easement.
- ii. The location and names of proposed streets and lanes.
- iii. The proposed land use and site development plan for the PUD.

(J) Development standards. Specific standards must be set forth in the PUD master plan which shall include, at a minimum:

(1) All the above requirements of preliminary plus the following:

(2) Land use master plan showing the location, net acreage, and gross acreage of each type of use, including open space in the PUD and the existing land uses of property adjacent to the PUD. The master plan shall also include the approximate location of major circulation systems and utility systems.

(3) Standards for residential and commercial structures, including proposed height, setbacks, lot coverage, parking, buffers and other appropriate standards.

(4) Standards for major roadway circulation systems including the right-of-way width, pavement width, and design and utility locations.

(5) Location, dimensions, and purpose of any easements.

(6) Permitted uses within each area.

(7) A plan for the proposed phasing and a build-out schedule of development within the PUD.

(8) The master plan shall also include the expected limits of the 100-year flood where appropriate.

(K) Amendment of master plan.

(1) Approved master plan may be revised subject to submission to the City Council for review, Public Hearing, comment and motion/vote regarding approval.

### **Sec. 90-35. - Accessory structures.**

In residential and agricultural zones, and for the residential lots in the PUD zones, the location of all accessory buildings used for storage or non-residential purposes must comply with all building setback requirements of this chapter, including all building setback provisions referencing "project Development Area" boundaries and all other provisions of this section as follows:

(A) Accessory buildings are allowed in rear and side setback areas, if located not less than five feet from any corresponding lot line.

(B) Must be located behind the front of the primary structure.

(C) All accessory buildings over 250 square feet must meet all applicable building codes and permits.

(1) The total square footage of all accessory buildings on a lot that is less than one acre shall not exceed more than 50 percent of the square footage of the principal structure on the lot.

(2) The total square footage of all accessory buildings on a lot that is one to three acres shall not exceed more than 100 percent of the square footage of the principal structure on the lot.

(3) The total square footage of all accessory buildings on a lot that is more than three acres shall not exceed more than five percent of the square footage of the lot.

(4) Any accessory building over 1,000 square feet, other than for single-family or duplex lots, shall adhere to the site plan approval process.

(D) A building permit is required for all accessory structures.

(E) No detached accessory building shall be more than 30 feet in height.

(F) Temporary use of construction trailers. An approved re-locatable structure may be used for a temporary office for use on a commercial or industrial construction site provided the following criteria are met and a permit is issued by the Planning and Development Department:

(1) At no time shall the re-locatable structure be used for living purposes.

(2) The re-locatable structure must connect to the city's water and sewer system if the structure has restroom and/or water facilities installed. Also, plumbing and electrical services must be approved by the Planning and Development Department prior to occupying the premises.

(3) Said re-locatable structure shall be removed from the site within 15 days after completion of the project.

(4) If work stops on said project for more than 120 days, structure shall be removed within 15 days.

(5) The re-locatable structure is not allowed on a site for more than 24 months.

(G) Temporary use of construction trailers in residential developments. One re-locatable structure is permitted as a temporary sales office, for use in a major residential subdivision of 20 lots or more as long as the following criteria is [are] met and permit is issued by the city:

(1) Permit is issued in developer's name.

(2) At no time shall the temporary office structure be used for living purposes.

(3) Must be set up on a lot of record within the setbacks specified by the Zoning Ordinances applicable to that development.

(4) The re-locatable structure trailer must connect to the city's water and sewer. Also, plumbing and electrical services must be approved by the Planning and Development Department prior to occupying the premises.

(5) Sales office meets the requirements of the latest edition of the Georgia Accessibility Code.

(6) Sales office must be removed within six months of the date the approved plat for the residential subdivision is recorded or until a model home is completed, whichever comes first.

(H) Temporary use of dwelling unit or manufactured home as a model home. New dwelling units or manufactured homes completely constructed or installed in accordance with all the provisions of the Code of Ordinances of the city may be used as temporary sales offices/model homes as long as the following criteria are met and a permit is issued by the city:

(1) Permit is issued in developer or general contractor's name who owns such model or manufactured home.

(2) Dwelling unit may only be used by sales personnel and may not be occupied as a dwelling unit while being used as a temporary sales office/model home.

- (3) Each temporary sales office/model home must have at least six off-street parking spaces available for use by sales personnel or customers.
- (4) Use as a temporary sales office/model home must terminate upon the later of the expiration of 18 months from the date the permit is issued or the date on which more than 90 percent of the platted and recorded lots or spaces in that residential subdivision or mobile home dwelling district have completed residential structures located thereon which have been sold or leased by the developer or general contractor.
- (5) For good cause shown, the Planning and Development Department may extend the termination date for a temporary sales office/model home.

**Sec. 90-36. - Communication equipment.**

- (A) Structural plans for all commercial radio, television, cellular and other transmitting or relay antenna towers must be approved by an engineer licensed to practice in the State of Georgia and a permit issued by the Planning and Development Department, and shall be subject to Chapter 75, Telecommunications.
- (B) Only communication equipment located on public property may exceed 30 feet above the nearest adjacent grade.
- (C) Communication towers must meet all front, rear, and side yard setbacks.
- (D) All towers shall be designed and constructed to withstand a wind velocity of not less than 125 miles per hour.
- (E) Residential radio towers shall be allowed per adherence to federal and state guidelines.

**90-37.- Decks and patios.**

Patios, as defined in this chapter, no higher than one foot above the nearest adjacent grade may be placed anywhere within the property boundaries. Decks, as defined in this chapter, and patios that extend beyond one foot of [above] the nearest adjacent grade shall be required to comply with all setback requirements.

**90-38.- Home occupations and home business offices.**

- (A) Home occupations shall be regulated by Chapter 18, BUSINESSES, Sec. 18-52 of the Code of Ordinances of Rincon, GA.
- (B) Prohibited uses. The following uses are not permitted as home occupations:
  - (1) Vehicle and/or body and fender repair.
  - (2) Greenhouse or commercial nursery.
  - (3) Food handling, processing or packing of food, or production of food items, with the exception of cottage foods as defined and regulated by Ga. Comp. R. & Regs. R. 40-7-19.01-10 Cottage Food Regulations.
  - (4) Medical or dental lab.
  - (5) Day care, for more than six minors.

(6) Adult daycare centers.

(7) Restaurants.

**90-39. Satellite receiving dish antenna.**

A satellite dish shall be allowed in all zones, however, in all residential zones the following requirements shall apply:

(A) Dish shall not extend more than three feet above the highest point of the roof and the height of the antenna may not exceed 30 feet in height.

(B) In all zoning districts, antenna will be placed so as not to create a hazard to traffic or public utilities.

**Sec. 90-40. Secondary dwelling structures.**

Where permitted, secondary dwelling structures must adhere to the following requirements as per their respective category:

(A) Accessory dwelling units (ADUs). ADUs, including garage apartments, may only be permitted on a lot with a single-family dwelling and there is adequate parking for two single-family dwelling units and meets the setbacks for the primary structure. ADUs may not have a living area greater than one-half of the primary structure's total living area. ADUs may be rented for compensation as long as the owner resides in the primary structure.

(B) Caretakers dwelling. Caretakers dwellings may only be permitted in commercial and industrial zones and intended to house only persons employed by the permitted commercial or industrial use.

(C) Guest home. Guest homes may only be permitted on a lot with a single-family dwelling and provided that such shall only be permitted in a rear yard, there is adequate parking for two single-family dwelling units, and the structure meets the primary structure's setbacks. Guest homes may not have a living area greater than one-half of the primary structure's total living area. Guest homes are intended for housing guests of the residents occupying the main building and shall not be rented, sold or otherwise used as a separate dwelling.

(D) Non-residential mobile structures as temporary use. The Director of Planning and Development or designee shall have the authority to issue a permit subject to the following conditions. Such use shall be permitted subject to the following conditions:

(1) Such mobile home shall be allowed only for use by schools or churches.

(2) Any permit issued under these conditions shall be valid for only 12 months with the option to renew for an additional 12 months.

(3) Placement of the mobile unit must be compatible with the established development pattern so as not to adversely affect the adjoining and surrounding properties.

(4) Every 800 square feet shall be considered one unit.

(5) When a mobile unit is placed upon an occupied lot, it shall comply with all regulations established for the district.



(6) The mobile unit shall be provided with skirting completely enclosing any open space that exists between the ground and the bottom of the mobile unit. Such an enclosure shall be visually compatible with the neighborhood.

(7) The mobile unit shall be provided with a foundation designed to support the maximum load during all seasons and approved by the Planning and Development Department.

(8) No additions shall be made to the mobile unit.

(9) Steps that are compatible with conventional residential construction shall be provided to all exterior entrances and shall meet state and federal requirements.

(10) The mobile unit shall be located on the tract of land in a manner consistent with the location of building on adjoining lots.

#### **Sec.90-41.- Swimming pool requirements and placement.**

All swimming pools over 3,000 gallons capacity shall comply with the following requirements:

(A) Application for a permit to construct a swimming pool must be submitted to the Planning and Development Department. The structural plans must be approved by the Planning and Development Department prior to the issuance of a permit and the beginning of construction and/or excavation;

(B) Swimming pools may only be located in either the side or rear yard and must meet all set back requirements;

(C) Swimming pool construction must meet all requirements of the International Swimming Pool and Spa Code;

(D) All swimming pools must be confined within a fenced area. The fence must be a minimum of four feet in height and all gates must be lockable, self-closing, and self-latching. Fencing material shall have no opening larger than six inches in diameter;

(E) No swimming pools shall be placed across, on, or beneath any easements nor shall any utility easement be granted which bisects a swimming pool; and

(F) Must have a plan to contain all water run-off. Drainage must be contained on site or diverted to an existing drainage handling facility.

#### **Sec. 90-42- Conditional Use Regulations**

##### **Sec. 90-42. a. Adult entertainment establishments.**

See current ordinances, Article VIII of the Code of Ordinances of Rincon, GA

##### **Sec. 90-42. b. Check cashing facilities.**

Such use shall not have direct frontage on Highway 21.

##### **Sec. 90-42. c. Pawn shops.**

Such use shall not have direct frontage on Highway 21.

##### **Sec. 90-42. d. Title pawn shops.**

Such use shall not have direct frontage on Highway 21.

**90-43. - Reserved.**

**Sec. 90-44. – Special Use Regulations**

The following uses are permitted as provided in Table 90-33.1, but must meet the following criteria:

**Sec. 90-45. - Adult care facilities.**

Adult care facilities are listed and defined into three major classes: family personal care homes, group personal care homes, and nursing or rest homes. The requirements for these uses are as follows:

(A) Family personal care home. This use is limited to six or fewer persons including supervisory personnel and staff and must meet the following requirements:

- (1) Such use shall comply with all federal, state and local requirements.
- (2) The parking layout and design shall be characteristic of the neighborhood within which such use is located.
- (3) The use shall only be established in a building designed as and occupied as a one- or two-family dwelling structure.

(B) Group personal care homes. The following requirements apply to all group personal care home:

- (1) Such use shall provide the number of off-street parking spaces required for nursing homes and hospitals as set forth in Chapter 4, Off-street Parking and Unloading, plus safe and functional off-street patron pick-up and delivery spaces.
- (2) Visiting hours must be limited to the hours of 6:30 a.m. and 9:00 p.m. when such use is located in a residential neighborhood.
- (3) Such use shall only be permitted on a lot which abuts and has vehicular access to a collector street, major arterial or secondary arterial. The City Council may waive this requirement if, on the basis of evidence presented, it finds that the traffic to be generated by a particular use can be accommodated on other streets without creating traffic congestion and traffic hazards to the neighborhood served by such streets.
- (4) The parking layout and design shall be characteristic of the neighborhood within which such use is located.
- (5) Where the use abuts a lot occupied by a single-family or duplex dwelling, visual buffers shall be provided so as to shield all parking areas and outdoor activity areas from the abutting property. Such buffer shall consist of trees or other vegetation or an appropriately designed fence or wall, or a combination thereof as approved by the Planning Board.

(C) Nursing homes. The following requirements apply to all nursing homes:

- (1) Such use shall provide the number of off-street parking spaces required for nursing homes and hospitals as set forth in this chapter, off-street parking and unloading, plus safe and functional off-street patron pick-up and delivery spaces.
- (2) Visiting hours must be limited to the hours of 6:30 a.m. and 9:00 p.m. when such use is located in a residential neighborhood.

(3) Such use shall only be permitted on a lot which abuts and has vehicular access to a collector street, major arterial or secondary arterial.

(4) The parking layout and design shall be characteristic of the neighborhood within which such use is located.

(5) Where the use abuts a lot occupied by a single-family or duplex dwelling, visual buffers shall be provided so as to shield all parking areas and outdoor activity areas from the abutting property. Such buffer shall consist of trees or other vegetation or an appropriately designed fence or wall, or a combination thereof as approved by the Planning Board.

**Sec. 90-46. - Adult entertainment establishments.**

See current ordinances, Article VIII of the Code of Ordinances of Rincon, GA.

**Sec 90-47. -Automotive Repair Service and Parts**

The outdoor storage of vehicles awaiting repair and disassembled vehicles is only permitted on the side or rear of the site and must be screened with a 7' tall opaque fence. All other vehicles must be parked in a parking space as shown on the approved site plan.

**Sec. 90-48. - Campgrounds and RV parks.**

Where permitted, shall meet the following requirements:

(A) Must have a minimum lot size of five acres.

(B) Property must be connected to public water and sewer utilities.

(C) The principal use shall be for temporary lodging for overnight tourists not to exceed 5 days. Recreational vehicles are prohibited as permanent residences in all zoning districts.

**Sec.90-49. - Child-care facilities (including nursery and preschool).**

Where permitted, child-care facilities must adhere to all federal, state and local requirements as per their respective category and the following restrictions:

(A) There shall be no on-site outdoor recreation activities after 9:00 p.m.

(B) Where an abutting use is residential, visual buffers shall be provided so as to shield all parking areas and play areas, and outdoor activity areas from the abutting property. Such buffer shall consist of trees or of vegetation of such height and depth as determined by the Planning and Zoning Board of an appropriately designed fence, wall or a combination thereof.

(C) Site shall include a separate ingress and egress if a parent drop off/carpool loop is provided.

**Sec.90-50. – Domestic Animal Kennels**

All outdoor runs, pens, animal sheds, and kennels shall be located at least 100 feet from any residential district property line and have at least 50 feet from the property line regardless of the adjacent property line.

**Sec. 90-51. – Food and Beverage Processing.**

Excludes slaughterhouses. Must meet noise and odor suppression performance standards

**Sec. 90-52. – Full-Service Car Washes**

Separations shall be provided between all full-service car washes to other full-service car washes at a minimum of 1,000 feet measured by linear foot from property line to property line.

**Sec.90-53.- Funeral Homes**

Does not include a crematorium. Must demonstrate how parking for the use will be accommodated without impacting surrounding properties.

**Sec. 90-54. - Gas Stations**

Separations shall be provided between all gas stations to other gas stations at a minimum of 1,000 feet measured by linear foot from property line to property line.

**Sec. 90-55. - Private clubs.**

Wherever permitted, private clubs must meet the following requirements:

- (A) Such clubs shall not be open to the general public but shall be operated only for the benefit of dues-paying members.
- (B) Any building or structure established in connection with such uses shall be set back not less than 50 feet from all property lines.
- (C) The site size shall not be less than two acres in size.

**Sec. 90-56. - Veterinary hospitals.**

The following regulations shall apply to development of all animal hospitals, veterinary clinics, and animal boarding places:

- (A) The use shall front a major arterial street, provided that where all pens, runs or buildings housing such animals are located at least 100 feet from any property line.
- (B) All outdoor runs, pens and animal sheds housing more than five animals shall be located at least 100 feet from the property line of any residential district property.
- (C) No animals shall be allowed in any outdoor run located within 100 feet of a property line between the hours of 7:00 p.m. and 7:00 a.m.
- (D) All runs or pens located within 100 feet from any property line or street right-of-way shall be screened by a solid fence with landscaping.

**90-57 – 90-61. Reserved**

**Severability.** If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way

effect the validity of the remaining portions of this ordinance.

**Effective Date.** This ordinance shall become effective immediately upon its adoption by the City Council.

**Repeal.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SO ORDAINED this 24 day of June, 2024.

CITY OF RINCON

Kevin Exley, Mayor Pro Tem

ATTEST:

Dulcia King, City Clerk

