

**ZONING CODE
FOR THE
CITY OF
NICHOLLS, GEORGIA**



**ADOPTED
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Prepared by:



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Chapter 1: General Provisions

1-1 Title

This Zoning Code shall be known as and may be cited as the “City of Nicholls Zoning Code,” and may be referred to as the Zoning Code, or simply as “the Code.”

1-2 Authority

This Zoning Code is enacted under the authority of the Official Code of Georgia Annotated, Title 36, Chapter 66, Zoning Procedures, and Title 36, Chapter 67, Zoning Proposal Review Procedures, and all acts amendatory thereto.

1-3 Purpose

The purpose of this Zoning Code is:

1. to foster economic prosperity and a good quality of life in the City of Nicholls by providing residents and property owners with some certainty regarding the purposes for which land in the City will be used;
2. to guide the growth and development of the City of Nicholls in accordance with the City’s Comprehensive Plan; and
3. to promote the public health, safety, prosperity, comfort, convenience, and general welfare.

1-4 Applicability

1-4.1. General Applicability

Except as provided below, the provisions of this Zoning Code shall apply to all land within the jurisdiction of the City of Nicholls. No development may be undertaken without prior authorization pursuant to the provisions in this Zoning Code.

1-5 Incorporation by Reference

The boundaries of the zoning districts of the City of Nicholls are shown on the map entitled “City of Nicholls Zoning Map,” dated and certified by the Zoning Administrator. Said map is hereby incorporated into and made part of this Zoning Code by reference.

Regardless of the existence of purported copies of the “City of Nicholls Zoning Map” which may from time to time be published, the most current zoning map of the City of Nicholls, in the office of the Zoning Administrator, shall be the final authority for zoning districts in the City.

1-6 Compliance

No structure may be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged, nor may any structure or land be used or existing use be expanded, except in full compliance with all provisions of this Zoning Code.

1-7 Severability

Should any section, subsection, sentence, clause, phrase, or provision of this Zoning Code be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Zoning Code as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

1-8 Rules of Interpretation

The provisions of this Code shall be held to the minimum requirements for the protection of the health, safety, and general welfare of the public. If two or more provisions within this Code are in conflict or are inconsistent with one another, the most restrictive provision shall control.

1-9 Abrogation

It is not intended by this Code to interfere with or abrogate or annul any easements, covenants, or other agreements between parties.

1-10 Conflict With Other Regulations

Whenever this Code requires or imposes more restrictive standards than are required in or under any other statutes, the requirements of this Zoning Code shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Code, the provisions of such statute shall govern.

1-11 Effective Date

This Code shall be in full force and effective upon adoption by the City Council and shall apply to any development for which the first submittal of development plans is received after the effective date of this Zoning Code.

1-12 Definitions

ACCESSORY DWELLING UNIT

A detached or attached subordinate dwelling unit, located on the same lot as the principal structure. Includes garage apartments, mother-in-law suites, guest houses, or any other type of residential unit that is subordinate to the primary use of the lot.

ACCESSORY STRUCTURE

A detached, permanent or semi-permanent subordinate structure, measuring 4 feet or more on one side, located on the same lot as the principal structure or use.

ADDITION

Any walled or roofed expansion to the perimeter of a building that is connected to that building.

ADULT ENTERTAINMENT

Performances by topless and/or bottomless dancers, strippers or similar entertainers, where such performances are characterized by the display or exposure of anatomical areas.

ADULT ENTERTAINMENT ESTABLISHMENT

A commercial establishment, which has as its primary purpose or business the offer for sale, rent, or distribution of any book, publication, tape, CD, DVD, or any media that depicts nudity, or sexual conduct; or engages in services such as bath houses, massage parlors, wrestling parlors or like activity, including a night club, restaurant, theater, cabaret, lounge, or other establishment which features adult entertainment.

ANIMAL SHELTER

Any facility operated by or under contract for the state, county, municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.

APPLICANT

A person or entity making an application for a permit as provided for under this Code. The applicant may be the owner, developer, project manager, or contractor.

BUFFER

A strip of land located between a building, structure, or use and another property or public right of way.

BUILDING

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

CONCENTRATED ANIMAL FEED LOT OPERATIONS (CAFO)

A lot or facility, together with any associated treatment works, where both of the following conditions are met: First, animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period. Secondly, crops, vegetation, forage growth, or post-harvest residues are not sustained over any portion of the operation lot or facility. CAFOs and factory farms can be indoor and/or outdoor operations.

CORNER LOT

A lot having frontage on two (2) public streets at their intersection.

CURB CUT

The opening along the curb line or edge of pavement of a public street at which point a driveway begins for vehicular ingress and egress from a property.

DAY CARE CENTER (CHILD)

An establishment, licensed by the Georgia Department of Human Resources, operated by a person, society, agency, corporation or institution, or any group, wherein are received with or without pay, seven (7) or more children under 18 years of age for group care, for less than 24 hours per day, without transfer of custody.

DWELLING UNIT

Any building or structure or portion thereof, designed for or used as a residence by a single housekeeping unit with cooking, sleeping and sanitary facilities provided within. Does not include rooms in a hotel, motel, boarding house, bed & breakfast, or extended stay hotel.

FLOOR AREA

The sum of all square feet of each floor of a building, measured from the interior faces of the exterior walls. The following areas are excluded from the measurement of the floor area: unfinished attics and basements, attached garages or spaces used for off-street parking or loading, breezeways, decks, and porches.

FRONTAGE

The width in linear feet of a lot or parcel where it abuts the right-of-way of any public street.

KENNEL

Any establishment, other than an animal shelter, where dogs or cats are maintained for boarding, holding, training, or similar purposes for a fee or compensation. Similar purposes include, but are not limited to, activities of a breeding establishment, cattery, or grooming shop.

LOFT APARTMENT

An apartment located on the second or higher story of a building, typically located above businesses in a commercial downtown area.

LOT

A parcel of land, as shown on the latest County tax assessment records.

LOT OF RECORD

Any contiguous parcel of land designated as a separate and distinct parcel of land on a legally recorded, approved subdivision plat or in a legally recorded deed, as filed in the official records of the Clerk of Court for the City of Nicholls/Coffee County prior to the date of the adoption of this Code.

MANUFACTURED HOME

A factory-built structure, transportable in one or more sections, designed to be used as a dwelling with or without a permanent foundation, constructed on or after June 15, 1976 in compliance with the Manufactured Home Construction and Safety Standards (42 U.S.C. 5401-5426).

MOBILE HOME

A factory-built structure, transportable in one or more sections, designed to be used as a dwelling with or without a permanent foundation, constructed prior to the enforcement of the Manufactured Home Construction and Safety Standards (42 U.S.C. 5401-5426), effective June 15, 1976. Mobile homes, as defined herein, may not be placed within any zoning district in the City of Nicholls.

NON-CONFORMING STRUCTURE

Any lawfully existing structure or building on the effective date of this Code that does not comply with all of the provisions of this Code.

NON-CONFORMING LOT OF RECORD

A lot of record on the effective date of this Code, that does not comply with the current requirements of this Code, but was lawfully established and authorized by the City of Nicholls.

NON-CONFORMING USE

Any use lawfully being made of any land, building, or structure on the effective date of this Code that does not comply with the use provisions of this Code.

OPEN SPACE

Any lot area not used for or occupied by a driveway, off-street parking or loading space, refuse storage, or structure.

OUTDOOR STORAGE

The keeping in an outdoor area, if not fully screened from public view, of any goods, material, merchandise, or vehicles in the same place for more than seven (7) consecutive days whether for storage, display, processing, or sale.

PERSONAL CARE HOME

A facility that provides assistance with the activities of daily living to at least two unrelated residents.

PRINCIPAL BUILDING

The building containing, or to contain, the principal use of a lot.

PRINCIPAL USE

The principal purpose for which a lot or the main building thereon is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained.

PUBLIC HEARING

An official session of any elected or appointed board advertised according to law.

RECREATIONAL VEHICLE

A camper, trailer, motor home, or similar vehicle that is:

1. Built on a single chassis; and
2. Designed to be self-propelled or towable by a non-commercial vehicle; and
3. Designed primarily for use as temporary living quarters for recreation, camping, travel, or seasonal use.

REDEVELOPMENT

A land development project on a previously developed site. Excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution.

RELIGIOUS FACILITY

A building in which persons regularly assemble for religious worship, and that is maintained and controlled by a religious body organized to sustain public worship.

RIGHT-OF-WAY (PUBLIC)

A strip of land dedicated to, designated, reserved, or deeded to the City, County, or State, on which facilities such as roads, railroads, canals, utilities, and other similar uses exist or may be constructed.

SETBACK

The shortest distance between the right-of-way of a street or an adjacent lot line and the nearest part of a building as prescribed in this Code for specific districts. Primary and accessory buildings may not be placed within a required setback.

SIDEWALK

That portion of the right-of way which is parallel to the street or road and which is intended for pedestrian traffic.

SIGHT DISTANCE TRIANGLE

The area of property in the quadrant of an intersection located within a triangle formed by a diagonal line that connects two points at a certain distance away from the intersection of the right-of-way lines of two intersecting streets or the intersection of a street and a driveway.

SIGN:

ABANDONED SIGN

- a. A sign, including a sign structure, is abandoned if it is located on a parcel that was previously occupied, but the use has been discontinued or all buildings on the parcel containing the sign have been vacated for a period of more than 6

months and no building permit or occupational permit has been issued for the parcel during that six month period and the sign has not been well maintained for a 120-day period.

b. Any sign the owner of which cannot be located at the owner’s last address as reflected on the records kept by the Zoning Administrator.

c. Any sign no longer fully supported by the structure designed to support the sign.

ANIMATED SIGN

A sign that depicts action or motion or that changes color

DILAPIDATED SIGN

Any sign that is structurally unsound or potentially dangerous or any sign face that is illegible due to damage or lack of maintenance that is not prepared to meet City Codes within 30 days after written notification by the Zoning Administrator to the property owner or sign owner.

FACE

The portion of a sign on which the copy, message, or other visual image to be communicated is placed or is intended or designed to be placed.

FLASHING SIGN

Any sign utilizing a continually or intermittent or sequentially flashing light source.

ILLUMINATED SIGN

Any sign designed to emit artificial light or lit by a stationary source of artificial light.

SIGN AREA

The entire face of a sign, including the area to which the sign’s message is attached, and any framing, trim, or molding, but not including the support structure for free-standing pole-mounted signs.

SPECIAL EXCEPTION

A special exception is a use which, within certain districts as specified by this ordinance, is not permitted as a matter of right but may be permitted within these districts by the City Council after the Planning Commission and City Council have: (1) reviewed the proposed site plans for the use, its location within the City, its arrangement and design, its relationship to neighboring property, and other conditions peculiar to the particular proposal which would determine its desirability or undesirability; (2) has found the proposal not to be contrary to the intent of this ordinance; and (3) has approved the use as specified.

STREET or ROAD

Right-of-way dedicated to or owned by a public government agency for the purpose of providing principal access to abutting property.

STRUCTURE

Anything constructed or installed, the use of which requires location on a parcel of land.

SUBDIVISION

The cumulative platting of real property into two or more parcels, lots, tracts, or any other division of land, including all division of land involving a new street or a change in existing streets.

THROUGH LOT

A lot other than a corner lot, having frontage on more than one (1) street; or a corner lot having frontage on three (3) or more streets.

VARIANCE

A relaxation of the dimensional and/or development standards of the Zoning Code that will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the intentional actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

ZONING ADMINISTRATOR

The person whom the City Council has designated as its agent for the administration of these regulations.

ZONING DISTRICT

One or more sections of the City as set forth in this Code and delineated and designated on the zoning maps, within which the zoning regulations are uniform.

Chapter 2: Permitted Uses

2-1 General Provisions

2-1.1 Continuation of non-conforming uses

1. A lawful use of a building, structure, or land occurring prior to the date of adoption of this Code may be continued even if such use does not conform to the provisions of this Code. However, if such a use is discontinued for a continuous period of not less than one (1) year, every future use of such building or land will be required to conform with the provisions of this Code.
2. Non-conforming uses of buildings, structures, or land may not be expanded in any manner except in conformance with this Zoning Code.
3. A use shall be deemed discontinued if all activities related to such use have ceased for a continuous period of not less than one (1) year. The determination that a use has ceased shall be made by the Zoning Administrator, who shall consider, among other things, the consumption of utility services at the property, the existence and maintenance of any required business licenses, and advertising to the public of any activities on the property.

2-1.2 Prohibition of development in flood zones

No structures other than non-residential accessory structures may be placed or constructed within, or partially within, a flood zone as defined by the Federal Emergency Management Agency (FEMA).

2-1.3 Zoning districts

The following zoning districts are hereby established in the City of Nicholls.

- **Agricultural (AG).** The purpose of this district is to provide and protect an environment suitable for productive agriculture, together with such other uses as may be necessary to and compatible with productive agricultural surroundings.
- **Residential (R).** The purpose of this district is to provide and promote high-quality residential areas with associated amenities, while protecting these areas from incompatible uses.
- **Manufactured Home Park (MHP).** The purpose of this district is to provide for the development of property that is appropriately located and planned for manufactured housing park use. Property developed in this district is to remain in single ownership, individual corporation or limited liability company or limited partnership for rental or leasing purposes only. To be considered for this Land Use classification, a site plan meeting the requirements of this ordinance must be submitted with any Land Use petition. Manufactured housing parks shall be developed only in strict accordance with the Manufacturing Housing Park provisions of this ordinance.

- **Public/Institutional (PI).** The purpose of this district is to provide for the location of public, governmental, and institutional land uses, including but not limited to schools, government offices, parks, recreational facilities, and correctional facilities.
- **Highway Commercial (HC).** The purpose of this district is to provide for and encourage the proper grouping and development of high-traffic-oriented uses which include a wide variety of sales and services that will best accommodate the needs of the community and the traveling public.
- **Downtown Commercial (DC).** The purpose of this district is to provide and protect an environment for higher-density commercial development, which will include a wide variety of sales and compatible uses which should be located in the historic central business district of the City of Nicholls.
- **Neighborhood Commercial (NC).** The purpose of this district is to provide locations for smaller-scale businesses that serve local neighborhoods, creating a walkable environment with amenities nearby, while protecting neighborhood residents from incompatible land uses.
- **Industrial (I).** The purpose of this district is to provide and protect areas for industrial uses.
- **Adult Commercial (AC).** The purpose of this district is to provide a reasonable location within the community for the development of adult-oriented businesses including adult entertainment establishments.

2-1.4 Table of Permitted Uses

This section lists the uses that are permitted in the zoning districts in the City of Nicholls.

Table 1. Table of Permitted Uses

P = Permitted, SE = Special Exception, blank cell = Not Permitted

| Uses | AG | R | MHP | HC | NC | DC | PI | I | AC |
|--|----|----|-----|----|----|----|----|----|----|
| Residential Uses | | | | | | | | | |
| Single-family (front door must face street) | P | P | | SE | P | | | | |
| Two-family (duplex) (front door must face street) | SE | SE | | SE | SE | | | | |
| Multi-family (front door must face street) | | SE | | SE | SE | SE | | | |
| Manufactured Home (front door must face street) | SE | SE | P | | SE | | | | |
| Mobile Home (not permitted, see Definitions) | | | | | | | | | |
| Modular Home (front door must face street) | P | P | | SE | P | | | | |
| Accessory Dwelling Unit (attached or detached) | SE | SE | | | SE | | | | |
| Loft Apartment | | | | | | P | | | |
| Accessory Structures or Uses (other than dwelling units) | P | P | | P | P | P | P | P | |
| Public/Institutional Uses | | | | | | | | | |
| Government Buildings | | | | P | | P | P | | |
| Religious Facilities | P | P | | P | P | P | P | | |
| Educational Facilities (such as schools and libraries) | | P | | | P | P | P | | |
| Day Care Centers | | P | | P | P | | P | | |
| Cemeteries | P | | | | | | P | | |
| Utilities (such as water, sewer, electric, solar, natural gas) | P | P | P | P | P | P | P | P | |
| Public Parks / Outdoor Recreation (includes playgrounds) | P | P | P | P | P | P | P | P | |
| Communication Tower / Facility | P | SE | SE | P | SE | P | P | P | |
| Personal care homes | SE | SE | | SE | SE | SE | | | |
| Assisted living facilities | SE | SE | | SE | SE | SE | | | |
| Animal shelters | | | | | | | P | | |
| Commercial Uses | | | | | | | | | |
| Retail Store | P | SE | | P | P | P | | | |
| Wholesale Trade | SE | | | P | | | | P | |
| Home-based Businesses | P | P | | SE | P | | | | |
| Restaurant | SE | SE | | P | P | P | | | |
| Bar, Lounge, Nightclub, Liquor Store | SE | | | P | | SE | | SE | |
| Studios (such as arts, music, yoga, martial arts) | | P | | P | P | P | | | |
| Professional Offices (such as accountants, lawyers) | P | SE | | P | P | P | P | | |
| Medical Offices (such as doctors, dentists, veterinarians) | SE | | | P | P | P | P | | |
| Personal Services (such as barbershops, nail salons, laundry services) | P | SE | | P | P | P | | | |
| Commercial Recreation (such as bowling alleys, roller skating rinks, theaters) | P | | | P | SE | P | | | |
| Car Wash | P | | | P | P | P | | | |
| Automotive Repair Shop (Outside storage of vehicles or equipment prohibited) | P | | | P | SE | P | | | |

| Uses | AG | R | MHP | HC | NC | DC | PI | I | AC |
|---|----|----|-----|----|----|----|----|----|----|
| Equipment/Appliance Repair Shop (Outside storage of materials or equipment prohibited) | P | SE | | P | P | P | | | |
| Gas Station | | | | P | | | | | |
| Bed & Breakfast Lodging | P | P | | | P | P | | | |
| Hotel/Motel | P | | | P | | | | | |
| Funeral Home | P | SE | | P | P | P | | | |
| Mini-Storage / Self-Storage | SE | | | P | P | P | | P | |
| Adult Entertainment | | | | | | | | | P |
| Agricultural Uses | | | | | | | | | |
| Agricultural & Farm Operations (Crops, Livestock & Specialties) | P | | | | | | | | |
| Agricultural Manufacturing (such as chemicals, food & similar products, lumber & wood products except furniture) | | | | | | | | P | |
| Agricultural Processing, Sales, Indoor and Outdoor Storage | P | | | | | | | P | |
| Agricultural Services | P | | | | | | | | |
| Agricultural Retail (such as farm equipment & related accessories, road side farm stand) | P | | | P | | P | | | |
| Concentrated animal feedlot operations (CAFO) | SE | | | | | | | | |
| Commercial Greenhouse | P | | | | | | | | |
| Fishing, Hunting | P | | | | | | | | |
| Forestry | P | | | | | | | | |
| Kennels | SE | | | | | | | SE | |
| Plant Nurseries | P | | | P | | P | | | |
| Riding Stables (2-acre minimum) | P | | | | | | | | |
| Growing of Gardens | P | P | P | P | P | P | P | P | |
| Industrial Uses | | | | | | | | | |
| Light Manufacturing (must not impose excessive noise, vibration, odor, dust or other offensive effects on the surrounding area) | | | | | | | | P | |
| Warehouses | | | | | | | | P | |
| Bulk Storage Yards, Junkyards, Salvage Operations | | | | | | | | P | |
| Mining & Extraction | | | | | | | | SE | |
| Landfills & Recycling Facilities | | | | | | | | SE | |
| Other Uses | | | | | | | | | |
| Uses not listed in this table | SE | SE | SE | SE | SE | SE | SE | SE | |

Chapter 3: Development Standards

3-1 Dimensional Requirements

The following requirements shall apply to all development within the City of Nicholls.

Table 2. Dimensional Requirements

| District | Minimum Lot Size (square feet) | Minimum Road Frontage (feet) | Setbacks (feet, measured from parcel boundary) | | | Minimum Floor Area Per Dwelling Unit |
|-------------------------|--------------------------------|------------------------------|--|------|------|--------------------------------------|
| | | | Front / side @ corner | Side | Rear | |
| Agricultural | 1 acre | 100 | 20 | 20 | 20 | 800 |
| Residential | 2,000 per dwelling unit | 40 | 10 | 5 | 10 | 400 |
| Manufactured Home Park | 3 acres | 100 | 20 | 20 | 20 | 800 |
| Highway Commercial | 4,000 | 60 | 30 | 0 | 0 | 400 |
| Neighborhood Commercial | 2,000 per dwelling unit | 40 | 10 | 5 | 10 | 400 |
| Downtown Commercial | 0 | 0 | 0 | 0 | 0 | 400 |
| Public/ Institutional | 0 | 0 | 0 | 0 | 0 | n/a |
| Industrial | 1 acre | 100 | 20 | 20 | 20 | n/a |
| Adult Commercial | 1 acre | 100 | 20 | 20 | 20 | n/a |

3-2 General Provisions

3-2.1 Only one principal structure per lot (Residential district)

Upon new development or redevelopment of property in the Residential zoning district, there shall be only one principal structure on each lot. Accessory buildings must conform to the requirements of this Code (see Sections 3-3 and 3-4).

3-2.2 Validity of permits issued prior to Code adoption

The provisions of this Code and any amendments hereto shall not affect the validity of any effective development or building permits that were lawfully issued prior to the date of adoption of this Code, provided that the permit has not expired and activity under said permit continues without interruption until the activity is complete. If the permit expires or if activity ceases or is completed, any further development or building activity on that site shall occur only in conformance with the requirements of this Code.

Nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building or structure for which a development or building permit

was lawfully applied and issued, or a preliminary or final subdivision plat or site plan was approved, prior to the effective date of this Code.

3-2.3 Reconstruction of non-conforming structures

- a. Existing buildings and structures which do not conform to the provisions of this Code may not be enlarged, expanded, or moved in any manner except in conformance with this Code.
- b. An existing non-conforming building that has been destroyed by more than 50 percent of its assessed value may not be reconstructed except in accordance with the provisions of this Code.
- c. Nothing in this Chapter shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the Zoning Administrator.

3-3 Accessory Structures

- a. Accessory structures shall be subject to the setback requirements shown in Table 2.
- b. Accessory structures must be placed to the rear or side of the principal structure and may not be placed closer to the street frontage than the principal structure.
- c. Accessory structures must be placed at least 5 feet away from the principal structure.
- d. In the Residential district, the total floor area of all accessory structures on a lot (including attached or detached accessory dwelling units) may not exceed the floor area of the principal structure.

3-4 Accessory Dwelling Units

Accessory dwelling units may be attached or detached.

- a. Detached accessory dwelling units are subject to the same requirements that apply to accessory structures (Section 3-3). All accessory dwelling units (attached or detached) are subject to the setback requirements shown in Table 2.
- b. Any accessory dwelling unit (attached or detached) must have at least 400 square feet of heated floor area, must include full kitchen and plumbing facilities, water and sewer hookups, heating, and air conditioning, and must be certified fit for occupancy by the building inspector.
- c. In the Residential district, only one accessory dwelling unit per lot shall be permitted.
- d. Mobile homes, as defined in this Code (see Definitions) and recreational vehicles may not be used as accessory dwelling units.

3-5 Additions and Expansions

- a. A building permit must be obtained for any addition onto an existing structure greater than 100 square feet.
- b. Regardless of size, all additions must conform to the setback requirements in Table 2.

- c. Existing buildings and structures that do not conform to the provisions of this Code may not be enlarged or expanded in any manner except in conformance with this Code.
- d. No addition may be constructed that causes a conforming property to cease conforming to the provisions of this Code.

3-6 Animals

- a. Animals may not be kept in the Residential district in such a manner or quantity as to produce a nuisance, including but not limited to offensive odors, overcrowding, inhumane conditions, hazardous conditions, or excessive noise.
- b. Roosters (male chickens) may not be kept in the Residential district.
- c. Horses may not be kept on any lot smaller than 2 acres.
- d. Manure must be disposed of or composted in a way that does not produce offensive odor.

3-7 Home-based Business

A home-based business, as defined by this Code, shall be governed by the following requirements.

- a. The home-based business shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
- b. The home-based business may not generate such noise, traffic, waste, or other effects as to constitute a nuisance in the neighborhood.
- c. For each land parcel on which a home-based business is located, only one (1) sign, not exceeding six (6) square feet in area, motionless, and non-lighted, is permitted.
- d. Home-based businesses may be operated either in the principal dwelling or in an accessory structure. Accessory structures are subject to Sections 3-3 and 3-4 of this code.
- e. The owner of the business must be a resident of the dwelling.
- f. No more than two non-residents of the dwelling may be employed by the business at any one time.

3-8 Landscaping and Curb Cuts

The requirements of this section shall apply to new development and redevelopment in the Highway Commercial zoning district.

- a. A sidewalk and landscaped buffer shall be required for new development and redevelopment in the Highway Commercial zoning district.
- b. The sidewalk and landscaped buffer must be provided along all sides of the lot that run adjacent to either arterial or collector roadways.
- c. The sidewalk shall have a minimum of 4 feet of clear width, and must not be obstructed by utility poles, signs, trash cans, street furniture, or other obstructions.
- d. ADA ramps must be provided at curb cuts and intersections in conformance the Americans with Disabilities Act.

- e. The buffer shall be between the sidewalk and the street, and must be a minimum of 4 feet in width.
- f. The buffer shall be planted with grass, groundcover, plants, and/or small shrubs. Mulch and pebbles are also permitted.

3-8.1 Curb Cuts

- a. No single curb cut may exceed 30 feet in length.
- b. There may be no more than one curb cut on any street frontage 150 feet or less in length.
- c. A maximum of two curb cuts shall be permitted on street frontages between 150 and 250 feet in length.
- d. For each 100 feet of street frontage length over 250 feet, an additional curb cut no greater than 30 feet in length may be permitted.
- e. The minimum distance between two curb cuts on a single lot shall be 30 feet.
- f. No curb cut shall commence within 8 feet of a side lot line.
- g. No curb cut may be less than 10 feet in length.

3-9 Manufactured Homes

The following standards shall apply to manufactured homes placed within the Agricultural and Residential zoning districts.

- a. Any manufactured home located in the City must bear a valid label certifying that it was constructed in compliance with the Manufactured Home Construction and Safety Standards (42 U.S.C. 5401-5426) and must be installed in accordance with O.C.G.A. § 8-2-160, et seq.
- b. No manufactured home may be placed or held for storage or repair purposes at any location within the City.
- c. Front doors of manufactured homes must face, and directly front on, a public street. If the dimensions of the lot make this impossible, the manufactured home must be placed parallel to a parcel boundary line. On parcels lacking any straight boundary line of sufficient length, manufactured homes shall be placed as close to a parallel position as reasonably possible with respect to the shape of the parcel. Manufactured homes may not be placed diagonally.
- d. The manufactured home must be attached to a permanent foundation.
- e. All towing devices, wheels, axles, tongues, and hitches must be removed.
- f. Skirting must be installed and maintained in good condition.
- g. At each exterior door there must be a landing that is a minimum of thirty-six inches by forty-eight inches.

3-10 Manufactured Home Parks

The following standards shall apply to manufactured homes placed within the Manufactured Home Park (MHP) zoning district.

- a. A manufactured home park must be no less than 3 acres in size, with a minimum frontage of 100 feet along a paved public road.
- b. A manufactured home park must not exceed a density of more than 5 units per acre. 20 percent of the site shall be provided in common open space.
- c. Each site within the manufactured home park reserved for the accommodation of any manufactured home shall not be less than 3,200

- square feet. The minimum width of the site shall not be less than 70 feet. The site shall be level, free from rocks and weeds, and well drained.
- d. No manufactured home may be placed in any location where there is less than 20 feet distance between the manufactured home and another structure or another manufactured home.
 - e. No manufactured home may be placed less than 20 feet from any lot line.
 - f. All roads and driveways within the manufactured home park must be paved. Dirt and/or grass roads and driveways are not permitted.
 - g. Skirting must be installed and maintained in good condition.
 - h. At each exterior door there must be a landing that is a minimum of thirty-six inches by forty-eight inches.
 - i. Any manufactured home located in the City must bear a valid label certifying that it was constructed in compliance with the Manufactured Home Construction and Safety Standards (42 U.S.C. 5401-5426) and must be installed in accordance with O.C.G.A. § 8-2-160, et seq.
 - j. Each manufactured home park shall be provided with an adequate supply of water of safe, sanitary quality and shall be connected to the City Water System.
 - k. Each manufactured home park shall be provided with safe and adequate means for the collection of waste and garbage, and shall be connected to the City Sewer System.

3-11 Mobile Homes

Mobile homes, as defined in this Code (see Definitions), may not be placed within any zoning district in the City of Nicholls.

3-12 Swimming Pools

The standards of the 2012 International Swimming Pool and Spa Code shall apply to swimming pools within the City of Nicholls. Swimming pools must conform to the setbacks listed in Table 2. Swimming pools must be entirely surrounded by a permanent fence or wall that obstructs unauthorized access to the pool.

3-13 Adult Entertainment Uses

3-13.1 Adult Business Premise Regulations

- a. All adult materials shall be located within the adult business premises and the activities of employees which include the exposure of specified anatomical areas shall take place within the adult business premises.
- b. No adult materials or activities of employees which include the exposure of specified anatomical areas shall be visible from the exterior of the adult business premises in any way, including but not limited to exterior apertures such as opened doors and unobscured windows.
- c. No merchandise, advertising or depictions of the activities of an adult business shall be displayed on the exterior of the adult business premises or in any location where they are visible from public right-of-way.

- d. Additional landscaping shall be provided adjacent to public right-of-way and adjacent to private property:
 - 1. A landscaped strip at least five feet wide shall be provided along the boundary of adjacent public right-of-way between the right-of-way and all on-site parking areas and other vehicular use areas to consist of one tree every 50 feet or portion thereof and a fence, wall or hedge not less than four feet in height at planting; and
 - 2. An opaque fence, wall or hedge shall be provided along the boundary of adjacent private property of a height of not less than four feet and more than eight feet at planting.

3-13.2 Distance Requirements

- a. No adult business shall commence operation within 1,000 feet of any residential zoning district.
- b. No adult business shall commence operation within 1,000 feet of any other adult entertainment establishment.
- c. No adult business shall commence operation within 1,000 feet of any church or school.

3-13.3 Prohibited Activities

- a. It shall be unlawful for an employee of an adult business to engage in specified sexual activities within the adult business premises in the presence of a patron or spectator of the business or for any form of compensation.
- b. It shall be unlawful for an employee of an adult business to physically touch a patron or spectator of an adult business while simultaneously revealing specified anatomical areas.

Chapter 4: Sign Regulations

This Chapter regulates all signs in the City of Nicholls visible from the public right-of-way. The chapter sets standards for the height, size, and appearance of signs for the following purposes:

- a. Maintain and enhance the visual quality (aesthetics) of the community;
- b. Improve road safety by minimizing distractions and obstacles to clear views of the road and of directional or warning signs;
- c. Protect property values and private/public investments in property;
- d. Avoid personal injury and property damage from structurally unsafe signs.

All signs within the City of Nicholls shall be erected, constructed, and maintained in accordance with the provisions of this Section and applicable Sections of the International Building Code.

4-1 Non-conforming Signs

- a. A non-conforming sign may not be replaced by another non-conforming sign.
- b. No structural repairs, change in shape, or change in size of a non-conforming sign shall be permitted unless the sign is concurrently brought into compliance with the requirements of this Code. Minor repairs and maintenance of non-conforming signs shall be permitted.
- c. No conforming sign shall be permitted to be erected on the same property as an existing non-conforming sign until the non-conforming sign has been removed or made to conform to the provisions of this Code.
- d. Signs lawfully erected before the adoption of this Code, which have since become non-conforming, shall be allowed to remain until one of the following conditions occurs:
 1. The business, entity, or activity to which the sign is connected ceases operating at that location;
 2. The deterioration of the sign or damage to the sign makes it hazardous;
 3. The sign has been damaged to such extent that repairs are equal to or exceed fifty (50) percent of the sign's current replacement value, as determined by independent appraisals and accepted by the Zoning Administrator.

4-2 Prohibition of signs hazardous to traffic safety

No sign may remain in place or be erected that:

- a. Obstructs the sight distance along a public right-of way;
- b. Would tend, by its location, color, or nature, to be confused with or obstruct the view of traffic signs or signals, or to be confused with a flashing light of an emergency vehicle.
- c. Would tend, by its nature, location, color, or moving parts, to confuse traffic or create any potential hazard to traffic.

The height of a sign within an intersection sight triangle shall be consistent with the recommendations of the most current edition of the *AASHTO Policy on Geometric Design of Highways and Streets*.

4-3 Prohibited locations

- a. No signs other than those signs erected by public governmental agencies or signs required by law shall be placed upon, or so as to overhang, any portion of public rights-of-way or other public properties.
- b. A sign shall not be located in such a manner as to obscure another sign or to be obscured by an existing sign, a structure, or existing vegetation, unless provisions are made for the removal of the obscuring sign, structure, or vegetation.

4-4 Appearance and illumination of signs

- a. A sign may not involve or contain intermittent lighting, animation, motion, or rotation of any part of a sign or sign structure or display; except for signs erected by public governmental agencies or signs required by law.
- b. A sign shall not produce noise or sounds.
- c. A sign shall not produce or emit smoke, vapor, particles, or odor.
- d. Signs may be illuminated directly or indirectly. All illumination shall be positioned and directed so as not to shine upon other property. Flashing or color-changing illumination is prohibited.

4-5 Height of signs

- a. No sign in the City of Nicholls may exceed twenty (20) feet in height. No sign in the Residential zoning district may exceed six (6) feet in height.
- b. Signs erected by public governmental agencies and signs required by law are exempt from the above requirements.

4-6 Area of signs

- a. The “area” of a sign consists of the part of the sign on which lettering and/or images are present, plus any background material, panel, trim, frame, edge, color, and illumination that differentiates the sign from the structure, backdrop surface, or object upon which or against which it is placed. When there is no such differentiation, the sign face shall be considered to be a rectangle just large enough to enclose all lettering, illustrations, ornamentation, symbols, or logos.
- b. No sign in the City of Nicholls may exceed thirty-two (32) square feet in area.
- c. No sign in the Residential zoning district may exceed 18 square feet in area.
- d. Home-based businesses are restricted to one sign per land parcel with a maximum of 6 square feet in area.

4-7 Responsibility of Maintenance; Abandoned Signs

- a. All signs must be properly maintained. Exposed surfaces must be cleaned and painted, if paint is required. Defective or damaged parts must be replaced.
- b. If any sign regulated in this section is found to be abandoned or the business advertised has moved from the property where the sign is located, the owner, agent, or responsible person must remove the sign, cover the sign with a plain

fabric cover, or place a blank copy panel in the sign frame within 30 days of the abandonment or relocation of the business.

- c. Upon the failure, neglect, or refusal of any owner, agent, or responsible person to remove or repair any sign in violation of the provisions of this Code, within 30 days after written notification, the City is hereby authorized and empowered to effect the removal of the sign which is in violation.
- d. When the City has removed or repaired a sign, or has paid for its repair or removal, the actual cost of the action, plus an administrative charge, shall be charged to the owner of the property. The charge shall be due and payable to the City within 30 days following written notice, given to the property owner, of the amount due. If the amount is not paid by the property owner, then such amount due to the City shall become a lien upon the property of the owner, and the Zoning Administrator may cause the filing of such lien with the Clerk of the Court.

Chapter 5: Subdivision Regulations

5-1 Platting Authority

The City of Nicholls Planning Commission shall be the official platting authority, and no plat of a land subdivision within the City of Nicholls shall be recorded in the Office of the Clerk of the Superior Court of Coffee County unless it has the approval of the Planning Commission inscribed thereon.

5-2 Subdivision Process

Subdivision shall be officially reviewed and approved as follows:

1. Any person desiring to subdivide land shall file with the Planning Commission five (5) copies of a preliminary plat. The purpose of the preliminary plat is to safeguard the subdivider from the unnecessary loss of time and expense in preparation of a subdivision plat which does not conform with the specifications of the subdivision regulations. The preliminary plat requires only approximate accuracy of scale and dimension. The preliminary plat will include:
 - The name and location of the proposed subdivision;
 - An arrow indicating north;
 - Existing property lines;
 - Proposed new property lines;
 - Other features if applicable, such as new roads and utilities.
2. Approval or disapproval of the preliminary plat shall be accomplished within 45 days after the plat is filed with the Planning Commission.
3. Upon approval by the Planning Commission, the subdivider may submit a final plat. The final plat shall contain the location, bearing, and length of every existing and proposed street line, lot line, and boundary line within a 100-foot radius of the property to be subdivided. Easement lines (and width), land lot and land district lines will be shown. Seven (7) copies of the final plat shall be submitted, certified by a licensed surveyor. Along with the final plat, the following documents shall be submitted:
 - A letter of application containing the name and address of the person(s) or agent(s) of the person(s) developing the subdivision;
 - Description of phases in which the subdivision will be developed, if applicable;
 - A copy of the agreement for providing the necessary utilities;
 - A complete list of major deviations, if any, from the approved preliminary plat;
 - A certified copy of all private covenants or deed restrictions, if any, pertaining to land within the subdivision;
 - Seven (7) copies of the final plat, certified by a licensed surveyor;
 - A filing fee in the amount necessary to cover all incurred costs. (This provides for the cost of investigation and review of the subdivision by the reviewing agencies; filing of the plat; and reproducing the necessary extra copies.)

4. Approval or disapproval of the final plat shall be accomplished within 45 days after the plat is filed with the Planning Commission.
5. After approval by the Planning Commission, the zoning administrator shall file the final plat with the County Tax Assessor.

5-3 Prohibition of the Creation of Non-conforming and Non-buildable Lots

No lot shall be reduced or divided in such a way as to create a lot that does not meet the requirements of this Code, or to create a lot on which development meeting the requirements of this Code would not be possible.

5-4 Prohibition of New Lots in Flood Zones

No lot shall be reduced or subdivided in such a way that the only possible development on the lot conforming with the dimensional requirements of this Code would be within, or partially within, a flood zone as defined by the Federal Emergency Management Agency (FEMA).

5-5 Exemptions

The following will not be regarded as subdivisions:

- a. Where located on a public road, the combination or recombination of previously platted lots, where the total number of lots is not increased, and the resulting lots comply with the standards in this Code.
- b. The public acquisition or sale of land.

Chapter 6: Administration and Procedures

6-1 Planning Commission

- a. The City of Nicholls Planning Commission shall consist of five members, appointed by the City Council.
- b. The Planning Commission shall function as an advisory board, providing recommendations to the City Council regarding rezonings, special exceptions, variances, and related matters.
- c. When an application is received for a rezoning, special exception, or variance, the Planning Commission staff shall produce a written staff report within 30 days of receipt of the application containing all pertinent information and consideration of standards as described in this Code. Planning Commission staff shall present their staff report to the Planning Commission. The Planning Commission shall communicate their recommended action to the appropriate governing body.
- d. The appropriate governing body shall then hold a public hearing, advertised as specified in the following sections. After the public hearing, the governing body shall vote to determine the final action with regard to the application for rezoning, special exception, or variance.

6-2 Rezonings

A change in the zoning classification of a parcel of land shall be referred to as a “rezoning.” A proposed rezoning may be initiated by the City Council, Board of Zoning Appeals, Planning Commission, or individual. If the applicant for rezoning of a property is not the owner of that property, evidence of agency in the form of a letter, affidavit or other document satisfactory to the Zoning Administrator must be provided as part of the application for rezoning.

6-2.1 Rezoning application

An application for rezoning shall include the following:

1. Legal names, contact addresses, and telephone numbers of each of the owners of the subject property;
2. If any owner is a business entity such as a partnership, corporation, or joint venture, the names, addresses, and telephone numbers of all partners and officers, as appropriate;
3. The land parcel number(s) of the subject property as recorded by the Coffee County Clerk of Courts, and/or the legal description of the boundaries of the subject property, as appropriate;
4. The current zoning district of the subject property, and the new zoning district that is desired;
5. A copy of the deed or deeds conveying the subject property to the current owner;
6. A current survey of the property or portion of the property prepared by a Georgia registered professional surveyor;

7. If the applicant for a rezoning is a representative of the owner, evidence of agency in the form of a letter, affidavit, or other document satisfactory to the Zoning Administrator must be provided;
8. Signature of the applicant or applicant’s representative; and
9. Any other information required by the Zoning Administrator.

6-2.2 Standards for Rezoning Review

Within 30 days of receipt of a rezoning application, the Planning Commission staff shall deliver to the Planning Commission a written staff report considering the following standards with regard to the application:

1. Whether the proposed rezoning request would permit a use that is suitable, in view of the existing land use pattern of adjacent and nearby property.
2. Whether the proposed rezoning would result in the possible creation of an isolated district unrelated to adjacent and nearby districts.
3. Whether the proposed development would affect the existing population density pattern and lead to the possible increase or overtaxing of the load on public facilities.
4. Whether changed or changing conditions make the passage of the proposed amendment reasonable.
5. Whether the proposed rezoning would adversely influence existing conditions in the neighborhood or in the City at large.
6. Whether the proposed rezoning would result in potential impacts on the environment, including but not limited to drainage, soil erosion and sedimentation, flooding, air quality, and water quality and quantity.
7. Whether the costs required of the public in providing, improving, increasing, or maintaining public utilities, schools, streets, and public safety necessities would be reasonable when considering the proposed change.
8. Whether the proposed rezoning would be detrimental to the value or improvement of the development of adjacent or nearby property in accordance with existing requirements.
9. Whether the proposed change would constitute a grant of special privilege to the individual owner as contrasted with the adjacent or nearby neighborhood or with the general public.
10. The extent to which the zoning decision is consistent with the Comprehensive Plan as currently adopted.

The Planning Commission shall include in the recommendation to the City Council any information which it deems to be relevant to issues relating to the proposed rezoning.

The Planning Commission may determine that additional specific technical information is needed regarding any potential environmental, fiscal, or public service impacts. If such determination is made, the Planning Commission shall have the discretion to defer its recommendations upon preparation of a special study intended to analyze the potential impacts or the specific areas of concern. Where preparation of a special study

has been required, no recommendation will be forwarded to the City Council until such study has been received and reviewed by the Planning Commission. The cost of any special study shall be borne by the applicant, unless the City Council approves the participation of public funds as necessary or as being in the public interest.

At the Planning Commission meeting, the Planning Commission shall vote to recommend to the City Council to either approve, approve with conditions, or deny the rezoning application. If the Planning Commission fails to provide a recommendation, the application shall be forwarded to the City Council without a recommendation.

6-2.3 Public hearing

Before making its decision on a request for rezoning, the City Council shall hold a public hearing. A notice of the public hearing shall be published in a newspaper of general circulation within the territorial boundaries of the City of Nicholls at least 15 days but not more than 45 days prior to the hearing. The notice shall state the name of the applicant and the date, time, place, and purpose of the hearing. A sign containing this information must also be placed in a conspicuous location on the property not less than 15 days prior to the hearing. A notice containing the name of the applicant and the date, time, place, and purpose of the hearing shall also be sent to the applicant by mail to the property owner’s last known address, and to all adjacent property owners (either directly adjoining or directly across a public right-of-way) not less than 15 days prior to the hearing.

6-2.4 Final action

The City Council shall vote on the final action regarding a rezoning request at the next City Council meeting following the public hearing.

6-3 Variances

The purpose of a variance is to provide property owners with relief in cases where the literal application of the Zoning Code would cause an unnecessary hardship due to unusual circumstances relating to their property. Variance cases are heard by the Planning Commission, which shall then make a recommendation to the Zoning Board of Appeals regarding whether or not the variance should be granted. The vote of the Zoning Board of Appeals shall constitute the final action with regard to a variance application. The City Council may function as the Zoning Board of Appeals.

Any person desiring to undertake a development activity not in conformance with the dimensional requirements of this Code may apply for a variance in conjunction with the application for development review.

6-3.1 Variance application

An application for a variance shall include the following:

1. Legal names, contact addresses, and telephone numbers of each of the owners of the subject property;

2. If any owner is a business entity such as a partnership, corporation, or joint venture, the names, addresses, and telephone numbers of all partners and officers, as appropriate;
3. The land parcel number(s) of the subject property as recorded by the Coffee County Clerk of Courts, and/or the legal description of the boundaries of the subject property, as appropriate;
4. A description of the nature and extent of the variance requested and the circumstances that have caused the applicant to seek a variance;
5. A copy of the deed or deeds conveying the subject property to the current owner;
6. A current survey of the property or portion of the property prepared by a Georgia registered professional surveyor;
7. If the applicant is a representative of the owner, evidence of agency in the form of a letter, affidavit, or other document satisfactory to the Zoning Administrator must be provided;
8. Signature of the applicant or applicant's representative; and
9. Any other information required by the Zoning Administrator.

6-3.2 Standards for Variance Review

Within 30 days of receipt of a variance application, the Planning Commission staff shall deliver to the Planning Commission a written staff report considering the following standards with regard to the application:

1. The variance requested arises from a condition that is unique and peculiar to the property in question;
2. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in unnecessary hardship for the owner, lessee, or occupant, as distinguished from a mere inconvenience, if the provisions of this Code were literally enforced;
3. Said condition is not ordinarily found in the same zoning district;
4. Said condition is created by the regulations of this Code, and not by an action or actions of the property owner or the applicant;
5. The granting of the variance will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety, or substantially diminish or impair property values within the neighborhood; and
6. The granted variance is the minimum variance necessary that will make possible the reasonable use of the land, buildings or structures; and
7. The variance is not opposed to the general spirit and intent of this Code or the Comprehensive Plan.

At the Planning Commission meeting, the Planning Commission shall vote to recommend to the City Council to either approve, approve with conditions, or deny the variance application. If the Planning Commission fails to provide a recommendation, the application shall be forwarded to the City Council without a recommendation.

6-3.3 Public hearing

Before making its decision on a request for a variance or an appeal filed with the Zoning Board of Appeals, the Board shall hold a public hearing. A notice of the public hearing shall be published in a newspaper of general circulation within the territorial boundaries of the City of Nicholls at least 15 days but not more than 45 days prior to the hearing. The notice shall state the name of the applicant and the date, time, place, and purpose of the hearing. A sign containing this information must also be placed in a conspicuous location on the property not less than 15 days prior to the hearing. A notice containing the name of the applicant and the date, time, place, and purpose of the hearing shall also be sent to the applicant by mail to the property owner’s last known address, and to all adjacent property owners (either directly adjoining or directly across a public right-of-way) not less than 15 days prior to the hearing.

6-3.4 Final action

The Zoning Board of Appeals shall vote on the final action regarding a variance request at the next Zoning Board of Appeals meeting following the public hearing.

The Zoning Board of Appeals may require additional restrictions and standards as may be necessary to protect the health and safety of residents and workers in the community, and to protect the value of property and quality of life in the general neighborhood. If the City Council finds that these restrictions or standards are not being complied with, the City Council may revoke the variance after giving due notice to all parties concerned and granting full opportunity for a public hearing.

6-4 Special Exceptions

Special exceptions shall be reviewed by the Planning Commission, which will make a recommendation to the City Council for approval, approval with conditions, or denial. After the City Council grants a special exception, the use for which the special exception was granted must commence within one (1) year, otherwise the application must be resubmitted.

If a use permitted by special exception is discontinued for a period of more than one (1) year, the special exception shall become invalid and is subject to procedures for resubmission.

6-4.1 Special exception application

Within 30 days of receipt of a special exception application, the Planning Commission staff shall deliver to the Planning Commission a written staff report considering the following standards with regard to the application:

1. The address, map number, and parcel number of the property for which the Special Exception is proposed.
2. A Letter of Intent stating the proposed Special Exception usage proposed for the subject property.

- 3. The names and address of the owners of the land, and the names and addresses of abutting property owners.
- 4. A site plan showing all proposed structures, modifications, or other physical changes to be made to the property, if applicable.

6-4.2 Standards for Special Exception Review

The following standards shall be considered for Special Exception requests:

- 1. Is the type of street providing access to the use adequate to serve the proposed Special Exception use?
- 2. Is access into and out of the property adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and to allow access by emergency vehicles?
- 3. Are public facilities such as schools, utilities, and police and fire protection adequate to serve the proposed Special Exception use?
- 4. Are refuse, parking, and loading areas on the property located or screened to protect other properties in the area from adverse effects such as noise, light glare, and other negative impacts?
- 5. Will the hours and manner of operation of the Special Exception use have any adverse impacts on other properties in the area?
- 6. Will the height, size, or location of the buildings or other structures on the property be compatible with the height, size, or location of buildings or other structures on neighboring properties?

At the Planning Commission meeting, the Planning Commission shall vote to recommend to the City Council to either approve, approve with conditions, or deny the rezoning application. If the Planning Commission fails to provide a recommendation, the application shall be forwarded to the City Council without a recommendation.

6-4.3 Public hearing

Before making its decision on a request for a special exception, the City Council shall hold a public hearing. A notice of the public hearing shall be published in a newspaper of general circulation within the territorial boundaries of the City of Nicholls at least 15 days but not more than 45 days prior to the hearing. The notice shall state the name of the applicant and the date, time, place, and purpose of the hearing. A sign containing this information must also be placed in a conspicuous location on the property not less than 15 days prior to the hearing. A notice containing the name of the applicant and the date, time, place, and purpose of the hearing shall also be sent to the applicant by mail to the property owner’s last known address, and to all adjacent property owners (either directly adjoining or directly across a public right-of-way) not less than 15 days prior to the hearing.

6-4.4 Final action

The City Council shall vote on the final action regarding a special exception request at the next City Council meeting following the public hearing.

The City Council may require additional restrictions and standards as may be necessary to protect the health and safety of residents and workers in the community, and to protect the value of property and quality of life in the general neighborhood. If the City Council finds that these restrictions or standards are not being complied with, the City Council may revoke the special exception after giving due notice to all parties concerned and granting full opportunity for a public hearing.

Chapter 7: Legal Status Provisions

7-1 Conflict with Other Laws

All previous Land Use ordinances of the City of Nicholls, Georgia, are hereby repealed. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in force and effect, but all such ordinances or parts of ordinances in conflict herewith are hereby repealed. Whenever other ordinances or parts of ordinances require greater restrictions than those required by this ordinance, such ordinances or parts of ordinances shall govern. Whenever other ordinances or parts of ordinances require lesser restrictions, the requirements here within shall govern.

7-2 Separability

If any section, clause, portion or provision of this ordinance is found unconstitutional, such invalidity shall not affect any other portion of this ordinance.

7-3 Effective Date

This ordinance shall take effect and be enforced from and after its adoption and passage by the City Council of the City of Nicholls.

Date of Adoption

S/ _____
Mayor, City of Nicholls

S/ _____
City Clerk, City of Nicholls

(SEAL)