

# **City of Richmond Hill**

**Bryan County**

**Savannah MSA**

**2003 Population Estimate 8,266; +15.3% change from 2000 Census.**

**Not a Tree City USA.**

**No tree board established by ordinance.**

## **APPENDIX A ZONING**

### **ARTICLE III. GENERAL PROVISIONS**

**Year first adopted or last revised unknown.**

**Addresses private property.**

**Includes buffer requirements.**

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## APPENDIX A ZONING\*

**\*Editor's note:** Appendix A contains the zoning ordinance of the city as adopted on December 15, 1998. The editor has used a uniform system of capitalization and punctuation, and has corrected obvious misspellings. Future amendments to the zoning ordinance will be indicated in parenthetical history notes following the amended sections.

**Cross references:** Planning commission, § 2-126 et seq.; buildings and building regulations, ch. 18; environment, ch. 34; floods, ch. 42; manufactured homes and trailers, ch. 46; subdivisions, ch. 58.

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## ARTICLE III. GENERAL PROVISIONS

### Section 1. Nonconforming uses.

(A) *Continuance.* Lawful conforming uses existing prior to the effective date of this ordinance may be continued, except as hereafter provided, even though such use does not conform with the provisions of this ordinance.

(B) *Extension and alteration.* A nonconforming use shall not be extended or structurally altered, but the extension of a lawful nonconforming use throughout all portions of a building or structure existing at the effective date of this ordinance shall not be considered as the extension of a nonconforming use.

(C) *Restoration to a safe condition.* Nothing in this ordinance shall prevent the restoration of any building or structure to a safe or sanitary condition when required by the proper authorities.

(D) *Restoration after damage.* Every building which houses a nonconforming use which has been destroyed or damaged by fire, explosion, Act of God, or by public enemy to the extent of 75 percent of its market value exclusive of the foundation at the time such damage occurred shall thereafter be made to conform with the provisions of this ordinance. If such damage is less than 75 percent of its market value before said damage occurred, exclusive of the foundation, then such structure may be restored to the same nonconforming use as existed before such damage, provided however, that a building permit to initiate restoration be obtained within 12 months of the occurrence of damage; otherwise all provisions of this ordinance will apply. However, the mayor and council, in their discretion, may grant an extension of not more than 12 additional months, for a total of 24 months, after holding a hearing on said application as provided in article VII hereof, and considering the standards for expansion of time contained in Article VII hereof.

(E) *Abandonment.* A nonconforming use which has been discontinued for a period of one year shall not be re-established and any future use shall be in conformity with the provisions of this ordinance.

(F) *Changes in use.* A nonconforming use which is changed to a conforming use or to another nonconforming use of a more restrictive classification shall not be permitted to revert to the original or less restrictive use.

(G) *Uncompleted structures.* If a permitted construction project remains dormant for a period beyond 12 months, the building permit and all other permits become null and void. The owner of such uncompleted structure may maintain the structure in its existing condition for up to 12 months while awaiting new permits. If the applicant does not receive the necessary permits within the 12-month period, the owner will be required to remove the uncompleted structure. The mayor and council, may grant an extension of these periods of no more than 12 additional months after holding a hearing as provided in article VII hereof and consideration of the standards for expansion of time contained in article VII hereof.

(H) *Errors and violations.* The issuance or granting of a permit or approval of plans or specifications shall not be deemed or construed to be approval for any violation of any provision in this ordinance. No permit presuming to give the authority to violate or cancel any provision of this ordinance shall be valid.

**Section 2. Use of residentially zoned property for access.**

Residentially zoned districts and streets located therein shall not be used for access to uses in a nonresidential zoned district unless permitted by city council after a hearing as provided in article VII hereof and consideration of the standards for zoning ordinance or map amendment contained in article VII hereof.

**Section 3. Preexisting substandard lots.**

The purpose of this section is to grant relief to preexisting substandard lots that would create undue hardship to an individual case and allow the issuance of the building permits upon the said substandard lots. In order to qualify for relief under this article, the applicant must demonstrate the following:

- (A) Failure to grant a building permit on this substandard lot would create a real, undue hardship;

**Section 4. Public utilities.**

Public utility installations and buildings, including water towers, electronic transformer stations, water and sewage pumping stations are a conditional permitted use, provided that no open or unenclosed storage is permitted at the site, the area is fenced in by a wall or fence at least six feet in height, and a landscaped strip not less than ten feet in width is planted and maintained.

**Section 5. Limited use.**

The limited use provision allows an applicant to request that a certain property be classified as limited use. In some areas of the city, a particular land use activity selected out of a general land use classification may have less community impact than some of the other uses within that classification. For this reason, an applicant may petition for a land use change of property to a special use only (i.e. C1-LU). The limited use must be among the uses permitted in the district for which the limited use was granted. If said use of property violates the intent of the zone, the property will revert to the prior land use district classification.

**Section 6. Buffers.**

- (A) *Determination of buffer requirements between residential, commercial, industrial and other zones.* When two adjoining properties are in dissimilar residential, commercial, industrial, or other zone districts, the property within the zone district allowing more intensive uses is required to provide the buffer when acquiring a building permit unless the buffer is preexisting and deemed adequate by the city planning commission. All such buffers shall fully meet the buffer requirements shown in Table III. 6.1, "Buffer Requirements Between Dissimilar Zones." The codes shown on Table III. 6.1 are defined below. When two adjoining vacant parcels are in dissimilar zone districts, no buffer is required when the parcel zoned for less intensive use acquires a building permit. The following requirements do not include drainage ditches, easements or rights-of-way.

1.1. *Buffer requirement.* The required buffer shall consist of plantings or a fence, a wall (not otherwise part of a structure or accessory structure), or a berm, which meets the screening standards of subsection (B), this section. If plantings are chosen method of screening, the planting area shall have a minimum base width of 12 feet.

1.2. *Buffer requirement.* The required buffer shall have not less than a 20-foot base width and shall consist of plantings plus a fence, a wall (not otherwise part of a structure or accessory structure), or a berm, or any combination thereof, which meets the screening standards of subsection (B), this section.

1.3. *Buffer requirement.* The required buffer shall consist of a 50-foot setback from the adjoining property line containing not less than a 20-foot base width consisting of plantings plus a fence, a wall (not otherwise part of a structure or accessory structure), or a berm or any combination thereof, which meets the screening standards of subsection (B), this section.

1.4. *Buffer requirement.* The required buffer shall consist of a 100-foot setback from the adjoining property line containing not less than a 20-foot base width consisting of planting plus a fence, a wall (not otherwise part of a structure or accessory structure), or a berm, or any combination thereof, which meets the screening standards of subsection (B), this section.

1.5. *Buffer requirement.* The required buffer shall consist of a 200-foot setback from the adjoining property line containing not less than a minimum 75-foot base width consisting of plantings plus a fence, a wall (not otherwise part of a structure or accessory structure) or a berm or any combination thereof, which meets the screening standards of subsection (B), this section. The 75-foot vegetated buffer shall be immediately adjacent to the property line. This buffer shall extend along and be contiguous with the entire property line between the dissimilar uses, abutting the commercial or industrial facilities plus 100 feet in each direction beyond the facilities.

(B) *Screening standards.* Screening is a method of visually shielding or obscuring one use from another by fences, walls, berms or densely planted vegetation.

(1) *Plantings.* Plantings shall consist of either trees or shrubs or any combination of both. Planted areas shall be located along the abutting property lines or in areas that will provide the best screening effectiveness.

(a) If trees or large shrubs are used solely as the screening devise, they shall be any evergreen species from the list provided by the zoning administrator which, under normal growing conditions, will attain a minimum height of eight feet and a canopy spread of ten feet within four years. They shall be planted a minimum of 20 feet on center.

(b) If trees are used in combination with shrubs, they may be of any species from the list provided by the zoning administrator. Small trees shall be planted 30 feet on center, and large trees 40 feet on center. Shrubs shall be any evergreen species from the list provided by the zoning administrator planted four feet on center. Shrubs shall initially be of any size, which would normally attain a minimum height of six feet within three years after planting.

(2) *Walls.* Walls shall be constructed in durable fashion of masonry materials and be a minimum height of eight feet. The wall shall be placed on the edge of the buffer nearest the most intense land use.

(3) *Fences.* Fences shall be a minimum of eight feet in height and constructed

in a durable fashion of standard pressure treated wood fencing materials (but not woven wooden fences) and methods that will provide 90 percent visual blockage. The fence shall be placed on the edge of the buffer nearest the most intense land use and the finish side of the fence shall face the abutting property.

(4) *Berms.* Earthen berms shall have a minimum height of eight feet with a maximum slope of 4:1 as measured from the exterior property line. Berms shall be stabilized to prevent erosion and shall be landscaped.

(5) *Buffers between residential areas and Interstate 95.* Residential developments which are located along or adjacent to Interstate 95 must be buffered from the Interstate 95 traffic noise. A masonry wall will be built between the residential area and Interstate 95. The height of the wall will not be less than 20 feet above the grade of the Interstate 95 highway. The city planning commission must approve any such buffer wall. Additionally, any such buffer wall must be landscaped on the residential side with plantings that screen the wall from residential view.

(C) *Buffer design.* All buffers required by this article shall conform to the following specifications:

(1) Prior to development, a buffer plan shall be required to show the types and locations of all plantings within a required buffer. If a site plan is required, a buffer plan shall be incorporated as part of the site development plan.

(2) Landscaping within buffer areas shall be used to screen objectionable views or nuisances, such as parking and service areas, refuse containers, air conditioning units and transformers.

(3) Existing on site trees may be credited as meeting the requirements of this article if the building inspector determines that such plant materials achieve the purposes of this article.

(D) *Location of buffers.* Buffers shall be located on the outer perimeter of a lot or parcel along all lot lines adjoining dissimilar zones including adjacent property lines, which may be separated by an existing or proposed public right-of-way. Buffers shall not be located on any portion of existing, dedicated, or reserved public or private street right-of-way.

(E) *Variances.* The requirements of this article may be waived by the appropriate agency under any of the following conditions:

(1) If it is clearly demonstrated that the existing topography and/or vegetation will achieve the purposes of this article.

(2) If it is clearly demonstrated that for topographic reasons, no required screening device could possibly screen the ground level activities of the use from the first floor view of the residential structure abutting the use.

(3) The adjoining property owners mutually agree in writing that the required buffer is not necessary for a satisfactory use and enjoyment of their property rights, and such agreement is made and recorded as a covenant running with each parcel or parcels of land.

(4) It is clearly demonstrated that an existing (or proposed) public right-of-way separation between adjoining properties will achieve the purposes of this article.

(F) *Use of buffers.* A buffer may be used for some forms of passive recreation such as pedestrian, bike, or equestrian trails, or as a storm water retention area provided that: 1) no planted materials shall be eliminated; and 2) the total width of the required buffer area shall be maintained.

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

(H) *Failure to comply with these provisions.* See article VII, section 13 of this ordinance for enforcement and penalty provisions.

(I) *Surety for buffer installation.* When the date for issuing a certificate of occupancy does not coincide with the planting conditions that are necessary to install a required buffer, the zoning administrator shall accept a letter of credit or other acceptable surety for the buffer installation. Such surety shall be in the amount and form satisfactory to the zoning administrator and shall certify the following:

(1) That the creditor does guarantee funds in an amount to cover the cost of the installation of all buffers as estimated and approved by the zoning administrator.

(2) That in case of failure of the developer to complete the specified improvements, the creditor shall pay the government immediately, and without further action, such funds as are necessary to finance the completion of those improvements up to the limit of the secured credit; and

(3) That the letter of credit or other surety may not be withdrawn or reduced in amount until released by the zoning administrator after final inspection and certification or approval of the buffer.

(J) *Notice to purchasers.* When any lot within the city that requires a buffer under this section is conveyed to the initial purchaser by the developer, the developer shall include in the deed or other instrument of conveyance a covenant, running with the land, making the conveyance subject to the provisions of subsections (F), (G) and (H) of this section.

(Ord. of 10-17-00, § C.1-3)

**Section 7. Number of buildings restricted.**

(A) *Number of buildings per lot restricted.* Every building hereafter erected or structurally altered to provide dwelling units in R1, R2 and PD (to include PDII) residential districts shall be located on a lot as herein defined and in no case shall there be more than one such building on any one lot unless otherwise provided for in this ordinance.

TABLE III.6.1. BUFFER REQUIREMENTS BETWEEN DISSIMILAR ZONES

TABLE INSET:

ZONE	R-1	R-2	R-3	RMHD	C-1	C-2	C-3	C-4	I-1	I-2	CP	FH	AG
R-1	-	-	1.1	1.2	1.1	1.3	1.3	1.4	1.5	1.5	-	-	-
R-2	-	-	1.1	1.1	1.1	1.3	1.3	1.4	1.5	1.5	-	-	-
R-3	1.1	1.1	-	1.1	1.1	1.3	1.3	1.4	1.5	1.5	1.1	-	1.1

RMHD	1.2	1.1	1.1	-	1.2	1.3	1.3	1.4	1.5	1.5	1.1	-	1.2
C-1	1.1	1.1	1.1	1.2	-	1.1	1.2	1.2	1.2	1.2	1.2	-	1.2
C-2	1.3	1.3	1.3	1.3	1.1	-	1.2	1.2	1.2	1.2	1.3	-	1.3
C-3	1.3	1.3	1.3	1.3	1.2	1.2	-	1.1	1.2	1.2	1.4	-	1.3
C-4	1.4	1.4	1.4	1.4	1.2	1.2	1.1	-	1.2	1.2	1.4	-	1.3
I-1	1.5	1.5	1.5	1.5	1.2	1.2	1.2	1.2	-	-	1.5	-	1.5
I-2	1.5	1.5	1.5	1.5	1.2	1.2	1.2	1.2	-	-	1.5	-	1.5
CP	-	-	1.1	1.1	1.2	1.3	1.4	1.4	1.5	1.5	-	-	-
FH	-	-	-	-	-	-	-	-	-	-	-	-	-
AG	-	-	1.1	1.2	1.2	1.3	1.3	1.3	1.5	1.5	-	-	-

**Short Definitions of Buffer Codes Used on Chart**

1.1 = 12-foot planted buffer, wall, or earthen berm

1.2 = 20-foot planted buffer, wall, or earthen berm

1.3 = 50-foot setback with 20-foot planted buffer, wall, or earthen berm

1.4 = 100-foot setback with 20-foot planted buffer, wall, or earthen berm

1.5 = 200-foot setback with 100-foot buffer with 75 feet vegetated, includes an earthen berm or wall as determined by the planning commission per paragraph B of article III, section 6, Buffer Requirements.

(Ord. of 10-17-00, C.4)