

SECTION 5

EXCEPTIONS AND MODIFICATIONS

Sec. 5-1 Walls and Fences.

All walls and fences shall be erected or constructed in compliance with the provisions of this section. These regulations shall not prohibit the construction of any necessary retaining wall nor waive compliance with buffer and screening requirements contained elsewhere in these regulations.

Sec. 5-1.1 Required Permits.

No wall or fence shall be erected or constructed without a building permit.

Sec. 5-1.2 Public Safety.

No wall or fence shall be erected or constructed that:

- a. Constitutes a fire hazard either of itself or when connected with other structures;
- b. Blocks or limits light, air or emergency access from doors or windows;
- c. Is less than five feet from an existing structure when located parallel to said structure; and
- d. Restricts the opening of adjacent gates, doors, or windows.

Sec. 5-1.3 Walls and Fences Erected in Residential Districts.

Within Residential zoning districts (those containing an "R" in the nomenclature) or in any district listed in the C and R Use Schedule, the following provision shall apply:

- a. Height: Within residential districts, walls and fences shall not exceed six feet in height in front and side yards, nor eight feet in height in rear yards.
- b. Security Walls or Fences for Recreational Uses: All swimming pools shall be completely enclosed in a fence at least 4 feet in height or a screen enclosure. Openings in the fence shall not permit the passage of a 6-inch diameter sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates. Walls and fences erected for the specific purpose of providing security for accessory recreational uses, such as swimming pools and tennis courts, may be 10 feet in height

provided such fence shall be setback at least one foot from the property line for each foot it exceeds six feet in height, and provided such accessory recreational use is located within a rear yard. All other provisions pertaining to fences, including design and location shall apply.

c. Materials: Walls and fences shall be constructed of chain link or other fence wire (excluding barb wire, razor wire, glass shards, or other sharp material), decorative wrought iron, masonry, wood or other materials customarily found within residential areas and shall be designed and constructed so as to be visually compatible with the neighborhood. The use of sheet metal and/or salvage or similar materials is prohibited.

Sec. 5-1.4 Walls and Fences Erected in Nonresidential Districts.

Within all other Business and Industrial zoning district, the following provisions shall apply:

- a. Height: Walls and fences erected in business districts shall not exceed eight feet in height and in industrial districts shall not exceed ten feet in height.
- (1) Walls and fences located adjacent to a residential zoning district or to a permitted residential use shall not exceed eight feet in height along rear and side yards or six feet in height in front yards. Wooden fence surfaces other than cypress or cedar shall be painted or stained. Concrete block surfaces shall be painted or stuccoed.
- (2) Walls and fences shall be set back at least five feet from the property line when abutting a residential district or a permitted residential use. The setback area shall be maintained as a landscaped area in accordance with the provisions of Article V of the Chatham County Comprehensive Land-Disturbing Activities Ordinance.
- b. Materials: Walls and fences may be constructed of any material permitted in Sec. 5-1.3, provided that walls and fences erected in industrial districts, when not abutting or adjacent to a residential zoning district or a permitted residential use or located in a front yard, may be constructed of sheet metal, tin, or similar materials. Such materials shall be of a uniform shape, color, and design.

Barbed wire or razor wire may be used for security purposes in business and industrial district along the top of a fence if such fence is six-feet or greater in height, and/or for agricultural uses.

Sec. 5-1.5 Visibility.

No wall or fence or similar structure shall be constructed or erected in a manner, which violates the vision clearance requirements of these regulations.

Sec. 5-1.6 Temporary Walls and Fences.

This section shall not prohibit the erection of temporary fences for construction sites or similar activities where approved by the Zoning Administrator for a specified period of less than 18 months.

Sec. 5-1.7 Maintenance.

All walls or fences shall be properly maintained by the owner. Any missing or damaged parts shall be replaced. Painted surfaces shall be repainted and stucco surfaces repaired as necessary to maintain a finished appearance. Weed growth shall be controlled along the structure and within an appropriate area surrounding the structure.

Sec. 5-2 Structure Excluded from Height Limitations.

The height limits of these Regulations shall not apply to a church spire, belfry, cupola, and dome, or ornamental tower not intended for human occupancy, monument, water tower, and observation tower. Transmission tower, chimney, smoke stack, conveyor, flag pole, radio or television tower, mast or aerial, parapet wall not extended more than four feet above the roof line of the building, and necessary mechanical appurtenances.

Sec. 5-3 Reduction of Front Yard Setback Requirements.

In any R district, where the average setback distance for existing buildings on lots wholly or partly within 200 feet of any lot, and within the same zoning district and fronting on the same side of the same street as such lot, is less than the minimum required setback, but not less than the existing average setback distance for all lots within the 200 feet. When lots within the 200 feet are vacant, said vacant lots shall be considered as having a minimum required setback for the purpose of computing an average setback distance.

Sec. 5-4 Substandard Lots of Record.

Lots of record which existed at the time of the adoption of this Ordinance which have an area and/or width which is less than that required to a lot as defined by the Ordinance shall be subject to the following exceptions to or modifications of the Ordinance.

Sec. 5-4.1 Adjoining Lots of Record.

When two or more adjoining lots of record with continuous frontage are in one ownership at any time after the adoption of the Ordinance, and when each of the adjoining lots of record is less than 5,000 square feet in area and/or is less than 50 feet in width, then such adjoining lots in one ownership shall be combined into one or more lots of record, each having an area and width required by this Ordinance for the zoning district in which such lots are located; provided, however, that when such combination of lots would create a single lot having a width 90 feet or more and an area of 9,000 square feet or more, then such lot may be divided into two lots of equal width and area provided each of the two lots shall be served by public water and public sewers.

Sec. 5-4.2 Side Yard Requirements.

When a lot as permitted by this Ordinance has a lot width of 40 feet or less, then the Zoning Administrator shall be authorized to reduce the side yard requirements for such a lot of record; provided, however, that there shall be not less than five (5) feet between buildings.

Sec. 5-4.3 Tracts of Land Not Meeting Minimum Lot Size Requirements.

Except as set forth in Sec. 5-4.1 above, in any district in which single-family dwellings are permitted, any lot of record existing at the time of the adoption of these Regulations, or any tract of land which is created through a taking by a governmental body either by condemnation or acquisition, which has an area or a width which is less than that required by these Regulations may be used as a building site for a one-family dwelling provided that if such lot is not served by public water and public sewers, then the application for a permit to construct a dwelling on the lot shall be approved by the Chatham County Health Department.

Sec. 5-4.4 Maximum Lot Area Coverage for Existing Single Family Substandard Lots.

For existing single family detached lots less than 6,000 square feet in size, the maximum lot area coverage may be increased by the percentage difference between 6,000 square feet and the smaller lot (Example: 6,000 S.F. – 4,000 S.F. – Percentage Difference is 33.3 %).

Sec. 5-5 Groups Development Projects.

Group development projects consisting of two or more principal buildings devoted to a common, similar, or compatible use and constructed on a single lot, may be permitted in any of the various district established by this Ordinance, provide that such projects shall be approved by the Metropolitan Planning Commission.

Sec. 5-5.1 Design Standards, General.

The MPC shall review group development projects according to the requirements and development standards for “P” District development plans under Sec. 4-6.5, “Planned Development District.”

- a. Street Access: Any building established as a part of a group development project which cannot properly be served by emergency or service vehicles from an abutting street shall be made accessible to such vehicles by a paved driveway having a roadbed width of not less than 20 feet, exclusive of parking spaces.
- b. Protecting Traffic Capacity of Abutting Street: When a group development abuts a major arterial, secondary arterial or collector street, the developer of the land in such development shall provide, construct, and install such improvements as the County Engineer and the Zoning Board of Appeals require to prevent or minimize reductions in the traffic capacity of said streets that will be caused by access into the egress from the group development. Required improvements may include, but not be limited to, the installation of a frontage road, installation of street medians to control left turning movements into and out of the development, installation of turning lanes, traffic signal installations, or other traffic flow protection measures.
- c. Off-Street Parking and Loading Facilities: Off-street parking and loading facilities established in connection with a group development shall be of such design, location, and arrangement as will not interfere with the efficient flow of traffic through the area and as will not interfere with the access of emergency of service vehicles.
- d. Visual Compatibility of structures with Existing Residential Development: When the proposed development within a group development is adjacent to or across the street from existing residential development, all structures within such development shall be visually compatible with the residential development in terms of architectural style and scale, including height, shape of roof, windows and door openings, porches, balconies, and color and texture of exterior materials.
- e. Separation of Building: All building established as part of a group development project shall be not less than 20 feet apart.
- f. Setback Requirements: Unless otherwise provided by this Ordinance for a specific type of group development project, all buildings and structures established as a part of a group development project shall comply with the front yard setbacks, and the side yard and rear yard requirements established for the district in which located.

g. Uses Prohibited: In no case shall a use be permitted as a part of a group development project that is prohibited by this Ordinance in the district in which such project is to be located.

Sec. 5-5. 2 Design Standards-Group Housing Projects.

In addition to the other standards set forth in this section, a group housing project shall comply with the following additional requirements.

- a. Setbacks: All buildings established as a part of a group housing project shall be set back not less than 25 feet from any side or rear property lines.
- b. Location: No dwelling structure established as a part of a housing project shall be situated on a lot so as to face development or on adjoining property.
- c. Lot Size: A group housing project shall be permitted only on a lot or plot of ground having an area of not less than 30,000 square feet.

Sec. 5-6. When a Site Development Plan is Required

A site development plan shall be required for all proposed non-residential and multi-family residential development. Such plan may be required for proposed one and two-family residential development in local historic districts and where provided elsewhere in this Article.

For non-residential and multi-family residential development, a site development plan shall include all applicable criteria identified in Section 4-6.5 (Planned District), elsewhere in this Article, and on any form required for submission of the plan.