



CITY OF KINGSLAND, GEORGIA

CITY COUNCIL

AGENDA • JANUARY 11, 2021

Regular Meeting

City Council Chamber

6:00 PM

107 South Lee Street - City Hall, Kingsland, GA 31548

I. PUBLIC HEARING - STARTS AT 6:00PM

1. A Public Hearing for the Purpose of Considering the Application for Retail Beer/Wine License from "Friendly Express #86", Owner David L. Turner. Location of Business is 1310 Boone Avenue Ext., Kingsland, Georgia. -

2. Public Hearing: Adoption of Ordinance 2021-02 to Amend Ordinance 2011-01 -

The City of Kingsland Planning Commission and City Council will hold a public hearing on the adoption of Ordinance #2021-02 to amend Ordinance #2011-01, Article VII, Sec. 70 (Kingsland Zoning and Land Development Ordinance). The amendment shall establish new building requirements within all Residential, Commercial and Industrial Zoning Districts.

3. Public Hearing: Adoption of Ordinance 2021-01 Article VII - Coin Operated Amusement Machines -

The City of Kingsland Planning Commission and City Council will hold a public hearing on the adoption of Ordinance #2021-01 to amend Chapter 11 of the Code of Ordinances by adding a new article to be known as Ordinance #2021-01 Article VII - Coin Operated Amusement Machines. This amendment shall establish a new ordinance for the operation and usage of Coin Operated Machines within the City of Kingsland.

II. CALL TO ORDER AND WELCOME GUESTS

III. INVOCATION AND PLEDGE TO THE FLAG

IV. OATH OF OFFICE

1. James Galloway - City Council Member Post 1 -
2. Farran Fullilove - City Council Member - Post 2 -

V. ROLL CALL

Charles Grayson Day Jr.

Mayor

Alex Blount
Farran Fullilove
James W Galloway

Mayor Pro Tem
Councilman
Councilman

VI. CONSENT DOCKET

- A.** Approve the Council Minutes of the last regular Council Meeting
December 28, 2020
- B.** Approve the Agenda as Presented
- C.** Approve the Payments of Accounts Payable as Due and Funds Available

VII. GRANTING AUDIENCE TO THE PUBLIC

VIII. OLD BUSINESS

IX. PLANNING AND ZONING

1. Home Occupation-Robert Froelich-215 Fiddlers Cove Dr. -

Robert Froelich has applied for a Home Occupation Permit at 215 Fiddlers Cove Dr (Tax Parcel 106D 008), zoning is PD/R-1, doing business as "Kingsland Renegade Outdoor Company, LLC. The purpose of the business will be for online sales of outdoor equipment & clothing. The applicant has been notified and agrees to the requirements of a Home Occupation Permit as noted in KLADO.

Planning Commission recommends approval.

2. Certificate of Appropriateness for Business License Relocation - 190 N. Lee St. -

Certificate of Appropriateness for the Business License relocation application for an Automotive Detail/Antiques Shop located at 190 N. Lee St. (Tax Parcel K15 10 005) in the C-1 (Central Business District. Charles Bolan has applied for a business license relocation in the name of "Coastal Expert Detailing".

It is in staff's opinion that an automotive detail shop does not meet the same definition as a car wash and that Mr. Bolan's business does meet the intent of the C-1 District. Staff recommends approval of the Certificate of Appropriateness for the business license relocation with the following conditions that Mr. Bolan has agree to:

1. All activities will take place inside of the enclosed building and bay door area.

2. All excess water from car washing activities shall be diverted to the drain and catch basin that is located inside the work bay.
3. There shall be no overnight parking or storage of any type of vehicle on the premises.
4. The building will not be used as a place of residence for anyone.

Planning Commission motion tied 2-2.

3. Certificate of Appropriateness-Holy Deliverance Worship Life Center - 120 W. King Avenue -

Certificate of Appropriateness for Holy Deliverance Worship Life Center, Inc. located at 120 W. King Avenue (Tax Parcel K21 01 001) in the C-1 (Central Business District).

4. Ordinance #2021-01 Amendment-Article VII.-Coin Operated Amusement Machines -

Ordinance 2021-01 to Amend Chapter 11 of the Code of Ordinances by adding a new Article to be known as - ARTICLE VII.-COIN OPERATED AMUSEMENT MACHINES.

Planning Commission approved 3 - 1.

5. Ordinance #2021-02 Amendment-Article VII., Sec. 70 of KLADO -

Ordinance 2021-02 to Amend Ordinance 2011-01, Article VII, Sec. 70 of KLADO.

The amendment will establish new building requirements within all Residential, Commercial, and Industrial Zoning Districts and enhance the public welfare of the citizens of Kingsland.

Planning Commission passed unanimously.

X. NEW BUSINESS

1. Appointments for 2021: Charter Positions -

Per the City Charter, the following charter positions shall be elected by the Mayor and Council annually:

- a.) Mayor Pro Tem
 - b.) City Attorney - Incumbent, Steven Blackerby
 - c.) City Clerk - Ms. Jean Seigler
 - d.) Chief of Police - Incumbent, Mr. Robert Jones
 - e.) City Treasurer - Incumbent, Ms. Filiz Morrow
2. Approval Of: Application for Retail Beer/Wine License from "Friendly Express #86" Located at 1310 Boone Avenue Ext., Kingsland, Georgia. Owner, Mr. David L. Turner. -

XI. MAYOR AND COUNCIL ANNOUNCEMENT

XII. ADJOURNED



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 01/11/21 06:00 PM

Department: Finance

Category: Public Hearing

Prepared By: Filiz Morrow

Initiator: Filiz Morrow

Sponsors:

AGENDA ITEM (ID # 3341)

DOC ID: 3341

A Public Hearing for the Purpose of Considering the Application for Retail Beer/Wine License from "Friendly Express #86", Owner David L. Turner. Location of Business is 1310 Boone Avenue Ext., Kingsland, Georgia.



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 01/11/21 06:00 PM
Department: City Clerk
Category: Public Hearing
Prepared By: Jean Seigler
Initiator: Jean Seigler
Sponsors:
DOC ID: 3353

AGENDA ITEM (ID # 3353)

**Public Hearing: Adoption of Ordinance 2021-02 to Amend
Ordinance 2011-01**

The City of Kingsland Planning Commission and City Council will hold a public hearing on the adoption of Ordinance #2021-02 to amend Ordinance #2011-01, Article VII, Sec. 70 (Kingsland Zoning and Land Development Ordinance). The amendment shall establish new building requirements within all Residential, Commercial and Industrial Zoning Districts.



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 01/11/21 06:00 PM
Department: City Clerk
Category: Public Hearing
Prepared By: Jean Seigler
Initiator: Jean Seigler
Sponsors:

AGENDA ITEM (ID # 3354)

DOC ID: 3354

Public Hearing: Adoption of Ordinance 2021-01 Article VII - Coin Operated Amusement Machines

The City of Kingsland Planning Commission and City Council will hold a public hearing on the adoption of Ordinance #2021-01 to amend Chapter 11 of the Code of Ordinances by adding a new article to be known as Ordinance #2021-01 Article VII - Coin Operated Amusement Machines. This amendment shall establish a new ordinance for the operation and usage of Coin Operated Machines within the City of Kingsland.



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 01/11/21 06:00 PM

Department: City Clerk

Category: Miscellaneous

Prepared By: Jean Seigler

Initiator: Jean Seigler

Sponsors:

AGENDA ITEM (ID # 3350)

DOC ID: 3350

James Galloway - City Council Member Post 1



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 01/11/21 06:00 PM
Department: City Clerk
Category: Miscellaneous
Prepared By: Jean Seigler
Initiator: Jean Seigler
Sponsors:

AGENDA ITEM (ID # 3351)

DOC ID: 3351

Farran Fullilove - City Council Member - Post 2



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 01/11/21 06:00 PM
Department: Planning and Zoning
Category: Home Office Occupancy
Prepared By: Natalie Moreland

Initiator: Natalie Moreland

Sponsors:

AGENDA ITEM (ID # 3346)

DOC ID: 3346

Home Occupation-Robert Froelich-215 Fiddlers Cove Dr.

Robert Froelich has applied for a Home Occupation Permit at 215 Fiddlers Cove Dr (Tax Parcel 106D 008), zoning is PD/R-1, doing business as "Kingsland Renegade Outdoor Company, LLC. The purpose of the business will be for online sales of outdoor equipment & clothing. The applicant has been notified and agrees to the requirements of a Home Occupation Permit as noted in KLADO.

Planning Commission recommends approval.



The City of Kingsland, GA
107 South Lee Street
P.O. Box 250
Kingsland, GA 31548
Ph: 912-729-5613
Fax: 912-729-7618

Planning and Community Development Staff Report

Planning Commission Meeting Date: January 4, 2021

City Council Meeting Date: January 11, 2021

Agenda Item: Home Occupation application for 215 Fiddlers Cove Drive.,
Map & Parcel 106D 008

Summary: Robert Froelich has applied for a Home Occupation doing business as Kingsland Renegade Outdoor Company, LLC. The purpose of the business will be for on line sales of Outdoor Equipment and Clothing. The applicant has been notified and agrees to the requirements of a Home Occupation as noted in Article XI, Sec. 110.4 of KLADO.

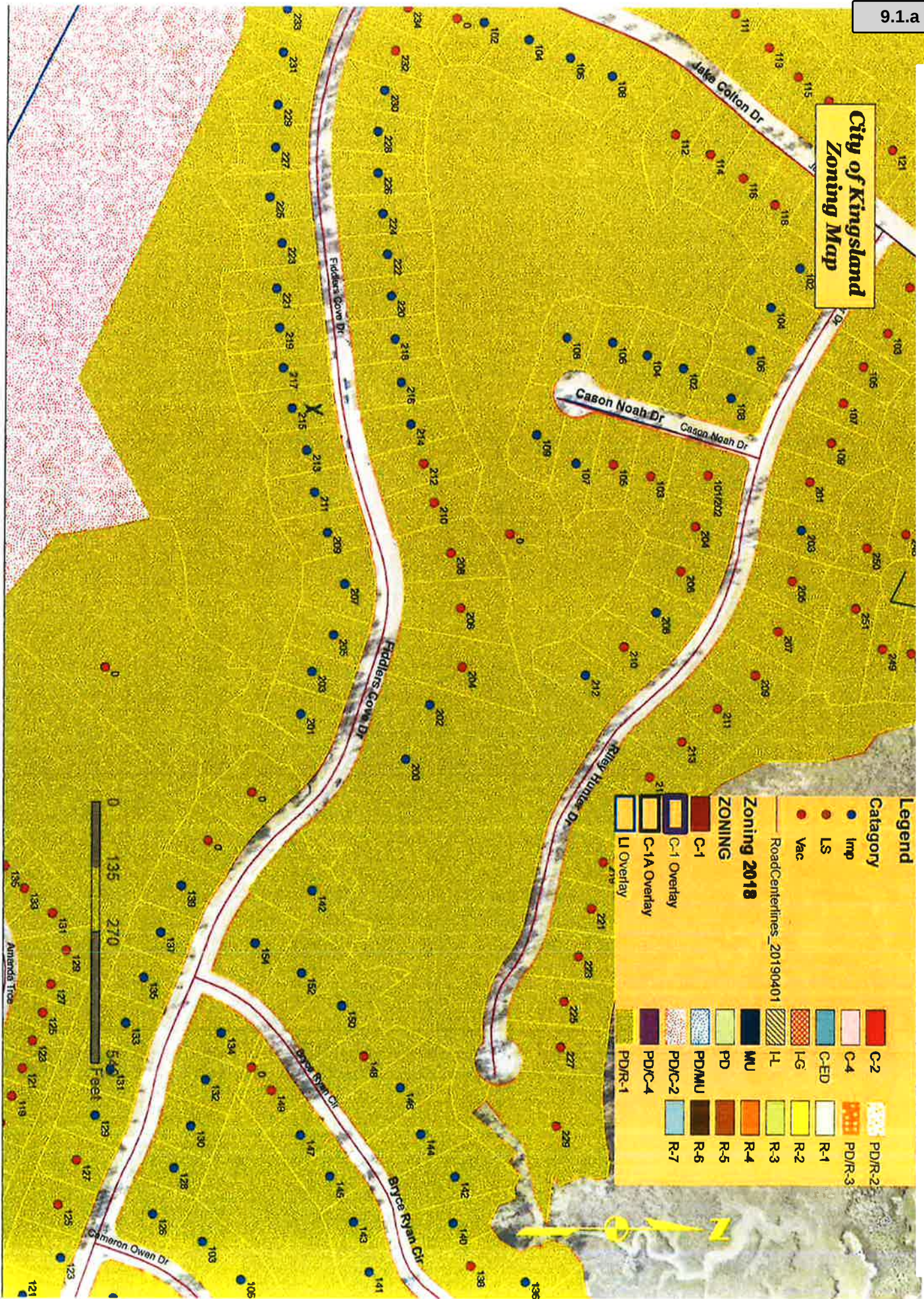
Zoning: PD/R-1

Is Proposal Consistent with the Comprehensive Plan? Yes

Staff Recommendation: Staff recommends approval

Scott L. Kimball

Planning & Zoning Director





Overview



Legend

-  Parcels
-  Roads
- USA Major Highways
 -  Limited Access
 -  Highway
 -  Major Road
 -  Local Road
 -  Minor Road
 -  Other Road
 -  Ramp
 -  Ferry
 -  Pedestrian Way
 -  City Labels

Parcel ID	106D 008	Owner	FROELICH ROBERT G & ELIZABETH D		<table><tr><th colspan="4">Last 2 Sales</th></tr><tr><th>Date</th><th>Price</th><th>Reason</th><th>Qual</th></tr><tr><td>5/19/2017</td><td>\$348200</td><td>FM</td><td>Q</td></tr><tr><td>8/30/2016</td><td>\$1500000</td><td>MP</td><td>U</td></tr></table>			Last 2 Sales				Date	Price	Reason	Qual	5/19/2017	\$348200	FM	Q	8/30/2016	\$1500000	MP	U
Last 2 Sales																							
Date	Price	Reason	Qual																				
5/19/2017	\$348200	FM	Q																				
8/30/2016	\$1500000	MP	U																				
Class Code	Residential		215 FIDDLERS COVE DRIVE																				
Taxing District	KINGSLAND		KINGSLAND, GA 31548																				
	KINGSLAND	Physical Address	215 FIDDLERS COVE DR																				
Acres	0.36	Assessed Value	Value \$345800																				

(Note: Not to be used on legal documents)

Date created: 12/15/2020

Last Data Uploaded: 12/15/2020 7:42:58 AM

Developed by  Schneider
GEOSPATIAL



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 01/11/21 06:00 PM
Department: Planning and Zoning
Category: Planning & Zoning
Prepared By: Natalie Moreland
Initiator: Natalie Moreland
Sponsors:

AGENDA ITEM (ID # 3347)

DOC ID: 3347

Certificate of Appropriateness for Business License Relocation - 190 N. Lee St.

Certificate of Appropriateness for the Business License relocation application for an Automotive Detail/Antiques Shop located at 190 N. Lee St. (Tax Parcel K15 10 005) in the C-1 (Central Business District. Charles Bolan has applied for a business license relocation in the name of "Coastal Expert Detailing".

It is in staff's opinion that an automotive detail shop does not meet the same definition as a car wash and that Mr. Bolan's business does meet the intent of the C-1 District. Staff recommends approval of the Certificate of Appropriateness for the business license relocation with the following conditions that Mr. Bolan has agree to:

1. All activities will take place inside of the enclosed building and bay door area.
2. All excess water from car washing activities shall be diverted to the drain and catch basin that is located inside the work bay.
3. There shall be no overnight parking or storage of any type of vehicle on the premises.
4. The building will not be used as a place of residence for anyone.

Planning Commission motion tied 2-2.



The City of Kingsland, GA
 107 South Lee Street
 P.O. Box 250
 Kingsland, GA 31548
 Ph: 912-729-5613
 Fax: 912-729-7618

Planning and Community Development

Staff Report

Planning Commission Meeting Date: January 4, 2021

City Council Meeting Date: January 11, 2021

Agenda Item: Certificate of Appropriateness for the Business License relocation application for an Automotive Detail /Antique Shop located at 190 N. Lee St. in the C-1 (Central Business District).

Background: Charles Bolan has applied for a business license relocation in the name of Coastal Expert Detailing. The location of the business is at 190 N. Lee St. located in the C-1 Central Business District. The Central Business District is an area of the city that the Kingsland D. D. A. sets strategic economic goals and visions for the downtown area. The D.D.A recommends that the business license relocation not be approved because it does not meet the boards visions and goals and is not suitable for the downtown area and that a car wash is not an allowed use in the C-1 Business District. However, an Antique Shop is an allowable use. Mr. Bolan has stated that the auto detail shop will include hand washing, vacuuming, waxing, and ceramic coating of automobiles.

The C-1 Ordinance does include the following as its intent of the district – “ **1.1.2. Required conditions. All business, display, servicing, storage or processing shall be conducted within a completely enclosed building except where the nature of the activity makes it impossible, as for example, off-street loading, and automobile parking for customers while on the premises. Uses, processes or equipment employed shall be limited to those which are not objectionable by reason of odor, dust, bright lights, smoke, noise or vibration.**



The City of Kingsland, GA
107 South Lee Street
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Fax: 912-729-7618

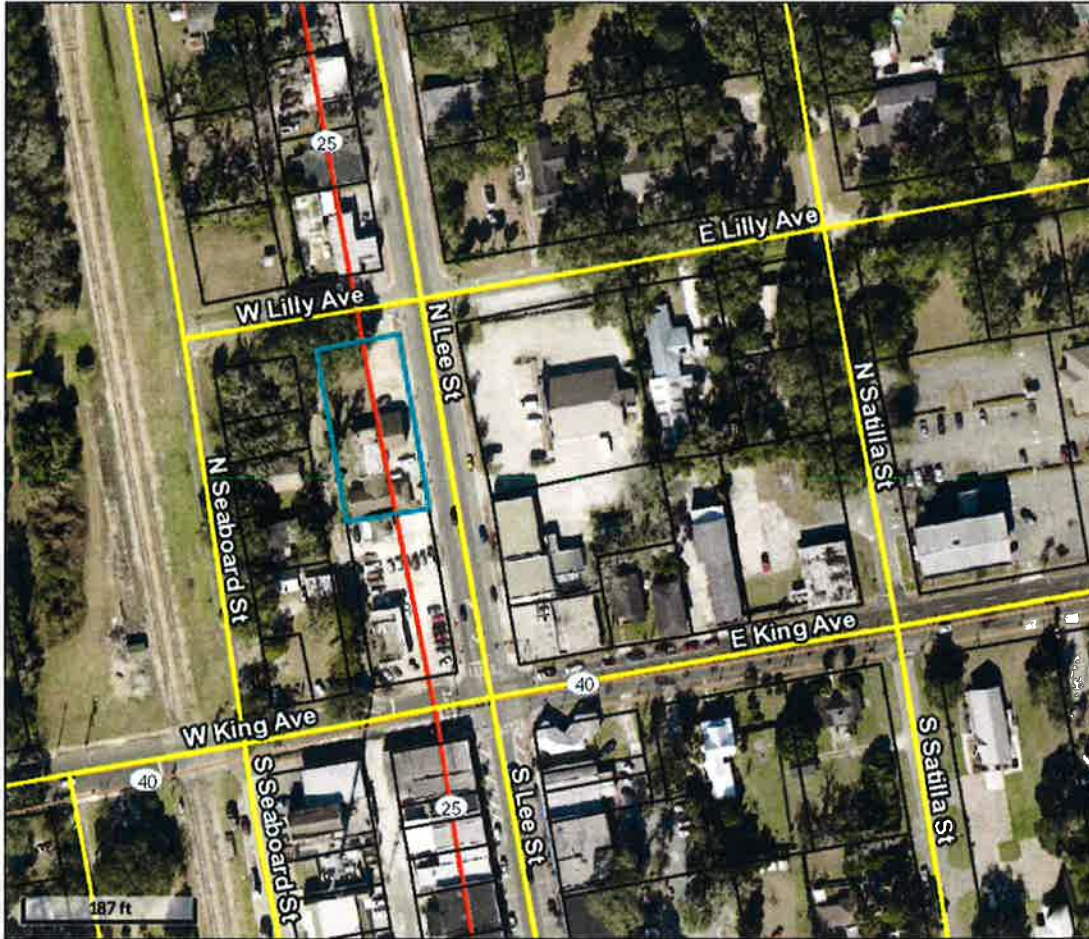
Zoning: C-1

Staff Recommendation: * It is in staff's opinion that an automotive detail shop does not meet the same definition as a car wash and that Mr. Bolan's business does meet the intent of the C-1 District. Staff recommends approval of the Certificate of Appropriateness for the business license relocation with the following conditions that Mr. Bolan has agreed to:

- 1) All activities will take place inside of the enclosed building and bay door area.
- 2) All excess water from car washing activities shall be diverted to the drain and catch basin that is located inside the work bay.
- 3) There shall be no overnight parking or storage of any type vehicle on the premises.
- 4) The building will not be used as a place of residence for anyone.

Scott L. Kimball

Planning & Zoning Director



Overview



Legend

-  Parcels
-  Roads
-  USA Major Highways
-  Limited Access
-  Highway
-  Major Road
-  Local Road
-  Minor Road
-  Other Road
-  Ramp
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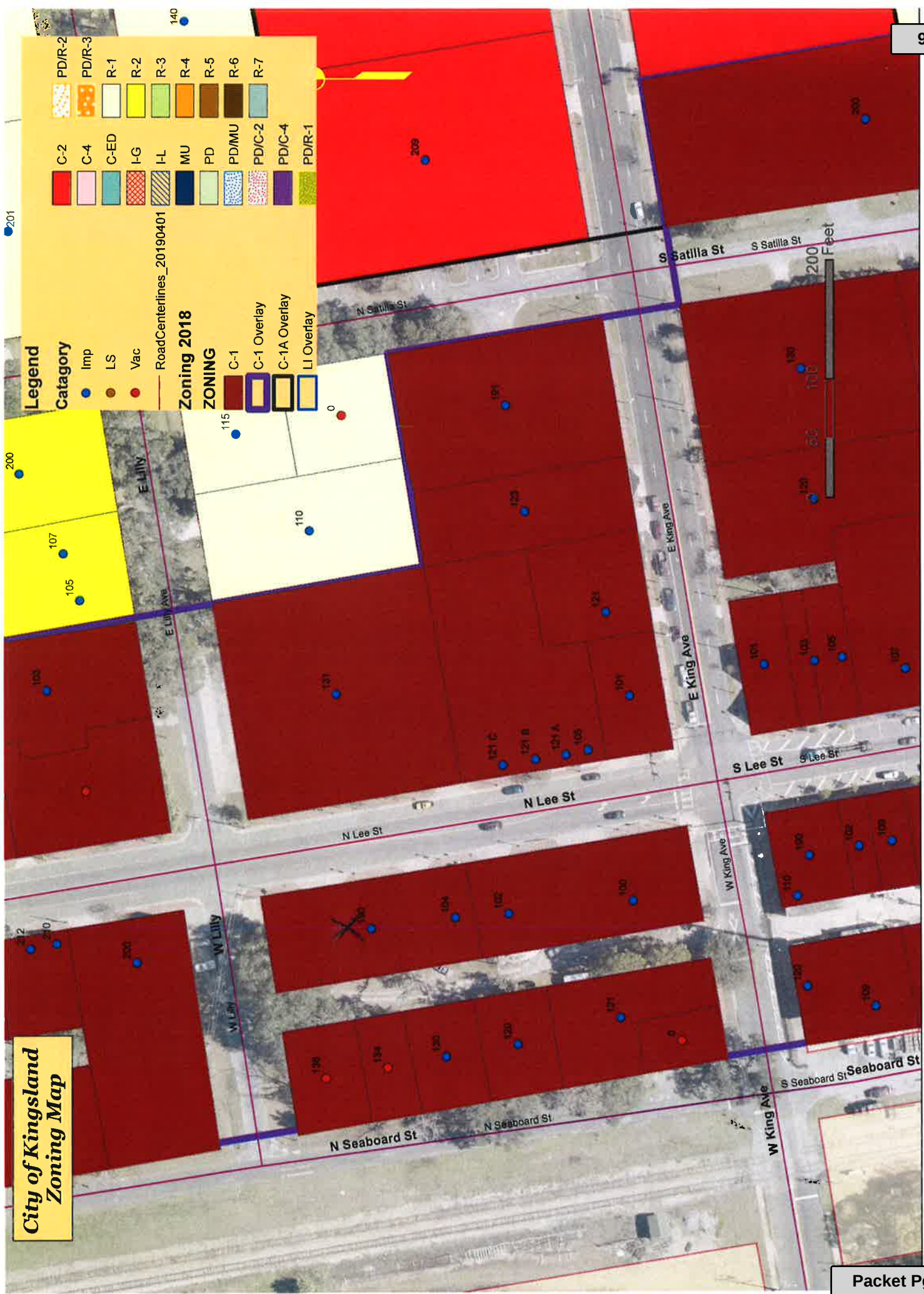
Parcel ID	K15 10 005	Owner	MOBLEY MICHAEL	Last 2 Sales			
Class Code	Commercial		104 NORTH LEE STREET	Date	Price	Reason	Qual
Taxing District	KINGSLAND		KINGSLAND, GA 31548	5/9/2017	\$95000	AL	U
	KINGSLAND	Physical Address	190 N LEE ST	11/1/1990	\$40000	NM	U
Acres	0.37	Assessed Value	Value \$75300				

(Note: Not to be used on legal documents)

Date created: 12/23/2020

Last Data Uploaded: 12/22/2020 8:04:37 PM

Developed by 





City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 01/11/21 06:00 PM
Department: Planning and Zoning
Category: Planning & Zoning
Prepared By: Natalie Moreland
Initiator: Natalie Moreland
Sponsors:

AGENDA ITEM (ID # 3352)

DOC ID: 3352

Certificate of Appropriateness-Holy Deliverance Worship Life Center - 120 W. King Avenue

Certificate of Appropriateness for Holy Deliverance Worship Life Center, Inc. located at 120 W. King Avenue (Tax Parcel K21 01 001) in the C-1 (Central Business District).



The City of Kingsland, GA
 107 South Lee Street
 P.O. Box 250
 Kingsland, GA 31548
 Ph: 912-729-5613
 Fax: 912-729-7618

Planning and Community Development

Staff Report

City Council Meeting Date: January 11, 2021

Agenda Item: Certificate of Appropriateness for Holy Deliverance Worship Life Center, Inc. located at 120 W. King Ave. in the C-1 (Central Business District).

Background: Debra and Herbert Burkes have applied for a business license in the name of Holy Deliverance Worship Life Center, Inc., located at 120 W. King Ave. in the C-1 Central Business District. The Central Business District is an area of the city that the Kingsland D. D. A. sets strategic economic goals and visions for the downtown area. A place of Worship is an allowable use in the C-1 District and does not require approval from the D. D.A.

The C-1 Ordinance does include the following as its intent of the district – “ **1.1.2. Required conditions. All business, display, servicing, storage or processing shall be conducted within a completely enclosed building except where the nature of the activity makes it impossible, as for example, off-street loading, and automobile parking for customers while on the premises. Uses, processes or equipment employed shall be limited to those which are not objectionable by reason of odor, dust, bright lights, smoke, noise or vibration.** ”

Staff Recommendation: Staff recommends approval of the Certificate of Appropriateness

Scott L. Kimball

Planning & Zoning Director



CITY OF KINGSLAND, GEORGIA
APPLICATION FOR OCCUPATIONAL TAX CERTIFICATE

SECTION I (TO BE COMPLETED BY THE APPLICANT)

Date of Application: 12/23/2020 ☒ New Application ☐ Renewal ☐ Relocation

NAME OF BUSINESS: Holy Deliverance Worship Life Center Inc

Owner/Representative: BURKES Debra
 Last First M.I.

DATE OF BIRTH: [REDACTED] Phone: 912 467-8325

Mailing Address: P.O. Box 5081

City: ST Marys GA. State: 31558 Zip: 31558
 GA

Fax: () E-mail:

Other Partners: Herbert BURKES Type of Business: Non-Profit/Church

Occupational Title: Religion Date Business Opened:

Business Location Address: 120 W King Ave, Kingsland GA. 31548

Number of Employees (including owner) Full Time: 0 Part Time: 0
 (employees are only those employees located in the City of Kingsland. If necessary, estimate the total number of employees and update as needed.)

Federal ID# 83-3960799 State License ID#

Health Dept # Sales Tax #

WILL THIS BUSINESS SELL BEER, WINE, AND/OR ALCOHOL? YES NO X

If YES, you must also apply for the appropriate alcohol license.

CERTIFICATION

I, Herbert BURKES, certify the above information to be true and accurate. I understand that the certification issued is only for the business and activities stated above and that all requirements of the State of Georgia and/or Federal agencies are met. I agree to abide by all building codes, including but not limited to Americans with Disabilities Act. I agree to secure any and all applicable required permits.

If this application is for a proposed business, the location of same will be in an area zoned for such business. If a suitable location is not found in a properly zoned area, the application shall become void unless the location is rezoned in accordance with the provisions of the Kingsland Land Development Ordinance.

I also understand that the certificate must be displayed in the place of business and that renewal must be paid prior to December 31 of each year.

I hereby agree and consent, pursuant to public law 93-579 of the Privacy Act of 1974 that the disclosure of information obtained in this application may be submitted to any agency of the City, County, State and Federal governments for the purposes of obtaining the necessary information to process this application.

I have read and understand the terms of this application.

Date: 12/23/2020

Signature: [Signature]

SECTION II. (TO BE COMPLETED BY THE BUILDING INSPECTOR)

Certificate of Occupancy: _____

Building Requirements Met: _____

Sign Permits: _____

Approval By: _____ Date: _____

Variances (If applicable): _____

Approved by: _____ Date: _____

SECTION III. ZONING/PERMITSCurrent Zoning District: C-1 Business DistrictAppropriate Zoning District: C-1Health Department Permit (If applicable): N/AApproved by: Scott Kurbal Date: 1/5/2021**SECTION IV. CERTIFICATE INFORMATION**

Certificate Issued: _____ Administrative Fee:\$ _____

Number of Employees: _____ Per Employee Charge:\$ _____

Business Type Code: _____ Regulatory Fee:\$ _____

SIC Code: _____ Total Charge
for Certificate:\$ _____

Approved by: _____ Date: _____

Certificate Denied by: _____ Date: _____

Reason for Denial: _____ Date: _____

CITY OF KINGSLAND, GEORGIA
SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS (SAVE) FORM
O.C.G.A. § 50-36-1(E)(2) AFFIDAVIT VERIFYING STATUS FOR PUBLIC BENEFIT

By executing this Affidavit under oath, as an applicant for a(n) Occupational Tax Certificate, as referenced in O.C.G.A. § 50-36-1, from the City of Kingsland, Georgia, the undersigned applicant verifies one of the following with respect to my application for a public benefit:

1) ☒ I am a United States citizen.

Please see link for acceptable forms of identification: <http://law.ga.gov/immigration-reports>

2) ☐ I am a legal permanent resident of the United States. **

Please see link for acceptable forms of identification: <http://law.ga.gov/immigration-reports>

3) ☐ I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency. **

Please see link for acceptable forms of identification: <http://law.ga.gov/immigration-reports>

My alien number issued by the Department of Homeland Security or other federal immigration agency is:

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit.

The secure and verifiable document provided with this affidavit can best be classified as:

_____ (please attach copy of document)

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties as allowed by such criminal statute.

Executed in Kingsland (City), GA (State).


 Signature of Applicant

12/23/2021
 Date

Herbert B. Burke
 Printed Name of Applicant

SUBSCRIBED AND SWORN BEFORE ME ON
 THIS THE 23 DAY OF December, 2021.


 NOTARY PUBLIC/SEAL

My Commission Expires: 10/16/2022



Business License Acct. No. _____

Sales Tax ID No.
 (If Applicable) _____

**E-VERIFY FORM
CITY OF KINGSLAND AFFIDAVIT
O.C.G.A. § 36-60-6(d) E-VERIFY PRIVATE EMPLOYER AFFIDAVIT OF COMPLIANCE**

By executing this affidavit under oath, as an applicant for a(n) _____
[Occupational Tax Certificate, Alcohol License or other document required to operate a business] as referenced in
O.C.G.A. § 36-60-6(d), from the City of Kingsland, Georgia, the undersigned applicant representing the private employer
known as Holy Deliverance Worship [printed name of private employer] verifies one of
the following with respect to my application for the above mentioned document:

- 1) a) _____ On January 1st of the below signed year the individual, firm, or corporation employed more than ten
(10) employees.
b) X On January 1st of the below signed year the individual, firm, or corporation employed less than ten
(10) employees. (Exempt from E-Verify Program)

If the employer selected 1(a) please fill out Section 2 below.

2) _____ The employer has registered with and utilizes the federal work authorization program in accordance with the
applicable provisions and deadlines established in O.C.G.A. § 13-10-90. The undersigned private employer also attests
that its federal work authorization user identification number and date of authorization are as listed below:

Federal Work Authorization User Identification Number

BUSINESS ACCOUNT NO.

Date of Authorization

SALES TAX ID NO (Only if Applicable)

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false,
fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20,
and face criminal penalties allowed by such statute.

Executed in Kingsland (City), GA (State).

[Signature]
Signature of Applicant

12/10/20
Date

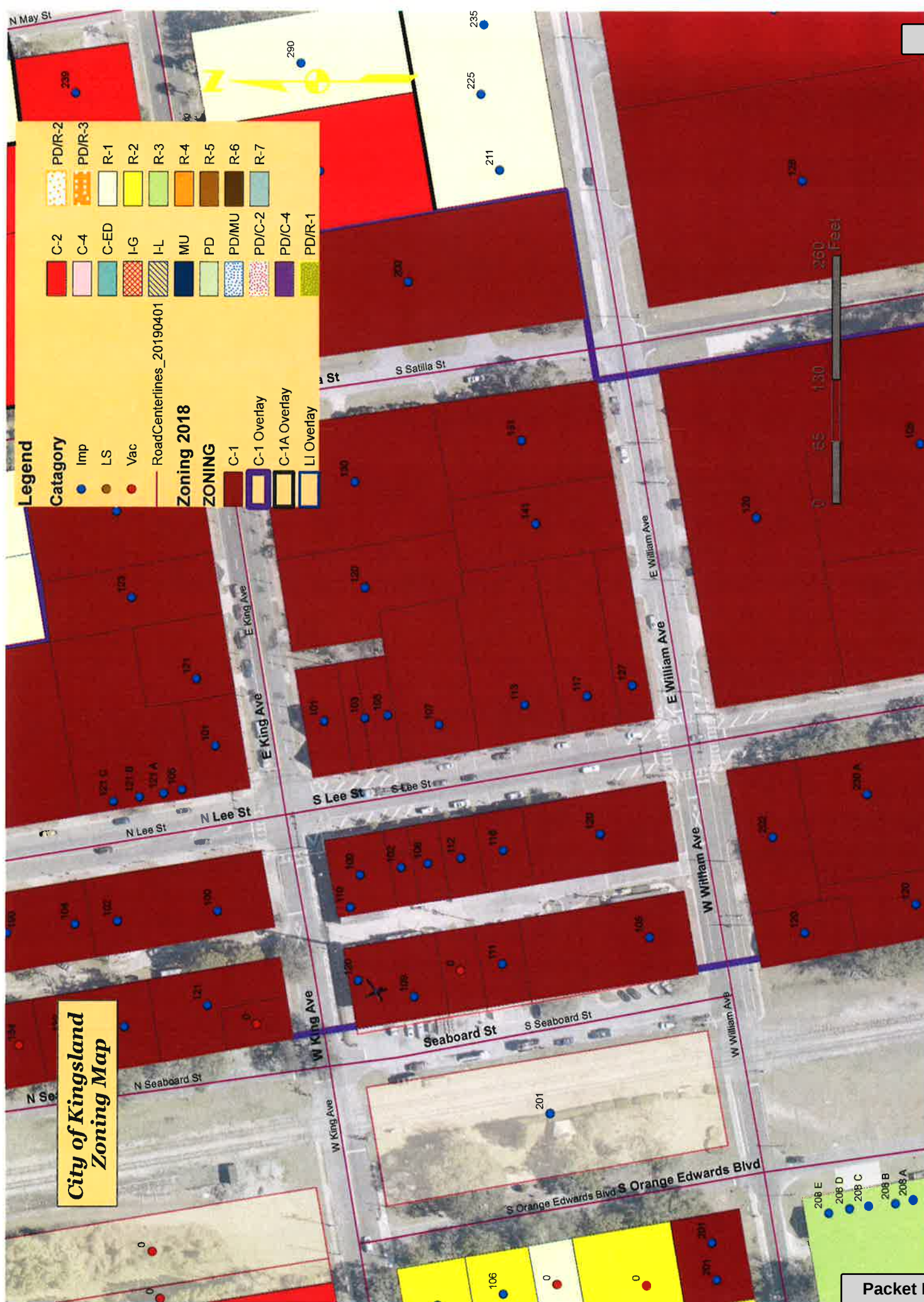
Herbert Buckles
Printed Name of Applicant

SUBSCRIBED AND SWORN BEFORE ME ON
THIS THE 23 DAY OF December, 2020

[Signature]
NOTARY PUBLIC/SEAL

My Commission Expires: 10/16/2022





Legend

Category

- Imp
- LS
- Vac

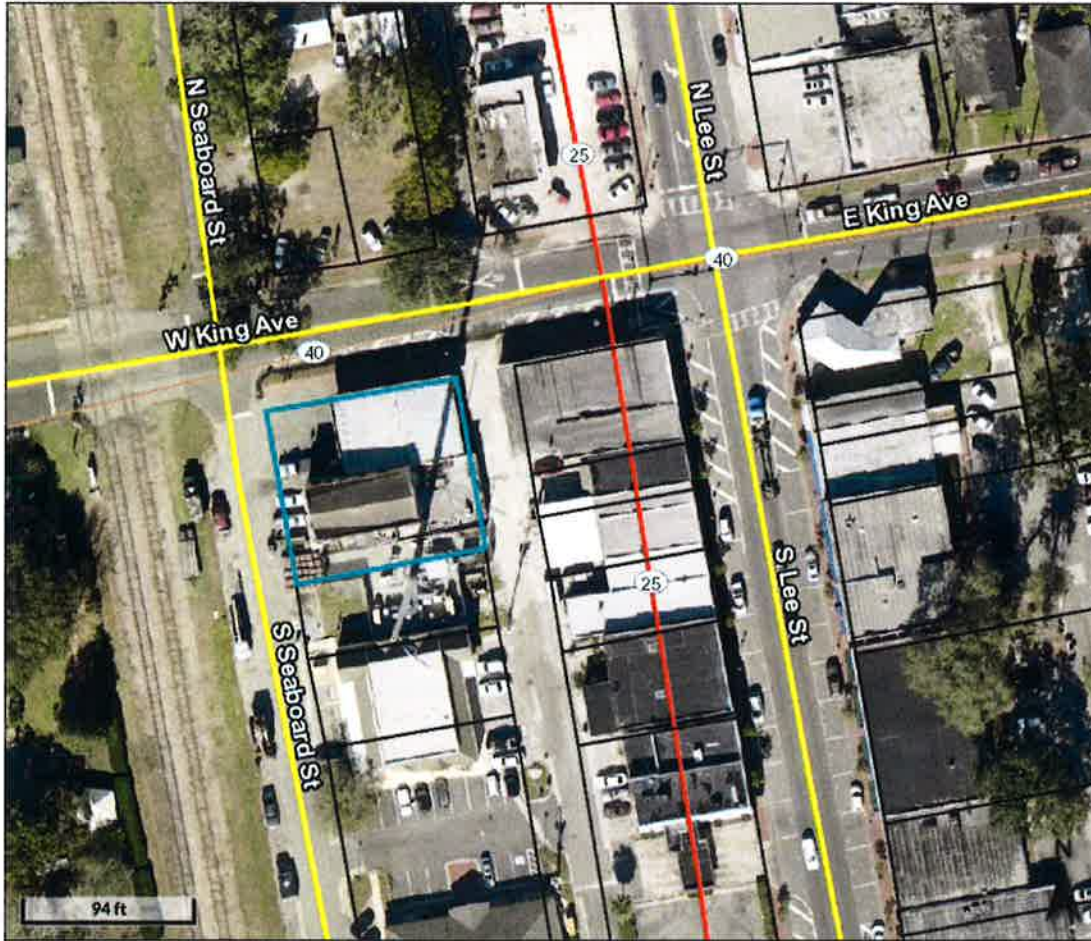
RoadCenterlines_20190401

Zoning 2018

ZONING

- C-1
- C-1 Overlay
- C-1A Overlay
- LI Overlay

**City of Kingsland
Zoning Map**



Overview



Legend

-  Parcels
-  Roads
- USA Major Highways**
-  Limited Access
-  Highway
-  Major Road
-  Local Road
-  Minor Road
-  Other Road
-  Ramp
-  Ferry
-  Pedestrian Way
-  City Labels

Parcel ID K21.01.001
 Class Code Commercial
 Taxing District KINGSLAND
 KINGSLAND
 Acres 0.18
 (Note: Not to be used on legal documents)

Owner ARPEN ALLEN E
 109 W KING AVENUE
 KINGSLAND, GA 31548
 Physical Address 109 W KING ST
 Assessed Value Value \$208386

Last 2 Sales			
Date	Price	Reason	Qual
7/28/2012	\$230000	FM	Q
8/5/2005	\$240000	FM	Q

Date created: 1/5/2021
 Last Data Uploaded: 1/5/2021 7:33:55 AM

Developed by 



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

AGENDA ITEM (ID # 3348)

Meeting: 01/11/21 06:00 PM
Department: Planning and Zoning
Category: Ordinance
Prepared By: Natalie Moreland
Initiator: Natalie Moreland
Sponsors:
DOC ID: 3348

9.4

Ordinance #2021-01 Amendment-Article VII.-Coin Operated Amusement Machines

Ordinance 2021-01 to Amend Chapter 11 of the Code of Ordinances by adding a new Article to be known as - ARTICLE VII.-COIN OPERATED AMUSEMENT MACHINES.

Planning Commission approved 3 - 1.

ORDINANCE NO. 2021-01

AN ORDINANCE TO AMEND CHAPTER 11 OF THE CODE OF ORDINANCES BY ADDING A NEW ARTICLE TO BE KNOWN AS “ARTICLE VII. – COIN OPERATED AMUSEMENT MACHINES.”

WHEREAS, the duly elected governing authority of the City of Kingsland, Georgia is authorized by O.C.G.A § 50-27-86 to adopt ordinances regarding bona fide coin operated amusement machines; and

WHEREAS, this ordinance is adopted to address the interest of public health, welfare, and safety of the citizens of the City of Kingsland; and

WHEREAS, the Mayor and Council of the City of Kingsland find that in the interest of the public safety the immediate enactment of this ordinance by reasonable means, as allowed under state law and not unduly oppressive, is necessary to protect the health, safety, morals, and general welfare of the citizens of the city.

WHEREAS, enactment of this ordinance will prevent the unregulated operation of the bona fide coin operated amusement machine business; and

WHEREAS, the bona fide coin operated amusement machine business can be conducted in a manner to safeguard the fiscal soundness of the City and provide business revenue to enhance the public welfare of the citizens of the City.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, that the Code of Ordinances of the City of Kingsland be and it is hereby amended as follows:

SECTION ONE:

Chapter 11 of the Code of Ordinances is hereby amended by adding “Article VII. – Coin Operated Amusement Machines,” as follows:

ARTICLE VII. – COIN OPERATED AMUSEMENT MACHINES

Sec. 1. Short Title.

This Article shall be known as the “City of Kingsland, Georgia Bona Fide Coin Operated Amusement Machine Ordinance.”

Sec. 2. Gambling Devices Prohibited.

Gambling Devices, as that term is defined in O.C.G.A § 16-12-20(2), are prohibited in the City, and the ownership, use, or transport thereof shall be a misdemeanor pursuant to state law, except as exempted pursuant to O.C.G.A § 16-12-35(a) through (k) and

regulated by the Georgia Lottery Corporation ("GLC") pursuant to O.C.G.A § 50-27-70, *et. seq.*

Sec. 3. Gambling places prohibited.

Gambling places, as the term is defined in O.C.G.A § 16-12-20(3), are prohibited in the City, and the operation thereof shall be a misdemeanor pursuant to state law.

Sec. 4. Definitions.

The following words, terms, or phrases, when used in this Ordinance, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) *Amusement Game Room* means any location as provided in O.C.G.A. § 16-12-35(b), (c) or (d) where one or more Bona Fide Coin Operated Amusement Machines are operated that permit non-cash redemption as provided in O.C.G.A. § 16-12-35(d)(1)(B), (C), or (D).

(b) *Bona Fide Coin Operated Amusement Machine*:

1. means the same as this term is defined in O.C.G.A. § 50-27-70(b)(2)(A) and (B) and any applicable regulations of the State of Georgia. Examples of Bona Fide Coin Operated Amusement Machines include, but are expressly not limited to, the following:

- i. Pinball machines;
- ii. Console machines;
- iii. Video games;
- iv. Crane machines;
- v. Claw machines;
- vi. Pusher machines;
- vii. Bowling machines;
- viii. Novelty arcade games;
- ix. Foosball or table soccer machines;
- x. Miniature racetrack, football, or golf machines;
- xi. Target or shooting gallery machines;
- xii. Basketball machines;
- xiii. Shuffleboard games;
- xiv. Kiddie ride games;
- xv. Skeet ball machines;
- xvi. Air hockey machines;
- xvii. Roll down machines;
- xviii. Trivia machines;
- xix. Laser games;
- xx. Simulator games;

- xxi. Virtual reality machines;
 - xxii. Maze games;
 - xxiii. Racing games;
 - xxiv. Computerized Sweepstakes Device;
 - xxv. Coin operated pool tables or coin operated billiard tables as defined in paragraph (3) of Code Section 43-8-1; and
 - xxvi. Any other similar amusement machine which can be legally operated in Georgia.
2. The term shall also mean machines of any kind or character used by the public to provide music whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, card or similar object such as jukeboxes or other similar types of music machines.
3. The term “bona fide coin operated amusement machine” does not include the following:
- i. Coin operated washing machines or dryers;
 - ii. vending machines which for payment of money dispense products or services;
 - iii. Gas and electric meters;
 - iv. Pay telephones;
 - v. Pay toilets;
 - vi. Cigarette vending machines;
 - vii. Coin operated scales;
 - viii. Coin operated gumball machines;
 - ix. Coin operated parking meters;
 - x. Coin operated television sets which provide cable or network programming;
 - xi. Coin operated massage beds; and
 - xii. Machines which are not legally permitted to be operated in Georgia.
- (c) *Business Location* means any structure, vehicle, or establishment where a business is conducted.
- (d) *Location Owner or Location Operator* means an owner or operator of a Business Location where one or more bona fide coin operated amusement machines are available for commercial use and play by the public.
- (e) *Class B Machine* shall have the same definition as found in O.C.G.A § 50-27-70.
- (f) *Operator* means any person, individual, firm, company, association, corporation, or other business entity that exhibits, displays, or permits to be exhibited or displayed, in a place of business other than his own, any bona fide coin operated amusement machine in this state.

- (g) *Owner* means any person, individual, firm, company, association, corporation, or other business entity owning any bona fide coin operated amusement machine in this state.

Section 5. Prohibition on Bona Fide Coin Operated Amusement Machines.

No Owner, Operator, Location Owner, or Location Operator may offer more than six (6) Class B machines at any Business Location within the jurisdiction of the City.

Section 6. Employee Notice.

The Owner or Operator of any Business Location that offers to the public any bona fide coin operated amusement machine that rewards the player exclusively as described in subsection (d) of O.C.G.A. § 16-12-35 is required to inform all employees of the prohibitions and penalties set out in subsections (e), (f), and (g) of O.C.G.A. § 16-12-35.

Section 7. Business Owner and Business Operator Notice.

The Owner or Operator of any bona fide coin operated amusement machine that rewards the player exclusively as described in subsection (d) of O.C.G.A. § 16-12-35 is required to inform each Location Owner or Location Operator of each Business Location where such machine is located of the prohibitions and penalties set out in subsections (e), (f), and (g) of O.C.G.A. § 16-12-35.

Section 8. License Required.

No person, firm or corporation shall engage in the business of owning or operating an Amusement Game Room, as that term in herein defined, without first:

- (a) applying for and obtaining an Amusement Game Room License;
- (b) paying the applicable occupational tax certificate fees; and
- (c) obtaining an occupational tax certificate.

Further, a separate Amusement Game Room license must be obtained for each Business Location in which any Bona Fide Coin Operated Amusement Machine is operated.

Section 9. Issuance of License.

Application for an annual license for operating an Amusement Game Room within the corporate limits of the City shall be made to the Planning Director or his or her designee upon a form to be supplied by the Planning Director or his or her designee for this purpose. The application for the annual registration shall include at a minimum the following information:

- (a) Verification that the applicant has obtained any and all licenses required by O.C.G.A. § 50-27-71;
- (b) Name, address, and age of the applicant and the date of the application;
- (c) Address or place where the bona fide coin operated amusement machine or machines are to be offered to the public for play and the other business or businesses operated at that place or places;
- (d) Name and address of the owner of the machine or machines and a copy of the owner's master license;
- (e) Name and address of any other business owned or operated by applicant within the corporate limits of the City; and
- (f) List of any other licenses or permits from the City held by the applicant.

A license issued in accordance with this Ordinance shall be valid until December 31 of the year in which the registration was issued.

Section 10. Occupational Tax Certificate Required.

No person, firm, or corporation shall own or operate an Amusement Game, as that term is herein defined, without first having completed the occupational tax certificate application form, paid the required occupational tax, and obtained an occupational tax certificate.

Section 11. Compliance with O.C.G.A. Provisions relating to Master Licenses, location Licenses, and Stickers for individual Machines.

Bona fide Coin Operated Amusement Machines may be used in the City only if the machines are owned by a person who holds a valid master license in accordance with O.C.G.A. § 50-27-71, and each machine offered to the public for play has a valid permit sticker in accordance with O.C.G.A. § 50-27-78. In addition, the business owner where the machines are available for play by the public must pay a location license fee in order to obtain a valid location license in accordance with O.C.G.A. § 50-27-71 (a.1) and (b). Failure to have a valid location license will result in the City license application not being processed.

Section 12. Minimum Distance Requirements.

- (a) Any Business Location which offers to the public one or more bona fide coin operated amusement machines may not be located within 300 feet of any fee simple ownership church building, school building, school grounds, college campus, or alcoholic treatment center.

- (b) As used in this section, the terms "school building" or "educational building" shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which are public schools or private schools as defined in subsection (b) of Code Section 20-2-690.
- (c) As used in this section, "fee simple ownership church building" shall mean a property owned in fee simple by an officially registered religious body and actively used for religious purposes.
- (d) For purposes of this Code section, distances shall be measured by the most direct route of legal public travel on the ground. The planning director or designated staff shall confirm the distances in the field to the best of their ability. The applicant may provide a signed and sealed survey provided by a Georgia licensed professional engineer of the property with the distances shown to the appropriate adjacent structure as measured in the field by said Georgia registered surveyor.

Section 13. Gross Receipts from Bona Fide Coin Operated Amusement Machines and from Business.

- (a) Every Amusement Game Room located in the City shall keep records available for inspection by City officials that set out separately annual gross receipts for the Class B amusement machines and the other products and services offered or sold at the location.
- (b) Any Location Owner or Location Operator subject to O.C.G.A § 50-27-84(c) is hereby required to provide a copy of the monthly verified report required by such code section to the City Clerk or his or her designee. Such report shall indicate the monthly gross retail receipts for each Business Location located within the City and shall be due by the twentieth day of each month, subsequent to the month in which the sales have taken place. In addition, each owner or operator must provide the City a copy of the annual audit of the reports from the Owner or Operator to the Georgia Lottery Corporation.
- (c) No Location Owner or Location Operator may derive more than fifty (50%) percent of such Location Owner's or Location Operator's monthly gross retail receipts for this business location in which the Class B machines are situated from such Class B machines. Compliance with this section requires both the availability of records for inspection and compliance with the fifty (50%) percent of gross retail receipts requirement.

Section 14. Disclosure of Machine Owner.

Any Location Owner or Location Operator seeking to locate a business within the jurisdiction of the city and offer to the public one or more bona fide coin operated

amusement machines must first submit in writing the name, physical address and mailing address of the owner of the bona fide coin operated amusement machine(s) to the City Clerk or his or her designee. No occupational tax certificate or license shall be granted by the City unless and until the information required by the section has been provided.

Section 15. Location of Machines within Business.

Any location owner or location operator who offers to the public one or more bona fide coin operated amusement machines is required as a condition of doing business in the jurisdiction of the city to locate each and every bona fide coin operated amusement machine in plain view and accessible to any person who is at the business location.

Section 16. Posting of Signs.

- (a) The Location Owner or Location Operator of any Business Location which offers to the public one or more bona fide coin operated amusement machine is hereby required to post prominently a notice including the following language:

GEORGIA LAW PROHIBITS PAYMENT OR RECEIPT OF MONEY FOR WINNING A GAME OR GAMES ON THE AMUSEMENT MACHINE; PAYMENT OR RECEIPT OF MONEY FOR FREE PLAYS WON ON THIS AMUSEMENT MACHINE; PAYMENT OR RECEIPT OF MONEY FOR ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY WON ON THIS AMUSEMENT MACHINE; OR AWARDED ANY MERCHANDISE PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY OF A VALUE EXCEEDING \$5.00 FOR A SINGLE PLAY ON THIS MACHINE.

Any such notice shall be at least 11.5 inches by 17.5 inches in size. Words and letters shall be in bold print and shall be at least on centimeter in size. It shall be the duty of the Location Owner or Location Operator to keep this notice posted at all times in a conspicuous place on the premises of the Business Location.

- (b) In addition to posting the notice required under subsection (a) above, every Amusement Game Room shall also post its occupational tax license and the license required by Section 8 of this Article.
- (c) The owner or proprietor of each Amusement Game Room shall inform every employee of the acts and omissions prohibited by O.C.G.A. § 16-12-35 and by this Ordinance, and of the penalties for violation of O.C.G.A. § 16-12-35 and this Ordinance.

Sec. 17. License Suspension and Revocation.

- (a) The City may suspend or revoke the City-issued license of any Location Owner or Location Operator to manufacture, distribute, or sell alcoholic beverages as a penalty for the conviction of the Location Owner or Location Operator of a violation of subsection (e), (f), or (g) of O.C.G.A. § 16-12-35.
- (b) The City may suspend or revoke any other type of City-issued license of any Location Owner or Location Operator to manufacture, distribute, or sell alcoholic beverages as a penalty for the conviction of the Location Owner or Location Operator of a violation of subsection (e), (f), or (g) of O.C.G.A. § 16-12-35.
- (c) The City may suspend or revoke a City-issued alcohol license or any other type of City-issued license issued to a Location Owner or Location Operator as a penalty for violating any section of this Ordinance.
- (d) The suspension or revocation of a license under this Ordinance, or other penalties imposed, shall be in accordance with the following guidelines of due process:
 - 1. No license which has been issued or which may be issued pursuant to this Ordinance shall be suspended or revoked except for due cause and after hearing and upon prior three-day written notice to the holder of the license of the time, place and purpose of the hearing and a statement of the charges upon which the hearing shall be held, unless such hearing has been waived pursuant to stipulation as provided under Subsection (8). Such notice shall provide the reasons for the suspension or revocation sought and shall be mailed or delivered to the holder of the license.
 - 2. The term “due cause” for the purpose of this section shall include, but not be limited to:
 - i. Conviction of, or the entering of a plea of guilty or nolo contendere by, the licensee or any of his employees or any person holding an interest in the license for any felony; for violating any law, administrative regulation, or ordinance involving alcoholic beverages, gambling, narcotics; or for violating any tax law.
 - ii. Conviction of, or the entering of a plea of guilty of nolo contendere by, the licensee or any of his employees or any person holding an interest in the license for any sex offense.
 - iii. Suspension or revocation of any state license required as a condition for the possession, sale, or distribution of alcoholic beverages.
 - iv. Material falsification of any fact given in an application for a license issued under this chapter or bearing upon the licensee's qualification therefor. Any act which may be construed as a subterfuge in an effort to circumvent any

of the qualifications for a license under this chapter shall be deemed a violation of the requirement attempted to be circumvented.

- v. Failure to meet or maintain any standard prescribed by this Ordinance as a condition or qualification for holding a license.
 - vi. Any other factor known to or discovered by the City whereby it is objectively shown the licensee, any of the licensee's employees or any person holding an interest in a license, has engaged in conduct at or involving the licensed business or has permitted conduct on the licensed premises that constitutes a violation of federal or state law, local ordinance or administrative regulations involving alcoholic beverages, gambling or narcotics for all alcohol licensed businesses and including any sex offense under state law or local ordinances with respect to businesses licensed for on-premises consumption. With respect to this section, it shall be rebuttably presumed that the act was done with the knowledge or consent of the licensee; provided, however, that such presumption may be rebutted only by evidence which precludes every other reasonable hypotheses save that such licensee did not know, assist or aid in such occurrence, or in the exercise of full diligence that such licensee could not have discovered or prevented such activity.
3. Notice of suspension or revocation proceedings shall be served on the person named as licensee in the application. Notice shall be in writing. The notice may be served personally or by first class mail. If by mail, the notice shall be addressed to the licensee at its address as provided by the licensee to the City. The burden shall be on the licensee to provide notice, in writing, of any change of address for service of notices and process. In the case of service by mail of any notice required by the Ordinance, the service is complete at the time of deposit in the United States Postal Service.
 4. The hearing shall be conducted by a hearing officer appointed by the City Manager.
 5. Hearings shall be only as formal as necessary to preserve order and shall be compatible with the principles of justice. The City shall bear the burden of providing by a preponderance of the evidence that due cause exists to suspend or revoke the license. At the hearing the licensee shall have the right to represent itself or be represented by counsel, may cross examine all witnesses offered by the City, and may call witnesses and present evidence in its own behalf. Formal rules of evidence shall not apply to hearings under this section, although the hearing officer shall have the right to exclude evidence which carries no indicia of reliability. All testimony shall be offered under oath of affirmation.
 6. The hearing officer shall make his final determination within ten (10) business

days of the completion of the hearing. The decision shall be placed in writing and contain the judge's findings of fact, conclusions of law, and decision as to sanction, if any. Such sanction may include one or more of the following: permanent revocation of license; suspension of the license for up to twenty-four (24) months; and/or a civil monetary penalty no to exceed the amount allowed under the City Code. Where a license is suspended and the term of the suspension is longer than the remaining term of the license, imposition of suspension for a period in excess of the term of the existing license shall be applied to any renewal license.

7. The hearing officer's decision shall be personally served or mailed by certified mail, return receipt requested to the licensee within twenty (20) business days of the close of the hearing. The decision of the hearing officer shall constitute final action by the City.
8. Upon receipt of notice of adverse action against the licensee under this section, the licensee may waive its right to a hearing and stipulate to a sanction agreed to by the City. Any stipulation entered under this subsection shall be in writing, signed by the licensee, and non-appealable.

Sec. 19. - Criminal penalties for violations by owners or operators of Coin Operated Amusement Machines.

- (a) The penalty for a violation of the provisions of this Ordinance by the owner or operator of Coin Operated Amusement Machines, after conviction in the City of Kingsland Municipal court, shall be a fine of up to One Thousand Dollars (\$1000) per violation.
- (b) In addition to a monetary fine imposed by the City of Kingsland Municipal Court, the Mayor and Commissioners may also suspend or revoke permits and licenses granted by the City as provided elsewhere in this Ordinance. A suspension or revocation of a license or permit shall be in addition to, rather than in lieu of, a monetary penalty imposed by the City of Kingsland Municipal Court.
- (c) Offering one or more Bona Fide Coin Operated Amusement Machine games in violation of an order suspending or revoking the registration for the offering of any amusement game at the location is punishable, after conviction in Municipal Court, by a fine not to exceed One Thousand Dollars (\$1000) per violation, imprisonment not to exceed fifty (50) days, or both such fine and imprisonment.

Sec. 20. - Penalties for violations by those who play Bona Fide Coin Operated Machines in violation of Law or Ordinance.

The City of Kingsland Municipal court is authorized to impose the following penalties on any person convicted of receiving money as a reward for the successful play or winning of any bona Fide Coin Operated Amusement Machine from any person

owning, possessing, controlling or overseeing such Bona Fide Coin Operated Amusement Machine or any person employed by or acting on behalf of a person owning, possessing, controlling or overseeing a Bona Fide Coin Operated Amusement Machines:

- (a) First Offense: a fine not to exceed Five Hundred Dollars (\$500.00) for each violation.
- (b) Second and Subsequent Offenses: a fine not to exceed One Thousand Dollars (\$1000) per violation, imprisonment not to exceed fifty (50) days, or both such fine and imprisonment.

Sec. 21. - Operating Regulations.

All businesses operating Bona Fide Coin Operated Amusement Machine(s) hereunder shall be subject to the following regulations:

- (a) Devices to Be Kept in Plain View; Gambling Devices Prohibited. All Bona Fide Coin Operated Amusement Machines shall at all times be kept and placed in plain view of and open and accessible to any person(s) who may frequent or be in any place of business where such machines are kept or used. Nothing in the section shall be construed to authorize, permit, or license any gambling device of any nature whatsoever.
- (b) Inspection. The Chief of Police or his or her designee may inspect or cause the inspection of any location in which any such bona fide coin operated amusement machine(s) are operated or set up of operating, and may inspect, investigate and test such machines as needed.
- (c) Attendant Required. It shall be unlawful for any location owner or location operator to open the location to the public unless an attendant is present. Said attendant shall be of sufficient mental and physical capacity so as to be able to provide aid to patrons if needed or desired. Said attendant shall not be less than 18 years of age.
- (d) Underage persons. Operators shall not allow any unaccompanied person under the age of 18 years old, to operate coin-operated amusement machines on their premises during the following hours: (a). Monday through Thursday after 9:00 p.m.; (b). Monday through Friday during normal public-school hours, individuals under 18 years of age shall not be allowed on the premises prior to 3:00 p.m., unless accompanied by an adult who is 18 years of age or older.
- (e) Loitering. As used in this section, "loitering" shall mean remaining idle in essentially one location and shall include the concepts of spending time idly, loafing or walking about aimlessly, and shall be unlawful for any person, firm or corporation licensed to operate bona fide Coin operated amusement machine(s) to permit loitering on

or in the immediate vicinity of any machine or business premises regulated hereunder in such a manner as to:

1. Create or cause to be created a danger of a breach of the peace;
2. Create or cause to create any disturbance of the peace, as defined by law;
3. Obstruct the free passage of pedestrians or vehicles;
4. Obstruct, molest or interfere with any person lawfully in a public place.
5. Shirt and shoes required. All location owners and location operators shall require shirts and shoes to be worn at all times by any person frequenting their location.

Sec. 22. - Licenses and Permits Nontransferable.

- (a) Licenses required pursuant to this Ordinance are nontransferable. All businesses that have bona fide coin operated amusement machines on the premises shall display, in plain view, the current bona fide coin operated amusement machine registration and occupational tax certificate issued by the City.
- (b) The issued license shall not be transferred to another owner at the same site within the City. A new owner or proprietor must first obtain a new annual registration if he/she intends to operate in the same of different location in the City.

Sec. 23. - Enforcing Officer.

The Chief of Police or his designee is hereby designated as the enforcement officer and shall execute all requirements of this Ordinance.

SECTION TWO:

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION THREE:

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION FOUR:

This Ordinance shall be effective immediately upon its adoption by the City

Council.

Ordained this _____ day of _____, 2020, by the Mayor and Council of the City of Kingsland, Georgia.

CITY OF KINGSLAND, GEORGIA

BY: _____
Dr. C. Grayson Day Jr., Mayor

ATTEST: _____
Jean Seigler, City Clerk



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 01/11/21 06:00 PM
Department: Planning and Zoning
Category: Ordinance
Prepared By: Natalie Moreland
Initiator: Natalie Moreland
Sponsors:

AGENDA ITEM (ID # 3349)

DOC ID: 3349

Ordinance #2021-02 Amendment-Article VII., Sec. 70 of KLADO

Ordinance 2021-02 to Amend Ordinance 2011-01, Article VII, Sec. 70 of KLADO.

The amendment will establish new building requirements within all Residential, Commercial, and Industrial Zoning Districts and enhance the public welfare of the citizens of Kingsland.

Planning Commission passed unanimously.

ORDINANCE NO. 2021-02

AN ORDINANCE TO AMEND ORDINANCE NO. 2011-01, of the “KINGSLAND ZONING AND LAND DEVELOPMENT ORDINANCE”

WHEREAS, the duly elected governing authority of the City of Kingsland, Georgia is authorized by O.C.G.A § 50-27-86 to adopt ordinances regarding building requirements in all zoning districts.

WHEREAS, this ordinance is adopted to address the interest of public health, welfare, and safety of the citizens of the City of Kingsland; and

WHEREAS, the Mayor and Council of the City of Kingsland find that in the interest of the public safety the immediate enactment of this ordinance by reasonable means, as allowed under state law and not unduly oppressive, is necessary to protect the health, safety, morals, and general welfare of the citizens of the city; and

WHEREAS, the City of Kingsland desires to amend the building requirements within all Residential, Commercial, and Industrial Zoning Districts to safeguard the fiscal soundness of the City and to enhance the public welfare of the citizens of Kingsland.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KINGSLAND, as follows:

Ordinance No. 2011-01, *Kingsland Zoning and Land Development Ordinance*, adopted February 14, 2011, is hereby amended by amending Article VII, Sec. 70 titled **OTHER REQUIREMENTS BY DISTRICTS - Minimum lot area, lot width, required yards, maximum building height and maximum lot coverage**.

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

Ordained this 11th day of January, 2021, by the Mayor and Council of the City of Kingsland, Georgia.

CITY OF KINGSLAND, GEORGIA

BY: _____
Dr. C. Grayson Day Jr., Mayor

ATTEST: _____
Jean Seigler, City Clerk

Attachment: Ordinance 2021-02 (3349 : Approval Of: Ordinance #2021-02 Amendment-Article VII., Sec. 70 of KLADO)



The City of Kingsland, GA
107 South Lee Street
P.O. Box 250
Kingsland, GA 31548
Ph: 912-729-5613
Fax: 912-729-7618

Planning and Community Development

Staff Report

Planning Commission Meeting Date: January 4, 2021

City Council Meeting Date: January 11, 2021

Agenda Item: Ordinance 2021-02 to Amend Ordinance 2011-01, Article VII, Sec. 70 of KLADO.

Summary: The amendment will establish new building requirements within all Residential, Commercial, and Industrial Zoning Districts and enhance the public welfare of the citizens of Kingsland.

Is proposal consistent with the Comprehensive Plan? Yes

Staff Recommendation: Staff recommends approval

Scott L. Kimball

Planning Director

Sec. 70. - Minimum lot area, lot width, required yards, maximum building height and maximum lot coverage.

Within each district the following minimum lot areas, minimum lot widths, minimum yard requirements, maximum height requirements, and maximum lot coverages shall apply unless otherwise specified in this Ordinance:

70.1. Residential Districts.

70.1.1. R-1 Single Family Residential

- (1) Minimum lot area: 10,000 square feet
- (2) Minimum lot width at the building line: 75 feet
- (3) Minimum front yard setback from the public right-of-way: 25 feet
- (4) Minimum side yard setbacks:
 - (a) From public right-of-way: 25 feet
 - (b) From any other property line: 10 feet
- (5) Minimum rear yard setbacks:
 - (a) From public right-of-way: 25 feet
 - (b) From any other property line: 15 feet
- (6) Maximum building height: 35 feet
- (7) Maximum Lot Coverage: 35%

70.1.2. R-2 Low Density Residential

- (1) Minimum lot area:
 - (a) Single-family dwellings: 10,000 square feet
 - (b) Two and three family dwellings: 4,000 square feet per dwelling unit
 - (c) Townhouses: 10,000 square feet for the first three units, plus 4,000 square feet for each additional unit.
 - (i) Minimum lot width at building line: 70 feet
 - (ii) Minimum front yard setback from the public right-of-way: 25 feet
 - (iii) Minimum side yard setbacks:
 1. From public right-of-way: 25 feet
 2. From any other property line: 10 feet
 - (iv) Minimum rear yard setback from other property line: 15 feet
 - (v) Maximum percentage of lot coverage: 35 percent
 - (vi) Maximum building height: 35 feet

Commented [SB1]: I have tried to make the format more consistent across all sections of this ordinance.

Commented [SB2]: There is a lack of uniformity among the sections of this ordinance in terms of how they phrase the front yard setback requirement. This section refers to the setback "from street." In contrast, section 70.1.7 refers to the setback as measured "from property line." And other sections (e.g., 70.2.2) refer to a setback "from public right-of-way." I suggest that the wording of all of the front yard setbacks be made uniform. Thus, I have suggested in this document that all of the front yard setbacks be revised to state that they are measured from the "public right-of-way." I assume that is consistent with the intent of each section.

Commented [SB3]: If you're going to be amending this ordinance, that I would recommend cleaning this section while you are at it. As it is currently written, this portion is ambiguous. I have tried to make it clearer as to what I assume that it was meant to convey.

- (vii) Minimum dwelling unit size (heated area):
 1. Single-family dwellings: None
 2. Two and three family dwellings: 600 square feet per unit
 3. Townhouses: None

70.1.3 R-3, Medium and High Density Multi-Family Residential District

- (1) Minimum lot area:
 - (a) Two and three family dwellings: 4,000 square feet per unit.
 - (b) Multi-family dwellings of more than three units:
 - 10,000 square feet for the first two units; plus 2,000 square feet for each additional unit.
- (2) Minimum lot width at building line:
 - (a) Condominium and Apartment Developments: 80 feet
 - (b) Townhouses: 70 feet
- (3) Minimum front yard setback from the public right-of-way: 30 feet
- (4) Minimum side yard setbacks:
 - (a) Apartments/ condominiums:
 - (i) From a public right-of-way: 25 feet
 - (ii) From property line abutting an adjacent property zoned as a Residential District: 25 feet
 - (iii) From any other property line: 15 feet
 - (b) Townhouses:
 - (i) From a public right-of-way: 25 feet
 - (ii) From any other property line: 15 feet
- (5) Minimum rear yard setbacks:
 - (i) From a public right-of-way: 30 feet
 - (ii) From property line abutting an adjacent property zoned as a Residential District: 25 feet
 - (iii) From any other property line: 15 feet
- (6) Maximum percentage of buildable lot coverage: 30%
- (7) Maximum building height: 45 feet or 3 stories
- (8) Minimum dwelling unit size:
 - (a) Two and three family dwellings: 800 square feet per unit

Commented [SB4]: I thought it might be clearer to list out these requirements in separate subsections.

(b) Multi-family dwelling of more than three units: 800 square feet per unit for the first six (6) units, plus 600 square feet per unit for each additional unit.

Commented [SB5]: I assume that these are supposed to be per unit requirements, so I would include "per unit" stating the number of feet. Also, if it is supposed to be ft.² per unit for every unit above six, then the last part of this subsection is unnecessary.

70.1.4. R-4, Single-Family Mobile Home District

- (1) Minimum lot area: 7,500 square feet
- (2) Minimum lot width at the building line: 50 feet
- (3) Minimum front yard setback from the public right-of-way: 25 feet
- (4) Minimum side yard setbacks:
 - (a) From a public right-of-way: 25 feet
 - (b) From any other property line: 10 feet
- (5) Minimum rear yard setbacks:
 - (a) From a public right-of-way: 25 feet
 - (b) From any other property line: 15 feet
- (6) Maximum percentage of lot coverage: 30%
- (7) Maximum building height: 20 feet

70.1.5 R-5, Mobile Home Park District

- (1) Minimum lot area: Five (5) acres
- (2) Maximum density: Seven (7) mobile homes per acre.
- (3) Minimum space area: Each mobile home shall be located on a lot or space having an area of at least 4,000 square feet.
- (4) Mobile Home Placement and Separation. The minimum distances required for the separation of a mobile home shall be:
 - (a) 20 feet from side to side
 - (b) 20 feet from side to rear
 - (c) 15 feet from rear to rear
 - (d) Individual driveways for each mobile home shall be at least 15 feet from adjacent driveways
- (5) No mobile home shall be located closer than 30 feet from street right-of-way lines or closer than 20 feet from any property line. Notwithstanding the foregoing, any mobile home located at a sale center on Highway 40 E. shall be placed at least 25 feet from the front property line.

Commented [SB6]: Again, just trying to keep format consistent throughout the ordinance.

Commented [SB7]: I think that the phrase "interior driveways" may be vague and ambiguous. Within a mobile home park, I assume that it would be possible to have a small driveway in front of each individual mobile home. Is it the intent of this ordinance to require that every mobile home with a driveway be placed 15 feet away from the driveway? My hunch is that this subsection was intended to apply to ingress/egress routes through a mobile home park that all of the mobile home owners use to access their respective homes. If that is the case, we may want to reword this.

70.1.6. R-6 Single-Family Large Tract Residential District

- (1) Minimum lot area: 1.5 Acres
- (2) Minimum lot width at the building line: 100 feet

(3) Minimum front yard setback from the public right-of-way: 30 feet

(4) Minimum side yard setbacks:

- (a) From a public right-of-way: 25 feet
- (b) From any other property line: 20 feet

(5) Minimum rear yard setbacks:

- (a) From a public right-of-way: 25 feet
- (b) From any other property line: 20 feet

(6) Maximum building height: 35 feet

(7) Maximum percentage of lot coverage: 40 percent

(8) Minimum subdivision size: 100 Acres

70.1.7. R-7 Townhouse Residential District

(1) Minimum lot area: 1600 square feet

(2) Minimum lot width at the building line: 16 feet

(3) Minimum front yard setback from the public right-of-way: 15 feet

(4) Minimum side yard setbacks:

- (a) From a public right-of-way: 25 feet
- (b) From any other property line: 15 feet

(5) Minimum rear yard setbacks:

- (a) From a public right-of-way: 25 feet
- (b) From any other property line: 20 feet

(6) Maximum building height: 35 feet

(7) Maximum percentage of lot coverage: 60 percent

70.2. Commercial Districts.

70.2.1. C-1, Central Business District.

- (1) Minimum lot area: 3,000 square feet.
- (2) Minimum lot width: 30 feet.
- (3) Minimum front yard setback: None; however, public walkways shall be accessible.
- (4) Maximum front yard setback: 25 feet.
- (5) Minimum side yard: None, unless the parcel is adjacent to property zoned as a Residential District, in which case the minimum side yard shall be 15 feet.
- (6) Minimum rear yard: None, unless the parcel is adjacent to property zoned as a Residential District, in which case the minimum rear yard shall be 15 feet.

Commented [SB8]: Should these numbers for minimum rear yard setbacks be reversed? It appears that for all zoning classifications, the setbacks from streets are greater than the setbacks from other property lines.

Commented [SB9]: Do you want to leave this at zero?

- (7) Maximum percentage of lot coverage: must be presented for new construction for approval.
- (8) Maximum building height: 45 feet.
- (9) Minimum Sidewalk width along street frontage: 5 feet.
- (10) The main building entrance shall be located on a public street, or shall have a porch and canopy, or other architectural treatment, that announces a side or recessed entrance by extending to the sidewalk or street. Main entrances shall be defined by features such as transom windows, sidelights, recesses, lighting, architectural details, signs, or awnings.

Commented [SB10]: Not sure what this means

Commented [SK11R10]:

Commented [SK12R10]:

70.2.2. C-1A, Commercial Corridor District.

- (1) Minimum lot area: 7,500 square feet.
- (2) Minimum lot width at building line: 7 feet.
- (3) Minimum front yard setback from the public right-of-way: 25 feet.
- (4) Minimum side yard setbacks:
 - (a) From a property line abutting a property zoned as a Residential District: 15 feet
 - (b) From a public right-of-way: 25 feet
 - (c) From any other property line: 7 feet
- (5) Minimum rear yard setbacks:
 - (a) From a property line abutting a property zoned as a Residential District: 15 feet
 - (b) From any other property line: 7 feet
 - (c) From a public right-of-way: 25 feet
- (6) Maximum building height: 55 feet.
- (7) Maximum percentage of lot coverage by buildings: 35%.
- (8) Minimum Sidewalk width along street frontage: 5 feet.

Commented [SB13]: In its current form, this section not impose any rear yard setbacks from streets. I have added any rear yard street setback to this section since assume there may be some reason for that omission. However, you may want to give some consideration as whether that should be added.

70.2.3 C-2, General District.

- (1) Minimum lot area: 10,500 square feet.
- (2) Minimum lot width at building line: 75 feet.
- (3) Minimum front yard setbacks:
 - (a) From property line abutting King Avenue (S.R. 40): 40 feet
 - (b) From any other public right-of-way: 25 feet
- (4) Minimum side yard setbacks:
 - (a) From a property line abutting a property zoned as a Residential District: 15 feet
 - (b) From a public right-of-way: 25 feet
 - (c) From any other property line: 7 feet
- (5) Minimum rear yard setbacks:

- (a) From a property line abutting a property zoned as a Residential District: 15 feet
- (b) From any other property line: 7 feet
- (c) From a public right-of-way: 25 feet
- (6) Maximum building height: 55 feet.
- (7) Maximum percentage of lot coverage by buildings: 35%, ~~except that dwellings shall be subject to provisions of the R-1 districts~~

Commented [SB14]: In its current form, this section not impose any rear yard setbacks from streets. I have added any rear yard street setback to this section since assume there may be some reason for that omission. However, you may want to give some consideration as whether that should be added.

70.2.4. C-4, Interchange Commercial District

- (1) Minimum lot width at building line: 100 feet
- (2) Minimum front yard setback from the public right-of-way: 50 feet
- (3) Minimum side yard setbacks:
 - (a) From a public right-of-way: 35 feet
 - (b) From any other property line: 10 feet
- (4) Minimum rear yard setback from property line: 15 feet
- (5) Maximum building height: 35 feet

70.2.5. C-5, Neighborhood Convenience Center District

- (1) Minimum lot width at building line: 75 feet
- (2) Minimum front yard setback from the public right-of-way: 25 feet
- (3) Minimum side yard setbacks
 - (a) From a public right-of-way: 25 feet
 - (b) From any other property line: 15 feet
- (4) Minimum rear yard setback: 15 feet
- (5) Maximum building height: 35 feet

70.2.6. C-ED, Commercial Entertainment District

- (1) Minimum district area: 10 acres
- (2) Minimum lot area: 7,500 square feet
- (3) Minimum lot width at building line: 75 feet
- (4) Minimum front yard setbacks:
 - (a) From King Avenue (S.R. 40): 40 feet {from right-of-way}
 - (b) From other public rights-of-way: 25 feet
- (5) Minimum side yard setbacks:
 - (a) From a property line abutting another property zoned C-ED: 0 feet

- (b) From any other property line, including a property line abutting a public right-of-way: 25 feet

(6) Minimum rear yard setbacks:

- (a) From a property line abutting another property zoned C-ED: 0 feet
- (b) From any other property line, including a public right-of-way: 25 feet

(7) Maximum building height: 50 feet, unless approved by the Fire Chief. However, no building height shall exceed the distance from said building to the adjacent zoning district boundary.

(8) Maximum percentage of lot coverage by buildings: 35%

(9) Minimum district buffer: A full year-round visual buffer shall separate all developed parts of the district from surrounding residential zones. The buffer may be a fence or vegetated berm with a vertical visual buffering of at least 20 feet and be at least 25 feet wide, or a vegetative only buffer of at least 15 feet height and 50 feet wide.

Commented [SB15]: I have reworded this to make it clearer. However, I am a little concerned that this provides no standard by which the Fire Chief is supposed to make this determination.

70.2.7. C-PLMU, Commercial Planned Large Multi-Use District

(1) Minimum district area: 100 acres

(2) Minimum lot area: 20,000 square feet

(3) Minimum lot width at building line: 75 feet

(4) Minimum front yard setbacks:

- (a) From King Avenue (S.R. 40) and Laurel Island Parkway: 40 feet (from right-of-way);
- (b) From any other public right-of-way: 25 feet

(5) Minimum side yard setbacks:

- (a) From a property line abutting another property zoned C-PLMU: 0 feet
- (b) From public rights-of-way: 25 feet
- (c) From a property line abutting a property zoned as a Residential District: 25 feet

(6) Minimum rear yard setbacks:

- (a) From a property line abutting another property zoned C-PLMU: 0 feet
- (b) From a property line abutting a property zoned as a Residential District: 25 feet.

Commented [SB16]: Again, I would avoid this "existing residential uses" language. I think it's ambiguous whether that means that the abutting property is simply zoned residential or whether it means that the abutting property actually has a residential structure on it. If the abutting property is zoned residential but currently vacant, there may be unclear whether there is an "existing residential use" on the property.

(7) Maximum building height: 50 feet, unless approved by the Fire Chief. However, no building height shall exceed the distance from said building to the adjacent zoning district boundary.

Commented [SB17]: Again, I would avoid this "existing residential uses" language. I think it's ambiguous whether that means that the abutting property is simply zoned residential or whether it means that the abutting property actually has a residential structure on it. If the abutting property is zoned residential but currently vacant, there may be unclear whether there is an "existing residential use" on the property.

(8) Maximum percentage of lot coverage by buildings: 35%

(9) Minimum district buffer: A full year-round visual buffer shall separate all developed parts of the district from surrounding residential zones. The buffer may be a fence or vegetated berm with a vertical visual buffering of at least 20-feet and be at least 25-feet wide, or a vegetative only buffer of at least 15-feet height and 50-foot wide.

Commented [SB18]: I have reworded this to make it clearer. However, I am a little concerned that this provides no standard by which the Fire Chief is supposed to make this determination.

70.3. Wholesale and Industrial Districts

70.3.1. I-L, Light Industrial District

- (1) Minimum lot area: As required to meet district's area regulations and intent.
- (2) Minimum lot width at building line: 100 feet
- (3) Minimum front yard setback from the public right-of-way: 30 feet
- (4) Minimum side yard setback from property line or public right-of-way: 30 feet
- (5) Minimum rear yard setbacks:
 - (a) From property line: 20 feet
 - (b) From public rights-of-way: 30 feet
- (6) Maximum building height: 45 feet
- (7) Public and private technical, and industrial training facilities including on site housing for attendees shall meet these minimum required setbacks
- (8) Minimum district buffer: A full year-round visual buffer shall separate all developed parts of the district from surrounding residential zones. The buffer may be a fence or vegetated berm with a vertical visual buffering of at least 20-feet and be at least 25-feet wide, or a vegetative only buffer of at least 15-feet high and 50-feet wide.

70.3.2. I-G, General Industrial District

- (1) Minimum lot area: As required to meet district's regulations and intent.
- (2) Minimum lot width at building line: 200 feet
- (3) Minimum front yard setback from the public right-of-way: 50 feet
- (4) Minimum side yard setbacks:
 - (a) From property line: 40 feet
 - (b) From public rights-of-way: 50 feet
- (5) Minimum rear yard setback from property line: 40 feet
- (6) Maximum building height: 85 feet

70.4. MU, Multi-Use District:

- (1) Minimum Lot Area: 5,000 square feet for up to four (4) units (2 bottom, 2 top), 1,000 square feet for each additional unit
- (2) Minimum Lot Width: Forty (40) feet
- (3) Minimum Front Yard Setbacks:
 - (a) From King Avenue (State Route 40): 40 feet
 - (b) From any other public right-of-way: 20 feet

(4) Minimum Side Yard **Setbacks:**

- (a) From public rights-of-way: 20 feet
- (b) From a property line abutting another property zoned MU: 7 feet
- (c) **From any other types of adjacent property lines: 15 feet**

Commented [SB19]: As currently written, this section only contains side yard setbacks from streets and property lines "of similar usage" (which I am assuming means another MU property. That means there are no MU side yard setbacks from other types of properties. Not sure if that's an oversight.

(5) Minimum Rear Yard **Setbacks:**

- (a) From public rights-of way: 15 feet
- (b) From a property line abutting a property zoned as a Residential District: 15 feet
- (c) From a property line abutting another property zoned MU: 7 feet
- (d) **From any other types of adjacent property lines: 10 feet**

Commented [SB20]: As written, this section has rear setback requirements with respect to adjacent streets and residential properties, and "similar commercial uses." I may want to add an additional catch-all for any other type of adjacent properties. Otherwise, if an adjacent property does not fall into one of those categories, then there would be no set-back requirement.

Commented [SB21]: Again, I would avoid this "existing residential uses" language. I think it's ambiguous what that means that the abutting property is simply zoned residential or whether it means that the abutting property actually has a residential structure on it. If the abutting property is zoned residential but currently vacant, there may be unclear whether there is an "existing residential use" on the property.

Commented [SB22]: I would clarify what is meant by "similar commercial uses" by specifying particular zoning classifications. I assume that another property zoned MU would certainly qualify as a similar use, so I have changed to state that this setback requirement applies to a property line abutting another property with that zoning classification. But you may want to broaden that to include any other commercial zoning classifications.

(6) Maximum Building Height: Forty-five (45) feet

70.5. *Minimum Setbacks.* Within the zoning districts herein defined, the following minimum setback requirements shall apply:

{Definitions of a, b, c above}

- a. **Eight (10) feet plus five (5) additional feet for each story (floor), but not exceeding twenty (20) feet; and when dwelling unit faces side yard, the dwelling [Unit] shall not be less than twenty (20) feet from the side.**
- b. None, except when abutting residential district and then not less than twenty (20) feet.
- c. None, except when abutting residential district and then not less than twenty (20) feet.

(Amend. of 7-23-2007; Ord. No. 2009-3, 4-27-2009; Ord. No. 2014-03, 3-31-2014; Ord. No. [2017-09](#), 10-23-2017; Ord. No. [2018-11](#), 11-26-2018; Ord. No. [2019-01](#), 1-14-2019)



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

AGENDA ITEM (ID # 3345)

Meeting: 01/11/21 06:00 PM
Department: City Clerk
Category: Appointment
Prepared By: Jean Seigler
Initiator: Jean Seigler
Sponsors:
DOC ID: 3345

Appointments for 2021: Charter Positions

Per the City Charter, the following charter positions shall be elected by the Mayor and Council annually:

- a.) Mayor Pro Tem
- b.) City Attorney - Incumbent, Steven Blackerby
- c.) City Clerk - Ms. Jean Seigler
- d.) Chief of Police - Incumbent, Mr. Robert Jones
- e.) City Treasurer - Incumbent, Ms. Filiz Morrow



City Council
107 South Lee Street
Kingsland, GA 31548

SCHEDULED

Meeting: 01/11/21 06:00 PM
Department: Finance
Category: License
Prepared By: Filiz Morrow
Initiator: Filiz Morrow
Sponsors:
DOC ID: 3342

AGENDA ITEM (ID # 3342)

**Approval Of: Application for Retail Beer/Wine License from
"Friendly Express #86" Located at 1310 Boone Avenue Ext.,
Kingsland, Georgia. Owner, Mr. David L. Turner.**