

**ARTICLE XVIII: CONDITIONAL USES**

**18.1 CONDITIONAL USE PERMITS.**

Some zoning districts permit certain conditional uses only upon approval of the City Council. These uses are identified in this Ordinance and the granting of a Conditional Use does not constitute a permanent change in zoning or use. The Conditional Use may be forfeited if it does not meet the criteria provided in this Article. Generally, a Conditional Use shall be compatible with the applicable zoning district under special conditions.

The developer or owner desiring to obtain a Conditional Use permit must have at least a fifty-one percent (51%) ownership interest in the subject property or be the duly authorized agent of such a person, possessing notarized authorization in writing, under the owner's signature. The Commission or the City Council may also propose a Conditional Use.

The Commission may, after a public hearing, recommend approval or denial of a Conditional Use permit. However, only the City Council has the authority to approve a Conditional Use application. A Conditional Use shall be authorized by a Conditional Use Permit.

**18.2 PROCEDURE.**

The procedures for obtaining a Conditional Use Permit shall be as follows:

- (a) **Application:** The Conditional Use application and application fee as set by the City shall be filed with the City Clerk and forwarded to the Building Inspector for review. If an applicant for a Conditional Use Permit maintains a condition that is in violation of this Ordinance at the time of application, then the Building Inspector shall be prohibited from reviewing and/or processing the application until the applicant ceases the violation of this Ordinance. The application shall be accompanied by a plat of the lot drawn to an accurate scale and a sketch showing the proposed uses of land and buildings, parking, loading, building line setbacks and such other information as may be required for review and decision.
- (b) **Notice and Public Hearing Required:** When an application for a Conditional Use is filed, it shall be first considered by the Commission. The Commission shall recommend approval or denial of the conditional use application to the City Council. The notice and public hearing procedures will follow the provisions set forth in Section 3.4. The Zoning Administrator shall post a sign at least two feet (2 ft.) by three feet (3 ft.) in size, in a conspicuous place on the property, at least fifteen (15) days but not more than forty five (45) days prior to the date of the scheduled Commission public hearing on the application. The sign shall set forth the subject matter of the hearing and provide the date, time and place of the public hearing.

**18.3 COMMISSION'S CONSIDERATION OF USE EFFECT.**

The Commission shall make a determination regarding the effect of a Conditional Use on the character of the neighborhood or area in which it is proposed. It will consider the following guidelines in making any Conditional Use permit determinations:

- (a) The effect of the proposed activity on traffic flow along adjoining streets;
- (b) The location of off-street parking facilities;
- (c) The number, size and type of signs proposed for the site;
- (d) The size and location of open space;
- (e) The hours and manner of operation of the proposed use;
- (f) The outdoor lighting requirements;
- (g) The ingress and egress to/from the lot; and
- (h) The compatibility of the proposed use with the surrounding land uses.

**18.4 CONDITIONAL USE RESTRICTIONS.**

In accordance with the Conditional Use guidelines provided in Section 18.3 above, applicable zoning district regulations and where deemed necessary by the Commission to permit the proposed use to be in harmony with existing development and other matters essential to the public interest, health, safety and welfare, the Commission may require, as part of its approval, certain performance or design considerations including, but not limited to, the following:

- (a) Planted or screen buffers to reduce adverse or potentially adverse effects on adjoining properties;
- (b) The location, design, or limitation of street access ways, parking areas, and loading docks;
- (c) The re-arrangement of structures on the development site;
- (d) Restrictions on maximum building height;
- (e) Increases in minimum requirements for lot size and building line setbacks, but not a reduction of these requirements;
- (f) Limitations of the hours of business operation when it can be shown that proposed



operational times would cause an adverse effect on adjoining existing uses;

- (g) Specified distances from existing residential, public or institutional developments.

In no case, however, shall the Commission exempt any Conditional Use from meeting the minimum lot size and building requirements of this Ordinance.

#### **18.5 ADDITIONAL CONDITIONS AND DEVELOPMENT STANDARDS.**

The Commission may recommend and the City Council may impose any additional conditions and development standards, along with the grant of the Conditional Use, as may be necessary to protect the health, safety and welfare of surrounding landowners, neighborhoods and workers.

#### **18.6 ISSUANCE OF CONDITIONAL USE PERMIT.**

The Commission shall make a written recommendation for approval, approval with restrictions, or denial of the Conditional Use within forty-five (45) days of the filing of the application. The written recommendation shall explain the reason for the recommendation of approval or denial of the Conditional Use Permit. The City Council is not bound by the recommendation of the Commission, and after consideration of the Commission's written recommendation, the City Council may grant, grant with restrictions, or deny the application for the Conditional Use.

The Building Inspector shall be responsible for enforcing the provisions of the Conditional Use permit and for determining whether or not a Building Permit is to be issued. If the Building Inspector finds that any restrictions upon which a Conditional Use was granted are not being complied with, the Building Inspector may suspend the permit for the Conditional Use until such time the applicant brings the Conditional Use into compliance with the restrictions imposed by the Commission and/or City Council. During any period in which a Conditional Use permit is suspended, the owner or developer shall only conduct work which is necessary to bring the Conditional Use into compliance with the restrictions or conditions imposed by the City Council.

#### **18.7 TIME LIMIT FOR CONDITIONAL USE REVIEW.**

All applications for a Conditional Use permit shall be decided by the City Council at the next regular City Council meeting after City Council receives written recommendation from the Commission. This time may be extended where the applicant agrees in writing to a waiver of this provision. Within a reasonable time following the meeting, the applicant shall be provided with a written notice either approving or granting, granting with restrictions or denying the Conditional Use. The written notice of Conditional Use denial shall include a statement of the reasons for denial.

#### **18.8 LIST OF CONDITIONAL USES.**

Conditional Uses of land and structures include the following uses as determined upon review and recommendation of the Commission in accordance with the provisions of this Article. All such Conditional Uses require the approval of the City Council and the issuance of a Conditional

Use Permit in accordance with the provisions of this Article and Article 8 - Table of Permitted Uses.

18.8.1 Arenas, Auditoriums or Stadiums.

Arenas, Auditoriums or Stadiums may be permitted as a Conditional Use in Commercial and Industrial Zoning Districts provided that:

- (a) Such use shall not draw vehicular traffic to and over local streets in surrounding residential areas;
- (b) Adequate space at the vehicular entrance and sufficient vehicular entrances and exits shall be provide to prevent traffic congestion;
- (c) Vehicular entrances and exits for such use shall be provided separately and shall be located not less than fifty feet (50 ft.) apart;
- (d) No building or structure shall be located less than fifty feet (50 ft.) from any lot line;
- (e) Off-street parking and loading shall be provided as required by Article 19.

18.8.2 Child Care Centers.

Child Care Centers may be permitted as a Conditional Use in Residential Zoning Districts provided that:

- (a) The Building Inspector and the City Fire Chief approve the building for use as a child care center. The State Fire Marshall shall approve the building if the building is to be used for the care of more than six (6) children;
- (b) The use will not, in the opinion of the City Council, constitute a hazard or nuisance because of increased traffic conditions, number of children being cared for, noise, or types of physical activities which will be allowed on the lot;
- (c) All outdoor play areas shall be fenced. All fences shall be a minimum of four feet (4 ft.) in height, maintained properly and closed with child safety locks approved by the Building Inspector.

18.8.3 Churches and Fraternal Organizations.

Churches and Fraternal Organization may be permitted as a Conditional Use in Residential Zoning Districts provided that:

- (a) Building line setbacks from abutting street right-of-ways shall be at least fifty feet (50 ft.) from side lot lines and twenty-five feet (25 ft.) from rear lot lines;



- (b) Off-street parking shall be provided as required by Article 19.

18.8.4 Government Buildings.

Government Buildings may be permitted as a Conditional Use in Residential Zoning Districts.

18.8.5 Historical Exhibits.

Historical Exhibits may be permitted as a Conditional Use subject to the provisions of Section 18.3 and 18.4.

18.8.6 Hospitals.

Hospitals may be permitted as a Conditional Use in Residential Zoning Districts provided that:

- (a) Such use shall not have a detrimental effect on the value of surrounding properties;
- (b) No building or structure shall be located closer than fifty feet (50 ft.) to any abutting street right-of-way and twenty-five feet (25 ft.) to any side or rear property line;
- (c) Off-street parking and loading shall be provided as required by Article 19.

18.8.7 Music Studios.

Music Studios may be permitted as a Conditional Use provided that the sound from such studio would not be a nuisance to surrounding properties, particularly residential and institutional uses.

18.8.8 Nursing Homes.

Nursing Homes may be permitted as a Conditional Use in Residential Zoning Districts provided that:

- (a) No building or structure shall be located less than fifty feet (50 ft.) from any abutting street right-of-way and twenty-five feet (25 ft.) from any side and rear property lines;
- (b) Off-street parking and loading shall be provided as required by Article 19.

18.8.9 Public Utility Uses.

Public Utility Uses may be permitted as a Conditional Use in Residential Zoning Districts provided that:

- (a) Uses include water or sewage pumping stations, electric substations, gas metering and regulating stations, sewage disposal and water treatment plants, telephone exchanges or other such communications equipment structures;

- (b) Such uses shall be permitted in any district in any location which the City Council deems reasonably necessary for the public convenience and welfare.

18.8.10 Bed and Breakfast Inns.

Bed and Breakfast Inns may be permitted as a Conditional Use in Residential Zoning Districts provided that:

- (a) No building or structure shall be located less than fifty feet (50 ft.) from any abutting street right-of-way and twenty-five feet (25 ft.) from any side and rear property lines;
- (b) Product displays, parked vehicles, signs and other obstructions which impair visibility to and from access driveways shall be prohibited;
- (c) No light created by the establishment shall shine directly onto a neighboring residential property;
- (d) Off-street parking and loading shall be provided as required by Article 19.

18.8.11 School and Educational Facilities.

Public or Private Schools and Educational Facilities may be permitted as a Conditional Use in Residential Zoning Districts provided that:

- (a) No building or structure shall be located less than fifty feet (50 ft.) from any abutting street right-of-way and twenty-five feet (25 ft.) from any side and rear property lines;
- (b) Off-street parking shall be provided as required by Article 19.

18.8.12 Community Swimming Pools.

Community Swimming Pools may be permitted as a Conditional Use in Zoning Districts provided that:

- (a) No pool or accessory facilities shall be located closer than sixty feet (60 ft.) to any lot line of a Residential Zoning District. In a Commercial and Industrial Zoning District, no pool or accessory facilities shall be located closer than fifty feet (50 ft.) to any lot line;
- (b) A minimum of ten (10) off-street parking spaces shall be provided;
- (c) The Jefferson County Board of Health shall certify the adequacy of the location and the proposed capacities of toilet, shower and dressing facilities;
- (d) The owner or builder has shown the ability to comply with the provisions of O.C.G.A. § 31-45-1, *et seq.*, as amended.



## ARTICLE XIX: OFF-STREET PARKING AND LOADING REQUIREMENTS

### 19.1 OFF-STREET PARKING.

Off-street automobile storage or parking space shall be provided on every lot, tract or parcel on which any permitted use or special exception is established in accordance with the provisions of this Ordinance.

#### 19.1.1 General Requirements.

For the purpose of this Article, the following general requirements are specified:

- (a) All off-street automobile storage or parking facilities shall be designed with appropriate means of vehicular access to a street or land. With exception of single-family and two-family dwellings fronting on a minor or local street, no required off-street parking facilities shall be arranged so as to require backing from the space directly onto a public street.
- (b) General off-street parking plans shall be submitted as part of proposed site plans. Such plans shall show the proposed layout of all parking areas, the total number of off-street parking spaces to be provided and the dimensions of the typical individual parking space. Off-street parking plans, including driveways and curb cuts, shall be approved by the Commission.
- (c) Individual parking spaces shall have minimum dimensions of ten feet (10 ft.) in width and twenty feet (20 ft.) in length unless off-street parking is to be provided in common parking bays or lots. Common parking bays or lots shall meet minimum dimensional requirements.
- (d) All common off-street parking bays shall be graded to provide adequate drainage and shall be paved with an all-weather material or equivalent surface subject to Commission approval.
- (e) Along those lot lines of a non-residential parking area which abuts a residential district, a solid, artificial or compact, opaque screen of no less than five feet (5 ft.) in height shall be erected or planted. The screen shall begin five feet (5 ft.) from the right-of-way line of a public street and continue for the entire length of the property line abutting a Residential Zoning District. All screens shall be properly maintained by the property owner.
- (f) No curb cuts shall be allowed within fifty feet (50 ft.) of the intersection of the right-of-way line of two public streets. Except in Residential Zoning Districts, no curb cut shall be allowed within twenty-five feet (25 ft.) of any other curb cut on or off-site.

- (g) Any light used to illuminate required parking areas shall be arranged so that the light is reflected away from adjacent residential properties.
- (h) No sign (permanent or temporary), structure, equipment, light standard or screening material shall be placed so as to inhibit the orderly use of a parking area or in a manner which reduces the number of usable parking spaces. No sign, light standard or screening material shall be placed so that it obstructs visibility for drivers or pedestrians. No light standard shall be placed closer than ten feet (10 ft.) from any property line.
- (i) All off-street parking spaces located in parking lots or in common parking bays shall be marked by durable painted stripes designating no less than the required minimum parking space area.
- (j) No motor vehicle repair work of any kind shall be permitted in conjunction with off-street parking areas except short-term minor repair on vehicles.
- (k) Parking areas shall include handi-cap accessible spaces in an appropriate number based on the type of use of the property.
- (l) If the required off-street parking area cannot be reasonably provided on the same lot, tract or parcel on which the principal use is conducted, the applicant may be permitted to provide such space on other off-street property, provided such space is located within three hundred feet (300 ft.) of the lot line of such principal use. Such parking area may consist of parking provided for other uses provided that the utilization of the parking area by the proposed activity does not conflict with the activities associated with the primary use and that the applicant obtains written authorization to use the parking facility on a continuing basis.

19.1.2 Parking Space Requirements for all Zoning Districts.

Off-street automobile storage or parking space shall be provided with vehicular access to a public street and shall be equal to or greater than the minimum requirements for the specific use set forth in Table 19.1.A.



Table 19.1.A Parking Space Requirements

LAND USE	PARKING REQUIREMENTS
<b>DWELLING STRUCTURES</b>	
Single-Family	Two (2) spaces for each dwelling unit.
Two-Family	Three (3) spaces for each two-family dwelling unit.
Multi-Family	One (1) space for each of the first ten (10) units plus one (1) space for each two (2) units over ten (10) plus one (1) space per employee.
Dwellings intended for occupancy by elderly persons	One (1) space for each room for the first one hundred fifty (150) rooms plus one (1) space for each two (2) rooms over one hundred fifty (150).
Hotels and Motels	One (1) space for each sleeping room or one (1) space for each one hundred fifty (150) sq. ft. of sleeping area, whichever is greater.
Boarding and Rooming Houses, Dormitories	One (1) space for each two (2) beds or one (1) space for each five (5) members, whichever is greater.
Fraternity & Sorority Houses	One (1) space for each sleeping room or one (1) space for each one hundred fifty (150) sq. ft. of sleeping area, whichever is greater.
Manufactured Home Community	Two (2) spaces for each manufactured home.
<b>PUBLIC ASSEMBLY</b>	
Churches and other places of worship	One (1) space for each three (3) seats in the main auditorium or sanctuary.
Private clubs, lodges and fraternal buildings not providing overnight accommodations	One (1) space for each three hundred (300) sq. ft. of floor area.
Theaters, auditoriums, coliseums, stadiums and similar places of assembly	One (1) space for each three (3) seats plus one (1) space for each two (2) employees.
Libraries, museums	One (1) space for each two hundred fifty (250) sq. ft. of floor area in public use.
School, elementary	One (1) space for each teacher or employee.
School, middle	Two (2) spaces for each three (3) teachers and employees plus two (2) spaces for each ten (10) students.
School, high	Two (2) spaces for each three (3) teachers and employees plus one (1) space for each ten (10) students plus one (1) space for each ten (10) seats in the main auditorium.
School, colleges & trade	One (1) space for each two (2) employees or teachers plus one (1) space for each five (5) students.
Kindergarten or child care centers	One (1) space for each teacher or other employee plus safe off-street loading and unloading space.
Skating rinks, exhibition halls, pool rooms, and other places of amusement or assembly without fixed seating arrangements	One (1) space for each two hundred (200) sq. ft. of floor area intended for public use
Bowling alleys	Five (5) spaces per lane plus one (1) space for each three hundred (300) sq. ft. of floor area for accessory uses.
Drive-in theaters	Between the entrance curb cut and the ticket office, there shall be an inbound reservoir with spaces equal to twenty (20) percent of the total vehicular capacity of the theater. All spaces shall be ten (10) feet wide and twenty (20) feet in length.



Table 19.1.A Parking Space Requirements (continued)

LAND USE	PARKING REQUIREMENTS
Recreational facilities or other use not specified above	The number of spaces required shall be determined by the Commission on the basis of the type of use proposed, its intended occupancy, and seating arrangements.
<b>HEALTH CARE ESTABLISHMENTS</b>	
Hospitals	One (1) space for each patient bed.
Mental health facilities, nursing homes, and similar institutional uses	One (1) space for each two (2) patient beds.
Medical, dental, and health clinics and offices	One (1) space for each two hundred (200) sq. ft. of floor area plus one (1) space for each doctor, nurse, and employee.
Mortuaries and funeral establishments	Eight (8) spaces for each chapel and parlor plus one (1) space for each establishment-owned vehicle.
Veterinary clinics, kennels, and animal hospitals	One (1) space for each two hundred (200) sq. ft. of enclosed area.
<b>COMMERCIAL ESTABLISHMENTS</b>	
Automobile-repair establishments	One (1) space for each employee plus one (1) space for each four hundred (400) sq. ft. of floor area.
Automobile service stations	Two (2) spaces plus one (1) additional space for each bay plus one (1) space for each two employees.
Automobile washing and cleaning establishments	Ten (10) spaces plus one (1) space for each two (2) employees.
Automobile sales (new and used) and Manufactured Home Sales	One (1) space for each four thousand (4,000) sq. ft. of land area for the first twenty thousand (20,000) sq. ft. plus one (1) space for each additional ten thousand (10,000) sq. ft. of land area.
Supermarkets, retail sales stores, commercial or personal service establishments	One (1) space for each four hundred (400) sq. ft. of gross floor area plus one (1) space for each three (3) employees.
Restaurant, Drive-in, carry-out	One (1) space for each five hundred (500) sq. ft. of gross floor area plus one (1) space for each three (3) employees.
Restaurant, Sit-down	One (1) space for each four (4) seats plus one (1) space for each two (2) employees.
Night clubs, taverns, lounges, and similar establishments	One (1) space for each four hundred (400) sq. ft. of gross floor area plus one (1) space for each two (2) employees.
Office buildings except medical, dental, and health clinics and banks	One (1) space for each five hundred (500) sq. ft. of gross floor area. Stair wells, entryways, walkways, and elevator shafts shall be excluded from the floor area totals.
Banks	One (1) space for each four hundred (400) sq. ft. of gross floor area plus five (5) inbound reservoir spaces and one (1) outbound reservoir space for each drive-in window.
Government offices	One (1) space for each government vehicle plus one (1) space for each four hundred (400) sq. ft. of gross floor area. Stair wells, entryways, walkways, and elevator shafts shall be excluded from the floor area totals.
Shopping Centers by gross leasable area	One (1) space for each five hundred (500) sq. ft. of leasable area.



Table 19.1.A Parking Space Requirements (continued)

LAND USE	PARKING REQUIREMENTS
<b>INDUSTRIAL ESTABLISHMENTS</b>	
Manufacturing and industrial establishments	Two (2) spaces for each three (3) employees working on the largest shift.
Wholesale trade establishments	One (1) space for each employee plus one (1) space for each one thousand (1,000) sq. ft. of floor area.
Transport Terminal	Two (2) spaces for each three (3) employees working on the largest shift plus sufficient space for overnight storage of trucks or other vehicles.

19.1.3 Uses Not Specified.

In the case of a use not specifically mentioned in Table 19.1.A the requirements for off-street parking facilities shall be determined by the Commission. Such determination shall be based upon the requirements set forth for the most comparable use specified in Table 19.1.A.

19.1.4 Reduction of Minimum Parking Spaces.

The Commission may, at its discretion, reduce the minimum number of parking spaces required by Table 19.1.A for a specific land use provided that sufficient evidence is presented justifying the need for reduction in the parking requirements and every effort has been made to provide off-street parking in accordance with the provisions of this Article 19.

19.2 OFF-STREET LOADING.

Off-street loading and unloading space shall be provided as hereinafter required by this Section.

19.2.1 General Requirements.

For the purpose of this Section, the following general requirements are specified:

- (a) The term "off-street loading and unloading space" shall mean an area having the minimum dimensions of fourteen feet (14 ft.) in height, twelve feet (12 ft.) in width, and fifty feet (50 ft.) in length plus an adequate maneuvering area to facilitate entry into and exit from the space. The Commission may, upon receiving sufficient information that a particular loading space will be used exclusively by small trucks or vans, reduce the minimum dimension requirements accordingly.
- (b) Each required off-street loading space shall have direct access to a street or have a driveway which provides satisfactory ingress and egress for trucks. The width of the access way shall be at least twenty-five feet (25 ft.) wide but not greater than thirty-five (35) feet wide and shall have a minimum radius at the curb line of fifteen feet (15 ft.).
- (c) Each required off-street loading space shall be so designed as to avoid interference with

other vehicular or rail access, use of public streets or other public transport systems.

- (d) All off-street loading facilities, including spaces and maneuvering area, shall be adequately drained and paved with an all-weather material or equivalent surface subject to the approval of the Commission.
- (e) Along those lot lines of the loading area which abut a residential district, a solid artificial or a compact natural screen of no less than five feet (5 ft.) in height shall be erected or planted and thereafter shall be properly maintained by the property owner.
- (f) Any light used to illuminate required off-street loading areas shall be arranged so that the light is reflected away from adjacent properties. No light standard shall be erected within ten feet (10 ft.) of a property line.
- (g) All off-street loading areas and their respective maneuvering areas shall be setback not less than twenty-five feet (25 ft.) from a public right-of-way.

19.2.2 Loading Space Requirements for all Zoning Districts.

Off-street loading and unloading space shall be provided with vehicular access to a public street and shall be equal to or greater than the minimum requirements for the specific use set forth in Table 19.2.A.

Table 19.2.A Loading Space Requirements

LAND USE	LOADING REQUIREMENTS
<b>DWELLING STRUCTURES</b>	
Hotels and Motels	One (1) space for each twenty thousand (20,000) sq. ft. of floor area.
<b>PUBLIC ASSEMBLY</b>	
Private clubs, lodges and fraternal buildings not providing overnight accommodations	One (1) space for each twenty thousand (20,000) sq. ft. of floor area.
Theaters, auditoriums, coliseums, stadiums and similar places of assembly	One (1) space for each structure having more than one hundred thousand (100,000) sq. ft. of floor area.
Schools, all types	One (1) space for each structure having more than one hundred thousand (100,000) sq. ft. of floor area.
<b>HEALTH FACILITIES</b>	
Hospitals, nursing homes, personal care homes	One (1) space for each one hundred thousand (100,000) sq. ft. of floor area.
<b>COMMERCIAL ESTABLISHMENTS</b>	
Supermarkets, retail sales or department stores	One (1) space for the first ten thousand (10,000) sq. ft. of floor area plus one (1) space for each additional fifty thousand (50,000) sq. ft. of floor area.



Table 19.2.A Loading Space Requirements (continued)

LAND USE	LOADING REQUIREMENTS
<b>COMMERCIAL ESTABLISHMENTS</b>	
Restaurants, night clubs, taverns, lounges and similar establishments	One (1) space for the first ten thousand (10,000) sq. ft. of floor area plus one (1) space for each additional thirty thousand (30,000) sq. ft. of floor area.
<b>INDUSTRIAL ESTABLISHMENTS</b>	
Manufacturing and industrial establishments	One (1) space for each twenty thousand (20,000) sq. ft. of floor area.
Wholesale trade establishments	One (1) space for each twenty thousand (20,000) sq. ft. of floor area.
Transport Terminal	One (1) space for each twenty thousand (20,000) sq. ft. of floor area.

19.2.3 Uses Not Specified.

In the case of a use not specifically mentioned in Table 19.2.A and where there is a need for loading and unloading space, the requirements for off-street loading facilities shall be determined by the Commission. Such determination shall be based upon the requirements set forth for the most comparable use specified in Table 19.2.A.

19.2.4 Reduction of Minimum Loading Spaces.

The Commission may, at its discretion, reduce the minimum number of loading spaces required by Table 19.2.A for a specific land use provided that sufficient evidence is presented justifying the need for reduction in the requirements and every effort has been made to provide off-street loading space in accordance with the provisions of this Article 19.

19.3 NONCONFORMING PARKING AND LOADING SPACES.

Any commercial, industrial or residential building existing on the effective date of this Ordinance may be reconstructed, remodeled or enlarged without increasing the existing off-street parking and loading spaces provided that reconstruction, remodeling or enlargement does not increase the existing gross floor area of the building by more than ten percent (10%). Additional off-street parking must be provided for that portion of the additional floor area in the excess of ten percent (10%) in accordance with requirements set forth herein.

**ARTICLE XX: AMENDMENTS AND VARIANCES**

**20.1 AMENDMENTS; GENERALLY.**

The City Council may from time to time, after receiving a final report thereon from the Commission and after a public hearing is held as required by law, amend, supplement or change these regulations or the boundaries of the zoning districts subject to the following conditions:

- (a) No amendment shall become effective unless it shall have been initiated by either the City Council, the Commission, property owner(s), or an individual who has the owner(s)' power of attorney authorizing him/her to act, or a request signed by the property owners who own not less than sixty percent (60%) of the affected land. The aforementioned parties may request that the Zoning Map be amended from an existing zoning district to another as it applies to an individual property or they may propose an amendment to the text of this Ordinance under the provisions of this Article 20.
- (b) As used in this Article, the term "amendment" shall mean a change to the Zoning Map, a zoning change, or other changes to the text of this Ordinance unless otherwise indicated. All applications for amendment must first be reviewed by the Commission, who will then make a written recommendation to the City Council. The power to approve and enact an amendment to this Ordinance rests solely within the legislative discretion of the City Council.

**20.1.1 Procedure.**

- (a) No application will be accepted from any person regarding any property that is in violation of this Zoning Ordinance, the City Code of Ordinances, or the laws of the State of Georgia. If the property which is the subject of an amendment or other action by the Commission, is, at the time of application, found to be in violation of this Ordinance, the City Code of Ordinances, or the laws of the State of Georgia, then the Zoning Administrator will not accept and/or process any application until the applicant voluntarily removes or eliminates the violation or ceases to be in violation. The applicant must then notify the Zoning Administrator that he is no longer in violation and obtain a written release from the Zoning Administrator as to the violation. Once released, the Zoning Administrator will then accept the application for amendment of this Ordinance.
- (b) All proposed amendments to this Ordinance shall be initiated by submitting an application to the City Clerk on forms provided by the City. A standard fee shall be paid with the application in an amount of the estimated publication costs for the required public hearing notice. The required information will then be forwarded to the Zoning Administrator who will then transmit it to the Commission for its consideration. The Zoning Administrator shall review the proposed amendment and make written recommendations to the Commission.
- (c) All amendments proposed to this Ordinance must first be reviewed by the Commission. The Commission will review and analyze the proposed amendment and determine if it



meets the standards enumerated in Section 20.2 of this Ordinance, as well as other applicable Ordinances of the City.

- (d) The Commission shall conduct a public hearing on any proposed amendment.
- (e) The Commission shall make a recommendation as to the advisability of adoption of any proposed zoning amendment. The determination shall be in writing addressed to the City Council and shall clearly state the Commission's recommendations. Further, the Commission's recommendations shall provide an evaluation of the factors set forth in Section 20.2 and describe how the Commission's recommendations are considered to be consistent with the exercise of zoning power set forth in the Section 20.2. The Commission shall forward a copy of its written recommendation to the City Council within forty five (45) days from the date on which the complete application for the proposed amendment was received by the City Clerk. If the Commission fails to forward its recommendation to the City Council within the forty-five (45) day time period, the amendment shall be considered recommended for approval.
- (f) The Commission's role in any zoning amendment decision shall be advisory only.

### **20.2 ZONING STANDARDS.**

The exercise of the zoning power of the City shall constitute an effort to balance the interest of the community in promoting the public health, safety, morality and general welfare against the right of property owners to the unrestricted use of their property. The following factors shall be considered by the Commission when reviewing and making its written recommendation and by the City Council when making a decision whether to approve or deny the requested amendment. These factors are determined to be relevant in balancing the interest in promoting the public health, safety, morality and general welfare against the right to the unrestricted use of the property:

- (a) Whether the proposed zoning would allow a use that is generally suitable for the property compared to other possible uses and the uses and zoning of adjacent and nearby properties;
- (b) Whether the proposed zoning would adversely affect the economic value or the uses of adjacent and nearby properties;
- (c) Whether the property to be affected by the proposed zoning can be used as currently zoned;
- (d) Whether the proposed zoning, if adopted, would result in a use which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection or other utilities. A public hearing shall be conducted at the time and place specified by the Commission and as set forth in the public notice described in Section 20.3. The purpose of such hearing shall be to present to the public the proposed zoning amendment and to receive comments thereon from the public. The

Commission shall consider the proceedings and comments of such hearing on the proposed zoning amendment in making a recommendation on whether to approve or deny the application. The Commission shall prescribe the rules of order for its deliberations on matters with which it is charged under this Ordinance, and said rules of order shall be consistent with the general requirements and purposes set forth in this Ordinance and other general laws of the State of Georgia concerning conduct of proceedings of public commissions, bodies and governmental units;

- (e) Whether there are other conditions or transitional patterns affecting the use and development of the property sought to be rezoned, if applicable, which give ground for either approval or disapproval of the proposed amendment;
- (f) Whether the proposed zoning is in conformance with the Comprehensive Plan insofar as the plan is current in its application to the specific property that is the subject of the zoning decision;
- (g) Whether the proposed zoning or use will adversely affect a known archaeological, historical, cultural or environmental resource, such as water or air quality, ground water recharge areas, drainage areas, soil erosion and sedimentation and flooding;
- (h) Whether the proposed zoning improves the overall zoning scheme and helps carry out the purposes of this Ordinance.

The City shall consider any proposed amendment properly initiated in light of the factors set forth in Section 20.2. In evaluating the factors set forth in Section 20.2, it shall be the policy of the City to exercise its zoning power in conformity with the policy and intent of the Comprehensive Plan insofar as the plan is current in its application to the specific property that is the subject of the proposed amendment. It is further the policy of the City to exercise zoning power for purposes of assuring the compatibility of use of adjacent and nearby properties and the preservation of the economic value of adjacent and nearby properties while enabling a reasonable use of all property.

### **20.3 PUBLIC NOTICE.**

Public notice of the hearing on a proposed amendment to this Ordinance shall be given as hereinafter set forth:

- (a) At least fifteen (15) but not more than forty-five (45) days prior to the date set by the Commission for the public hearing, a written notice shall be published in a newspaper of general circulation in the City setting forth the date, time, place, and purpose of the hearing;
- (b) In addition to the requirements of Section 20.3(a) above, if the proposed amendment calls for a decision concerning the rezoning of property and the proposed amendment is initiated by a person other than the Commission or the City Council:



- (1) The published notice shall include the location of the property, the present zoning classification of the property (if applicable) and the proposed zoning classification of the property;
- (2) A sign at least two feet (2 ft.) by three feet (3 ft.) in size shall be placed in a conspicuous location on the property sought to be rezoned at least fifteen (15) days but not more than 45 days prior to the date of the scheduled public hearing. It shall set forth the date, time, place, and purpose of the public hearing, the present zoning classification of the property, and the proposed zoning classification of the property. Acts of vandalism or natural occurrences limiting the effectiveness of notice by a sign posted on the property shall not invalidate any proceedings or action taken on the proposed amendment. Said sign shall read as follows:

#### NOTICE TO THE PUBLIC

A petition has been filed requesting that this property be changed from (insert present zoning district) to (insert zoning district requested). A public hearing will be held at (insert place) on (date) at (time).

All those having an interest in the petition shall be present.

(Property Owner)  
(Address)

#### **20.4 CONDUCT OF ZONING AMENDMENT HEARINGS.**

Public Hearings for zoning amendments shall be conducted in accordance with Section 3.4.

#### **20.5 OFFICIAL ACTION BY THE CITY COUNCIL.**

Consideration of any proposed zoning amendment by the City Council shall be as follows:

- (a) Upon receipt of the recommendation of the Commission, the City Council may approve, disapprove, or table the proposed zoning amendment. If consideration of the proposed zoning amendment is tabled, it shall be re-considered by the City Council at a future meeting;
- (b) Within a reasonable time following the City Council meeting, the applicant shall be provided with a written notice either approving or disapproving the zoning amendment. A written notice of denial shall include a statement of the reasons for denial.

20.5.1 Appeal from Decision of the City Council.

Appeals from the decision of the City Council regarding the approval or disapproval of a zoning amendment shall be made in accordance with Section 23.14 of this Ordinance.

20.5.2 Withdrawal of Application.

Any application for an amendment may be withdrawn prior to Commission decision by delivering written notice to the City Clerk. In the event notice of the public hearing has been published prior to withdrawal, publication costs will not be refunded to the applicant.

20.5.3 Limitation on Re-Application.

If the City Council shall take official action denying a proposed zoning amendment which seeks to rezone property, the same property may not be considered again for rezoning until the expiration of twelve (12) months from the date of the official action of the City Council's final decision. However, on receipt of written documentation by the original party requesting the zoning change that conditions have changed substantially within the City or area sufficient to justify the re-consideration of a zoning change and an earlier review of the proposed change, the City Council may waive the mandatory limitation period and authorize the re-consideration of the proposed change as though it were a newly requested zoning change. In such instances, the request for a zoning change shall comply fully with the requirements of this Article.

20.5.4 Withdrawal Without Prejudice.

Prior to the Commission's decision on the appropriateness of a requested zoning change and before it shall have submitted its recommendation to the City Council, the party requesting the change in zoning may withdraw his/her application. In such case, the application shall be considered as though it were never proposed except that its withdrawal and any considerations shall be entered into the minutes of the Commission. Withdrawn applications therefore may be exempted from the provisions of Section 20.5.3 and re-submitted for formal action by the Commission and the City Council as though it were a new request.

20.6 VARIANCES.

20.6.1 Procedure.

- (a) All proposed variance requests shall be initiated by submitting a Variance application and an application fee as set by the City Council to the City Clerk. The Variance application shall be forwarded to the Zoning Administrator for review. The application shall be accompanied by a sketch of the lot drawn to an accurate scale showing structures, proposed structures, setback requirements and other pertinent information. Once the application has been reviewed by the Zoning Administrator, the application shall be forwarded to the Commission for its consideration.



- (b) Within a reasonable time after receiving an application for a Variance and before making its decision, the Commission shall schedule and conduct a public hearing as provided in Section 3.4.
- (c) The Commission shall hear and decide applications for Variances in accordance with the development requirements of this Ordinance, but only in individual cases of practical difficulty or unnecessary hardship. This includes exceptional narrowness, shallowness or shape of a specific piece of property which at the time of adoption of this Ordinance was a lot or plat of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of a piece of property, the strict application of the development requirements of this Ordinance would result in practical difficulties to or undue hardship upon the owner of such property. In no event shall the Commission be authorized to grant a density Variance or a Variance to permit a use in a zoning district in which the use is prohibited. Variances for building code, plumbing code, electrical code or life safety code requirements are prohibited.

20.6.2 Factors and Conditions to be Considered.

- (a) The following factors shall be considered by the Commission when making a decision whether to approve or deny a Variance:
  - (1) Whether the proposed Variance would allow a use that is generally suitable for the property;
  - (2) Whether the proposed Variance would adversely affect adjacent or nearby properties;
  - (3) Whether the property subject of the proposed Variance can be used applying existing development standards;
  - (4) Whether special circumstances or conditions exist to justify the grant of the Variance.
- (b) No Variance shall be authorized unless the Commission finds that all of the following conditions exist:
  - (1) The special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity;
  - (2) The granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant;
  - (3) The condition from which relief of a Variance is sought did not result from action by the applicant;
  - (4) The authorization of the Variance will not: impair an adequate supply of light and air to adjacent property; unreasonably increase traffic congestion in public streets;

increase the danger of fire or endanger the public safety; unreasonably diminish or impair established property values within surrounding areas; or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of the City.

20.6.3 Burden on Applicant.

During the Commission's review of an application for a Variance, the applicant has the burden of showing that the Variance should be granted.

20.6.4 Withdrawal of Application.

Any application for a Variance may be withdrawn upon delivering written notice to the City Clerk. However, no application shall be withdrawn following the posting and publication of a hearing notice and prior to Commission action thereon without the affirmative vote of the Commission. In the event of withdrawal pursuant to this Section, publication costs will be not be refunded to the applicant.

20.6.5 Approval of Application, Conditions.

In granting a Variance, the Commission may impose thereon such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable so that the purpose of this Ordinance will be served and to provide adequately for the maintenance of the integrity and character of the zoning district in which such Variance is granted.

20.6.6 Approval of Application, Guarantees.

When necessary, the Commission may require guarantees, in such form as it deems proper, to insure that conditions designated in connection with a grant of a Variance are being or will be complied with. Where any condition under which a Variance has been granted appears to have been violated, the Commission may hold a public hearing thereon to determine whether or not the Variance granted shall be revoked.

20.6.7 Grant or Denial of Variance.

The Commission, when granting a Variance, may establish an expiration date for said Variance. The minutes of the Commission meeting shall state whether the Variance was granted or denied, and if granted, the minutes shall state the reasons for departure from the strict application of this Ordinance and any conditions under which the Variance was granted. The applicant shall be provided written notice of the Commission's decision concerning the Variance. Any Variance granted shall terminate automatically when the use ceases to be in full compliance with any conditions imposed by the Commission, when the use has been abandoned or when the building permit has expired.



20.6.8 Approval of Application, Time Limitation.

Upon approval of an application for a Variance, the applicant shall apply for a Certificate of Occupancy or building permit within sixty (60) days after the Commission's decision unless a greater time is requested in the application and is authorized by the Commission. An applicant may be granted an emergency extension of sixty (60) days on written request filed with the Commission before the expiration of the original sixty (60) day period. Failure of the applicant to apply for the Certificate of Occupancy or building permit within the mandatory time period shall void the right to secure such permits except upon the filing of a new Variance application.

20.6.9 Appeal of the Commission's Decision on Variance Application.

Any person or persons, jointly or separately, aggrieved by a Variance application decision of the Commission may appeal to the City Council. All appeals from the decision of the Commission must be filed in writing with the City Clerk within thirty (30) days of the Commission's decision. Failure of the applicant to file an appeal during this thirty (30) day period will result in the forfeiture of the appeals process.

## ARTICLE XXI: NONCONFORMING USES

### 21.1 NONCONFORMING USES OF LAND AND STRUCTURES.

- (a) Intent. It is the intent of this Article to avoid any unreasonable invasion of established private property rights; however, this Article recognizes that the elimination of existing structures and uses that are not in conformity with this Ordinance is as much a subject of health, safety and general welfare as is the prevention of the establishment of new uses which would violate the purpose, intent and provisions of this Ordinance. A structure, building or use which was lawfully established before the effective date of this Ordinance, or any amendment thereto, and which does not conform to one or more of the requirements of this Ordinance, is a nonconformity.
- (b) Continuation in perpetuity. A nonconforming use, building, or other structure may be continued in perpetuity, subject to the following conditions that the nonconforming use, building or structure not be:
- (1) Changed to or replaced by another nonconforming use.
  - (2) Torn down and rebuilt as a nonconforming use or structure.
  - (3) Expanded or enlarged in any way.
  - (4) Reestablished, repaired, replaced or rebuilt after damage to the extent of seventy-five percent (75%) or more of its fair market value. This provision shall not apply to an owner-occupied dwelling or to a commercial building damaged by severe wind, storm, hurricane, tornado or other act of god.
  - (5) Reestablished after vacancy or discontinuance of operation for one (1) year.
- (c) Maintenance and repairs.
- (1) On a nonconforming structure, or portion thereof, which may contain a nonconforming use, work may be done on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding seventy-five percent (75%) of the current replacement cost of the nonconforming structure, provided that the size existing when such structure became nonconforming shall not be increased.
  - (2) Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building, or part thereof, which is declared to be unsafe by an official charged with protecting the public safety, upon order of such official.
- (d) Nonconforming lots. A lot that was a lot of record prior to the adoption of this Ordinance which does not meet the minimum area, width or frontage requirements of this



Ordinance, may be used as a building site, provided that access is provided directly from a public street or through a private easement, and provided that minimum building setbacks are not reduced more than thirty percent (30%) from the required minimum building setbacks set forth in this Ordinance; provided, however, that the minimum front-yard setback shall not be reduced to less than thirty feet (30 ft.) from the front of the building to the centerline of the road.

## ARTICLE XXII: SUPPLEMENTARY REGULATIONS

### 22.1 HOME OCCUPATIONS.

A customary home occupation is a gainful occupation or profession conducted by members of a household residing on the premises and conducted entirely within the dwelling. Dwellings housing customary home occupations shall display no stock in trade outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purposes other than a residential unit, including permitted accessory buildings.

- (a) Home Occupations are subject to the following:
- (1) Such office or shop must be situated in the same dwelling as the home of the occupant;
  - (2) The residential character of the dwelling is not changed;
  - (3) There shall be not more than one assistant employed other than the immediate members of the family residing in the dwelling;
  - (4) The necessary functions of the home occupation shall not occupy over twenty percent (20%) of the floor area of the dwelling unit;
  - (5) Before a Home Occupation shall be permitted, property owners within a one thousand five hundred foot (1,500 ft.) radius of the front door of the dwelling shall be notified at least fifteen (15) days prior to the meeting of the Commission;
  - (6) Before a Home Occupation shall be permitted, a determination shall be made regarding the effect of the proposed activity on traffic volume along adjoining streets. The occupation shall not substantially increase traffic volume in the neighborhood or surrounding area;
  - (7) Where special equipment is used, all electrical, plumbing, etc. must comply with applicable codes adopted by the City which relate to the use and operation of said equipment. A Home Occupation will not be approved until such time the applicant can demonstrate compliance with applicable codes;
  - (8) A Home Occupation may be denied by the Commission if in its judgment, such occupation will be hazardous or injurious to the welfare of the community;
  - (9) One nameplate or sign for each dwelling unit, excluding flashing or animated types, not exceeding five square feet (5 sq. ft.) in display area, indicating the name of the occupant and/or any permitted occupation may be permitted.



- (b) The following Home Occupations, subject to the requirements of this Section, are permitted as Home Occupations:
- (1) Barber shop and beauty shop (see also: (a)(3) above);
  - (2) Artist, dressmaker, seamstress, tailor and interior decorator;
  - (3) The professional office of an architect, accountant, lawyer or engineer;
  - (4) Teaching, including tutoring, musical instruction, or dancing, but limited to three (3) pupils at a given time;
  - (5) Internet-based businesses having limited customer traffic;
  - (6) Any similar use which upon review by the Commission is deemed to be a Home Occupation by reason or acceptance as a Home Occupation in the community.

**22.2 SATELLITE DISH RECEIVING STATIONS.**

All Satellite Dish Antenna in excess of forty eight inches (48") in diameter and not roof mounted are subject to the following conditions:

- (a) Such antenna shall be located in the rear yard as defined in this Ordinance; and
- (b) The height of the antenna and its related structure shall not exceed fifteen feet (15 ft.) above the ground when said antenna is in a position perpendicular to the ground; and the maximum diameter of any satellite dish shall not exceed twelve feet (12 ft.).

**22.3 LABORATORIES, RESEARCH, EXPERIMENTAL OR TESTING.**

Laboratories, Research, Experimental or Testing establishments are subject to the following:

- (a) The activities to be conducted do not endanger the public health, safety or general welfare in the surrounding area as well as the community;
- (b) Such establishment does not emit any obnoxious odors or fumes;
- (c) Adequate steps are taken to prevent spillage or draining of contaminants, undilutable chemical or similar acids into the City sewerage systems or into any stream or river;
- (d) Adequate steps are taken to dispose of solid wastes generated by the establishment.

**22.4 AUTOMOBILE SERVICE STATION/ CONVENIENCE STORES THAT DISPENSE GASOLINE.**

Automobile service stations and/or convenience stores that dispense gasoline are subject to the following:

- (a) When such use abuts a Residential zone, school, public playground, church, hospital, public library or other similar use area, and is not effectively screened by a natural terrain feature, the use shall be screened adjacent to such Residential zone or other area by a solid wall or a solid fence not less than six feet (6 ft.) and not more than eight feet (8 ft.) in height, or with a planted buffer strip of trees, or shrubs which are at least four feet (4 ft.) high at the time of planting and which can reasonably be expected to reach at least six feet (6 ft.) in height within three (3) years. All screening shall be properly maintained by the property owner. Such screening shall not be located closer than twenty feet (20 ft.) to any public street right-of-way. Such screening shall not be required along a street frontage;
- (b) Product displays, parked vehicles, signs and other obstructions which may impair visibility to or from station driveways shall be prohibited;
- (c) When such a use occupies a corner lot, the ingress or egress driveways shall be located at least thirty five feet (35 ft.) from the intersection of the abutting street right-of-way lines, and such driveways shall not exceed thirty feet (30 ft.) in width measured a point of ten feet (10 ft.) from the street curb; provided that in no case shall the street right-of-way line be considered to be less than thirty feet (30 ft.) from the street center line;
- (d) Gasoline pumps or other service appliances are accessory to the Automobile Service Station or Convenience Stores that dispenses Gasoline;
- (e) Gasoline pumps or other service appliances shall be located on the lot at least twenty-five feet (25 ft.) from the street curb or fifteen feet (15 ft.) from the street right-of-way line, whichever is greater. No such pump or appliance or operational component thereof shall be located closer to any side or rear property line than the required building line setback distance prescribed for the principal use in applicable zoning district;
- (f) There shall be at least thirty feet (30 ft.) between driveways on each street, and all driveways shall be perpendicular or no more than forty-five (45) degrees from perpendicular to the street curb;
- (g) Light automobile repair work may be performed at an Automobile Service Station provided that no major repairs, painting operations or body work shall be permitted;
- (h) Not more than two (2) inoperable vehicles shall be stored on the premises unless stored entirely within an enclosed building;
- (i) Except while receiving gasoline from pumps, no vehicle shall be parked closer than



twenty-five feet (25 ft.) from a street right-of-way;

- (j) Off-street parking shall be provided as required by Article 19.

### **22.5 HOTELS/MOTELS.**

Hotels and motels are subject to the following:

- (a) The proposed lot shall have a minimum lot area of eight hundred square feet (800 sq. ft.) per guest unit;
- (b) No building or structure shall be located less than twenty-five feet (25 ft.) from an adjoining rear and side property line;
- (c) No exterior display or advertising shall be displayed, except those signs permitted in accordance with Article 17;
- (d) The following accessory uses may be permitted subject to all applicable regulations of this Ordinance:
  - (1) Swimming pools, but only for the use of registered guests;
  - (2) Newsstands for the convenience of guests;
- (e) Each guest room or unit shall be provided with its own toilet and bath or shower;
- (f) Vehicular entrances and exits for such use shall be provided separately and shall be located not less than fifty feet (50 ft.) apart;
- (g) Off-street parking shall be provided as required by Article 19.

### **22.6 AGRICULTURAL USES IN RESIDENTIAL DISTRICTS.**

This Section is established with the intention that complimentary agricultural uses should be permitted within residential districts. It is recognized that agricultural uses are in many instances complimentary to primary residential uses, and make for a more pleasant and complete living environment. This Section is not designed to permit the pursuit of agriculture primarily for commercial purposes, but does not preclude the occasional sale of agricultural commodities produced as an activity incidental to the residential use of the land.

#### **22.6.1 Noncommercial/Agricultural Uses which are Permitted.**

The following uses are permitted in Residential Zoning Districts:

- (a) The raising of garden crops, vineyard crops, fruits and plants incidental to the residential use of the land;

- (b) Below grade storm shelters;
- (c) Forestry and public parks.

### **22.7 FLOOD HAZARD AREAS.**

Certain areas of the City are identified as being subject to periodic inundation during periods of heavy rainfall and surface water runoff. Such inundation can possibly result in loss of life and/or property. Additionally, unrestricted development within such flood hazard areas can create health and safety hazards, disrupt commerce and governmental services, require extraordinary public expenditures for flood disaster relief, and impair the local tax base. All of these conditions can adversely affect the public health, safety and general welfare. Therefore, the purpose of this Section is to lessen such hazards and losses by requiring special conditions prerequisite to development and alteration of land within designated flood hazard areas.

#### **22.7.1 Designation of Flood Hazard Areas.**

Areas defined as being subject to periodic inundation are hereby designated as Flood Hazard Areas. The limits of such areas are shown on the Flood Hazard Area Map of the City of Wrens. The Flood Hazard Area Map shall be on file in the office of the City Clerk.

#### **22.7.2 Land Uses in Flood Hazard Areas and Building Permits.**

Flood Hazard Areas are not intended as separate zoning districts but a designation of areas subject to special restrictions. Such restrictions are therefore supplementary to the regulations of the zoning district(s) which the flood hazard areas overlap. Land uses permitted within flood hazard areas shall be allowed in accordance with the specific zoning district in which the land and/or structure is located. However, all building permits shall be approved by the Commission when the planned building site is located within a Flood Hazard Area.

#### **22.7.3 Development Standards and Guidelines.**

Special regulations applying to development or use of land and structures located within flood hazard areas are as follows:

- (a) All structures shall be designed, constructed, and placed on the lot so as to offer the minimum obstruction to the natural flow of water;
- (b) Where sufficient space is available on a lot, all structures shall be located outside the limits of the flood hazard area;
- (c) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;



- (d) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (e) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters;
- (f) New construction or substantial improvement of any residential structure shall have the lowest floor elevated to or above base flood elevation;
- (g) New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be flood-proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied;
- (h) There shall be no filling of land or alteration of the water course within flood hazard areas unless said filling or alteration is approved in writing by the Army Corps of Engineers or other applicable government agency.

22.7.4 Approval of Commission.

No building and/or location permit shall be issued for the construction or modification of any building or structure or for any use within flood hazard areas until such plans for construction or use have been submitted to the Commission for approval. The Commission may require topographic data, engineering and other studies as needed to determine the effects of flooding on a proposed structure and/or the effect on the flow of water. The Commission may further require the applicant to submit reports or studies prepared by competent engineers or other technical professionals.

22.7.5 Consideration of Effect.

In deciding whether or not to approve a building permit for any structure or use of land within a flood hazard area, the Commission shall consider the following:

- (a) The danger that materials may be swept into other lands injuring others;
- (b) The danger to life and property due to flooding or erosion damage;
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the owner;

- (d) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (e) The compatibility of the proposed use with existing and anticipated development;
- (f) The safety of access to the property in times of flood for vehicles.

**22.7.6 Warning and Disclaimer of Liability.**

This Ordinance does not imply that property located outside designated flood hazard areas or uses located outside the designated flood hazard areas will be free from flooding or flood damage.

The approval of a building permit for any structure or use located in a designated flood hazard area shall not constitute a representation, guarantee or warranty of any kind by the City Council or the Commission, or by any officer or employee of the City of the practicality or safety of any structure or use proposed, and shall create no liability upon or cause of action against such public body, officer or employee for any flood damages that may result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

**22.8 WETLAND PROTECTION DISTRICT.**

**22.8.1 Intent.**

The wetlands within the City are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soil limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition, the wise management of forested wetlands is essential to the economic well being of many communities within the State of Georgia. Nationally, a considerable number of these important natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other acts. Piecemeal or cumulative losses will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare. It is therefore necessary for the City to ensure maximum protection for wetlands by discouraging development activities that may adversely affect wetlands. The purpose of this district is to promote wetland protection, while taking into account varying ecological, economic, recreational and aesthetic values. Activities that may damage wetlands should be located on upland sites to the greatest degree practicable as determined through a permitting process. The objective of this district is to protect wetlands from alterations that will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, groundwater recharge, aesthetic nature and wildlife habitat.



22.8.2 Wetland Protection District.

- (a) Wetland Protection District. This Section shall apply to all lands within wetlands located within the jurisdiction of the City. A Generalized Wetland Map, adopted as part of this Ordinance, shows the general location of wetlands and should be consulted by persons contemplating activities in or near wetlands. The Generalized Wetland Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of this Ordinance. The Generalized Wetland Map shall be on file in the office of the City Clerk.
- (b) Wetland Protection District Boundaries. The Generalized Wetland Map is a general reference document and the wetland areas indicated on the map are approximations. The purpose of the Generalized Wetland Map is to alert developers/landowners if they are within proximity to a wetland, which means that there is a high likelihood of the presence of a jurisdictional wetland and a need for the developer/landowner to seek U.S. Army Corps of Engineers guidance as to whether a permit will be required prior to any activity. The Generalized Wetland Map does not represent the boundaries of jurisdictional wetlands within the City and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers or other qualified professional, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this Ordinance does not relieve the landowner from federal or state permitting requirements.

22.8.3 Local Development Permits.

- (a) Local Development Permit Requirements. No regulated activity will be allowed within a Wetland Protection District without written permission from the City in the form of a local development permit. Issuance of a local development permit is contingent on full compliance with the terms of this Ordinance and all other applicable regulations. All activities that are not identified within this Section shall be prohibited without prior issuance of a local development permit. If the area proposed for development is located within three hundred (300) feet of a Wetland Protection District boundary, as determined by the City or an authorized designee using the Generalized Wetland Map, a U.S. Army Corps of Engineers determination shall be required. If the Corps determines that wetlands are present on the proposed development site and that a Section 404 Permit or Letter of Permission is required, a local development permit will be issued only following issuance of the Section 404 Permit or Letter of Permission.
- (b) Permitted and Prohibited Uses.

The following uses shall be allowed as of right within a wetland to the extent that they are not prohibited by this Ordinance or other law including laws of trespass, and provided they do not require structures, grading, fill, draining or dredging except as provided herein:

- (1) Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided they do not effect waters of the State of Georgia or of the United States in such a way that would require an additional Section 404 Permit.
- (2) Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing.
- (3) Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.
- (4) The continued cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
- (5) The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved agricultural Best Management Practices are followed.
- (6) Education, scientific research and nature trails.
- (7) Temporary Emergency Permit: A temporary emergency permit can be issued by the City for the following reasons:
  - (i) Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telecommunication or other services, provided that such roads, structures, or facilities are not materially changed or enlarged and written notice prior to the commencement of work has been given to the City and provided that the work is conducted using best management practices to ensure that flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired and that any adverse effect on the aquatic environment will be minimized.
  - (ii) Temporary water-level stabilization measures associated with ongoing silvicultural operations.
  - (iii) Limited ditching, tilling, dredging, excavating or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided that the maintenance or repair activity does not result in the impairment, alteration or loss of wetlands not previously subject to agricultural and silvicultural use under the provisions of this Section.



- (iv) Limited excavating and filling necessary for the repair and maintenance of piers, walkways, nature trails, observation decks, wildlife management shelters, boathouses or other similar water-related structures, provided that they are built on pilings to allow unobstructed flow of water and they preserve the natural contour of the wetland.
- (v) The following uses shall be prohibited within a Wetland Protection District:
  - (1) Receiving areas for toxic or hazardous waste or other contaminants.
  - (2) Hazardous or sanitary waste landfills.
- (c) Site Plans. Applications for a local development permit within the Wetland Protection District shall include a site plan, drawn at a scale of one (1) inch equals fifty (50) feet or other approved scale with the following information:
  - (1) A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings;
  - (2) A map of any wetland boundaries existing within the site. This boundary may be included on other maps provided by the applicant;
  - (3) Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of two hundred (200) feet;
  - (4) The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body;
  - (5) Elevations of the site and adjacent lands within two hundred (200) feet of the site at contour intervals of no greater than two feet, and no greater than one foot for slopes less than or equal to two percent (2%);
  - (6) Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials;
  - (7) All proposed temporary disruptions or diversions of local hydrology.
- (d) Activities to Comply with Site Plan. All development activities or site work conducted after approval of the site plan shall conform with the specifications of said plan. The site plan may be amended only with the approval of the City Council. The City may require

additional information deemed necessary to verify compliance with the provisions of this Ordinance or to evaluate the proposed use in terms of the purpose of this district.

- (e) Subdivision Approval in the Wetland Protection District. Any application for subdivision approval shall include a Jurisdictional Determination approved by the U.S. Army Corps of Engineers. If the Corps determines that wetlands are present and that a Section 404 Permit or Letter of Permission is required, subdivision approval will be issued only following issuance of the Section 404 Permit or Letter of Permission.
- (f) Application Filing Fee. At the time of the application, the applicant shall pay a filing fee as set from time to time by the Mayor and City Council. This fee may be used to retain expert consultants who will provide services relating to functional assessment, mitigation and wetland boundary determinations as deemed necessary by the City.
- (g) Review Procedures. The local development permit application shall be provided to the Zoning Administrator or his designated appointee and will be reviewed within sixty (60) days of receipt. The review period shall begin upon determination by the Zoning Administrator or designated appointee that the application submitted is complete. The review period shall include the preparation of findings (approval or disapproval) by the Commission. The applicant will receive written notification of the findings of the Commission.
- (h) Appeals. Decisions on local development permit applications made by the Commission may be appealed to the City Council. The appeal must be made within ten (10) days of the decision rendered by the Commission. A public hearing shall be held for appeals. Public announcement of the hearing shall be printed in a local newspaper serving the City at least two (2) weeks prior to the public hearing. The decision of City Council may be appealed to the Superior Court of Jefferson County, Georgia.
- (i) Duration of Permit Validity.
  - (1) If construction described in the local development permit has not commenced within six (6) months from the date of issuance, the permit shall expire;
  - (2) If construction described in the local development permit is suspended or abandoned after work has commenced, the permit shall expire six (6) months after the date that work ceased;
  - (3) Written notice of the expiration of the local development permit shall be issued by the Zoning Administrator.

#### 22.8.4 Monitoring and Enforcement.

The City, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this Section and may take or cause to be made such examinations, surveys or sampling as the City deems necessary.



- (a) All enforcement and monitoring activities conducted by the City that involve entrance to privately owned land shall be preceded by written notification to the landowner. Said notification shall be issued at least five (5) days prior to the activities specified in the notification.
- (b) The Zoning Administrator or Building Inspector shall have authority to: enforce Section 22.8 of this Ordinance; issue permits hereunder; address violations or threatened violations by issuance of violation notices and administrative orders; and pursue civil and criminal actions against the violator. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator.
- (c) Law enforcement officials or other officials having police powers shall have authority to assist the Zoning Administrator or Building Inspector in the enforcement of this Ordinance.
- (d) The Zoning Administrator, at the direction of the Mayor and City Council, shall have authority to issue cease and desist orders in the event of any violation of Section 22.8 of this Ordinance. Cease and desist orders may be appealed to the Superior Court of Jefferson County, Georgia.

22.8.5 Penalties.

- (a) Any person who commits, takes part in or assists in any violation of any provision of Section 22.8 of this Ordinance may be fined not more than \$500 for each offense. Each violation shall be a separate offense and, in the case of a continuing violation, each day in violation shall be deemed a separate and distinct offense.
- (b) When a building or other structure has been constructed in violation of Section 22.8 of this Ordinance, the violator may be required to demolish and/or remove the structure.
- (c) When removal of vegetative cover, excavation or fill has taken place in violation of Section 22.8 of this Ordinance, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable.
- (d) If the City discovers a violation of this Ordinance that also constitutes a violation of any provision of the Clean Water Act, as amended, the City shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers and the landowner.
- (e) Suspension or revocation. The City may suspend or revoke a local development permit if it finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of work set forth in the permit. The City shall cause notice of revocation or suspension of a local development permit to be published in the local legal organ serving the City.

22.8.6 Judicial Review.

- (a) **Jurisdiction.** All final decisions of the City concerning denial, approval, or conditional approval of a local development permit issued under Section 22.8 of this Ordinance shall be appealed to the Superior Court of Jefferson County, Georgia.
- (b) **Alternative actions.** Based on these proceedings and the decision of the court, the City, may, within the time specified by the court, elect to:
  - (1) Institute negotiated purchase or condemnation proceedings to acquire an easement of fee interest in the applicant's land;
  - (2) Approve the permit application with lesser restrictions or conditions (i.e. grant a Variance);
  - (3) Institute other appropriate actions ordered by court that fall within the jurisdiction of the City Council.



## **ARTICLE XXIII: ENFORCEMENT, FEES AND PENALTIES**

### **23.1 ENFORCEMENT.**

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator and Building Inspector. The Zoning Administrator and Building Inspector or his/her designee shall have the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance.

All commissions, boards, departments, officials and public employees of the City which are vested with the duty of authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permits or license for any use, building or purpose if same would be in conflict with the provisions of this Ordinance. Any permit or license issued in conflict with the provisions of this Ordinance shall be null and void.

### **23.2 COMPLAINTS REGARDING VIOLATIONS.**

Whenever the Zoning Administrator or Building Inspector receives a written, signed complaint alleging a violation of this Ordinance, he shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing of any action taken.

### **23.3 PERSONS LIABLE.**

The owner, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates or maintains any condition that is contrary to the requirements of this Ordinance may be held responsible for the violation and subject to the remedies provided herein.

### **23.4 PROCEDURES UPON DISCOVERY OF VIOLATIONS.**

- (a) If the Zoning Administrator or Building Inspector finds that any provision of this Ordinance is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.
- (b) The written notice prepared by the Zoning Administrator or Building Inspector shall state that all activity prohibited by this Ordinance shall cease immediately and that construction or development relating to the violation shall not continue until such time corrective action has been taken by the property owner/contractor.
- (c) The written notice shall further state what action the Zoning Administrator or Building Inspector intends to take if the violation is not corrected. The notice shall advise that the Zoning Administrator or Building Inspector's decision or order may be appealed to the Commission as specified in Article 24.

City of Wrens Unified Development Ordinance

- (d) Notwithstanding the aforementioned procedures, in situations when a delay by the City in taking action would seriously threaten the effective enforcement of this Ordinance or present a danger to the public health, safety, morals and welfare, the Zoning Administrator or Building Inspector may seek enforcement without prior written notice by invoking any of the penalties or remedies enumerated in this Ordinance.

**23.5 FEES.**

- (a) Reasonable fees sufficient to cover the cost of administration, inspection, publication of notice and similar matters may be charged to applicants for rezoning applications, Conditional Use permits, building permits, land use permits, Variance applications, Subdivision plat approval, Sign permits and other permits and applications. The amount of the fees charged shall be set by the City Council.
- (b) Fees shall be paid by the applicant at the time of filing an application with the City Clerk or other appropriate party.

**23.6 FINES.**

- (a) Any person violating any of the provisions of this Ordinance shall be punished by a fine or imprisonment, or both. In no case shall the maximum punishment for violation of Ordinance exceed a fine of one thousand dollars (\$1,000) or imprisonment for sixty (60) days, or both. Violations of Ordinances in the City may be tried upon citation with or without a prosecuting attorney as well as upon accusations.
- (b) Each and every day an unlawful act or use continues shall be deemed a separate offense.
- (c) Failure to rectify a violation within thirty (30) days after receiving written notice from the Zoning Administrator or Building Inspector that a violation has occurred will result in a levy of a fine of fifty dollars (\$50) per day for each building, structure or alteration found to be in violation of this Ordinance.

**23.7 INJUNCTION.**

The erection, construction, alteration, renovation, addition, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained, contrary to any provisions of this Ordinance is hereby declared to be in violation of this Ordinance and unlawful. At the direction of the City Council, the City Attorney shall, upon receiving notice of any such violations, institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation. The remedy provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

**23.8 PERMIT REVOCATION.**

- (a) A building permit, land use permit, Conditional Use Permit, Sign Permit or any other permit regulated by this Ordinance may be revoked by the permit issuing authority if the



permit recipient fails to develop, construct or maintain the property or structure in accordance with the plans submitted pursuant to the provisions of this Ordinance or any additional requirements lawfully imposed by the permit issuing body.

- (b) Before a Conditional Use permit may be revoked, all of the notice and hearing and other requirements of Article 18 shall be complied with. Additionally, a written notice from the Zoning Administrator shall inform the Conditional Use permit recipient of the alleged grounds for the revocation.
- (c) Before a building permit, land use permit or sign permit may be revoked, the Zoning Administrator or Building Inspector shall give the permit recipient ten (10) days notice of intent to revoke the permit. The Zoning Administrator or Building Inspector shall inform the recipient of the alleged reasons for the revocation and of his/her right to obtain an informal hearing on the allegations. If the permit is revoked, the Zoning Administrator or Building Inspector shall provide to the permit holder a written statement of the decision and the reasons therefore.
- (d) The burden of presenting evidence sufficient to authorize the permit issuing authority to conclude that a permit should be revoked shall be upon the party seeking the permit revocation.
- (e) A motion by the governing body to revoke a permit, if required, shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
- (f) No person may continue to make use of land or buildings in the manner authorized by any building permit, land use permit, Conditional Use permit or Sign permit after such permit has been revoked in accordance with the provisions of this Ordinance.

### **23.9 FILING OR RECORDING OF NONAPPROVED PLATS.**

The filing or recording of a final plat of a subdivision without the approval required by these regulations, or the filing and recording of any sketch plan or preliminary plat as a "record" plat is hereby declared a misdemeanor and, upon conviction, is punishable as provided by law.

### **23.10 NOTICE TO RECORDING OFFICIAL.**

The Superior Court Clerk of Jefferson County, Georgia, shall not accept, file or record any sketch plan, preliminary plat, or any final record plat involving any property subject to these regulations which has not been approved according to the provisions of this Ordinance.

### **23.11 TRANSFER OF LOTS IN UNAPPROVED SUBDIVISION.**

The owner or agent of the owner of any land to be subdivided within the City who transfers, sells, agrees to sell or negotiates the sale of such land by reference to or exhibition of a plat of subdivision before said plat has been duly approved and recorded in the office of the Superior Court Clerk of Jefferson County, Georgia, shall be guilty of a misdemeanor and, upon conviction

thereof, shall be punished as provided in this Ordinance. The description of metes and bounds in the instrument of transfer or sales contract used in the process of selling or transfer, in absence of a plat, shall not exempt the transaction from these penalties. The City may enjoin such transfer or sale agreement by appropriate action.

**23.12 ERECTION OF BUILDINGS.**

Any building erected in violation of this Ordinance shall be deemed an unlawful structure and the Zoning Administrator or Building Inspector may bring appropriate action to enjoin such erection or cause it to be vacated and/or removed.

**23.13 STREET NAMES.**

It shall be unlawful for any person developing a new street or road to name such street or road on any plat, by any marking or by reference in any deed or instrument without first obtaining the approval of the City Council. Any person violating this provision shall be guilty of a misdemeanor and, upon conviction thereof, punished as provided in this Ordinance.

**23.14 JUDICIAL REVIEW.**

Any person or persons aggrieved by any action or decision of the City Council shall file a petition for a writ of mandamus in the Superior Court of Jefferson County, Georgia. Said action must be filed within thirty (30) days of the date of the final decision of the City Council. If the property owner fails to adhere to the thirty (30) day requirement, his/her claim will be time barred.



## ARTICLE XXIV: APPEALS

The Commission shall have the power and duty to hear and decide the following types of appeals and applications and to that end shall have the necessary authority to ensure continuing compliance with its decision.

### 24.1 APPEALS PROCEDURE.

The Commission shall hear and decide appeals where it is alleged by the appellant that there is an error in any order requirement, decision or refusal made by the Zoning Administrator, Building Inspector or other administrative official in the administration or enforcement of any provisions of this Ordinance. Such appeals shall be conducted in accordance with the following sections.

#### 24.1.1 Appeals.

An appeal to the Commission may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, board or agency affected by any decision with respect to this Ordinance. Such appeal shall be made within fifteen (15) days following notification of the decision appealed from, by filing with the City Clerk, a written notice of appeal and specifying the grounds thereof. The City Clerk shall deliver the written notice of appeal to the Commission.

#### 24.1.2 Stay of Proceedings.

A notice of appeal shall stay all legal proceedings related to the appeal. The Zoning Administrator may certify to the Commission, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent threat to life and/or property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by a Court of competent jurisdiction, with notice provided to the Zoning Administrator.

#### 24.1.3 Notice of Hearing.

The Commission shall fix a reasonable time for the hearing of an appeal or other matter referred to it and the applicant shall be notified in writing of the hearing location, date, and time. The public notice shall indicate the nature of the appeal to be considered by the Commission.

#### 24.1.4 Limitation of Commission Power.

Nothing herein contained shall be construed to empower the Commission to change the terms of this Ordinance or to effect changes in zoning districts. The powers of the Commission shall be so applied that the terms of these regulations will be strictly enforced.

24.1.5 Exercise of Power.

In exercising its powers, the Commission, in conformity with the terms of this Ordinance, may modify in whole or in part any order, requirement, or decision of the Zoning Administrator, Building Inspector or other administrative official. Voting by the Commission shall be in accordance with Section 3.1.3 of this Ordinance in order to reverse or modify, on appeal, any order, requirement, or decision or determination.

The Commission shall render a decision on all such appeals. The Zoning Administrator or his/her designee shall notify the applicant in writing of the Commission's action within five (5) days of the Commission's decision.

24.1.6 Denial of Request.

An application that has been denied by the Zoning Administrator or Building Inspector, and which decision was upheld by the Commission, shall not be further considered by the Commission unless:

- (a) The new plans materially change the nature of the request; or
- (b) The permitted development of other nearby property in the same zone has been substantially altered or changed by a ruling of the Commission so as to support an allegation of changed conditions.

24.1.7 Appeal of the Commission Decision.

Any person or persons, jointly or separately, aggrieved by a decision of the Commission may appeal to the City Council. All appeals from the decision of the Commission must be filed in writing with the City Clerk within thirty (30) days of the Commission's decision. Failure of the applicant to file an appeal during this thirty (30) day period will result in the forfeiture of the appeals process. Appeals from final decisions of the City Council shall comply with Section 23.14.

24.2 INTERPRETATIONS BY COMMISSION.

The Commission is authorized to render an interpretation of the Zoning Map, this Ordinance, or the manner of their application where it is alleged that there is error in any order, requirement or determination made by the Zoning Administrator or Building Inspector in the administration of such provisions. In reaching its decision, the Commission shall establish firm guidelines for future administrative actions on similar or like matters.



**ARTICLE XXV: LEGAL STATUS PROVISIONS**

**25.1 VALIDITY OF ORDINANCE.**

Should any article, section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the Ordinance as a whole or any part hereof other than the part so declared to be invalid; each article, section, clause and provision hereof being declared severable.

**25.2 CONFLICT WITH OTHER LAWS.**

Whenever the provisions of any other statute, law, or Ordinance require more restrictive standards than are required by the regulations and provisions of this Ordinance, the provisions of such other statute, law or Ordinance shall govern.

**25.3 ENACTMENT OF THIS ORDINANCE.**

The enactment of this Ordinance shall operate as a specific repeal of the prior Zoning Ordinance known as the 1997 Wrens Unified Development Ordinance.

**25.4 REPEAL OF CONFLICTING ORDINANCES AND VALIDITY OF PRIOR APPROVALS AND ACTIONS.**

This is the Unified Development Ordinance of the City of Wrens, Georgia, and all other conflicting City Code provisions, Ordinances or resolutions are hereby repealed; provided, that nothing herein shall be construed as repealing or modifying the conditions of operation or conditions of site development accompanying zoning approvals or use permits issued for developments already in progress before adoption of this Ordinance; however, modification or repeal of these past conditions of approval may be accomplished as provided by this Ordinance.

All Variances and exceptions heretofore granted by the City Council or other applicable authority shall remain in full force and effect, and all terms, conditions and obligations previously imposed shall remain in effect and be binding. Prior Ordinances shall remain in effect insofar as required for the initiation of any proceedings against such violations and for the prosecution of any violations heretofore commenced.

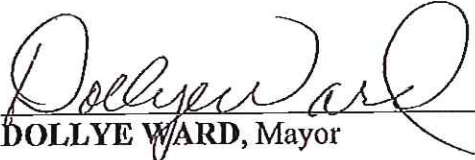
**25.5 EFFECTIVE DATE.**

This Unified Development Ordinance shall become effective the next business day following the adoption of this Ordinance.

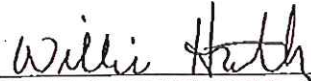
City of Wrens Unified Development Ordinance

Read, passed and adopted this 20<sup>th</sup> day of December, 2007.

Mayor and City Council of Wrens, Jefferson County, Georgia.

  
DOLLYE WARD, Mayor

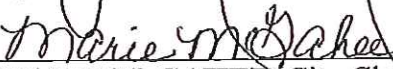
  
CEOLA B. HANNAH, Councilmember

  
WILLIE HUNTLEY, Councilmember

\_\_\_\_\_  
TOMASENIA JACKSON, Councilmember

  
ERSKINE LANE, Councilmember

  
SYDNEY LAMB MCGAHEE, Councilmember

Attest:   
MARIE MCGAHEE, City Clerk

First Reading: November 12, 2007

Second Reading:

END