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## **CITY OF CARNESVILLE ZONING ORDINANCE 2024**

### **ARTICLE I. PREAMBLE AND ENACTMENT CLAUSE**

Pursuant to the authority conferred by the laws and Constitution of the State of Georgia, and for the purpose of promoting the health, safety, morals, convenience, order, prosperity, or welfare of the present and future inhabitants of the City of Carnesville and the State of Georgia, including among other purposes the lessening of congestion in the streets; securing safety from fire, panic, and other dangers; promoting health and the general welfare; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage service, schools, parks, and other public requirements; reducing flood damage to persons and property; promoting such distribution of population and such classification of land uses and distribution of land uses and distribution of land development and utilization as will tend to facilitate and promote desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, conserving the value of buildings, and encouraging the most appropriate use of land and other buildings and structures throughout the City of Carnesville, all in accordance with a Comprehensive Plan for the development of the City of Carnesville, the City Council does hereby ordain and enact into law the following Articles and Sections:

### **ARTICLE I. IN GENERAL**

#### **Sec.40-1. Short Title**

These regulations shall be known and may be cited as the "Zoning Ordinance of the City of Carnesville, Georgia."

#### **Sec.40-2. Definitions**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

The word "lot" includes the word "plot" or "parcel." The word "building" includes the word "structure." The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

*Accessory use of building:* A subordinate use or building customarily incidental to and located on the same lot with the principal use or building.

*Administrative officer:* The City Clerk of Carnesville, or any City Council authorized representative.

*Agriculture:* The cultivation or growth of a field or horticultural crop, including dairying, livestock and poultry raising, farm forestry, and other similar enterprises or uses.

*Alley:* A private or public thoroughfare which affords only a secondary means of access to a building or property and not intended for general traffic circulation.

*Alteration:* Any change in the supporting members of a building, any modification or change in construction, any addition which increases the area or height, any change in use from that of one district classification to another, or movement of a building from one location to another.

*Apartment house:* A multi-family dwelling located on a parcel of land under a single ownership, designed for use by three or more housekeeping units, living independently of each other, and doing their own cooking on the premises.

*Architectural features, exterior:* The architectural style, general design and general arrangement of the exterior of a building or other structure, including but not limited to, the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

*Backyard Garage:* An automotive or boat repair/rehab accessory building that is non-commercial and hobbyist in nature.

*Building:* Any structure, either temporary or permanent, above or below ground, having a roof or other covering, and designed, built, or used as a shelter or enclosure for persons, animals, or property of any kind, including tents, awnings, or vehicles used for purposes of a building.

*Building accessory:* A building subordinate to the main building on a lot and used for the purposes customarily incidental to those of the main building.

*Building line:* A line formed by the face of a building, and for the purpose of this ordinance, a minimum building line is the same as a setback line.

*Building, principal:* A building in which is conducted the main use of the property on which the structure is located.

*Campground:* Land containing two (2) or more campsites which are located, established or maintained for occupancy by people in temporary lodging units such as camp tents, or cabins, for recreation, education or vacation purposes.

*Camping:* To place, pitch, or occupy camp facilities for overnight use, including recreational vehicles; to live temporarily in a camp facility or outdoors; or to use camp paraphernalia for the purpose of temporary human habitation.

*Camping equipment:* Includes, but is not limited to, tents, huts, vehicles, recreational vehicles, vehicle camping outfits, or temporary shelter.

*Camping accessories:* Includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags and similar equipment.

*Centerline of street:* That line surveyed and monumented by the governing body and designated as the center of a public street. If a centerline has not been surveyed, it shall be the line running midway between the outside curbs or ditches of such street.

*Certificate of Appropriateness:* A statement or other formal indication by the City Council that a proposed demolition, change in the exterior architectural appearance of construction,

reconstruction, alteration or restoration, construction or change in, or establishment of, a use that has been approved by the commission.

*Certificate of Occupancy:* A legal statement or document issued by the building official indicating that the building and use or reuse of a particular building or land is in conformity with all applicable codes and regulations, and that such building or land may be occupied for the purpose stated therein.

*Compatibility:* The characteristics of different uses or activities that permit such uses or activities to be located near each other in harmony and without conflict. Some elements affecting compatibility include intensity of occupancy as measured by dwelling units per acre or gross square feet per acre; pedestrian or vehicular traffic generated; volume of goods handled; and such environmental affects as noise, vibration, odor, glare, air pollution, water pollution or radiation.

*Comprehensive plan:* Those coordinated plans or portions thereof which have been prepared by or for the governing body for the physical development of the jurisdiction; or any plans that designate plans or programs to encourage the most appropriate use of the land in the interest of public health, safety and welfare.

*Conditional zoning:* The granting or adoption of zoning for property subject to compliance with restrictions as to use, size, density or actions stipulated by the governing body to mitigate adverse impacts that are anticipated without imposition of such conditions.

*Condominium:* A building or complex of multiple-unit dwellings in which a tenant holds full title to his unit and joint ownership in the common grounds.

*Curb cut:* A provision for vehicular ingress and/or egress between property and an abutting public street.

*Dwelling:* A building designed or used as living quarters for one or more families.

*Dwelling unit:* A dwelling or portion thereof providing facilities for one or more persons living as a single housekeeping unit.

*Family:* An individual, or two (2) or more persons related by blood, marriage, adoption or guardianship, occupying a single dwelling unit and using the same cooking facilities; provided, however, that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families.

*Flood hazard area:* Any area within the City of Carnesville which is subject to periodic flooding due to natural or man-made causes, and which includes all lands with a one percent chance of flooding as determined by the Federal Emergency Management Agency.

*Guest house:* An accessory building located to the rear of a principal dwelling not exceeding fifty percent (50%) of the gross heated floor area of the principal dwelling.

*Height, building:* The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck lines of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. Grade is defined as the average elevation of the ground on all sides of a building.

*Home occupation:* An occupation for gain or support conducted only by members of a family residing on the premises and conducted entirely within the dwelling.

*Impervious surface coverage:* That area of land within a subject lot, occupied by buildings, structures, or improvements which consist of materials that are not porous, or which do not permit water to soak through to the ground, including the roofs of buildings and paved driveways.

*Land-disturbing activity:* Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including but not limited to clearing, dredging, grading, excavating, transporting and filling of land, but not including agricultural practices.

*Loading and unloading space:* A space, typically with dimensions of twelve (12) feet by sixty (60) feet, logically and conveniently located for pickups and/or deliveries or for loading and/or unloading, scaled to delivery vehicles to be used, and accessible to such vehicles.

*Lot:* A parcel of contiguous land in the same ownership which is not divided by any public highway or alley, including any part thereof subject to any easement for any purpose other than a public highway or alley, but excluding any part thereof severed from another lot where severance creates any non-conforming use or structure.

*Lot area:* The total horizontal area within the lot lines of a lot, exclusive of public street rights-of-way.

*Lot, corner:* A lot abutting upon two or more streets at their intersection.

*Lot coverage:* The part or percent of a lot occupied by buildings and structures, including accessory buildings and structures, but not including unenclosed parking areas.

*Lot, double frontage:* Any lot, other than a corner lot, which has frontage on two (2) streets that do not intersect at a point abutting the property.

*Lot of record:* A lot, which is part of a subdivision, a plat of which has been recorded in the records of the county superior court; or a parcel of land, the deed of which was recorded in the same office prior to the date of adoption of these regulations.

*Lot width:* The horizontal distance between side lot lines measured at the minimum required front yard (regulatory front building setback) line.

*Major artery:* Any route designated as an interstate route or connector, as a state or federal route, or any four-lane street or road, or any avenue, street, or road designated as a major artery by the Carnesville City Council and shown as such on the official zoning map.

*Manufactured home (to include Park Models):* A structure, built to conform to national standards embodied in the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 USC 5401 et seq. administered by the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width per section or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) per section or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when

connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

*Manufactured home park:* A parcel of land under single ownership which has been planned or improved for the placement of two or more manufactured homes for residential use, including land, buildings and facilities used by the occupants of manufactured homes on such property.

*Material changes in appearance:* A change that will affect either the exterior architectural or environmental features of property or any building, structure, site, object, landscape feature or work of art. This includes material changes in colors but not repainting to the same or similar color. Normal maintenance, such as reroofing, residing, etc., with a like or similar material is not included in this definition.

*Mobile home:* A structure, transportable in one sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating air conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976.

*Mobile home park:* A parcel of land under single ownership which has been planned or improved for the placement of two or more mobile homes for residential use, including land, buildings, and facilities used by the occupants of mobile homes on such property.

*Modular home:* A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with regulations of either the Southern Building Code Congress International or the Georgia Industrialized Building Act.

*Multi-family dwelling:* A structure designed or used for residential occupancy by more than two housekeeping units, with or without common or separate kitchen or dining facilities, including apartment houses, apartment hotels, rooming houses, boarding houses, fraternities, sororities, dormitories, row houses, townhomes, condominiums, and similar housing types, but not including motels, hotels, hospitals, nursing homes, or public institutions such as prisons and mental institutions.

*Natural feature:* Includes, but is not limited to, boulders, rock outcroppings, streams, topsoil, etc., being in its native state.

*Natural protective barrier:* Any natural formation, such as a land swell, bench, berm, tree line, ridge, saddle dike or sand bar, which effectively controls or limits flooding or assists in confining a specific flood-prone area.

*Non-conforming lot:* A lot, the area, width, or other characteristic of which fails to meet requirements of the zoning district in which it is located, and which was of record prior to the enactment of the zoning ordinance. Any lot which is subsequently annexed into the Carnesville City Limits which does not meet the requirements of the particular zoning district shall also be considered a non-conforming lot.

*Non-conforming structure:* Any building or structure which does not conform to the regulations governing the bulk, location, height or size of buildings or structures permitted in the district and which existed on the date of adoption of these regulations.

*Non-conforming use:* Any building or land lawfully occupied by a use at the date of adoption of this ordinance which does not conform with the use regulations of the district in which it is located.

*Nursing home:* Any building or dwelling where persons are housed or lodged and furnished with meals and nursing care for hire, but not including hospitals and mental health institutions.

*Official zoning map:* The map, which accompanies the zoning ordinance text, that delineates the geographic location of the boundaries of zoning districts established in this ordinance in relation to natural features, man-made features and/or property uses.

*Outdoor storage:* The keeping in an unenclosed area of any goods, junk, material, merchandise, or commercial vehicles in the same place for more than twenty-four hours.

*Parking lot:* Any public or private open area used for the express purpose of temporary storage of private motor vehicles. A parking lot may be the principal use on a given lot or an accessory use to the principal use on a given lot.

*Parking space:* An area having typical dimensions of not less than nine (9) feet by twenty (20) feet and three hundred (300) square feet including maneuvering space within a parking lot, to be used exclusively as a temporary storage space for a motor vehicle.

*Permitted use:* A use by right which is specifically authorized in a particular zoning district.

*Planned unit development (PUD):* A form of development within which clustered housing, other unusual arrangements of buildings, or a mixture of uses may be permitted by special approval in a district in which such development would not ordinarily be allowed. A site plan must be submitted, and the approved site plan becomes part of the restrictions.

*Pictorial Mural:* Artwork painted on the side of a building depicting a regional theme and non-advertising in nature.

*Premises:* A lot as otherwise used in this ordinance.

*Public highways:* Roads in the state or county highway system.

*Public use:* Any building, structure or use owned and/or operated by the Federal Government, State of Georgia, Franklin County the City of Carnesville, or any authority, agency, board or commission of the above governments, which is necessary to serve a public purpose, such as but not limited to the following: government administrative buildings, police and fire stations, public health facilities and hospitals, public works camps, parks and community centers, public roads and streets, airports, water and sanitary sewerage storage, intake, collection and treatment and pumping facilities, public housing facilities, jails and correctional centers. *Recreational vehicle:* A vehicular type portable structure which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational, camping and travel uses.

*Recreational vehicle (RV) park:* Any lot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy on a temporary basis by recreational vehicles of the general public as temporary living quarters by campers, vacationers or travelers.

*Rehabilitation:* The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions of the property which are significant to its historic, architectural and cultural values.

*Remove or removal:* Includes the cutting of trees and the injury and/or destruction of any form of vegetation, geological formation or ecological sensitive area, by whatever method, on any lands subject to this ordinance.

*Rezoning:* An amendment to or a change in the official zoning map.

*Right-of-way:* That area, distinguished from an easement, which is owned in fee-simple title by the governing body or other government, for the present or future use of roads, streets, and highways, together with its drainage facilities and other supporting uses and structures.

*Screening:* A method of shielding, obscuring or buffering one use or building from another use or building by fencing, walls, berms, densely planted vegetation, natural vegetation or other means; a visual and acoustical barrier which is of such nature and density that provides year-round maximum opacity from the ground to a height of at least six (6) feet or that screens structures and activities from view from the normal level of a first story window on an abutting lot.

*Semi-public use:* Any building, structure or use owned and/or operated by private utilities or private companies for a public purpose, or which is reasonably necessary for the furnishing of adequate service by such utilities, such as but not limited to the following: underground or overhead gas, electrical, steam or water distribution or transmission lines or systems, electric power substations, wires, towers, cables, and poles.

*Setback:* The minimum horizontal distance between the property boundary lines of a lot and the front, rear, or side lines of a building located on that lot.

*Sign:* Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including the flag of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal, educational, or similar organization; standard house numbers, lettering on mailboxes, or similar identification not exceeding two (2) square feet in area.

*Sign, attached:* Attached signs include wall, projecting and marquee signs as defined below:

- (a) Wall sign: A sign attached to or painted on the exterior wall of a building with no part of the sign projecting more than twelve (12) inches from the building wall to which it is affixed.
- (b) Projecting sign: A sign affixed to the exterior wall of a building, any part of which extends more than twelve (12) inches beyond the building wall.
- (c) Marquee sign: A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported

by a building, when such canopy or covered structure extends beyond the building wall, building line, or property line of the premises on which it is located.

*Sign area:* The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background; any blank rectangular area which consists of ten (10) percent or more of the area of the sign as otherwise computed shall be disregarded. All of the lettering and other sign elements printed or mounted upon a wall of a building without any distinguishing border, panel, or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

*Sign, on-premises advertising:* A sign which advertises only goods, services, facilities, events, or attractions available on the premises located, or identifies the owner or occupant or directs traffic on the premises.

*Site plan:* A graphic illustration, two-dimensional, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a lot or tract and the location of all buildings, structures, uses and principal site development features proposed for a specific lot or tract of land.

*Street:* A public or private thoroughfare which is open to the general public, and which affords the principal means of access to abutting property.

*Street, public:* A dedicated and accepted public right-of-way which affords the principal means of access to abutting properties.

*Stripping:* Any activity which significantly disturbs vegetated or otherwise stabilized soil surfaces, including clearing and grubbing operations.

*Structural-bearing capacity:* The capacity of any given soil or fill material to support a foundation for any given structure without sinking or sliding.

*Structure:* Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having more or less permanent location on the ground, not including utility poles.

*Subdivision:* The division of a parcel or tract of land into two (2) or more lots for the purposes of creation of lots for development, the rearrangement of existing lot lines, or for the purpose of transfer of ownership.

*Tiny house:* A tiny house shall be defined as a single-family dwelling which has a minimum of 400 heated square feet of floor area, excluding lofts.



*Townhome:* One (1) of a group of three (3) or more attached single family dwelling units under fee simple ownership and joint ownership in the common grounds.

*Travel trailer:* A portable dwelling or lodging unit, distinguished from a mobile home, designed for short-term travel, recreational or vacation use, including pickup campers and motor homes.

*Tree:* A wood perennial plant having a single main axis or stem (trunk), exceeding ten (10) feet in height or a flowering ornamental tree having a caliper of two (2) or more inches measured at four and one-half (4.5) feet above the ground.

*Undergrowth:* Shrubs, bushes, small trees, etc., growing beneath large trees in a wood.

*Use:* Any purpose for which a building or structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or structure or on a tract of land.

*Variance:* A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading regulations, and sign regulations as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

*Wetland:* An area that is inundated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

*Yard:* A space on the same lot with a principal building, which is open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

*Yard, front:* An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street right-of-way and the front line of the building projected to the side lines of the lot. In such cases as the street right-of-way has not been established or cannot be determined, said front yard requirement shall be measured from a point ten (10) feet beyond the construction limits of the road (edge of pavement or curb) or edge of drainage ditch, whichever is greater.

*Yard maintenance:* The upkeep and preparation of grounds around a residence or business establishment to include the sowing and cutting of lawns, pruning of trees and shrubs, planting and upkeep of flower and vegetable gardens, and the removal of leaves and other dead organic debris.

*Yard, rear:* An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

*Yard, side:* An open, unoccupied space on the same lot with the main building, situated between the building and the sideline of the lot and extending from the rear line of the front yard to the front line of the rear yard.

*Zoning Administrative Officer:* The City Clerk of Carnesville or any City Council authorized representative or contractor.

## **ARTICLE II. GENERAL PROVISIONS**

### **Sec. 40-9. Zoning affects every building and use.**

No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located, and without first obtaining a building or occupancy permit, except as hereinafter provided. In the enforcement of the provisions of this ordinance the Administrative Officer may withhold building or occupancy permits until all provisions of this ordinance are complied with or his decision is rescinded by the Board of Zoning Appeals.

### **Sec. 40-10. Continuance of a non-conforming use.**

Any structure or use of land existing at the time of the enactment or subsequent amendment of this ordinance not in conformity with its use regulations and provisions, may be continued with the following limitations. It shall not be:

40-10.1. Changed to another non-conforming use.

40-10.2. Extended except that the structure or use in its entirety be in conformance with this ordinance.

40-10.3. Re-established after discontinuance for twelve (12) months.

40-10.4. Rebuilt, altered, or repaired after damage exceeding fifty (50) percent of the fair sales value of the building immediately prior to damage.

### **Sec. 40-11. Only one principal building on any lot.**

Only one principal building and its customary accessory buildings may hereafter be erected on any lot, except for multi-family buildings, commercial and industrial buildings.

### **Sec. 40-12. Reduction of lot area prohibited.**

No lot shall be reduced in size so that lot width, yard requirements, lot area per dwelling unit, or other requirements of this ordinance are not maintained.

### **Sec. 40-13. Street access.**

No building shall be erected on a lot which does not abut or have access to a publicly dedicated or maintained street.

**Sec. 40-14. Off-street automobile parking and storage.**

Off-street automobile parking or storage space shall be provided on every lot for uses and structures hereafter established in all districts, except in cases where no parking space can be reasonably provided on the same lot, such space shall be provided on any lot, a substantial portion of which is within four hundred (400) feet of the use it serves. The required parking space for any number of separate uses may be combined on one lot, but the required space assigned to one use may not be assigned to another use at the same time; except that one-half (½) of the parking space required for churches, theaters, assembly halls, or similar uses where peak attendance will be at night or on Sundays, may be used to augment parking for adjacent day-use activities. Maneuvering space shall be provided at all residential and commercial establishments to prevent any vehicle from backing into the street. Such space shall be provided with vehicular access to a street or alley; such use shall not thereafter be encroached upon or altered; and shall be equal in number to at least the minimum requirements for the specific use set forth below. When application of said provision results in a fractional space requirement, it shall be construed to mean one (1) additional space.

<i>Use Classification</i>	<i>Parking Space Requirement</i>
Automobile sales & repair	One (1) space for each two (2) employees at maximum employment on a single shift, plus two (2) spaces for each 300 square feet of repair or maintenance space.
Bank or financial institution	One (1) space for each 200 square feet of gross floor area.
Beauty shop	One (1) space for each dryer, plus one (1) space for each employee.
Bowling alley	Two (2) spaces for each alley, plus one (1) additional space for each employee.
Church	One (1) space for every four (4) seats.
Convenience retail store	One (1) space for each 200 square feet of gross floor area.
Day care center	One (1) space for each eight children, plus one space per employee.
Elementary school and junior high school, both public and private	One (1) space for each classroom and administrative office.
Filling (gasoline) or EV charging station	One (1) space for each gasoline pump; one (1) space for each EV charging station.

Hospital	One (1) space for every two (2) patient beds plus one (1) space for each staff or visiting doctor, plus one (1) space for every three (3) employees, including nurses.
Mortuary or funeral home	One (1) space for every four (4) seats in the assembly room or chapel.
Motel, tourist home, or hotel	One (1) space for each accommodation, plus one (1) additional space for every two (2) employees.
Office, professional, business or public	One (1) space for every two hundred (200) square feet of total floor area, plus one (1) space for each two (2) employees.
Places of public assembly including private clubs, lodges, and fraternal buildings not providing overnight accommodations, auditoriums, dance halls, pool rooms, theaters, stadiums, gymnasiums, amusement parks, community centers, libraries, museums, and all similar places of public assembly	One (1) space for every one hundred (100) square feet provided for patrol use or ground area used for amusement or assembly, but not containing fixed seats. One (1) parking space for each four (4) seats shall be provided for places of assembly containing fixed seats.
Rooming and boardinghouse, STVRs	One (1) space for each guest room, plus one (1) additional space for the owner if resident on the premises.
Residential dwelling	Two (2) spaces for each dwelling unit, except that no more than one (1) space per dwelling unit shall be required in multi-family public housing units intended for occupancy by the elderly.
Restaurant	One (1) space for every four (4) seats plus one (1) space for every two (2) employees.
Retail business	One (1) space for every two hundred (200) square feet of gross floor area.
Sanitariums, rest and convalescent homes, homes for the aged, and similar institutions	One (1) space for every six (6) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for every two (2) employees.

Senior high school, both public and private	One (1) space for every ten (10) pupils for which the space was designed, plus one (1) space for each classroom and administrative office.
Wholesaling, warehousing, and industrial uses	One (1) space for every two (2) employees at maximum employment on a single shift.

**Sec. 40-15. Off-street loading and unloading spaces.**

Every building or structure used for business, trade, or industry hereafter erected, shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley or, if there is no alley, to a street. For the purpose of this section, off-street loading spaces shall have minimum dimensions of twelve (12) feet by sixty (60) feet and an overhead clearance of fourteen (14) feet above the alley or street grade.

40-15.1. Retail business, except home occupations: The number of spaces required to provide off-street loading adequate for the type of business involved. All plans must be approved by the administrative officer.

40-15.2. Wholesale and industry: The number of spaces required to provide off-street loading adequate for type of activity involved subject to approval by the Administrative Officer.

40-15.3. Terminal facilities for trucks, buses, or railroads: One (1) space for each bus or truck to be stored, loaded, or unloaded at the terminal at any one time. Plans must be approved by the Administrative Officer.

**Sec. 40-16. Visibility at street intersections.**

On a corner lot in any zoning district, no planting, structure, fence, wall, or other obstruction to vision more than three (3) feet in height from the street level shall be placed so that it obscures the vision of either drivers or pedestrians approaching the intersection.

At the intersection of any private drive or entrance or exit for a common parking area with a public street or alley, no fence, wall, hedge, structure, or other impediment to visibility shall be placed so that it obstructs the vision of drivers or pedestrians entering a public traffic way.

**Sec. 40-17. Permanent occupancy of recreational vehicles prohibited.**

It shall be unlawful in any zoning district to locate a recreational vehicle or travel trailer for the purpose of occupancy for more than thirty (30) days annually.

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**Sec. 40-18. Every use must be upon a lot.**

No building or structure shall be erected, or use established unless upon a lot of record as defined by these regulations except as otherwise provided herein.

**Sec. 40-19. Use prohibited when not specified.**

Unless otherwise stated, any use not specifically permitted in a use district as provided in these regulations shall be prohibited in that district.

**Sec. 40-20. Erosion and sedimentation standards.**

All "land-disturbing activity," as defined in or applicable to the Zoning Ordinance of the City of Carnesville, Georgia, shall comply with the State of Georgia's Erosion and Sedimentation Act of 1975, codified in O.C.G.A. § 12-7-1 et seq.

**Sec. 40-21. Reference to Water Conservation Ordinance.**

All development, as applicable, shall comply with the Water Conservation Ordinance of the City of Carnesville, Georgia adopted by the City of Carnesville City Council as may subsequently be amended from time to time.

**Sec. 40-22. Reference to Subdivision and Land Development Regulations.**

All minor or major subdivisions and land development, as applicable, shall comply with the Subdivision and Land Development Ordinance adopted by the City of Carnesville City Council as may subsequently be amended from time to time.

***ARTICLE IV. ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP***

**Sec. 40-23. Use Districts.**

For the purpose of this ordinance, the City of Carnesville is hereby divided into use districts as set out below:

- Single-Family Residential District (R-1)
- Multi-Family Residential District (R-2)
- Planned Unit Development District (PUD)
- Commercial Business District (C-I)
- Central Business District (CBD)
- Agricultural District (A)
- Industrial District (I)

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Flood Hazard Area (FH)  
Government Owned - City  
Government Owned - County

**Sec. 40-24. District boundaries.**

The location and boundaries of the above-listed districts are hereby established as shown on a map entitled official zoning map of the City of Carnesville, Georgia. Said map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the mayor, attested by the City Clerk, and bear the seal of the city or that of a notary public under the following words: "This is to certify that this is the official zoning map referred to in Article IV of the Zoning Ordinance of the City of Carnesville, Georgia," together with the date of the adoption of the ordinance.

If in accordance with the provisions of this ordinance and the laws and Constitution of the State of Georgia, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: "On (date), by official action of the City Council, the following change (or changes) were made in the Official Zoning Map: (brief description of change)," which entry shall be signed by the Mayor and attested by the City Clerk. No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Mayor, City of Carnesville, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

**Sec. 40-25. Official Zoning Map.**

The Official Zoning Map of the City of Carnesville, Georgia, is hereby designated as Section 40-25 of this Ordinance.

**Sec. 40-26. Replacement of Official Zoning Map.**

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may adopt

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a new Official Zoning Map which shall supersede the prior map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the mayor, attested by the City Clerk, and bear the Seal of the City of Carnesville under the following words:

*"This is to certify that this official zoning map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as Article III, Section 40-25 of the Zoning Ordinance of the City of Carnesville, Georgia."*

Unless the prior Official Zoning Map has been lost, or has been destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

**Sec. 40-27. Interpretation of district boundaries.**

Where uncertainty exists with respect to the boundaries of any of the districts shown on the official zoning map, the following rules shall apply:

40-27.1 Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or railroad right-of-way lines or such lines extended, such center lines, street lines, or railroad right-of-way lines shall be construed to be such boundaries.

40-27.2 Where district boundaries are indicated as approximately following the corporate limit line of the city, such corporate limit line shall be construed to be such boundaries.

40-27.3 Where district boundaries are indicated as approximately following property lines or such lines extended, such property lines or such lines extended shall be construed to be such boundaries.

40-27.4 Where district boundaries are indicated as approximately following the center line of stream beds or river beds such center lines or such lines extended shall be construed to be such boundaries.

40-27.5 Where district boundaries are indicated as approximately parallel to the center lines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.

**Sec. 40-28. District boundary line divides a lot of single ownership.**

Where a district boundary line as appearing on the zoning map divides a lot in single ownership at the time of the enactment of these regulations, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of the lot, provided that such extension shall not include any part of such lot more than 35 feet beyond the district boundary line and provided further that this provision shall not apply to a double frontage lot. In



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the case of a double frontage lot, the restrictions of the district applying to the adjoining lots which front on the same street as the lot frontage in question shall apply.

## **ARTICLE V. R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT**

### **Sec. 40-29. Purpose and intent.**

It is the intent of this district to establish and preserve quiet, single-family home neighborhoods as desired by large numbers of people, free from other uses except those which are both compatible and convenient to the residents of such a district.

### **Sec. 40-30. Permitted uses.**

1. Single-family dwellings.
2. Accessory buildings, but not including structures used for the keeping of livestock or poultry, provided such shall be permitted only in a rear yard and shall be not less than five (5) feet from any property line. Where the rear yard abuts a street, no accessory building shall be closer to the rear lot line than the required front setback for the district.
3. Accessory uses, including home gardens, private garages, storehouses, children's playhouses, home workshops, swimming pools.
4. Churches and their related religious activities, provided that any principal building shall be located at least fifty (50) feet from any property line and that required off-street parking be separated from any property line by an opaque fence at least six (6) feet high or a densely planted buffer strip at least ten (10) feet wide.
5. Parks, playgrounds, and community centers.
6. Golf courses, except commercial amusement parks, miniature golf courses, driving ranges or others operated for commercial purposes.
7. Public and semi-public buildings and uses.
8. Public and private schools offering general education courses.

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**Sec. 40-31. Conditional uses.**

1. Home occupations conducted within a principal building by persons residing on the premises, provided that no more than thirty (30) percent of the floor area of the principal building shall be used for such purpose.
2. Guest houses, no more than one guest house shall be permitted as an accessory building on any residential lot and shall not exceed fifty percent (50%) of the gross floor area of the principal dwelling. Guest houses shall not be rented or otherwise occupied separately from the main residence, except for non-paying guests or domestic employees residing on premises and sharing meals in the principal dwelling.
3. Farms, truck gardens, and non-commercial greenhouses
4. Automobile repair/rehab facilities (i.e., Backyard Garages that are non-commercial and hobbyist in nature). Where noise is generated, an appropriate noise-resistant fence or combination fence-green buffer area shall be established.
5. Kindergartens, nursery schools, or day care centers serving not more than ten (10) persons, provided that outdoor play area is provided for each child and the outdoor play area shall be enclosed by an impervious fence as required by the Georgia Department of Human Resources.
6. Manufactured homes and modular homes on individual lots, but not including mobile homes, mobile home parks and manufactured home parks, subject to the following requirements:
  - a) The minimum width of said structure shall be at least sixteen (16) feet.
  - b) The minimum square footage of said home shall be at least nine hundred (900) square feet of area.
  - c) The home shall be attached to a permanent foundation.
  - d) All towing devices, wheels, axles, and hitches must be removed.
  - e) At each exit door there must be a deck or landing that is a minimum of forty-eight inches (48") by forty-eight inches (48").
  - f) The roof shall have a minimum 2:12 roof pitch (two feet of vertical height for each twelve feet of horizontal width) and shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built up gravel materials, or other materials approved by the administrative officer.

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- g) The exterior siding materials shall consist of wood, masonry, concrete, stucco, Masonite, or vinyl lap or other materials of like appearance.
  - h) Each home shall be provided with anchors and tiedowns such as cast-in-place concrete Deadman or other devices which secure the stability of the home, as approved by the administrative officer.
  - i) Each home shall be completely skirted with an appropriate barrier, properly ventilated, to enclose the area between the bottom of the structure and the ground. Skirting must be of a properly manufactured type used for manufactured homes. Skirting shall not be required for those manufactured homes with a complete masonry or concrete perimeter foundation.
  - j) Each home shall be established in accordance with installation instructions from the manufacturer, as appropriate.
  - k) All utility connections, including but not limited to water, sanitary sewer/septic tank, electricity, and gas shall be made as required by the administrative officer.
  - l) Said home shall compare favorably to site built and other housing in the immediate general area within the same zoning or residential district or area. provided, however that the Zoning Administrative Officer may recommend, and the City Council may approve, deviations from one or more of the developmental and architectural standards provided herein based on a finding that the materials to be utilized will be compatible and harmonious with existing structures in the vicinity.
7. Public and semi-public uses, after consideration of the following:
- a) Whether or not traffic can be handled without hazard or undue congestion in the neighborhood; and
  - b) When noise will be generated that appropriate provisions for impervious fences, combination fence-green buffer area, or other effective and acceptable noise-dampening measures have been taken.

**Sec. 40-32. Reserved.**

**Sec. 40-33. Height, placement, area and density requirements.**

In accordance with Article XIII of this Ordinance.

**Sec. 40-34. Minimum square footage requirements.**

*The minimum square footage of a single-family detached dwelling shall, except as otherwise permitted, be at least 1,200 heated square feet for any new house built in the R-1 Single Family Residential District.*

## **ARTICLE VI. R-2, MULTI-FAMILY RESIDENTIAL DISTRICT**

### **Sec. 40-35. Purpose and intent.**

It is the intent of this section to establish and preserve quiet residential districts offering a wide choice of housing types within the City of Carnesville which are suitable for both single- and multi-family dwellings, free from other uses except those which are both compatible with and convenient to the residents of such a district.

### **Sec. 40-36. Permitted uses.**

1. Any use permitted in the R-1 District as specified in Article VII, Section 40-30., subject to the same conditions.
2. Any use specified in Article VII, Section 40-30. not subject to conditional use approval, but subject to the same conditions. Modular and manufactured homes shall meet the criteria specified for manufactured/modular homes in the R-1 District (40-31.5).
3. Accessory buildings, guest houses, or uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business, including a storage garage on a lot occupied by a dwelling or institution.
4. Institutions of a religious, education, charitable, or philanthropic nature, but not a penal institution.
5. Rooming, boarding houses, bed and breakfast facilities, short-term vacation rentals (STVR's) subject to the provisions of Article XIX.
6. Two-family and multi-family dwellings including apartments and condominiums but not motels and hotels.
7. Townhouses subject to the requirements of Article XVII of this ordinance.

### **Sec. 40-37. Height, placement, area, and density requirements.**

In accordance with Article XIII of this Ordinance.

## **ARTICLE VII. PUD, PLANNED UNIT DEVELOPMENT DISTRICT**

### **Sec. 40-38. Purpose and intent.**

It is the intent of this section to:

1. Encourage the development of large tracts of land as planned neighborhoods or communities.
2. Encourage flexible and creative concepts in site planning.

3. Preserve the natural amenities of the land by encouraging scenic and functional open areas within residential areas.
4. Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of the ordinance.
5. Provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lower development and housing costs.
6. Provide an environment of stable character compatible with surrounding residential areas in an orderly relation to one another and to existing land uses, as well as with due regard to the Comprehensive Plan of the City of Carnesville.

**Sec. 40-39. Requirements and standards for approval.**

1. A Planned Unit Development (PUD) must contain a minimum area of ten (10) contiguous acres.
2. The Zoning Administrative Officer and the City Council in their review of the proposed Development Plan shall consider:
  - a. The proper relation between the proposed development and surrounding uses, and the consistency with the Comprehensive Plan for the City of Carnesville.
  - b. The adequacy of existing and proposed streets, water, sewer, electrical, and gas service, and other public facilities to serve the development.
  - c. The character, design, and appropriateness of the proposed land uses and their adequacy to encourage desirable living conditions. To provide separation and screening between uses where desirable to preserve the natural amenities of streams, wooded areas, and similar natural features.
  - d. The adequacy of open space, play areas, and the recreation facilities provided for the needs of the development.
3. Approval and recommendation of the Zoning Administrative Officer shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed PUD will not adversely affect the property adjacent to the area included in the plan.

**Sec. 40-40. Review and approval procedures.**

1. Pre-application Conference:

Prior to filing a formal application for a Planned Unit Development, the applicant is encouraged to confer with the Mayor and the Zoning Administrative Officer to review the general character of the plan (based on a tentative land use sketch if available), and to obtain information relating to the development and other matters.

## 2. Development Plan:

- a. An applicant shall file a petition with the Zoning Administrative Officer for approval of a PUD. This application shall be supported by a Development Plan and a written summary of intent and shall show the relation between the proposed development and the surrounding area, both existing and proposed.
- b. The following information shall be presented in the Development Plan:
  - (1) A general location map.
  - (2) Existing topographic conditions, including contour intervals of no more than five (5) feet based on field surveys or photogrammetric methods.
  - (3) The existing and proposed land uses and the approximate location of all buildings and structures.
  - (4) The approximate location of existing and proposed streets and major thoroughfares.
  - (5) The approximate location of all existing and proposed utilities, including a preliminary utility and drainage plan.
  - (6) The present zoning pattern in the area.
  - (7) A legal description of the subject property.
  - (8) The location and use of existing and proposed public, semi-public, or community facilities such as schools, parks, and open area. This will include areas proposed to be dedicated or reserved for community or public use.
  - (9) Perspective drawings of representative building types except for detached single-family dwellings and their accessory buildings.
  - (10) If a proposed development creates special problems or involves unusual circumstances, additional information may be required to properly evaluate the proposal as follows:
    - (a) An off-street parking and loading plan.
    - (b) An economic feasibility report or market analysis.
    - (c) A traffic study of the area, and a circulation plan within the development and to and from existing streets and thoroughfares.
    - (d) A school impact study or report identifying the number of students generated by the proposed development.
    - (e) A Development of Regional Impact Study (DRI) by the Georgia Mountains Regional Commission (GMRC) if applicable.
- c. The written statement or narrative submitted with the Development Plan shall include the following information:

- (1) A statement of the present ownership of all land within the proposed development.
  - (2) An explanation of the character of the proposed development, including a summary of acres, dwelling units, and gross density by type of land use. The statement shall include minimum standards for flood area, lot size, yard and spacing requirements.
  - (3) A general statement of the proposed development schedule and progression of unit division of staging.
  - (4) The creation of a Homeowners Association (HOA) including the agreements, provisions, and covenants which govern the use, maintenance, and protection of the PUD to include: any common or open areas, stormwater and retention ponds, amenity and recreation areas, street and pathway lighting, mail kiosks, and centralized solid waste centers.
- d. Approval.
- (1) An application for approval of a PUD will be considered administratively as a Petition for Rezoning and will be subject to the procedures established in Article XV of this ordinance concerning amendments.
  - (2) After a public hearing and receipt of staff or Zoning Administrative Officer's recommendations, the City Council shall approve, disapprove, or conditionally approve the development plan.
  - (3) If the development plan is approved as submitted, the administrative officer will cause the Official Zoning Map to be changed to indicate the PUD. If the plan is approved with modifications, the applicant shall file written notice of consent to the modifications and a properly revised site plan shall be filed with the Zoning Administrative Officer prior to changing the Official Zoning Map. The site plan and supporting information of any approved plan shall be properly identified and permanently filed with the Zoning Administrative Officer.
  - (4) No Building Permits shall be issued until the Development Plan has been approved by the City Council.
3. Building and Occupancy Permits. The Zoning Administrative Officer shall issue Building Permits for buildings and structures in the area covered by the approved Development Plan if they are in substantial conformity with the approved Development Plan, the development schedule, and with all other applicable regulations. He shall issue a Certificate of Occupancy for any completed building or structure located in the area covered by the approved Development Plan if they conform to the requirements of the approved plan and all other applicable regulations.
  4. Revision of Development Plan. Any major or substantial change in the approved Development Plan which affects the intent and character of the development, the density of land use pattern, the location or dimensions of streets, or similar substantial changes shall be reviewed and approved by the City Council following receipt of recommendations from

the Zoning Administrative Officer. A request for a revision of the Development Plan shall be supported by a written statement indicating the nature of the revision and an explanation concerning the necessity or desirability for revising the plan.

5. Reversion of zoning approval. Approval of the City Council shall be in effect for at least a two (2) year period. However, if no construction has begun within two (2) years after approval of the Development Plan, or if the applicant fails to maintain the approved development schedule, approval of the Development Plan shall lapse. At its discretion and for good cause, the City Council may extend the period for beginning construction for any phase of the project for one (1) additional year. If the approval of a Development Plan lapses under this provision, the building or administrative officer shall cause the development to be removed from the Official Zoning Map, file a notice of revocation with the recorded Development Plan, and reinstate the Zoning District and regulations which were in effect prior to approval of the Development Plan.

#### **Sec. 40-41. Permitted uses.**

The uses permitted within a PUD shall be primarily residential in character, and may include the following uses:

1. Accessory uses and structures.
2. Agriculture or horticulture subject to all other applicable regulations.
3. Churches, schools, community or club facilities, and similar public or semi-public facilities, including recreational facilities subject to conditions set out in the R-I District concerning such uses.
4. Commercial or retail uses, including offices and clinics provided they meet the following criteria:
  - a. The location is appropriate in relation to other land uses.
  - b. The proposed use is designed so that it will primarily serve the planned development.
5. Condominiums and Townhouses.
6. Multi-family dwellings, guest houses.
7. Public and semi-public buildings and uses.
8. Single-family detached dwellings.
9. Camping, provided that such activity is limited to personal use of camping equipment, camping accessories, or both, on private property by the property owner or by others with the property owner's permission and without the exchange of any form of compensation or remuneration. Camping as a permitted use hereunder shall not exceed seven (7) consecutive days in duration or occur more than four times per calendar year. A minimum of fourteen (14) days is required between each camping period. Property on which camping is permitted shall be maintained in a clean and



sanitary manner. All other uses or activities related to camping shall comply with all other provisions of the City of Carnesville Code of Ordinances or state law.

**Sec. 40-42. Conditional uses.**

1. Group camp developments, with a minimum land area of ten (10) acres. Such development may include hotels, apartments, cabins, country clubs, trailer and tent accommodations, commercial boating facilities, and retail sales, providing such retail sales are incidental to the group camp activities; provided, however, that there shall be a minimum of 4,000 square feet of lot area for each dwelling unit or non-housekeeping accommodation and that there shall be not less than twenty (20) feet of open space between buildings; provided that such group camp developments are not used as permanent residential accommodations by any group or member of a group, excepting managers, night-watchmen, or other employees whose duties require permanent residence on the premises.
2. Manufactured homes and modular homes on individual lots, but not including mobile home parks or manufactured home parks, or mobile homes.
3. Static electrical transformer stations and gas regulator stations if essential for the service of the immediate area and subject to the following conditions: such uses shall be enclosed within a woven wire fence, shall be suitably landscaped to provide additional screening, and the storage of vehicles and equipment on the premises shall be prohibited.

**Sec. 40-43. Density controls.**

The maximum number of dwelling units per acre in residential areas of a PUD shall not exceed 5.5 dwelling units per acre. For purposes of this section, density shall be interpreted as the number of dwelling units per net acre\* available for residential development.

*\*Net acreage shall include the land area and parcels used primarily for residential purposes remaining after all open green spaces (including private lakes), common areas, recreation and amenity areas, retention and storm water ponds, centralized mail kiosk centers, offsite parking areas, electric vehicle charging centers, streets, cul-de-sacs, sidewalks, motorized cart or pedestrian paths; either held under individual, HOA, or collective ownership, are subtracted from the gross acreage.*

The City Council may allow a higher overall density, or a higher density of a particular residential use provided the applicant can show that such higher density will not be detrimental to the surrounding neighborhood. The City Council shall consider a Variance to the required density only on a favorable recommendation from the Zoning Administrative Officer.

Land area proposed for common open space may be allocated to detached single-family dwellings, duplexes, townhomes, and multi-family use area in proportion to the ratio of the area of each use to the total area of residential use, provided that open space acreage allocated to a use must be reasonably accessible to that use.

**Sec. 40-44. Dimensional and bulk regulations.**

The location of all proposed structures shall be as shown on the development plan, subject to minimum lot size, setback lines, lot coverage or floor area, specified in the approved plan. The proposed location and arrangement of structures shall not be detrimental to existing or proposed adjacent dwellings or to the development of the neighborhood.

Unless topographical or other barriers protect the privacy of existing adjoining uses, the City Council, upon recommendation of the planning commission, may impose one or both of the following requirements:

- a. Structures or buildings located at the perimeter of the development shall be set back a distance of at least one hundred (100) feet to protect the privacy and amenities of adjacent, existing uses.
- b. Structures or buildings located at the perimeter of the development shall be permanently screened in a manner which sufficiently protects the privacy and amenities of the adjacent, existing uses.

**Sec. 40-45. Control of area following completion.**

1. After completion of a PUD, the use of land and construction, modification or alteration of any buildings or structures within the area covered by the plan shall be regulated by the approved Development Plan.
2. No changes may be made in the approved Development Plan except as provided below:
  - a. Minor extensions, alterations, or modifications of existing buildings or structures may be permitted after review and approval by the Zoning Administrative Officer, provided they are substantially consistent with purposes and intent of the Development Plan.
  - b. Substantial change in permitted uses, location of building or other specifications of the Development Plan may be permitted following public hearing and approval by the City Council after receipt of recommendations from the Zoning Administrative Officer.

**ARTICLE VIII. CBD, CENTRAL BUSINESS DISTRICT**

**Sec. 40-46. Purpose and intent.**

The Central Business District is intended to provide areas for limited small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. The district is not intended to accommodate more intensive commercial activities that are of such magnitude or type that would result in the generation of excessive traffic, noise, odors, pollution, safety hazards, or other adverse impacts which would detract from the desirability of adjacent properties for residential use. In general, the business district includes

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offices and retail and service establishments but excludes those highway-oriented uses which involve use of chemicals and outside sales and storage.

**Sec. 40-47. Permitted uses.**

1. Accessory uses and structures normally incidental to principal permitted uses and structures.
2. Antique shops and antique malls.
3. Art and school supply stores.
4. Bake shops and bakeries, but not including wholesale.
5. Banks and financial institutions, including drive-in, drive-through and automatic teller facilities as accessory uses, not to exceed 10,000 square feet of gross floor area.
6. Barber shops and beauty shops.
7. Book or stationary stores.
8. Churches, temples, synagogues and places of worship, and their customary accessory uses and structures, including cemeteries, provided principal buildings are setback at least fifty (50) feet from any residential zoning district and screened therefrom by an opaque fence or densely planted buffer strip.
9. Clubs, lodges, fraternal institutions, and other places of public assembly for membership groups, non-profit or for profit, not to exceed 10,000 square feet of gross floor area.
10. Convenience food and retail stores with or without retail gasoline sales.
11. Day care centers.
12. Drug stores.
13. Dry cleaners and laundromats not exceeding 2,500 square feet of total floor area.
14. Electronic equipment sales.
15. Food and grocery stores.
16. Food catering establishments.
17. Florist shops.
18. Gift shops.
19. Hardware stores, excluding outside sales and storage.
20. Hobby shops.
21. Ice cream and yogurt shops.
22. Instructional studios, such as music, dance, gymnastics, aerobics and martial arts.
23. Interior decorating shops.
24. Jewelry stores.

25. Libraries, museums, and art galleries.
26. Locksmith shops.
27. Music stores.
28. Offices, business, medical, professional, insurance and real estate, and general.
29. Paint stores.
30. Parking lots as principal or accessory uses.
31. Photocopying, printing and reproduction services not exceeding 2,500 square feet of total floor area.
32. Photography shops and studios.
33. Public and semi-public buildings and uses.
34. Record, tape, and video rental and sales stores.
35. Recycling collection centers, but not including processing of recyclable materials.
36. Residences
  - Includes:
    - a) apartments not to exceed 12 units.
    - b) residential occupancy above the first floor of commercial buildings, subject to provision of required parking for all uses.
37. Restaurants including drive-in and drive-through facilities.
38. Schools: public elementary, middle, and secondary, and public and private colleges and universities.
39. Schools: parochial, private vocational, technical and others, non-profit or operated for profit.
40. Seasonal or temporary activities such as farmers' markets or produce stands, provided:
  - a) Adequate off-street parking is made available.
  - b) The activity will not create noise, dust, traffic hazards, or other nuisances not compatible with permanent uses in the district.
  - c) At the end of the season or temporary use, the premises shall be returned to their original condition before the use was instituted or a condition considered equivalent or better than the original condition.
41. Snack and sandwich shops.
52. Travel agencies.

**Sec. 40-48. - 40-60. Reserved**

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**Sec. 40-61. Height, placement, area, and density requirements.**

In accordance with Article XIII of this Ordinance.

***ARTICLE IX. C-1 COMMERCIAL BUSINESS DISTRICT***

**Sec. 40-62. Purpose and intent.**

The Commercial Business District is intended to provide adequate space for various types of general business uses that serve residents on a community level rather than neighborhood level, including the retailing of major goods and services of large scale, automotive and other types of more intensive commercial activities and establishments. Those types of businesses which are inherently dangerous, obnoxious, or otherwise detrimental to the neighborhood are prohibited.

**Sec. 40-63. Permitted uses.**

1. Any use permitted in the Central Business District (CBD) as enumerated in Sec. 40-47.
2. Accessory uses and structures normally incidental to permitted principal uses.
3. Agricultural implement and equipment sales, service, rental, and repair.
4. Animal hospitals and veterinary clinics.
5. Auction facilities.
6. Assembly halls, auditoriums, and meeting halls.
7. Automobile, boat, truck, motorcycle, bicycle and other vehicle rental, repair, service/sales.
8. Automobile, boat, truck, motorcycle, bicycle, and other vehicle parts sales.
9. Automobile car washes, including automated, full-service, or self-service.
10. Automobile and truck travel centers.
11. Billiard halls, poolrooms, and amusement/video arcades.
12. Blueprinting establishments.
13. Bowling alleys.
14. Building materials sales and lumber yards.
15. Cabinet shops.
16. Camper and recreational vehicle sales, service, and repair; but not including Recreational Vehicle (RV) Parks.
17. Christmas tree sales.

18. Circuses and carnivals.
19. Contractor's establishments, building, electrical and plumbing.
20. Convalescent homes, nursing homes, group homes, rehabilitation centers, sanitariums and similar institutionalized residential facilities involving professional care and treatment.
21. Department stores.
22. Dry cleaning establishments, laundromats, and laundries.
23. Equipment rental, sales and service.
24. Exterminators and pest control businesses.
25. Firearms sales and service, including gun clubs and indoor shooting ranges.
26. Firewood sales.
27. Flea markets.
28. Floor covering stores.
29. Funeral homes, mortuaries, and mausoleums.
30. Furniture, fixtures, and home furnishing stores, including rental, finishing, repair and sales but not manufacturing.
31. Garden supply centers, greenhouses and landscaping services.
32. Golf courses, golf driving ranges, miniature golf courses, and baseball batting cages.
33. Hardware stores, including outside sales and storage.
34. Health clubs and spas.
35. Heliports and helistops.
36. Hospitals and clinics.
37. Kennels.
38. Lawn mower rental, repair and sales and service shops.
39. Machine shops.
40. Mini-warehouses and mini-storage facilities, where no individual storage stall or compartment exceeds 500 square feet of total floor area.
41. Mobile/manufactured home and mobile/manufactured building sales, but not including residential occupancy of mobile homes.
42. Monument sales establishments.
43. Open air business uses.
44. Palm reading and fortune telling establishments.
45. Pawn shops.

46. Pet stores and grooming establishments.
47. Printing establishments.
48. Racetracks for animals or motor-driven vehicles, provided the site contains a minimum of fifteen (15) acres.
49. Radio and television studios, and cable television stations, including broadcasting towers and satellite receiving antennas as accessory uses.
50. Recycling collection centers, but not including the processing of recyclable materials.
51. Repair of household appliances.
52. Research and scientific laboratories.
53. Residences for a caretaker or night watchman.
54. Restaurants, including drive-in and drive-through facilities.
55. Sign fabrication and painting shops, occupying not more than 2,500 square feet of floor area.
56. Skating rinks.
57. Taxicab and limousine services.
58. Taxidermist shops.
59. Theaters, indoor and outdoor.
60. Welding shops.

**Sec. 40-64. Conditional uses.**

1. Warehousing and inside storage uses which occupy no more than 10,000 square feet of floor area.
2. Wholesale establishments which occupy no more than 10,000 square feet of floor area.
3. Manufacturing and fabrication as inside uses only which have no more than twenty (20) full or part-time employees.

**Sec. 40-65. Screening and setback required.**

Any permitted use in Commercial Business District shall be located at least fifty (50) feet from a residential district and separated from residential property lines by an opaque fence at least six (6) feet high or a densely planted buffer strip at least ten (10) feet wide.

**Sec. 40-66. Height, placement, area and density requirements.**

In accordance with Article XIII of this Ordinance

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## **ARTICLE X. A, AGRICULTURAL DISTRICT**

### **Sec. 40-67. Purpose and intent.**

It is the intent of this district to facilitate the orderly and economically efficient development of Carnesville from existing built-up areas outward to the city's perimeter by establishing and preserving areas for low intensity uses such as agricultural, low density residential, and outdoor recreational uses in outlying areas without permitting an intensity of development which would require provision of additional public facilities and services in those areas until the land preserved for non-agricultural uses has been developed to the extent that agricultural land is needed for expansion of urban uses.

### **Sec. 40-68. Permitted uses.**

1. Accessory buildings and uses including barns, poultry houses for family use only, and other structures for the maintenance of livestock; storage sheds; implement sheds; roadside stands for the sale of farm products; and similar uses.
2. Any agricultural or horticultural use, including livestock, and poultry; provided no building or enclosure for the maintenance or shelter of animals shall be located within three hundred (300) feet of any private residence, other than that of the owner, or any public building, and no closer than one hundred fifty (150) feet from any property line. Pastures are not considered enclosures under the provisions set out above. Shelters or enclosures for three (3) or less household pets may be located within the three hundred (300) foot requirement, provided they meet the provisions of the sanitary rules and regulations of Franklin County and/or health regulations of the State of Georgia. The definitions of "household pets" other than animals customarily kept as pets shall be determined by the appropriate health official.
3. Single-family residences including modular and manufactured homes, but not mobile homes, with a minimum lot size of one (1) acre, provided that any new residence, other than that of the owner, shall be located at least three hundred (300) feet from any building or structure used for the shelter or maintenance of farm animals. Modular and manufactured homes shall meet the criteria specified for manufactured/modular homes in the R-I District (Article VII, Section 40-32.4).

### **Sec. 40-69. Conditional uses.**

1. Churches and related activities and cemeteries with the provision of off-street parking facilities.
2. Customary home occupations conducted within a principal building persons residing on premises, provided that not more than thirty (30) percent of the floor area of the principal building shall be used for such purpose and off-street parking is furnished.
3. Greenhouses and nurseries with provision of off-street parking.



4. Parks, playgrounds, and other outdoor recreational facilities, either public or commercial, with provisions for off-street parking.
5. Utility company facilities on premises which are necessary for the convenience and general welfare of the public such as telephone exchanges, pump houses, transformer substations, pressure reducers, cable easements, and similar installations. Such facilities shall be landscaped, enclosed by proper fencing, and buildings shall be architecturally harmonious with the surrounding area.

**Sec. 40-70. Height, placement, area and density requirements.**

In accordance with Article XIII of this Ordinance.

***ARTICLE XI. I, INDUSTRIAL DISTRICT***

**Sec. 40-71. Purpose and intent.**

It is the intent of this section to locate areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses and to make provision for certain kinds of commercial uses which are most appropriately located as neighbors of industrial uses, or which are necessary to service the immediate needs of people in these areas. Within the restricted industrial district (I), the following uses shall be permitted:

1. Any warehousing, wholesaling, storage or manufacturing.
2. Bottling works.
3. Lumberyards and storage yards, including construction yards and contractor's yards.
4. Coal yards or wood yards.
5. Storage of petroleum products, but only after the location of the premises has been approved by the fire chief and further provided that mobile home parks or residences shall not be located within 500 feet of the location.
6. Textile manufacturing or processing.
7. Fabrication of wood and metal products.
8. Trucks or transfer terminals or freight houses, or bus garages and repair shops.
9. Ice manufacturing plant.
10. Laboratories, experimental, film or testing.
11. Wholesale establishments, including building material yards.
12. Stone and granite quarry operations
13. Any industrial use, provided that such use shall not be likely to be dangerous, offensive or detrimental to the health, safety, welfare, or general character of this zoning district

or of the community by reasons of the emission of dust, gas, smoke, noise, fumes, odors, vibrations, glare or otherwise.

14. Accessory uses and buildings which are clearly incidental to a permitted use and which will not create a nuisance or hazard.
15. Any building or land may be used for any purpose not in conflict with any ordinance of the county regulating nuisances; provided, however, that no building shall be erected, reconstructed or structurally altered for residential purposes except for resident watchmen and caretakers employed on the premises.
16. No permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the planning commission and the City Council:
  - a. Acid manufacture.
  - b. Cement, lime, gypsum or plaster of Paris manufacture.
  - c. Stockyards, or slaughter of animals.
  - d. Ammonia, chlorine or bleaching powder manufacture.
  - e. Asphalt manufacture or refining.
  - f. Auto wrecking and junkyard.
  - h. Linoleum manufacture.
16. The following uses shall not be permitted in this or any other district:
  - a. Distillation of bones and glue manufacture.
  - b. Explosive manufacture or storage.
  - c. Fertilizer manufacture.
  - d. Reduction or dumping garbage, offal or dead animals.
  - e. Refining of petroleum or its products.
  - f. Paper or paper pulp manufacture.
  - g. Smelting of tin, copper, zinc or iron Ore.

**Section 40-72. Height, Placement, area, and density requirements.**

In accordance with Article XIII of this Ordinance.

## **ARTICLE XII. FH, FLOOD HAZARD AREA.**

### **Sec. 40-73. Purpose and intent.**

It is the intent of this section to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas of Carnesville by provisions designed to:

1. restrict or prohibit uses which are dangerous to health, safety, or property due to water or erosion hazards or which result in damaging increases in erosion or in historical flood heights or velocities;
2. discourage individuals from buying lands which are unsuited for development or other intended uses due to flood or erosion conditions;
3. control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
4. control filling, grading and mineral extraction which may increase erosion or flood damage;
5. prevent and regulate the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards to other lands;
6. avoid losses resulting from periodic inundation which could result in the loss of property, create health and safety hazards, disrupt commerce and government services, call for extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

### **Sec. 40-74. Flood Damage Prevention Ordinance (Prevailing Ordinance for Development)**

The Flood Damage Prevention Ordinance shall be the prevailing ordinance for land development in a designated flood hazard area within the city, except as provided in Sec. 1403. Permitted Uses of this ordinance.

### **Sec. 40-75. Permitted uses.**

The uses listed below which have low flood damage potential and do not threaten other lands during times of flood shall be permitted within FH districts; provided, they are not prohibited by any other ordinance, and do not require storage of materials, structures, flood control works, substantial filling or grading, or disturbance of stream banks or existing stream carrying capacities. No use shall be permitted which will impede or otherwise adversely affect the capacity of the channel or floodway of a stream, drainage ditch or any other drainage facility or system.

1. Public or private recreational uses such as camping, open space, boat docks, beaches, boat ramps, picnic tables and shelters, and other small platforms not subject to flood damage, and hiking and horseback riding trails, etc.

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**Sec. 40-76. Conditional uses.**

1. The construction of soil erosion control and prevention structures or protective barriers provided they do not enhance floodwaters up or downstream or on other lands.
2. Uses or structures accessory to open space or permitted uses, provided they are not subject to floodwater damage, are properly anchored, and present no threat to the impairment of the free flow of such floodwaters.

**Sec. 40-77. Height, placement, area, and density requirements.**

In accordance with Article XIII of this Ordinance.

**ARTICLE XIII. HEIGHT, PLACEMENT, AREA, AND DENSITY REQUIREMENTS**

**Sec. 40-78. Building height and placement requirements.**

Except as otherwise specifically provided in this ordinance, no structure shall be erected between any lot line and the pertinent setback distance listed in Table 1, and no structure shall be erected which exceeds the height limit specified in Table 1.

TABLE 1. HEIGHT LIMITS AND MINIMUM SETBACKS FROM PROPERTY LINES  
(IN FEET)

District	Height Limitation	Front Setbacks		Rear Setback*	Side Setback*
		Public Highways	Other Streets		
Residential: Single-family (R-1)	35	60	20	15	15
Multiple-family (R-2)	35	60	20	15	15
Planned Unit Development (PUD)	35	60	20	(Determined from plans.)	(Determined from plans.)
Central Business District (CBD)	35	15**	15**	5**	0**
Commercial Business District (C-1)	35	15**	15**	1**	1**
Agricultural (A)	35	60	35	15	15
Industrial (I)	35	60	35	15	15

Flood Hazard (FH)	35	(Determined from plans in conditional use process)	(Determined from plans in conditional use process)	(Determined from plans in conditional use process)	(Determined from plans in conditional use process)
<p>*Requirements for townhomes are set out in Article XVII.</p> <p>**Dwellings in CBD and C-1, except those on second floor of shops, shall meet the setback requirements for R-1 Districts.</p>					

40-78.1. Where a lot abuts two streets, the front setback for that district shall apply to both frontages, including corner lots, reverse and double frontage lots.

40-78.2. The side setback requirements apply to a side lot line and to any lot line which is neither a front, rear, nor side lot line.

40-78.3. The setback requirements of these regulations for dwellings shall not apply to any lot where the average setback on developed lots located wholly or in part within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback may be less than the required setback for the district but not less than the average of the existing setbacks on the developed lots. This section shall not be construed to allow less setback on lots which extend a developed area, but only to allow the filling in of vacant lots in developed areas.

40-78.4. In such cases as the street right-of-way has not been established or cannot be determined, said front yard/front building setback requirement shall be measured from a point ten (10) feet beyond the construction limits of the road (edge of pavement or curb or edge of drainage ditch, whichever is greater).

40-78.5. Height limitations shall not apply to chimneys, smokestacks, church spires and steeples, domes, flag poles, public monuments, observation towers, water towers, non-commercial radio and television towers, electricity transmission facilities and towers, and other similar utility structures.

40-78.6. All setback requirements set forth herein this Article XVI shall not apply to natural screenings and buffers, fences, walls, walkways, and steps except as otherwise set forth in this Section 40-78.6. Subject to the foregoing requirements, all natural screenings and buffers, fences, walls, walkways, and steps shall be constructed, erected, or planted within a lot's boundary. The foregoing notwithstanding, in such instances where a lot boundary abuts a right-of-way, such natural screenings and buffers, fences, walls, walkways, and steps to be constructed, erected, or planted along the lot boundary adjacent to such right-of-way shall be set back at least four (4) feet from the edge of the right-of-way boundary regardless of whether this boundary coincides with the actual edge of the physically improved area used for travel purposes that is present

on the ground. For example, if the boundary of the right-of-way is thirty (30) feet wide, but the portion used for travel purposes, including any improved area located within the right-of-way for travel purposes, is only twenty-four (24) feet wide, then the setback referenced herein shall be measured from the boundary line of the right-of-way (i.e., thirty (30) feet) rather than from the edge of the improved area used for travel purposes located within the right-of-way (i.e., twenty-four (24) feet). If the boundary of such existing right-of-way has not been established or cannot be reasonably determined, then such natural screenings and buffers, fences, walls, walkways, or steps shall be set back four (4) feet from the edge of the improved area that is used for travel purposes within the presumptive right-of-way. The provisions of this Section 40-78.6 shall be read in conjunction and harmony with, and construed to require adherence and compliance with, any additional requirements contained in the Zoning Ordinance of the City of Carnesville, Georgia.

**Sec. 40-79. Lot requirements.**

Except as otherwise specified in this ordinance, no structure shall be erected on any lot which does not fulfill the requirements for area, width, depth, and density set out in table 2.

TABLE 2. MINIMUM STANDARDS FOR LOT WIDTH AND AREA AND DENSITY

District	Minimum Lot Width in Feet	Minimum Area in Square Feet		Maximum Units Per Net Acre
		Per Lot	Per Dwelling Unit	
R-1	100	15,000	15,000	2.9
R-2	80	10,000	7,500	5.8
PUD	None	None	7,920	5.5*
CBD	None	None	4,500	9.7
C-1	None	None	4,500	9.7
A	None	217,800 (5 acres)	None	1.0
I	None	43,560	(Determined from plans)	(Determined from plans)
FH	100	15,000	15,000	(Determined from plans)

\*NOTE: Health department may require a larger lot size if lots are not served by public water and sanitary sewerage.

40-79.1 Where the owner of a lot at the time of the adoption of this ordinance or his in title thereto does not own sufficient land to enable him to meet the minimum lot size requirements of these regulations, such lot may be used as a building site; provided that the City Council, upon recommendation from the planning commission, and the appropriate health officer find that the owner's building plans are consistent with existing health codes, and that the building plans will not otherwise adversely affect the health, safety, welfare, convenience, or property values of the area.

40-79.2. In a district which requires side setbacks, if two or more adjoining and vacant lots with continuous frontage are in a single ownership at the time this ordinance becomes effective and such lots are individually less than fifty (50) feet in width, such groups of lots shall be considered as a single lot or several lots of minimum permitted size, and the lot or lots in one ownership shall be subject to the requirements of this ordinance.

## **ARTICLE XVII. TOWNHOME REGULATIONS**

### **Sec. 40-80. Purpose and intent.**

It is the intent of this section to facilitate appropriate intermingling of townhomes, in districts where they are permitted, with other types of housing to provide another means of efficient, economical, comfortable, and convenient use of land and open space to serve the public purposes of zoning by methods which are alternative to conventional arrangements of yards and building areas.

### **Sec. 40-81. Townhome regulations.**

Pursuant to the intent set out above, the following regulations shall apply to all townhomes, except that said restrictions shall not necessarily apply within the PUD, Planned Unit Development District:

1. To avoid monotony of construction and confusion in locating houses, building lines of houses in the same row shall be staggered and facades of individual houses be varied by a minimum of two (2) feet.
2. Not more than ten (10) contiguous townhomes or less than three (3) shall be built in a row with the same or approximately the same building line.
3. Minimum width for the portion of the lot on which a townhome is constructed shall be eighteen (18) feet.

4. Lot area shall average no less than two thousand four hundred (2,400) square feet, and the minimum of any single lot shall be two thousand (2,000) square feet.
4. The minimum square footage of a townhome shall, except as otherwise permitted, be at least 1,400 heated square feet.
5. No portion of a townhome or accessory structure in or related to one group of contiguous townhomes shall be closer than twenty (20) feet to any portion of a townhome or accessory structure related to another group or to any property line.
6. No side or rear yard, as such, is required in connection with any townhome, except that the front yard shall be no less than thirty-five (35) feet in depth from the front property line to the building line and the side setback for corner lots shall be the same as the front setback. End buildings in each townhome group shall conform to the side yard requirements for the district in which they are located. Each townhome shall be located on its own lot.
7. Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. No off-street parking space shall be more than two hundred (200) feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve. On major thoroughfares, common parking, and Commercial C-I Districts facilities for three (3) or more automobiles shall provide space outside the public right-of-way for maneuvering incidental to parking.
8. Density shall not exceed the maximum dwelling units per acre permitted for the zoning district within which the subject property is located, as specified in Article XIII, Section 40-79.

## **ARTICLE XVIII. BOARD OF ZONING APPEALS**

### **Sec. 40-82. Creation and composition.**

A Board of Zoning Appeals is hereby established. The Board of Zoning Appeals shall perform all its duties and exercise all of its powers in such a way that the purpose and intent of the zoning regulations shall be accomplished, public health, safety and welfare secured, and substantial justice done.

The City Council shall serve as the Board of Zoning Appeals. Four (4) members present shall be required to constitute a quorum. The Mayor shall preside over such meetings. The chairman (mayor) shall not vote except in cases of a tie-vote between the other members. In cases of a tie-vote and the chairman excuses himself from voting, then such tie-vote shall constitute denial of said motion, application, or action. A Secretary shall be appointed, or in lieu of such appointment, the City Clerk or the Zoning Administrative Officer shall serve as the Secretary of the Board of Zoning Appeals.



#### **Sec. 40-83. Meetings and records.**

The Board of Zoning Appeals shall meet at the call of the chairman, or at such other times as the Board of Zoning Appeals may determine, and all such meetings shall be open to the public. Meetings of the Board of Zoning Appeals may be conducted on the same calendar day as a regular meeting of the mayor and city council. However, such meeting shall take place separate from such regular meeting and shall be adjourned or convened before or after such regular meeting. The board shall adopt rules for the transaction of business, or in lieu of such rules, the board shall follow "Robert's Rules of Order," latest edition. The board shall keep record of its findings, proceedings, and official determinations, which shall be kept separate from minutes of any other meetings of the governing body, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and such records shall be public record and available for purchase by interested parties at a reasonable cost. The board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it. On all appeals, applications and matters before the board, said board shall inform in writing all parties involved in its decision.

#### **Sec. 40-84. Appeals.**

The board is empowered to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrative Officer, any official in the interpretation or enforcement of these zoning regulations.

The board is empowered to hear an appeal made by any person, firm, or corporation, or by any officer, department, board, or bureau affected by any decisions of the Zoning Administrative Officer or other official based on the Zoning Regulations.

Such appeal shall be taken within sixty (60) days, or as provided by the rules of the board, by filing with the Zoning Administrative Officer notice of appeal specifying the grounds thereof. All papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted to the Board of Zoning Appeals.

The board shall select a reasonable time and place for the hearing of the appeal and give at least fifteen (15) days of public notice thereof and due notice to the parties in interest and shall render a decision on the appeal within a reasonable time.

#### **Sec. 40-85. Variances.**

The Board of Zoning Appeals is hereby empowered to authorize upon application in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will in an individual case, result in unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. The existence of a non-conforming use of neighboring land, buildings, or structures in the same zoning district or of permitted or non-conforming uses in other districts shall not constitute a

reason for the requested variance. A variance may be granted in an individual case of unnecessary hardship, after appropriate application, upon specific findings that all of the following conditions exist. The absence of one (1) of the conditions shall be grounds for denial of the application for Variance.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to
2. A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located; and
3. Granting the Variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located; and
4. Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonable affect their value; and
5. The special circumstances are not the result of the actions of the applicant; and
6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and
7. The variance is not a request to permit the use of land, building or structures which are not permitted by right in the district involved.

**Sec. 40-86. Conditional Approval permitted.**

In exercising the powers to grant appeals and approve variances, the board may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the requirements of these regulations.

In exercising its powers, the Board of Zoning Appeals may, in conformity with the provisions of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the Zoning Administrative Officer and may issue or direct the issuance of a permit. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrative Officer.

**Sec. 40-87. Approval period limited.**

No order of the board permitting the erection or alteration of a building or other variance shall be valid for a period of longer than six (6) months unless such use is established within such period; provided, however that such order by the board shall continue in force and effect if a

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building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

**Sec. 40-88. Application, hearing, and notice.**

Applications for variance shall be made in accordance with all applicable provisions of Article XIX.

***ARTICLE XIX. AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS***

**Sec. 40-89. Authority to amend.**

The City Council may from time to time amend the number, shape, boundary, or area of any district, or may amend any regulation pertaining to any district; or may amend any article or section of these regulations. The procedure for amending these regulations shall be as provided in this article.

**Sec. 40-90. Initiation of zoning amendments.**

A petition to amend the text of these zoning regulations or the Official Zoning Map may be initiated by the City Council, or any person, firm, corporation or agency that owns property involved in a petition for amendment, subject to the provisions established herein.

**Sec. 40-91. Frequency of application.**

The City Council may at any time file, in its own name, an application for amendment to the text of the zoning regulations or the Official Zoning Map, except that if a zoning decision of the City Council is for the rezoning of property and the amendment to the Zoning Ordinance and Map to accomplish the rezoning is defeated by the City Council, then the same property may not again be considered for rezoning until the expiration of at least six (6) months immediately following the defeat of the rezoning by the City Council.

A property owner or subsequent property owner shall not initiate action for a Map Amendment, Conditional Use Permit, Certificate of Appropriateness or Variance affecting the same or any portion of property more often than once every twelve (12) months from the date of any previous decision rendered by the City Council; provided, however, that a property owner may petition for the alteration, modification or deletion of conditions of zoning in accordance with the provisions of this article.

A property owner or subsequent property owner shall not initiate action for a text amendment affecting the same or any portion of property more often than once every twelve (12) months from the date of any previous denial rendered by the governing body.

**Sec. 40-92. Withdrawal of amendment application.**

Any petition for an amendment to the zoning regulations, Official Zoning Map, Conditional Use Approval, or Variance may be withdrawn, at the discretion of the person or agency initiating such a request, at any time prior to final action by the governing body upon written notice to the zoning administrative officer. Any required application fees shall be refunded to the applicant only if such application has not been prepared and submitted for advertisement as determined by the Zoning Administrative Officer.

**Sec. 40-93. Application requirements.**

Application materials specified in this section shall be required for the following petitions: amendments to the Official Zoning Map, alterations or extensions of Conditional Zoning, Conditional Use Permits, Development Plan approvals within the Planned Unit Development (PUD) District, and Variances or Appeals to the Board of Zoning Appeals. Said requirements do not apply to applications for a Certificate of Appropriateness.

1. An application form furnished by the Zoning Administrative Officer; and
2. A legal description of the property to be considered in the application. The legal description shall be by metes and bounds unless an alternative legal description is accepted by the Zoning Administrative Officer. Boundary surveys of the property should be submitted with the application whenever available; and
3. A letter of intent which describes general characteristics of the proposed development such as type and time frame of development, background information in support of such application, and any other information deemed pertinent by the applicant. For variance applications, the letter of intent shall address the criteria specified in Section 40-85 of these regulations. For Zoning Map Amendment applications, the letter of intent shall address the standards specified in Section 40-95 of these regulations. For Conditional Use Permit applications, the letter of intent shall address the standards specified in Section 40-96 of these regulations.
4. A site plan with all information specified in Section 40-94, except that Zoning Map Amendment applications for R-I zoning shall not require a site plan. Unless otherwise noted in the approval, the site plan submitted in support of an approved application shall be considered a part of the approval and must be followed.
5. A fee for said application as established by the City Council from time to time.
6. Applications which require action by the governing body shall also require disclosure of any conflicts of interest as specified in Chapter 67A of the Georgia Code, "Conflict of Interest in Zoning Actions."

Applicants shall submit three (3) hard copies of any required site plans, Development Plans, and Letters of Intent to the zoning administrative officer for distribution to the applicable bodies and/or review agencies. The Zoning Administrative Officer may require hard copies or electronic copies depending on the nature and extent of required review.

**Sec. 40-94. Site plan requirements.**

All site plans required by this article shall, at a minimum, contain the following information:

1. Title of the proposed development and the name, address, and telephone number of the property owner.
2. The name, address, and telephone number of the architect, engineer or other designer of the proposed development.
3. Scale, date, north arrow, and general location map showing relationship of the site to streets or natural landmarks.
4. Boundaries of the subject property, all existing and proposed streets, including right-of-way and street pavement widths; buildings; water courses; parking and loading areas; and other physical characteristics of the property and proposed development.
5. Building setbacks, buffers, landscape strips, and tree protection zone.

**Sec. 40-95. Criteria to consider for Zoning Map Amendments.**

The applicant, staff, and governing body should review an application for Zoning Map Amendment with regard to the following criteria:

1. The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.
2. The extent to which property values are diminished by the particular zoning restrictions.
3. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.
4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.
5. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.
6. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request.
7. The zoning history of the subject property.

8. The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.
9. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan, Future Land Use Plan, or other adopted plans.

The Zoning Administrative Officer and City Council may consider other factors deemed relevant before formulating recommendations and acting on a particular request.

**Sec. 40-96. Criteria to consider for conditional uses.**

The applicant, Zoning Administrative Officer, and City Council should review applications for conditional uses regarding the following criteria:

1. Off-street parking and loading facilities are adequate in terms of location, amount, and design to serve the use.
2. The number, size and type of signs proposed are compatible with the surrounding area.
3. The amount and location of open space and the provision of screening is such that buffering of incompatible uses is achieved.
4. Ingress and egress to the property is suitable and safe, and the effect of the proposed activity on traffic flow along adjoining streets is not adverse.
5. The location and intensity of outdoor lighting is such that it does not cast light on adjacent, adjoining, or neighboring properties.
6. Hours and manner of operation of the proposed use are not inconsistent with adjacent and nearby uses.
7. Public facilities and utilities are capable of adequately serving the proposed use.
8. The proposed use will not have a significant adverse effect on the level of property values, or the general character of adjacent land uses or the general area.
9. The physical conditions of the site, including size, shape, topography, and drainage, are suitable for the proposed development.
10. The proposed use is consistent with the goals and objectives of the Comprehensive Plan of the City of Carnesville.

The Zoning Administrative Officer and City Council may consider other factors deemed relevant before formulating recommendations and acting on a particular Conditional Use application.

**Sec. 40-97. Public Notice and Public Hearing Required**

This section shall apply to all applications for amendments to the text of the zoning regulations, amendments to the Official Zoning Map, petitions for Variances and Appeals to the Board of Zoning Appeals, requests for Conditional Use approval, requests for alteration or

extension of Conditional Zoning, and petitions for development approval for property within the PUD, Planned Unit Development District.

#### A. Definitions

1. A “Zoning Decision” is defined as a final *legislative decision* that results in the adoption or repeal of a zoning ordinance, an amendment changing the text of a zoning ordinance, the adoption or denial of an amendment to rezone property, the adoption or denial of an amendment to zone property being annexed, grant or denial of a special use permit, grant or denial of a variance, grant or denial of a variance or conditions placed on a rezoning or special use permit.
2. A “Quasi-judicial Zoning Decision” is defined as hearings of appeals of administrative decisions, hearing and rendering decisions on variances, special administrative permits, special exceptions, conditional use permits, or similar permits not defined as a *zoning decision.*”

#### B. Notice Requirements for Applications for Amendments

1. Upon receipt of a completed application, fees and other information required by this Article, the Zoning Administrative Officer shall cause notice of such application to be published at least one (1) time in a newspaper of general circulation in the community at least fifteen (15) days but not more than forty-five (45) days prior to the date of public hearing before the City Council.
2. Said published notice shall include, as a minimum, the purpose, location, date and time of the Public Hearing before the City Council, the purpose, location, date and time of the public hearing, the location of the property being considered, the present zoning classification of the property, and proposed action to be taken, as appropriate, such as proposed zoning district, type of conditional use, variance to particular articles and sections, and so forth.
3. The Zoning Administrative Officer shall also cause to have posted in a conspicuous place on said property one (1) or more sign(s), each of which shall contain the information specified for published notices. The Public Hearing before the City Council shall not take place until said sign(s) have been posted for at least fifteen (15) days but not more than forty-five (45) days prior to the date of the Public Hearing.
4. Notice requirements for Zoning Ordinance amendments that would allow for multi-family uses in single family districts, abolition of single-family districts, or that would grant “blanket permission” for property owners to deviate from existing requirements of single-family residential zoning require that a notice sign be placed on EACH AFFECTED PREMISES. If there are more than 500 parcels, notice signage is required to be posted every 500 feet. An ad placed in a newspaper of general circulation in the community and must be published not less than 15 days or more than 45 days from the hearing date. The ad must give a complete description of the proposed change, must be at least 9 column

inches, cannot be in the classified section, and must state that a copy of the proposed ordinance will be furnished upon request.

5. Quasi-judicial Hearings require a minimum of thirty (30) day notice (2022 Ga HB 1405, Section 36-66-4).

### C. Public Hearing Requirements

1. Only one hearing is required for zoning decisions (text amendments, rezonings, special uses, and concurrent variances, or any combination of thereof), and one hearing per proposed action for quasi-judicial hearings. (2022 Ga HB 1405, Section 36-66-4).
2. Public Hearings for text amendments that would allow multi-family uses in single family districts, abolition of single-family districts, or would grant “blanket permission” for property owners to deviate from single family zoning requirements require two (2) public hearings that must be held three (3) to nine (9) months prior to the final adoption, with at least one (1) hearing being held between 5 p.m. and 8 p.m. Following the public hearings, there must be a first and second read of the amendment that are to be at minimum 21 days apart. (2022 Ga HB 1405, Section 36-66-4)

Public Hearings may be delayed, rescheduled, or continued at another time and date, provided announcement is given at the time and place of the initially scheduled and advertised public hearing, and provided such date, time, and location of the public hearing to be delayed, rescheduled, or continued is given. If the applicant of a petition before the City Council fails to attend the Public Hearing, then the City Council may require re-advertisement of the subject petition at the expense of the applicant. If there is no quorum of the City Council at the scheduled Public Hearing, then the Public Hearing(s) shall be rescheduled and re-advertised at the City of Carnesville’s expense.

The City of Carnesville hereby designates the Mayor as the Officer of the Quasi-judicial Board. The Mayor Pro-Tem is hereby designated to accept service of an appeal of a quasi-judicial ruling on behalf of the quasi-judicial board and the City Council respectively at Carnesville City Hall during regular posted office hours.

### **Sec. 40-98. Recommendation by Zoning Administrative Officer.**

The Zoning Administrative Officer will, as appropriate, customarily submit to the recommending and/or decision-making body, prior to a scheduled Public Hearing, copies of the site plan and letter of intent along with a written recommendation for approval, disapproval, deferral, withdrawal, or other recommendation. Said recommendation shall include reasons for said recommendations, considered within the context of the appropriate criteria as specified by these regulations. The recommendations of the Zoning Administrative Officer shall have an



advisory effect only and shall not be binding on the City Council. Copies of the Zoning Administrative Officer's recommendations, if prepared, shall be made available to the applicant and other interested parties upon completion and distribution to the appropriate bodies and at the Public Hearing.

**Sec. 40-99. Reserved**

**Sec. 40-100. Conduct of Public Hearings.**

All public hearings regarding applications considered by the Board of Zoning Appeals and City Council shall be held in accordance with any procedures adopted by said body and, in addition, shall be governed by the following procedure:

1. The presiding officer shall open the hearing by stating the specific application being considered at the public hearing. At this time the presiding officer may summarize the public hearing procedures.
2. The Zoning Administrative Officer will present a description of the proposed application, any applicable background material, his/her recommendation regarding action on said application as appropriate.
3. Persons who support the application will be asked to comment first. The petitioner may, upon recognition and upon statement of name and address, present and explain his application. The petitioner, or his designated agent, shall be required to attend the public hearing unless written notice of hardship is received prior to such meeting. Failure of the petitioner or agent to attend the public hearing or meeting, except in cases of hardship, may be due cause for dismissal or denial of such application. A time limitation may be imposed at the discretion of the presiding officer.
4. Persons who oppose the application will be asked to comment next. All interested parties, after being recognized shall be afforded an opportunity to address the proposed application by standing before the appropriate body and identifying their name, address and interest along with any comments on the proposed application. A time limitation may be imposed at the discretion of the presiding officer.
5. The petitioner shall have an opportunity for summary remarks and rebuttal concerning the proposed application.
6. Upon the completion of any comments from interested parties and the petitioner, the public hearing shall be completed and adjourned.
7. All public comments having been heard, the members of the body considering the application may discuss the request among themselves. During this discussion period, the members of the body may call on the petitioner or other interested parties to clarify points made previously or to answer questions. Said petitioner or interested parties may respond upon recognition.

**Sec. 40-101. Action by the appropriate body.**

After the public hearing has been completed, the City Council may take action to approve or deny the request, refer the application back to the zoning administrative officer for further study, or the City Council may table or defer action until a later meeting. The Board of Zoning Appeals, after the Public Hearing has been completed, may take action to approve or deny the request, or defer action until a later meeting.

**Sec. 40-102. Conditional Approval permitted.**

The Zoning Administrative Officer may recommend, and the City Council may approve, applications for Zoning Map Amendments, Conditional Use permits, and applications for development approval within the PUD, Planned Unit Development District, subject to certain conditions, provided that said conditions are set forth in the ordinance regarding approval of such application. Said conditions of approval may reduce the number or type of permitted uses, limit the nature or scope of permitted uses, restrict certain activities on the property, restrict the number and kind of improvements which can be made on the property, stipulate specific acts which the property owner will perform, or any other conditions directly related to the physical use of land, and which are designed to render the proposed zoning or use compatible with nearby properties. Applications for alteration or extension of Conditional Zoning shall be made in accordance with the requirements of this article.

**Sec. 40-103. Reversion of Conditional Zoning and / or Conditional Use Approval.**

If, after twenty-four (24) months from the date the City Council approves a Map Amendment or Conditional Use Permit, action has not been taken to utilize the property, pursuant to such conditions, such as securing a development permit, the approval shall expire. The City Council shall, by official action, cause the Conditional Use approval to expire or the zoning district to revert to the district classification assigned to the property immediately prior to pertaining to this Ordinance.

The Zoning Administrative Officer shall notify all property owners in question of pending action to rescind or revoke approvals, and such notice shall be by certified mail, dated at least fifteen (15) days prior to the date of the City Council's scheduled meeting, and directed to the owner's address as it appears on the tax rolls of the county.

Prior to notification by the Zoning Administrative Officer of any reversion of approval, the owner of the property in question may petition the City Council for a modification or extension of Zoning or Conditional Use approval. Any such extension shall be valid for twenty-four (24) months from the date of approval. Only one (1) such extension shall be permitted.

**Sec. 40-104. Approval required by an appropriate body.**

Applications for amendments to the text of the Zoning Regulations, Zoning Map Amendments, alterations or extensions of Conditional Zoning, Conditional Use Permits, and development within the PUD, Planned Unit Development District, require approval by the City

Council before development may be initiated or before such application is made effective. Applications for Variances and Appeals shall require approval by the Board of Zoning Appeals before development may be initiated or before such an application is made effective.

**Sec. 40-105. Procedure for approved zoning ordinance text amendments.**

The date of all approved amendments to the text of the Zoning Ordinance shall be indicated on the title/cover page of the text, and any sections within the Zoning Ordinance text hereafter amended or repealed shall be so indicated by an asterisk (\*, \*\*, \*\*\*, etc.) and concurring footnote providing the date such amendment was approved. All such text amendments shall be incorporated within the text without unreasonable delay.

***ARTICLE XX. SCHEDULE OF FEES***

The Mayor and Council shall establish a Schedule of Fees, charges, and expenses and a collection procedure for Building Permits, Certificates of Occupancy, Certificates of Authority, Appeals, Land Disturbing Permits, Zoning Amendments, Rezonings, Annexations, and other matters pertaining to this Ordinance. The Schedule of Fees shall be posted in the City Hall and may be altered and amended by the City Council, from time to time, to cover the costs of administration of this Ordinance. Attorney's fees, survey expenses, engineering fees, and any other costs associated with completing the requested application will be the responsibility of the applicant.

No action shall be taken on any application, appeal or zoning decision until all applicable fees, charges, and expenses have been PAID IN FULL.

***ARTICLE XXI. ADMINISTRATION, INTERPRETATION, ENFORCEMENT, PENALTIES AND REMEDIES***

**Sec. 40-106. Administration and interpretation.**

The provisions of this ordinance shall be administered by the Zoning Administrative Officer who shall be appointed by the governing body and serve at its pleasure. The Zoning Administrative Officer shall be responsible for interpretation of the provisions of these regulations and for maintenance of the Official Zoning Map.

**Sec. 40-107. Enforcement.**

The provisions of these regulations shall be enforced by the Zoning Administrative Officer/

**Sec. 40-108. Land-disturbing activity, permit required (LDP).**

When required by the State of Georgia's Erosion and Sedimentation Act of 1975, codified in O.C.G.A. § 12-7-1 et seq., a copy of any such permit required by the Erosion and Sedimentation Act of 1975 shall be presented to and filed with the zoning administrator prior to the commencement of such "land-disturbing activity" as defined in or applicable to the Zoning Ordinance of the City of Carnesville, Georgia.

All permits related to erosion and/or sedimentation shall be obtained from, and shall be enforced by, the State of Georgia's Environmental Protection Division ("EPD") or such other governmental and/or quasi-governmental entity having jurisdiction over same pursuant to the Erosion and Sedimentation Act of 1975, O.C.G.A. § 12-7-1 et seq.

**Sec. 40-109. Building Permit required.**

No building, structure, or sign, except as specifically exempted by these regulations, shall be erected, moved, extended, enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building or structure be commenced until the zoning administrative officer has issued a Building Permit for such work in conformity with the provisions of these regulations. Exception: The foregoing notwithstanding, no building permit shall be required for accessory buildings or structures two hundred (200) square feet or less that are not permanently affixed to another building or structure.

Applications for building permits shall be made in accordance with the provisions of the City of Carnesville Building Codes and shall be accompanied by plat plans in triplicate as may be required by the zoning administrative officer.

Building permits shall become invalid unless the work authorized by it commenced within twelve (12) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of twelve (12) months or more.

**Sec. 40-110. Building Inspections Required.**

Building Inspections shall be required per the Subdivision and Land Development and Building Regulations Ordinances.

**Sec. 40-111. Certificate of Occupancy (CO) required.**

A Certificate of Occupancy issued by the Zoning Administrative Officer is required in advance of occupancy or use of any lot or change or extension in the use of any lot; any building or structure hereafter erected; or any change in the use of an existing building or structure. No such certificate shall be issued unless the proposed use of a building or land conforms to the applicable provisions of these regulations. Business licenses (Occupational Tax Certificates) shall not be

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issued until the business conforms to the regulations of the district in which it is located, and a valid Certificate of Occupancy is issued.

**Sec. 40-112. Penalties for violation.**

Any person, firm or corporation violating, neglecting, or refusing to comply with any of the provisions of these regulations shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than two hundred fifty (\$250) dollars nor more than five hundred (\$500) dollars for each offense, or as determined by the court of proper jurisdiction. Each day such violation continues shall constitute a separate offense.

**Sec. 40-113. Remedies.**

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building structure or land is or is proposed to be used in violation of any provision of these regulations, the Zoning Administrative Officer or any other appropriate authority may, in addition to other remedies, and after due notice to the owner of the violation, issue a citation for violation of these regulations requiring the presence of the violator in the court of proper jurisdiction; institute injunction, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to correct or abate such violation or to prevent the occupancy of such building, structure or land. Where a violation of these regulations exists with respect to a structure or land, the administrative officer may, in addition to other remedies, require that utility service be withheld therefrom until such time as the structure or premises is no longer in violation.

**ARTICLE XXII. LEGAL STATUS PROVISIONS**

**Sec. 40-114. Relation to other ordinances and supplemental authority for codification.**

The City Clerk is hereby authorized to take all actions necessary or convenient to codify this article with appropriate indexing and/or cross references to other ordinances that are related to this article.

**Sec. 40-115. Severability.**

1. It is hereby declared to be the intention of the Mayor and Council of the City of Carnesville that all sections, paragraphs, sentences, clauses, and phrases of this article are and were, upon their enactment, believed to be fully valid, enforceable, and constitutional.

2. It is hereby declared to be the intention of the Mayor and Council of the City of Carnesville that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause, or phrase of this article is severable from every other section, paragraph, sentence, clause, or phrase of this article. It is hereby further declared to be the intention of the Mayor and Council of the City of Carnesville that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this article is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this article.
3. In the event that any section, paragraph, sentence, clause, or phrase of this article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council of the City of Carnesville that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional, or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of this article and that, to the greatest extent allowed by law, all remaining sections, paragraphs, sentences, clauses, or phrases of this article shall remain valid, constitutional, enforceable, and of full force and effect.

**Sec. 40-116. Conflict with other laws.**

Whenever the provisions of these regulations impose more restrictive standards than are required in or under any other statute, the provisions of these regulations shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by these regulations, the provisions of such statute shall govern.

**Sec. 40-117. Repeal of conflicting ordinances.**

All ordinances and resolutions and parts thereof in conflict herewith, specifically including, but not limited to, the previous Zoning Ordinance and the mobile home ordinance adopted May 4, 1982, are repealed.

**Sec. . Effective date.**

These regulations shall take effect and be in force from and after adoption, the public welfare demanding it.