

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF COMER, GEORGIA.

THE COUNCIL OF THE CITY OF COMER HEREBY ORDAINS:

WHEREAS, the Mayor and City Council have determined that it is in the best interests of and consistent with the convenience and necessity of the City of Comer to amend the Zoning Ordinance for Comer, Georgia (1999), as incorporated by reference into Section 34-101 of The Code of The City of Comer, Georgia, the following action is taken:

SECTION 1. THE ZONING ORDINANCE FOR COMER, GEORGIA (1999) IS HEREBY AMENDED BY ADDING TO SECTION 3.1 THE DEFINITION FOR "LOT LINE, FRONT," AND BY DELETING AND REPLACING THE DEFINITION FOR "LOT WIDTH," AND BY ADDING A PARAGRAPH TO ARTICLE VIII REGARDING FLAG LOTS, TO READ AS FOLLOWS:

3.1 Definitions

LOT LINE, FRONT: The linear distance along the front of a lot at the street right-of-way, or along the front boundary of the lot adjoining the street if there is no right-of-way, also commonly referred to as "frontage." (See illustration at the end of Article III, page 3-13).

LOT WIDTH: The horizontal distance between one side lot line and the other side lot line, measured at the front lot line. For front lot lines that are along a curve or that are not on a straight line, the lot width shall be measured along a tangent line to the curve as shown in the Yards and Setbacks illustration at the end of Article III, page 3-13 . For front lot lines containing multiple curves or that are not along a straight line, the lot width shall be measured along a line which subtends the front lot line such that the subtending line parallels the general direction of the street along the front lot line.

ARTICLE VIII: AREA, YARD, AND HEIGHT REQUIREMENTS is amended by adding a new paragraph at the end of the introductory paragraph stating:

Flag lots and lots accessed by a private access drive shall have the lot width and front lot line measured from the end of the private access drive.

SECTION 2. LIABILITY

1. Neither the approval of any action under the provisions of this ordinance, nor the compliance with provisions of this ordinance, shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Mayor or City Council for damage to any person or property.

SECTION 3. CONFLICTS BETWEEN SPECIFIC AND GENERAL PROVISIONS.

Where there is an apparent conflict in this Ordinance between specific and general

provisions, it is the intention hereof that the specific shall control.

SECTION 4. SEVERABILITY.

If any section, provision, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such individuality shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

SECTION 5. REPEAL OF CONFLICTING PROVISIONS.

All ordinances or parts of ordinances in conflict with this ordinance, and not preserved hereby, are hereby repealed.

SECTION 6. EFFECTIVE DATE

This Ordinance shall become effective immediately after its passage and approval in the manner prescribed by law.

Passed and approved this 8 day of August 2006, at a meeting of the Mayor and Council of the City of Comer, Georgia.

William E. Burroughs, Mayor, City of Comer

Attest:

Stephen H Sorrells, City Clerk
[CITY SEAL]

Approved as to Legal Form:

Victor Y. Johnson, City Attorney

ARTICLE VIII: AREA, YARD AND HEIGHT REQUIREMENTS

This Article is established to show the minimum size, width, and maximum height requirements for the land uses within each designated Zoning District. Lot size shall be based on factors including the size of the building required for that use, required parking, and ground water flow. The Zoning Administrator is authorized to increase minimum lot sizes and otherwise vary Zoning District development standards to accommodate the need to use septic tanks and/or wells and Health Department regulations in this regard. The unavailability of public sewer and/or water shall preclude the ability to develop projects which cannot utilize septic tanks.

Flag lots and lots accessed by a private access drive shall have the lot width and front lot line measured from the end of the private access drive.

