

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

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COMER, GEORGIA:

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 A NEW SECTION 7.13., ESTABLISHING A BUSINESS/RESIDENTIAL ZONING DISTRICT, TO READ AS FOLLOWS:

7.13 BR (Multi-Use) Business/ Residential Zoning District

The BR Zoning District is composed of areas with existing or proposed combinations of commercial and high density residential use. The Zoning District is designed to accommodate higher density living in association with commercial, office, or retail use on the same lot. This District is primarily allowed to encourage preservation, renovation, and economic use of existing buildings and structures that may have historic significance to the town of Comer, and is not intended as a means to avoid density, minimum yard and lot size requirements, or minimum square footage requirements of other residential districts within Comer, although in certain circumstances a lot may be used for residential purposes without commercial use on the same lot. For this reason, a conditional use permit is required for all residential use or development within this district. Use, processes or equipment employed on the premises shall be limited to those which are not objectionable by reason of odor, dust, bright lights, smoke, noise, or vibration. Adult Entertainment Business is prohibited in this district.

7.13.1 Permitted Uses. Within the BR Zoning District, only the following uses are permitted:

- 7.13.1.1 Any use allowed in the C1 Neighborhood Convenience Commercial Zoning District
- 7.13.1.2 Accessory buildings and accessory uses provided the requirements under §§9.1.1.5 and 9.4 are met.
- 7.13.1.3 Home occupation provided the requirements of §9.5 are met.
- 7.13.1.4 Swimming pools, above and below ground, provided the location is not closer than 10 feet to any property line; the pool is enclosed by a wall or fence of at least four (4) feet in height; and approval from the Comer Health Department has been granted. Only home swimming pools and private community swimming pools are permitted.

7.13.2 Conditional Uses. Within the BR Zoning District, the uses enumerated below may be permitted. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

- 7.13.2.1 Any use permitted in the C2 General Commercial Highway Oriented Zoning District
- 7.13.2.2 Dwelling, single-family, detached
- 7.13.2.3 Dwelling, two-family.
- 7.13.2.4 Dwelling, multi-family.
- 7.13.2.5 Garage apartment.
- 7.13.2.6 Apartments.
- 7.13.2.7 Community center provided the requirements of §9.8 are met.
- 7.13.2.8 Home office.

7.13.3 Residential Use Restrictions

The following restrictions apply to all residential use in the BR Zoning District:

7.13.3.1 Minimum Floor Space Requirements/ Maximum Number of Occupants

Studio Unit (Efficiency or Loft Apartment)-	500 sq.ft. -	2 occupants
One Bedroom -	750 sq.ft. -	2 occupants
Two Bedroom -	1000 sq.ft. -	4 or more occupants

7.13.3.2 Building Codes

All residential renovations shall comply with all existing requirements of the Comer Zoning Ordinance and any Comer City Ordinance or state law regarding residential or commercial building codes and fire codes, as determined by the Zoning Administrator.

7.13.3.3 Restrictions

- 7.13.3.3.1 No outside mailboxes are permitted.
- 7.13.3.3.2 Daily or weekly boarding rooms are prohibited. Only full-time renter or owner occupied dwelling units are permitted.
- 7.13.3.3.3 No drying of clothes is permitted on the outside of any building.
- 7.13.3.3.4 Entry to the unit or to a hallway serving one or more units shall be provided by a stairway opening directly to the outside; except where the owner occupies both the ground level and the upper floor residential apartment, then entry may be through the ground floor.
- 7.13.3.3.5 No recreation, entertainment, public gathering or placement of furniture is allowed on the sidewalks unless permitted by the Mayor and Council.
- 7.13.3.3.6 No garage sales or yard sales are allowed.
- 7.13.3.3.7 A separate residential approved trash container for each dwelling unit with its location approved by the city shall be furnished by the lot owner.

7.13.4 Apartments and Multi-Family Dwellings:

Apartments and Multi-Family Dwellings must meet all requirements of Section

9.3.2 unless different requirements are established by this Section 7.13. The provisions of Section 7.13 shall control over any conflict with Section 9.3.2, with the two being read together whenever possible. The density requirements in the BR District are established by the Area, Lot Size, Yard and Height requirements of Article VIII which shall supercede those of Section 9.3.2.1

7.13.5 Parking

Off-Street Parking requirements of Section 6.2 and Parking Space Requirements of Section 6.2.2 shall apply separately for residential dwelling units and for commercial or business uses.

7.13.6 Buffer Requirements

7.13.6.1

Residential

Vegetative Buffer requirements of Section 6.7.7 for multi-family development may be reduced or eliminated by variance, provided that the variance permit issued states a reason for such reduction or elimination based on the Objectives of Section 1.1 or the Criteria of Section 13.3.6 of this Ordinance.

7.13.6.2

Commercial

Perimeter Landscape Strip requirements of Section 6.7.2 for business district use may be reduced or eliminated by variance, provided that the variance permit issued states a reason for such reduction or elimination based on the Objectives of Section 1.1 or the Criteria of Section 13.3.6 of this Ordinance

7.13.7 Commercial Use

Commercial use of non-conforming lots is already permitted (“grandfathered in”) in the C1, C2, and LI Zoning Districts, subject to the requirements of those Zoning Districts and to the restrictions on Non-Conforming Buildings and Uses of Section 6.1. The Business/ Residential Multi Use District is therefore not intended to allow commercial or business use without accompanying residential use on the same lot.

7.13.8 Variances for Renovation or Reconstruction of Existing Buildings:

For residential development involving renovation or reconstruction of existing buildings, and in order to promote historic preservation and economic development in Comer, the Mayor and Council may grant a variance from those requirements set forth in Article VIII as to Lot Area, Lot Width, Minimum Yard or Setback Requirements, and Building Height. Variances for residential use of lots in existence at the time of this amendment to the Zoning Ordinance may be allowed in the BR District notwithstanding the requirements of Section 11.2.1, whether or not this residential use is concurrent with commercial use on the same lot.

SECTION 2. THE ZONING ORDINANCE FOR COMER, GEORGIA (1999) IS HEREBY AMENDED BY ADDING AREA, YARD, AND HEIGHT REQUIREMENTS FOR A NEW ZONING DISTRICT, THE BUSINESS/RESIDENTIAL ZONING DISTRICT, TO BE APPENDED TO THE TABLE IN ARTICLE VIII, TO READ AS FOLLOWS:

See Appendix A attached hereto and incorporated herein by reference for amendment to Table VIII

SECTION 3. 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 4. 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 5. 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 6. REPEAL OF CONFLICTING PROVISIONS.

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

SECTION 7. EFFECTIVE DATE

This Ordinance shall become effective immediately after its passage and approval in the manner prescribed by law, and shall have an effective date of September 19, 2001, the date of original approval by the City Council.

Passed and approved this ___ day of _____, 2002, at a meeting of the Mayor and Council of the City of Comer, Georgia.

Hon. William Burroughs, Mayor, City of Comer

Attest:

Stephen H. Sorrells
City Clerk

Approved as to Legal Form:

Victor Y. Johnson, City Attorney

Amendment to Article VIII, Comer Zoning Ordinance, Business/Residential Zoning District:

Zoning District	Minimum Lot Size*			Min. Sq.Ft per Dwelling Unit/Min Heated Floor Area	Minimum Yard Requirements*			Maximum Height of Building*	
	Lot Area (sq. ft.)	Lot Size per Dwelling Unit	Lot Width (ft.)		Front setback edge of right-of-way		Minimum Side Yard		Minimum Rear Yard
					Arterial and Collector	All other streets			
BR (dwelling units)									
studio unit	10,890	---	60	500	50	35	15	20	35
one bedroom	10,890	---	60	750	50	35	15	20	35
two bedroom	10,890	---	60	1000	50	35	15	20	35

* Variance may be granted for renovation or reconstruction of existing buildings for residential use

APPENDIX A