

Ordinance No. \_\_

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 DELETING ARTICLE VIII IN ITS ENTIRETY AND REPLACING IT WITH A NEW ARTICLE VIII TO READ AS SHOWN AND ATTACHED HERETO.

This amendment incorporates the September 19, 2001 Amendment adding BR property designation to the Area, Yard, and Height Requirements Table of Article VIII, and deletes the erroneous reference to "two units" in R2 property designation of the Area, Yard, and Height Requirements Table of Article VIII.

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All ordinances or parts of ordinances in conflict with this ordinance, and not preserved hereby, are hereby repealed.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 5 day of April, 2005, at a meeting of the Mayor and Council of the City of Comer, Georgia.

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William E. Burroughs, Mayor, City of Comer

Attest:

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Stephen H Sorrells, City Clerk  
[CITY SEAL]

Approved as to Legal Form:

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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.

Comer Zoning Regulations

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			
AG	217,800	217,800	150	1,200/1,200	50	30	20	40	35
RR	87,120	87,120	125	1,200/1,200	50	30	20	40	35
R1	20,000	20,000	100	1,500/1,500	70	55	20	40	35
R2 one unit	20,000	20,000	80	1,200/1,200	70	55	15	20	35
R3 one unit	15,000	15,000	60	1,000/1,000	70	55	15	20	35
two units	15,000	7,500	60	1,000/1,000	70	55	15	20	35
RM one unit	20,000	20,000	60	1,000/1,000	70	55	15	20	35
two units	10,000	5,000	60	900/900	70	55	15	20	35
multi-family <sup>1</sup>	21,780	4,356	60	600/600	70	55	15	20	35
C1	-	-	-	--	50	35	20	20	35

<sup>1</sup>All multi-family development must comply with §9.3.

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			
C2	-	-	-	-	50	35	20	20	35
PUD	requirements same as for RR, R1, R2, or RM for which PUD lot(s) form overlay, or as set forth in §7.10.								
WET	requirements same as for district for which WET lot(s) form overlay, or as set forth in §7.11.								
G	-	-	-	-	50	30	20	20	35
LI					50	50	20	20	35
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