

ARTICLE I: INTRODUCTION AND ADMINISTRATIVE

Section 101: Short Title

This ordinance shall be known as and may be cited as the "City of Cornelia Minimum Development Standards Ordinance."

Section 102: Authority

This ordinance is adopted pursuant to powers vested in cities in Article IX, Section II, Paragraph I, II and IV of the State of Georgia Constitution, home rule powers, State administrative rules for the adoption and implementation of Comprehensive Plans, and the protection of vital areas of the State; the Georgia Planning Act, as amended; and in the Zoning Procedures Law, as amended, which includes within its definition of "zoning" ordinance any ordinance which established the uses and development standards of property. The public health, safety, morals and general welfare require the harmonious, orderly and progressive development of land within the cities and counties of the State. In furtherance of this purpose, the regulation of the development of land is authorized to carry out the orderly development of communities.

Section 103: Purpose and Intent.

Many problems can be created when new development occurs. Therefore, reasonable regulation and control of development is necessary to minimize these problems. These rules and regulations are intended to serve the following purposes, among others:

- a. To protect and promote the health, safety and general welfare of the residents of the City;
- b. To encourage orderly subdivision of land as well as economically sound and stable land development;
- c. To assure the provision of required streets, utilities, and other facilities and services to new land developments in conformance with public improvement plans of the City;
- d. To assure adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments, especially for the purposes of assuring that all building lots will be accessible to firefighting equipment and other emergency and service vehicles;
- e. To assure the provision of needed open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes;
- f. To assure the adequate provision of water supply, storm water drainage, sanitation, lighting, and other necessary improvements;
- g. To assure equitable review and approval of all subdivision plans by providing uniform procedures and standards for the subdivider and land developer;
- h. To assure, in general, the wise development of new land areas, in harmony with the comprehensive plan of the community and the development pattern of neighboring

properties as well as requirements of the Zoning Ordinance, State law and other regulations.

- i. To assure the accurate description of property and adequate and proper identification of property in public records;
- j. To help conserve and protect the natural, economic and scenic resources of the community;
- k. To help eliminate the costly maintenance problems which develop when streets and lots are laid out without proper consideration given to various public purposes;
- l. To protect lot purchasers who generally lack the specialized knowledge to evaluate subdivision improvements and design.
- m. To assure that developed land is of such character that it can be used for building purposes without danger to health, peril from flood or fire and to improve health, safety, convenience and general welfare.
- n. To assure the protection of water and air quality within the city.

Section 104: Administration & Interpretation

No person shall subdivide land, and the Administrative Officer shall not approve any subdivision of land, unless the lots created pursuant to said subdivision meet or exceed all applicable requirements of the Zoning Ordinance of the City of Cornelia, Georgia, as may be amended from time to time.

Section 105: Jurisdiction

This ordinance shall apply to all lands within the corporate limits of the City of Cornelia, Georgia as exist at the time this ordinance is adopted, and all lands subsequently annexed into said corporate limits.

Section 106: Appeals

Any person aggrieved by an interpretation or decision in the administration or enforcement of this ordinance may file an appeal in accordance with the appeal provisions in Article 15 – Appeals and Variances of the City Zoning Ordinance.

Section 107: Variances

The Board of Adjustments is authorized and directed to receive, consider, grant, grant with conditions, or deny applications for variances to the requirements of this ordinance in accordance with the provisions of Article 15 – Appeals and Variances of the City Zoning Ordinance. **Variances are not to be freely granted and the seeking of a variance is discouraged. Evidence of greater economic cost alone is not a sufficient hardship to justify the grant of a variance. Note that variances to the water and/or sewer portion of these Minimum Development Standards will require EPD review and approval.**

Section 108: Violations, Penalties and Remedies

Any person, firm, or corporation violating any of the provisions of this ordinance shall be punished as allowed under the City of Cornelia Code of Ordinances Section 1-12.

In any case where any land is, or is proposed to be, used in violation of this ordinance, the City may, in addition to other remedies provided by law, seek injunction, abatement, or any appropriate action, or proceeding to prevent, enjoin or abate such unlawful use. Any person failing to comply with any provision of this ordinance shall be subject to the revocation of his/her business license/occupation tax permit, work permit, building permit or other authorization for the conduct of business and associated work activities with the City of Cornelia and shall be subject to a stop work order. Upon receipt of notice of the stop work order, work on any project that is being performed in violation of this Ordinance shall be immediately stopped. Such notice shall be in writing and shall be given to the Owner of the property, his authorized agent or the person or persons in charge of the activity on the property, and shall state the conditions under which work is to cease and under what it may be resumed. Where any emergency exists, no written notice shall be required.

Section 109: Amendments

Any provisions of this ordinance may be changed and amended from time to time by the Governing Body, provided, however, that such changes or amendments shall not become effective until after a recommendation by the Governing Body and until after a public hearing has been held thereon, that time and place of which shall have been published in a newspaper of general circulation, at least fifteen (15) days prior to such hearing.

Whenever the Governing Body amends this ordinance, such amendments shall have no effect on previously accepted applications in the development process, provided however, an applicant may elect to have an on-going development project comply with the newly amended standards.

Section 110: Severability

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

Section 111: Conflicting Regulations

Whenever the provisions of this ordinance impose more restrictive standards than are required in or under any other statute, ordinance, or resolution herein contained this ordinance shall prevail, unless otherwise specified by this ordinance. Whenever the provisions of any other statute, ordinance, or resolution require more restrictive standards than are required herein contained, the requirements of such regulations shall prevail, unless otherwise specified in this ordinance.

In case of a conflict between the text of this ordinance and any caption, figure, illustration, table, or map, the text of this ordinance shall control. In case of a conflict between a chart and an illustration, the chart shall control. All illustrations included in this ordinance are for illustrative purposes only.

In those instances where development standards for a specific project have been established as a condition of zoning or conditional use permit approval, the requirements of the conditions shall control, whether more or less restrictive than the requirements of this ordinance.

In case of any conflict in limitations, restrictions, or standards applying to an individual use or structure, the more restrictive provisions shall apply.

Section 112: Repeal of Previous Ordinances

All previous ordinances and regulations adopted for the same purpose, including the Subdivision and Land Development of Regulations and Minimum Development Standards, prior to these Regulations are hereby repealed.

Section 113: Adoption and Effective Date

This ordinance shall be effective immediately upon its adoption.

MAYOR AND CITY COMMISSION OF CORNELIA, GEORGIA

_____, Mayor

ATTEST:

City Clerk

POSTED: _____

ADOPTED: _____

END ARTICLE I