

Chapter 22

LAND USE*

Article 4. Zoning

Sec. 22-4-1. Establishment of Districts.

For the purpose of this article, Elberton, Georgia is divided into zoning districts as follows:

R-1	Single Family District
R-1A	Single Family District
R-1B	Single Family District
R-2	Multi-family District
OIP	Office-Institutional Professional District
CBD	Central Business District
C-O	Commercial Overlay
B-1	Neighborhood Business District
B-2	General Business District
OBP	Office-Business Park
PCD	Planned Commercial District
I	Industrial District
FH	Flood Hazard District
PD	Planned Development District

Sec. 22-4-2. Zoning Map.

The boundaries of these districts are hereby established as shown on the City of Elberton “Comprehensive Zoning Map”. Said map is hereby made a part of this Ordinance and shall be available for public inspection in the office of City Clerk. As evidence of its authenticity, the official comprehensive zoning map shall be signed by the Mayor and attested to by the City Manager and City Clerk.

Sec. 22-4-3. Map Amendment.

- a) If, in accordance with provisions of this article, changes are made in the district boundaries or other information portrayed in the official zoning atlas, such changes must be made on the official zoning atlas within a practical time frame after the amendment has been approved by the mayor and council together with a numerical entry on the official comprehensive zoning maps referring to the application on file which states the date of the official action and the brief description of the nature of the changes. No amendment to this article which involves a matter portrayed on the official zoning atlas is effective until after such change and entry is made on the map.
- b) All changes to the official comprehensive zoning map or matters shown thereon must be in conformity with the procedures set forth in this zoning ordinance. Any unauthorized change by any person is considered a violation of this article and punishable as provided by law and this article.

Sec. 22-4-4. Interpretation of Zoning District Boundaries.

Where uncertainty exists with respect to the locations of the boundaries of any zoning district shown on the Official Comprehensive Zoning Map for Elberton, Georgia, the following rules shall apply:

- 1) Where a zoning district boundary line is shown as approximately following a corporate limits line; a land lot line; or the centerline of a street, public road, or state highway, or of a creek or stream; or such lines extended, then such lines shall be construed to be the zoning district boundary lines.
- 2) Where a boundary line is given a position within a street, road or alley, or non-navigable stream, it shall be deemed to be in the center of the street, road, alley, or stream, and if the actual location of such street, road, alley, or stream varies slightly from the location as shown on the Official Comprehensive Zoning Map, then the actual location shall control.
- 3) Where a zoning district boundary line is shown or noted as being located a specific distance from a street, property line, or other discernable physical feature, and approximately parallel thereto, then such zoning district boundary line shall be construed as being the noted distance or failing such a note, the scaled distance from the centerline of the street or property line, or other discernable physical feature, and as being parallel thereto.
- 4) 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 location of the line shall be the noted distance, or failing such a note, the scaled distance from the lot lines. In this situation, the requirements of the Zoning District in which the greater portion of the lot lies shall apply to the balance of the lot, except that such extension shall not include any part of a lot that lies more than fifty (50) feet beyond the zoning District boundary lines. In those cases where only a portion of a lot is within a zoning district, required setbacks shall be measured from the property line and not the zoning district boundary.
- 5) In the case of a through-lot fronting on two approximately parallel streets, where such lot is divided by a Zoning District boundary line generally paralleling the streets, the restrictions of the Zoning District in which each frontage of the through-lot lies shall apply to that portion of the through-lot.
- 6) Whenever a zoning district boundary line divides a structure, the use of the entire structure shall either be those uses permitted in the less intensive district, or if more than fifty (50) percent of the heated area of structure and lot are located in the more intensive district and has its street frontage and access located in the more intensive district, the entire structure may be used for any use permitted in the more intensive district. This clause applies to the use of the structure and not to the surrounding property. The use of the surrounding property or expansion of the structure must follow the requirements of the district in which it is located. In addition, the heated floor space of such structure cannot be increased (if less than fifty (50) percent of the structures is located in the more intensive district) so as to increase the percentage of the structure located in the more intensive district, expansion of the structure for nonresidential use may only occur in the more intensive district (if nonresidential use is allowed in that district). If such structure is used for any nonresidential

use, front, rear, and side yard buffer requirements are applicable with the necessary buffer/screening requirements situated on the property lines and not the zoning boundary. Lot coverage, whether residential or nonresidential, may be calculated using the entire area of the lot; however, no development from the more intensive district can occur within the less intensive district.

- 7) Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Comprehensive Zoning Map, the Planning Commission shall, upon application, determine the location of the boundary, using the appropriate scale from the Comprehensive Zoning Map.

Sec. 22-45. Temporary Buildings.

- a) **Temporary buildings used with Construction Work.** Temporary buildings used in conjunction with construction work only, may be permitted in any district and shall be removed upon completion of construction.
- b) **Temporary Manufactured Homes for Medical Hardships.** Manufactured homes may be permitted as a temporary special exception in all residential districts, on the same lot or parcel as an existing principal residence, in cases of medical hardship in which the infirm resident requires continuous supervision. The mobile home may be the residence of the infirm person, or the residence of the person providing the supervision. Temporary manufactured homes for medical hardship are subject to the applicable district regulations and the following requirements:
 - 1) The manufactured home shall not be approved on a lot or parcel less than 12,500 square feet or 50 feet in width.
 - 2) The manufactured home shall not be located in the front yard of the existing principal residence.
 - 3) The manufactured home shall meet all setbacks and building separation requirements pertaining to the principal residence.
 - 4) The manufactured home shall be approved only in cases of medical hardship where a resident requires continuous care and supervision as substantiated by a letter submitted by an attending physician.
 - 5) Approvals shall be valid for one year, or for a shorter period as specified by the Zoning Board of Appeals. Approvals may be renewed by the Code Enforcement Officer, following notice to the permit holder within 30 days before expiration when the medical hardship warranting the original approval remains and is verified. If for any reason the resident requiring medical supervision ceases to reside on the property, the manufactured home must be removed from the property within 60 days.
 - 6) Approval is not transferrable to another person, and it shall not remain in effect in the event of a change of ownership of any land, structure, use, or other item covered by the approval.

- 7) An application for a temporary manufactured home for a medical hardship must be filed with the City Clerk at least twenty-one (21) days prior to the Zoning Board of Appeals regular meeting and shall be evaluated in accordance with §14.9.

Sec. 22-46. Annexation.

Property to be annexed in Elberton shall be zoned according to the following procedure.

- 1) The city may undertake the procedures for zoning at any time on or after the date the notice of the proposed annexation is provided to the Elbert County Board of Commissioners as required under *O.C.G.A.* §36-36-6.
- 2) The public hearing required for the zoning action shall be conducted prior to the annexation of the property into the city.
 - a) Elberton shall also publish within a newspaper of general circulation in the county, a notice of the hearing, shall post the property pursuant to §14.3.3 and 4.3.4 where required by State Law.
 - b) Elberton shall complete the procedures required for such zoning except for the final vote of the Mayor and Council, prior to adoption of the annexation ordinance or resolution or the effective date of any local Act but no sooner than the date the notice of the proposed annexation is provided to the Elbert County Board of Commissioners.
 - c) The required zoning hearing shall be conducted prior to the annexation of the subject property into the municipality.
 - d) The zoning classification approved by the Mayor and Council following the hearing shall become effective on either the date the zoning is approved or the date the annexation becomes effective, whichever is later.