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A ZONING ORDINANCE ADOPTING AND ENACTING ZONING DISTRICTS AND ZONING REGULATIONS, AND PROVIDING FOR PENALTIES FOR VIOLATIONS, AND APPOINTING A ZONING ADMINISTRATOR TO ENFORCE THIS ORDINANCE.

WHEREAS, on the 15 day of March, 1986, a public hearing was held to review the adoption of a Zoning Ordinance providing for zoning districts, zoning resolutions, penalties for violations and the appointment of a zoning administrator, and

WHEREAS, the Town Council of the Town of Mansfield finds that the proposed Zoning Ordinance complies with the applicable State Statutes; and

WHEREAS, the Town Council of the Town of Mansfield recognizes that as Mansfield develops there is an increasing need to promote the health, safety, order, prosperity, and general welfare of the town

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MANSFIELD, GEORGIA:

SECTION 1. ZONING ORDINANCE ADOPTED. This Ordinance is adopted and shall be known as the Mansfield Zoning Ordinance.

SECTION 2. PURPOSE. The purpose of the zoning ordinance is to provide for the regulation of land uses within the corporate boundaries of the Town of Mansfield in order to promote the public health, safety, order, prosperity, and general welfare. These regulations have been made with reasonable consideration of the character of each zoning district and its suitability for the permitted uses, with a view toward conserving the value of the buildings, encouraging the most appropriate use of land, and promoting uses of land beneficial to the citizens of Mansfield.

SECTION 3. AUTHORITY. The Town Council of Mansfield, Georgia, enacts this ordinance under authority of the Constitution of Georgia (1983), Article IX, Section II, Parts I, II, and IV; for the purposes set forth in Section 2 of this ordinance.

SECTION 4. PLANNING COMMISSION. The Town Council, shall, by resolution appoint a board to be called the "Mansfield Planning Commission" which shall function as an advisory group to the Town Council on planning and zoning within the Town.

SECTION 5. ZONING DISTRICTS. The Town of Mansfield is divided into the following zoning districts:

5.1 Conservative Residential (CR) - The Conservative Residential Zone is composed primarily of single family homes and related residential uses.

5.2 Performance Residential (PR) - The Performance Residential Zone is composed of more intensive residential uses, including duplexes and attached single family homes. Multi-family dwellings are allowed with special approval by the Board of Appeals.

5.3 Business (B) - The Business Zone is composed primarily of business, retail, service, office, municipal, and other related commercial uses.

5.4 Light Manufacturing (M) - The Light Manufacturing Zone is composed primarily of wholesale warehousing, trade shops, and light manufacturing uses. The uses are to be ones which do not create excessive noise, odor, smoke, or dust and which do not possess other objectionable characteristics which might be detrimental to surrounding neighborhoods.

5.5 Agriculture (A) - The Agricultural Zone is composed of areas having primarily a rural character which will generally be maintained for some length of time.

SECTION 6. SCHEDULE OF DISTRICT REGULATIONS. District regulations shall be set forth as in the Schedule of District Regulations which follows.

TABLE I

## SCHEDULE OF DISTRICT REGULATIONS

ZONING DISTRICTS	USES PERMITTED BY RIGHT	USES PERMITTED ONLY BY SPECIAL PERMIT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM HEATED LIVING AREA	MINIMUM FRONT YARD SETBACK*	MINIMUM SIDE YARD SETBACK*	MINIMUM REAR YARD SETBACK*	MAXIMUM HEIGHT OF BUILDINGS	MINIMUM OFF STREET PARKING AND LOADING SPACES	PERMITTED SIGNS	ADDITIONAL REQUIREMENTS
Conservative Residential CR	Public Facilities Single Family Homes Incidental Accessory Uses Farming	Duplexes Home Occupations Churches Schools Hospital Nursing Home	20,000 Sq Ft <i>14000</i> <i>20000</i>	60 Feet	Single Family 1400 Sq Ft <i>1400</i> <i>1600</i> <i>1800</i>	20 Feet <i>40</i>	15 Feet <i>30</i>	20 Feet <i>30</i>	35 Feet	Residences - 2 spaces per each dwelling unit Church or Public Facility - one space for each three seats	One on-site sign with a maximum area of four (4) Sq Ft	Maximum gross dwelling units per acre - 2.2
Performance Residential PR	Duplexes Multi-Family Home Occupations Dwellings Attached Single Family Homes Public Facilities	Churches Multi-Family Occupations Professsional Offices Attached Single Family Homes Public Facilities	Duplex 20,000 Sq Ft Multi-Family Development 87,120 Sq Ft <i>1 acre</i>	60 Feet	Duplex 1500 Sq Ft Multi-Family 600 Sq Ft per dwelling unit Attached Single Family Homes 900 Sq Ft per dwelling unit	40 Feet	15 Feet (Unless, adjacent to CR or A District; then 30 Ft) <i>30</i>	20 Feet (Unless, adjacent to CR or A District; then 30 Ft) <i>30</i>	35 Feet	Residences - 2 spaces per dwelling unit Church or Public Facility - one space for each 3 seats Other - one space per 1000 Sq Ft of lot in use	One on-site sign with a maximum area of four (4) Sq Ft <i>acre - 6</i>	Maximum gross dwelling units per acre - 6 Approved Site Development Plan required for rezoning Buffers may be required

\*From street right-of-way or nearest property line if line is not on a public street.

TABLE I

## SCHEDULE OF DISTRICT REGULATIONS

ZONING DISTRICTS	USES PERMITTED BY RIGHT	USES PERMITTED ONLY BY SPECIAL PERMIT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM HEATED LAYING AREA	MINIMUM FRONT YARD SETBACK*	MINIMUM YARD SETBACK*	MINIMUM REAR YARD SETBACK*	MAXIMUM HEIGHT OF BUILDINGS	MINIMUM OFF STREET PARKING AND LOADING SPACES	PERMITTED SIGNS	ADDITIONAL REQUIREMENTS
Business B	Retail Business Professional Business Offices Banks Personal Services Entertainment	Laundromats Warehousing	20,000 Sq Ft	100 Ft	NA	30 Ft	30 Ft	30 Ft	35 Ft	2 per Employee	One on-site sign with a maximum area of 32 Sq Ft and one wall required for sign not to exceed 25% of single surface wall be required area	Approved Site Development Plan required for rezoning
Light Manufacturing M	Light Manufacturing Food Processing Warehousing Fabrication Wholesalers		87,120 Sq Ft	150 Ft	NA	50 Ft	40 Ft	40 Ft	35 Ft	1 per Employee on maximum working shift	One on-site sign with a maximum area of 32 Sq Ft and one wall required for sign not to exceed 25% of single surface wall be required area	Approved Site Development Plan required for rezoning

\*From street right-of-way, or nearest property line if line is not on a public street.

TABLE I

## SCHEDULE OF DISTRICT REGULATIONS

ZONING DISTRICTS	USES PERMITTED BY RIGHT	USES PERMITTED ONLY BY SPECIAL PERMIT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM HEATED LIVING AREA	MINIMUM FRONT YARD SETBACK*	MINIMUM SIDE YARD SETBACK*	MINIMUM REAR YARD SETBACK*	MAXIMUM HEIGHT OF BUILDINGS	MINIMUM OFF STREET PARKING AND LOADING SPACES	PERMITTED SIGNS	ADDITIONAL REQUIREMENTS
Agriculture A	Farming	Home Occupations	87,120 Sq Ft	100 Ft	Single Family - 1,400-Sq Ft	30 Ft	30 Ft	30 Ft	35 Ft	2 spaces per dwelling unit	One on-site sign with a maximum area of four (4) Sq Ft	Maximum gross dwelling units per acre = .5
	Grazing	Farmers Mkt			1,600	40						
	Single Family Units	Produce Stand			1,800							
		Commercial Greenhouse or Plant Nursery										
		Planting or Saw Mill										
		Kennels										
		Poultry Houses										
		Hog Parlors										
		Feed Lots										
		Riding Academy										
		Churches										

\*From street right-of-way, or nearest property line if line is not on a public street.

## SECTION 7. SUPPLEMENTARY DISTRICT REGULATIONS.

7.1 Visibility at Intersections in Residential Districts - On a corner lot in any residential district, nothing can be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half and ten feet above the centerline grades of the intersecting streets in the area bounded by the centerlines fifty (50) feet from the point of intersection. Approved utility fixtures, traffic signs, street signs, and related fixtures may be exempted from this restriction when deemed essential or appropriate by the Town Council.

7.2 Accessory Buildings - No accessory building shall be erected in any required yard setback, and no accessory building shall be erected within five feet of another building.

7.3 Erection of One Principal Structure on a Lot - In any district, only one principal structure housing a permitted or permissible use may be erected on a single lot. Approved multi-family complexes may include more than one principal structure on a single lot provided other applicable ordinances and regulations are complied with.

7.4 Structures to Have Access - Every building hereafter erected or moved shall be on a lot adjacent to a public street and abut said street to provide safe and convenient access for servicing, fire protection, and required off-street parking.

7.5 Exceptions to Height Limitations - The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level not intended for human occupancy.

7.6 Design Standards for Residential Structures - The following standards are based upon existing standards of appearance among homes already in Mansfield. The intent of these standards is to preserve and reflect the unique character of Mansfield as new housing is developed.

7.6.1 Permanent Foundation - Any structure built or moved into the town for use as residences must be placed on a permanent foundation system capable of withstanding the design loads of the structure.

7.6.2 Exterior Siding - Exterior siding of residential structures must be of wood, brick, stone or stucco, or of a material which has the definite appearance of wood, brick, stone, or stucco.

SECTION 8. APPLICATION OF DISTRICT REGULATIONS. The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as herein after provided.



8.1 No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

8.2 No building or other structure shall hereafter be erected or altered:

- a) to exceed the height or bulk regulations herein established;
- b) to occupy a greater percentage of buildable area of the lot than herein permitted; or
- c) to have narrower or smaller front yards, rear yards, side yards or other open spaces than herein required;
- d) to be built contrary to the Design Standards set up in Section 7.6 of this ordinance.

8.3 No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

#### SECTION 9. NON-CONFORMING USE OF STRUCTURES, AND NON-CONFORMING CHARACTERISTICS OF USE.

A non-conforming use shall include any structures, uses of land and structures, and characteristics of use which lawfully existed when this ordinance was passed, but which would be prohibited by, or otherwise not conform to, the terms of this ordinance. Such non-conforming uses may be continued but shall not be:

- a) changed to another non-conforming use; this includes a change from one type commercial (or other) establishment to another;
- b) allowed to increase the number of on-premise signs;
- c) re-established after discontinuance for one year;
- d) allowed to continue if a change of ownership occurs and property is in a residential zone, unless change of ownership occurs through inheritance.

In order for a non-conforming use to be rebuilt or repaired after damage has exceeded fifty (50) percent of its assessed value, the non-conforming use shall be reconstructed only in conformity with the provisions of this ordinance.

#### SECTION 10. ZONING MAP.

10.1 Official Zoning Map, Town of Mansfield, Georgia - The Official Zoning Map is hereby designated as a part of this ordinance.

10.2 Identification - The Official Zoning Map must be signed by the Mayor, with witnessing signature of the Town Clerk and bears the following words, "This certifies that this is the Official Zoning Map of the Town of Mansfield, Georgia as referred to in Section 10 of the Zoning Ordinance of the Town of Mansfield, Georgia", together with the date of adoption of the Ordinance.

10.3 Public Inspection - The Official Zoning Map shall be kept in the office of the Town Clerk and open to inspection by the public. The Official Zoning Map is the final authority as to the current status of zoning district boundaries.

10.4 Alteration of the Official Zoning Map - Alterations to the Official Map may be made only by the procedures contained in Section 18 of this Ordinance. No amendment to portions of this Ordinance that are illustrated on the Official Zoning Map shall become effective until after the change has been entered as described above on the Official Zoning Map.

SECTION 11. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

11.1 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

11.2 Boundaries indicated as approximately following city limits shall be construed as following city limits;

11.3 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

11.4 Boundaries indicated as following railroad tracks shall be construed to be midway between the main tracks;

11.5 Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

11.6 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 11.1 through 11.5 above, the Board of Appeals shall interpret the district boundaries.

11.7 Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Appeals may permit, as a special permit, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

SECTION 12. ADMINISTRATION AND ENFORCEMENT - BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE.

12.1 Administration and Enforcement - An administrative official designated by the Town Council shall administer and enforce this ordinance. If the administrative official shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

12.2 Building Permits Required - No building or other structure shall be erected, moved, added to, or structurally altered without a building permit therefor, issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this ordinance, unless he receives a written order from the Board of Appeals in the form of administrative review.

12.3 Application for Building Permit - All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and location on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alterations. The application shall include such other information as lawfully may be required by the administrative official including but not limited to: existing or proposed uses of the building and land; the number of families; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

One copy of the plans shall be returned to the applicant by the administrative official, after he shall have marked such copy either as approved or disapproved and attested by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the zoning official.

12.4 Expiration of Building Permit - If the work described in any building permit has not begun within 90 days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the administrative official; and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be cancelled by the administrative official, and written notice thereof shall be given

to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

12.5 Certificates of Zoning Compliance for New, Altered, or Non-conforming Uses - It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the administrative official stating that the proposed use of the building or land conforms to the requirements of this ordinance.

No non-conforming structure or use shall be renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the administrative official.

No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

A temporary certificate of zoning compliance may be issued by the administrative official for a period not exceeding six months. This certificate will allow alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

The administrative official shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.

12.6 Construction and Use to Be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance - Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance, and punishable as provided by Section 21 hereof.

SECTION 13. BOARD OF APPEALS: ESTABLISHMENT AND PROCEDURE. A Board of Appeals appointed by the Town Council shall have the following powers and duties:

13.1 Proceedings of the Board of Appeals - The Board of Appeals shall adopt rules necessary to conduct its affairs and in keeping with the provisions of this ordinance. Meetings shall be at the call of the chairman and at such other times as the Board may determine. All meetings shall be open to the public.

The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. All records of its examination and other official actions, shall be a public record and immediately filed in the office of the Board.

13.2 Hearings: Appeals, Notice - Appeals to the Board of Appeals concerning interpretation or administration of this ordinance may be taken by any persons aggrieved or by any officer or bureau of the governing body of the Town affected by any decision of the administrative official. Such appeals shall be taken within a reasonable time, not to exceed 30 days or such lesser period as may be provided by the rules of the Board, by filing with the administrative official and with the Board of Appeals a notice of appeal specifying the grounds thereof. The administrative official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board of Appeals shall fix a reasonable time for hearing the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

13.3 Stay of Proceedings - An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due causes shown.

13.4 Membership - Members of the Board of Appeals must be residents of the Town of Mansfield. The members of the Town Council may as individuals or as a collective body, be appointed to the Board of Appeals.

SECTION 14. THE BOARD OF APPEALS: POWERS AND DUTIES. The Board of Appeals shall have the following powers and duties.

14.1 Administrative Review - To hear and decide appeals where it is determination made by the administrative officials in the enforcement of this ordinance.

14.2 Special Permits: Conditions Governing Applications, Procedures - To hear and decide only such special permits as the Board of Appeals is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether special permits should be granted; and to grant special permits with such conditions and safeguards as are appropriate under this ordinance, or to deny special permits when

not in harmony with the purpose and intent of this ordinance. A special permit shall not be granted by the Board of Appeals unless and until the following actions have been taken:

- a) A written application for a special permit is submitted indicating the section of this ordinance under which the special permit is sought and stating the grounds on which it is requested.
- b) Notice shall be given at least 15 days in advance of public hearing. The owner of the property for which special permits is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special permit is sought, at the Town Hall, and in one other public place at least 15 days prior to the public hearing.
- c) The public hearing shall be held. Any party may appear in person, or by agent or by attorney.
- d) The Board of Appeals shall make a finding that it is empowered under the section of this ordinance described in the application to grant the special permit and that the granting of the special permit will not adversely affect the public interest.
- e) Before any special permit shall be issued, the Board shall make written findings certifying compliance with the specific rules governing individual special permits and that satisfactory provision and arrangement has been made concerning the following where applicable:
  - 1) ingress and egress to property and proposed automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
  - 2) off-street parking and loading where required, with particular attention to the items in (a) above and the economic, noise, glare, or odor effects of the proposed structure or use on adjoining properties and properties generally in the district;
  - 3) refuse and service areas, with particular references to the items in (1) and (2) above;
  - 4) utilities, with reference to location, availability, and compatibility;
  - 5) screening and buffering with reference to type, dimensions, and character;

- 6) signs, if any, and proposed exterior lighting; with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
- 7) required yards and other open space; and
- 8) general compatibility with adjacent properties and other property in the district.

14.3 Variances, Conditions Governing Applicants, Procedures - To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, due to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Appeals unless and until the following actions have been taken:

- a) A written application for a variance is submitted demonstrating:
  - 1) special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same districts;
  - 2) literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
  - 3) the special conditions and circumstances do not result from the actions of the applicant; and
  - 4) granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
- b) Notice of public hearing shall be given as in Section 14.2(b) above.
- c) The public hearing shall be held. Any party may appear in person, or by agent, or by attorney.
- d) The Board of Appeals shall make findings that the requirements of Section 14.3(a) for a variance have been met by the applicant.
- e) The Board of Appeals shall further make a finding that the reasons set forth in the application justify the

granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, space or structure.

- f) The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under this ordinance.

Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

14.4 Board Has Power of Administrative Official on Appeals; Reversing Decision of Administrative Official - In exercising the above mentioned powers, the Board of Appeals may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

The concurring vote of all members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

SECTION 15. APPEALS FROM THE BOARD OF APPEALS. Any persons or person, or any board, taxpayer, department, bureau of the town aggrieved by a decision of the Board of Appeals may seek review by a court of record of such decision, in the manner provided by the laws of the state and particularly by Georgia Code Annotated 69-1211.1.

SECTION 16. DUTIES OF ADMINISTRATIVE OFFICIAL, BOARD OF APPEALS, AND COURTS ON MATTERS OF APPEAL. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented



**AN ORDINANCE TO AMEND THE MANSFIELD ZONING ORDINANCE,  
TO MODIFY THE PETITIONS REQUIRING SUBMISSION TO THE  
MANSFIELD PLANNING COMMISSION, MODIFYING THE NUMBER OF  
TIMES A PUBLIC HEARING MUST BE ADVERTISED, AND ADOPTING A  
NEW OFFICIAL ZONING MAP**

**WHEREAS**, the City Council of Mansfield, has determined to consider its application to amend the Mansfield Zoning Ordinance (here after "The Ordinance") in order to (1) modify the types of matters that are submitted to the Mansfield Planning Commission, (2) change the number of times a proposed amendment must be advertised, and (3) adopt a new Official Zoning Map;

**WHEREAS**, the Mansfield Planning Commission has reviewed said application: and

**WHEREAS**, a public hearing regarding said application was held after due notice before the Mansfield City Council on the 24 day of JULY 2017; and

**WHEREAS**, after a public hearing and upon consideration of the arguments and evidence presented and the recommendation of the Mansfield Planning Commission, it appears that said amendments comply with applicable State Statutes,

**THEREFORE**, we, the members of the City Council for the City of Mansfield, Georgia, **HEREBY ORDAIN AS FOLLOWS**:

**Section 1:** Section 18.1 of the Mansfield Zoning Ordinance is deleted in it entirely and replaced with the following:

This Zoning Ordinance, including the Official Zoning Map, may be amended by the City Council of the City of Mansfield: (1) on its own motion, (2) on petition, or (3) on recommendation of the Mansfield Planning Commission after a Public Hearing before the City Council. No amendment to the Zoning Map shall become effective unless it shall have been proposed by or shall have been submitted to the Mansfield Planning Commission for review and recommendation. No amendments shall become effective except by the favorable vote of four-fifths of the City Council.

- (a) Legal Notice – Due notice of the public hearing before the City Council of the City of Mansfield shall be published in a newspaper of general circulation within the City. Said notice shall appear at least fifteen (15) and not more than forty-five (45) days prior to the public hearing and shall be published for at least two (2) consecutive issues. The notice shall contain: if a text amendment – a summary of the proposed amendment, and if a map amendment – the location of the property, its area, name of the owner, the current zoning classification, and its proposed zoning classification.

**Section 2:** Section 18.4 of the Mansfield Zoning Ordinance is deleted in it entirely and replaced with the following:

**COPY**

18.4 Referral to Mansfield Planning Commission - Within five (5) days after acceptance for filing of any complete application for an amendment to the Zoning Map, the administrative official shall submit two (2) copies thereof to the Planning Commission for its review and recommendation to the Town Council. No amendment to the Zoning Map shall become effective until it is first submitted to the Planning Commission.

**Section 3:** Section 18.5(a) of the Mansfield Zoning Ordinance is deleted in it entirely and replaced with the following:

Legal Notice – Due notice of a public hearing before the Mansfield Planning Commission shall be published in a newspaper of general circulation within the Town. Said notice shall appear at least fifteen (15) and not more than forty-five (45) days prior to the public hearing. The notice shall contain: the location of the property, its area, name of the owner, the current zoning classification, and its proposed zoning classification.

**Section 4:** Section 18.6 of the Mansfield Zoning Ordinance is deleted in it entirely and replaced with the following:

18.6 Public Hearing - The Mansfield Planning Commission is authorized to hold all required public hearings in connection with amendments to the Zoning Map. This is a fact-finding hearing which shall result in recommendation of the Planning Commission to the City Council as to whether or not a proposed map amendment should receive approval. Procedures for conduct of public hearings are as follows:

- a. The meetings must be conducted in accordance with an established agenda.
- b. All persons present must be allowed to speak. The Chairman of the Planning Commission is to set time limits of equal duration for proponents and opponents of the zoning legislation.
- c. Minutes of the meeting shall be maintained and the decision of the Planning Commission entered upon the minutes by official approval.
- d. The standards set out in subsection 9 (below) must be considered carefully in the decision-making process.
- e. A tape recording of the hearing may be made and kept as permanent record.
- f. Any written or other tangible materials presented at the hearing must be kept as permanent record.

**Section 5:** Section 18.7 of the Mansfield Zoning Ordinance is deleted in it entirely and replaced with the following:

18.7 Written Report - The Planning Commission shall submit a written report on the requested amendment to the members of the Mansfield Town Council immediately following the public hearing. The report shall describe the nature of the requested change, consider it with regard to each of the six (6) standards outlined in subsection 9 (below), and state a recommendation for approval or denial of the proposed amendment. If the Planning Commission fails to submit a report within the required thirty (30) day period, it shall be deemed to have approved the requested amendment.

**COPY**



- a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of the adjacent and nearby property;
- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- d. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- e. If there is an adopted plan, whether the proposed amendment is in conformity with the policy and intent of the land use plan; and,
- f. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

**Section 6:** The City Council of the City of Mansfield hereby adopts the map dated the \_\_\_\_ day of May, 2017, and bearing the inscription required by Section 10.2 of the Mansfield Zoning Ordinance (an 11x17 copy of which is attached hereto) as the Official Zoning Map of the City of Mansfield, which map shall be maintained in accordance with Section 10 of the Mansfield Zoning Ordinance.

**Section 7:** All ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of any such conflict.

**Section 8:** Such amendment shall be effective as of the day adopted by the City Council for the City of Mansfield, Georgia,

This Ordinance is adopted this 14 day of AUGUST, 2017.

CITY OF MANSFIELD, GEORGIA

By: Jefferson Riley, Mayor  
Jefferson Riley, Mayor

ATTEST:

Jeana I. Hyde, Clerk  
Jeana Hyde, City Clerk



**COPY**

to the administrative official, and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the administrative official, and that the recourse from the decisions of the Board of Appeals shall be to the courts as provided by law and particularly by Georgia Code Annotated 69-1211.1.

SECTION 17. SCHEDULE OF FEES, CHARGES, AND EXPENSES. The Town Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the administrative official, and may be amended only by the Town Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

SECTION 18. AMENDMENTS AND PROCEDURES.

18.1 Authority - This zoning ordinance, including the Official Zoning Map, may be amended by the Town Council of the Town of Mansfield: (1) on its own motion, (2) on petition, or (3) on recommendation of the Mansfield Planning Commission, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Mansfield Planning Commission for review and recommendation. No amendments shall become effective except by the favorable vote of four-fifths of the Town Council.

18.2 Procedure for Amendment.

- a. General - Applications for amendment of these regulations may be in the form of proposals for amendment of the text of this ordinance, or proposals for amendment of the Zoning Map ("a rezoning"). Applications for amendment shall be submitted to the administrative official. Any application for zoning amendment which is denied by the Town Council of the Town of Mansfield shall not be reconsidered for six (6) months after said denial.
- b. Application for Text Amendment - In the case of a text amendment, petition for amendment shall include a statement of the purpose of the proposed text amendment and the specific sections and language of the ordinance proposed to be deleted or added, plus other information or materials as may be required by the Town.
- c. Application for a Map Amendment - No petition for map amendment may be brought except by (1) the owner of the affected property, (2) his authorized agent, (3) the Mansfield Planning Commission, or (4) the Mansfield Town Council. An application for map amendment shall include the following information.

1. A current plat of the land in question made by a registered civil engineer, land surveyor, architect, or landscape architect of this State. In addition to other specified information, this plat shall show current zoning district information of the subject land area and of all abutting properties;
2. A legal description of the subject land area; a copy of the deed to the property will fulfill this requirement.
3. A letter of intent indicating specifically how the property is to be used. Said letter shall be as detailed as necessary to clearly describe the proposed site development.
4. Such other necessary information or materials required by the Town.

18.3 Fees - A fee is required for an amendment to the Zoning Ordinance and Map initiated by anyone except the governing authority, Planning Commission, or other agency of the Town of Mansfield. Said fee shall be determined by the Town Council of the Town of Mansfield.

18.4 Referral to Mansfield Planning Commission - Within five (5) days after acceptance for filing of any complete application for an amendment, the administrative official shall submit two (2) copies thereof to the Planning Commission for its review and recommendation to the Town Council. No amendment shall become effective until it is first submitted to the Planning Commission.

18.5 Public Notification.

- \* a. Legal Notice - Due notice of a public hearing before the Mansfield Planning Commission shall be published in a newspaper of general circulation within the Town. Said notice shall appear at least fifteen (15) and not more than forty-five (45) days prior to the public hearing and shall be published for at least two (2) consecutive issues. The notice shall contain: if a text amendment - a summary of the proposed amendment, and if a map amendment - the location of the property, its area, name of the owner, the current zoning classification, and the proposed zoning classification.
- b. Notice to Interested Parties - A notice shall be sent to the applicant and the Planning Commission, by mail, of the date, time, and place of hearing. All application files shall be placed in the custody of the Town Clerk and shall be open to public inspection during regular office hours.

See  
Ordinance  
Text  
Amendment  
dated  
8/14/17

c. Posting of Property.

(1) Erection of Sign - Whenever a completed application for a map amendment is received by the administrative official, he/she shall post a sign summarizing the amendment sought. Such sign shall be erected by the administrative official within ten (10) feet of whatever boundary line of such land abuts a traveled public road; and, if no public road abuts thereon, then such sign shall be erected in such a manner as in the opinion of the administrative official may be most readily seen by the public. The sign shall show the current zoning classification, the proposed zoning classification, and the scheduled date, time, and place of public hearing. It is the responsibility of the property owner to make sure the sign remains soundly in place and readable. No public hearing shall take place until said sign has been posted for at least fifteen (15) days.

(2) Deposit - At the time the application is filed, the applicant shall deposit with the administrative official, an amount to be determined by the Town Council which shall be applied to the cost of the sign. Upon the return of the sign to the administrative official by the applicant as hereinafter provided, there shall be paid to the applicant the amount of said deposit.

d. Removal of Sign - Any such sign shall be returned by the applicant within five (5) days after decision of the application has been made by the Town Council.

18.6 Public Hearing - The Mansfield Planning Commission is authorized to hold all required public hearings in connection with amendments to the Mansfield Zoning Ordinance and Zoning Map. This is a fact-finding hearing which shall result in recommendation of the Planning Commission to the Town Council as to whether or not a proposed amendment should receive approval. Procedures for conduct of public hearings are as follows:

- a. The meetings must be conducted in accordance with an established agenda.
- b. All persons present must be allowed to speak. The Chairman of the Planning Commission is to set time limits of equal duration for proponents and opponents of the zoning legislation.
- c. Minutes of the meeting shall be maintained and the decision of the Planning Commission entered upon the minutes by official approval.

- d. The standards set out in subsection 9 (below) must be considered carefully in the decision-making process.
- e. A tape recording of the hearing may be made and kept as permanent record.
- f. Any written or other tangible materials presented at the hearing must be kept as permanent record.

18.7 Written Report - The Planning Commission shall submit a written report on the requested amendment to the members of the Mansfield Town Council immediately following the public hearing. The report shall describe the nature of the requested change, consider it with regard to each of the six (6) standards outlined in subsection 9 (below), and state a recommendation for approval or denial of the proposed amendment. If the Planning Commission fails to submit a report within the required thirty (30) day period, it shall be deemed to have approved the requested amendment.

18.8 Decision by Town Council - The Mansfield Town Council shall approve or deny a proposed zoning amendment at its next regular meeting following receipt of a recommendation on the proposed amendment from the Planning Commission. The Town Council must consider carefully the standards set out in subsection 9 (below) in making its decision. The Town Council must give written notification to the Mansfield Planning Commission and to the applicant of its decision. Any amendment involving changes in zoning district boundaries must be entered upon the Official Zoning Map within one (1) working day after it has been approved by Mayor and Council. No amendment to the Official Zoning Map shall become effective until it has been entered upon said map.

18.9 Standards for Review - In review of any zoning amendment request, the following factors must be considered:

- a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of the adjacent and nearby property;
- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- d. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- e. If there is an adopted plan, whether the proposed amendment is in conformity with the policy and intent of the land use plan; and,



- f. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

SECTION 19. PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

SECTION 20. COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. He/she shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

SECTION 21. PENALTIES FOR VIOLATION. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special permits) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$250 or imprisoned for not more than 60 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 22. SEPARABILITY. If any portion or provision of this ordinance is found to be unconstitutional, such invalidity shall not affect any other portion of this ordinance.

SECTION 23. DEFINITIONS. For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word persons includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.



The word shall is mandatory; the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot or parcel.

23.1 Accessory Use or Structure - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

23.2 Buildable Area - The portion of a lot remaining after required yards have been provided.

23.3 Dwelling - A building designed or used for permanent living quarters for one or more families living independently of each other in a complete dwelling unit.

23.4 Dwelling, Multi-Family - A building designed or used as a residence for three or more families living independently of each other in a complete dwelling unit.

23.5 Dwelling, Single-Family - A detached building, other than a manufactured home, designed for or occupied exclusively by one family.

23.6 Dwelling, Single Family Attached - Three or more single family homes on individual lots with buildings being joined at the property line by fire resistant walls extending from the basement to the roof.

23.7 Dwelling, Single Family, Zero Lot Line - A single family unit which is either: (1) erected in a row as part of single building or adjoining lots, each being separated from the adjoining unit or units by an approved fire resistant party wall or walls, extending from the basement or cellar floor to the roof along the dividing lot line (as a townhouse), or (2) erected as a detached dwelling unit with side and/or front setback requirements relaxed so as to allow the dwelling unit to be built on the property line.

23.8 Dwelling, Two Family, or Duplex - A building designed, constructed, altered, or used for two adjoining dwelling units that are connected by a party wall and/or if two stories in height, by a party floorceiling.

23.9 Family - One or more persons occupying a single dwelling unit and living as a single household.

23.10 Home Occupation - An occupation conducted in a dwelling unit, provided that:

- a) No person other than members of the family residing on the premises shall be engaged in such occupation.

- b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of home occupation.
- c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
- d) No home occupation shall be conducted in any accessory building unless specifically approved by the Board of Appeals.
- e) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be satisfied with parking spaces in areas off the street and other than in a required front yard.
- f) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

23.11 Industrialized Building - A building or building component manufactured in accordance with the Georgia Industrialized Building Act and the Rules of the Commissioner of Community Affairs issued pursuant thereto. State approved buildings meet the State Building and Construction Codes and bear an insignia of approval issued by the Commissioner.

23.12 Industrialized Home - A home manufactured in accordance with the Georgia Industrialized Building Act and the rules of the Commissioner of Community Affairs issued pursuant thereto. State approved buildings meet the State Building and Construction Codes and bear an insignia of approval issued by the Commissioner.

23.13 Lot - For purposes of this ordinance, a lot is a parcel of land at least sufficient in size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as herein required. Such lot shall have frontage on an improved public street, and may consist of:

- a) A single lot of record;
- b) A portion of a lot of record;
- c) A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record; and
- d) A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this ordinance.

23.14 Lot Coverage - That percentage of the buildable areas of a lot covered by a building or structure.

23.15 Lot Frontage - The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yard" in this section.

23.16 Lot Measurement.

- a) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- b) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured, across the rear of the required front yard, provided however that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.

23.17 Lot of Record - A lot which is part of a subdivision recorded in the office of the County Clerk of Newton County, Georgia, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

23.18 Manufactured Home - A structure, transportable in one or more sections and built on a permanent chassis, which is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical system contained therein.

23.19 Non-conforming Use - Any use that existed before the adoption of this ordinance, which does not conform to the district regulations of this ordinance.

23.20 Off-Street Loading Space - Space logically and conveniently located for bulk pick-up and deliveries, sealed to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are full. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

23.21 Off-Street Parking Space - For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

23.22 Planning Commission - The Mansfield Planning Commission appointed by the Mayor and Town Council of Mansfield to review planning and zoning matters for the purpose of making recommendations to the Town of Mansfield.

23.23 Sign - Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however that the following shall not be included in the application of the regulations herein:

- a) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- b) Flags and insignia of any government except when displayed in connection with commercial promotion;
- c) Legal notice, identification, informational, or directional signs erected or required by governmental bodies;
- d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights; and
- e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface.

23.24 Sign, Off-Site - A sign other than an on-site sign.

23.25 Sign, On-Site - Sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

23.26 Special Permit - A special permit is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may only be permitted in such zoning districts as allowed under specific provisions for special permits stated in this zoning ordinance.

23.27 Spot Zoning - Any zoning action which is intended to benefit a single person, corporation, or owner; and is not compatible with the zoning of the surrounding land within the Town of Mansfield; and applies to a land of such small size as to be considered inappropriate as a distinct zoning district.

23.28 Structure - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences, billboards, and poster panels.

23.29 Variance - A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by a variance. No variance shall be granted because of the existence of non-conformities in the zoning district or uses in an adjoining zoning district.

23.30 Yard - A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

23.31 Yard, Front - A yard extending between side lot lines across the front of a lot adjoining a public street.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the

prevailing yard pattern, the administrative official may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided on the adjacent lots.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two frontages, the administrative official shall determine the front yard requirements, subject to the following limitations; (1) At least one front yard shall be provided having the full depth required generally in the district; (2) No other front yard on such lot shall have less than half the full depth required generally.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

23.32 Yard, Rear - A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

23.33 Yard, Side - A yard extended from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of required front yards. In the case of corner lots, yards remaining after full- and half-depth front yards have been established shall be considered side yards.

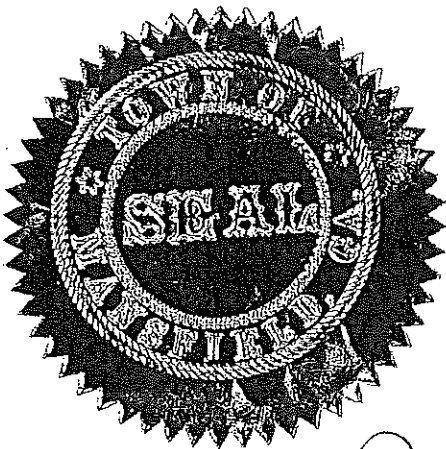
Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

23.34 Zoning Official- The officer as appointed by the Town Council of Mansfield who is responsible for the enforcement of this ordinance.

SECTION 24. REPEAL OF CONFLICTING ORDINANCES. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 25. SHORT TITLE. This ordinance may be cited as the "Mansfield Zoning Ordinance."

SECTION 26. EFFECTIVE DATE. This zoning ordinance shall take effect the 15th day of April, 1986.



Wayne Blackwell  
Mayor

Attest:

Mrs Pat Mullins  
City Clerk



# City of Mansfield

21 W. First Avenue  
P.O. Box 35  
Mansfield, Georgia 30055  
(770) 786-7235

To: Newton County Permit Office

The City of Mansfield allows trailers inside the City of Mansfield if they meet the Southern Building Code or Hud. Roof pitch of 3/12, if this is Hud's standards, is okay. If any further information is needed, please let me know,

Yours truly,

Pat Mullins,  
City Clerk

Amendments

(L)



# BEAR CREEK WATER SUPPLY WATERSHED PROTECTION ORDINANCE

*Adopted July 12 1999*

## 1 Findings and Purpose

**1.1 Findings of Fact** In order to provide for the health, safety and welfare of the public and a healthy economic climate within Mansfield and surrounding communities, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter stormwater runoff can be threatened by unrestricted development. Land-disturbing activities associated with development can increase erosion and sedimentation which threatens the storage capacity of reservoirs. In addition, stormwater runoff, particularly from impervious surfaces, can introduce toxicant, nutrients and sediment into drinking water supplies, making water treatment more complicated and expensive and rendering water resources unusable for recreation. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby public drinking water supplies.

**1.2 Purpose** The purpose of this ordinance is to establish measures to protect the quality and quantity of the present and future water supply of Newton County; to minimize the transport of pollutants and sediment to the water supply; and to maintain the yield of the water supply watershed. This ordinance shall apply to the portions of the Bear Creek Reservoir water supply watershed, which occur within the jurisdiction of Mansfield.

## 2 Establishment of a Water Supply Watershed District.

The Bear Creek Water Supply Watershed District is hereby designated and shall comprise the land that drains to the Bear Creek Reservoir from the reservoir boundary to the ridge line of the watershed. The boundary of the Watershed District is defined by the ridge line of the watershed or by the political boundaries of Mansfield, where those boundaries occur within the watershed. The boundary shall be set at places readily identifiable on the Watershed District Map. The Watershed District overlies the Mansfield Zoning Map, which is hereby incorporated and made part of this ordinance by reference.

**2.1 Water Quality Critical Area.** The Water Quality Critical Area shall comprise all lands within the City of Mansfield that lie in the Bear Creek Water Supply Watershed District. (See map 4-22, Water Supply Watersheds, located in the Newton County Comprehensive Plan. This map is incorporated by reference as if attached to this ordinance.)

## 3 Permit Required

**3.1 Permit Requirements.** Within the Water Supply Watershed District, no land-disturbing activity, construction or other development, other than certain exempted activities identified within, may be conducted without a permit from the Mayor and Council and must be in full compliance with the terms of this ordinance and other applicable regulations. All activities that are not permissible as of right or as special permit uses shall be prohibited.

**3.2 Temporary Emergency Permit.** Notwithstanding the provisions of this district or any other law to the contrary, the Mayor and Council may issue a temporary emergency permit through oral or written authorization, provided a written permit is accomplished within five days, if it deems that an unacceptable threat to life or severe loss of property will occur if a temporary emergency permit is not granted. The temporary emergency permit may be terminated at any time without process upon a determination by the Mayor and Council that the action was not or is no longer necessary to protect human health or the environment.

**3.3 Exemptions.** The following land-use activities are exempted from the permit and site plan requirements of this Ordinance:

**3.3.1 Agriculture and Forestry.** Normal agricultural activities involving planting and harvesting of crops are exempted if they conform to best management practices established by the Georgia Department of Agriculture. Silvicultural activities must conform to best management practices established by the Georgia Forestry Commission.

**Note 3.3.1:** Discussions of best management practices for agriculture and forestry are available from the Georgia Department of Agriculture and the Georgia Forestry Commission, respectively.

3.4 Enforcement. The Mayor and Council, its agent, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this ordinance and may take or cause to be made such examinations, surveys or sampling as the Mayor and Council deem necessary.

3.4.1 The Mayor and Council is hereby designated as the administrator and enforcement authority for this Ordinance.

3.4.2 The Mayor and Council shall have authority to enforce this Ordinance; issue permits hereunder; and address violations or threatened violations hereof by issuance of violation notices, administrative orders and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator.

3.4.3 Law enforcement officials or other officials having police powers shall have authority to assist the Mayor and Council in enforcement of this Ordinance.

3.4.4 Any person who commits, takes part in or assists in any violation of any provision of this Ordinance shall be fined not more than \$1,000 or ninety (90) days for each offense. Each violation shall be a separate offense and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.

3.4.5 The Mayor and Council shall have the authority to issue cease and desist orders in the event of any violation of this Ordinance. Cease and desist orders may be appealed to a court of competent jurisdiction, as identified in Section 9.

3.4.6 When a building or other structure has been constructed in violation of this Ordinance, the violator shall be required to remove the structure.

3.4.7 When removal of vegetative cover, excavation or fill has taken place in violation of this Ordinance, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable.

**4 Permit Review.** Applications for a development permit within the Watershed District shall include:

4.1 Site Plans Required. Except for the exemptions listed in this section, all forms of development within the Watershed District shall be required to have a site plan prepared and approved according to this ordinance before any building permits or other development related permits may be issued or any land-disturbing activity may take place.

4.2 Information Required. Each site plan submitted under this ordinance shall include the following:

4.2.1 A site plan drawn to a scale of 1"=50' showing all planned improvements including the width, depth and length of all existing and proposed structures, roads, water courses and drainage ways; water, wastewater and stormwater facilities; and utility installations.

4.2.2 Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site.

4.2.3 The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.

4.2.4 Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than five feet.

4.2.5 Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.

4.2.6 Calculations of the amount of cut and fill proposed and cross-sectional drawings showing existing and proposed grades in areas of fill or excavation. Elevations, horizontal scale and vertical scale must be shown on cross-sectional drawings.

Note: A stormwater prevention plan submitted to the Georgia Department of Natural Resources, Environmental Protection Division, may meet the requirements of this section.

4.3 Activities to comply with site plan. All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan, that would alter the amount and velocity of storm-water runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of vegetation during construction or otherwise result in an alteration of the overall appearance of the development as proposed, can be amended only with the approval of the Mayor and Council. Minor changes, such as realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions, are exempted from this requirement.

4.4 Exemptions from Site Plan Requirement. The following activities and developments are exempt from the requirement for detailed site plans:

4.4.1 Single family detached homes constructed within a subdivision of fewer than five parcels.

4.4.2 Repairs to a facility that is part of a previously approved and permitted development.

4.4.3 Construction of accessory buildings or additions to single family residences.

4.5 Pre-Application Conference. A pre-application conference is strongly encouraged between the applicant and the Newton County Planning Director and can be scheduled at the request of the applicant. The purpose of the meeting is to review local land use restrictions, site plan requirements and the permitting process.

4.6 Filing Fee. At the time of the application, the applicant shall pay a filing fee specified by the Newton County Planning Department. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment and mitigation measures as deemed necessary by the Mayor and Council.

4.7 Review Procedures. Planning Commission Recommendation. A review is conducted by the Planning Commission. The Planning Commission may recommend approval, approval with conditions, or disapproval of the permit application. The Planning Commission must transmit its recommendation to the Mayor and Council within thirty (30) days. If the Planning Commission fails to submit its recommendations within the thirty 30 day period, it is deemed to have recommended approval of the permit application.

*Mayor and Council Action.* The Mayor and Council shall review the record prepared by the Planning Commission and vote on the permit application. The Mayor and Council may approve, approve with conditions, or deny the application. Within seven (7) days of its decision, the Mayor and Council shall notify the applicant. If the Mayor and Council fails to act on the application within thirty (30) days of its submission to that body, the application is deemed to have been approved.

4.8 Denial. If the permit is denied by the Mayor and Council, then the same permit application cannot be considered until the expiration of at least six (6) months immediately following the denial of the permit by the Mayor and Council.

4.9 Appeals. Decisions on permit applications made by the Mayor and Council, may be appealed to the Newton County Superior Court. The appeal must be made within 30 days of the decision rendered by the Mayor and Council.

4.10 Duration of Permit Validity.

4.10.1 If construction described in the development permit has not commenced within twelve months from the date of issuance, the permit shall expire.

4.10.2 If construction described in the development permit is suspended after work has commenced, the permit shall expire twelve months after the date that work ceased. In cases of permit expiration due to abandonment or suspension of work, the landowner shall be required to restore topography to its original contours and restore vegetation as far as practicable.

4.10.3 Written notice of pending expiration of the development permit shall be issued by the Mayor and Council no later than thirty (30) days prior to expiration.

## 5 Land Use Restrictions

**5.1 Within the Water Quality Critical Area.** The following limitations on permissible uses shall apply to the Water Quality Critical Area in addition to the limitations on land use prescribed by the underlying zoning district.

*5.1.1 New Hazardous Waste Handling Facilities.* New facilities which handle hazardous materials of the types and amounts determined by the Department of Natural Resources, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Department of Natural Resources.

*5.1.2 New Hazardous Waste Treatment or Disposal Facilities.* New hazardous waste treatment or disposal facilities are prohibited.

*5.1.3 New Sanitary Landfills.* New sanitary landfills are permitted only if they have synthetic liners and leachate collection systems.

*5.1.4 Agricultural Land Use.* The application of animal waste on land must be accomplished in accordance with the Agricultural Best Management Practices.

**6 Impervious Surface Limitations.** The following limitations on permissible uses shall apply in addition to the limitations on land use prescribed by the underlying zoning district.

6.1 Impervious Surface Limitations: No more than 25 percent of the land area in the watershed may be covered by impervious surface within the Bear Creek Watershed.

### 6.2 Impervious Surface Setbacks.

*6.2.1* For all perennial streams within the Water Quality Critical Area, no impervious surface shall be constructed within a 150 foot setback area on both sides of the stream as measured from the stream banks.

### 6.3 Vegetative Buffers

*6.3.1 Undisturbed Stream Buffers within Water Quality Critical Area.* For all perennial streams within the Water Quality Critical Area, an undisturbed vegetative buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks.

*6.3.2 Silvicultural BMPs.* Notwithstanding any other provisions of this ordinance, forestry practices, in accordance with a forest management plan that incorporates best management practices (BMPs) approved by the Georgia Forestry Commission, shall be permissible in the buffer areas.

*6.3.3 Agricultural BMPs.* Notwithstanding any other provisions of this ordinance, the continued cultivation of agricultural crops and the occasional pasturing of livestock shall be permissible within the buffer area, provided that the best management practices of the Georgia Department of Agriculture are followed.

6.4 Septic tank drainfield restrictions. Septic tanks and septic tank drainfields are prohibited in the setback area established in Subsections 6.2.1.

6.5 Street runoff and drainage. New streets constructed within the Water Quality Critical Area shall not require any curb and gutter improvements additional to those required in the Mansfield Zoning. New streets that cross perennial streams within the Water Quality Critical Area shall be designed in such a way as to avoid direct runoff from the paved surface into the streams they cross. Such design features shall be shown on the site plan.

6.6 Hazardous Materials Handling. New facilities located within the Water Supply Watershed District that handle hazardous materials of a type and amounts requiring a permit from the Department of Natural Resources or that require disposal at a hazardous materials facility by a hazardous materials handler permitted or licensed by the Department of Natural Resources, shall perform their operations on impermeable surfaces having spill and leak collection systems. Such spill and leak collection systems shall be shown on the site plan in detail and must be approved, as part of the site plan, by the Mayor and Council.

6.7 Soil erosion and sedimentation control. All developments and land disturbing activity within the Water Supply Watershed District shall comply fully with the Soil Erosion and Sedimentation Control Act of 1975 as amended, O.C.G.A. 12-7-1 et seq.

## 7 Nonconforming Uses

7.1 Previous uses preserved generally. The lawful use of any building, structure or land use existing at the time of the enactment of this Ordinance may be continued, even though such use does not conform with the provisions of this Ordinance, except that the nonconforming structures or use shall not be:

- 7.1.1 Changed to another nonconforming use;
- 7.1.2 Increased in intensity of use;
- 7.1.3 Re-established after discontinuance for one (1) year;
- 7.1.4 Extended except in conformity with this ordinance; or
- 7.1.5 Structurally altered, except for repairs necessary for the continuation of the existing use.

7.2 Replacement of nonconforming uses. A nonconforming building, structure or improvement which is hereafter damaged or destroyed to an extent exceeding fifty (50) percent of the reasonable estimated replacement cost of the structure, building or improvement, as determined by the Mayor and Council may not be reconstructed or restored to the same nonconforming use except upon written approval of the Mayor and Council.

7.3 Application to projects partially complete. For any development that has received, before the effective date of this Ordinance, either preliminary plat approval, site plan approval, building permit or other relevant permits provided by the Mayor and Council and for which substantial work has been completed or substantial investment made in reliance upon such a permit, any future work included in said plat or plan may be completed without being subject to the additional regulations imposed in this ordinance. Any significant additions, expansions or phases that deviate significantly from said plat or plan or that have not yet received a permit shall be subject to the provisions of this Ordinance.

## 8 Variances

8.1 When issued. The Mayor and Council or its staff may authorize, upon appeal in individual cases, variances from the terms of this Ordinance as will not be contrary to the public interest. Variances will only be issued in cases where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Such variance may be granted in individual cases of practical difficulty or unnecessary hardship only upon a finding by the Mayor and Council that all of the following conditions exist:

- 8.1.1 There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
- 8.1.2 The application of this Ordinance to the particular piece of property would create an unnecessary hardship;
- 8.1.3 Relief, if granted, would not cause substantial detriment to the water quality of Bear Creek Reservoir or impair the purposes and intent of this ordinance;
- 8.1.4 The special circumstances surrounding the request for a variance are not the result of acts by the applicant;
- 8.1.5 The variance is not a request to permit a use of land, buildings or structures that is not permissible in the district involved; and
- 8.1.6 The variance will not result in an increase of the impervious surface of the development beyond that prescribed according to Section 6.

8.2 Conditions. The Mayor and Council may, as a condition of the variance to certain provisions of this Ordinance, require that alternative measures be taken by the applicant such that the purposes of this Ordinance may be achieved through alternative means.

## **9 Judicial Review**

9.1 Jurisdiction. All final decisions of the Mayor and Council concerning denial, approval or conditional approval of a special permit shall be reviewable in the Newton County Superior Court.

9.2 Alternative Actions. Based on these proceedings and the decision of the court, the Mayor and Council may, within the time specified by the court, elect to:

9.2.1 Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land;

9.2.2 Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or

9.2.3 Institute other appropriate actions ordered by the court that fall within the jurisdiction of the Mayor and Council.

## **10 Amendments**

These regulations and the Watershed District Map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information becomes available.

## **11 Assessment Relief**

Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of land.

## **12 Separability and Abrogation**

All sections and subsections of this ordinance are considered separate and distinct. Should any section, subsection, paragraph or part of this ordinance be declared by a court of jurisdiction to be invalid for any reason, it shall not invalidate any other section, subsection, paragraph or part of this ordinance.

All ordinances and regulations in conflict with this ordinance are hereby repealed.

## **13 Definitions**

Except as specifically described herein, all words in this ordinance shall have their usual and customary meanings. The use of the singular includes the plural and the plural the singular; the present tense includes the future; the use of shall means the action is mandatory; and the use of may or should means the action is optional.

Accessory Building: A subordinate building, the use of which is incidental to, and reasonably related to, a main building on the same lot or to the primary use of the property. The accessory building shall be of a size and nature customarily incidental and subordinate to the principal. Signs and fences are not to be considered as accessory buildings. A "detached" accessory building shall be one that does not have a common wall with the main building on the same lot.

Buffer, Undisturbed: A natural or enhanced vegetated area located adjacent to a reservoir or perennial stream within a water supply watershed.

Conservation Easement: A portion of land set aside in its natural state and preserved as open space in perpetuity.

Corridor: All land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed.

Development or Single Development: Any project or group of related projects constructed or planned for construction on a single parcel or on contiguous parcels under single ownership.

TO John Byce

ORDINANCE  
CITY OF MANSFIELD

An Ordinance to provide for the building code and definitions for the Town of Mansfield; to provide for the adoption of the Southern Building Code; to provide for exception to the building code for mobile homes; to provide for minimum lot sizes; to provide for utilities; to prohibit the use of travel trailers for residential purposes.

WHEREFORE, it is ordained by the Mayor and Council of the City of Mansfield that the following is hereby adopted, to-wit:

SECTION I  
Definitions

Dwelling. A "dwelling" is any building, or portion thereof, which is used as a private residence or sleeping place of one or more human beings, but not including hotels, clubs or lodging houses, or any institutions such as hospitals or jails where human beings are housed by reason of illness or under legal restraint.

Building. A "building" is an improvement of real property in the form of any structure designed or built for the support, enclosure, or shelter of persons, animals, chattels or property of any kind.

Mobile Home. A "mobile home" is a moveable or portable dwelling, designed for transportation, after fabrication, on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. It is capable of being separated from its foundation and utilities, and relocated. It can consist of one or more components that can be retraced when transported and subsequently expanded for additional capacity, or two or more units separately transportable but designed to be joined into one integral unit. A travel trailer is not to be considered a mobile home.

(K)

Travel Trailer. A "travel trailer" is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational or camping purposes, having a body width not exceeding eight (8) feet.

SECTION II

The City hereby adopts, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, use and occupancy, location and maintenance of building and structures, including permits and penalties, that certain building code known as the Southern Building Code, 1977 Edition, and any future editions or revisions, and the whole thereof, copies of which are on file in the office of the city clerk, and the same is hereby adopted and incorporated as fully as if set out at length herein. The provisions of said code shall be controlling in the construction of all buildings and other subjects therein contained within the city, except as otherwise provided in this section. Where there is any conflict between the Southern Building Code and the Georgia Safety Fire Laws, the provisions of the Georgia Safety Fire Laws shall prevail. Permit fees and other fees shall be those expressly provided for herein this resolution or hereafter fixed and determined by the City Council. Where in said building code, reference is made to any official title which is not a title used in the City, such reference shall be deemed to refer to the Building Inspector or his designated representative.

SECTION III

No building or dwelling shall be constructed or erected in Mansfield unless it shall be done in compliance with the pertinent regulations of the Newton County Health Department and the city building regulations, including the Building Code.

SECTION IV

Lot Size. No dwelling shall be constructed or erected in mansfield on a lot of less than ~~20,000~~ <sup>one acre</sup> square feet. This provision includes single and double-wide mobile homes or existing homes moved into the City.

(L)



SECTION V

Utilities. All dwellings in Mansfield shall be served with adequate utilities, including water and electricity. Each new dwelling will be required to pay a tap-on fee to receive water from the City water system.

SECTION VI

Mobile Homes. Anyone wishing to place a mobile home on a lot in Mansfield must petition to the City Council for its permission. Should the City grant the request, it shall issue a permit for such mobile home which shall be effective for a period of one year from the date of issuance. If the owner of the mobile home wishes to renew the permit, he shall be required to request the City Council for the renewal of the permit each year. Should the Council deem it necessary, it may refuse the renewal of the permit and require the removal of the mobile home.

SECTION VII

Under no circumstances will the use of a travel trailer for residential purposes be permitted in Mansfield.

Adopted, this 12th day of June, 1978.

ATTEST: Mrs. Pat Mullins,

Clerk, City of Mansfield

\*The Southern Building Code requires 2x4 <sup>studs</sup> ~~planks~~, ceiling joists. Only double wide and modular homes will meet this requirement.

(M)



# City of Mansfield

21 W. First Avenue

P.O. Box 35

Mansfield, Georgia 30055

(770) 786-7235

September 26, 2002

TO WHOM IT MAY CONCERN:

The Address for Walter Tuggle's new home is 111 Fifth Ave., Mansfield Ga. 30055.  
The address for his trailer is 111-A, which is to be removed when his new house  
is complete.

Yours truly,

Pat Mullins, City Clerk

To: Vanessa Clark

John Edwin Knight  
P.O. Box 525  
Social Circle, Georgia 30025  
Phone 770-464-4549; <Fax Number>

William A. Cocchi, Sr., Mayor  
Mansfield City Council  
Mansfield, Georgia

After a careful reading of the zoning ordinance restriction on lots less than one acre in Mansfield, it is my interpretation as well as the interpretation of Jimmy Alexander, my attorney, that this restriction does not apply to lots that existed when the ordinance was adopted. If your interpretation is different and I cannot get an approval for a permit on the half acre lot you are considering at the Monday night meeting, I will request a judges interpretation of the ordinance to resolve any misunderstanding.

John Knight

John Knight

I

**A Resolution Authorizing the Acceptance of a Limited Warranty Deed of Gift  
for 13.793 acres on Highway 213**

**WHEREAS:** the Beaver Manufacturing Company, Inc. has offered to donate a 13.793 acre parcel of land located on Highway 213 in Mansfield, GA, more accurately described in the Limited Warranty Deed of Gift attached hereto and incorporated herein by reference (hereinafter "Highway 213 Property"); and

**WHEREAS:** the Mayor and City Council desire to accept the offer of said Highway 213 Property; and

**WHEREAS:** the authorization to accept the Limited Warranty Deed of Gift of the Highway 213 Property is contingent upon a successful Phase 1 environmental assessment of the property pursuant to O.C.G.A. § 36-80-18; and

**WHEREAS:** the Limited Warranty Deed of Gift to effect the transfer of the Highway 213 Property attached hereto and incorporated herein has been reviewed and approved by the City Attorney, and would need to be executed by the Beaver Manufacturing Company Inc., and filed in the Superior Court of Newton County.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council for the City of Mansfield as follows:

Section 1: The Mansfield City Council hereby accepts the offer of 13.793 acres on Highway 213 more accurately described in the Limited Warranty Deed of Gift attached hereto and incorporated herein, and accepts said Limited Warranty Deed of Gift, contingent upon a successful completion of the Phase 1 Environmental Assessment.

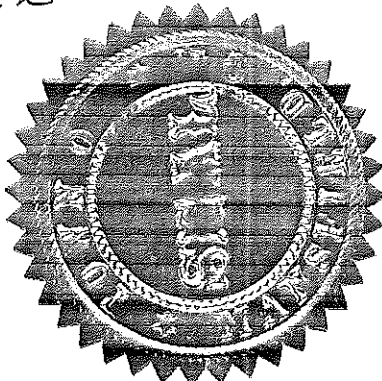
Section 2: The Mayor is hereby authorized that upon the completion of said successful Phase 1 Environmental Assessment, to accept the executed Limited Warranty Deed of Gift from Beaver Manufacturing Company, Inc., as attached hereto and incorporated herein.

Section 3: Upon execution and acceptance of said Limited Warranty Deed of Gift, the Mayor is authorized and directed to finalize the transfer of 13.793 acres on Highway 213, more accurately described in the Limited Warranty Deed of Gift attached hereto and incorporated herein, by filing the executed Limited Warranty Deed of Gift with the Newton County Superior Court.

SO RESOLVED AND EFFECTIVE, this 12<sup>th</sup> day of March, 2012.

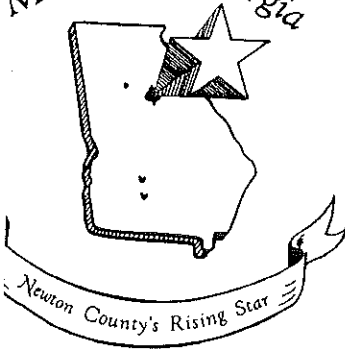
Estonia Middlebrooks  
Estonia Middlebrooks, Mayor

Jamie Ruark  
Pat Mullins, City Clerk (Seal)  
Jamie Ruark  
Clerk 2



(H)

Mansfield, Georgia



# City of Mansfield

21 W. First Avenue  
P. O. Box 35  
Mansfield, Georgia 30255  
(404) 786-7235

ORDINANCE - MAYOR & COUNCIL  
CITY OF MANSFIELD, GA.  
MARCH 9, 1998  
7 p.m.

Motion made by Larry Haigwood that Table One (1) Schedule of District Regulations of the Zoning Ordinance of the City of Mansfield be amended and that the requirement for a minimum heated living area for a single family residence be increased from 1100 square feet to 1400 square feet and that all other regulations remain the same.

Motion seconded by Jack Roquemore.

Passed by 5 vote of Mayor and Council.

This 10th day of March, 1998.

ATTEST:

Pat Mullins  
City Clerk

William C. Coker  
Mayor

(9)

BALLARD, STEPHENSON & WATERS, P.C.

ATTORNEYS AT LAW

KING, SR. (1903-1963)

BALLARD

ALD G. STEPHENSON

Y J. WATERS

OF COUNSEL

Y R. THIGPEN, JR.

November 14, 1988

1122 MONTICELLO STREET, S.W.

POST OFFICE BOX 29

COVINGTON, GEORGIA 30209

TELEPHONE: 404-786-8123

r. Wayne Blackwell, Mayor  
ity Council Members  
ity of Mansfield  
ansfield, Georgia 30255

RE: Setback Regulations on Properties Abutting  
Railroad Right-of-Way

entlemen:

On this date, I have received a copy of a memo to the Mayor from  
r. Brian Allen, our zoning official for Mansfield, pertaining to  
etback regulations for manufacturing properties located and fronting  
abutting on the railroad property to the rear thereto. Upon  
reviewing the Ordinance of the City of Mansfield, I find the  
following:

Under Section 6, Schedule of District Regulations Table 1(m),  
Minimum requirements, the Zoning Ordinance fails to set forth  
where the requirements of abutment for manufacturing on a  
railroad, and the only reference thereto in any sense would be  
Minimum rear yard setback as shown in Ordinance to be forty (40)  
feet.

Apparently the drafters of the Ordinance at the time of drafting  
did not consider Mansfield having a manufacturing need on railroad  
frontage with possible loading and unloading as needed by railcar.  
As a standard use of manufacturing or warehousing where railroad  
services are available, the structures thereto abut the railroad  
right-of-way for purposes of loading and unloading from the railroad.

I have not been advised as to whether there is actual railroad  
loading and unloading at the building site or not, however, I would  
believe that the property owner would have the option to do as he so  
sired.

I cannot anticipate a justifiable decision on the part of the  
city in refusing a manufacturer immediate frontage on railroad right-  
-way under light manufacturing.

I would suggest that the Council, to clear this matter in the  
future, prepare an amendment to the Comprehensive Zoning Ordinance

(e)

Mr. Wayne Blackwell  
City Council Members

2.

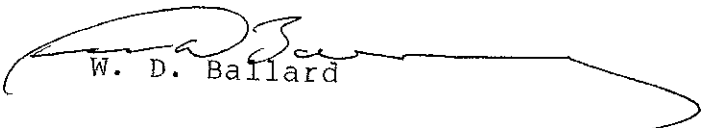
November 14, 1988

addressing itself to this question if there is a wish on the part of the City to control the abutment on railraod right-of-way.

In conclusion, I do not know of any commercial district which restricts manufacturing and warehousing from abutting immediately upon the railroad right-of-way.

Very truly yours,

BALLARD, STEPHENSON  
& WATERS, P. C.

  
W. D. Ballard

WDB/ldb

(P)

## MANSFIELD PLANNING COMMISSION

June 7, 1999

The Mansfield Planning Commission held it's meeting in the Community Room at 7:05 P.M. Chairman J.W. Kinard presided over the meeting with the following members being present.

Lamar Sowell

Bill Robertson

Mr. Kinard welcomed all to the meeting and explained procedure that would be followed. Planning Commission makes recommendations to the Council.

John Byce read petition and explained the reason for the request.

**Judy Clayborn** – P.O. Box 172 Mansfield, Ga.

Judy Clayborn and Jody Clayborn represented petition and requested that property located at Hwy 11 and Pine St. be rezoned to business and allow for a real estate office.

Ms. Clayborn stated that since last meeting she had purchased additional land so she now has 1.2 acres. She stated she had decided to remodel existing old building of which she had already put siding on and it had made a tremendous improvement. Plans to have 4 or 5 parking spaces in rear. She stated that her plans were to exit from the back of the property but would possibility use Hwy 11 as entrance only. At this time it was mentioned that she had the correct set back requirements.

One resident, (Denise), was present to voice objection. She was concerned with what the future plans could develop. She did not want any more property zoned business. Feels that they should look for property down town that is already zoned for this use.

After discussion, motion made by Robertson to recommend granting but subject to the following:

- a) Property can only be used as Professional Offices
- b) Hwy 11 can only be used as an entrance

Motion seconded by Sowell. Motion carried with a unanimous vote .... 2-0.





## AMENDMENT TO MANSFIELD ZONING ORDINANCE

WHEREAS, the City Council of Mansfield, has determined to consider an application to amend the Mansfield Zoning Ordinance (here after "The Ordinance") in order to modify the front yard setback, side yard setback and the rear yard setback in the Conservative-Residential, CR, Zoning District and to modify the side yard setback and the rear yard setback in the Performance-Residential, PR, Zoning District.

WHEREAS, in the CR District minimum front yard setback is extended from 30 feet to 40 feet, the minimum side yard setback is extended from 15 feet to 30 feet and the minimum rear yard setback is extended from 20 feet to 30 feet; and

WHEREAS, within the PR District the minimum side yard setback is extended from 15 feet to 30 feet and the minimum rear yard setback is extended from 20 feet to 30 feet; and

WHEREAS, it appears that notice provisions contained in Section 18.5 of "The Ordinance" have been complied with; and

WHEREAS, the Mansfield Planning Commission has reviewed said application; and

WHEREAS, a public hearing regarding said application was held after due notice on the 6th day of January, 2000; and

WHEREAS, after a public hearing and upon consideration of the arguments and evidence presented and the recommendation of the Mansfield Planning Commission, it appears that said modification is in compliance with the Standards for Review contained in Section 18.9 of "The Ordinance" a recommendation to the Mansfield City Council; and

WHEREAS, now therefore in the Conservative-Residential, CR, zoning District the minimum front yard setback shall be 40 feet, the minimum side yard setback shall be 30 feet and the minimum rear yard setback shall be 30 feet and in the Performance-Residential, PR, Zoning District the minimum side yard setback shall be 30 feet and the rear yard setback shall be 30 feet.

So amended this 10th day of January, 2000.

William Cocchi  
WILLIAM COCCHI, MAYOR

Lamar Hays  
LAMAR HAYS

Jack Roguemore  
JACK ROGUEMORE

Lyra Cocchi  
LYRA COCCHI

Larry Hagwood  
LARRY HAGWOOD

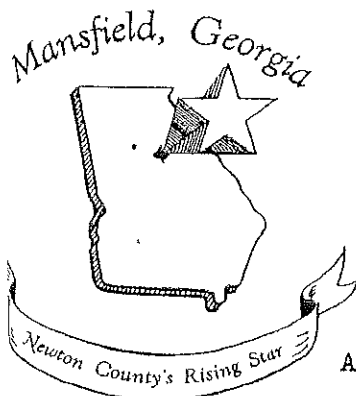
Helen Robertson  
HELEN ROBERTSON

Attest:

Pat Mullins  
PATRICIA A. MULLINS, CITY CLERK

This Amendment shall be entered into the Mansfield zoning Ordinance Book all as setforth in Table 1 of said Mansfield Zoning Ordinance.

C



# City of Mansfield

21 W. First Avenue  
P.O. Box 35  
Mansfield, Georgia 30055  
(770) 786-7235

## AMENDMENT TO THE MANSFIELD ZONING ORDINANCE

WHEREAS, the City Council of Mansfield, on its own motion, has determined to consider an application to amend the Mansfield Zoning Ordinance (hereafter "the Ordinance") in order to modify the minimum lot area in all future Conservative-Residential and Performance-Residential zoning districts from 20,000 square feet to one acre; and

WHEREAS, it appears that the notice provisions contained in Section 18.5 of "the Ordinance" have been complied with; and

WHEREAS, the Mansfield Planning Commission has reviewed said application and submitted a recommendation to the Mansfield City Council; and

WHEREAS, a public hearing regarding said application was held after due notice on the 11 day of January, 1999; and

WHEREAS, after a public hearing and upon consideration of the arguments and evidence presented and the recommendation of the Planning Commission, it appears that said modification is in compliance with the Standards for Review contained in Section 18.9 of "the Ordinance", and sound comprehensive planning principles.

NOW THEREFORE, the Mansfield Zoning Ordinance is hereby amended as follows:

### I.

The minimum lot area for all Conservative-Residential and Performance-Residential zoning districts in the City of Mansfield shall be one (1) acre.

### II.

This amendment shall not apply to any Conservative-Residential or Performance-Residential zoning districts which were zoned prior to the enactment of this amendment; provided, however, no acreage or lot falling under this Item II shall be allowed to be resubdivided into any lot or parcel less than one acre.

William Cocchi  
William Cocchi, Mayor

Lamar B. Hays  
Lamar Hays

Jack Roquemore  
Jack Roquemore

Larry Haigwood  
Helen Robertson  
Helen Robertson

ATTEST:

TO John Byce

ACCESSORY BUILDINGS

The Mayor and Council of the City of Mansfield met in its regular meeting June 14, 1993, Motion was made by Brad Marks, seconded by Fontainne Schoenfield, and motion carried to amend the measurements for any accessory building, Section 7.2.

Strike all of Sub-Section 7.2.

Said Ordinance as amended to read as follows:

7.2 Accessory Buildings - No accessory buildings shall be erected within any required yard setback, and no accessory building shall exceed the outside dimensions of 20' x 24'. No accessory building shall be erected within five feet of another building.

(ORDINANCE 6/14/93)

enacted 8-9-93

(5)

AN ORDINANCE TO AMEND THE MANSFIELD ZONING ORDINANCE, MARCH 1986, WITH RESPECT TO MINIMUM LOT SIZE AND MINIMUM HEATED LIVING AREA; AND FOR OTHER PURPOSES

The Mayor and Council of the City of Mansfield hereby ordains as follows:

Section 1. Table I, Schedule of District Regulations shall be amended to increase the minimum heated living area for single-family homes in the Conservation Residential (CR) District from 1,400 sq. ft. to 1,800 sq. ft.; in the Performance Residential (PR) District from 900 sq. ft. per dwelling unit to 1,800 sq. ft. per dwelling unit.

Section 2. Table I, Schedule of District Regulations shall be amended to increase the minimum lot size in the Conservation Residential (CR) from 20,000 square feet to 87,120 square feet (2 acres) and to increase the minimum lot size per home for Attached Single Family Homes in the Performance Residential (PR) zoning district from 15,000 square feet to 43,560 square feet and Duplex from 20,000 square feet to 43,560 per dwelling unit.

Section 3. Existing lots of record as of March 12, 2012 can be developed as per the March 1986 regulations. Homes on existing lots of record as of March 12, 2012, if damaged or destroyed, can be rebuilt on the existing footprint.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted this 12<sup>th</sup> day of March, 2012.

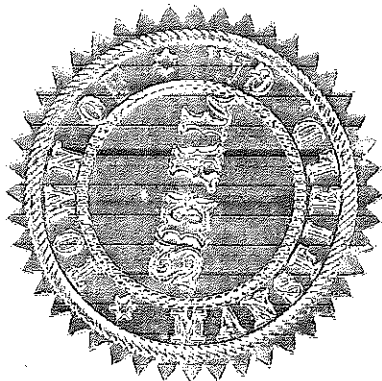
Estonia Middlebrooks  
Estonia Middlebrooks, Mayor

Attest:

Jamie Ruark  
Pat Mullins, City Clerk

SEAL

Jamie Ruark  
Clerk 2



Hall Booth Smith, P.C.

**MEMORANDUM**

**TO:** Jeana Hyde  
**FROM:** Dargan "Scott" Cole, Sr.  
**DATE:** July 26, 2017  
**SUBJECT:** Planning Commission Meeting on July 24, 2017  
**CLIENT/MATTER:** City of Mansfield

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At the Planning Commission's meeting on July 24, 2017, one of the Commissioners suggested that the Robertson repair shop should be classified as "Business" instead of "Conservative Residential."

Section 23.19 of the Mansfield Zoning Ordinance defines a non-conforming use as "any use that existed before the adoption of this ordinance, which does not conform to the district regulations of this ordinance."

Under Section 9 of the Zoning Ordinance, "non-conforming uses may be continued, but shall not be: (a) changed to another non-conforming use ... (b) allowed to increase the number of on premise signs; (c) reestablished after its discontinuance for one year; (d) allowed to continue if a change of ownership occurs and the property is in a residential zone." Further, "[i]n order for a non-conforming use to rebuild or repair after damage has exceeded fifty percent (50%) of its assessed value, the non-conforming use shall be reconstructed only in conformity with the provisions of this ordinance."

As applied to the Robertson's Lawn Mower Repair Shop, it existed prior to the adoption of the Zoning Ordinance. The use is therefore a "non-conforming use" under the current Zoning Ordinance and may be allowed to stay in the current zoning classification provided it continues to meet the conditions for a non-conforming use.

If you have any questions, please do not hesitate to contact me.

DSC/tld

**COPY**

## **RESOLUTION**

### **A RESOLUTION DECLARING A MORATORIUM ON THE FILING OF OR ACCEPTANCE OF APPLICATIONS FOR AMENDMENTS TO THE ZONING ORDINANCE OF THE CITY OF MANSFIELD, GEORGIA, AND FOR OTHER PURPOSES.**

**WHEREAS**, the Governing Authority of the City of Mansfield is tasked with protecting the City's public health, safety, and general welfare; and

**WHEREAS**, the Mansfield City Council is preparing an update to the Official Zoning Map; and

**WHEREAS**, the Mansfield City Council recognizes there may be last-minute efforts to race through the gamut of zoning and/or permit procedures to exploit the delays inherent in the legislative process; and

**WHEREAS**, the Mansfield City Council desires to ensure the continued protection of individuals' property from unpermitted uses is balanced with need to adopt an updated Official Zoning Map; and

**WHEREAS**, the Mansfield City Council desires to provide a temporary stopgap measure to delay the consideration of applications to amend the zoning ordinance and/or applications for issuing certain permits until the City Council can adopt an updated Official Zoning Map; and

**WHEREAS**, the Mansfield City Council must take immediate and responsive action to protect the interests of residents of the City of Mansfield and it is in the best interests of the health, safety and welfare of the citizens of Mansfield that no new applications for zoning amendments or applications for building permits for within the City's limits be accepted by the City for forty-five (45) days, while the Mansfield City Council adopts an updated Official Zoning Map; and

**WHEREAS**, the Mansfield City Council finds that pending adoption of the updated Official Zoning Map, a moratorium on filing or accepting applications for an amendment to the zoning ordinance or for building permits as described in this Resolution is the least restrictive means available in exercising its police power to protect the public health, safety and welfare of the citizens of Mansfield.





**NOW, THEREFORE, BE IT RESOLVED AND IT IS DECLARED BY THE  
MAYOR AND MANSFIELD CITY COUNCIL AS FOLLOWS:**

1. From approval of this Resolution, notwithstanding any provision of the Code of the City of Mansfield to the contrary, there will be a complete moratorium on filing or accepting any application for an amendment to the Zoning Ordinance or application for a building permit. The boundaries of the property affected by this moratorium will include the entire area within the City Limits of the City of Mansfield, Georgia.
2. The moratorium imposed incorporates the findings and statements set forth in the preceding "Whereas" clauses and such clauses are made a part of this moratorium.
3. This moratorium will expire at midnight on the day forty-five (45) days from the Effective Date, and be of no force and effect, unless shortened or extended by official action of the Mansfield City Council.
4. If any section, subsection, sentence, clause, phrase or other portion of this Resolution, or its application to any person, entity or circumstance, is held by a court of competent jurisdiction to be unconstitutional or invalid, the remainder of the Resolution, or application of the provision to other persons, entities or circumstances will not be affected.


**ADOPTED** by the Mansfield City Council, this 12th day of June, 2017.



  
Jeana Hyde, City Clerk  
City of Mansfield, Georgia

  
Jefferson Riley, Mayor  
City of Mansfield, Georgia

**APPROVED AS TO FORM:**

  
Scott Cole, City Attorney  
City of Mansfield, Georgia

## **RESOLUTION**

### **A RESOLUTION DECLARING A MORATORIUM ON THE FILING OF OR ACCEPTANCE OF APPLICATIONS FOR AMENDMENTS TO THE ZONING ORDINANCE OF THE CITY OF MANSFIELD, GEORGIA, AND FOR OTHER PURPOSES.**

**WHEREAS**, the Governing Authority of the City of Mansfield is tasked with protecting the City's public health, safety, and general welfare; and

**WHEREAS**, the Mansfield City Council has previously approved the annexation of property into the City and is preparing an update to the Official Zoning Map; and

**WHEREAS**, the Mansfield City Council recognizes there may be last-minute efforts to race through the gamut of zoning and/or permit procedures to exploit the delays inherent in the legislative process; and

**WHEREAS**, the Mansfield City Council desires to ensure the continued protection of individuals' property from unpermitted uses is balanced with need to adopt an updated Official Zoning Map; and

**WHEREAS**, the Mansfield City Council desires to provide a temporary stopgap measure to delay the consideration of applications to amend the zoning ordinance and/or applications for issuing certain permits until the City Council can adopt an updated Official Zoning Map; and

**WHEREAS**, the Mansfield City Council must take immediate and responsive action to protect the interests of residents of the City of Mansfield and it is in the best interests of the health, safety and welfare of the citizens of Mansfield that no new applications for zoning amendments or applications for building permits for within the City's limits be accepted by the City for sixty (60) days, so Mansfield City Council may adopt an updated Official Zoning Map; and


**WHEREAS**, the Mansfield City Council finds that pending adoption of the updated Official Zoning Map, a moratorium on filing or accepting applications for an amendment to the zoning ordinance or for building permits as described in this Resolution is the least restrictive means available in exercising its police power to protect the public health, safety and welfare of the citizens of Mansfield.

**NOW, THEREFORE, BE IT RESOLVED AND IT IS DECLARED BY THE  
MAYOR AND MANSFIELD CITY COUNCIL AS FOLLOWS:**




1. From approval of this Resolution, notwithstanding any provision of the Code of the City of Mansfield to the contrary, there will be a complete moratorium on filing or accepting any application for an amendment to the Zoning Ordinance or application for a building permit. The boundaries of the property affected by this moratorium will include the entire area within the City Limits of the City of Mansfield, Georgia.
2. The moratorium imposed incorporates the findings and statements set forth in the preceding "Whereas" clauses and such clauses are made a part of this moratorium.
3. This moratorium will expire at midnight on the day sixty (60) days from the Effective Date, and be of no force and effect, unless shortened or extended by official action of the Mansfield City Council.
4. If any section, subsection, sentence, clause, phrase or other portion of this Resolution, or its application to any person, entity or circumstance, is held by a court of competent jurisdiction to be unconstitutional or invalid, the remainder of the Resolution, or application of the provision to other persons, entities or circumstances will not be affected.


**ADOPTED** by the Mansfield City Council, this 13 day of March, 2017.

  
Jefferson Riley, Mayor  
City of Mansfield, Georgia

**ATTEST:**

  
Jeana Hyde, City Clerk  
City of Mansfield, Georgia

**APPROVED AS TO FORM:**

  
Scott Cole, City Attorney  
City of Mansfield, Georgia

