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ORDINANCE NO. _____

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 ___ day of _____, 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. Ordinance No. _____ 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	60 Feet	Single Family 1400 Sq Ft 1600 1800	30 Feet	15 Feet	20 Feet	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 Dwellings Attached Single Family Homes Public Facilities	Churches Home Occupations Professional Offices Single Family Homes	Duplex 20,000 Sq Ft Multi-Family Development - 87,120 Sq Ft Attached Single Family Homes 15,000 Sq Ft per home	60 Feet	Duplex 1500 Sq Ft Multi-Family 1600 Sq Ft per dwelling unit Attached Single Family Homes 1900 Sq Ft per dwelling unit	40 Feet	15 Feet (Unless, adjacent to OR or A District; then 30 Ft)	20 Feet (Unless, adjacent to OR or A District; then 30 Ft)	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	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 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
Business B	Retail Business	Laundromats	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. Plan and one wall required for sign not to exceed 25% of single surface wall be required area	Approved Site Development
	Professional Business	Warehousing										
	Offices											
	Banks											
	Personal Services											
Light Manufacturing M	Entertainment											
	Light Manufacturing		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. Plan and one wall required for sign not to exceed 25% of single surface wall be required area	Approved Site Development
	Food Processing											
	Warehousing											
	Fabrication											
	Wholesalers											

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

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SCHEDULE OF DISTRICT REGULATIONS

ZONING DISTRICTS	USES PERMITTED BY RIGHT	USES 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 - 1100 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			1600	40						
	Single Family Units	Produce Stand			1800							
		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.

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

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.

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 related by blood or marriage, 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.

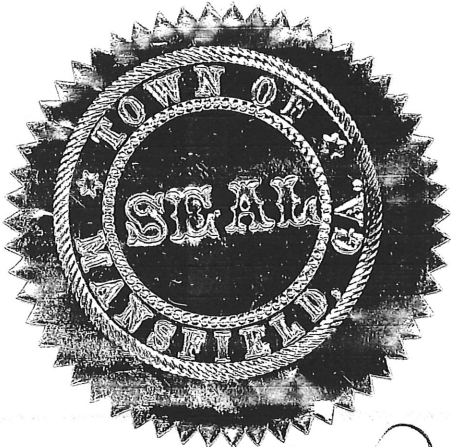
Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

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.



Warren Blackwell
Mayor

Attest:

Mrs. Pat Mullins
City Clerk

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

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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

(L)



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.

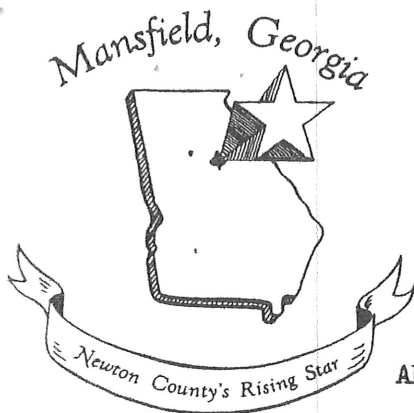
This 10th day of March, 1998.

ATTEST:

Pat Mullin
City Clerk

William C. Carr
Mayor

(9)



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
Larry Haigwood

Helen Robertson
Helen Robertson

Laura Cocchi
Laura Cocchi

ATTEST:

Pat Mullins
City Clerk

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 Roguemoor
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)

**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.

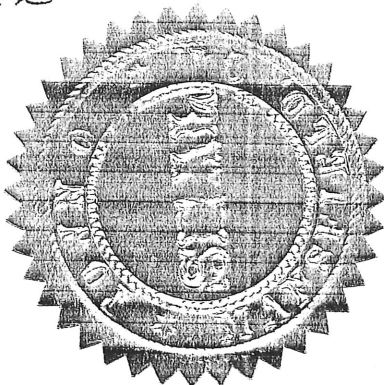
Section 2: The Mayor is hereby authorized that upon the completion of said successful Phase 1 Environmental Assessment, to accept the executed Limited Warranty Deed of Gift from Beaver Manufacturing Company, Inc., as attached hereto and incorporated herein.

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 12th day of March, 2012.

Eston Middlebrooks
Eston Middlebrooks, Mayor

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



(H)