

Ordinance 03-10

**AN ORDINANCE ADOPTING ZONING STANDARD GOVERNING THE EXERCISE OF THE ZONING POWER BY THE CITY OF SKY VALLEY.**

- I. A NEW SECTION WILL BE ADDED TO THE CODE OF ORDINANCES OF THE CITY OF SKY VALLEY WHICH SHALL READ AS FOLLOWS:

ZONING STANDARDS.

Section 1. Definitions

A. *Territorial boundaries* means the incorporated areas of the City of Sky Valley, State of Georgia.

B. *Zoning decision* means final legislative action by the City of Sky Valley which results in:

- (1) The adoption of a zoning ordinance;
- (2) The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;
- (3) The adoption of an amendment to a zoning ordinance which rezones property from one zoning classification to another;
- (4) The adoption of an amendment to a zoning ordinance by a municipal local government which zones property to be annexed into the municipality; or
- (5) The grant of a permit relating to a special use of property.

C. *Zoning ordinance* means an ordinance or resolution of the City of Sky Valley establishing procedures and zones or districts within its respective territorial boundaries which regulate the uses and development standards of property within such zones or districts. The terms also includes the zoning map adopted in conjunction with a zoning ordinance which shows the zones and districts and zoning classifications of property therein.

Section 2. Zoning Standards

A. Whether the property to be affected by any proposed amendment can be used as currently zoned;

B. Whether any proposed amendment would allow a use that is generally suitable for the site compared to other possible uses, and the existing uses and zoning of adjacent and nearby properties;

C. The extent to which the value of the property is diminished by its present zoning;

D. The extent to which this reduced value promotes the health, safety, morals, or general welfare of the public;

E. Whether any proposed amendment would adversely affect the economic value or the uses of adjacent and nearby properties;

F. The relative gain to the public as compared to the hardship imposed on the individual property owner;

G. Whether any proposed amendment, if adopted, would result in a use which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities;

H. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property;

I. Whether there are other conditions or transitional patterns affecting the use and development of the property sought to be rezoned, if applicable, which give ground for either approval or disapproval of the proposed amendment.

Section 3. The City of Sky Valley shall consider any proposed zoning amendment properly initiated in light of the factors set forth in Section 2. In evaluating the factors set forth in Section 2, it shall be the policy of the City of Sky Valley to exercise its zoning power in conformity with the policy and intent of the City of Sky Valley Comprehensive Plan insofar as that plan is current in its application to the specific property that is the subject of the proposed amendment. It is further the policy of the City of Sky Valley to exercise the zoning power for purposes of assuring the compatibility of use of adjacent and nearby properties and the preservation of the economic value of adjacent and nearby properties while enabling a reasonable use of all property.

II. SHOULD ANY SECTION OR PROVISION OF THIS ORDINANCE BE DECLARED BY A COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL OR INVALID SUCH DECLARATION SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE UNCONSTITUTIONAL OR INVALID. ALL RESOLUTIONS AND ORDINANCES AND PARTS OF RESOLUTIONS AND ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED.

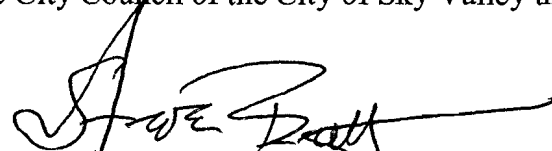
III. THIS ORDINANCE WILL BECOME EFFECTIVE UPON ADOPTION BY THE CITY COUNCIL AND APPROVED BY THE MAYOR AS PROVIDED BY THE CHARTER OF THE CITY OF SKY VALLEY.

It is so ordained and approved by vote of the City Council of the City of Sky Valley this

11th day of August, 2003.

Approved:

  
W. Delano Moore, Mayor

  
Steve Brett, Council President

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Carolyn Burgess, Councilor

  
Sharon Jones, Councilor

Attest:

  
Linda Wells, City Clerk

\_\_\_\_\_  
Howell Nunnally, Councilor



Britt Whitaker, Councilor

First reading approved by City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Second reading approved by City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

or

Second reading waived by unanimous vote  
of all council members present ✓