

# ARTICLE I ♦ GENERAL PROVISIONS

## Chapter 1—General Provisions

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### **§1.010 Short Title**

This ordinance shall be known as "The Zoning Ordinance of the City of Newnan, Georgia." And may hereinafter be referred to as the "Zoning Ordinance".

### **§1.020 Purpose and Intent**

#### 1. Purpose

The purpose of the Zoning Ordinance is to establish standards, procedures, and minimum requirements in accordance with the City of Newnan Comprehensive Plan, to regulate and control the platting and subdivision of lands; the use, bulk, design, and location of land and buildings; the creation and administration of zoning districts; and the general development of real estate in the City of Newnan, Georgia. In addition, it is the purpose of this ordinance to:

- a. Coordinate and integrate the City's development review process to provide equitable and efficient procedures for the review of proposed developments and improvements, zoning map amendments, and other provisions contained in this ordinance.
- b. Ensure proper legal description, identification, monumentation, and recording of real estate boundaries.
- c. Guide and regulate orderly, rational, and efficient growth, land development and land use throughout the City in accordance with the Comprehensive Plan.
- d. Discourage haphazard, premature, uneconomical, or scattered land development and promote, in the public interest, the best utilization of land.

- e. Ensure safe and convenient traffic control and movement including a reduction or prevention of congestion of public streets, convenience of access, multiple modes of transportation, and an interconnected and well-planned street system.
- f. Encourage the development of an economically stable and sustainable community.
- g. Ensure the adequate and timely provision of utilities and other infrastructure.
- h. Provide for adequate light, air, safety from fire, flood, and other damages.
- i. Provide open spaces for recreation, conservation, and a healthy community.
- j. Ensure to the purchaser of land (within an approved subdivision) that necessary and required improvements have been installed.
- k. Protect the established character as necessary and the social and economic health of both public and private property.
- l. Facilitate the creation and maintenance of a convenient, attractive, functional, and harmonious community.
- m. Expedite the provision of adequate police, fire protection, disaster evacuation, civil defense and emergency management, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds and other recreational facilities, airports, and other public service requirements.
- n. Protect against the destruction of or encroachment upon historic sites, structures, and areas and ensure the protection of these areas.
- o. Protect against the undue concentration of population and the overcrowding of land and/or buildings beyond safe and reasonable carrying capacity by regulating and limiting the height and bulk of buildings, hereafter erected, as said buildings relate to land area.
- p. Establishing, regulating, and limiting building and setback lines on or along streets, roads, boulevards, avenues, lanes, alleys, other rights-of-way, and property lines.
- q. Regulating and limiting the intensity of the use of lot areas, and regulating and determining the area and extent of open space with the surrounding buildings.
- r. Establishing standards to which buildings or structures shall conform.
- s. Prohibiting uses, buildings, or structures that are incompatible with the character of established zoning districts.
- t. Protecting and enhancing the taxable value of land and buildings throughout the city wherever possible.
- u. Encourage and assist in the facilitation, attraction, and retention of economic activities that provide desirable employment, expand the tax base, and serve to meet the goals of the Comprehensive Plan.
- v. Ensure land development with installation of adequate and necessary physical improvements.

- w. Provide mechanisms whereby new growth and development pays for itself and shares the burden of the provision of public facilities and services with the existing tax base.
- x. Ensure that the citizens and taxpayers of the City of Newnan will not have to bear the costs resulting from premature, uneconomical, or inefficient development or use of land.
- y. Provide for the protection and preservation of forests, watersheds, groundwater recharge areas, and other environmentally sensitive lands thereby preserving the natural resources and environment of the City of Newnan.
- z. Assist in the provision of an adequate supply of affordable housing for City residents.

2. Purpose of the Comprehensive Plan

The 1992 City of Newnan Comprehensive Plan (hereinafter referred to as the Comprehensive Plan) has been adopted by the City Council on September 21, 1992, and which shall be amended from time to time, and shall be updated every five (5) years. The Comprehensive Plan has been adopted for the following purposes:

- a. To guide and direct growth and development in the City of Newnan;
- b. To protect, preserve and enhance the City's cultural, environmental, economic and social resources;
- c. To identify current land uses in order to assist the City in making budgetary, utility and other resource allocations;
- d. To enable the City of Newnan to predict future land uses for planning purposes;
- e. To assist the City in fulfilling its statutory and other legal obligations; and
- f. To provide a public document which will serve as a means of general information on land use and development for the citizens of the City of Newnan and other interested parties.

**§1.030 Definitions Referenced**

The definitions of certain terms referenced in these sections are set forth in Chapter 3, "Definitions", of this Ordinance, as amended.

**§1.040 Jurisdiction and Applicability**

1. Territorial Applicability

- a. The provisions of this Ordinance shall apply to all land, water, buildings, structures, and uses of land located within the incorporated area of the City of Newnan, Georgia, as identified on the Official Zoning Map of the City of Newnan, Georgia, excepting those areas under the control of the United States of America or the State of Georgia.
- b. For parcels split by jurisdictional lines, the jurisdiction containing the greatest percentage of land within the parcel shall govern zoning and other development requirements of the entire lot. The City shall prohibit the development of the city

portion of a split jurisdictional lot if two separate jurisdictional codes are proposed for the development of the lot.

2. General Applicability

All buildings and structures erected hereafter, all uses of land, water or buildings established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of, additions to, changes in, and relocations of existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, structures, uses, or land are located except as provided in subsection 4 below. Existing buildings, structures, and uses which comply with the regulations of this Ordinance shall likewise be subject to all regulations of this Ordinance. Existing buildings, structures, and uses which do not comply with the regulations of this Ordinance shall be permitted to continue subject to the provisions of §33.110, "Nonconforming Uses, Structures, Buildings, or Signs", of this Ordinance.

3. General Prohibition

- a. Any building or structure, any use of any building, structure, or land; and any lot of record which does not now or hereafter exist on the effective date of this Ordinance shall be prohibited from being created, established, altered, moved, diminished, divided, eliminated, or maintained in any manner except in conformity with the provisions of this Ordinance.
- b. No use or sale of land or buildings shall be allowed except in conformance with the provisions of this Ordinance.

4. Exemptions

The following uses are exempt from the application of this Ordinance:

- a. The following utility uses are exempt from the provisions of this Ordinance: electrical transmission lines, poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar equipment when used for the purpose of distributing service to individual customers, and also including substations, transmission lines, or trunk lines located on or above the surface of the ground, for the distribution to consumers of telephone, cable television or other communications, electricity, gas or water, or for the collection of sewage or surface water.
- b. The height limitations of this Ordinance shall not apply to decorative towers, cupolas, residential chimneys, spires, flag poles, monuments, or other similar structures, and necessary mechanical appurtenances; nor to any smokestack or water tank, except that gross height may be limited by other jurisdiction agencies.
- c. All railroad facilities contained within the right-of-way of a railroad company duly recognized by the U.S. Department of Commerce and the Georgia Department of Transportation (GDOT) including railroad tracks, signals, bridges, and similar facilities and equipment and the maintenance and repair work on such facilities and equipment.
- d. All federal, state, and local government agencies, quasi-governmental authorities, and other similar institutions shall be exempt from the provisions of this Ordinance.

5. Repeal of Prior Provisions

Except as provided herein, the following City of Newnan ordinances, as adopted on the date specified below and as amended from time to time thereafter, shall be and are hereby repealed:

- a. The City of Newnan Zoning Regulations March 11, 1976

Except as expressly provided in this Ordinance, such repeal shall not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, prosecuted, or inflicted, as fully and to the same extent as if such repeal had not been effected.

**§1.050 Authority**

This Ordinance is hereby adopted pursuant to the authority conferred by the Georgia General Planning and Zoning Enabling Act of 1957 (Georgia Laws 1957, page 420 as amended; the Georgia Growth Strategies Act 634 (Georgia Law 1989, pp. 1317-1391 as amended), also known as the Georgia Planning Act of 1989; the home rule provisions (Article IX, Section II, Paragraph IV) of the 1983 Constitution of the State of Georgia (Revised January 1985); the City of Newnan Charter; and the general powers in O.C.G.A. §36-70-1 et. seq., "Coordinated and Comprehensive Planning by Counties and Municipalities". The City Council of the City of Newnan does hereby ordain and enact into law the following articles, chapters, and sections.

**§1.060 Consistency With and Relationship to Comprehensive Plan**

The regulations and requirements herein set forth have been established in accordance with the Comprehensive Plan with reasonable consideration, among other things, to the prevailing land uses, growth characteristics, future prospects, and the character of the respective districts and their particular suitability for their individual uses and to encourage the most appropriate uses of land throughout the City. Specifically, this Ordinance provides regulations to implement applicable goals, objectives, and policy statements of the Comprehensive Plan as amended or updated. References to individual goals, objectives, and policy statements are contained in the various chapters and sections of this Ordinance.

**§1.070 Transitional Rules**

1. Existing Unlawful Uses and Structures

A structure or use not lawfully existing at the time of the adoption of this Ordinance is hereby deemed lawful as of the effective date of this Ordinance, provided that it conforms with all of the requirements of this Ordinance. However, if such structure or use does not conform with all of the requirements of this Ordinance, then such structure or use shall continue to be unlawful hereunder.

2. Uses Rendered Non-Conforming

When a lot is used for a purpose which was a lawful use before the effective date of this Ordinance, and this Ordinance or any amendment thereto no longer classifies such use as either a permitted use or Special Exception use in the zoning district in which it is located, such use is hereby deemed a nonconforming use and shall be controlled by the provisions of §33.110, Non-Conforming Uses, Structures, Buildings, or Signs" of this Ordinance.

3. Buildings, Structures, Signs and Lots Rendered Non-Conforming

Where any building, structure, sign, or lot which existed on the effective date of this Ordinance does not meet all standards set forth in this Ordinance or any amendment thereto, such building, structure, or lot is hereby deemed non-conforming and shall be controlled by the provisions of §33.110, "Non-Conforming Uses, Structures, Signs, or Buildings" of this Ordinance.

**§1.080 Interpretation and Conflicts**

1. Interpretation of the Zoning Ordinance

- a. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion and protection of the public safety, health, convenience, comfort, prosperity, or general welfare, as set forth in the provisions hereof establishing the intent and purpose of this Ordinance in general and its various chapters and sections in particular.
- b. All applications for a permitted or special exception use set forth in each commercial zoning district shall be submitted to the Zoning Administrator for a use interpretation, pursuant to the standards and procedures set forth in Chapter 5, "Administrative and Decision Making Bodies" and other applicable chapters of this Ordinance.

2. Conflict with Public and Private Provisions

Whenever a conflict exists between the provisions of this Ordinance and the provisions of any other public or private restrictions, the following shall govern:

a. Public Provisions

These regulations are not intended to interfere with, abrogate, or annul any other rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other rule, or other provision of law, whichever provisions are more restrictive, or impose higher standards, shall control.

b. Private Provisions

These regulations are not intended to interfere with, abrogate, or annul any easement, covenant, or any other private agreement, legal relationship, or restriction; provided that, where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or private agreement or restriction, the requirements of these regulations shall govern.

**§1.090 Codes and Specifications**

When reference is made in this Ordinance to statutes, codes, specifications, or other regulations, it is intended that subsequent amendments to such codes, statutes, specifications, or regulations will be automatically adopted by reference herein except as provided by subsequent resolutions of the City Council.

## **§1.100**

### **Previously Granted Approvals**

1. Previously Granted Variances and Special Exceptions
  - a. Notwithstanding the terms of §1.060, "Consistency with and Relationship to Comprehensive Plan" and §1.090 and "Codes and Specifications" of this Ordinance, any development or use for which a variance or special exception, or any other mechanism in place prior to the adoption of this Ordinance has been lawfully granted prior to the effective date of this Ordinance, or prior to the effective date of any amendment hereto which renders the development or use nonconforming, may be carried out in accordance with the granted variance or special exception and shall be deemed lawfully existing under the terms of this Ordinance, provided that:
    - 1) A building permit has been validly issued for the development prior to the effective date of this Ordinance, or the amendment thereto which renders the development nonconforming, and has not expired or been revoked pursuant to Chapter 42, "Other Permits, Licenses, and Applications" of this Ordinance; and
    - 2) All features of the development or use which are not the specific subject of the variance or Special Exception conform to all applicable requirements of this Ordinance.
  - b. If the requirements of this subsection have not been met, then the previously granted variance or special exception shall become null and void. Development or use of the property must therefore meet all applicable requirements of this Ordinance, except where the applicant has applied for and received a new variance or special exception pursuant to the procedures and standards set forth in Chapter 5, "Administrative and Decision Making Bodies" of this Ordinance.
2. Previously Granted Building Permits
  - a. Notwithstanding the terms of §1.060, "Consistency with and Relationship to Comprehensive Plan" and §1.090 and "Codes and Specifications", of this Ordinance, any development for which a building permit has been issued prior to the effective date of this Ordinance, or prior to the effective date of any amendment hereto which renders the development nonconforming, may be carried out in accordance with that building permit and shall be deemed lawfully existing under the terms of this Ordinance, provided that:
    - 1) The permit was validly issued;
    - 2) The permit has not expired pursuant to Chapter 42, "Other Permits, Licenses, and Applications" of this Ordinance;
    - 3) The permit has not been revoked pursuant to Chapter 42, "Other Permits, Licenses, and Applications" of this Ordinance; and
    - 4) Construction pursuant to such permit or approval is commenced prior to the expiration of such permit or approval.
  - b. Right to Occupy as Nonconformity

Upon completion pursuant to Subsection a above, such structure may be occupied by, and a Certificate of Occupancy may be issued for, the use designated on such permit, subject thereafter to the provisions of §33.110, "Non-Conforming Uses, Structures, Signs, or Buildings" of this Ordinance.

3. Previously Granted Subdivision or Site Plans; Subdivision or Site Plans under Review

a. Previously Approved Subdivision or Site Plans

Notwithstanding the terms of §1.060, "Consistency with and Relationship to Comprehensive Plan" and §1.090 and "Codes and Specifications" of this Ordinance, any development for which a subdivision plat or site plan has been approved by the Planning Commission prior to the effective date of this Ordinance, or prior to the effective date of any amendment hereto which renders the development nonconforming, may be carried out in accordance with the terms of the approved subdivision plat or site plan and shall be deemed lawfully existing under the terms of this Ordinance. However, all features of the development which are not specifically addressed in the subdivision plat or site plan shall conform to all applicable requirements of this Ordinance.

b. Subdivision or Site Plans under Review

All applications for preliminary or final subdivision plats or site plan approval which are under review as of the effective date of this Ordinance shall be reviewed and approved in accordance with the ordinance in effect immediately before the effective date of this Ordinance, provided that all information which that ordinance required to appear in or accompany the plat or site plan application has been provided to the City before the effective date of this Ordinance.

4. Applications for Zoning Map Amendments and Special Exceptions under Review

All active applications for Zoning Map amendments, PD project plans, and special exceptions officially accepted prior to the effective date of this Ordinance shall be processed, pursuant to the provisions of the ordinance in effect prior to the effective date of this Ordinance.

**§1.110 Transition to New Zoning Districts**

Upon adoption of this Ordinance, land which is presently zoned within an existing zoning classification shall be classified within one of the zoning classifications set forth in Chapter 20, "Zoning Districts Established" of this Ordinance, as follows:

<b>Table 1.01 Zoning District Transition</b>	
<b>Old Districts</b>	<b>New Districts</b>
R-1	RS-15, RML
R-1S	RS-15
R-2	RU-7, RML
R-2S	RU-7
P-S	OI-1
C-1	CBD
C-2	CGN, CCS, CHV
M-1	ILT
M-2	IHV
PDR	PDR
PDC	PDC
PDO	PDO
PDI	PDI
MXD-1	MXD-1
MXD-2	MXD-2
	OSD-1
	OSD-2
	CSN
	CUN
	RS-20
	RU-2
	RMH

The boundaries for each zoning district and the conditions of each zoning district will remain the same, unless amended in the future in accordance with the provisions of Chapter 5, "Administrative and Decision Making Bodies" of this Ordinance.

**§1.120 Site Plan Review Subsequent to Adoption of Ordinance**

All new commercial and residential development shall be required to submit a site plan. This site plan shall meet minimum standards for a site plan as described in Chapter 45, "Site Plans" of this Ordinance, and shall be reviewed and approved by the Development Review Committee. In addition, all commercial and multi-family properties seeking approval for a change in use or an addition or alteration shall be required to submit a site plan for a minor site plan process. Finally, all noncommercial properties seeking conversion to a commercial use shall be required to submit a site plan for a minor site plan process.

**§1.130 Posting of Street Addresses**

All improved buildings or properties shall be posted with a street address number assigned by the City. The street address number must be clearly visible from a public street or road.

**§1.140           Altering of Ordinances Prohibited**

It shall be unlawful for any person to change or amend, by addition or deletion, any part or portion of this Ordinance, or to insert or delete pages or portions thereof, or to alter or tamper with such Ordinance, in any manner whatsoever, which will cause the law of the City to be misrepresented thereby.

**§1.150           Remedies**

Every violation of the terms of this Ordinance by any person, firm or corporation shall be termed a nuisance and a continuing nuisance so long as such violation may be continued and such violation may be subject to abatement as a nuisance as provided by the laws of this state. This Ordinance may be enforced in accordance with the provisions of Chapter 6, "Enforcement" of this Ordinance, by any of the following: Planning Department, Code Enforcement Officer, Police Department, Fire Department, Health Department, Sanitation Department, Beautification Department, and Building Official or Building Inspector.

**§1.160           Penalties**

Any person, whether as owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Ordinance, as the same exists or as may hereafter be amended; permits any such violation to continue; or otherwise fails to comply with the requirements of this Ordinance or of any plan or statement submitted and approved under the provisions of this Ordinance, shall be subject to penalties as proscribed in Chapter 6, "Enforcement" of this Ordinance.

**§1.170           Injunctive Relief**

In addition to any penalty provided by law for the violation of any of the provisions of this Ordinance, the City Council may bring suit in the appropriate circuit court to enjoin, restrain, or otherwise prevent the violation of any of the provisions of this Ordinance.

**§1.180           Severability**

It is hereby decreed to be the intention of the City Council that the articles, chapters, sections, subsections, paragraphs, sentences, clauses, words, or any other part of this Ordinance are severable and if any word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections, or any other part or parts of this Ordinance shall be declared unconstitutional, unlawful, or invalid by the sound judgment or decree of any court of competent jurisdiction, such unconstitutionality, unlawfulness, or invalidity shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses, words, or any other part of this Ordinance as the same would have been enacted by the City Council without the incorporation in this resolution of any such unconstitutional word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections, chapter or chapters.

**§1.190           Effective Date**

This Ordinance shall be effective upon November 1, 2000.