

ORDINANCE 2019-04

AN ORDINANCE BY THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES (ZONING), APENDIX A, ARTICLE XII, ADMINISTRATION, ENFORCEMENT, PENALTIES AND REMEDIES, SECTIONS 1304, 1305, 1306 OF THE CODE OF ORDINANCES OF THE CITY OF SMYRNA

BE IT ORDANINED BY THE MAYOR AND COUNCIL OF THE CITY OF SMYRNA, GEORGIA

WHEREAS, State law provides that the governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law; and

WHEREAS, the Mayor and Council of the City of Smyrna are charged with the protection of the public health, safety, and welfare; and

WHEREAS, the Mayor and Council now wish to update the City of Smyrna Code of Ordinances regarding Appendix A, Article XII, Administration, Enforcement, Penalties and Remedies, Sections 1304, 1305, 1306 of the City's Zoning Ordinances

NOW, THEREFORE, the Mayor and Council of the City of Smyrna, pursuant to their authority, do hereby adopt the following amendments.

Subsections of Section 1304 of the Zoning Ordinance shall be amended to conform to existing requirements. The proposed sections shall read as follows (amended portions are underlined or deleted).

ARTICLE XIII. – ADMINISTRATION, ENFORCEMENT, PENALTIES AND REMEDIES

Sec. 1304.- Application for building permit.

All applications for building permits shall be made to the building inspector. Residential stand-alone permits (plumbing, electrical, and mechanical; excluding structural work) do not require plans, unless requested by the Chief Building Official. Any building permit shall be accompanied by complete plans in duplicate, drawn to scale, which shall have been prepared by an architect, engineer or land surveyor whose state registration is current and valid, and whose seal shall be affixed to the plan submitted. The Chief Building Official is authorized to waive the submission of plans if it is found that the nature of the work applied for is not necessary to obtain compliance with the current building code.

Such plan(s) shall show the following:

- (1304.1) The actual shape and dimensions of the lot to be built upon.
- (1304.2) The sizes and locations on the lot of any existing buildings.
- (1304.3) The shape, size, height, use and the location on the lot of the building or structure proposed to be built, erected or altered.
- (1304.4) Such other information as may be necessary to provide for the enforcement of the provisions of this ordinance.

Subsections of Section 1305 of the Zoning Ordinance shall be amended to clarify language. The proposed sections shall read as follows (amended portions are underlined or deleted).

ARTICLE XIII. – ADMINISTRATION, ENFORCEMENT, PENALTIES AND REMEDIES

Sec. 1305.- Duration of permit validity.

A building permit, excluding those permits issued for the construction of residential buildings, shall be valid for a period of two years from the date of its issuance. If the work described in the building permit has not begun within six months, or has not been completed within two years of the date of issuance thereof, said permit shall expire. A building permit issued for the construction of a residential building shall be valid for a period of six months from its date of issuance. If the work described in the building permit has not been inspected within six months of the date of issuance thereof, said permit shall expire.

(Ord. of 12-29-77, § 1)

Subsections of Section 1306 of the Zoning Ordinance shall be amended to reflect current Community Development procedures. The proposed sections shall read as follows (amended portions are underlined or deleted).

ARTICLE XIII. – ADMINISTRATION, ENFORCEMENT, PENALTIES AND REMEDIES

Sec. 1306.- Certificate of occupancy required.

A certificate of occupancy issued by the building inspector is required in advance of the use or occupancy of:

- (a) Any lot or a change or extension in the use thereof.
- (b) A building hereafter erected or a change in the use of an existing building.

- (c) Nothing contained herein shall require a user to comply with minimum setback or side yard requirements for use of an existing structure.

A certificate of occupancy, either for the whole or a part of a building, shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alterations of such building, or part thereof, shall have been completed in conformity with the provisions of this ordinance. A certificate of occupancy shall not be issued unless the lot, building or structure, or use thereof complies with all the provisions of this ordinance. If the certificate of occupancy is denied, the building inspector shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the building inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

Renumbering. It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Smyrna, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

The above Ordinance was read and approved by the Mayor and Council of the City of Smyrna, Georgia, on the 18th day of February 2019.

A. Max Bacon, Mayor

Attest:

Terri Graham, City Clerk

SEAL

As to form:

Scott Cochran, City Attorney