

MAYOR
Allen Brown



MAYOR PRO TEM
Kenneth Shaw

CITY MANAGER
Billy Edwards

COUNCIL MEMBERS
Diana F. Reid
Jason Floyd
Vicky C. Nelson
Keith Jenkins

CITY CLERK
Sarah Lumpkin

CITY ATTORNEY
Linnie L. Darden, III

January 12, 2017

CITY OF HINESVILLE

NOTICE

A proposed Ordinance #2016-06, to amend the Code of Ordinances of the City of Hinesville, Georgia, Appendix A, Article VI (additional requirements), Section 610 of the Zoning Ordinance.

This ordinance will be presented to Mayor and Council as an informational item at the regular scheduled City Council Meeting to be held January 19, 2017 and presented as an action item at the regular scheduled City Council Meeting to be held on February 2, 2017 at City Hall in the Council Chambers, 115 East M.L. King Jr., Drive, Hinesville, Georgia at 3:00 p.m.

This ordinance is available for public review in the City Clerk's Office, Monday through Friday between 8:00 a.m. and 5:00 p.m.

All interested citizens are invited to attend.

COASTAL COURIER – January 15, 2017

"Home for a Day or a Lifetime"

115 East M.L. King Jr. Drive, Hinesville, GA 31313 (912) 876-3564
www.cityofhinesville.org

AN ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF HINESVILLE, GEORGIA, APPENDIX A, ARTICLE VI (ADDITIONAL REQUIREMENTS), SECTION 610, OF THE ZONING ORDINANCE OF THE CITY OF HINESVILLE, GEORGIA; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES ALLOWED BY LAW.

WITNESSETH:

WHEREAS, the duly elected governing authority of the City of Hinesville, Georgia is authorized under Article 9, Section 2 of the Constitution of the State of Georgia to enact reasonable ordinances relating to its property, affairs and local government; and

WHEREAS, the duly elected governing authority of the City of Hinesville, Georgia is the Mayor and City Council thereof;

WHEREAS, The Mayor and Council are authorized to amend any provisions of the Zoning Ordinance of the City of Hinesville; and

WHEREAS, the Mayor and Council shall act in the best interest to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the people of the City of Hinesville; and

WHEREAS, the objectives of these Zoning regulations are designed to sustain the character of the City and its sustainability for particular uses, promote desirable living conditions and stability of neighborhoods, and encourage the most appropriate use of land and buildings throughout the City.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Hinesville, and it is hereby ordained by the authority of same, that the **Code of the City of Hinesville, Georgia, Appendix A, Article VI, Section 610, of the Zoning Ordinance**, is hereby amended to read as follows:

SECTION I
ORDINANCE TEXT

Sec. 610. - Nonconforming uses and structures.

The lawful use of any building, structures, manufactured home, or land existing at the time of enactment of this appendix may be continued, although such land use or structure does not conform with the provisions of this appendix, provided the following conditions are met:

(1)

Unsafe structures. Nothing in this appendix shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

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(2)

Alterations. A nonconforming building or structure may be altered, improved or reconstructed provided such work is not to an extent exceeding ten percent of the current (reasonable fair market value) value of the building or structure, unless the building or structure is changed to a conforming use.

(3)

Cessation. A nonconforming use existing on the effective date of the adoption of this appendix shall cease upon the sooner of the following:

(a)

The abandonment of the use as defined in section 610(6); or

(b)

Destruction of the building or structure in which such use is located under circumstances constituting force majeure.

~~A nonconforming use shall not be directly or indirectly continued by sale or transfer to any entity in which the current owner does not continue to own at least a 50 percent interest.~~

(4)

Changes. No nonconforming building, structure or use shall be changed to another non-conforming use.

(5)

Restoration. Nothing in this appendix shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged by fire, collapse, explosion, acts of God, subsequent to the date of this ordinance, wherein the expense of such work does not exceed 60 percent of its current (reasonable fair market value) value of the building or structure at the time such damage occurred.

(6)

Abandonment. A nonconforming use of a building, structure, manufactured home or industrialized building which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when:

(a)

Use is discontinued for six consecutive months, unless facts show the intention to resume the nonconforming use; or

(b)

The equipment and furnishings of the nonconforming use have been removed from the premises, and have not been replaced within six months, unless facts show the intention to resume the nonconforming use; or

(c)

It has been replaced by a conforming use.

**SECTION II
SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision.

**SECTION III
REPEALER**

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION IV
EFFECTIVE DATE**

This Ordinance shall become effective on the _____ day of _____, 2017.

APPROVED this _____ day of _____, 2017, by the Mayor and Council of the City of Hinesville.

Allen Brown, Jr., Mayor

Kenneth Shaw, Mayor Pro Tem

Diane F. Reid, Councilmember

Jason R. Floyd, Councilmember

Vicky Nelson, Councilmember

Keith Jenkins, Councilmember

ATTEST:

Sarah Lumpkin, City Clerk

(SEAL)