

ORDINANCE
#19-11

AN ORDINANCE BY THE MAYOR AND COUNCIL OF DUBLIN TO AMEND THE ZONING ORDINANCE OF THE CITY TO PROVIDE FOR CERTAIN VARIANCES IN CERTAIN AREA AND YARD REQUIREMENTS OF THE ZONING ORDINANCE FOR SINGLE-FAMILY DWELLINGS IN CERTAIN ZONING DISTRICTS OF THE CITY OF DUBLIN; TO PROVIDE AUTHORITY FOR THE BOARD OF ZONING APPEALS TO IMPOSE CERTAIN RESTRICTIONS; TO SET AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the Mayor and Council are vested with the authority and substantial powers, rights, and functions to generally regulate the usage of land within the City for the purposes of maintaining health, safety, morals, and the general welfare pursuant to the Georgia Constitution, Art. IX, Sec. 2, Par. IV;

WHEREAS, the Mayor and Council find that there exists certain vacant lots within the city which do not meet certain zoning restrictions concerning area and yard requirements;

WHEREAS, the Mayor and Council desire to provide for the possibility of said lots being developed with single-family dwellings that otherwise meet the requirements of the zoning ordinance of the City;

WHEREAS, the Board of Zoning Appeals has been granted the authority to grant variances in certain circumstances and the Mayor and Council desire to expand those powers for granting variances as specified herein;

NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DUBLIN HEREBY ORDAIN AS FOLLOWS:

SECTION ONE:

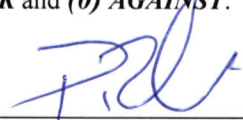
There is added a new Section 6.3 to Article 6 of Appendix A of the Code of Ordinances which shall be titled "Nonconforming lots of record" to read as follows:

- (a) Where lots of record at the time of passage of this Section are below the minimum dimensions established by the requirements of Section 6.1 of this Chapter, the regulations above shall apply unless a variance is authorized as provided in subsection (b) below.
- (b) In any district in which single-family dwellings are permitted, a variance may be granted for the construction of a single-family dwelling and customary accessory building to be built on any single lot of record at the effective date of the adoption of this Section 6.3, notwithstanding the limitations imposed by Section 6.1 of this Chapter. Upon application for a variance as authorized herein, the Board of Zoning Appeals shall hear and consider whether or not to grant a variance. Prior to the grant of a variance, the Board of Zoning Appeals shall confirm the proposed lot for variance was platted and existed prior to the adoption of this Section 6.3 and that the district in which the lot is located allows for single family dwellings. The Board of Zoning Appeals may grant such variances in setback from road, minimum rear and side yards and the maximum lot coverage in percent as is appropriate after considering the existing use of the neighboring lots. In no case shall the Board of Zoning Appeals grant a variance such that the side yard is less than five (5) feet or any setback is less than 25 feet. The Board of Zoning Appeals may impose additional regulations or conditions and requirements on the grant of the variance allowed by this Section after taking into consideration the existing use of the surrounding lots and neighborhood at large to the lot in question.

SECTION TWO:

This Ordinance shall become effective at 12:00PM on the fifth day after its adoption.

SO ADOPTED this 18th day of July, 2019 by a vote of (7) FOR and (0) AGAINST.



PHIL BEST, SR., MAYOR

Attest: 

R. BLAKE DANIELS, FINANCE DIRECTOR/CITY CLERK
(SEAL)