

ARTICLE I TITLE AND SHORT TITLE

An ordinance to repeal ggggthe Zoning Ordinance of the Town of Braselton, Georgia, initially adopted September 4, 1973, as amended, and to replace said ordinance with a new ordinance for the purposes of regulating the location, height, bulk, number, size and appearance of buildings and structures, the size of yards and other open spaces, the density and distribution of population, the uses of buildings and structures and land for trade, industry, commerce, residence, recreation, public activities or other purposes; preserving buildings, structures or areas having national, regional, state or local historic significance; creating zoning and overlay districts for said purposes and establishing the boundaries thereof; providing for environmental protection through the regulation of trees, rivers, streams, floodplains, and watersheds; providing for the imposition of development impact fees; defining certain terms used herein; providing for the method of administration and amendment; defining the powers and duties of the planning commission, board of zoning appeals, historic preservation commission, and design review board; providing penalties for violation; and for other purposes.

This ordinance shall be known and may be cited as "The Development Ordinance of the Town of Braselton, Georgia." Adopted January 12, 2004.

ARTICLE II PREAMBLE AND ENACTMENT

WHEREAS, the Constitution of the State of Georgia provides in Article IX, Section II, Paragraph IV thereof, that the governing authority of the Town may adopt plans and exercise the power of zoning; and

WHEREAS, the municipal corporation of the Town of Braselton, Georgia, is specifically authorized by its Town Charter to exercise a wide range of powers, including but not limited to preventing the pollution of natural streams, regulating the erection and construction of buildings and other structures, developing zoning regulations, providing for public improvements, regulating and controlling signs, billboards, trees, shrubs, fences, buildings and all other structures or obstructions adjacent to the right-of-way of streets and road or within view thereof, regulating various special uses; and to exercise all other powers necessary or desirable to promote or protect the health, safety, peace, security, good order, comfort, convenience and general welfare of the Town and its inhabitants; and

WHEREAS, The Georgia General Assembly has enacted the Georgia Planning Act of 1989, (Georgia Laws, 1989, pp. 1317-1391, Act 634) which among other things provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment, vital areas, and land use; and

WHEREAS, The Town finds that the regulations contained in this ordinance are necessary for the purposes of implementing its comprehensive plan adopted pursuant to the requirements of the Georgia Planning Act of 1989; and

WHEREAS, this ordinance has been prepared and considered in accordance with the zoning procedures law, O.C.G.A. 36-66; and

WHEREAS, this ordinance is necessary for the purposes of promoting the health, safety, morals, convenience, order, prosperity and the general welfare of the municipality; lessening congestion in the streets; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land and avoiding undue concentration of population; avoiding inadequate light and air; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; improving the aesthetic appearance of the municipality; conserving the value of buildings and encouraging the most appropriate use of land and buildings throughout the municipality;

NOW, THEREFORE, the governing body of the Town of Braselton, Georgia, does hereby ordain, enact and thereby incorporate into the Town Code of Braselton, Georgia, this ordinance and its articles, chapters, and sections.

Conflict with Other Laws.

When the regulations of this Ordinance impose more restrictive standards than are required in or under any other statute or other legal document, the requirements of this Ordinance shall govern. When the provisions of any statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

Severability.

If any portion or provision of this Ordinance is found to be unconstitutional, such invalidity shall not affect any other portion of this Ordinance.

Repeal of Conflicting Regulations.

All ordinances and parts of ordinances in conflict with this Ordinance are herewith repealed, but it is hereby provided that any ordinance or law that may be applicable hereto and aid in the carrying out of the interest, purpose, and provisions hereof, shall be liberally construed in favor of the Town of Braselton and is hereby adopted as a part hereof.