

Chapter 22

LAND USE*

Article 15. Zoning Administration Enforcement & Penalties

Sec. 22-15-1. Designated Zoning Compliance Officer

The designated Zoning Compliance Officer of Elberton, Georgia, is hereby given the authority and responsibility to administer and enforce the provisions of this Ordinance. The designated Zoning Compliance Officer does not have the authority to take final action on applications or matters involving variances, non-conforming uses, or other exceptions which this Ordinance has reserved for public hearings. The designated Zoning Compliance Officer shall keep records of all and any permits, the Certificates of Occupancy issued, and all submitted subdivision plats, with notations of all special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of his office and shall be made as public records.

Sec. 22-15-2. Building Permits

It shall be unlawful for any building to be located, erected, moved, or added to, or structurally altered without obtaining a Building Permit issued by the Building Inspector. No Building Permit shall be issued except in conformance with the provisions of this Ordinance.

Sec. 22-15-3. Application for Permits

- 1) An application shall be accompanied by at least two (2) copies of a dimensional sketch or a to-schedule plan drawn to a scale of not less than one-eighth of an inch equal to one foot, signed by the owner, or his authorized agent, to include, as a minimum, the following:
 - a) Lot dimensions with property line monuments located thereon;
 - b) Shape, size, height, and location of the buildings proposed to be erected, demolished, altered, or moved, and of any buildings already on the lot, yard dimensions and use of structures, including the number of dwelling units within each structure where appropriate;
 - c) Easements (private and public);
 - d) Water courses;
 - e) Fences;
 - f) Street names and street right-of-way lines;
 - g) Such other information regarding abutting property as directly affects the application.
 - h) Each permit shall be conspicuously posted and displayed on the premises described, in the permit during the period of construction or reconstruction.
 - i) The location of the building shall be staked out on the ground and approved by the Building Inspector before starting any construction.
 - j) If the proposed excavation, filling, construction, or movement set forth in said sketch or plan are in conformity with the provisions of this Ordinance, and other appropriate codes and ordinances of Elberton then in effect, the Building Inspector shall sign and return one (1) copy of the sketch plan to the applicant and shall issue a Building Permit. The Building Inspector shall retain one (1) copy of the Building Permit and one (1) copy of the sketch or plan for his records.

- k) If the sketch or plan submitted describes work which does not conform to the requirements of this Ordinance, the Building Inspector shall not issue a Building Permit but shall return one (1) copy of the sketch of plan to the applicant along with a signed refusal and shall cite the portions of these Ordinances with which the submitted sketch plan does not comply. The Building Inspector shall retain one (1) copy of the sketch plan and two (2) copies of the refusal.
- l) Any Building Permit shall automatically expire six (6) months from the date of issuance if the person, firm, or corporation to which the certificate or permit was issued has not clearly demonstrated that the permit is being exercised for the purpose for which it was issued, or if the work so authorized is suspended or discontinued for a period of one (1) year.

Sec. 22-15-4. Issuance of Certificate of Occupancy

- 1) A certificate of occupancy shall be required for any of the following conditions:
 - a) Occupancy and use of a building hereafter erected or enlarged;
 - b) Change in use of an existing building to a different use classification; or
 - c) Any change in a nonconforming use.
- 2) The Building Inspector shall sign and issue a Certificate of Occupancy if the proposed use of land or buildings, as stated on the application for such certificate and signed thereto by the owner or his appointed agent, is found to conform to the applicable provisions of this Ordinance and if the building, as finally constructed, complies with the sketch or plan submitted for the Building Permit. No occupancy, use or change of use shall take place until the certificate of occupancy has been issued by the Building Inspector.

Sec. 22-15-5. Penalties for Violation

Any person violating any provision of the Ordinance shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense according to law. Each day such a violation continues shall be considered as a separate offense.

Sec. 22-15-6. Remedies

In the event any building is erected, constructed, altered, repaired, converted or maintained, or any building or land is used in violation of this Ordinance, the Building Inspector of Elberton, Georgia, is authorized and required to institute injunction, mandamus, warrant for arrest, or other appropriate action or proceeding to prevent or abate the violation in the case of each building or land use. Any person who would be damaged by such violation may also institute action to prevent or abate the violation.

Sec. 22-15-7. Developments of Regional Impact (DRI)

The Georgia Planning Act of 1989 authorized the Department of Community Affairs to establish procedures for regional review of development projects that are of sufficient size that they are likely to create impacts beyond the jurisdiction in which the project will be located. The DRI review process involves the host local government, the reviewing Regional Development Center (RDC), and other potentially affected local governments, RDC's and agencies.

Thresholds are used to determine whether a proposed development is a DRI. Because positive and negative impacts of DRI's are not necessarily confined to the host local governments' jurisdictional boundaries, impacts on other jurisdictions need to be assessed.

If a development project qualifying as a DRI is submitted to the Elberton Planning Commission or the Mayor and Council for review, then the time deadlines imposed in Article XV are suspended until the DRI review process is completed.