

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CUMMING, GEORGIA, TO PROVIDE FOR PROCEDURES PERTAINING TO CERTAIN LAND USE AND ZONING DECISIONS; TO REGULATE AND FURTHER DEFINE LAND USES IN THE INSTITUTIONAL ZONING DISTRICT; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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

WHEREAS, The City 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 Act, O.C.G.A. § 36-66-1 et. seq., and

WHEREAS, this Ordinance is necessary for the purposes of promoting the health, safety, morals, convenience, order, prosperity and the general welfare of the City of Cumming; and encouraging the most appropriate use and development of land and buildings throughout the City of Cumming in accordance with its duly adopted comprehensive plan;

NOW THEREFORE, the governing body of the City of Cumming, Georgia, does hereby ordain, enact and thereby incorporate into the City Code of Cumming, Georgia, this ordinance and all of its sections as set forth below:

**SECTION ONE:**

Chapter 113, "Zoning," of the City of Cumming Code of Ordinances, Article IV, "Zoning Districts", Section 113-181, "Table of Conditional Uses;" Table 5.1, is amended by inserting a new row as follows:

	R-1	R-1A	R2	R3	OP	INST	CBD	NS	HB	PSC	OCMS	MU	M-1
Livestock raising	X	X	X	X	X	C	X	X	X	X	X	X	X

SECTION TWO:

Chapter 113 "Zoning" of the City of Cumming Code of Ordinances, Article III, Zoning Districts ESTABLISHED; ZONING MPA, is amended by deleting § 113-142 in its entirety, and adopting a new § 113-142 which shall provide as follows:

113-142 Zoning of Annexed Land

- a) Pre-Application Meeting Required. Prior to the submission of any petition for annexation the applicant must schedule and attend a pre-application meeting with the zoning administrator, to be held at least thirty (30) days prior to submission of the petition to the city.
- b) Property annexed into the municipal limits of the city shall be zoned in accordance with this chapter and may be zoned by the mayor and council according to zoning districts established in this chapter. In such cases, the mayor and council shall adopt zoning for the annexed land in accordance with the Zoning Procedures Law, O.C.G.A. 36-66-4, relative to the zoning of property to be annexed into a municipality.

SECTION THREE: Severability.

If any section, provision or clause of any part of this ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this ordinance would have been adopted had such invalid portion not been included herein.

SECTION FOUR: Incorporation and Repealer.


Except as modified herein, the remainder of the ordinance regulating zoning is affirmed and incorporated herein. All laws and parts of laws in conflict with this enactment are hereby repealed.


SECTION FIVE: Effective Date.

This ordinance shall be effective the day following its passage by the Council of the City of Cumming.

SO ADOPTED AND ORDAINED by the City Council of Cumming, Georgia, this 15<sup>th</sup> day of September, 2020.

MAYOR AND CUMMING CITY COUNCIL

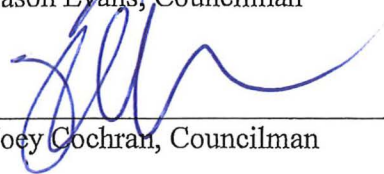
  
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Troy Brumbalow  
Mayor, City of Cumming

  
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Christopher Light, Councilman

  
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Linda Ledbetter, Councilman

  
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Jason Evans, Councilman

  
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Chad Crane, Councilman

  
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Joey Cochran, Councilman

