

CITY OF BARNESVILLE
ORDINANCE NO. 486

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BARNESVILLE, AMENDING THE CITY OF BARNESVILLE ZONING ORDINANCE SECTION 210- SPECIFIC DEFINITIONS AND TO ADD SECTION 495 TO ARTICLE IV – APPLICATION OF REGULATIONS.

Delete in its entirety Article II, Section 210, (31 – 35), and (38), and insert in lieu thereof the following:

- (31) DWELLING: Any building or portion thereof which is designed for or used for residential occupancy including single-family, two family, multi-family, rooming and boarding houses, fraternities, sororities, student housing, dormitories, manufactured homes or modular dwellings, but not motels or hotels.
- (32) DWELLING, MULTI-FAMILY: A structure designed for three (3) or more dwelling units or for occupancy by members of a fraternity, sorority, or by multiple boarders or roomers. A boarding house shall be defined as a dwelling which is designed and used to furnish meals and lodging or just lodging for compensation to three or more persons, but fewer than fifteen (15) persons. Provision for meals may be made, provided cooking is done in a central kitchen and not in individual rooms or suites. For purposes of zoning, a boarding or rooming house shall only be permitted in a multi-family district as a conditional use.
- (33) DWELLING, SINGLE-FAMILY: A building designed for residential use located on a single lot functioning as the only residential unit and designed for and occupied by one-family only.
- (34) DWELLING, TWO-FAMILY (Duplex): A residential structure containing two (2) dwelling units. For zoning purposes, a two-family dwelling shall be multi-family.
- (35) DWELLING UNIT: One room, or rooms connected together, constituting a separate, independent housekeeping establishment, containing independent cooking, sleeping and toilet facilities and which are physically separated from any other dwelling units which may be in the same structure.
- (38) FAMILY: Family: Two or more persons residing in a single dwelling unit where all members are related by blood, marriage, or adoption up to the second degree of consanguinity, or by foster care or a functional family. For the purposes of this definition, “consanguinity” means only the following persons are related within the second degree of consanguinity. Husbands and wives, parents and children, grandparents and grandchildren, brothers, sisters, aunts and uncles, nephews and nieces, and first cousins. The term family or functional family does not include any organization or institutional group or students living separate from and/or independent of their family unit.

Add Article IV, SECTION 495, by including the following:

APPLICATION OF REGULATIONS

Sec 495 Definitions of family restrictions in R1A, R1B and R1C Districts.

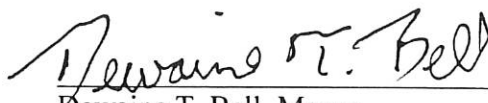
A. For the purposes of this section, the following definitions shall apply:

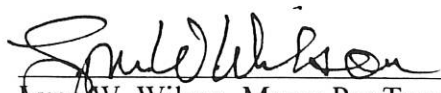
- 1) R1 - Single-Family Districts: Properties in any R1-SFD district includes R1A, R1B and R1C zoning districts.
- 2) A functional family is defined as 2 unrelated people plus their off springs having a relationship which is functionally equivalent to a family. The relations must be a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit.
- 3) Minor child: A person under the age of 19 living with a parent or other legal guardian or in foster care.
- 4) Boarding or rooming house: A dwelling which is designed and used to furnish meals and lodging or just lodging for compensation to three or more persons, but fewer than fifteen (15) persons. Provision for meals may be made, provided cooking is done in a central kitchen and not in individual rooms or suites. For purposes of zoning, a boarding or rooming house shall be a multi-family dwelling.

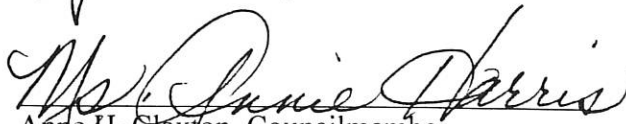
B. It shall be unlawful for the occupants residing in, or for the owner of any single dwelling unit located in, any R1 District to have more than two unrelated individuals residing therein, nor shall any family as defined in this section have, additionally, more than one unrelated individual residing with such family. For the purposes of this paragraph B, one unrelated individual residing with a family shall include the minor children of such unrelated individual residing with him or her. For purposes of this Article B, two unrelated individuals does not include any organization, institutional group, or students living separate and/or independent of their family unit.

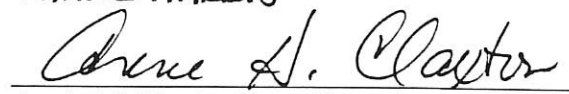
- C. When a dwelling is located in a multi-family district, one of the following is permitted:
- 1) Family, as defined herein, may have two (2) additional unrelated individuals; or
 - 2) Unrelated individuals not exceeding four (4).
- D. Any non-conforming use created by the definition of "family" contained in this ordinance and the regulations related thereto, which was a legal use at the time of adoption shall be permitted to continue in accordance with Article 5, Section 500.6 - NON-CONFORMING USES OF STRUCTURES AND PREMISES IN COMBINATION.
- 1) Any owner of property zoned in the R1 Districts existing prior to the adoption of this Article, claiming a non-conforming use, which was rendered a legal non-conforming use at the time of the adoption of this article shall register such legal non-conforming use with the City of Barnesville Zoning Department within 3 months from the effective date of this article. Such registration shall constitute a rebuttable presumption that said owner enjoys the protection afforded to non-conforming uses provided for in Article 500, Section 500.6. A zoning permit shall be issued by the Zoning Department for all registered legal non-conforming uses.
 - 2) Failure to register as required herein shall constitute a rebuttable presumption that said owner does not enjoy the protection afforded in Article 500, Section 500.6.
 - 3) In the event of the sale or other conveyance of the property, the property owner shall make application to transfer the zoning permit for the registered legal non-conforming use to the purchaser in order that the purchaser may enjoy the same protection afforded to non-conforming use as provided for in Article 500, Section 500.6. The application for transfer shall be submitted prior to the sale or other conveyance or not later than 10 days after the closing of such sale or other conveyance if such application is delayed due to severe extenuating circumstances.

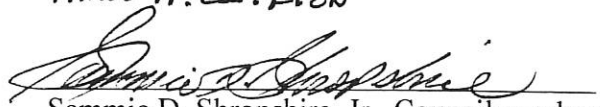
This ordinance adopted this the 8th day of January, 2007 by the Mayor and City Council of the City of Barnesville.


Dewaine T. Bell, Mayor


Lynn W. Wilson, Mayor Pro Tem

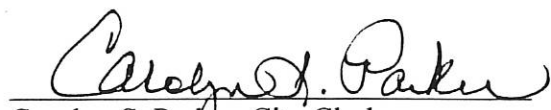

Annie H. Clayton, Councilmember
ANNIE HARRIS


Annie M. Harris, Councilmember
ANNE H. CLAYTON


Sammie D. Shropshire, Jr., Councilmember


Cecil D. McDaniel, Sr., Councilmember

ATTEST:


Carolyn S. Parker, City Clerk