

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE CITY OF WALNUT GROVE TO AMEND THE ZONING ORDINANCE TO REUIRE HOMEOWNER ASSOCIATION APPROVAL PRIOR TO ISSUING PERMITS AND TO AMEND FENCING REGULATIONS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Walnut Grove, Georgia is the Mayor and Council thereof; and

WHEREAS, the City does not enforce Homeowner Association covenants, as those are private covenants; and

WHEREAS, there has been issues of the City granting permits which violate private covenants the City is not responsible for; and

WHEREAS, the governing authority of the City of Walnut Grove, Georgia desires to amend its zoning ordinance to mandate approval of any homeowner's association prior to issuing permits within the City, if applicable; and

WHEREAS, issues have been raised of their being narrow vacancies between fence lines within the City; and

WHEREAS, these vacancies make it difficult to maintain the property in between fences; and

WHEREAS, the governing authority of the City of Walnut Grove, Georgia desires to amend its zoning ordinance remedy the fencing situation; and

WHEREAS, the health, safety, and welfare of the citizens of Walnut Grove, Georgia, will be positively impacted by the adoption of this Ordinance.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF WALNUT GROVE, GEORGIA, and by the authority thereof:

Section 1. That Section 1401 of the Zoning Ordinance of Walnut Grove is hereby deleted in its entirety and replaced with the following:

“Section 1401. Building Permit. No structure or improvement shall be erected, moved, added to or structurally altered at a cost exceeding \$200, without a Building Permit issued by the Administrator. Further no grading shall take place without a Building Permit. No Building Permit shall be issued except per this Ordinance, and adopted Building Codes. All applications for Land Disturbance Permits, and Building Permits for uses other than one-family and duplex dwellings, shall be accompanied by plans, drawn to scale, showing the actual dimensions of the lot to be built upon, the sizes and the locations on the lot of any existing buildings or structures, the shape, size, height, use and the location on the lot of the building or structure and such other information as may be necessary for the enforcement of this Ordinance. These applications and plans shall conform to the requirements of the City. If the applicant’s property is located in a subdivision and are subject to restrictive covenants, the applicant must submit written approval from the subdivision’s homeowner’s association for the structure applied for with their application. If this approval is not submitted with the application, the application will be denied.”

Section 2. That Section 700 of the Zoning Ordinance of Walnut Grove is hereby deleted in its entirety and replaced with the following:

“Section 700. Walls and Fences. Walls and fences are permitted in any district and are not subject to setback requirements, subject to these regulations:

1. No fence or wall shall be erected or altered, other than routine maintenance and repair, in the City without receiving a permit from the City. The Fence Permit Application will be kept

on file at City Hall.

2. All fences and walls shall comply with all existing Ordinances of the City and shall be constructed as to not obstruct the view of adjoining property owners entering or leaving a roadway. Adequate provisions shall be made for access of normal utility service, including garbage collection, water and other utility meters and mail delivery. No fence or wall may interfere with required off-street parking. The side of fences visible to the public must be the finished side of the fence. **If two adjacent properties both have fencing, the fences either must be connected at the property line of the two properties, or the owners must leave at least a five foot setback from the other fence so that the property in-between the fences can be maintained.**

2. Walls or fences in a Residential Zoning District:

a. No wall or fence shall exceed eight feet in height within a side yard or rear yard. The side of the fence visible to the public must be the finished side of the fence.

b. Fences in front yards of residential zones shall be ornamental or decorative and constructed of quality brick, stone, wood, stucco, or wrought iron.

c. Any subdivision entrance, wall or fence shall not exceed 8 feet except 12 feet in height for monuments or columns, and shall be subject to approval of the Zoning Administrator, after the submission of a landscape plan, site plan and architectural elevations.

d. **If the applicant's property is located in a subdivision and are subject to restrictive covenants, the applicant must submit written approval from the subdivision's homeowner's association for the structure applied for with their application. If this approval is not submitted with the application, the application will be denied."**

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. It is hereby declared that if any phrase, sentence, or paragraph hereof shall

be found or declared unconstitutional or invalid by a court of competent jurisdiction, the remaining phrases, sentences and paragraphs hereof shall remain in full force and effect as if enacted without the phrase, sentence, or paragraph declared unconstitutional or invalid.

Section 5. The effective date of this Resolution shall be March __, 2022.

It is so ordained on this ____ day of March, 2022.

City of Walnut Grove, Georgia

Mark Moore, Mayor

ATTEST:

Keegan Ramsey, City Clerk

APPROVED AS TO FORM:

**Anthony O. L. Powell, City Attorney
Powell & Edwards, Attorneys at Law, P.C.**