

2. Approval or Denial of the original Variance Request by Crown Communities, Inc. from Section 905A RS-80 which outlines allowable building materials for single-family residential dwelling units within the RS-80 zoning district. The applicant is requesting to allow additional building materials: cement fiberboard siding, with vinyl accents allowed only in soffits, gables, eaves, fascia board, and shutters, which are currently not allowed by City Code. The subject property is zoned RS-80 and located on the south side of Old Rex Morrow Road, south of Trammell Road, Morrow, GA 30260, also known as the Brookwood Estates Subdivision.

Note: This item was postponed for action by the Mayor and Council at the June 25, 2013 and July 23, 2013 Council Meetings. An amended motion to the original variance was made at the August 13, 2013 council meeting but died for a lack of a second. (Presented by City Manager Jeff Eady)

8. **NEW BUSINESS:**

9. **GENERAL COMMENTS:**

General comments are for any items or submit that did not appear on tonight's agenda. Please fill out a comment card on any general items(s) you wish to make comment and turn it into the City Clerk as you come up to speak. Comment cards and pens are available at the back of the Council Chambers for your use.

10. **EXECUTIVE SESSION:** To discuss legal, real estate, and personnel matters

11. **ADJOURNMENT:**

AN ORDINANCE TO AMEND ARTICLE IX OF THE 1986 ZONING ORDINANCE OF THE CITY OF MORROW, GEORGIA; TO PROVIDE FOR CODIFICATION; TO REPEAL CONFLICTING PROVISIONS IN ARTICLE IX; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the City of Morrow (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia and is authorized to regulate land use and planning of properties within the city limits of the municipality;

WHEREAS, churches and other places of worship are currently not permitted uses within the General Business (BG) zoning district of the City of Morrow.

WHEREAS, restaurants are a permitted use within the General Business (BG) zoning district of the City of Morrow.

WHEREAS, the business operation of many restaurants within the General Business (BG) zoning district include the sale of distilled spirits pursuant to valid permits issued by the State of Georgia.

WHEREAS, Georgia statute O.C.G.A. § 3-3-21 (a)(A) imposes a distance requirement of one-hundred (100) yards between any church building and any establishment selling distilled spirits.

WHEREAS, the City desires to adopt an amendment consistent with the distance restriction imposed by the Legislature of the State of Georgia, so as to allow for churches, synagogues, chapels and other places of religious worship and instruction as a permitted use in the General Business (“BG”) zoning district of the City of Morrow.

NOW THEREFORE, THE COUNCIL OF THE CITY OF MORROW, GEORGIA HEREBY ORDAINS

SECTION 1. Code Section Amended. Article IX, Section 902 of the 1986 Zoning Ordinance of the City of Morrow, Georgia, is hereby amended to include the following language to the provision allowing as a conditional use in all residential zoning districts of the City, churches, synagogues, chapels, and other places of religious worship and instruction; “No church, synagogue, chapel, or other place of religious worship and instruction shall be located within 100 yards (or 300 feet) of any establishment that sells or offers to sell any distilled spirits in accordance with the licensure and permitting requirements of the State of Georgia and the City of Morrow, Georgia.”

SECTION 2. Code Section Amended. Article IX, Section 910 of the 1986 Zoning Ordinance of the City of Morrow Georgia, is hereby amended to include as a permitted use in the General Business (“BG”) zoning district of the City, “Churches, synagogues, chapels, or other places of

religious worship and instruction, provided that such place of religious worship and instruction is located more than 100 yards (300 feet) from any establishment that sells or offers to sell any distilled spirits in accordance with the licensure and permitting requirements of the State of Georgia and the City of Morrow, Georgia.”

SECTION 3. Code Section Amended. Article IX, Section 914 of the 1986 Zoning Ordinance of the City of Morrow Georgia, is hereby amended to include the following language to the provision allowing as a conditional use in the Agricultural (“AG”) zoning district of the City, churches and other places of worship with attendant educational-recreational buildings, “No church, synagogue, chapel, or other place of religious worship and instruction shall be located within 100 yards (or 300 feet) of any establishment that sells or offers to sell any distilled spirits in accordance with the licensure and permitting requirements of the State of Georgia and the City of Morrow, Georgia.”

SECTION 4. Code Section Amended. Article IX, Section 917 of the 1986 Zoning Ordinance of the City of Morrow Georgia, is hereby amended to include the following language to the provision allowing as a permitted use in the Public/Institutional zoning district of the City, churches, synagogues and other places of religious worship, “No church, synagogue, or other place of religious worship shall be located within 100 yards (or 300 feet) of any establishment that sells or offers to sell any distilled spirits in accordance with the licensure and permitting requirements of the State of Georgia and the City of Morrow, Georgia.”

SECTION 5. Codification. This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

SECTION 6. Severability. If any section, paragraph, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional for any reason by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which such portions shall remain in full force and effect.

SECTION 7. Repeal of Conflicting Provision. Except as otherwise provided herein, all ordinances or parts of ordinances of the City of Morrow, Georgia, in conflict with this ordinance are hereby repealed.

SECTION 8. This ordinance shall take effect immediately.

SO ORDAINED, this 24th day of September, 2013.

JB Burke, Mayor

Attest:

Evyonne Browning, City Clerk
(Seal)