

AMENDMENT:

AMD-2012-001



330 Town Center Avenue • Suwanee, Georgia 30024
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To: Planning Commission
From: Josh Campbell, Planning Director 
Date: March 23, 2012
Re: AMD-2012-001

The City has multiple ordinances that include provisions for penalties associated with violations. The City's Code of Ordinances, Zoning Ordinance and Property Maintenance Code each include varying enforcement procedures. Updating these ordinances with a clear, unified procedure is needed to ensure consistency and encourage compliance. With this in mind an amendment to the Zoning Ordinance is proposed that if approved would ensure a consistent approach to violations. Attached is the proposed adoption resolution and the amendment labeled Exhibit A for your review.

Ordinance Number: AMD-2012-001

A RESOLUTION/ORDINANCE TO AMEND ARTICLE XVI. SIGNS, SECTION 1606. REMEDIES , ARTICLE XVII. TREE PRESERVATION, SECTION 1706.2. VIOLATION AND PENALTY AND ARTICLE XVIII. ADMINISTRATION, ENFORCEMENT, PENALTIES AND REMEDIES, SECTION 1805. PENALTIES FOR VIOLATION OF THE CITY OF SUWANEE ZONING ORDINANCE; AND OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Suwanee have adopted and enacted the 1998 Zoning Ordinance of the City of Suwanee, Georgia in order to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City of Suwanee; and

WHEREAS, the City of Suwanee Zoning Ordinances provides rules, regulations, requirements and standards for various land uses within the City of Suwanee; and

WHEREAS, the Mayor and Council of the City of Suwanee find that the City of Suwanee Zoning Ordinance serves to promote the health, safety, morals, convenience, order, prosperity or the general welfare of the present and future inhabitants of the City of Suwanee; lessen congestion in the streets; secure safety from fire, panic and other danger; provide adequate light and air; prevent the overcrowding of land, avoid both undue concentration of population and urban sprawl; facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; protect property against blight and depreciation; encourage the most appropriate use of land, buildings and other structures throughout the City; secure economy in government expenditures; and other purposes; and

WHEREAS, the Mayor and Council find that the attached amendments further said purposes; and

WHEREAS, notice of said amendment has been duly advertised as required by local rules and State laws in the City's legal organ; and

WHEREAS, a duly advertised public hearing was held on April 24, 2011 by the Suwanee City Council; and

NOW THEREFORE, be it ordained and resolved and it is hereby resolved by the Mayor and Council of the City of Suwanee this the 24th day of April, 2012, that

the City of Suwanee Zoning Ordinance, specifically Article XVI. Signs, Section 1606. Remedies, Article XVII. Tree Preservation, Section 1706.2 Violation and Penalty and Article XVIII. Administration, Enforcement, Penalties and Remedies, Section 1805. Penalties for Violation is hereby amended as outlined on the attached Exhibit "A" which is herein incorporated by reference with any minor renumbering and general editing of the Zoning Ordinance as needed.

SUWANEE CITY COUNCIL, A
GEORGIA MUNICIPAL
CORPORATION

By:

Jimmy Burnette, Mayor

By:

Daniel F. Foster, Mayor Pro Tem

By:

Doug Ireland, Councilmember

By:

Kevin McOmber, Councilmember

By:

Jace Brooks, Councilmember

By:

Richard I. Goodman, Councilmember

ATTESTED TO BY:

Elvira Rogers, City Clerk

APPROVED AS TO FORM BY:

Gregory D. Jay, City Attorney
Chandler, Britt, Jay & Beck, LLC

Exhibit A

Amend Article XVI. Signs, Section 1606. Remedies of the Zoning Ordinance:

In case any sign, advertising device or other device covered by this Ordinance is or is proposed to be erected, constructed, altered, converted or used in violation of any provision of this Ordinance, the director, or designee may, in addition to other remedies, and after due notice to the appropriate person(s), **issue a citation to the alleged violator requiring such person to appear in a court of competent jurisdiction to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.** ~~issue a citation for violation of this chapter requiring the presence of the violator in the municipal court, or institute injunction or other appropriate action or proceedings to prevent such unlawful erection, construction, alteration, conversion or use or to correct or abate such violation.~~

Amend Article XVII. Tree Preservation, Section 1706.2. Violation and Penalty:

~~Any person, firm, organization, or other entity violating a provision of this Article shall be guilty of violating a duly adopted Article of the 1998 Zoning Ordinance of the City of Suwanee, Georgia and upon conviction by a court of competent jurisdiction, may be punished by a fine not to exceed \$500, or confinement not to exceed 60 days, or both.~~ **For violations of this Ordinance, the director, or designee may, in addition to other remedies, and after due notice to the appropriate person(s,) issue a citation to the alleged violator requiring such person to appear in a court of competent jurisdiction to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both.** Each day's continuance of violation and each tree removed shall constitute a separate offense.

Notwithstanding any disposition of a citation in a court of competent jurisdiction, any violation of this Ordinance shall constitute grounds for revoking or suspending any permit granted for the development, clearing, grading, or grubbing of the impacted property or any permit granted for the construction, demolition, or renovation of a structure on the lot or parcel and the City shall be authorized to revoke or suspend same.

~~The court shall have the power and authority to place any person found guilty of a violation of this Article on probation and to suspend or modify any fine or sentence. As a condition of said suspension, the court may require payment of restitution or impose other punishment allowed by law which may include mandatory attendance at an educational program regarding tree preservation. The owner of any property wherein a violation exists, and any builder, contractor, or agent who may have assisted in the commission of any such violation, shall be guilty of a separate offense.~~

**Amend Article XVIII. Administration, Enforcement, Penalties and Remedies, Section 1805.
Penalties for Violation of the Zoning Ordinance:**

For violations of this Ordinance, the director, or designee may, in addition to other remedies, and after due notice to the appropriate person(s,) issue a citation to the alleged violator requiring such person to appear in a court of competent jurisdiction to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense. Any person, firm or corporation convicted by a court of competent jurisdiction of violating any provision of this Ordinance shall be guilty of violating a duly adopted Ordinance of the City of Suwanee, Georgia, and shall be punished either by a fine of not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars or by confinement in the City jail for a total term not to exceed sixty (60) days, or both.