

ORDINANCE 2019-026
1st reading and Introduction: 11/04/19
2nd reading: 11/18/19

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE WITH REGARD TO PERMITTED USES AND RESTRICTIONS ON USES RELATING TO CREMATORIALS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Powder Springs have heretofore adopted the Unified Development Code of Powder Springs, Georgia (“the UDC”); and

NOW THEREFORE, the Mayor and Council of the City of Powder Springs find that in the interest of the public health, safety and welfare, it does hereby ordain that the UDC shall be and is hereby amended as follows:

SECTION ONE

Article 2,3 and 4 are amended as shown in the attached Exhibit A.

SECTION TWO

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.


SECTION THREE

If any section, subsection, provisions, 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 of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION FOUR

This ordinance shall become effective five (5) days after its adoption by the City Council.

SO ORDAINED, this 18th day of November, 2019.


Albert Thurman, Mayor

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Patrick Bordelon
Patrick Bordelon, Council Member

ABSENT
Doris Dawkins, Council Member

Patricia Wisdom
Patricia Wisdom, Council Member

Henry Lust
Henry Lust, Council Member

Thelma C. Farmer
Thelma C. Farmer, Council Member

ATTEST:

Kelly Axt
Kelly Axt, City Clerk

Exhibit A

Sec. 1-65. Nonconforming Use – Expansion.

A nonconforming use shall not be expanded, enlarged or extended, in land area or in floor space or volume of space in a building or structure, except for a use which complies with the zoning district in which said use is located; or any other exceptions outlined in Article 4 Specific Use Provisions outlined in the Unified Development Code.

**Table 2-3
Permitted and Special Uses in
Mixed-Use and Non-residential Zoning Districts**

Use	See also	MXU	O-I	NRC	CRC	CBD	BP	LI	HI
Funeral home, mortuary, or mausoleum	<u>Section 4-151</u>	X	X	X	S	X	S	P	P

ARTICLE 3 USE DEFINITIONS

Funeral home: ~~A building used for human funeral services. Such building contains a chapel and may include space and facilities for embalming and the performance of other services used in the preparation of the dead for burial or cremation, the performance of autopsies and other surgical procedures, the indoor storage of caskets, funeral urns, and other related funeral supplies, and/or the indoor storage of funeral vehicles~~ means a building or facility utilized for preparations and ceremonies for deceased persons prior to burial or cremation. All funeral homes must comply with state regulations as well as the rules promulgated by the Georgia State Board of Funeral Service, as may be amended from time to time. A funeral home may have an accessory crematory within the main building in compliance with manufacturer's instructions and any state or federal laws.

ARTICLE 4 SPECIFIC USE PROVISIONS

Sec. 4-151. Funeral Homes

- a) Funeral Homes that are legally non-conforming that request to add accessory uses to existing floor space or to accessory structures legally established prior to 12/7/2015 without any building expansion will require a Special Use approval.
- b) Accessory crematory, where permitted, must have minimal exterior renovations subject to administrative design review. All activities associated with said use, must occur entirely within enclosed area.