



**Action Requested/Required:**

- Vote/Action Requested
  - Discussion or Presentation Only
  - Public Hearing
- Report Date: \_\_\_\_\_  
Hearing Date: 4/4/24  
Voting Date: 4/4/24

**Department:** Community Development      **Presenter(s) & Title:** Kevin Turner  
Community Development Director

**Agenda Item Title:**

Expansion of Nonconforming Parcels

**Summary:**

A text amendment to expand the provisions of non-conforming parcels to allow more oppotunities for buildable lots that do not meet current UDC standards, but that were previously legally divided.

**Budget Implications:**

Budgeted?  Yes  No  N/A

Total Cost of Project:  Check if Estimated

Fund Source: General Fund  Water & Sewer  Sales Tax  Other:

**Staff Recommendations:**

Staff recommends a motion to approve the text amendment for the expansion of nonconforming parcels.

**Reviews:**

Has this been reviewed by Management and Legal Counsel, if required?  Yes  No

**Attachments:**

Ordinance

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CITY OF CANTON UNIFIED DEVELOPMENT CODE FOR EXPANSION OF THE NONCONFORMING PARCELS PROVISION**

WHEREAS, the City Council has determined to amend Nonconforming parcels in Chapter 105, Article 12 of the Code of the City of Canton, Georgia and desires to amend the Unified Development Code to provide for non-conforming parcels to be considered legal building sites;

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF CANTON as follows:

1. Section 105.12.06 of the Unified Development Code is to read as follows:

105.12.06 - Nonconforming parcels.

A. A nonconforming parcel that does not comply with the ~~applicable area, width, or depth~~ requirements of this UDC shall be considered a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the director by evidence furnished by the applicant:

- 1)The parcel was created by a recorded subdivision;
- 2)The parcel is under one ownership and was legally created by a recorded deed before the effective date of the amendment that made the parcel nonconforming;
- 3)The parcel was approved through the variance procedure or resulted from a lot line adjustment; or
- 4)The parcel was created in compliance with the provisions of this UDC, but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size is decreased not more than 20 percent and the yard facing a public right-of-way was decreased not more than five percent.

B. No subdivision shall be approved that would increase the nonconformity of an existing parcel.

2. If any portion of this Ordinance be declared invalid or unconstitutional by any court or competent jurisdiction 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. It is hereby declared to be the intent of the City Council to provide for separable and divisible parts and does hereby adopt any and all parts hereof as may not be held invalid for any reason.

3. This Ordinance shall become effective on the date the Mayor signs the ordinance indicating approval, ten days after the adoption of the ordinance if the Mayor has not signed nor vetoed, or immediately upon an affirmative vote of the City Council after the Mayor's veto, whichever shall first occur.

Attest:

\_\_\_\_\_  
Annie Fortner  
CITY CLERK

\_\_\_\_\_  
Bill Grant, MAYOR

Date:

Approved as to form:

\_\_\_\_\_  
Robert M. Dyer, City Attorney

**ORDINANCE NO.** \_\_\_\_\_

First Reading \_\_\_\_\_

Adopted by Council \_\_\_\_\_

Approved by Mayor \_\_\_\_\_

Veto by Mayor \_\_\_\_\_

Second Vote by Council \_\_\_\_\_

Effective Date \_\_\_\_\_

\_\_\_\_\_  
Annie Fortner, City Clerk