

**AN ORDINANCE OF
THE CITY OF EAST ELLIJAY
PURSUANT TO ITS' CHARTER AND OTHER LAWS**

PASSED: 08/29/2025

ORDINANCE NO. 2025-06

**AN ORDINANCE BY THE CITY COUNCIL FOR THE CITY OF EAST
ELLIJAY TO AMEND THE ZONING ORDINANCE AND TO PROVIDE
DEFINITIONS; AND FOR OTHER PURPOSES.**

WHEREAS, the City has the authority under the City Charter and the general laws of the State of Georgia to enact certain changes to its ordinances; and

WHEREAS, the City will be subject to continued and future development and finds there is a need for sufficient and reasonable regulation of said development and land use; and

WHEREAS, adopting such changes and amendments allows for the planning and guidelines for development that is in the best interests of the public health, safety, welfare and morals of the citizens, property and business owners and visitors to the City of East Ellijay;

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF EAST ELLIJAY AND ADOPTED;

SECTION I

The following provisions are hereby amended and/or adopted as follows:

ZONING ORDINANCE AMENDMENTS

Table 5.1 “Compatibility Standards for Single Family Detached Dwellings” is hereby amended to strike and delete all reference to “Type 2 Dwellings.”

Section 501-Single Family Residential District (R-1) is amended as follows:

Subsection (c) is amended to read “*Density and Size Requirements*” and read “only detached dwellings are allowed and *the maximum average density for R-1 property shall be 1.1 units per acre with a minimum lot size of 32,670 square feet per dwelling. The setbacks are measured from the public road right of way and shall be 25 feet front setback, 15 feet side setback and 15 feet rear setback.*”

Section 502-Low Density Residential District (R-2) is amended as follows:

Subsection (a) is amended to read “*this district is intended to provide for low density detached single-family residential dwellings. The district is limited to one principal dwelling on each lot.*”

Subsection (c) is amended to read “*Density and Size Requirements*” and read “only detached dwellings are allowed and *the maximum average density for R-2 property shall be 1.3 units per acre with a minimum lot size of 30,000 square feet per dwelling. The setbacks are measured from the public road right of way and shall be 25 feet front setback, 15 feet side setback and 15 feet rear setback.*”

Section 503-Medium Density Residential District (R-3) is amended as follows:

Subsection (c) is amended to read “*Density and Size Requirements*” and read “detached or attached dwellings are allowed and *the maximum density for R-3 property shall be 3.0 units per acre with a minimum lot size of one acre. The setbacks are measured from the public road right of way and shall be 25 feet front setback, 15 feet side setback and 15 feet rear setback. If the units are attached, there must be 30 feet between end units.*”

Section 504-High Density Residential District (R-4) is amended as follows:

Subsection (c) is amended to read “*Density and Size Requirements*” and read “detached or attached dwellings are allowed and *the maximum density for R-4 property shall be 4.0 units per acre with a minimum lot size of one acre. The setbacks are measured from the public road right of way and shall be 25 feet front setback, 15 feet side setback and 15 feet rear setback. If the units are attached, there must be 30 feet between end units.*”

The provisions of this Ordinance hereby amends the provisions of Ordinance 2024-04 as it relates to the minimum lot sizes for property zoned R-2, R-3 and R-4.

Table 6-1 “Permitted and Conditional Uses by Zoning District”

Table 6.1 is amended as follows:

“Assisted Living Facility” shall be shown only as a Conditional Use and only on property zoned C-2.

“Cesspool builder, sales-service” shall be shown only as a Conditional Use and only on property zoned M-2.

“Dwellings, single family detached (See Table 5-1-Type II” is hereby stricken and deleted.

“Dwellings, two-family (duplexes)” is amended to show as a permitted use only on property zoned R-3, R-4, PD and C-1.

“Dwellings, multi-family (apartments and condominiums)” shall be shown only as a Conditional Use and only on property zoned C-2 or PD.

“Personal Care Facility establishments” shall be shown only as a Conditional Use and only on property zoned C-2.

“Recycling Centers, collection points and processing” shall be shown as conditional uses on property zoned C2 and permitted uses on property zoned M2.

“Restaurants [without qualification]” shall be shown as a permitted use on property zoned, PD, C-1, C-2 and M-2.

“Solid Waste Transfer Stations or Solid Waste Handling Facilities” shall be shown as a conditional use and only on property zoned M-2.

The statement set forth at (1) directly under Table 6-1 is hereby deleted and any public hearings shall comply with Georgia law.

Table 6-2 “Dimensional Requirements by Zoning District”

Table 6.2 is amended as follows:

Footnote 3 is deleted. See Ordinance 2024-04 and this Ordinance.

ARTICLE XII-AMENDMENTS

Article XII-Amendments of the Zoning Ordinance is hereby amended to enact a new Section 1202.3 which shall read:

Section 1202.3-DeAnnexation.

- (a) De-Annexation applications shall be required to follow the same procedure, file the same application and provide the same information required for a rezoning request. No de-annexation application will be accepted unless the rezoning application form has been properly completed [with all attachments], the applicable fee paid and [for applications pursuant to O.C.G.A. § 36-36-31] is accompanied by a certified copy of the minutes from Gilmer County consenting to the de-annexation. Any de-annexation application must have at least one public hearing before any action is taken by the City Council.
- (b) In addition to the requirements above, before the City of East Ellijay will act on any de-annexation request, the applicant must advertise in the legal organ of Gilmer County for four consecutive weeks with an ad that states (1) that the application has been submitted to the City; (2) provide the street address and tax parcel number of the property and (3) the proposed use or County

zoning category of the property if de-annexed. If the proposed use or zoning category is different from the current zoning category or use in the City, no later than 30 days before the public hearing, the applicant shall also provide written notice [containing a minimum of the information required to be published in the legal organ] via certified mail or statutory overnight delivery to all property owners within 500 feet of the property line of the property that the subject matter of the de-annexation application and file proof of such mailing with the City.

ARTICLE XIII-DEFINITIONS

“Apartment Building” is hereby amended to read “a building designed for leased and attached residential units with a density of more than four units per acre.”

“Assisted Living Facility/Congregate personal care facility” is hereby deleted and a new definition entitled “Assisted Living Facility” is inserted and shall read

“attached housing units designed for senior adults that provide fully supportive services of transportation, medical care and food preparation. This use may also include providing memory care, living, skilled nursing care and hospice care. Any development or use that is not fully-supportive and where the residents have their own cars or transportation, live independently or otherwise do not require daily, supervised care shall not be considered an assisted living facility and shall comply

with requirements of this Ordinance that apply to non-age restricted residential development or use.”

“Solid Waste Transfer Stations or Solid Waste Handling Facilities” are hereby defined by adoption of the Georgia state law definitions set forth at Ga. Comp. R & Regs. R. 391-3-4.01. Any such Station or Facility is required to fully comply with State law, have all activity conducted within a fully enclosed structure and be fully screened from view of any surrounding property by a completely opaque fence of no less than six feet in height.

SECTION II **SEVERABILITY AND REPEAL**

If any portion of this Ordinance is found to be unconstitutional or in violation of the law by a Court having jurisdiction, it is the intent of the Mayor and Council that the provisions which are not found to be unconstitutional or in violation of the law shall remain in full force and effect. Any other provisions or ordinances which conflict with this Ordinance are hereby expressly repealed.

SECTION III. **EFFECTIVE DATE**

The effective date of this Ordinance shall be immediately upon its passage by the City Council and return of this Ordinance with the approval of the Mayor as provided for in Section 2.31 of the Charter or ten days after adoption, whichever is sooner.

SO ORDAINED, this 29th day of August, 2025.

CITY OF EAST ELLIJAY

Attest as to this Ordinance having passed by
majority vote:

Petina Pritchett

City Clerk

APPROVED:

This 29th day of August, 2025

Don Callihan

Mayor Don Callihan

VETOED:

This _____ day of _____, 2025

Mayor Don Callihan

Attest as to this Ordinance having become law due having not been approved
or vetoed by noon on the 10th Calendar day after said Ordinance's adoption:

This _____ day of _____, 2025.

City Clerk

Attest as to this Ordinance having been vetoed and presented to the City
Council for consideration and said vetoed was _____ or was not _____
overridden by three councilmember votes.

This _____ day of _____, 2025.

City Clerk