

ARTICLE XIII

ADMINISTRATION, ENFORCEMENT, PENALTIES AND REMEDIES

Section 1300. Zoning Enforcement Officer.

The City Clerk is hereby authorized and directed, on behalf of the City Council of the City of Dacula, Georgia, to administer and enforce this Resolution. Such authority shall include the right to order, in writing, the remedy of any condition found in violation of this Resolution, and the right to bring legal action in all courts of competent jurisdiction to ensure compliance with its provisions, including injunction, mandamus, abatement or other appropriate action or proceeding.

The powers and duties of the City Clerk include:

1. Examining and approving applications pertaining to the use of land, buildings, or structures when the applications conform with provisions of this Resolution.
2. Authorizing issuance by the City of all building permits and certificates of occupancy, and keeping permanent records thereof.
3. Conducting such inspections of buildings, structures, and uses of land as are necessary to determine compliance with the provisions of this Resolution.
4. Maintaining permanent and current records of the Zoning Resolution including maps and amendments.
5. If the City Clerk shall find that any of the provisions of this Resolution are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Resolution to ensure compliance with or to prevent violation of its provisions.
6. The City Clerk shall have the power to grant variances (except for density and use variances) from the development standards of this Resolution where, in his opinion, the intent of the Resolution can be achieved and equal performance obtained by granting a variance. The authority to grant such variances shall be limited to variances from the following requirements:
 - a. Front yard or side yard adjacent to public street - Variance not to exceed ten (10) feet.
 - b. Side yard - Variance not to exceed five (5) feet.
 - c. Rear yard - Variance not to exceed ten (10) feet.

- d. Height - Variance not to exceed fifteen (15) feet, provided that no increase in the height for a sign may be granted nor may the variance result in an increase in the number of stories than would otherwise be allowed under the applicable zoning district.
- e. Parking under Article X and demarcation of parking spaces - Parking spaces may be left unmarked, provided all the of the following conditions are present:
 - 1) The parking lot must be designated to serve only a multi-family residential project which is designed and intended for rental occupancy.
 - 2) The parking lots must be designed in relation to the internal circulation system such that the areas reserved for parking are easily identified and clearly distinct from the interior driveways because of their location, design, orientation, or configuration, such as in parking areas with a single interior driveway having parking spaces located perpendicular to and along the sides of the access driveway, allowing the curbing to delineate the exterior dimension of the single parking bay.
 - 3) Approval for the elimination of the striping has been obtained by the applicant in writing from the Fire Services Division of the Gwinnett County Fire Department.
- f. Accessory structures allowed within the front yard - accessory structures may be allowed within the front yard of residential zoning districts provided all the following conditions are met:
 - 1) The residentially-zoned property contains at least three (3) acres.
 - 2) The accessory structures are limited to a swimming pool, garage/carport, barn, storage building, or other similar structures.
 - 3) The accessory structure is set back a minimum of 100 feet from the right-of-way and located no closer than 40 feet to any side property line. (If the accessory use is for animal quarters, this must be a minimum of 100 feet from any property line.)
 - 4) The accessory structure shall be screened with walls, fences, or suitable landscaping so that it is not visible from the street.
- g. Any other use or requirement which is specifically listed as an administrative variance within any section of this Zoning Resolution.

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Section 1301. Building Permit Required.

No building or other structure shall be erected, moved, added to or structurally altered without a Building Permit issued by the City Clerk. No Building Permit shall be issued except in conformance with the provisions of this Resolution and the current building code.

All applications for Land Disturbance Permits, and Building Permits for uses other than one-family and duplex dwellings shall be accompanied by plans, drawn to scale, showing the actual dimensions of the lot to be built upon, the sizes and the locations on the lot of any existing buildings or structures, the shape, size, height, use and the location on the lot of the building or structure to be erected, moved, added to or structurally altered and such other information as may be necessary to provide for the enforcement of this Resolution. These applications and plans shall conform to the requirements of the *Development Regulations* of the City of Dacula.

Section 1302. Certificate of Occupancy Required.

A Certificate of Occupancy issued by the City is required prior to the use or occupancy of:

1. Any lot or change in the use thereof.
2. A building hereafter erected or a change in the use of an existing building.
3. A change in any lawful non-conforming use. The Certificate of Occupancy shall state specifically wherein the non-conforming use fails to meet provisions of this Resolution.

No Certificate of Occupancy shall be issued unless the lot or building or structure complies with all the provisions of this Resolution.

A record of all Certificates of Occupancy shall be kept on file at the City and a copy shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land involved.

Section 1303. Fees.

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this Resolution. The schedule of fees shall be posted in the City Clerk's office at City Hall and may be altered and amended by the City Council, from time to time, to cover the costs of administration of this Resolution.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 1304. Construction Progress

If no substantial construction progress has been made within six (6) months of the date of issuance of the building permit, the permit becomes invalid. The permit may be re-issued only upon completion of the application procedure outlined in Sections 1302 and 1303 of this Resolution.

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Section 1305. Penalties for Violation.

Any person, firm or corporation convicted by a court of competent jurisdiction of violating any provision of this Resolution shall be guilty of violating a duly adopted Resolution of City of Dacula, and shall be punished either by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by confinement in the County jail for a total term not to exceed sixty (60) days, or both for each violation. Until corrective action is taken by the defendant, each day from the date of notification of said violation shall constitute a separate violation of this Resolution and is subject to separate or cumulative fines for each daily offence without additional daily notification.

Section 1306. Alternative Sentences or Penalties.

The court shall have the power and authority to place any person found guilty of a violation of this Resolution 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.

Section 1307. Remedies.

If any building or structure is erected, constructed, moved, added to, demolished, structurally altered, maintained, or used in violation of this Resolution, any appropriate authority, or any property owner whose property would be damaged by such violation may file a written complaint with the City Clerk stating fully the causes and basis for the complaints. The City Clerk shall properly record such complaint, shall immediately investigate, and shall take action thereon as provided by this Resolution. Nothing herein shall, however, prevent any person from instituting injunction, mandamus, or other appropriate action in proceeding to stop the violation in the case of such building, structure, or land.