
1
2 AN ORDINANCE TO AMEND THE OFFICIAL ZONING CODE OF THE CITY OF
3 MORROW, GEORGIA, AS AMENDED; TO PROVIDE FOR THE REGULATION OF LAND
4 USE RELATING TO PLACES OF ASSEMBLY, CHURCHES AND OTHER PLACES OF
5 WORSHIP; TO PROVIDE NEW DEFINITIONS IN THE ZONING CODE; TO PROVIDE
6 FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN
7 EFFECTIVE DATE; AND FOR OTHER PURPOSES.

8 **WHEREAS**, the governing authority of the City of Morrow, Georgia (the "City") are the
9 Mayor and Council thereof;

10 **WHEREAS**, the City has been vested with substantial powers, rights and functions to
11 generally regulate the practice, conduct or use of property for the purposes of maintaining health,
12 morals, safety, security, peace, and the general welfare of the City;

13 **WHEREAS**, the Mayor and Council have, as a part of planning, zoning and growth
14 management, been in review of the City's Zoning Ordinances and have been studying the City's
15 best estimates and projections of the type of development which could be anticipated within the
16 City;

17 **WHEREAS**, the Mayor and Council therefore consider it paramount that land use
18 regulation continue in the most orderly and predictable fashion with the least amount of
19 disturbance to landowners and to the citizens of the City. The Mayor and Council have always
20 had a strong interest in growth management so as to promote the traditional police power goals
21 of health, safety, morals, aesthetics and the general welfare of the community; and in particular

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22 the lessening of congestion on City streets, security of the public from crime and other dangers,
23 promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the
24 City including access to air and light, and facilitation of the adequate provision of transportation
25 and other public requirements; and

26 **WHEREAS**, it is the belief of the Mayor and Council that the concept of "public
27 welfare" is broad and inclusive; that the values it represents are spiritual as well as physical,
28 aesthetic as well as monetary; and that it is within the power of the City "to determine that a
29 community should be beautiful as well as healthy, spacious as well as clean, well balanced as
30 well as carefully patrolled," *Berman v. Parker*, 348 U.S. 26, 75 S.Ct. 98 (1954); *Kelo v. City of*
31 *New London*, 545 U.S. 469, 125 S. Ct. 2655, 162 L. Ed. 2d 439 (2005). It is also the opinion of
32 the City that "general welfare" includes the valid public objectives of aesthetics, conservation of
33 the value of existing lands and buildings within the City, making the most appropriate use of
34 resources, preserving neighborhood characteristics, enhancing and protecting the economic well-
35 being of the community, facilitating adequate provision of public services, and the preservation
36 of the resources of the City;

37 **WHEREAS**, the Mayor and Council are, and have been interested in, developing a
38 cohesive and coherent policy regarding certain uses in the City, and have intended to promote
39 community development through stability, predictability and balanced growth which will further
40 the prosperity of the City as a whole;

41 **WHEREAS**, the governing authority desires to modify the zoning code of the City to
42 revise the provisions relating to religious and institutional uses and uses involving assembly of
43 persons; and

44 **WHEREAS**, the health, safety, and welfare of the citizens of the City, will be positively
45 impacted by the adoption of this Ordinance.

46 BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE
47 CITY OF MORROW, GEORGIA, and by the authority thereof:

48 **Section 1.** The Zoning Ordinance of the City of Morrow, Georgia is hereby amended by
49 adding the following to ARTICLE XV. – CONDITIONAL USES, after Section 1501, as
50 follows:

51 “Section 1502. – Churches, synagogues and other places of worship.

52 (a) Because of their special demands upon public services and facilities, and their potential
53 for imposing significant financial burdens upon the City if established within certain
54 time-frames and at particular locations, churches, synagogues and other places of worship
55 shall be conditional uses within any Zoning District except the Public Institutional
56 Zoning District, but only after completion of the process prescribed in Section 1501 and
57 meeting the requirements herein. Within the Public Institutional Zoning District,
58 churches, synagogues, and other places of worship are permitted uses and shall not
59 require the approval of Mayor and Council. Churches, synagogues and other places of
60 worship shall be entitled to all of the accessory uses provided for such places in the
61 Public Institutional Zoning District.

62 (b) Further, in making a determination as to whether or not an application for a church,
63 synagogue or other place of worship shall be approved at a particular time and location,
64 the Mayor and Council shall consider the potential financial burdens to the City that
65 would be generated, the potential impacts on existing or anticipated surrounding
66 developments, noise and peak traffic impacts, and the potential special demands upon
67 public services and facilities. Upon a finding that such place conforms to the intent and
68 requirements of this Article, the use may be approved by the Mayor and Council. If
69 approval for such use is granted, the Mayor and Council may attach special conditions to
70 the approval, which have the purpose of minimizing potential negative impacts and
71 burdens on public finances, facilities and/or services as well as surrounding properties
72 and travelers on the City's streets and sidewalks.

73 (c) For churches, synagogues or other places of worship located outside the Public
74 Institutional District, the locations shall:

- 75 (1) Be stand-alone buildings;
- 76 (2) Meet the requirements of ARTICLE XII. – PARKING AND LOADING;
- 77 (3) Meet applicable requirements promulgated by the City's Fire Marshall; and
- 78 (4) Meet the applicable buffer requirements in ARTICLE XI. – BUFFER AND
79 SCREENING REQUIREMENTS.

80 Section 1503. – Other Conditional Use Requirements.

81 (a) Any conditional use that includes places of assembly shall also meet the requirements of
82 Section 1502(c) above in addition to other relevant conditional use requirements.”

83 **Section 2.** That ARTICLE IX. – SCHEDULE OF DISTRICT REGULATIONS, Section
84 910 – BG General Business District of the Zoning Ordinance of the City of Morrow, Georgia is
85 hereby amended as follows:

86 By removing from *Permitted Uses* the category of “Churches, synagogues, chapels, or
87 other places of religious worship and instruction, provided that such place of religious worship
88 and instruction is located more than 100 yards (300 feet) from any establishment that sells or
89 offers to sell any distilled spirits in accordance with the licensure and permitting requirements of
90 the state and the city” and placing it under *Conditional Uses*.

91 **Section 3.** The Zoning Ordinance of the City of Morrow, Georgia is hereby amended by
92 adding the following definitions, to be inserted in their proper alphabetical order within Section
93 402 – Definitions, to ARTICLE IV. – INTERPRETATION AND DEFINITIONS as follows:

94 “*Church or synagogue:* A building and related lands and/or a structure used for and
95 generally open to the general public for group religious worship. Churches shall not include any
96 building or property used solely for administrative activities related to an institution or group
97 practicing group religious worship.

98 *Group religious worship:* The practice of praying to, giving thanks to, or otherwise
99 worshipping or studying about a god or gods or other such higher entity or entities, which
100 practice may include instructional, recreational, utility and maintenance activities.

101 *Place of assembly:* A structure, portion of a structure, or area (either indoor or outdoor),
102 designed primarily for people to gather to observe or participate in a single event or series of

103 events which are not related to group religious worship. A group home is not considered a place
104 of assembly.

105 *Place of worship: See Church.”*

106 **Section 4.** That Section 919. – Reserved of ARTICLE IX. – SCHEDULE OF
107 DISTRICT REGULATIONS of the Zoning Ordinance of the City of Morrow, Georgia is hereby
108 deleted in its entirety and replaced with the following new Section to read as follows:

109 “Section 919 – Places of assembly.

110 Section 919-A. – Certain Uses Permitted in Commercial Districts

111 (a) Subject to all conditions of the underlying zoning district and the conditions below, the
112 following specific type(s) of place of assembly are permitted by right in the CUPD, BG,
113 PC and MU zoning districts of the City:

114 (1) Movie theaters;

115 (2) Concert halls;

116 (3) Private commercial/vocational schools (including martial arts or dance studios, and
117 technical or vocational training); and

118 (4) Clubs.

119 (b) All uses in Section 919-A(a) above shall meet the requirements of ARTICLE XII. –
120 PARKING AND LOADING.”

121 **Section 5.** The preamble of this Ordinance shall be considered to be and is hereby
122 incorporated by reference as if fully set out herein.

123 Section 6. (a) It is hereby declared to be the intention of the Mayor and Council that all
124 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
125 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

126 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
127 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
128 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
129 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
130 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
131 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
132 of this Ordinance.

133 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
134 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
135 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
136 express intent of the Mayor and Council that such invalidity, unconstitutionality or
137 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
138 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
139 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
140 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
141 enforceable, and of full force and effect.

142 Section 7. All ordinances and parts of ordinances in conflict herewith are hereby
143 expressly repealed.

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144 Section 8. Penalties in effect for violations of the Zoning Ordinance of the City of
145 Morrow at the time of the effective date of this Ordinance shall be and are hereby made
146 applicable to this Ordinance and shall remain in full force and effect.

147 Section 9. The effective date of this Ordinance shall be the date of adoption unless
148 otherwise specified herein.

149 **ORDAINED** this 27 day of October, 2015.

151 **CITY OF MORROW, GEORGIA**

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156 JB Burke, Mayor

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158 **ATTEST:**

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163 Viet Tran, City Clerk

164 **Seal**

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- First Reading: 10/13/2015
 - Second Reading and Adopted: 10/27/2015

