



CIVILITY PLEDGE

The way we govern ourselves is often as important as the positions we take. Our collective decisions will be better when differing views have had the opportunity to be fully vetted and considered. All people have the right to be treated with respect, courtesy and openness. We value all input. We commit to conduct ourselves at all times with civility and courtesy to each other.

Brian Wismer, Chairman
Lucy Dolan, Vice Chairman
G. Leah Davis
Rob Hall
Miller Radford
Jeanne Rast
Cliff Thomas

Called Planning Commission Meeting

700 Doug Davis Drive
Hapeville, GA 30354

June 13, 2023 6:00 PM

AGENDA

1. Call to Order

2. Roll Call

Brian Wismer, Chairman
Lucy Dolan, Vice Chairman
G. Leah Davis
Rob Hall
Miller Radford
Jeanne Rast
Cliff Thomas

3. Approval of Minutes

3.I. Minutes of May 9, 2023

Documents:

1. Minutes - 5-09-2023_draft

4. New Business

4.I. Zoning Procedures Text Amendment

Background:

An amendment in accordance with House Bill 1405 (2021), amendments to the City of Hapeville Code of Ordinances regarding public notices, hearings, and procedures for making (and appealing to superior court) zoning decisions, quasi-judicial land-use related decisions, and changes to single-family zoning provisions of the code.

Documents:

1. Ordinance for Text Amendment of Zoning Code (03346370-2xA0B3B)
2. Planner's Report Text Amendment Zoning Procedures 2023

5. Next Meeting Date - July 11, 2023 at 6:00 PM

6. Adjourn



Brian Wismer, Chairman
Lucy Dolan, Vice Chairman
G. Leah Davis
Rob Hall
Miller Radford
Jeanne Rast
Cliff Thomas

**Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354**

May 9, 2023 6:00 PM

MINUTES

1. Called to Order at 6:05 PM.

2. Roll Call

Brian Wismer, Chairman
Lucy Dolan, Vice Chairman
G. Leah Davis
Rob Hall - Absent
Miller Radford
Jeanne Rast
Cliff Thomas

MOTION ITEM: Lucy Dolan made a motion to amend the agenda to add discussion of the proposed development moratorium to New Business, Item 5. IV. Leah Davis seconded the motion.

3. Approval of Minutes

3.I. Minutes of April 11, 2023

MOTION ITEM: Cliff Thomas made a motion to approve the minutes of April 11, 2023, as submitted. Lucy Dolan seconded the motion. Motion carried: 5-0.

4. Old Business

4.I. 3034, 3038, and 3044 Springdale Road

Site Plan Review

Background:

Zain Farishta of Kimley-Horn requested site plan review to construct 59 single-family attached homes at 3034, 3038, and 3044 Springdale Road (Parcel ID: 14-0099-0001-088-7, 14-0099-0001-023-4, 14-0099-0001-022-6) for the purpose of constructing a townhome development. The properties are zoned V, Village. *This item was tabled at the April 11, 2023 meeting.*

The proposed project includes three and four bedroom units ranging in size from 1,936 SF to 2,147. The heights provided are 35' and the site includes 12 guest parking spaces, and a tree save area.

The applicant stated that any issues related to fire access and installation of the required 8" water line.

Findings

The site plan provided has the following deficiency per Code:

- Include driveway cross section.

At the previous Planning Commission review, the Planning Commission did not request a traffic study. Per the City Engineer, this should be included in the final motion as well as whether the Planning Commission will require accel/decel lanes. Staff recommended conditional approval based upon resolution of the above items and any outstanding Arborist comments.

Public Comments (Via Email):

Carolyn Routh, 2132 Argo Drive, does not support the development.

Joan Shorter does not support the development.

Tyler Tarwater, 3364 Sunset Avenue, supports the development.

Katherine Beno-Valencia does not support the development.

Brett Reichert, 3420 Harding Avenue, does not support the development.

Carole Augris, 3040 Oakdale Road, does not support the development.

Peggy Hardy, 201 Victoria Lane, does not support the development.

MOTION ITEM: Cliff Thomas made a motion to approve the site plan for 3034, 3038, and 3044 Springdale Road provided the applicant submits the required cross sections. In addition, a traffic study is not required. Lucy Dolan seconded the motion. Motion carried: 5-0.

5. New Business

5.I. 601 Coleman Street

Special Use Permit

Background:

Lonise Dorante requested a Special Use Permit to operate a personal care home at 601 Coleman Street, Parcel Identification Number 14-0099-0003-120-6. The property is zoned V, Village and is subject to the zoning regulations under Section 93-11.1-5 (Special uses) of the City of Hapeville Zoning Ordinance.

A conditional use permit was approved in 2022 for a personal care home for StacyAnn Winn Barnes. The structure previously operated as a nursing home. A hand-drawn site plan, not to

scale, shows the property has fourteen spaces. The parking lot may include two handicapped spaces, however, these are not shown on the site plan provided. The application also refers to the property size as 7,500 SF which is assumed to be the square footage of the building, but this is not clear. The applicant has indicated the number of residents between 25 and 34. Thirteen (13) staff are expected to serve the facility, including 3-6 CNAs during the day, 3 CNAs during the evening, 2 CNAs at night, 1 cook, and 1 maintenance.

The applicant stated the proposed use is for a personal care home offering non-medical assistance, meal preparation, bathing, and assisted living. Staff will include LPNs, RNs, CNAs. Certified staff to dispense medicine will be onsite daily.

Recommendation

The proposed use may be more akin to that of a nursing home rather than a personal care home and should be clarified. In either case, the use is compatible with the Village Zoning District and poses no foreseeable conflict with the intent of the district. The special use application is recommended for approval with the following conditions:

1. The number of total residents should meet any limits imposed by State law.
2. The number of all occupants, including guests and staff, should be restricted by the occupancy load as determined by the fire marshal during his inspection of the facility pursuant to its acquisition of an Occupational Tax Permit.
3. The owner must furnish a list of all residents living in the facility with disabilities and special needs to the Hapeville Police and Fire Departments with every new admission to the facility.
4. The owner must provide copies of all relevant federal and/or state permits to the Department of Community Services prior to obtaining the Occupational Tax Permit.

Public Comment: None.

MOTION ITEM: Jeanne Rast made a motion to recommend to the Mayor and Council approve the special use permit request to operate a personal care home at 601 Coleman Street subject to the deficiencies outlined in the Staff reports. Cliff Thomas seconded the motion.

Motion carried: 5-0.

5.II. 260 Birch Street

Site Plan Review

Background:

Daniel Love representative for Thomas Davis III requested site plan review to construct a single-family dwelling at 260 Birch Street, Parcel Identification Number 14-0094-0009-124-7. The property is zoned R-1, One Family Residential.

The proposed two-story 2,305 SF dwelling will have four bedrooms and three bathrooms and a rear side entry attached garage. The lot is currently vacant.

Recommendation:

Prior to approval, the Applicant must provide, and/or the site plan must be revised to address the following:

- ***Development schedule***
- ***Outstanding items on the arborist report.***

In addition, the applicant should understand the building elevations will be reviewed by the Design Review Committee for compliance with the Architectural Design Standards and changes may be required.

With resolution of these items and any others the Planning Commission may deem necessary, approval of the site plan is recommended.

Public Comment: None.

MOTION ITEM: Cliff Thomas made a motion to approve the site plan application for 260 Birch Street subject submittal of the development schedule and any outstanding items on the arborist report. Lucy Dolan seconded the motion. Motion carried: 5-0.

5.III. 0 Colville Avenue

Site Plan Review

Shanon Michael Hudson requested site plan review to construct a single-family dwelling at 0 (3356) Colville Avenue, Parcel Identification Number 14-0098-0008-018-8. The property is zoned R-SF, Residential Single Family.

The proposed dwelling is a 2,555 SF single family residence with an attached 2 car garage and has 5 bedrooms and 4 ½ baths. The height of the residence is 34'.

The applicant stated that the plans would be revised to meet the setback requirements, but the front porch would remain 6' as submitted.

Recommendation:

Prior to approval, the Applicant must provide, and/or the site plan must be revised to address the following:

- *The side setback is shown as 6.8' (a 5' setback is indicated). Side yards on corner lots require the same side setback as the front. The Applicant must either adjust the building (shift to the south) or request a variance.*
- *The front porch is also shown as 6' deep and Design Standards require 8' depth. The correct porch dimension would encroach on the front setback and may impact the north setback as well.*
- *Show rear setback dimensions.*
- *Revise tree conservation plan per arborist report.*
- *Provide individual impervious surface coverage.*

- *Update a development schedule.*

In addition, the applicant should understand the building elevations will be reviewed by the Design Review Committee for compliance with the Architectural Design Standards and changes may be required.

Upon remedy of the aforementioned deficiencies (with particular attention paid to setback encroachment of the dwelling), the site plan is compliant. A variance for encroachment in the side setback would require conditional approval from the Planning Commission.

Public Comment: None.

Motion Item: Jeanne Rast made a motion to approve the site plan request for 0 Colville Avenue subject to the following:

1. **Must ensure that the house is outside of the 15' setback and easement on Willingham Drive.**
2. **Show rear setback dimensions.**
3. **Revise tree conservation plan per the arborist report.**
4. **Provide individual impervious surface coverage.**
5. **Update the development schedule.**

In addition, the Commission recommends the Design Review Committee grant a design exception to allow a 6' front porch. Lucy Dolan seconded the motion. Motion carried: 5-0.

5.IV. Discussion of Development Moratorium

The City has experienced a recent rapid increase in multifamily developments over the last several years. The growth is placing an added burden on public utilities, public infrastructure, public safety services, and has caused an increase in traffic congestion. Mayor and Council recognizes there may be negative impacts to health, safety and welfare to the citizens of the city and the burdens on the city should the City not take immediate measures to protect against additional commercial and residential multifamily housing developments. Mayor and Council request the Planning Commission review, comment, and consider action on the drafted ordinance to restrict review and approval of Multifamily Developments for a period of no less than 6 months.

In all, the Commission expressed the following concerns related to the proposed moratorium including property rights, the Comprehensive Planning process, demonstrated need for the moratorium, next steps, and larger implications to Hapeville's desired growth.

Should the City be concerned with the legality and concerns of taking away property rights with such a moratorium?

The City is following the Comprehensive Plan which outlined the need for density. The plan was created by the community and why wasn't this brought up during the most recent comp plan

update led by the Atlanta Regional Commission in 2022? The interest from developers allows the Comp Plan to come to fruition which is the intention. Many communities develop Comp Plans and just wait, and no one shows up to create the vision. How much land is really left for large developments?

In addition, the Commission wanted to know what evidence is there that the public infrastructure and public safety and traffic are overburdened. Is this a real concern or just public opinion by a few? The Commission has requested traffic studies on large projects and has received no negative reports. Fire and Community Services review projects and have not indicated anything to the contrary to Planning Commission. What is the plan of action for the 6 months? Will there be a staff-led study or an outside study? Why aren't departments asking in the annual budgets for what they need re: equipment, personnel, infrastructure if it is necessary?

What will happen next once information on infrastructure, public safety and traffic are presented. Will the moratorium be extended? There is a housing shortage in Metro Atlanta and more housing is needed (contrary to last whereas on page 1). To get the services people want (like a grocery store), we need a bigger population base.

In addition, there were concerns over potential for bad press. The city has just been highlighted as a top 10 city / city making great development strides. What message does this send?

The Planning Commission is asking the Council to consider the above questions carefully prior to instituting a moratorium on multi-family housing, townhomes, duplexes, and multiplexes.

6. Next Meeting Date – June 13, 2023 at 6:00 p.m.

7. Adjourn

MOTION ITEM: Lucy Dolan made a motion to adjourn the meeting at 7:08 p.m. Leah Davis seconded the motion. Motion carried: 5-0.

Respectfully submitted by,

Brian Wismer, Chairman

Adrienne Senter, Secretary

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SEVERAL SECTIONS OF THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA IN ACCORDANCE WITH THE REQUIREMENTS OF THE STATE OF GEORGIA'S ZONING PROCEDURES LAW (O.C.G.A. § 36-66-1 et. seq.) AS IT PERTAINS TO PUBLIC NOTICES, HEARINGS, PROCEDURES FOR MAKING (AND APPEALING TO THE SUPERIOR COURT) ZONING DECISIONS, QUASI-JUDICIAL LAND USE RELATED DECISIONS, AND CHANGES TO SINGLE-FAMILY ZONING PROVISIONS OF THE ZONING CODE AND FOR OTHER PURPOSES.

W I T N E S S E T H:

WHEREAS, the Mayor and Council shall have full power and authority to provide for the execution of all powers, functions, rights, privileges, duties and immunities of the City of Hapeville (hereinafter "City"), its officers, agencies, or employees granted by the City's Charter or by state law; and

WHEREAS, the municipal government of the City and all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be the legislative body of the City; and

WHEREAS, amendments to any of the provisions of the City's Code may be made by amending such provisions by specific reference to the section number of the City's Code; and

WHEREAS, existing ordinances, resolutions, rules and regulations of the City and its agencies now lawfully in effect not inconsistent with the provisions of the City's charter shall remain effective until they have been repealed, modified or amended; and

WHEREAS, every official act of the Mayor and Council which is to become law shall be by Ordinance; and

WHEREAS, the Georgia General Assembly amended its Zoning Procedures Law (O.C.G.A. § 36-66-1 et. seq.) in 2021; and

WHEREAS, the governing authority of the City finds it desirable to amend and update the zoning procedures of its Code in accordance with the Georgia General Assembly's Amendment to the Zoning Procedures Law by July 1, 2023; and

WHEREAS, the procedures required for amending the City's zoning ordinance have been satisfied, including, but not limited to, notice and public hearings.

**BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF
THE CITY OF HAPEVILLE, GEORGIA THAT:**

Section One. Chapter 2 (Administration), Article 2 (Mayor and Council), Section 2-2-5 (Rules and Procedures of Mayor and Council) of the Code of Ordinances, City of Hapeville, Georgia is hereby amended to strike subsection (f)(7) entirely and replace it with the following:

(a) Any aggrieved party shall have thirty (30) days from the date of written notification to file an appeal from the council's decision with the superior court as provided in the following stated procedures.

1. Appeals of zoning decisions as defined O.C.G.A. § 36-66-3(4) shall be appealed pursuant to O.C.G.A. § 36-66-5.1(a)(1) and shall be filed with the Fulton County Superior Court within thirty (30) days of the date of the decision to be appealed; and

2. Appeals of quasi-judicial decisions as defined by O.C.G.A. § 36-66-3(1.1) shall be appealed pursuant to O.C.G.A. § 36-66-5.1(a)(2) and shall be filed with the Fulton County Superior Court within thirty (30) days of the date of the decision to be appealed.

Section Two. Chapter 87 (Planning), Article 3 (Board of Zoning Appeals) of the Code of Ordinances, City of Hapeville, Georgia is hereby amended to rename Section 87-3-6 (Public hearings on appeals) to Sec. 87-3-6. (Public hearings on quasi-judicial decisions) and strike it entirely and replace it with the following:

(a) The board of appeals shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give at least thirty (30) days' public notice thereof within a newspaper of general circulation in the City, and decide the appeal within a reasonable time. A notice of the hearing shall also be mailed at least thirty (30) days prior to the public hearing to the owner of the property that is the subject of the proposed action. Such notices shall include the application number (if any number is assigned), date, time, location, and purpose of the public hearing. Upon a hearing, any party may appear in person, or by agent or attorney.

(b) Quasi-judicial officers, boards, or agencies means an officer, board, or agency created by the city to exercise delegated, quasi-judicial zoning powers including hearing appeals on administrative decisions by such officers, boards or agencies and hearing and rendering decisions on applications for variances, special administrative permits, special exceptions, conditional use permits, or other similar permits pursuant to standards for the exercise of such quasi-judicial authority adopted by the city.

Section Three. Chapter 87 (Planning), Article 3 (Board of Zoning Appeals) of the Code of Ordinances, City of Hapeville, Georgia is hereby amended to add a new Section 87-3-10 (Certiorari to Fulton County Superior Court) to read as follows:

(a) In order to comply with O.C.G.A. § 36-66-5.1(c), the Mayor, Chairman of the Planning Commission, and/or Chairman of the Board of Appeals, as appropriate, is authorized to issue certiorari bonds and certificates of costs upon confirmation with city staff that such approvals are appropriate.

(b) For purposes of certiorari proceedings, the Mayor, Chairman of the Planning Commission, and/or Chairman of the Board of Appeals, as appropriate, is authorized to accept service on behalf

of the person's respective board as a respondent. The Mayor is authorized to accept service of process on behalf of the city as the opposite party.

Section Four. Chapter 93 (Zoning), Article 3.2 (Conditional Uses) of the Code of Ordinances, City of Hapeville, Georgia is hereby amended to strike Section 93-3.2-1 (Permit required) in its entirety and replace with the following:

(a) Zoning districts established herein permit certain uses which are allowable therein provided they meet specified conditions, as set forth therein and here. No such use shall be permitted until a conditional use permit has been issued authorizing such use. The procedures for granting such permits shall be in accordance with the following stated procedures.

(1) When an application for a conditional use permit is received, the building official shall review for compliance, and provided that the application is compliant with the standards of this Code, the Planning Commission shall set a time and place for a meeting to review and issue its recommendation for the conditional use permit.

(2) After the Planning Commission has made their recommendation, the City shall hold a public hearing and cause notice of the hearing to be published in a newspaper of general circulation in the city at least thirty (30) days before the hearing. Such notice will state the application number (if any number is assigned), owner's name, property location, its area, time, place and subject of the hearing. At least thirty (30) days before the public hearing, notice of the time, place, and subject of the hearing will be sent in writing by U.S. mail to the owner whose property or interest is the subject of such hearing. Copies of all such letters will be maintained in the applicant's file for permanent record.

Section Five. Chapter 93 (Zoning), Article 3.2 (Conditional Uses) of the Code of Ordinances, City of Hapeville, Georgia is hereby amended to strike Section 93-3.2-5 (Special use permit procedures) entirely and replace it with the following:

(a) Mayor and Council may in considering a special use permit, following a public hearing that shall follow the notice procedures stated below, impose reasonable conditions deemed necessary to the protection or benefit of owners of adjacent and nearby properties to ensure compatibility of the proposed development or use with surrounding uses. The decision of Mayor and Council concerning consideration of a special use shall be given to the applicant in writing by certified U.S. mail to the address indicated in the application. Aggrieved applicants shall have thirty (30) calendar days from the date of receipt of the notice in which to petition the Superior Court of Fulton County for writ of certiorari.

(1) When an application for a special use permit is received, the Mayor and Council will set a time and place for a public hearing on the special use permit. Notice of the hearing must be published in a newspaper of general circulation in the city at least thirty (30) days before the hearing. Such notice will state the application number (if any number is assigned), owner's name, property location, its area, time, place and subject of the hearing. At least thirty (30) days before the public hearing, notice of the time, place, and subject of the hearing will be sent in writing by U.S. mail to the owner whose property or interest is the subject of such hearing. Copies of all such letters will be maintained in the applicant's file for permanent record.

Section Six. Chapter 93 (Zoning), Article 25 (Amendments), Section 93-25-4 (Notification and public hearing by Mayor and Council) of the Code of Ordinances, City of Hapeville, Georgia is hereby amended to include new subsections (g) and (h) to read as follows:

(g) Any proposed action that includes zoning decisions for rezoning of property, special use of property, or variance or conditions concurrent with a rezoning or special use shall only require one hearing pursuant to O.C.G.A. § 36-66-4(a).

(h) Procedures for zoning decisions as defined in O.C.G.A. § 36-66-3(4) that amend zoning classifications or definitions related to single-family residential uses so as to authorize multifamily uses on the subject property pursuant to such classifications or definitions shall be in accordance with the following stated procedures.

(1) Notwithstanding any other provisions to the contrary, when a proposed zoning decision relates to an amendment of the zoning ordinance to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning, such zoning decision must be adopted in the following manner:

a. The zoning decision shall be adopted at two regular meetings of the city council making the zoning decision, during a period of not less than twenty-one (21) days apart; and

b. Prior to the first meeting provided for in subparagraph a of this paragraph, at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the date of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph shall be in addition to any hearing required under subsection (a) of this Code section. The local government shall give notice of such hearing by:

i. Posting notice on each affected premises in the manner prescribed by sections (c), (d), (e), and (f) of this Code section; provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and

ii. Publishing in a newspaper of general circulation within the territorial boundaries of the city a notice of each hearing at least fifteen (15) days and not more than forty-five (45) days prior to the date of the hearing. Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the city and in the office of the clerk of the Superior Court of Fulton County for the purpose of examination

and inspection by the public. The city shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.

(2) The provisions of paragraph (1) of this subsection shall also apply to any zoning decisions that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of the city or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of the city to multifamily residential uses of property.

(3) This subsection shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.

Section Seven. Chapter 93 (Zoning), Article 25 (Amendments), Section 93-25-5 (Hearing procedures of Mayor and Council) of the Code of Ordinances, City of Hapeville, Georgia is hereby amended to include a new subsection (c) to read as follows:

(c) Procedural guidelines shall be available for distribution to the general public.

Section Eight. Codification and Certify. This Ordinance adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the city.

Section Nine. Severability.

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

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

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

Section Ten. Repeal of Conflicting Ordinances. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section Eleven. Effective Date. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this _____ day of _____, 2023.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

Sharee Steed, City Clerk

APPROVED BY:

City Attorney



**Department of Planning and Zoning
Planner's Report**

DATE: June 5, 2023
TO: Adrienne Senter
FROM: Lynn Patterson
RE: **Zoning Public Hearing Procedures**

BACKGROUND

In 2021, the Georgia General Assembly passed House Bill 1405. This bill revised Georgia's Zoning Procedures Law in Title 36 of the Official Code of Georgia Annotated. In accordance with House Bill 1405 and such that the City may comply with the new law on or before July 1, 2023, the Staff and the City Attorney are presenting the text amendment of its Code of Ordinances which governs zoning procedures regarding public notices, hearings, and procedures for making (and appealing to superior court) zoning decisions, quasi-judicial land-use related decisions, and single-family zoning provisions.

In broad summary, the text amendments address two major components of the City's zoning hearings. The text amendments increase the notification and advertising period for quasi-judicial zoning decisions (conditional use permits, zoning variances, rezonings, and text amendments) to 30 days instead of 15 days. The zoning procedures for City-initiated rezonings of properties from single-family residential to multi-family residential include posting of properties, 2 public hearings, 2 Council meetings for consideration and longer periods between public hearings and meetings for consideration and action.

The proposed text amendments are attached.

RECOMMENDATION

Staff recommends approval of the text amendments for compliance with State Law.