



## CITY OF DUNWOODY

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### MEMORANDUM

**To:** Mayor and City Council

**From:** Jennifer Peterson, Community Development Director

**Date:** June 15, 2009

**Subject:** Discussion of Land Use Public Notice Requirements

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In order for the Council to discuss the amount and type of public notice needed by the community to adequately participate in rezoning, special land use permit (slup), variance, and special exception processes, staff wishes to provide some background information.

In addition to the code requirements below, in an effort toward government transparency, staff posts all agendas to the city website approximately six days prior to the meeting. The agendas are now in the same style of Council agendas in that viewers can click on the item to view the staff report and all documentation sent to the Board.

Under our current regulations within the rezoning and slup process the code requires:

(1) Written notice of the proposed zoning decision shall be mailed by via first class mail by the Community Development Director or designee to all property owners within two hundred fifty (250) feet of the boundaries of the subject property, as such property owners are listed on the tax records of the City of Dunwoody, at least fifteen (15) days before the public hearing before the planning commission and not more than forty-five (45) days prior to the date of the public hearing before the City Council, which states the nature of the proposed change, and the date, time, and place of the public hearing before the planning commission and the City Council; and

(2) The Community Development Director or the director's designee must post at least one sign on the road frontage on the subject property at least fifteen (15) days before the hearing before the planning commission and not more than forty-five (45) days prior to the date of the public hearing before the City Council.

(A) At least one (1) sign shall be posted on each street on which the subject property has frontage. One (1) additional sign shall be posted for each additional five hundred (500) feet of frontage or fraction thereof in excess of five hundred (500) feet of frontage on each street on which the subject property has frontage.

(B) Signs shall be double-faced and posted so that the face of the sign is at a right angle to the street to allow the signs to be read by the traveling public in both directions. All signs shall be no smaller than six (6) square feet with lettering on the signs at least two (2) inches in size.

(C) The sign shall state the nature of the proposed zoning decision and the date, time and place of the public hearing before the planning commission and the City Council. The director, or designee, shall sign an affidavit attesting to the posting of signs in accordance with the requirements herein, and shall photograph each sign as evidence of its proper posting.

(3) The city shall cause a notice of the public hearing regarding the proposed zoning decision to be published in a newspaper of general circulation within the city at least fifteen (15) days prior to the hearing before the planning commission and not more than forty-five (45) days prior to the public hearing before the City Council. The notice shall include the date, time and place of the hearing before the planning commission and the public hearing before the City Council, the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property.

Under our current regulations within the variance and special exception process the code requires:

(1) Written notice of the nature of the proposed application, and the date, time, and place of the public hearing before the board shall be mailed by first class mail to all property owners within two hundred fifty (250) feet of the boundaries of the subject property as measured by use of the official zoning maps, and as such property owners are listed on the tax records of the City of Dunwoody, at least fifteen (15) days before the public hearing before the board;

(2) Signs shall be posted within the public right-of-way or on the subject property at least fifteen (15) days before the hearing before the board. One (1) sign shall be posted for each five hundred (500) feet of street frontage or fraction thereof along each street on which the subject property has frontage. Signs shall be double-faced and posted so that the face of the sign is at a right angle to the street in order that said signs can be read by the traveling public in both directions. The lettering on the signs shall be at least one (1) inch in size and the sign shall state the nature of the proposed application and the date, time and place of the public hearing before the board; and

(3) Notice of the nature of the proposed application and the date, time and place of the public hearing before the board shall be published in the newspaper of general circulation within the city in which are carried the legal advertisements of the city at least fifteen (15) days prior to the date of the hearing before the board and not more than forty-five (45) days prior to the date of the hearing before the board.