

**AN ORDINANCE AMENDING CHAPTER 27 OF THE CITY OF DUNWOODY CODE OF ORDINANCES BY AMENDING CERTAIN PUBLIC NOTICE REQUIREMENTS FOR ZONING ACTIONS**

**WHEREAS,** the City of Dunwoody Zoning Ordinance, Chapter 27 of the City of Dunwoody Code of Ordinances, currently delineates certain requirements for sign postings on properties notifying the property owners of a pending zoning action; and

**WHEREAS,** the City Council, in an attempt to make sure that the citizens of Dunwoody are aware of all the zoning actions that proceed through the Council, including rezonings, variances, land use permits, etc.; and

**WHEREAS,** in order to provide for an easier notice to the citizens of Dunwoody of the proposed zoning actions, it may be prudent to increase the size of the signs and lettering on those signs that are posted on surrounding and adjacent properties; and

**WHEREAS,** the Community Council met at their regular session in August, 2009 to discuss the proper implementation of these recommendations and the Planning Commission met on September 8, 2009 to consider same; and

**WHEREAS,** A properly-advertised public hearing has been held on September 21, 2009 during the First Read of this Ordinance and the Second Read of this Ordinance and adoption is being held on September 28, 2009.

**THEREFORE,** Mayor and City Council of the City of Dunwoody hereby ordain as follows:

**Section 1:** The City of Dunwoody Zoning Ordinance, Chapter 27 of the City Code of Ordinances, is hereby amended by amending Section 5A-18 (Notice of Public Hearings) to read as follows:

**Sec. 5A-18. Notice of Public Hearings.**

(a) For any zoning decision initiated by the City, at least fifteen (15) but not more than forty-five (45) days prior to the date of the public hearing before the City Council, the county shall cause to be published within a newspaper of general circulation within the territorial boundaries of the county a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.

(b) For any zoning decision initiated by a party other than the City, notice of the public hearing shall be provided as follows:

(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)~~ five hundred (500) 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 director of the department of planning or the director's designee must post at least one sign on the road frontage on the subject property at least five (5) days before the Community Council Meeting and 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)~~twelve (12) square feet with printed lettering on the signs at least ~~two (2)~~three (3) inches in size.

(C) The sign shall state the nature of the proposed zoning decision and the date, time and place of the Community Council Meeting, public hearing before the planning commission and the City Council. The Community Development 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.

(D) The signs posted pursuant to this section shall be in a color designated by the Community Development Department Policy for the specific zoning action, with a different color designated for each type of action (e.g. variance, land use permits, rezoning, etc.)

(E) The cost of all signs posted pursuant to this section shall be specifically paid by the applicant in addition to all other applicable application costs.

(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 County at least five (5) days before the Community Council Meeting and a separate notice 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.

**Section 2:** The City of Dunwoody Zoning Ordinance, Chapter 27 of the City Code of Ordinances, is hereby further amended by amending Section 5D-16 (Notice of Public Hearings) to read as follows:

**Sec. 5D-16. Notice of Public Hearings.**

Notice of public hearing before the board on any application for appeal, variance, or special exception shall be provided as follows:

(a) 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)~~five hundred (500) 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;

(b) 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 no smaller than twelve (12) square feet, 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 printed and at least ~~one (1)~~three (3) inches 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

(c) 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 county in which are carried the legal advertisements of the county 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.

(d) The signs posted pursuant to this section shall be in a color designated by the Community Development Department Policy for the specific zoning action, with a different color designated for each type of action (e.g. variance, appeal, etc.)

(e) The cost of all signs posted pursuant to this section shall be specifically paid by the applicant in addition to all other applicable application costs.

**Section 3:** This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

**SO ORDAINED**, this \_\_\_ day of \_\_\_\_\_, 2009.

Approved:

\_\_\_\_\_  
Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

\_\_\_\_\_  
Sharon Lowery, City Clerk  
(Seal)

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Brian Anderson, City Attorney