



CITY OF DUNWOODY
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MEMORANDUM

To: Mayor and City Council

From: Howard J. Koontz, City Planner

Date: August 9, 2010

Subject: Text amendment to City of Dunwoody Zoning Ordinance

BACKGROUND

Mayor and City Council has initiated an amendment to the text of the Zoning Ordinance to change scheduling requirements for public hearings at the Zoning Board of Appeals hearings related to zoning actions. The current ordinance states that an application shall be scheduled for a public hearing within 60 days of the filing of the application.

DISCUSSION

The Zoning Board of Appeals schedule in accordance with advertising requirements conflicts with this time period. Staff suggests changing the time period from 60 to 75 days from the date of the submittal deadline. The proposed ordinance reads as follows:

Each complete and compliant application presented to the board regarding a variance or special exception shall be scheduled for a public hearing within sixty (60) seventy-five (75) days of the ~~filing of a complete~~ nearest subsequent published application submittal deadline and shall be supported by findings and conclusions which shall be a part of the record established by the board for each application. The board may adopt the findings of fact of the staff, or they may adopt the findings of fact of the staff with modifications, or they may adopt a separate set of facts developed by the board.

RECOMMENDATION

Community Council voted on the amendment at their June 10 meeting and approved the motion 6-0. A scrivener's error was noted in the proposed changes where the word "sixty" had not been crossed out. That change is reflected in the text above in blue.

Planning Commission discussed the amendment at their July 13 meeting and voted 6-0 to approve the ordinance as presented.

**AN ORDINANCE OF THE CITY OF DUNWOODY AMENDING CHAPTER 27
(ZONING ORDINANCE) TO CHANGE THE ADVERTISING REQUIREMENTS FOR
ZONING BOARD OF APPEALS HEARINGS**

WHEREAS, the City of Dunwoody is charged with providing for the health, safety and welfare of the citizens of the City; and

WHEREAS, the City of Dunwoody Zoning Ordinance, codified as Chapter 27 of the City of Dunwoody Code of Ordinances, currently requires that an application proceeding in front of the Zoning Board of Appeals (ZBA) must be scheduled for a hearing within sixty (60) days after filing the application; and

WHEREAS, the current ZBA schedule in accordance with advertising requirement conflicts with the sixty-day requirement and, in order to remove any such conflict, the City Council wishes to lengthen the required time prior to the ZBA hearing on a properly filed application by fifteen days, which would not conflict with the current scheduling cycle; and

WHEREAS, the first read of this ordinance occurred on August 9, 2010 and a properly advertised public hearing and second read of this ordinance occurred on August 23, 2010.

THEREFORE, THE MAYOR AND COUNCIL FOR THE CITY OF DUNWOODY HEREBY ORDAIN AS FOLLOWS:

Section 1: Chapter 27 (Zoning Ordinance) of the City of Dunwoody Code of Ordinances shall be amended by revising Article V (Administration), Division 5 (Variances, Special Exceptions and Appeals), Section 27-1576 to read as follows:

ADDITIONS – underlined

DELETIONS – ~~strikethroughs~~

Sec. 27-1576. Decision by Board.

Each complete and compliant application presented to the board regarding a variance or special exception shall be scheduled for a public hearing within 60seventy-five (75) days of the filing of a complete~~nearest subsequent published~~ application submittal deadline and shall be supported by findings and conclusions which shall be a part of the record established by the board for each application. The board may adopt the findings of fact of the staff, or they may adopt the findings of fact of the staff with modifications, or they may adopt a separate set of facts developed by the board.

Section 2: 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 August, 2010.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

Brian Anderson, City Attorney