



MEMORANDUM

To: Mayor and City Council
From: Michael Tuller
Date: July 11, 2011
Subject: Re-adoption of City of Dunwoody Mayor and City Council Zoning Hearing Policy and Procedures

ITEM DESCRIPTION

The City of Dunwoody legal department has advised staff to initiate the re-adoption of the City of Dunwoody Mayor and City Council Zoning Hearing Policy and Procedures. The document is attached for your review.

RECOMMENDATION

At their regularly scheduled meeting on May 12, 2011, Community Council voted 5-0 in favor of the item.

Planning Commission voted 6-0 in favor of the item at their June 14 meeting.

Staff recommends readopting City of Dunwoody Mayor and City Council Zoning Hearing Policy and Procedures

**MAYOR AND CITY COUNCIL
ZONING HEARING POLICY AND PROCEDURES**

The Mayor and City council have adopted procedures for holding public hearings. Additionally, the standards of review are available. The Mayor will open the public hearing, after which the Community Development Department will provide a summary of the application and present any recommendations or result of an investigation. The Staff shall make a presentation of the case, after which Mayor and Council may ask questions of the Staff or other city representative providing the report or recommendations.

After presentation by staff, the Mayor will call for a show of hands of those persons who wish to appear in support of the application. At this time, the applicant shall be allowed to present the application before council. The applicant shall receive a time period of ten (10) minutes to present the case. The applicant may choose to use the entire allotment or reserve time from the ten (10) minutes for rebuttal. Any member of the Council, upon recognition by the Mayor, may ask questions of the applicant or agent of the application. The period of questions from council shall not be deducted from the applicant's ten (10) minute period.

At the conclusion of the applicant's presentation, the Mayor shall call for a show of hands of those persons who wish to appear in opposition to the application. If a large number of people wish to speak, it may be advisable to designate a spokesperson to make the presentation. Opposition shall be granted a time period of (10) minutes per application at the public hearing to present data, evidence and opinions. The city shall not be obligated to provide the full ten (10) minute period to the opponents if they elect not to use that much time. Any member of the Council, upon recognition by the Mayor, may ask questions of any person giving public comment. The period of questions from council shall not be deducted from the ten (10) minute period.

At the conclusion of the public comment from opposition, the applicant shall be permitted to utilize any time reserved from the initial ten (10) minutes for rebuttal.

After completion of this procedure, the Mayor will indicate that the public comment is closed. Upon closing of the public hearing, there shall be no more addressing of the Mayor or Council by either the applicant or opposition.

AN ORDINANCE OF THE CITY OF DUNWOODY READOPTING THE ZONING HEARING PROCEDURES

- 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 previously adopted Zoning Hearing Procedures; and
- WHEREAS,** the first read of this ordinance occurred on July 11, 2011 and a properly advertised public hearings and second read of this ordinance occurred on July 25, 2011.

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

ADDITIONS – underlined
DELETIONS – ~~strikethroughs~~

Section 1: The City Council hereby readopts the Zoning Hearing Procedures as attached hereto and incorporated herein by reference, which shall be the procedure for all hearings under the Georgia Zoning Procedures Act conducted by the City of Dunwoody City Council.

Section 2: This Amendment shall become effective immediately upon its adoption by the City Council, and all parts revising portions of the City of Dunwoody Code of Ordinances shall be 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 _____, 2011.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk (Seal)

Brian Anderson, City Attorney