

Survey of Other Georgia Cities and Counties – Special Land Use Permits

Issue: Whether the City Council may apply conditions on the approval of a SLUP that impose a time limit on the life of the permit or restrict the permit to the applicant.

Book: “Zoning and Land Use Law in Georgia” (Weissman, Dillard, and Skinner)

- Some discretion is allowed for the City Council when issuing permits, legislative in nature.
- City of Atlanta Zoning Ordinance allows consideration of *“length of time regarding the duration of such permit, if any.”*
- No court case specific to whether time limits can be placed on a SLUP.
- Appears that courts will *“only overturn ... a decision for an abuse of discretion.”*

City of Atlanta:

- Subject to approval by the City Council via Ordinance
- Have approved with conditions on length of time and to applicant
- Example wording in ‘conditions’ of approval: *“Special use permit shall expire ten years after City Council approval.”*

City of Woodstock:

- Subject to approval by the City Council via Ordinance
- City Council considers limitations on length of time where warranted
- Home Occupations do not require Special Land Use Permit
- Approval may use condition related to lapse of use for 6 months voids permit
- Example wording taken from Zoning Ordinance and approving ordinance: *“the Mayor and City Council shall consider, at a minimum, the following in its determination of whether or not to grant a Conditional Use Permit, whether to limit the time such conditional use is allowed and whether to restrict the conditional use to a particular owner or party.”*

DeKalb County:

- Commissioners have placed time limits that expire automatically. At the end of the time limit the applicant may re-apply for the SLUP to be continued.
- They have attached approval of a SLUP to the owner/applicant.

Gwinnett County:

- Has placed time limits on items like mobile homes or personal care homes. At the end of the time period they can re-apply if they want the use to continue. This gives the Council an opportunity to look at the history and any complaints.

Considerations:

- The City of Dunwoody Zoning Ordinance states that a SLUP, Special Exception, Administrative Permit, and Variance *“run with the land and are not affected by changes in tenancy or ownership.”*
- The Georgia ZPL (Zoning Procedure Law) requires that changes to conditions of approval must be processed through the full review and notice procedures required for the original action.