

1. Agenda

Documents:

[BOMC-6-14-23-RM-AGENDA.PDF](#)

2. Meeting Called To Order/Adoption Of Agenda

3. Commissioner Comments

4. Approval Of Minutes

5. Proclamation In Observance Of Juneteenth Day

Documents:

[JUNETEENTH PROCLAMATION 2023.PDF](#)

6. An Ordinance By The City Of Avondale Estates To Amend Chapter 21 (Zoning) Of The City's Code Of Ordinances To Provide For Procedures In Compliance With Certain Amendments To The State Zoning Procedures Law; To Repeal Conflicting Provisions Of The Code; And For Other Purposes

Documents:

[AVONDALE ORDINANCE TO ADOPT ZPL UPDATE DRAFT 6.12.23.PDF](#)

7. An Ordinance By The City Of Avondale Estates To Amend Chapter Two Of The City Code Regarding Administration; To Assess Administrative Fees In Connection With All Applications For Permits Or Licenses Issued By The City; To Direct The City Manager To Recommend The Reasonable Amount Of Such Fees For Approval By The Board Of Mayor And Commissioners On An Annual Basis; And To Repeal Conflicting Provisions

Documents:

[AVONDALE ADMINISTRATIVE FEES ORDINANCE FINAL 6.9.23.PDF](#)

8. An Ordinance By The City Of Avondale Estates To Amend Chapter Three Of The Code Of Ordinances, Regarding Alcohol, To Allow Farm Winery Tasting Rooms

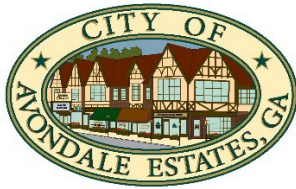
Documents:

[AE FARM WINERY TASTING ROOM DRAFT REVISED 5.9.23.PDF](#)

9. Resolution To Lease City Hall To Dekalb County For November Election

10. Public Comment

11. Adjournment



**BOARD OF MAYOR AND COMMISSIONERS
REGULAR MEETING
JUNE 14TH, 2023
5:30 P.M.**

AGENDA

- Item #1 Meeting Called to Order
- Item #2 Adoption of Agenda
- Item #3 **Commissioner Comments**
- Item #4 **Approval of Minutes**
May 24th regular meeting
May 24th work session
- Item #5 **Proclamation in Observance of Juneteenth Day**
- Item #6 **An Ordinance by the City of Avondale Estates to Amend Chapter 21 (Zoning) of the City's Code of Ordinances to Provide for Procedures in Compliance with Certain Amendments to the State Zoning Procedures Law; to Repeal Conflicting Provisions of the Code; and for Other Purposes**
The proposed text amendments related to zoning procedure and public notice are necessary to keep the city's zoning ordinance in compliance with changes to the Georgia Zoning Procedures Law by the effective date of July 1, 2023.
- Item #7 **An Ordinance by the City of Avondale Estates to Amend Chapter Two of the City Code Regarding Administration; to Assess Administrative Fees in Connection with all Applications for Permits or Licenses Issued by the City; to Direct the City Manager to Recommend the Reasonable Amount of Such Fees for Approval by the Board of Mayor and Commissioners on an Annual Basis; and to Repeal Conflicting Provisions**
This ordinance allows the City to charge reasonable administrative fees for review of permits, licenses and other approvals and permissions in amounts recommended by the city manager and approved by the Board of Mayor and Commissioners. This ordinance was first read at the previous regular meeting.
- Item #8 **An Ordinance by the City of Avondale Estates to Amend Chapter Three of the Code of Ordinances, Regarding Alcohol, to Allow Farm Winery Tasting Rooms**
This ordinance is designed to support local businesses wanting to open farm winery tasting rooms. These are businesses that sell and offer samples of wine partially sourced in state. This ordinance was first read at the previous regular meeting.

- Item #9 **Resolution to Lease City Hall to Dekalb County for November Election**
Approval for the county to use city hall as a polling location requires action by the BOMC.
- Item #10 Public Comment
- Item #11 Adjournment

City of Avondale Estates

**Juneteenth Day of Observance
June 19, 2023**

WHEREAS, on January 1, 1893, President Abraham Lincoln issued the Emancipation Proclamation to end slavery in the United States; and

WHEREAS, Major General Gordon Granger and Union Army troops arrived in Galveston, Texas on June 19, 1865, to announce the Emancipation Proclamation and free more than 250,000 enslaved Black persons; and

WHEREAS, Juneteenth is the oldest known public celebration of the end of slavery in the United States and commemorates the power and resilience of Black Americans; and

WHEREAS, Juneteenth was established as a federal holiday in 2021 to recognize freedom and encourage education, achievement, equality, greater opportunity, and the ongoing fight for human rights and equality; and

WHEREAS, the City of Avondale Estates recommits to the shared work of ensuring equity, racial justice and equality in America;

NOW, THEREFORE, I, Jonathan Elmore, Mayor of the City of Avondale Estates, Georgia, do hereby proclaim June 19, 2023, as a day of observance of Juneteenth and encourage citizens of our city to celebrate the emancipation of all Black Americans, reflect on the past, look to the future and embrace the rich history of this day of freedom.

Jonathan Elmore, Mayor

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY OF AVONDALE ESTATES TO AMEND CHAPTER 21 (ZONING) OF THE CITY’S CODE OF ORDINANCES TO PROVIDE FOR PROCEDURES IN COMPLIANCE WITH CERTAIN AMENDMENTS TO THE STATE ZONING PROCEDURES LAW; TO REPEAL CONFLICTING PROVISIONS OF THE CODE; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia General Assembly has adopted certain amendments to the State Zoning Procedures Law that will take effect on July 1, 2023; and

WHEREAS, the Board of Mayor and Commissioners desires to amend the City’s zoning ordinance so that it will be consistent with new procedural rules established by the General Assembly; and

WHEREAS, the City has fully complied with the Zoning Procedures Law in adopting this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Board of Mayor and Commissioners of the City of Avondale Estates as follows:

Section 1. Table 7.1.12 of Chapter 21 of the City’s Code of Ordinances is hereby repealed and replaced with new Table 7.1.12, which is attached hereto and incorporated here by reference.

Table 7.1.12 - Public Notice Summary				
Notice	Process			
	Variance/Amend./ CUP/Concurrent Variance	Admin. Variance/ Tier 1 Waiver	Tier 2 Waiver/DCI	Appeal of Admin. Decision
● = Mandatory notice method				
Newspaper	●	●	●	-
Mailed	●	●	-	●
Posted (sign)	●	●	●	-

Section 2. Subsection (A) of Section 7.1.13 of Chapter 21 of the City’s Code of Ordinances is amended to add new sub-subsection (C) which shall provide as follows:

“(C) Whenever a public hearing is held to consider a zoning decision, the city manager or his/her designee shall cause the written criteria found in this zoning ordinance which apply to the zoning decision under consideration to be printed and made available to all persons

attending the public hearing.”

Section 3. Section 7.3.4 of Chapter 21 of the City’s Code of Ordinances is hereby repealed and the following text is adopted in its place:

“Section 7.3.4 – Notice and Public Hearing

A. When an application for administrative variance is received, the city manager shall schedule and then hold a public hearing to receive public comment on the application. Such hearing shall be conducted pursuant to Section 7.1.13 of this zoning ordinance.

B. Notice of said public hearing shall be provided as follows:

1. Each notice shall provide the following information:

- a. Time of hearing
- b. Place of hearing
- c. Purpose of request
- d. Location of property
- e. Present zoning.

2. Newspaper Notice. Newspaper notice shall be published at least 30 days but not more than 45 days before the date of the public hearing.

3. Posted Notice. Posted notice (signs) shall be posted at least 30 days prior to the public hearing at the property that is the subject of the application.

4. Mailed Notice. Notice shall be mailed to the owner of the property that is the subject of the application at least 30 days prior to the hearing.”

Section 4. Section 7.3.5 of Chapter 21 of the City’s Code of Ordinances is hereby repealed and the following text adopted in its place:

“Section 7.3.5 - City Manager’s Decision

The City Manager shall issue a written decision on each application for an administrative variance within thirty (30) days of the hearing on the application. The city manager may act to approve the application, approve the application with conditions, or deny the application.”

Section 5. Subsection (A) of Section 7.4.7 of Chapter 21 of the City’s Code of Ordinances is hereby repealed and the following text is adopted in its place:

“A. *Tier 1 Waivers.*

1. For all Tier 1 waivers, staff shall accept and process applications in accordance with

this Division. Upon receipt of a complete Tier 1 waiver application, the City Planning and Community Development Department shall review the proposal and prepare an analysis.

2. Public Hearing. When an application for Tier 1 waiver is received, the city manager shall schedule and then hold a public hearing to receive public comment on the application. Such hearing shall be conducted pursuant to Section 7.1.13 of this zoning ordinance.
3. Notice of said public hearing shall be provided as follows:
 - a. Each notice shall provide the following information:
 - i. Time of hearing
 - ii. Place of hearing
 - iii. Purpose of request
 - iv. Location of property
 - v. Present zoning.
 - b. Newspaper Notice. Newspaper notice shall be published at least 30 days but not more than 45 days before the date of the public hearing.
 - c. Posted Notice. Posted notice (signs) shall be posted at least 30 days prior to the public hearing at the property that is the subject of the application.
 - d. Mailed Notice. Notice shall be mailed to the owner of the property that is the subject of the application at least 30 days prior to the hearing.
4. The City Manager shall make a decision on each Tier 1 waiver application within 30 days of the public hearing by issuing a written decision. The city manager may act to approve the Tier 1 waiver, approve the Tier 1 waiver with conditions, or deny the Tier 1 waiver based on the applicable review and approval criteria of **Section 7.4.8 - Review and Approval Criteria**. The City Manager is also authorized to allow the applicant to withdraw the Tier 1 waiver application without prejudice.”

Section 6. New Section 7.5.13 of Chapter 21 of the City’s Code of Ordinances is hereby adopted, to provide as follows:

“Section 7.5.13 – Text Amendments or City-Initiated Rezonings that would Allow Multifamily Uses on Property Zoned Single-Family Residential.

Whenever the City considers adopting a text amendment to the zoning ordinance that would revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a

single-family residential zoning, or if a proposed rezoning that is initiated by the City would change the zoning of one or more parcels zoned single-family residential to allow multifamily uses, then the City shall comply with the procedural requirements of O.C.G.A. § 36-66-4(h).”

Section 7. Section 7.9.3 of Chapter 21 of the City’s Code of Ordinances is hereby repealed and the following text is adopted in its place:

“Section 7.9.3 – Review by Superior Court

- A. Appeals of final decisions made by the Board of Mayor and Commissioners pursuant to this chapter may be made to the DeKalb County Superior Court within 30 days of the date of decision and according to the applicable process and procedure established by O.C.G.A. § 36-66-5.1.
- B. The city manager is hereby designated as the officer of the City, and all City quasi-judicial boards or agencies making decisions under this Chapter, who shall have authority to approve or issue any form or certificate necessary to perfect the petition described in Title 5 of the Official Code of Georgia for review of lower judicatory bodies. The city manager is further designated as the official upon whom service of such petition may be effected or accepted on behalf of the City and all City quasi-judicial boards or agencies making decisions under this Chapter. The city manager shall be available at City Hall during normal business hours to approve or issue any such form or certificate.
- C. The city manager shall have authority to accept service of an appeal of a quasi-judicial decision made pursuant to this Chapter on behalf of the Board of Mayor and Commissioners during normal business hours at City Hall.”

Section 8. To the extent that any provision of the City’s Zoning Ordinance is inconsistent with the provisions of this ordinance, such inconsistent ordinance provisions are hereby repealed.

Section 9. This ordinance shall become effective immediately upon its adoption.

NOTICE OF HEARING PUBLISHED: _____
PUBLIC HEARING HELD: _____

SO ORDAINED this ____ day of _____, 2023.

ATTEST:

**BOARD OF MAYOR AND
COMMISSIONERS
CITY OF AVONDALE ESTATES,
GEORGIA**

By _____
Gina Hill, City Clerk

Jonathan Elmore, Mayor

Approved as to Form:

Stephen G. Quinn
City Attorney

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY OF AVONDALE ESTATES TO AMEND CHAPTER TWO OF THE CITY CODE REGARDING ADMINISTRATION; TO ASSESS ADMINISTRATIVE FEES IN CONNECTION WITH ALL APPLICATIONS FOR PERMITS OR LICENSES ISSUED BY THE CITY; TO DIRECT THE CITY MANAGER TO RECOMMEND THE REASONABLE AMOUNT OF SUCH FEES FOR APPROVAL BY THE BOARD OF MAYOR AND COMMISSIONERS ON AN ANNUAL BASIS; AND TO REPEAL CONFLICTING PROVISIONS.

WHEREAS, Georgia law allows the City to charge a reasonable administrative fee in addition to any regulatory fee and any revenue tax when an applicant submits an application for any permit or license issued by the City; and

WHEREAS, administrative fees shall be in an amount that approximates the cost to the City, in terms of staff time, to administer the request by the applicant for a permit or license; and

WHEREAS, the City Manager is best positioned to estimate the cost of administration for the various applications that the City receives and to keep such amounts current over time.

NOW THEREFORE, BE IT ORDAINED by the Board of Mayor and Commissioners of the City of Avondale Estates as follows:

Section 1. New Section 2-32 of the City Code is hereby adopted and shall provide as follows:

“Sec. 2-32. Administrative Fees.

- (a) Whenever this Code of Ordinances provides that an applicant must apply for a permit, license or other approval or permission that must be reviewed and assessed by City staff, the applicant shall be required to pay an administrative fee in connection with submitting such application. The amount of each such fee assessed shall approximate, as nearly as possible, the cost incurred by the city (including time spent by city staff) to review and assess the application.
- (b) The amount of the administrative fee assessed in connection with each type of application shall be established by a schedule of fees that is recommended by the city manager and approved by resolution of the Board of Mayor and Commissioners on an annual basis. The most recently approved fee schedule shall remain in effect until repealed or replaced by resolution of the Board of Mayor and Commissioners.
- (c) An additional administrative fee shall be assessed for any “resubmittal” of a prior application or request for permit, license, inspection or other approval.
- (d) The city manager shall publish (on the City’s website and in writing at City Hall) the current schedule of administrative fees for each type of application processed by the City. Such schedule of administrative fees shall state the date that it is effective.

- (e) Because administrative fees compensate the City for the administrative burden of reviewing an application, such fees are non-refundable and will be retained by the City even if the subject application is denied.
- (f) To the extent that other sections of this Code of Ordinances provide for an administrative fee in an amount that varies from the amount of the fee established by the current schedule of administrative fees approved pursuant to this section, it is the intent of the Board of Mayor and Commissioners that the amount established by the fee schedule adopted pursuant to this section shall control.”

Section 2. All provisions of City Code setting a specific amount for an administrative fee in connection with a particular application are repealed to the extent that such fee amount is different from the administrative fee amount for such application established pursuant to this ordinance. Any other provision of the City Code directly in conflict with this ordinance is also hereby repealed.

Section 3. This ordinance shall become effective immediately upon its adoption.

SO ORDAINED this ____ day of _____, 2023.

ATTEST:

**BOARD OF MAYOR AND COMMISSIONERS
CITY OF AVONDALE ESTATES, GEORGIA**

By _____
Gina Hill, City Clerk

Jonathan Elmore, Mayor

Approved as to Form:

Stephen Quinn
Stephen G. Quinn,
City Attorney

ORDINANCE NO. _____

**AN ORDINANCE BY THE CITY OF AVONDALE ESTATES TO AMEND
CHAPTER 3 OF THE CODE OF ORDINANCES, REGARDING
ALCOHOL, TO ALLOW FARM WINERY TASTING ROOMS.**

WHEREAS, O.C.G.A. §3-6-21.1 *et seq* allows for “tasting rooms” as defined by State law that are associated with “farm wineries” as defined by State law to engage in retail wine sales as well as sale of wine by the drink for consumption on premises; and

WHEREAS, the Board of Mayor and Commissioners desires to allow, encourage and support farm winery tasting rooms within the city.

NOW THEREFORE, BE IT ORDAINED BY the City of Avondale Estates, as follows:

Section 1. Section 3-56 of Article II of Chapter 3 of the Code of Ordinances is hereby amended to add new subsection (y), which shall read as follows:

“(y) An annual license fee of two hundred and fifty dollars (\$250.00) shall be charged for a qualified farm winery to establish a tasting room pursuant to Article XIII of this chapter.”

Section 2. New Article XIII of Chapter 3 of the Code of Ordinances is hereby adopted and shall provide as follows:

“Sec. 3-201 - Definitions.

As used in this Article, the following terms shall be defined as indicated in this section:

Farm winery shall have the meaning set forth and further defined in O.C.G.A. § 3-6-21.1(a)(1).

Tasting room shall have the meaning set forth and further defined in O.C.G.A. § 3-6-21.1(a)(3).

Samples shall mean a tasting of an individual wine in an amount of not more than two ounces, which may be given complimentary or for a fee.

Sec. 3-202 - Farm winery tasting rooms.

- (a) Upon submission of an application and payment of the required fee pursuant to Article II of this chapter, a “farm winery” as defined in this article, may be licensed to establish a “tasting room” as defined in this Article.

- (b) A “tasting room” licensed pursuant to this section shall be permitted to engage in the following activities:
 - i.) Manufacturing wine that is at least forty percent (40%) sourced from a Georgia farm winery;
 - ii.) providing samples to customers of wine that is manufactured at the associated Georgia farm winery or manufactured at the licensed tasting room;
 - iii.) sale of wine manufactured by the associated Georgia farm winery or manufactured by the licensed tasting room by the drink for consumption on the premises; and
 - iv.) sale of wine manufactured at the associated Georgia farm winery or manufactured at the licensed tasting room at retail in sealed packages for consumption off the premises.”

Section 3. This ordinance shall become effective immediately upon its adoption by the Board of Mayor and Commissioners.

SO ORDAINED this ____ day of _____, 2023.

ATTEST:

**BOARD OF MAYOR AND
COMMISSIONERS
CITY OF AVONDALE ESTATES,
GEORGIA**

By _____
Gina Hill, City Clerk

Jonathan Elmore, Mayor

Approved as to Form:

Stephen G. Quinn,
City Attorney