

1. Agenda3

Documents:

[BOMC-6-28-23-PH3-AGENDA.PDF](#)

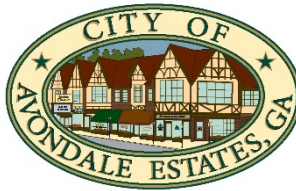
2. Meeting Called To Order/Adoption Of Agenda

3. Receive Public Comment On 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 6.12.23.PDF](#)

4. Adjournment



**BOARD OF MAYOR AND COMMISSIONERS
PUBLIC HEARING
JUNE 28TH, 2023
IMMEDIATELY FOLLOWING PUBLIC HEARING**

AGENDA

- Item #1 Meeting Called to Order
- Item #2 Adoption of Agenda
- Item #3 **Receive Public Comment on 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 #4 Adjournment

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 Table 7.1.12 of Chapter 21 of the City’s Code of Ordinances is hereby repealed and replaced with new Table 7.1.12, which is attached hereto and incorporated here by reference.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