

GWINNETT COUNTY
BOARD OF COMMISSIONERS
LAWRENCEVILLE, GEORGIA

ORDINANCE ENTITLED: Unified Development Ordinance

READING AND ADOPTION: June 27, 2023

At the regular meeting of the Gwinnett County Board of Commissioners held in the Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

	<u>Present</u>	<u>Vote</u>
Nicole L. Hendrickson, Chairwoman	Yes	Aye
Kirkland Carden, District 1	Yes	Aye
Ben Ku, District 2	Yes	Aye
Jasper Watkins, III, District 3	Yes	Aye
Matthew Holtkamp, District 4	Yes	Aye

On motion of Commissioner Ku, which carried 5-0, the Gwinnett County Board of Commissioners hereby amends Title 2 of the Unified Development Ordinance of the Code of Ordinances of Gwinnett County by amending Section 220-50.4 to revise the permitted uses in the Gateway 85 Overlay Zoning District and amending Chapter 270 to revise zoning procedures, as set forth in Exhibit A attached hereto.

WHEREAS, the Gwinnett County Board of Commissioners is committed to utilizing available resources to promote the preservation and improvement of the health, welfare, and public safety of the citizens of Gwinnett County; and

WHEREAS, the Unified Development Ordinance contains regulations governing zoning and land use, development and permitting, landscape requirements and architectural guidelines, as well as procedures for the administration and application of those regulations; and

WHEREAS, the Gwinnett County Board of Commissioners desires that the Unified Development Ordinance provide appropriate and sound regulation of land use, zoning, development, and permitting; and

WHEREAS, the Gwinnett County Board of Commissioners adopted the Unified Development Ordinance on February 25, 2014, and has since amended it from time to time; and

WHEREAS, the Unified Development Ordinance provides that the text thereof may be amended from time to time by the Board of Commissioners following submission of certain items to the Municipal-Gwinnett Planning Commission for review and recommendation; and

WHEREAS, the Board of Commissioners finds that the following amendments to the Unified Development Ordinance promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Gwinnett County; and

WHEREAS, based upon the Department of Planning and Development's review of the County's regulations, it was recommended that certain revisions be made to the Unified Development Ordinance of Gwinnett County; and

WHEREAS, the adoption of the proposed amendments to the Unified Development Ordinance have been duly noticed and advertised in accordance with Official Code of Georgia Annotated § 36-66-4 on May 21, 2023; and

WHEREAS, the Gwinnett County Planning Commission held a public hearing relating to the adoption of the proposed amendments to the Unified Development Ordinance on June 7, 2023; and

WHEREAS, the Gwinnett County Board of Commissioners held a public hearing relating to the adoption of the proposed amendments to the Unified Development Ordinance on June 27, 2023; and

WHEREAS, the Gwinnett County Board of Commissioners finds that the proposed amendments are in the best of the citizens of Gwinnett County to provide for the proper regulations in Gwinnett County; and

WHEREAS, the Board of Commissioners finds that the adoption of the amendments to the Unified Development Ordinance are in the best interest of Gwinnett County to protect the health, safety, and welfare for its residents, visitors, and workers.

NOW, THEREFORE, BE IT ORDAINED that the Gwinnett County Board of Commissioners hereby amends Title 2 of the Unified Development Ordinance by amending Section 220-50.4 to revise the permitted uses in the Gateway 85 Overlay Zoning District and amending Chapter 270 to revise zoning procedures, as set forth in Exhibit A attached hereto.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this ordinance shall be effective upon adoption.

BE IT FURTHER RESOLVED that all ordinances, regulations, or parts of the same in conflict with this Resolution are hereby rescinded to the extent of said conflict.

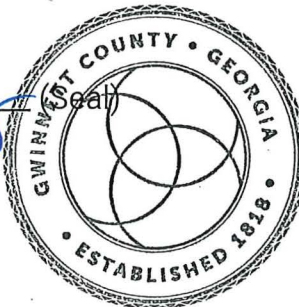
GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Nicole L. Hendrickson
Nicole L. Hendrickson, Chairwoman

Date Signed: 4/29/2023

ATTEST:

By: Tina M. King
Tina King, County Clerk



APPROVED AS TO FORM:

By: Theresa A. Cox
Theresa Cox, Deputy County Attorney

Section 220-50. Gateway 85 Overlay District.

220-50.1 Purpose and Intent.

The purpose of the Gateway 85 Overlay District is to enhance the vitality and livability of the Gateway 85 business district. Specifically, the district is intended to:

- A. Create an attractive setting for business growth that supports the tax base, provides jobs, and promotes the district's continued success;
- B. Promote quality redevelopment that will reinforce the district's brand and improve its market attractiveness for investment;
- C. Encourage the revitalization of underutilized commercial and industrial properties;
- D. Reduce and eliminate incompatible land uses;
- E. Achieve and maintain a unified and pleasing aesthetic quality in landscaping, site planning, and signage;
- F. Establish standards for high-quality, useable open space in commercial and mixed-use projects;
- G. Promote safe and convenient vehicular, pedestrian, bicycle, and transit mobility; and
- H. Encourage design that improves public safety and security.

220-50.2 Applicability

- A. The boundaries of the Gateway 85 Overlay District shall be as shown on the official overlay district map, except that this overlay does not apply to areas zoned RA-200, R-LL, R-100, R-75, OSC, R-60, MH, R-SR, or R-TH.
- B. The Gateway 85 Overlay District shall function as an overlay zoning, wherein the underlying zoning district standards remain in effect and the standards of this overlay apply in addition. Whenever this overlay imposes a standard that is more or less restrictive, the requirements of this Overlay District shall govern.
- C. All buildings, structures, or land, in whole or in part, shall be used, occupied, erected, constructed, moved, enlarged, or structurally altered, in conformance with this overlay according to Table 220.3.
- D. Nothing in this overlay shall require any change in the plans, construction or intended use of a building or structure for which a lawful permit has been issued or a lawful permit application has been accepted before the effective date of this overlay, provided that the construction under the terms of such permit is diligently followed until its completion subject to the provisions of Section 100-50.
- E. It is not the intent of this overlay to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this overlay imposes a greater restriction upon the use of property, or requires more space than is imposed or required by other resolutions, rules or regulations, or by easements, covenants or agreements, the provisions of this overlay shall govern.
- F. *Definitions.* The following term shall have the following meaning when used in this overlay:
 - 1. *Priority Corridor.* High visibility corridors that are held to a higher design standard, including:
 - a. Beaver Ruin Road;
 - b. Buford Highway;
 - c. Crescent Drive;
 - d. Dawson Boulevard;

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- e. Indian Trail Road;
 - f. Jimmy Carter Boulevard;
 - g. Oakbrook Parkway;
 - h. Rockbridge Road;
 - i. Singleton Road; and
 - j. South Norcross Tucker Road.

220-50.3 Accessory Uses and Structures.

A. Redevelopment thresholds.

- 1. *Renovations.* Renovations, alterations, adaptations, restorations, repairs, or other physical modification to a structure or portion of a structure that existed before adoption of this overlay, shall be subject to the provisions of Chapter 260 of this UDO, unless the requirements of "2" through "4" immediately below otherwise apply.
- 2. *Expansion.* Expansions to any building or use shall be subject to the provisions of this overlay in accordance with the Redevelopment Thresholds Table (Table 220.3 below).
- 3. *Site Disturbance.* Any Site disturbance or modifications shall be subject to the provisions of this overlay in accordance with the Redevelopment Thresholds Table (Table 220.3 below) as approved by the Director of Planning and Development.
- 4. *Change of use.* Change from a use that existed before adoption of this overlay shall be subject to the provisions of this overlay in accordance with the Redevelopment Thresholds Table (Table 220.3 below).
- 5. *Multiple thresholds.* When a proposed activity includes multiple thresholds identified in "2" through "4" immediately above, the provisions of each applicable threshold shall apply.

Table 220.3 Redevelopment Thresholds Table

Sections of this overlay that shall apply	Expansion	Site Disturbance	Change of Use
Sec. 50.5 Streetscape Standards	Not Mandatory	Mandatory	Not Mandatory
Sec. 50.6 Lighting Standards	Mandatory	Mandatory	Mandatory
Sec. 50.7 Pedestrian Access	Mandatory	Mandatory	Mandatory
Sec. 50.8 Access Management	Not mandatory	Not mandatory	Not mandatory
Sec. 50.9 Building Design	Mandatory	Mandatory	Mandatory
Sec. 50.10 Screening	Mandatory	Mandatory	Mandatory
Sec. 50.11 Site Accessories	Mandatory	Mandatory	Mandatory
Sec. 50.12. Common Area	Mandatory	Mandatory	Mandatory

220-50.4 Use Provisions.

- A. *General.* Uses shall be in accordance with the underlying zoning district, except as specifically otherwise stated in this section.
 - B. *Prohibited Uses.* The following use are prohibited in this overlay:
 - 1. Adult entertainment;
 - 2. Salvage operation or junk yard;
 - 3. Pawn shops; and
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- 4. Used tire sales as a principal use or accessory to any use.
 - C. *Used automobile sales and rental use standards.* The minimum lot size shall be 2-acres.
 - D. *Vehicle repairs.* All vehicle repairs shall be fully conducted indoors, regardless of whether the vehicle repairs are a principal or accessory use.
 - E. *Used vehicle sales.* Used vehicles shall not be displayed for sale on any premises unless the premises is used for a conforming automobile sales, car dealership use, or unless such used vehicle sales is a continuation of an activity that was a legally occurring on the premises on the effective date of this overlay.
 - F. *Outdoor display or sales standards.*
 - 1. Prohibited outdoor displays or sales. In addition to the requirements of Sec. 230-130.4.F. of this UDO, the following are prohibited:
 - a. Outdoor display or sales of merchandise associated with a pawn shop;
 - b. Outdoor display or sales of used merchandise associated with any use;
 - c. Outdoor display of tires for sale, rental or storage; and
 - d. Outdoor display of or sales of appliances associated with any use.
 - G. *Convenience Stores with Fuel Pumps.* Shall be prohibited in the C-1, Neighborhood Business District and shall require a Special Use Permit in the C-2, General Business District and C-3, Highway Business District.

220-50.5 Streetscape Standards.

- A. Streetscapes shall be installed along public rights-of-way as specified in Table 220.4: Streetscape Table, except as provided in "B" immediately below for an alternative multi-use trail. Streetscapes shall include a sidewalk landscape strip adjacent to the roadway, a sidewalk, and a landscape strip at the back of the sidewalk on private property.
 - B. A multi-use trail may be required instead of a sidewalk landscape strip and sidewalk where identified as a multi-use trail in the Gwinnett County Trails Master Plan.
 - C. Sidewalks shall be constructed with an additional 2-foot by 8-foot concrete pad, located outside of the right-of-way, designed to accommodate existing or future pedestrian amenities such as benches, planters, and trash containers, at the following locations:
 - 1. At intersections of Priority Corridors with an arterial, major collector or minor collector identified on the Gwinnett County Long Range Road Classification Map;
 - 2. At locations along Priority Corridors designated for a transit stop or future transit stop by Gwinnett County Department of Transportation;
 - 3. At locations along Priority Corridors designated for a school bus stop by the Gwinnett County Board of Education; and
 - 4. Such pedestrian amenity sidewalk pads shall not be required closer than 300 feet from another such pad on the same side of the Priority Corridor.
 - D. All amenities required and listed above shall be decorative, commercial-quality fixtures. Sidewalk design and placement of any of these amenities shall be reviewed and approved by the Gwinnett and/or Georgia Department of Transportation. Locations of pedestrian amenity sidewalk pads shall be coordinated to avoid locations of curb inlets, guardrails, and bridges.
 - E. All new utility lines shall be buried.
 - F. Street lights shall be provided.
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Table 220.4 Streetscape Table

Street Type	Sidewalk Landscape Strip	Sidewalk	Landscape Strip	Streetlights
Principal Arterial, Major Arterial, Minor Arterial, Major Collector	Min. 2 ft.	Min. 8 ft.	Min. 10 ft. per Section 620-20	Required
Local	Min. 2 ft.	Min. 5 ft.	Min. 10 ft. per Section 620-20	Required

220-50.6 Lighting Standards.

- A. Rope lighting is prohibited, including on the interior of a building when visible from the exterior.

220-50.7 Pedestrian Access.

- A. A walkway shall be provided from all buildings to an adjacent public right-of-way, as follows:
1. Parcels under 2 acres shall provide a walkway with a minimum width of 5 feet, except as specified in "3" immediately below.
 2. Parcels 2 acres or larger shall provide a walkway with a minimum width of 5 feet and a landscape strip with a minimum width of 5 feet along both sides of the required walkway, except as specified in "C" immediately below.
 3. Walkways and landscape strips are not required for existing buildings or uses when the applicant demonstrates that their installation would do any of the following:
 - a. Render the parcel non-conforming with regards to parking; or
 - b. Result in a 10% or more reduction in the number of parking spaces on the parcel; or
 - c. Require the construction of retaining walls, site grading, site excavation, or site fill; or
 - d. Is determined by the Director of Planning and Development to be infeasible because of topographic or other site-specific constraints.
 4. The required or provided walkway surface shall be hardscape but may not be asphalt.
- B. The required or provided landscape strip shall be planted in accordance with the standards of Section 620-20.

220-50.8 Access Management.

- A. Driveways may not be located on a Priority Corridor when vehicular access is available from a right-of-way that is not classified as a Priority Corridor, except where the Director of Planning and Development determines it is infeasible due to conflicts with adjacent land uses.

220-50.9 Building Design.

- A. *Foundation plantings.* All building foundations along a Priority Corridor shall conform to these standards, except as provided for in "3" immediately below:
1. All portions of foundations that extend more than 12 inches above finished grade shall be screened from Priority Corridors with continuous evergreen or semi-evergreen shrubs;
 2. At the time of installation, the screening shall be at least 1 foot in height and reach a height of 3 feet within 3 years of planting; and

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3. Foundation plantings are not required adjacent to ground floor commercial storefronts when said plantings would obstruct views into the commercial establishments, subject to approval of the Director of Planning and Development.

220-50.10 Screening.

- A. *Wall-mounted equipment.* Wall-mounted equipment shall be screened from Priority Corridors as follows:
 1. Wall-mounted equipment located on any surface shall be screened from Priority Corridors by an opaque fence or wall, or landscaping;
 2. The screening design shall be compatible with the principal building in terms of texture, quality, material, and color; and
 3. Screening shall be of a height equal to or greater than the height of the mechanical equipment being screened.

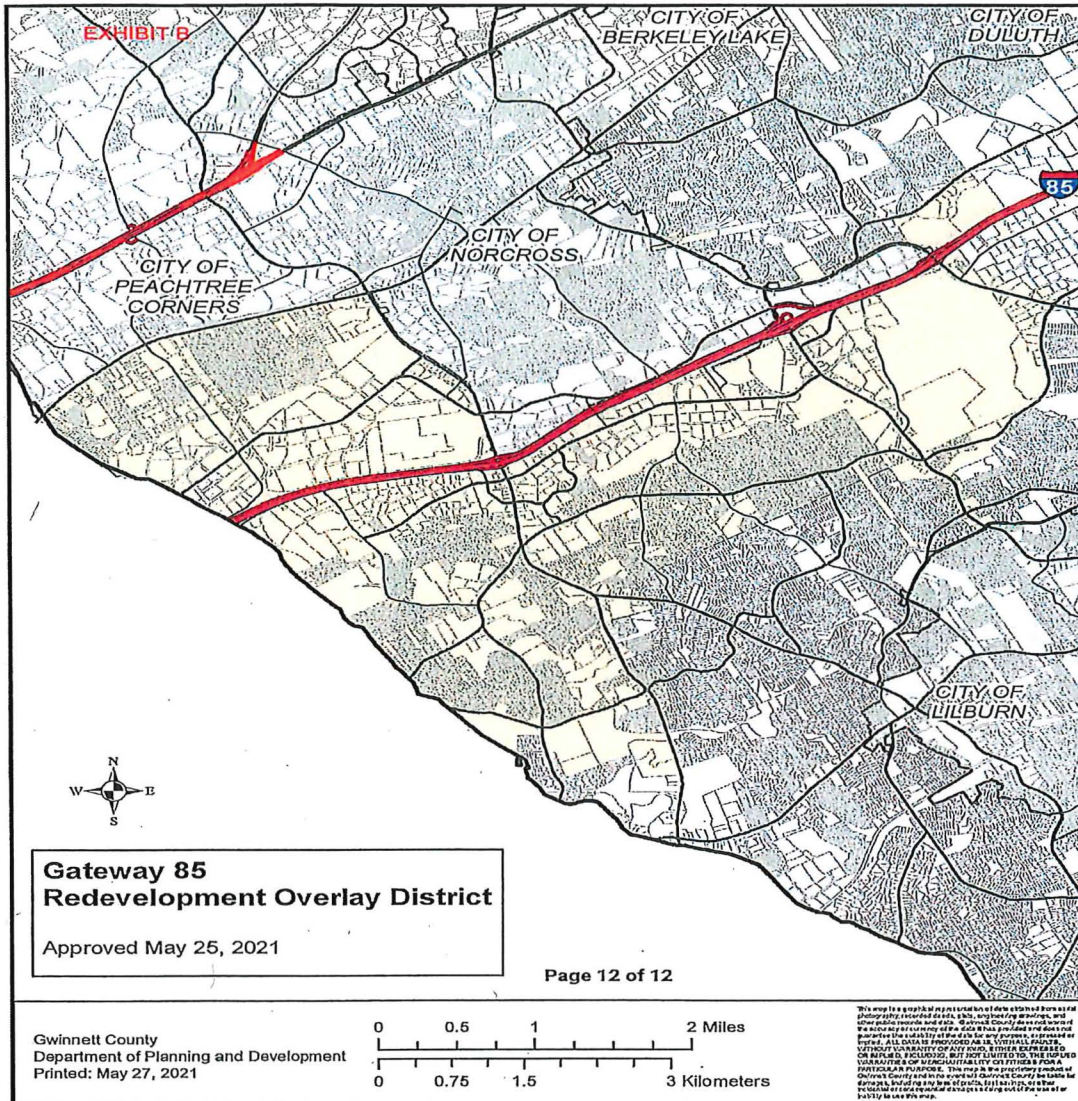
220-50.11 Site Accessories.

- A. *Fences and walls.* This section applies to all fences and walls, regardless of whether they are intended to satisfy screening requirements.
 1. Chain link fencing is prohibited, except in M-1 and M-2 zoning districts and only when the chain link fencing is not visible from a Priority Corridor.
 2. Barbed wire, razor wire, or similar elements is prohibited, except in M-1 and M-2 zoning districts and only when not visible from any street.
 3. Any wall or fence which extends into the required front yard shall be ornamental or decorative and either constructed as:
 - a. A solid wall faced in brick, stucco, or stacked stone wall; or
 - b. As a wrought iron-style fence with brick or stacked stone columns (maximum 30-feet on-center).
 4. When fences or walls are located within the streetscape landscape strip listed in Sec. 220-50.5, they shall be set back at least 5 feet from the public right-of-way to provide landscaping between the fence and the sidewalk.
- B. *Shopping cart corrals.* Shopping cart corrals located in the parking areas of retail developments shall be of decorative quality. Shopping cart storage shall be screened from view from the parking lot.

220-50.12 Common Area.

- A. At least 5 percent of the net project acreage (total acreage of the project excluding 100-year floodplain and wetland areas) of all new non-industrial developments over 10 acres in size shall be provided as Common Area as required by this section.
 - B. Required Common Area shall be provided outdoors and appropriately improved as a pedestrian amenity and/or for aesthetic appeal.
 - C. Common Area may be met in one contiguous open area or in multiple open areas on a parcel; however, to receive credit, the area shall be at least 20 feet in width and length, and at least 50% of the required amenity space shall be located in one contiguous open area.
 - D. All Common Area, other than rooftop areas shall be located at grade.
 - E. Common Area may be roofed provided it is part of the Common Area facilities and it is not enclosed.
 - F. Common Area shall not be parked or driven upon, except for emergency access and permissible temporary events.
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- G. In calculating the minimum Common Area requirement, the following or similar facilities may be included:
1. Ground-level Common Area facilities such as sidewalks/walkways, swimming pool, playground, sport court, dog park, garden, community garden, park, green pavilion, seating area or plaza, landscape areas, bio-retention areas (when designed as an amenity), pond/lakes, and water features.
 2. Upper level Common Area facilities such as a common balcony, rooftop deck or rooftop garden.
 3. Required buffers and/or State stream buffer may not be considered Common Area.



(Ord. No. GCID 2021-0609 (UDOA 2021-00002) , Exhs. A, B, 5-25-2021)

Chapter 270. Procedures

Section 270-20. Zoning Ordinance Text and Map Amendments.

270-20.1 Zoning Ordinance and Official Zoning Map Amendment Procedure.

- A. The Zoning Ordinance (as contained in Titles 1 and 2 of this UDO), including the Official Zoning Maps, may be amended from time to time by the Board of Commissioners, but no text or map amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation.
- B. If the Planning Commission fails to submit a report within 30 days of its first meeting after it has received an amendment request complete in all respects, it shall be deemed to have given a recommendation of "no comment" on the proposed amendment. However, the Planning Commission may table or continue the hearing on the matter to a specific future date and time in accordance with Section 270-25.B..

270-20.2 Public Hearing Required; Required Notice of Public Hearing.

- A. Before the Planning Commission submits a report or the Board of Commissioners enacts or denies an amendment, they shall each hold a public hearing thereon, and the Board of Commissioners shall hold any additional public hearings required by law.
- B. At least fifteen but not more than forty-five days prior to the date of each such hearing, the Board of Commissioners shall cause to be published within a newspaper of general circulation within the territorial boundaries of Gwinnett County, a notice of the hearing. The notice shall state the time, place and purpose of the hearing.
- C. If a proposed amendment is for the rezoning of property and involves a change in the zoning classification of 25 or fewer parcels of land, then:
 - 1. The notice, in addition to the requirements above, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property;
 - 2. A sign containing the information outlined above shall be placed in a conspicuous location on the property not less than fifteen days prior to the date of the hearing.. A sign shall be erected at or near the right-of-way line (near the center of the frontage). Such sign shall not interfere with the sight distance at any intersection or driveway. The Director of Planning and Development may require the placement of signs at multiple locations for large acreage tracts or sites with multiple road frontages.
 - a. The sign shall contain the following information: location of the property, the present zoning of the property, the proposed zoning of the property, and the date, time and location of the public hearing.
 - b. For cases tabled to a subsequent month, the sign shall be updated with the revised public hearing dates.
- D. In addition to the notices outlined above, the applicant shall give notice of the proposed zoning action by first class mail to all property owners of record within 1,000 feet of the subject property as shown by

Gwinnett County tax records. Such notice shall be mailed at least fifteen (15) days prior to the first Planning Commission public hearing and shall include: a copy of the application cover sheet, letter of intent, applicant/contact person, vicinity map, site plan, zoning action case number, and the date, time and place of the public hearings. A certificate of mailing from the U.S. Postal Service must be submitted to the Planning Division a minimum of fifteen (15) days prior to the first scheduled public hearing. Failure to timely submit the certificate of mailing may delay or prohibit consideration of the application.

270-25. Public Hearing Rules of Procedure.

- A. Exercise of zoning power shall conform to the standards expressed in the county land use plan, as amended from time to time, and Section 270.20.5.
- B. All items on an advertised agenda for a public hearing shall be heard on the scheduled date except if, in the judgment of a majority of the quorum of the Planning Commission or Board of Commissioners, as applicable, special circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time.
- C. If there are multiple applications for the same property, including applications to rezone property from one zoning classification to another pursuant to Section 270-20, applications for a Special Use Permit pursuant to Section 270-30, applications for a concurrent variance pursuant to Section 270-20.11 or Section 270-30.14, or applications for a change in conditions to a previously approved rezoning or special use permit, a single public hearing covering all applications shall be held.
- D. Prior to the presentation of zoning matters, the Chairperson of the Planning Commission or Board of Commissioners, as applicable, shall make an announcement that may include, but not be limited to, the following:
 - 1. A reminder that the public hearings are being held at an official public meeting at which important business is conducted, and a request that audience members refrain from applause and all other extraneous remarks and cooperate to maintain an orderly meeting.
 - 2. A request that individuals intending to make a comment in support or opposition to any of the matters take a seat toward the front of the auditorium before the item they wish to address occurs on the agenda.
 - 3. A request that individuals provide their name and address for the public record when they come to the microphone.
 - 4. Instructions for the placement of any maps, photos, or other items to be viewed by the commissioners.
 - 5. Notice that the clerk will be keeping time with ten minutes allocated for presentation in support and ten minutes in opposition and that questions from commissioners will not take away from presentation time.
- E. At least five calendar days prior to the first hearing on an application, any person wishing to speak in opposition to said application who has made campaign contributions aggregating \$250.00 or more to a commissioner within the two-year period immediately preceding the filing of said application, must have provided a written disclosure of campaign contributions in accordance with O.C.G.A. Title 36, Ch. 66 (O.C.G.A. § 36-67A-1 et seq.). A similar disclosure is required of applicants and representatives of applicants at the time an application is filed.

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- F. All hearings held by the Planning Commission and Board of Commissioners shall be conducted in accordance with the following rules of procedure:
1. The Chairperson or presiding member of the Planning Commission or Board of Commissioners, as applicable, shall open a public hearing for each matter that requires a public hearing.
 2. The Chairperson or presiding member may call for a presentation by the Department that includes the recommendation of the Department and Planning Commission, if applicable, on each such matter. Following the Department presentation, the commissioners may ask the Department questions pertinent to the application.
 3. The Chairperson or presiding member shall then call for parties in interest on the matter who shall have privilege on the floor. The parties shall identify themselves by name, address and affiliation with any business or organization which would be relevant to the matter being considered.
 4. Proponents shall speak first; opponents shall speak second. All comments and questions from the parties in interest shall be directed to the commissioners. Proponents and opponents shall generally be provided ten minutes per side to present data, evidence, and opinions in support of their position. The Chairperson or presiding member shall have the power and discretion to expand the period of time for presentation if, in the Chairperson's or presiding member's judgment, circumstances surrounding the matter warrant such action and any such expansion is granted equally to the proponents and opponents. The applicant may request that any unused portion of the allotted time be reserved for rebuttal. In the event that there is more than one speaker per side, speakers must divide their time in order to complete their full presentation within the allotted time period.
 5. In the event that an official who represents a municipality or an agency of federal, state or local government wishes to speak on an agenda item, such official representative may be heard at the time established on the agenda for such matter and subject to the time limits set by the Chairperson. Such time shall not reduce the time otherwise allotted to the proponents or opponents to present their public comments.
 6. Should the commissioners ask questions of an opponent, proponent or an official, the time taken to respond to questions will not take away from presentation time.
 7. The Chairperson or presiding member shall call for questions from the commissioners to the proponents or opponents immediately after their individual presentation and before moving to the next speaker.
 8. When the allotted public hearing time period is complete or there are no additional speakers to address the commissioners during the allotted time period and questions or comments by the commissioners have been concluded, the Chairperson or presiding member shall close the public hearing and call for a motion for action on the issue and a second of the motion. The Chairperson or presiding member shall then call for discussion of the matter and voting thereon.
 9. Once discussion has begun, no further comment or presentation shall be made by parties in interest unless a commissioner has a specific question for a party in interest or the Department, or the Chairperson or presiding member deems further comment to be appropriate or germane to the issues surrounding the matter.
 10. Authorized action by the Planning Commission and Board of Commissioners shall consist of any of the actions specified in this UDO.
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- G. The rules of procedure governing public hearings shall be made available in written form to the public in the Department, the office of the Board of Commissioners and at public hearings.

270-20.12 Appeals of a Zoning Ordinance Text and Map Amendment Decision. Appeals of a decision by the Board of Commissioners to approve or deny an amendment may be taken in the manner provided by law.

Section 270-30. Special Use Permits.

270-30.3 Special Use Permit Procedure. The application and review process for a Special Use Permit, including all public notice and public hearing requirements and procedures, shall be the same as those contained in Section 270-20 and Section 270-25 herein. In addition to the information and/or site plans which are required to be submitted for the proposed development, additional information deemed necessary by the Director in order to evaluate a proposed use and its relationship to the surrounding area shall be submitted.

270-30.13 Appeal of a Special Use Permit Decision. Appeals of a decision by the Board of Commissioners to approve or deny a Special Use Permit application may be taken in the manner provided by law.

270-30.14 Designated Official for Appeals. The County Attorney is hereby authorized to accept service of any appeal of a quasi-judicial decision on behalf of the Board of Commissioners, during normal business hours, at the regular offices of the County Attorney.

270-30.15 Concurrent Variances. In cases where an applicant is proposing a special use permit and where the applicant files an application to obtain a variance at the same time of filing an application for a special use permit, the variance application may be processed simultaneously. Granting of concurrent variances shall be subject to compliance with the applicable Standards Governing Exercise of the Zoning Power, as determined by Sec. 270-20.5.

Section 270-100. Variances to the Zoning Board of Appeals.

270-100.6 Public Hearing Procedures.

- B. The notice of the time, place and purpose of such hearing shall be published at least thirty days prior to the hearing in the official organ/of the County. Written notice of the time, place and purpose of the hearing shall also be mailed to the owner of the property that is the subject of the application at least thirty days prior to the hearing. At the hearing, any party may appear in person or by agent or attorney.
- D. The rules of procedure of meetings are as follows:
 - 1. The Chairman shall call the matter before the Zoning Board of Appeals.
 - 2. The Chairman shall then call parties in interest that shall have privilege on the floor after appearing before the Zoning Board of Appeals and identifying themselves by name, address, and affiliation with any business or organization, which would be relative to the matter being considered.
 - 3. Proponents shall speak first and opponents shall speak second. All comments and questions from the parties in interest shall be directed to the Zoning Board of Appeals. Neither proponents nor opponents shall generally have more than five (5) minutes total to present their interest and the Chairman shall have the power to restrict or expand the period of time for presentations if, in his or her judgment, circumstances surrounding the matter may warrant such action.

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4. The Chairman shall call for questions from the Zoning Board of Appeals to the proponents or opponents immediately after their individual presentations.
 5. The Chairman shall then call for discussion of the matter by the Zoning Board of Appeals and the voting thereon. Once discussions by the Zoning Board of Appeals has been called for, no further comment or presentation shall be made by parties in interest unless a Zoning Board of Appeals member has a specific question for a party in interest, or the Chairman deems further comment to be appropriate and germane to the issues surrounding the matter before the Zoning Board of Appeals.
 6. All items on an advertised agenda for a public hearing shall be heard on the scheduled date except, if in the judgment of a majority of the Zoning Board of Appeals members, specific circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time.
 7. The Zoning Board of Appeals may table a vote on a specific matter to a specified future date and time after a public hearing.

270-100.8 Standards for Considering Appeals of Administrative Decisions. In considering whether to uphold an administrative decision, the Zoning Board of Appeals shall consider the following criteria:

- A. Whether the official acted within the scope of their authority.
- B. Whether the decision was based on an erroneous finding of material fact.
- C. Whether the decision was based on the standards set forth in this UDO and whether the standards were properly applied or the official making the decision acted in an arbitrary manner in making the decision.
- D. Whether the official adhered to the plain language of this UDO in making the decision, or if the language is determined to be ambiguous, whether or not the decision satisfies the intent of this UDO.

Section 270-120. Appeals to Decisions of the Zoning Board of Appeals.

270-120.1 Any person or persons seeking an appeal from a final decision of the Zoning Board of Appeals shall appeal to Superior Court in the manner provided by law.

270-120.2 Appeals from a final decision of the Department made pursuant to the provisions of Section 270-90 shall be to the Zoning Board of Appeals in accordance with Section 270-110. Decisions made by the Zoning Board of Appeals shall be final. All Appeals of decisions made by the Zoning Board of Appeals shall be made pursuant to Section 270-120.1.

270-120.3 The Director of Planning and Development or designee is hereby authorized to approve or issue any form or certificate necessary to perfect any petition described in Title 5 of the Official Code of Georgia Annotation for review of lower judicatory bodies and is further authorized to accept service of any such petition on behalf of the Zoning Board of Appeals, during normal business hours, at the regular offices of the Department. The County Attorney is hereby authorized to accept service of an appeal to a decision of the Zoning Board of Appeals on behalf of the Zoning Board of Appeals, during normal business hours, at the regular offices of the County Attorney