

State of Georgia

City of Harlem

Ordinance No. 2306

An Ordinance to Amend the Code of the City of Harlem, Georgia; Chapter 108 Land Use; Article IX Administration; Division 3 Variance and Appeals Procedure; Sec. 108-377 Authority to Grant Variances to Amend for a Grammatical Error and Sec. 108-378 Appeals of Administrative Decisions to Replace in its Entirety for Clarity Purposes.

WHEREAS, the review of the Code of Ordinances is beneficial to maintain clear and accurate operating procedures; and,

WHEREAS, Staff is making a recommendation to amend Sec. 108-377 Authority to Grant Variances for a grammatical error and Sec. 108-378 Appeals of Administrative Decisions to be replaced in its entirety for clarity purposes.

THEREFORE, the following amendments to Chapter 108 Land Use shall be as follows:

Sec. 108-377. Authority to grant variances.

(a) Variance applications. A property owner or their authorized agent may initiate a request for a variance by filing an application with the community development director. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The community development director may require other drawings or materials essential to an understanding of the proposed ~~used~~ use and variance requested and its relationship to the surrounding properties. A fee, as established by the city council, shall accompany the variance application.

Sec. 108-378. Appeals of administrative decisions.

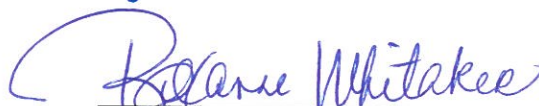
~~(a) — Any person who alleges there is an error in, or who is aggrieved by a decision of the community development director in the administration, enforcement, and/or interpretation of this division, may file an appeal with the Harlem City Manager stating the grounds for such appeal. The planning commission is hereby authorized to hear and decide said appeals, after proper application, hearing before the commission and adoption of relevant findings of fact.~~

~~(b) — An appeal from a ruling of the community development director shall be heard within 15 days of the filing of an appeal with the Harlem City Manager. The commission may affirm, overrule or modify, in whole or in part, the rulings of the community development director. In cases where an appeal is granted, the commission shall have all necessary powers of the community development director and may issue building permits and land use permits or direct the issuance of building permits and land use permits not otherwise inconsistent with this division and any other code, resolution, or ordinance adopted by the city council.~~

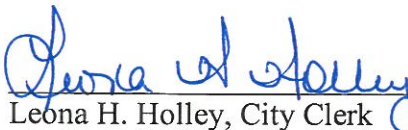
~~(c) — The decision of the planning commission may be appealed to the Harlem City Council in accordance with procedures established by the council.~~

- (a) Any person who alleges there is an error in, or who is aggrieved by a decision of the community development director in the administration, enforcement, and/or interpretation of this division, may file a written notice of appeal within fifteen (15) days with the Harlem City Clerk stating the grounds for such appeal.
- (b) The planning commission is hereby authorized to hear and decide said appeal.
- (c) An appeal of a ruling of the community development director shall be heard at the next regularly scheduled meeting of the planning commission.
- (d) After finding a proper appeal application has been received, the commission shall conduct a hearing to determine the facts of the appeal and shall adopt relevant findings of fact.
- (e) The commission may affirm, overrule or modify, in whole or in part, the rulings of the community development director.
- (f) In cases where an appeal is granted, in whole or in part, the commission shall have all necessary powers of the community development director and may issue building permits and land use permits or direct the issuance of building permits and land use permits not otherwise inconsistent with this division and any other code, resolution, or ordinance adopted by the city council.
- (g) The decision of the planning commission may be appealed to the Harlem City Council by filing a written notice of appeal, in letter form, within fifteen (15) days with the Harlem City Clerk stating the grounds for such appeal. Said appeal shall be heard by the Harlem City Council at the next available Regular Meeting.

NOW, THEREFORE, this Ordinance is approved by the City Council of the City of Harlem, Georgia this 22nd day of May, 2023 and shall become effective upon its adoption.


Roxanne Whitaker, Mayor

ATTEST:


Leona H. Holley, City Clerk

April 24, 2023
1st Reading

May 22, 2023
2nd Reading