

**AN ORDINANCE TO AMEND THE
PEACHTREE CITY ZONING ORDINANCE TO COMPLY WITH THE GEORGIA
ZONING PROCEDURES LAW AS UPDATED BY THE GEORGIA LEGISLATURE IN
HOUSE BILL 1405; ARTICLE XI DEFINITIONS TO ACCOUNT FOR QUASI-
JUDICIAL DECISIONS; ARTICLE XII VARIANCES AND APPEALS TO PROVIDE
ADDITIONAL NOTICE PERIOD; AND ARTICLE XIII AMENDMENTS TO PROVIDE
ADDITIONAL NOTICE AND HEARING PROVISIONS FOR CHANGES TO
ZONING ORDINANCES THAT REVISE SINGLE-FAMILY RESIDENTIAL
CLASSIFICATIONS TO AUTHORIZE MULTIFAMILY USES; TO PROVIDE RELATED
MATTERS; AND TO REPEAL CONFLICTING LAWS;
AND FOR OTHER PURPOSES**

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, AND IT IS HEREBY ORDAINED by authority of the same that:

Section 1. The Peachtree City Zoning Ordinance Appendix A, Article VI, Definitions add the following definitions:

Quasi-judicial decision: Decisions or hearing of the City Council pertaining to appeals of administrative decisions for permits, variances, special administrative permits, special exceptions, or conditional use permits. This term shall not include decisions or hearings pertaining to "Zoning Decisions" as such term is defined in O.C.G.A. §36-66-3(4), as such statute may be amended.

Zoning Decision: Such term shall be defined as set forth in O.C.G.A. §36-66-3(4), as such statute may be amended.

Section 2. The Peachtree City Zoning Ordinance Appendix A, Article XII, Section 1208 – Filing procedure, be replaced in its entirety as follows:

All applications for a variance, an appeal, a conditional use permit, or any other quasi-judicial decision shall be filed with the zoning administrator on forms provided by the zoning administrator.

Any communication relative to a variance request will be regarded as information only until a proper application is made in the form required.

An application fee, as established within the city's schedule of fees, shall accompany each variance application.

Upon receiving an application, the zoning administrator shall have no less than ten working days to review the application for compliance with these requirements. Once the application is deemed complete, the zoning administrator shall schedule public hearings with the planning commission and/or city council (as appropriate). Such hearings shall take place within 45 days after the application is deemed complete.

A sign displaying the hearing date and the nature of the hearing shall be placed in a conspicuous location on the property not less than ten days prior to a planning commission meeting and not less than 30 days prior to a city council meeting, as appropriate.

A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation which serves as the legal organ for the city. The newspaper notice shall appear not less than ten days prior to a planning commission meeting and not less than 30 days prior to a city council meeting, as appropriate.

At the public hearing, the applicant may appear in person or be represented by an agent or attorney.

Section 3. The Peachtree City Zoning Ordinance Appendix A, Article XII, Section 1210 – Quasi-judicial hearing procedures, shall be replaced in its entirety as follows:

Quasi-judicial hearings before the city council shall be filed with the city clerk in writing and shall clearly specify the grounds for the appeal or variance . All documents constituting the record of the action which is being appealed shall be transmitted to the city council by the city clerk.

- (a) Action shall not be initiated by the same applicant more than once in every 12 months.
- (b) Any communication relative to an appeal will be regarded as information only until a proper application is filed with the city clerk.
- (c) An application fee, as established within the city's schedule of fees, shall accompany each request.
- (d) The city council shall hold a public hearing as described herein prior to taking any action.
- (e) The city clerk shall place notice of the time, place, and subject matter of the hearing in the newspaper of general circulation which serves as the legal organ for the city not less than 15 days prior to the hearing.
- (f) The process of advertising the public hearing, holding the public hearing, and rendering a decision on the appeal shall not be unduly delayed.
- (g) Public hearing procedures shall comply with those outlines in Section 2-38 Public hearings of the Peachtree City Code of Ordinances.

Section 4. The Peachtree City Zoning Ordinance Appendix A, Article XII, Section 1211 – Appeals of city council decision, shall be replaced in its entirety as follows:

Any person or persons severally or jointly aggrieved by any decision by the City Council which constitutes a Quasi-Judicial Decision may be appealed in the Superior Court of Fayette County, Georgia, pursuant to the provisions of Title 5 of the Official Code of Georgia Annotated for review of lower judicatory bodies.

Section 5. The Peachtree City Zoning Ordinance Appendix A, Article XIII, Section 1304 – Hearings, city council, shall be replaced in its entirety as follows:

(1) *Public hearing.*

- (a) Except as provided in Sec. 1305 of this Ordinance, before enacting an amendment to this ordinance, including the zoning map, the city council shall hold a public hearing thereon, at least 15 days but not more than 45 days' notice of the time, place and purpose of which shall be published in the newspaper of general circulation which serves as the legal organ for the city.

The notice for zoning map amendments shall include the location, present zoning classification, and proposed zoning classification of the property. A sign displaying the hearing date, present zoning classification, and proposed zoning classification shall be placed in a conspicuous location on the property not less than 15 days prior to the hearing date. In addition, at least 15 days prior to the holding of a public hearing under this section, a copy of the notice shall be sent by first class mail to all owners of property adjacent to the property considered for rezoning, and to all owners of property located within 200 feet of the property to be considered for rezoning. Property ownership shall be ownership as shown by the Fayette County Tax Digest for the year in which the zoning application is considered, and the city officials have no duty to inquire into ownership beyond that shown on said tax digest. As used in this section, the phrase "owners of adjacent property" means any owner of property that physically touches the property considered for rezoning.

- (b) The city council shall act on any amendment application as soon as possible, within 60 days from the date of the planning department's determination that the submitted application is complete and correct.
- (c) At a hearing before the city council, any party may appear in person or be represented by an agent or an attorney. Should the applicant or a representative of the applicant fail to appear at the public hearing, the council may take action on the proposed amendment or may continue the public hearing to another date. Should the applicant or a representative of the applicant fail to appear at a public hearing and the amendment be continued to another meeting, the applicant shall be responsible for any costs associated with re-advertising the notice of the public hearing.
- (d) The following factors, where relevant, shall be considered in evaluating a proposed change to the zoning map:
- (1) Whether the zoning proposal is in conformity with the policy and intent of the land use plan;
 - (2) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
 - (3) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
 - (4) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
 - (5) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; and
 - (6) Whether there are other existing or changing conditions affecting the use and development of the property which give supportive grounds for either approval or disapproval of the zoning proposal.

(2) Public hearing procedures shall comply with those outlined in Section 2-38 Public hearings of the Peachtree City Code of Ordinances

Section 6. The Peachtree City Zoning Ordinance Appendix A, Article XIII, Section 1305 – Changes to the zoning map shall be renumbered to Section 1306.

Section 7. A new section shall be inserted into The Peachtree City Zoning Ordinance Appendix A, Article XIII, Section 1305 and shall be titled, “Changes pertaining to single-family residential uses of property.” The following shall be the text for this section:

If a zoning decision relates to an amendment of the zoning ordinance to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multi-family 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, such zoning decision shall follow the procedures set forth in O.C.G.A. § 36-66-4(h), as the same may be amended, unless excepted from such procedures by said statute, in which event the procedures set forth in Section 1304 shall apply.

Section 8. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 9. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

Section 10. This ordinance shall be in full force and effect upon its official adoption by the City Council.

Done, Ratified, and Passed this 15th day of June, 2023



Kim Leonard, Mayor




Phillip E. Prebor, Mayor Pro Tem


Mike King, Post 2


Clinton Holland, Post 3


Frank Destadio, Post 4

Attest: 
Yasmin Julio, City Clerk

