

# ARTICLE 9



# Administration and Enforcement

## 900 General Provisions

### A. Decision-Making Responsibilities

The following table provides a summary of the decisions and applicable decision-makers for each of the determinations to be made in this Article.

<b>Table 900-1: Summary Table of Procedures and Decision-Making Roles</b>					
	<b>Director of Planning and Development</b>	<b>Board of Appeals</b>	<b>Planning Commission</b>	<b>City Council</b>	<b>Downtown Architectural Review Board</b>
Administrative Variance	√				
Appeals		√		√	
Appeals (Downtown, Entertainment District)					√
Building Permit	√				
Certificate of Occupancy	√				
Special Uses			√	√	
Temporary Uses	√				
Variances		√		√	
Variances (Downtown, Entertainment District)					√
Zoning Ordinance Enforcement	√				
Zoning Ordinance Text Amendments			√	√	
Zoning Map Amendments			√	√	

## **901 Policies and Procedures**

For purposes of this section the terms “zoning decision” shall have the meanings set forth in O.C.G.A. §36-66-3. Prior to making any zoning decision, the City Council shall conduct a public hearing. The public hearing shall be called and a public notice provided in accordance with the provisions of O.C.G.A §36-66-4. At any such public hearing, the following procedures shall apply:

1. A member of the planning staff will briefly summarize the requested zoning change; and shall respond to any questions from the Mayor or member of the Council regarding the staff recommendations related to the proposed zoning change;
2. The applicant shall be provided an opportunity to be heard, and may present any evidence, information or materials which the applicant desires for the City Council to consider in arriving at its determination;
3. Public comments will be accepted and individuals making public comment may present any evidence, information and/or materials which the individual desires for the City Council to consider in arriving at its determination.
4. The City Council may place reasonable time limitations on the presentation of the applicant and on public comments by individuals in support or opposition to the zoning decision. An equal time period be allowed for presentation data, evidence and opinion by proponents of the zoning decision and by opponents of the zoning decision, and in no event shall the minimum time period allowed for presentation be less than 10 minutes per side.
5. Persons speaking either in support of or in opposition to a zoning decision shall be recognized by the Mayor, shall state their name and address for the public record, and shall present any written documents which they desire to be included in the record of the meeting to the City Clerk.
6. All comments shall be directed to the Mayor and City Council and shall be made in an orderly manner.
7. The applicant an any opponents to the zoning decision shall acquaint themselves with the provisions of §36-67a-3 and shall comply with the provisions of that statute

## **902 Planning and Development Director**

- A. Role of the of Planning and Development Director.
  1. The Director shall administer and enforce this Ordinance with the assistance of the Planning and Development staff and other persons as appointed by the City Council.
  2. The Director shall have the authority to approve and issue certificates of occupancy, and to make interpretations and determinations of the Zoning Ordinance and Zoning Map in order to carry out the intent and purpose of this Zoning Ordinance.

3. If the Director finds that any of the provisions of this Ordinance are being violated, they shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Director shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

B. Administrative Variances

The Director shall have the power to grant variances (except for density and use) from the development standards of this Ordinance where, in his or her opinion, the intent of the Ordinance can be achieved and equal performance obtained by granting a variance. The authority to grant such variance shall be limited to variances from the following requirements:

1. Front yard or yard adjacent to a public street - variance not to exceed ten feet.
2. Side yard - variance not to exceed five feet.
3. Rear yard - variance not to exceed ten feet.

- C. Building Permits Required. No building or structure shall be erected, moved, added to, or structurally altered without a permit therefore issued by the Planning and Development Director. No building permit shall be issued except in conformity with the provisions of this Ordinance unless the Director receives a written order from the Board of Appeals in the form of an administrative review or variance as provided by this Ordinance.

D. Application for Building Permit

1. The applicant for a building permit shall submit plans at a suitable scale showing the shape, size, and location of the lot to be built upon; the shape, size, height, use, and location of the buildings to be erected, altered, or moved and of any buildings already occupying the lot; the number of dwelling units the building is designed to accommodate; the setback line of the buildings on adjoining lots; and any other information needed to determine whether the provisions of this Ordinance are being followed.
2. If the plans conform to the provisions of this Ordinance, the City building Ordinances, and other Ordinances of the City, the permit shall be issued upon payment of the required fee. If compliance does not result, the building permit shall be refused by the Planning and Development Director stating such refusal in writing with the cause.
3. If no visible progress on construction or modification has been made within 12 months of the date that said permit is issued, the permit becomes invalid. The Director may renew the permit pending review and recommendation of the Building Inspector. A renewal fee is required to be paid by the applicant before the permit is renewed.

E. Certificate of Occupancy Required

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both until a Certificate of Occupancy has been issued by the Director of Planning and Development or his or her designee stating that the proposed use of the building or land conforms to the provisions of this Ordinance.
2. A record of all Certificates of Occupancy shall be kept on file in the Planning and Development Department and a copy shall be furnished, upon request, to any person.

## 903 Board of Appeals

### A. Establishment and Procedure

1. **Composition, Appointment, and Tenure.** A Board of Appeals (BOA) shall consist of five members, appointed by the Mayor, by and with the consent of the City Council. The terms of the members shall be for four years each with staggered terms. No member of the Board of Appeals may hold any other public office or position in the Municipality.
2. **Vacancies.** Vacancies shall be filled by appointments for unexpired terms only and in the same manner as the original appointment.
3. **Removal.** Any member of the Board of Appeals may be removed by the Mayor, with the advice and consent of the City Council, for cause after written notice and a public hearing. Any member who misses more than three meetings in any one calendar quarter without excuse shall be removed from the Board by the Mayor and Council. The Chairman of the Board shall keep an attendance record and report attendance to the Mayor's office on a monthly basis.
4. **Compensation.** All members of the Board of Appeals shall receive compensation in an amount to be determined by the Mayor and Council.
5. **Officers and Rules of Procedure.** The Board of Appeals shall elect one of its members as Chairman who shall serve for one year or until such person is reelected or a successor is elected. The Director of Planning and Development shall act as Secretary for the Board of Appeals. Meetings shall be heard regularly, once a month, at the call of the Chairman and at such other times as the Board may determine. The Board of Appeals shall follow the rules adopted by the City Council in accordance with the provisions of this Section; shall keep minutes of its proceedings showing the absence, vote, or the failure to vote of each member; and shall keep records of its examination and other official actions, which minutes and records shall be filed in the Planning and Development Department and open to the public for inspection.
6. **Quorum.** For the purpose of transacting business, a quorum of the Board of Appeals shall be considered to be three of the five members.
7. **Downtown Architectural Review Board Variance.** The Downtown Architectural Review Board shall have concurrent jurisdiction under the same procedures and standards as the Board of Appeals to hear and grant variances within the Downtown District.

- B. **Board of Appeals Hearings.** The Board of Appeals shall conduct public hearings on all applications or referrals, within a reasonable time and place to be publicly advertised as required by State law. Any party in interest may appear in person, or by an agent or by an attorney, and be heard.

### C. Powers and Duties

The Board of Appeals shall have the following powers and duties:

#### 1. Dimensional and Locational Variances

If literal enforcement of the provisions of this Ordinance would result in unnecessary hardship due to special conditions and not to the intentional conduct of the requesting party, the Board of Appeals may authorize such variance as long as it is not contrary to the public interest.

A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

- a. A written application for a variance is submitted demonstrating that:

- i. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  - ii. That the special conditions and circumstances did not result from the actions of the applicant.
  - iii. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings on other districts shall be considered grounds for the issuance of a variance;
- b. Notice of a public hearing shall be given as in Subsection 902 B, Board of Appeals Hearings (above);
- c. Where the strict application, or literal enforcement of the requirements of this Zoning Ordinance would result in the applicant suffering practical difficulties, the Board of Appeals shall have the power to authorize a variance from the terms of this Zoning Ordinance so as to relieve such difficulties. In granting a variance, the Board of Appeals may impose such conditions as may be necessary to comply with the factors herein to reduce or minimize potential injurious effects of such variance upon neighboring properties and to carry out the general purpose and intent of this Zoning Ordinance. In making such a determination, the Board of Appeals shall consider all of the following factors, including whether:
  - i. The property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;
  - ii. The variance is substantial;
  - iii. The essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
  - iv. The variance would adversely affect the delivery of government services (i.e., water, sewer, garbage);
  - v. The property owner purchased the property with knowledge of the zoning restriction;
  - vi. The property owner's predicament feasibly can be obviated through some method other than a variance;
  - vii. The spirit and intent behind the zoning requirement would be observed and substantial justice is done by granting the variance; and
  - viii. Any other relevant factor to assist the Board of Appeals in weighing and balancing the public and private benefits and harms of the requested relief is necessary.
- d. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with the intent of this Ordinance;
- e. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under the provisions of this Ordinance; and
- f. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

2. Appeal of Administrative Review:
  - a. Hearings, Appeals, Notice
    - i. Appeals to the Board of Appeals concerning interpretation or administration of the Zoning Ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision rendered.
    - ii. Such appeals shall be taken within 30 days of the Board by filing with the Director or City Clerk a notice of appeal specifying the grounds thereof.
    - iii. The Director of Planning and Development or his or her designee shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of an appeal; give due notice thereof to all parties in interest; and after hearing, decide the same within a reasonable time. At the hearing, any party in interest may appear in person, or by agent or attorney, and be heard.
  - b. Stay of Proceedings
    - i. An appeal stays all proceedings in furtherance of the action appealed from, unless the Director, or other person or agency from whose action the appeal is taken certifies to the Board of Appeals after the notice of appeal is filed that by reason of facts stated in such certification a stay would, in the opinion of the person making the certification, cause imminent peril to life and property.
    - ii. In such case, proceedings may be stayed by a restraining order issued by the Board of Appeals, or by a court of record, on the application, on notice to the parties of interest, and for good cause shown.
  - c. Hearing of Appeal

The Board of Appeals shall conduct a public hearing as described in Subsection 902 B., Board of Appeals Hearings (above).
- D. In exercising the above-mentioned powers, and so long as such action is in conformity with the terms of this Ordinance, the Board shall have the power to reverse or affirm, wholly or partly, or to modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Director, or other person or agency from whom the appeal is taken. The concurring vote of three members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination from which the appeal was made, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in the application of the Ordinance.
- E. Board of Appeals Decisions. All Board of Appeals decisions shall be in writing and shall contain findings of facts and conclusions of law. Decisions shall be mailed to the applicant and any interested parties who make a written request for a copy of the written decision without unreasonable delay after the close of the hearing. Where an application has been denied, no new application on substantially the same facts shall be filed within six months of the date the previous denial, unless the Board of Appeals, for good cause shown by the applicant, grants permission to do so.

- F. Appeals from the Board of Appeals to City Council. Any person or persons severally or jointly aggrieved by any decision of the Board of Zoning Appeals may take an appeal to the City Council. Any appeal filed by the City shall be filed by the City Manager. Said appeals to the City Council shall be filed within thirty (30) days on the date of the decision of the Board of Zoning Appeals. If no appeal of the decision of the Board of Zoning Appeals is filed within thirty (30) days, said decision of the Board of Zoning Appeals shall be final. Any appeals to the City Council shall be filed with the City Clerk, and upon receipt of the appeal, the City Clerk shall place the matter on the agenda of the next regularly scheduled City Council meeting, which is scheduled at least ten (10) days after the date the appeal is received by the City Clerk. The appeal to the City Council shall be a de novo hearing, and the parties to the appeal shall be entitled to present whatever evidence they deem appropriate to the City Council. Evidence submitted to the City Council on the appeal may be in writing or through oral presentation. However, the City Council shall have the right to limit oral presentations to no more than fifteen (15) minutes per side. Upon hearing an appeal, the City Council may render a decision at the meeting or may take the matter under advisement and render a decision at any regularly scheduled or specially called meeting in the next 45 days. Decisions by the City Council may be in writing or by oral motion but shall be approved at a regular or specially called meeting.
- G. Any person or persons severally or jointly aggrieved by any decision of the City Council on an appeal from a decision of the Board of Zoning Appeals may take an appeal to the Superior Court of Gwinnett County. Said appeal to the Superior court shall be by Writ of Certiorari. Said appeal must be filed within thirty (30) days from the date of the decision of the City Council. If no appeal of the decision of the City Council is filed within thirty (30) days, the decision of the City Council shall be final. Any appeals to the Superior Court shall be an appeal based on the record created before the City Council and shall be limited to determining whether the City Council acted arbitrarily or capriciously, or abused its discretion in exercising the powers granted to it.
- H. Duties of Administrative Official, Board of Appeals, City Council and Courts on matters of appeal. It is the intent of this Ordinance that all questions of interpretation of this Ordinance shall be first presented to the Director of Planning and Development. Questions of interpretation shall be presented to the Board of Appeals only upon appeals from a decision of the Director of Planning and Development. It is further the intent of this Ordinance that any such decision by the Board of Appeals shall be appealable to the City Council, and that the only recourse from the decisions of the City Council shall be to the Courts as provided by law.

## 904 Planning Commission

- A. Establishment and Procedure. The Planning Commission shall consist of five members appointed by City Council for terms of three years on a rotating basis from and among the qualified electors of the City. Members of the Planning Commission shall not hold any other City office.
1. The Planning Commission may make recommendations to the City Council on all matters affecting the physical growth and development of the City, shall be consulted on the Comprehensive Plan and the implementation or amendment thereof, and shall exercise all other responsibilities as may be provided by the City Ordinance, including, but not limited to, this Zoning Ordinance.
  2. Meetings of the Planning Commission shall be held once a month as determined by the Planning and Development Department. Hearing dates will be available online and in-person at the Planning and Development Department.
  3. The Planning Commission shall follow the rules and procedures adopted by the City Council and shall keep a record of its proceedings, recording the vote upon each question, and shall also keep records of its hearings and other official actions.
  4. Actions of the Planning Commission shall be a public record and all meetings of the Planning Commission shall be open to the public except in those instances when the Planning Commission is acting in a quasi-judicial manner; in which case the Planning Commission shall conduct a record hearing and may deliberate in private, and any matters permitted to be closed to the public under applicable Georgia law.
- B. Amendments to the Zoning Ordinance and Map (Rezoning)
1. Petitions for amendments to the Zoning Ordinance or Zoning Map shall be made to the Planning Commission and City Council if the petition is City initiated or Non-City initiated. If a petition is made for a Zoning Map amendment, the petition shall only be considered if one or more owners of property in the proposed area or an authorized agent are party to the petition.
  2. The Planning and Development Department shall create a yearly calendar of all meetings to be approved by the Planning Commission and shall provide notice of each hearing as required by State statutes.
- C. Special Uses
- The Planning Commission shall review and make a recommendation to the Mayor and City Council regarding the establishment or material change in Special Uses as regulated in this section and Section 906.
1. The Planning Commission shall give due regard to the nature and condition of all adjacent uses and structures and in authorizing a special use may impose such requirements and conditions, in addition to those expressly stipulated in this Zoning Ordinance, as it may deem necessary for the protection of adjacent properties and the public interest.
  2. In deciding a special use, the Planning Commission may impose conditions as may be necessary to comply with the standards set forth herein to reduce or minimize potential injurious effects upon neighboring properties and to carry out the general purpose and intent of this Zoning Ordinance.
  3. A special use shall become null and void at the expiration date recommended by the Planning Commission; set and approved by the City Council.

4. The Planning Commission shall not recommend a special use unless it, in each specific case, makes specific findings of fact directly based upon credible evidence as to all of the following:
    - a. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare;
    - b. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or will not substantially diminish and impair property value within the neighborhood;
    - c. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
    - d. Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided;
    - e. Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets; and
    - f. The special use will be located in a district where such use may be permitted and that all requirements set forth in this Zoning Ordinance and applicable to such conditional use will be met.
  5. The special use permit is designed to be used when:
    - a. A special use listed under the zoning district is desired for development in a more intensive zoning district which contains that use as a use by right would not be appropriate for the property; or
    - b. A special use listed under the zoning district is desired for development and no zoning district contains that use as a use by right; or
    - c. The height of a building may affect the overall density of development; or
    - d. The height of any structure may affect neighboring properties; and,
    - e. The special use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objectives of the comprehensive plan.
  6. In order to accommodate these special uses, the special use permit allows the Mayor and Council to approve a special use on a particular lot without changing the general zoning district.
  7. Such approval shall be subject to the requirements set forth below and any additional conditions deemed necessary to ensure the compatibility of the special use with the surrounding properties.
  8. All special use permit applications shall be for planned developments only and shall not be used for securing early zoning for conceptual proposals which may not be undertaken for some time. A special use permit application shall be considered only if it is made by the owner of the property or his/her authorized agent.
- D. Decisions of the Planning Commission
1. The Planning Commission may, by a vote of not less than a simple majority of the members, present at a meeting:
    - a. Recommendation to City Council that the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use be **approved as requested**; or
    - b. Recommendation to City Council that the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use be **approved with conditions**; or
    - c. Recommend to City Council **denial** of the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use; or

- d. Recommend to City Council **denial without prejudice** of the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use; or
  - e. Recommend to City Council to **table** the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use.
2. The recommendation shall be forwarded in writing to City Council within 30 days of the Planning Commission's vote, after which a public hearing shall be held by City Council in accordance with its rules of procedure.

## 905 City Council

Under this Ordinance, the City Council shall have only the following duties:

- A. Considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law;
- B. Hearing and making a final determination on Special Uses as identified in Section 903 C, Special Uses and Section 906, Special Use Permit Public Hearings;
- C. Hearing and making a final determination on appeals to this Zoning Ordinance and Zoning Map amendments;
- D. Establishing a schedule of fees and charges as stated in this Ordinance; and
- E. Such other duties as may be established by laws of the State of Georgia or subsequently enacted Ordinances of the City.

## 906 Authority

The governing authority may from time to time amend the boundaries of the zoning districts established on the official zoning map or the regulations set forth in this Ordinance.

1. Any proposed amendments shall first be submitted to the Planning Commission for its recommendation. The Planning Commission shall make a recommendation to the City Council within 30 days or the Council shall be free to proceed without further awaiting the report of the Planning Commission.
2. When acting on an application for a rezoning or a Special Use Permit, the City Council shall have the right to grant the application, to deny the application, to grant a rezoning to less intense use than requested, or to grant the application with the appropriate conditions. The City Council may also table the proposal or allow the proposal to be withdrawn without prejudice. In granting a rezoning application or Special Use Permit, in addition to imposing appropriate and necessary

conditions, the Council shall have the authority to grant variances of the terms and conditions of the City of Lawrenceville Zoning Ordinance.

## **907 Downtown Architectural Review Board**

### **A. Establishment and Procedure**

#### **1. Establishment**

- a. A Downtown Architectural Review Board shall consist of seven members, appointed by the Mayor, by and with the consent of the City Council. The terms of the members shall be for four years each, serving on staggered terms. The Downtown Architectural Review Board shall include the following seven members:
  - i. Two Downtown Development Authority members;
  - ii. Two at-large citizens;
  - iii. One landscape architect;
  - iv. One registered architect; and
  - v. One engineer.
- b. All members of the Downtown Architectural Review Board shall receive compensation in an amount to be determined by the Mayor and City Council.
- c. Vacancies shall be filled by appointments for unexpired terms only and in the same manner as the original appointment.
- d. Any member of the Downtown Architectural Review Board may be removed by the Mayor, with the advice and consent of the City Council, for cause after written notice and a public hearing.

#### **2. Proceedings**

- a. The Board shall elect a Chair and a Vice-Chair from its members who shall serve for one year or until their successors are elected. Meetings of the Board shall be held at the call of the Chair, the call of the Director of Planning and Development, or at such other times as four members of the Board may determine. All meetings of the Board shall be open to the public pursuant to Georgia Law.
- b. A minimum of four members of the Board shall constitute a quorum. Any act of the Board shall require a majority vote of the Board members at a meeting at which a quorum is present.
- c. The Director of Planning and Development or his or her designee shall serve as a non-voting secretary to the Downtown Architectural Review Board. The Board shall maintain minutes of its proceedings, including the results of all votes taken, and shall maintain records of its examinations and other official actions, all of which shall be filed in the Planning and Development Department.

### **B. Powers and Duties of the Downtown Architectural Review Board**

1. The Board shall review variance request applications for parcels in the Downtown Entertainment District for:
  - a. All existing and/or new buildings and/or premises located in the Downtown Entertainment District; and
  - b. All variances from the architectural standards for signage or for any exterior features of construction, alteration, restoration, moving, demolition, or repair of existing buildings or improvements involving or resulting in a change in the existing structural composition or architectural design or character of such building or improvement.

2. The Board shall have the power to grant or deny variances and exceptions for existing and new buildings from the architectural requirements of the Downtown Entertainment District provided the maximum effort is made to comply with the intent of the design standards established in the architectural requirements of the Downtown Entertainment District. Blanket variances may be granted for existing buildings by the Board pursuant to the approval of a specific site plan and elevation drawings.
  3. The Board shall have the power to grant or deny variances and exceptions for the premises from the design standards of the Downtown Entertainment District provided the maximum effort is made to comply with the intent of the design standards established for the requirements of the Downtown Entertainment District.
  4. The Board shall act in an advisory role to other City departments, Boards, and Commissions.
  5. The following shall not be subject to review and action by the Board:
    - a. The ordinary maintenance or repair of any exterior elements of any building or structure;
    - b. The construction, reconstruction, alteration, or demolition of any such elements which the authorized City officers shall certify as required for public safety.
    - c. Any variation of state law requirements.
- C. Appeals from Downtown Architectural Review Board Decisions
1. Any person or persons severally or jointly aggrieved by any decision of the Downtown Architectural Review Board may file a written appeal with the Mayor and Council of the City of Lawrenceville within 30 calendar days after rendering the decision.
  2. Failure to file said appeal within 30 calendar days shall render the decision of the Downtown Architectural Review Board final. The procedures for such an appeal are contained in Subsection 902 Board of Appeals, F, decision of City Council shall be by Writ of Certiorari to the Superior Court of Gwinnett County. Such appeal shall be limited to determining whether the Downtown Architectural Review Board arbitrarily or capriciously abused its discretion in exercising the powers granted herein.

### **908 Rezoning Application Public Hearing Process**

The Applicant or representative is required to appear at the Planning Commission Meeting and the City Council Public Hearing. Failure to attend a meeting may result in the tabling of the application until the next meeting of that group. However, the Planning Commission and the City Council may act on the application should they so choose. Meeting dates, times, and locations are available online and in-person at the Planning and Development Department.

#### **A. Schedule of Events**

1. Approximately one week prior to the scheduled Planning Commission Meeting, the Planning Staff Report and Recommendation will be emailed to the applicant and will be available at the Planning and Development office.
2. The applicant shall appear before the City of Lawrenceville Planning Commission to present their case in support of the rezoning application. The Planning Commission may ask questions of the applicant and the opposition. The Planning Commission is a recommending body. Their recommendation will be forwarded to the City Council.
3. The applicant shall be present at the City Council Work Session. The applicant may be asked to present their case or to answer questions, at the desire of the City Council.
4. The applicant shall appear before the City Council for the Public Hearing.

5. If the rezoning application is denied by the Mayor and City Council, any new application for the same zoning classification on the subject property may not be submitted for at least twelve (12) months from the date of denial. Application for a different zoning classification may be submitted after six (6) months from the date of the denial.

#### B. Procedures

1. In the approval process for a rezoning application, the Mayor and City Council shall consider the policies and objectives of the comprehensive plan, particularly in relation to the proposed site and surrounding area, and shall consider the potential adverse impacts on the surrounding area, especially with regard to but not limited to traffic, storm drainage, land values, and compatibility of land use activities.
2. If an application is approved and rezoning is granted, all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. All final site plans shall be approved by the Director of Planning and Development or his or her designee prior to the issuance of any permits.
3. Once established, the rezoning shall be permanent unless otherwise rezoned.
4. Upon approval by the Mayor and Council, a rezoning shall be identified on the official zoning maps.
5. Upon approval by the Mayor and Council of rezoning, the owner of the property shall be issued a notice from the Planning and Development Department, which states the rezoning, the requirements of this section, and any conditions attached to the approval.
6. Any person, persons, or entities jointly or severally aggrieved by any decision of the City Council regarding a Special Use permit application may take an appeal to the Board of Appeals. The appeal must be filed within 30 business days of the decision of the City Council, and upon failure of such appeal, the decision of the City Council shall be final.

#### C. Standards Governing Exercise of the Zoning Power

The City Council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power;

1. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property;
2. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property;
3. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned;
4. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
5. Whether the proposed rezoning is in conformity with the policy and intent of the Comprehensive Plan; and
6. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the proposed rezoning.

## **909 Variance Public Hearing Procedures**

The Applicant is required to appear at the Board of Appeals Meeting. Failure to attend the meeting may result in the tabling of the application until the next meeting of that group. However, the Board of Appeals may act on the application should they so choose. Meeting dates, times, and locations are available online and in-person at the Planning and Development Department.

### **A. Schedule of events**

1. After confirming that the conditions for a variance as described in Section 902C.1.a are met, the applicant can submit an application through the Planning and Development Department.
2. The applicant must post a sign given to them by the Planning and Development Department at least 15 days prior to the public hearing.
3. The applicant shall appear before the City of Lawrenceville Board of Appeals to present their case in support of the variance application. Any opposition to the variance application will be given equal time to present its case.

### **B. Procedure**

1. In the approval process for a variance application, the Board of Appeals shall consider all of the factors listed in 902C.1.c. before making a decision.
2. Once approved, the applicant may begin development. A variance is a permanent entitlement to the land.
3. Upon approval by the Board of Appeals, the variance shall be archived by the Planning and Development Department.
4. Any person, persons, or entities jointly or severally aggrieved by any decision of the Board of Appeals regarding a variance application may take an appeal to the City Council. The appeal must be filed within 30 business days of the decision of the Board of Appeals, and upon failure of such appeal, the decision of the Board of Appeals shall be final.

## **910 Withdrawal of Application**

910.1 Once an application for an amendment to the Official Zoning Map or an application for a Variance or Special Use Permit has been made, the applicant may withdraw such application without prejudice only until such time as the official withdrawal deadline published in the Public Hearing Schedule, maintained by the Department.

910.2 An application may not be withdrawn by an applicant or property owner under any circumstance after the official withdrawal deadline. Once past the published withdrawal deadline, all applications shall be considered by the Board of Commissioners or Zoning Board of Appeals, as appropriate, and shall receive final action, unless having been administratively withdrawn for cause by the Department.

## **911 Lapse of Time Requirement for Reapplication.**

The following shall apply to the reapplication for a Zoning Map Amendment, Variance or Special Use Permit.

- A. No application or reapplication for any zoning map amendment affecting the same land or any portion thereof shall be acted upon within 12 months from the date of last action by the Board of

Commissioners unless such 12-month period is waived by the Board of Commissioners, and in no case may such an application or reapplication be reconsidered in less than six months from the date of last action by the Board of Commissioners.

- B. No application or reapplication for the same type of Variance or Special Use Permit affecting the same land or any portion thereof shall be acted upon within 12 months from the date of last action by the Board of Commissioners or Zoning Board of Appeals, as appropriate, unless such 12 month period is waived by the Board of Commissioners or Zoning Board of Appeals as appropriate, and in no case may such an application or reapplication be reconsidered in less than six months from the date of last action by the Board of Commissioners or Zoning Board of Appeals, as appropriate.

**912** Administrative variances, as outlined in Section 910 and 911, shall not be subject to this time-lapse requirement.