

AN ORDINANCE

AN ORDINANCE TO AMEND THE ZONING RESOLUTION OF THE CITY OF DACULA; TO ADD A ZONING APPEALS ORDINANCE AND A NEW SECTION 707 AND 708.

WHEREAS, the City has adopted and maintained a comprehensive Zoning Resolution; and

WHEREAS, an update in the Zoning Resolution to add a new Section 707 and 708; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City to review and evaluate the current Zoning Resolution in view of current development trends and future land use plans in and near the City; and

WHEREAS, the City has undertaken and completed such review and evaluation; and

WHEREAS, as a part of that review process, the Planning Commission and City Council have conducted public hearings in accordance with Georgia law seeking comment on the amendments and updates to the Zoning Resolution; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens and businesses within the City of Dacula to amend the Zoning Resolution as outlined herein;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS that the Zoning Appeals Ordinance and City Code be amended as follows:

The following amendments to the City's Zoning Resolution Article VII and XVII are approved and adopted:

SECTION 1.

Article VII, Section 707 is added as follows:

Section 707. Criteria for Approval of Variances and Waiver.

To receive approval for a Variance or Waiver, the Applicant must demonstrate, and the City Council must find that all of the following criteria are present when approving a request for a variance or waiver:

- A. There are clear and compelling reasons that are not purely financial demonstrating that the required standard cannot be met;

- B. The variance or waiver is the minimum amount necessary to meet the objectives identified above;
- C. The requested adjustment will not contravene the public interests or negatively impact adjoining properties; and
- D. Any additional criteria provided in this Ordinance.

SECTION 2

Article VII, Section 708 is added as follows:

Section 708. Appeals.

Any person aggrieved by a decision, denial, approval or other quasi-judicial action of the City Council may appeal by Writ of Certiorari to the Superior Court of Gwinnett County. Any such appeal must be filed within thirty (30) days from the date of the decision of the City Council. Upon failure to file an appeal within thirty (30) days, the decision of the City Council will be final.

SECTION 3

The following criteria for the review of Special Use Permit applications are added to Article XVII Section 1706 (B)(2):

The Application must demonstrate that the approval of the Special Use Permit will not contravene the public interests or negatively impact adjoining properties.

SECTION 4

Article XVII, Section 1710 is added as follows:

Section 1710. Appeals.

Any person aggrieved by a decision, denial, approval or other quasi-judicial order of the City Council may appeal by Writ of Certiorari to the Superior Court of Gwinnett County. Any such appeal must be filed within thirty (30) days from the date of the decision of the City Council. Upon failure to file an appeal within thirty (30) days, the decision of the City Council will be final.

SECTION 5

The City Administrator, Assistant City Administrator, and Director of Planning and Economic Development are further authorized to correct typographical errors in the text of the existing Zoning Resolution and to produce and publish a final codified version of the Zoning Resolution with the amendments and revisions outlined herein.

SECTION 6

In the event any Court of competent jurisdiction determines that any portion of the foregoing amendment is invalid, unconstitutional or otherwise illegal, such rulings shall not impair the validity of the rest and remainder of this amendment.

SECTION 7

All laws and parts of laws in conflict with this Ordinance are hereby repealed.

SECTION 8

This Ordinance and the amendments outlined herein shall be effective immediately upon their adoption by the Mayor and City Council.

SO ORDAINED by the governing authority of the City of Dacula, this _____ day of October, 2023.

AYES: ____

NAYES: ____

ATTEST:

HUGH D. KING, III
MAYOR, CITY OF DACULA

BRITTNI NIX,
CITY ADMINISTRATOR