



AGENDA STAFF MEMO

TO: Honorable Mayor and City Council
FROM: Diana Wheeler, Interim Community Development Director
DATE: April 14, 2025, For the Regular City Council Meeting on May 5, 2025

Signed by:
Diana Wheeler
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AGENDA ITEM: RZ25-03 - Consideration of a Text Amendment to Article 12 Administration, Sec. 12.8.6.E Demolition Permits, Public Hearing to Amend Notification Requirements to the Unified Development Code for the City of Milton, Georgia.

SUMMARY:

The purpose of this text amendment to the Unified Development Code (UDC) is to replace the publication from the legal organ of the City to the official website of the City for the notice of the Community Zoning Information Meeting (CZIM) and to reduce the amount of time for the notice of a demolition permit to be heard by the Design Review Board (DRB).

CZIM - Sec. 12.3.2.A.

Staff is withdrawing this portion of RZ25-03 regarding Public Hearing and Notice Amendments related to CZIM meetings.

CZIM Meeting held on February 25, 2025 – There were two attendees at this meeting of which one of the attendees had general questions regarding this text amendment.

Planning Commission Meeting on March 26, 2025 – The PC unanimously recommended denial of the proposed text amendment.

Demolition Permits – Sec. 12.8.6.E

The action by the DRB to consider a demolition permit requires a public hearing and therefore falls within the requirements of the ZPL. Currently, the UDC for the City of Milton requires that notice in the legal organ (The Milton Herald) be published a minimum of 30 days prior to the public hearing at the DRB meeting. Since this change occurred for this advertising requirement in September 2023, it has increased the time required to process demolition permits. Staff have heard from homeowners, builders, and developers that this delay increases the overall time required for development and adversely impacts their costs.

At the time of adopting this requirement, Staff wanted to make the publishing requirements for the various types of public hearings the same to avoid confusion and make advertising more streamline. The requirement for publishing in the Milton Herald is currently 30 days prior to the public hearing which makes the submittal of a demolition

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permit to the City a minimum of five weeks prior to the DRB meeting. The minimum ZPL requirement for publishing notice of the public hearing is 15 days. Based on feedback from the community, builders and developers, Staff propose to amend this section of the UDC from a minimum of 30 days to 15 days.

CZIM Meeting held on February 25, 2025 – There were two attendees at this meeting of which one of the attendees had general questions regarding this text amendment.

Planning Commission Meeting on March 26, 2025 – The PC unanimously recommended to approve Sec. 12.8.6.E as submitted by Staff.

FUNDING AND FINANCIAL IMPACT:

There will be no funding or financial impact.

ALTERNATIVES:

The City Council may choose to amend or deny the proposed text amendment.

REVIEW & APPROVALS:

Legal Review: Paul Frickey, Jarrard & Davis, LLP – March 2025

Concurrent Review: Steven Krokoff, City Manager –April 2025

ATTACHMENT(S):

Ordinance for Text Amendment RZ25-03

DocuSigned by:
Steven Krokoff
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**AN ORDINANCE TO AMEND ARTICLE 12 ADMINISTRATION, SEC 12.8.6.E
DEMOLITION PERMITS, PUBLIC HEARING TO AMEND NOTIFICATION
REQUIREMENTS TO THE UNIFIED DEVELOPMENT CODE FOR THE CITY OF
MILTON, GEORGIA.**

BE IT ORDAINED by the City Council of the City of Milton, GA while in a regularly called council meeting on May 5, 2025, at 6:00 p.m. as follows:

SECTION 1. That Section 12.8.6.E of Administration of the Unified Development Code for the City of Milton, Georgia as it relates to Demolition Permits and associated notification requirements as shown in Exhibit "A", attached hereto and incorporated as if fully set forth herein;

SECTION 2. That all ordinances, parts of ordinances, and regulations in conflict herewith are repealed; and

SECTION 3. That this Ordinance shall become effective upon its adoption.

ORDAINED this the 5th day of 2025.

Peyton Jamison, Mayor

Attest:

Tammy Lowit, City Clerk

EXHIBIT "A"

Design Review Board determines that after the removal of the structure, new vegetation and/or landscaping is required, said landscape plan, including type and size of landscaping must be approved by the City Arborist. When these restrictions become applicable to a particular site, the building official must cause to be filed a verified notice thereof in the Real Property Records of Fulton County and such restrictions will then be binding on future owners of the property.

- e. Civil action. As an additional remedy in addition to the penalties stated above, the City Attorney has the power to take all necessary civil action to enforce the provisions hereof and to request appropriate legal or equitable remedies or relief.

E. Public Hearing

The Design Review Board must conduct a public hearing with respect to each demolition permit application before considering the application. The hearing must be conducted according to the procedures established in Sec. 12.3.2.A. Notice of the hearing must be published in the newspaper utilized by Milton as the legal organ not less than ~~30~~15 and not more than 45 days before the date set for the public hearing. Notice must also be mailed to the owner of the property as reflected on the current tax records of Fulton County as retrieved by the City's GIS.

12.9. Violation and Penalties

12.9.1. Violations

- A. Any action or inaction that violates the provisions of this UDC, the requirements of an approved stormwater management plan, or any permit issued subject to this UDC may be subject to an enforcement action.
- B. If any person commences any land-disturbing activity requiring a Land Disturbance Permit without first obtaining a permit, they will be deemed in violation of this UDC and, in addition to other penalties, are subject to penalties for violation as specified in this UDC.
- C. Any person violating any of the provisions of this UDC will be deemed guilty of a misdemeanor. Each day's continuance of a violation will be considered a separate offense. The owner and/or tenants of any buildings or premises, or parts thereof, where anything in violation of this ordinance is placed or exists, and any architect, builder, contractor, or agent or the owner and/or tenants who may have assisted in the commission of any such violation, will be guilty of a separate offense.

12.9.2. Penalties

In addition to other penalties and withholding of permits as may be specifically provided for elsewhere in this UDC, where a violation of this UDC exists with respect to the use of any building, structure, or land, the City may employ the following remedies and penalties.

- A. Where a determination is made that property is in violation of this UDC, and any other codes and laws enforced by the