

**AN ORDINANCE**

**AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA, CHAPTER 27, ARTICLE I, DIVISION 2, PERTAINING TO DEFINITIONS AND ARTICLE V, DIVISION 1, PERTAINING TO NOTICE OF PUBLIC HEARING AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to the Georgia Constitution, the Official Code of Georgia, and the Code of DeKalb County, the Board of Commissioners of DeKalb County have the authority to regulate land use within unincorporated DeKalb County; and

**WHEREAS**, the Board of Commissioners of DeKalb County adopted a Zoning Ordinance amending Chapter 27 of the Code of DeKalb County providing for the regulation of land use and zoning related activity in DeKalb County and for other purposes at its regular meeting of April 13, 1999; and

**WHEREAS**, the Board of Commissioners of DeKalb County is required to fully comply with the requirement set forth in O.C.G.A. § 36-66-1 et seq. to afford notice to the public regarding public hearing on zoning decisions; and

**WHEREAS**, the Board of Commissioners of DeKalb County wishes to ensure and encourage community involvement in the zoning process; and

**WHEREAS**, the Board of Commissioners of DeKalb County desires to provide an efficient process whereby the County can make zoning decisions; and

**WHEREAS**, the Board of Commissioners approved an amendment to the Zoning Ordinance and thereby changed the posting requirements for rezoning and comprehensive plan land use plan amendments on February 25, 2003, by imposing on an applicant the obligation to post signs on property that is the subject of a rezoning and/or comprehensive plan land use map amendment; and

**WHEREAS**, the shifting of that obligation from the County's Planning Department to the applicant for a rezoning or comprehensive land use plan amendment has not proved as effective as was initially contemplated; and

**WHEREAS**, it is in the best interests of the health, safety, welfare and aesthetics of the citizens of DeKalb County, Georgia, that the Zoning Ordinance be further amended to increase efficiency in the processing of applications and reduce delays in the process.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapter 27, Article V, of the Code of DeKalb County, Georgia, is amended to read as follows:

#### **PART I. ENACTMENT**

*Chapter 27, Article V, entitled "Administration" is hereby amended by deleting Section 27-838(b)(2) in its entirety and replacing it with a new section 27-838(b)(2) to read as follows:*

**Sec. 27-838. Notice of public hearings.**

...

- (2) The director of the department of planning or the director's designee must post signs within the public right-of-way in front of or on the subject property at least fifteen (15) days before the hearing before the planning commission and not more than forty-five (45) days prior to the date of the public hearing before the board of commissioners.
  - (A) At least one sign shall be posted on each street on which the subject property has frontage. One additional sign shall be posted for each additional five hundred (500) feet of frontage or fraction thereof in excess of five hundred (500) feet of frontage on each street on which the subject property has frontage.
  - (B) Signs shall be double-faced and posted so that the face of the sign is at a right angle to the street to allow the signs to be read by the traveling public in both directions. All signs shall be no smaller than six (6) square feet with lettering on the signs at least two (2) inches in size.

- (C) The sign shall state the nature of the proposed zoning decision and the date, time and place of the public hearing before the planning commission and the board of commissioners. The planning director, or designee, shall sign an affidavit attesting to the posting of signs in accordance with the requirements herein, and shall photograph each sign as evidence of its proper posting.

...

## **PART II. EFFECTIVE DATE**

This ordinance shall become effective upon adoption by the Board of Commissioners and approval by the Chief Executive Officer.


## **PART III. SEVERABILITY**

Should any part, portion or paragraph of this ordinance be declared by a court of competent jurisdiction to be invalid or unconditional, such decision shall not affect the validity of the ordinance as a whole nor any part thereof other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

## **PART IV. REPEAL OF CONFLICTING ORDINANCES.**

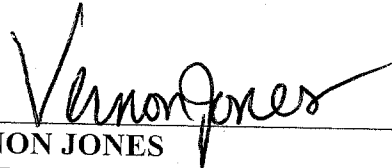
This amendment amends the Zoning Ordinance of DeKalb County, and all other conflicting ordinances or resolutions are hereby repealed, provided that nothing contained herein shall be construed as repealing the conditions of use, operation, or site development accompanying grading or development permits issued under previous ordinances or resolutions, providing further that modification or repeal of these past conditions of approval may be accomplished as authorized and provided by the requirements of this Section.

**ADOPTED** by the DeKalb County Board of Commissioners, this 23rd day of November, 2004.

  
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**BURRELL ELLIS**  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

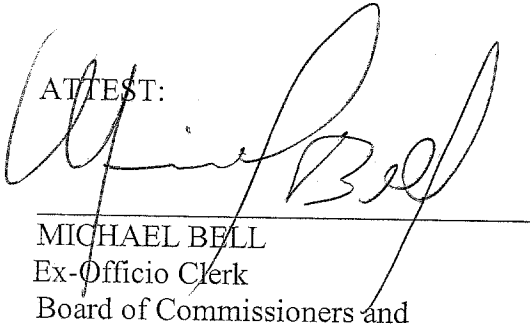
September 27, 2004

**APPROVED** by the Chief Executive Officer of DeKalb County, this 23rd day of November, 2004.



**VERNON JONES**  
Chief Executive Officer  
DeKalb County, Georgia

ATTEST:



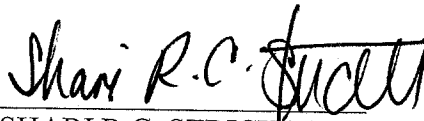
**MICHAEL BELL**  
Ex-Officio Clerk  
Board of Commissioners and  
Chief Executive Officer  
DeKalb County, Georgia

**APPROVED AS TO FORM:**



**VIVIANE H. ERNSTES**  
Acting County Attorney  
DeKalb County, Georgia

**APPROVED AS TO SUBSTANCE:**



**SHARI R.C. STRICKLAND**  
Acting Director of Planning  
DeKalb County, Georgia