



PLANNING COMMISSION AGENDA

Tuesday September 23, 2008, 7:00 pm

Agenda Item	Description	Meeting Dates**	Staff Recommendation	PC Recommendation
I. INVOCATION				
II. CALL TO ORDER				
III. PLEDGE OF ALLEGIANCE				
IV. PUBLIC COMMENT				
A. Approval of Minutes	Minutes from the August 26, 2008 Planning Commission Meeting		Approval	
V. Text Amendments				
A. RZ08-09	Text Amendment to Article 22 of the City of Milton Zoning Ordinance, Appeals		Approval Conditional	
VI. Adjourn				

**Meeting Codes: CZIM-Community Zoning Information Meeting; DRB-Design Review Board; PC-Planning Commission; MCC-Mayor and City Council

ADOPTED BY THE CITY OF MILTON CITY COUNCIL
DECEMBER 21, 2006

ARTICLE XXII

APPEALS

22.1. **PURPOSE.**

The purpose of this article is to establish procedures for appealing the strict application of regulations contained herein and conditions of zoning when those regulations impose a hardship on the development of the property, and to provide for interpretation of the text of this ~~Resolution~~Ordinance and the Official Zoning Map. Appeals are authorized herein to be considered by various bodies and individuals depending on the type of appeal and its relationship to applications for Use Permits, ~~or~~ Rezonings or Chapter 14, Article 6, Section 5 of the Milton Land Development City Code. Variances apply to the development standards and district standards per the Zoning ~~Resolution~~Ordinance or Land Development City Code. Modifications apply to the approved conditions of zoning or use permit.

22.2. **DECISION MAKING AUTHORITY.**

The following are the powers and jurisdiction of the various decision makers and administrative bodies.

22.2.1. ~~MAYOR AND CITY COUNCIL BOARD OF COMMISSIONERS (BOC).~~ THE ~~Board of Commissioners (BOC)~~Mayor and City Council shall have the following powers and duties under the provisions of this Zoning ~~Resolution~~Ordinance:

- A. To hear and decide applications for rezonings, use permits, and modifications pursuant to Article 22 and Article 28;
- B. To hear and decide applications for concurrent variances in conjunction with applications for rezonings, use permits, and/or zoning modifications pursuant to Article 22 and Article 28;
- C. To hear and decide applications for stream buffer variances when the applicant requests a rezoning, use permit and/or zoning modification concurrently pursuant to Article 22 and Chapter 14, Article 6, Section 5 of the Milton Land Development City Code and;
- D. To hear and decide applications for variances from any Zoning Ordinance

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provision that involves more than 5 lots or more than ten percent 10% of lots in a subdivision, whichever is greater pursuant to Article 22; and

E. To initiate a modification of approved zoning conditions.

22.2.2. **BOARD OF ZONING APPEALS (BZA).** The Board of Zoning Appeals (BZA) shall have the following powers and duties under the provisions of this Zoning ~~Ordinance~~Resolution:

A. To hear and decide applications for primary variance requests;

B. To hear and decide applications for primary variances involving up to 5 lots or up to ten percent (10%) of lots in a subdivision, whichever is greater.

C. To hear and decide applications for stream buffer variance requests referenced in Chapter 14, Article 6, Section 5 of the Milton Land Development Ordinance, that are not concurrent with a rezoning, use permit or modification;

D.B. To hear and decide appeals from the interpretation of any of the provisions of this ~~Resolution~~Ordinance by the ~~Director of the Department of Environment and Community Development~~ Director in accordance with Section 22.2.3. H.;

E.C. To hear and decide appeals when it is alleged that there is an error in any order, requirement, decision, or determination made by any ~~Fulton County~~City of Milton official in the enforcement of this Zoning ~~Resolution~~Ordinance and;

F.D. To hear and decide appeals from a permitting or procedural decision of the Department Director or Deputy Director regarding minor or administrative variance requests.

22.2.3. **DIRECTOR OF ~~THE DEPARTMENT OF ENVIRONMENT AND COMMUNITY DEVELOPMENT (E&CD).~~** The Director of ~~the Department of Environment and Community Development (E&CD)~~ shall have the following jurisdiction, power and duties under the provisions of this Zoning ~~Ordinance~~Resolution:

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- A. To determine the type of appeal application or land use process the property owner/agent is required to apply for;
- B. To consider and decide on minor variances to minimum yard requirements, not to exceed ten percent of such requirement, as long as property owners with standing do not object;
- C. To consider and decide on administrative minor variances of no more than 1 foot;
- D. To consider and decide on administrative variances;
- E. To consider and decide on administrative modifications to conditions of zoning;
- F. To interpret the provisions of the Zoning ~~Resolution~~Ordinance related to the following:
 - 1. Inconsistent, vague or obscure language;
 - 2. Provisions which are in conflict or are confusing; and
 - 3. Conflicting or redundant procedural requirements; and.
- G. To establish procedural requirements for review of appeal applications.

22.2.4. **LIMITATION ON AUTHORITY.** The authority and jurisdiction of Boards and individuals as provided herein shall be limited as outlined in the following. In exercising this jurisdiction, each hearing Board or individual shall have authority to determine whether it has jurisdiction.

- A. There shall be no variances to permitted uses or accessory uses as specified in the zoning district regulations, administrative/use permit or zoning conditions.
- B. There shall be no variances to the minimum lot area nor the minimum district size required in each zoning district.
- C. There shall be no variances to the minimum lot frontage on a street as required in designated zoning districts of the Zoning ~~Resolution~~Ordinance.
- D. There shall be no modification to increase the density or change the use

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