

Why Zone?

Zoning decisions can over time achieve – **or fail to achieve** – the built environment that reflects a community's vision



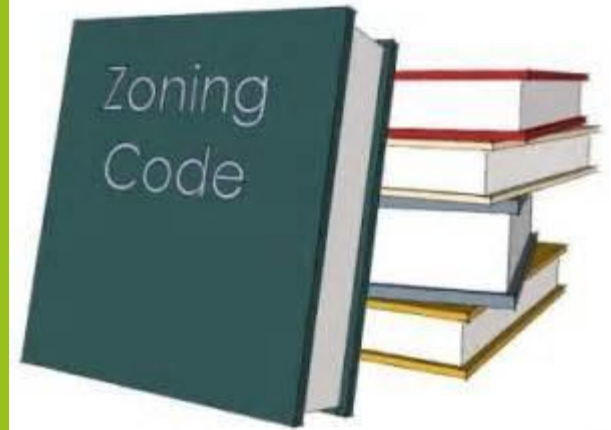
What is Zoning?

- Zoning is an exercise of Police Power
- Zoning is a legislative act
- Zoning defines the use and the development of a property
- Georgia's Zoning Law favors property rights more broadly than other states
- Georgia's Zoning Procedures Law establishes the minimum requirements regarding the zoning process
- Zoning is a tool for Comprehensive Plan implementation



Zoning Procedures Law

- Requires a Zoning Ordinance that meets due process, equal protection and takings consideration
- Requires adoption of procedures, which govern public hearings and the adoption of standards that govern the exercise of zoning power
- Empowers the Director of Community Development to interpret Zoning Ordinance & Conditions



Public Hearing Process



JOHNS CREEK'S ZONING REQUIRES PUBLIC HEARINGS BE HELD BY:

- The Planning Commission; and
- The City Council

IT ALSO REQUIRES REZONING APPLICATIONS BE LEGALLY ADVERTISED BY:

- Posting a sign on the property 20 days prior to first public hearing;
- Publishing a legal ad 15-45 days prior to first public hearing; and
- Mailing letters to nearby property owners 15 days prior to first public hearing

PUBLIC HEARINGS

A PUBLIC HEARING IS REQUIRED FOR:

- A Request for a Rezoning
- A Request for a Special Use Permit (SUP)
- A Request for a variance in conjunction with a Rezoning and/or SUP



A PUBLIC HEARING IS NOT REQUIRED FOR:

- An Administrative Permit
- An Administrative Variance
- An Administrative Minor Variance
- A Minor Variance

Reasons for a Rezoning Request

1. To Change the Zoning District Classification to Permit a Use
2. To Adjust or Change the Existing Zoning Conditions to permit a Use or Condition
3. To Request Variances to the Zoning Requirements to permit a condition
4. To Request a Special Use that is not permitted as a use by right



"I'm sorry, but there's nothing in the zoning regulations covering bad taste."

JOSEPH
FARRIS

Reasons to be used in Reviewing Rezoning

THE STEINBERG ACT

1. Is the use **suitable** in view of nearby properties
2. Are there any **adverse impacts** on nearby properties
3. Is there a **reasonable economic use** as currently zoned
4. Does the use create an **excessive burden** on streets, transportation systems, city facilities, utilities, or schools
5. Does the use **conform with the Comprehensive Plan**
6. Do **existing or changing conditions** affect the use and development of the property



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HOW TO EVALUATE A REZONING REQUEST



- A rezoning request must be considered if it complies with the Zoning Ordinance (conditions and variances are typically added to mitigate impacts), and is in compliance with the Steinberg Act and the Comprehensive Plan,
- or
- If the Reviewing Members seek to deny a rezoning request they must substantiate with evidence the reasons a rezoning request does not comply with the Steinberg Act, the Zoning Code, and/or the Comprehensive Plan

What Is a Special Use Permit ?

- A use, which would not be permitted in a specific zoning district by right (i.e., a church in AG – 1);
or
- An exception to a Zoning Requirement (i.e., permission to exceed the height limitations in a certain zoning district).



Special Use Permit Considerations

- Is the use consistent with the Comprehensive Plan?
- Is the use compatible with existing land uses?
- What are the impacts on existing traffic flow: vehicular and pedestrian?
- Is there adequate parking?
- Is there adequate open space?
- Is protective vegetative screening required?
- Are the hours of operation reasonable?



Variiances

- A Variance grants relief from the Zoning Ordinance &/or decisions & interpretations made by the Director of Community Development
- A Variance may be reviewed with a Rezoning, or with a request for a Special Use Permit
- Stand alone Variance request(s) are reviewed by the Board of Zoning Appeals
- Administrative Variance, Minor Variance, & Administrative Minor Variance request(s) are reviewed by the Director of Community Development



"We were gonna build a tree house, but with the cost, noise issues and zoning concerns, can you just take us to the mall?"

Conditions of Zoning

Conditions of zoning supersede the Zoning Ordinance and/or any other applicable Ordinance, Regulation, or Code.

Conditions of zoning should address “who, what, when, where, how, and why” they have been proposed.

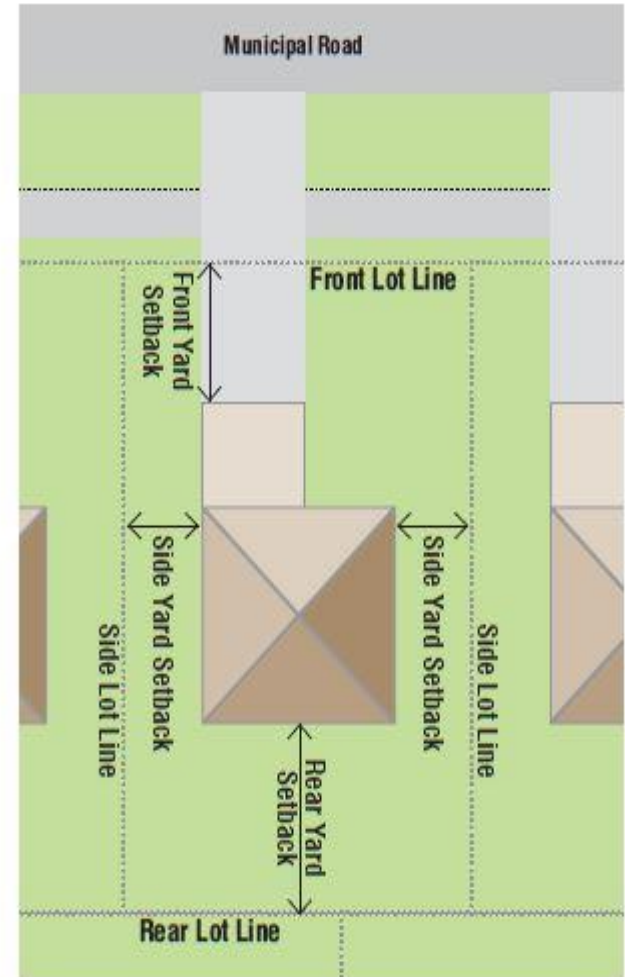


Conditions of zoning should mitigate negative effects of the proposal on adjacent or nearby properties.

Conditions of Zoning

EXAMPLES OF ACCEPTABLE ZONING CONDITIONS:

- The front yard setback shall be a minimum of 20 feet from the Front lot line.
- The rear yard setback shall be a minimum of 30 feet from the rear lot line.



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Conditions of Zoning

EXAMPLES OF UNACCEPTABLE ZONING CONDITIONS:

- *Limiting the use of the property to service commercial, retail and accessory uses. **McDonalds and RaceTrac** gasoline stations are prohibited*

AVOID VAGUE REQUIREMENTS THAT CAN NOT BE MEASURED

- *The owner/developer shall grade the property to the **minimal extent possible**.*
- *The owner/developer **shall come to agreement** with adjoining properties regarding buffering.*




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QUESTIONS?

