



AGENDA
COUNCIL MEETING AND PUBLIC HEARING
4040 S. BERKELEY LAKE RD.
BERKELEY LAKE, GEORGIA 30096
JUNE 15, 2023

7:00 PM Work Session | 8:00 PM Formal Session

Citizens are encouraged to offer comments on issues of concern as agenda items are reached and at the end of the meeting for all other issues. Please limit citizen comments to 2 minutes. Longer citizen comments are welcome in writing and will be added to the official record of this meeting.

WORK SESSION

CALL TO ORDER

AGENDA

PUBLIC HEARING

- a) O-23-248, Proposed Zoning Ordinance Amendments pursuant to H.B. 1405

CONSENT AGENDA

- a) Minutes of May 18, 2023, Council Meeting
- b) Financial Statements of April 2023 – Unaudited

OLD BUSINESS

- a) O-23-247, Proposed Animal Ordinance Amendment
- b) O-23-248, Proposed Zoning Ordinance Amendments pursuant to H.B. 1405

NEW BUSINESS

EXECUTIVE SESSION *(if needed)*

CITIZEN COMMENTS

ADJOURNMENT

Requests for reasonable accommodations required by individuals to fully participate in any open meeting, program, or activity of the City of Berkeley Lake government should be made at least five days prior to the event by contacting the ADA Coordinator at 770-368-9484.



COUNCIL MEETING
4040 SOUTH BERKELEY LAKE ROAD
BERKELEY LAKE, GEORGIA 30096
DRAFT MINUTES
MAY 18, 2023

ATTENDANCE

Mayor: Lois Salter

Council Members: Rodney Hammond, Scott Lee, Chip McDaniel, Bob Smith and Rebecca Spitler

City Officials: Leigh Threadgill - City Administrator, Dick Carothers - City Attorney

Members of the Public: 3

Members of the Press: 0

WORK SESSION

The mayor and council reviewed the meeting agenda and materials with staff.

CALL TO ORDER

Salter called the meeting to order at 8:00 PM. A quorum of council members was in attendance.

AGENDA

Salter solicited motions regarding the agenda.

Hammond made a motion to accept the agenda as submitted. McDaniel seconded the motion. All council members were in favor and the motion passed.

PUBLIC HEARING

- a) Initiation of 2024 Comprehensive Plan Update

Salter introduced Kristin Allin from the Atlanta Regional Commission who briefly outlined the plan update process.

Salter then solicited comments from the public.

There were no comments.

CONSENT AGENDA

Salter noted the following as items on the consent agenda and solicited a motion:

- a) Minutes of April 20, 2023, Council Meeting
- b) Financial Statements of March 2023 – Unaudited
- c) Finance – Authorization to Establish Money Market Account at Ameris Bank for Receipt of 2023 SPLOST Program Funds

Spitler made a motion to approve all items on the consent agenda. Lee seconded the motion. All were in favor and the motion passed.

OLD BUSINESS

- a) O-23-246, Proposed 2022 Budget Amendment

Threadgill: *O-23-246 is a housekeeping measure to identify a final status of expenses and revenues for 2022. Staff requests that the council adopt the 2022 Budget Amendment.*

Smith made a motion to adopt O-23-246, an ordinance to amend the budget for the year 2022, to repeal conflicting ordinances, to provide for an effective date and for other purposes. Hammond seconded the motion. All were in favor and the motion passed.

NEW BUSINESS

- a) O-23-247, Proposed Animal Ordinance Amendment

Threadgill: *O-23-247 amends Chapter 10, Animals, to prohibit keeping livestock in the city. When the city adopted the Gwinnett County Animal Ordinance in 2015, the prior prohibition was inadvertently omitted, and livestock regulations defaulted to those contained in the county's ordinance. To restore the prohibition that had been in place prior to the 2015 amendment, staff prepared this change and requests that council put the ordinance on first read.*

Lee made a motion to place O-23-247, an ordinance to prohibit keeping livestock in the city, to repeal conflicting ordinances, to provide for an effective date and for other purposes on first read. McDaniel seconded the motion.

There was brief discussion regarding the impact of the ordinance amendment on any existing properties that had livestock. Threadgill explained that those properties would be considered non-conforming, grandfathered uses.

All were in favor and the motion passed.

- b) O-23-248, Proposed Zoning Ordinance Amendment pursuant to H.B. 1405

Threadgill: *O-23-248 is a housekeeping measure to amend certain sections of the zoning ordinance to comply with a recently passed state law, House Bill 1405. The changes relate to*

variance notice, appeals procedure, and procedures for certain types of rezonings. Staff is requesting that you place the ordinance on first read and call for a public hearing to be held on June 15, 2023.

Spitler made a motion to place O-23-248, an ordinance to amend various sections of the zoning ordinance pursuant to HB 1405 including changes to variance notice requirements, variance appeals, and certain rezoning procedures, to repeal conflicting ordinances, to provide for an effective date and for other purposes, on first read and to hold a public hearing regarding the amendment on June 15, 2023, at 8:00 PM. Smith seconded the motion. All were in favor and the motion passed.

- c) Public Safety: Ratification of City Marshal Vehicle and associated items of \$51,288.96 purchased with ARPA funds.

Threadgill: The 2015 Ford Explorer marshal's vehicle was recently replaced with a 2022 Ford F-150. Staff requests that council ratify the expenditures of the vehicle and vehicle wrap purchased with ARPA funds.

Hammond made a motion to ratify the expenditures for the marshal vehicle and associated items in the amount of \$51,288.96 purchased with ARPA funds. Lee seconded the motion. All were in favor and the motion passed.

PUBLIC COMMENTS

There were none.

ADJOURNMENT

There being no further business to discuss, McDaniel moved to adjourn. Smith seconded the motion. All were in favor and the motion passed.

Salter adjourned the meeting at 8:16 PM.

Submitted by:

Leigh Threadgill, City Clerk

City of Berkeley Lake

Budget vs. Actuals as of June 8, 2023: 2023 Capital and Operating Budget - FY23 P&L

January - December 2023

| | TOTAL | | | |
|--------------------------------------|------------------|--------------------|----------------------|------------------------|
| | ACTUAL | BUDGET | OVER BUDGET | % OF BUDGET |
| Income | | | | |
| 100 100 General | 354,813 | 1,108,566 | -753,753 | 32.00 % |
| 230.33.2100 ARP Act 230.33.2100 | | 620,348 | -620,348 | |
| 320 320 SPLOST Income | 156,182 | 1,449,093 | -1,292,911 | 11.00 % |
| Non Profit Income | 4 | | 4 | |
| Total Income | \$510,999 | \$3,178,007 | \$ -2,667,008 | 16.00 % |
| GROSS PROFIT | \$510,999 | \$3,178,007 | \$ -2,667,008 | 16.00 % |
| Expenses | | | | |
| 1 Gen Govt | 189,447 | 565,826 | -376,379 | 33.00 % |
| 2 Judicial | 970 | 9,190 | -8,220 | 11.00 % |
| 230 ARP Act Expenses 230 | 161,881 | 620,348 | -458,467 | 26.00 % |
| 3 Public Safety | 42,704 | 170,031 | -127,327 | 25.00 % |
| 4 Public Works | 31,957 | 158,643 | -126,686 | 20.00 % |
| 6 Culture and Recreation | 5,264 | 22,463 | -17,199 | 23.00 % |
| 7 Housing and Development | 5,672 | 125,102 | -119,430 | 5.00 % |
| 9000.61.1100 Xfer Out - Reserve Fund | | 57,315 | -57,315 | |
| SPLOST Expenses | | 1,449,093 | -1,449,093 | |
| Total Expenses | \$437,895 | \$3,178,011 | \$ -2,740,116 | 14.00 % |
| NET OPERATING INCOME | \$73,105 | \$ -4 | \$73,109 | -1,827,619.00 % |
| NET INCOME | \$73,105 | \$ -4 | \$73,109 | -1,827,619.00 % |

City of Berkeley Lake

Income & Expense

April 2023

| | TOTAL |
|---------------------------|---------------------|
| Income | |
| 100 100 General | 49,950.17 |
| 320 320 SPLOST Income | 39,820.26 |
| Non Profit Income | 3.75 |
| Total Income | \$89,774.18 |
| GROSS PROFIT | \$89,774.18 |
| Expenses | |
| 1 Gen Govt | 42,562.24 |
| 2 Judicial | 73.00 |
| 230 ARP Act Expenses 230 | 27,098.50 |
| 3 Public Safety | 11,873.56 |
| 4 Public Works | 8,995.12 |
| 6 Culture and Recreation | 2,769.64 |
| 7 Housing and Development | 1,047.45 |
| Total Expenses | \$94,419.51 |
| NET OPERATING INCOME | \$ -4,645.33 |
| NET INCOME | \$ -4,645.33 |

City of Berkeley Lake

Balance Sheet

As of April 30, 2023

| | TOTAL |
|-----------------------------------|------------------------|
| ASSETS | |
| Current Assets | |
| Bank Accounts | |
| Debt Service Fund | 0.00 |
| General Fund | 4,130,649.97 |
| SPLOST Fund | 1,149,984.80 |
| Suspense 1.11.1000 | 0.00 |
| Total Bank Accounts | \$5,280,634.77 |
| Accounts Receivable | |
| Accounts Rec 1.11.1900.1 | 18,637.59 |
| Total Accounts Receivable | \$18,637.59 |
| Other Current Assets | |
| 1.11.27 Grant Receivable | 0.00 |
| Accounts Rec - SPLOST 1.11.2000 | 77,009.41 |
| AccountsRec-OtherTax1.11.1900.2 | 0.00 |
| Franchise Tax Rec 1.11.1550 | 48,000.00 |
| Interest Receivable 1.11.1400 | 0.00 |
| Prepaid Expense 1.11.3600 | 0.00 |
| Prepaid items 1.11.3800 | 5,286.00 |
| Taxes Receivable 1.11.1600 | 7,026.02 |
| Undeposited Funds 1.11.1114 | 1,760.85 |
| Total Other Current Assets | \$139,082.28 |
| Total Current Assets | \$5,438,354.64 |
| Fixed Assets | |
| Building & Improvements 1.11.7400 | 1,770,036.08 |
| Computer Equipment 1.11.6700 | 48,172.61 |
| Furniture & Fixtures 8.11.7700 | 71,493.47 |
| Land 8.11.7100 | 9,392,320.74 |
| Machinery & Equipment 1.11.6500 | 121,737.28 |
| Total Fixed Assets | \$11,403,760.18 |
| Other Assets | |
| Accum amort - bond cost | 0.00 |
| Amt avail 4 debt svc 9.11.9100 | 0.00 |
| Bond issuance cost | 0.00 |
| Loan Receivable - Facilities | 0.00 |
| Loan Receivable - Paving | 0.00 |
| To be prov 4 debt 1.11.7500 | 0.00 |
| Total Other Assets | \$0.00 |
| TOTAL ASSETS | \$16,842,114.82 |
| LIABILITIES AND EQUITY | |
| Liabilities | |
| Current Liabilities | |

City of Berkeley Lake

Balance Sheet As of April 30, 2023

| | TOTAL |
|--|--------------------|
| Accounts Payable | |
| Accounts Payable 1.12.1100 | 17,458.08 |
| Operating AP | 0.00 |
| SPL2005 Admin Facil- City H-AP* | 0.00 |
| SPLOST account - Suntrust-AP* | 0.00 |
| Total Accounts Payable | \$17,458.08 |
| Credit Cards | |
| BOZEMAN, MARTY (0241) | 94.66 |
| Hiller Credit Card (4916) | 42.42 |
| Hunter Credit Card (8185) | 590.39 |
| Threadgill Credit Card (3322) | 0.00 |
| Wilhite Credit Card (1132) | 0.00 |
| Total Credit Cards | \$727.47 |
| Other Current Liabilities | |
| *Sales Tax Payable | 0.00 |
| 1.12.28 Bonds payable - current | 0.00 |
| Accounts Payable Accruals-L* | 0.00 |
| Accounts payable-L 1.12.1100.2 | 0.00 |
| Accrued Expenses 1.12.1150 | 0.00 |
| Accrued Interest Payable | 0.00 |
| Accrued Salaries 1.12.1200 | 0.00 |
| Accrued SPLOST Expenses 2.12.1250 | 0.00 |
| Deferred revenue 1.12.2500 | 7,273.29 |
| Direct Deposit Payable | -0.01 |
| MyGov | 0.00 |
| Payroll Liabilities | 66.10 |
| PR Tax Payable - Fed 1.12.1300 | 0.00 |
| PR Tax Payable - State 1.12.1310 | 0.00 |
| PTO Accrual | 12,433.22 |
| Regulatory Fees Payable | 4,826.69 |
| Retainage Payable | 0.00 |
| Total Other Current Liabilities | \$24,599.29 |
| Total Current Liabilities | \$42,784.84 |
| Long-Term Liabilities | |
| Gen Oblig Bond Payable 1.12.3000 | 0.00 |
| GOB Payable - 2009 1.12.3000.2 | 0.00 |
| GOB Payable - 2011 1.12.3000.3 | 0.00 |
| GOB Payable - 2012 1.12.3000.4 | 0.00 |
| SPLOST Loan Payable - Paving | 0.00 |
| SPLOST Loan Payable Facilities | 0.00 |
| Total Long-Term Liabilities | \$0.00 |
| Total Liabilities | \$42,784.84 |
| Equity | |

City of Berkeley Lake

Balance Sheet

As of April 30, 2023

| | TOTAL |
|-------------------------------------|------------------------|
| Fund Bal Unrsvd 1.13.4220 | 3,631,087.17 |
| Investmt in fixedassets 1.13.4K | 11,275,940.89 |
| Opening Bal Equity | 0.00 |
| Reserve for prepaids 1.13.4125 | 5,286.00 |
| Reserved for Debt Service | 0.00 |
| Restricted for Debt Svc 1.13.4105 | 0.00 |
| Restricted4CapitalProj 1.13.4155 | 1,640,547.60 |
| Retained Earnings 1.13.3000 | 42,563.84 |
| Net Income | 203,904.48 |
| Total Equity | \$16,799,329.98 |
| TOTAL LIABILITIES AND EQUITY | \$16,842,114.82 |

ORDINANCE NO. 23-247

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BERKELEY LAKE TO AMEND CHAPTER 10, "ANIMALS," TO ADOPT REGULATIONS PERTAINING TO LIVESTOCK; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

SECTION I.

IT IS HEREBY ORDAINED, by the governing authority of the City of Berkeley Lake that Chapter 10 of the Code of Ordinances, entitled "Animals," shall be amended as follows:

- a. Subsection 10-1(a) shall be amended by deleting the title and text thereof in its entirety and inserting in lieu thereof the following:
 - (a) The city hereby adopts the animal control ordinance of Gwinnett County in effect on the date of this article, and any subsequent revisions thereto, exclusive of Sec.10-10, Livestock. A copy of the county ordinance is attached hereto and incorporated by reference.
 - b. There shall be a new Section 10-4 that shall read as follows:

Sec. 10-4. Livestock

- (a) Definition. Livestock means and includes horses, cows, goats, pigs, or any other hoofed animal used for pleasure or profit. Fowl and rabbits are expressly included within this definition.
- (b) Prohibition. Livestock raising or keeping shall not be permitted within the City of Berkeley Lake.
- (c) Enforcement. This section shall be enforced by the ordinance enforcement officer. Citizen complaints shall be directed in writing.
- ~~(a)~~(d) Penalties. For the first violation of the provisions of this section, the ordinance enforcement officer shall issue a written warning to the violator ordering him or her to re-home the livestock. For a second and each subsequent violation of the provisions of this section, the violator shall be issued a citation to appear in municipal court and shall be subject to a fine not to exceed \$1,000.00. Each day a violation occurs shall constitute a separate offense.

SECTION 2:

Should any article, section, subsection, paragraph, clause, phrase or provision of this ordinance be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

SECTION 3:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4.

This ordinance shall be effective upon adoption.

Passed and adopted by the Mayor and Council on this _____ day of _____ 2023.

LOIS D. SALTER
Mayor

ATTEST:

LEIGH THREADGILL
City Clerk

1st Reading: May 18, 2023
2nd Reading: June 15, 2023
Council Adoption: June 15, 2023

ORDINANCE NO. 23-248

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BERKELEY LAKE TO AMEND CHAPTER 78. “ZONING,” TO COMPLY WITH STATE LAW; TO ADOPT DEFINITIONS; TO PROVIDE NOTICE; TO PROVIDE FOR APPEALS; TO PROVIDE PROCEDURE FOR HEARING SPECIAL EXCEPTIONS, VARIANCES AND OTHER APPEALS; TO PROVIDE FOR CONCURRENT VARIANCES; TO PROVIDE FOR PROCEDURES FOR HEARINGS; TO PROVIDE FOR PROCEDURES AND NOTICE FOR CERTAIN REZONINGS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

SECTION I.

IT IS HEREBY ORDAINED, by the governing authority of the City of Berkeley Lake that Chapter 78 of the Code of Ordinances, entitled “Zoning,” shall be amended as follows:

- a. Subsection 78-366(b) shall be amended by deleting the title and text thereof in its entirety and inserting in lieu thereof the following:
 - (b) *Required notification.* Before the planning and zoning commission acts upon an application for a variance:
 - (1) The notice of the time and place of the hearing shall be published at least 30 days and not more than 45 days prior to the hearing in the official organ of the county in which the sheriff's advertisements are published.
 - (2) The chair of the planning and zoning commission shall ensure that a sign is erected in a conspicuous place on the property involved, which shall contain information as to the variance applied for and the time and place of the hearing. This required sign shall be erected at least 15 days and not more than 45 days prior to the hearing. Failure to erect and maintain the sign as specified shall invalidate any subsequent determination by the planning and zoning commission.
 - (3) Written notice must be sent via first class mail to the subject property owner at least 30 days before the public hearing to be held by the planning commission. Written notices must indicate the nature of the proposed use or activity and the date, time, place and purpose of the public hearing.

- b. Section 78-369 shall be amended by deleting the title and text thereof in its entirety and inserting the in lieu thereof the following:

78-369. Appeals to the planning and zoning commission.

- (a) In cases of ordinance interpretations, planning and zoning commission chair decisions, enforcement officer or building inspector rulings, appeals to the planning and zoning commission may be made by any person aggrieved or by any official of the city affected by any decision of the ordinance enforcement, building inspector, or the planning and zoning commission chair. Such appeal shall be taken within 30 days by filing with the ordinance enforcement officer, building inspector or the planning and zoning commission chair, depending from which body's decisions the appeal is made, and with the City Clerk a notice of appeal specifying the grounds thereof. The ordinance enforcement officer, building inspector or the planning and zoning commission chair shall promptly transmit to the planning and zoning commission all the papers constituting the record upon which the action appealed from was taken. An appeal stays all legal proceedings in furtherance of the action appealed from unless the ordinance enforcement officer, building inspector or the planning and zoning commission chair certifies that, by reason of facts stated in the certificate, a stay would, in their opinion, cause immediate peril to life and property. In such case, proceedings shall not be stayed otherwise than by the planning and zoning commission or by restraining order that may be granted by the superior court of the county.
- (b) Before the planning and zoning commission may act upon an appeal to review any grant or denial of a permit, interpretation, ruling or decision:
- (1) A public hearing shall be held thereon. A notice of the time and place of the public hearing shall be published at least 15 days and not more than 45 days prior to the hearing in the official organ of the county in which the sheriff's advertisements are published.
 - (2) The applicant for a special exception, variance or appeal shall erect in a conspicuous place on the property involved, a sign which shall contain information as to the special exception applied for or the ruling being appealed and the time and place of the hearing. This required sign shall be erected at least 15 days and not more than 45 days prior to the hearing. Failure to erect and maintain the sign as specified above shall invalidate any subsequent determination by the mayor and council.
 - (3) Written notice must be sent via first class mail to the subject property owner at least 30 days before the public hearing to be held by the planning and zoning commission. Written notices must indicate the nature of the proposed use or activity and the date, time, place and purpose of the public hearing.

- c. Section 78-370 shall be amended by deleting the text thereof in its entirety and inserting the in lieu thereof the following:

The planning and zoning commission shall hear and decide requests for special exceptions to this chapter upon which the planning and zoning commission are required to pass.

- d. Section 78-371 shall be amended by deleting the title and text thereof in its entirety and inserting the in lieu thereof the following:

78-371. Procedure before the planning and zoning commission under this article.

- (a) Meetings of the planning and zoning commission shall be at the call of the chair, and at such other times as the members of the planning and zoning commission may determine. The chair, or, in his absence, the vice chair, may administer oaths and compel the attendance of witnesses by subpoena. The planning and zoning commission shall keep minutes of its proceedings, showing the vote of each member on each question, or, if absent or failing to vote, indicating that fact.
- (b) The planning and zoning commission shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the city clerk and shall be a public record. The minutes required hereunder shall be kept separate from the minutes of the regular council meetings.
- (c) The planning and zoning commission shall establish rules of procedure for conducting hearings. Each side in any public hearing before the planning and zoning commission shall be allowed no less than 10 minutes per side to speak.

- e. Section 78-372 shall be amended by deleting the title and text thereof in its entirety and inserting the in lieu thereof the following:

78-372. Reapplication to planning and zoning commission.

If an application for a special exception is denied by the planning and zoning commission, or an application for a variance is denied, a reapplication for such special exception or variance may not be made earlier than 12 months from the date of the original application.

- f. Section 78-373 shall be amended by deleting the title and text thereof in its entirety and inserting the in lieu thereof the following:

78-373. Appeals from decisions of planning and zoning commission.

Any person or entity with an interest in the decision may seek review of such decision by petitioning the Gwinnett County Superior Court for a review, setting forth the alleged errors. The petition for review must be filed within 30 days of the date that the planning and zoning commission renders its final decision. When a petition for review is filed, the planning and zoning commission must be designated the respondent in the petition for review and the city the defendant in the petition for review. The secretary of the planning and zoning commission is authorized to approve or issue any form or certificate necessary to perfect the petition and to acknowledge service of a copy of the petition and writ on behalf of the planning and zoning commission, as respondent. Service upon the city as defendant may be upon the City Administrator or as otherwise provided by law.

- g. Section 78-392 shall be amended as follows:

Subsection 78-392(b) shall be amended by inserting after “15 days” the phrase “and not more than 45 days.”

Subsection 78-392(e) shall be amended by inserting after “15 days” the phrase “and not more than 45 days.”

There shall be a new Subsection 78-392(f) that shall read as follows:

- (f) In enacting an amendment to the zoning map and zoning ordinance for a particular property or properties, the mayor and council may consider any variances or conditions offered or sought in conjunction with that amendment without those variances or conditions being separately considered or approved by the planning and zoning commission. Nothing in this section shall preclude the planning and zoning commission from recommending variances or conditions in conjunction with an amendment. If there is an appeal related to any such amendment, variances or conditions offered or sought in conjunction with that amendment, shall be included as part of that appeal.

- h. Section 78-395 shall be amended as follows:

There shall be a new Subsection 78-395(a) that shall read as follows:

- (a) *Required notification.* Before the mayor and council acts upon an application:

- (1) The notice of the time and place of the hearing shall be published at least 15 days and not more than 45 days prior to the hearing in the official organ of the county in which the sheriff's advertisements are published.
- (2) The City Administrator shall ensure that a sign is erected in a conspicuous place on the property involved, which shall contain summary information as to the application and the time and place of the hearing. This required sign shall be erected at least 15 days and not more than 45 days prior to the hearing. Failure to erect and maintain the sign as specified shall invalidate any subsequent determination by the planning and zoning commission.

The currently designated Subsections 78-395(a), (b), (c), and (d) shall be redesignated respectively 78-395(b), (c), (d) and (e).

Newly redesignated Subsection 78-395(b) shall be amended by striking from the final sentence "78-367" and inserting in lieu thereof "78-394."

- i. There shall be a new Section 78-400 that shall read as follows:

Sec. 78-400. Special Provisions for City-Initiated Amendments for Applicable Zoning Decisions

(a) *Applicability.*

The provisions of this section shall apply to any amendments, initiated by the City of Berkeley Lake, that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of the City of Berkeley Lake or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of the City of Berkeley Lake to multifamily residential uses of property. This section shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.

(b) *Public Hearings.*

Prior to the City council decision, at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the date of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph shall be in addition to the hearing required in Section 27-334.

(c) *Public Hearing Notices.*

(1) *Content of the Public Hearing Notices.*

Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the local government and in the office of the clerk of the superior court of the county of the legal situs of the local government for the purpose of examination and inspection by the public. The local government shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.

(2) *Published notice.* At least 15 days before but not more than 45 days before the date of the public hearing, notice of the public hearing must be published in a newspaper of general circulation in the city. This required notice must indicate the date, time, place and purpose of the public hearing.

(3) *Written (mailed) notice.* Written notice is required for all proposed amendments initiated by the city. The city administrator is responsible for sending written notice via first class mail to all property owners within 500 feet of the boundaries of the subject property (or properties), as those property owners are listed on the tax records of the city. The notices must be mailed at least 15 days but not more than 45 days before the date of the public hearing. Written notices must indicate the nature of the proposed amendment and the date, time, place and purpose of the public hearing.

(4) *Posted notice.* A public hearing notice sign must be placed in a conspicuous location on the subject property (or properties), provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area, at least 15 days before the date of the public hearing. This notice sign must indicate the date, time, place and purpose of the public hearing.

(ci) *City Council Decision.*

The amendment decision shall be adopted at two regular meetings of the City council, during a period of not less than 21 days apart.

SECTION 2:

Should any article, section, subsection, paragraph, clause, phrase or provision of this ordinance be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

SECTION 3:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4.

This ordinance shall be effective upon adoption.

Passed and adopted by the Mayor and Council on this _____ day of _____ 2023.

LOIS D. SALTER
Mayor

ATTEST:

LEIGH THREADGILL
City Clerk

1st Reading: May 18, 2023

Planning Commission
Consideration: June 13, 2023

2nd Reading: June 15, 2023

Council Adoption: June 15, 2023