

AMENDMENT(S):

AMD-2022-002

Exhibit 'A'

Amend the Zoning Ordinance Article XVIII Administration, Enforcement, Penalties, and Remedies by adding Section 1808 Appeal of Zoning Decision and Section 1809 Appeal from Zoning Board of Appeals as noted below:

SECTION 1808. Appeal of Zoning Decision

Zoning decisions, being legislative in nature, shall be subject to direct constitutionality and validity of maintaining the existing zoning on the subject property or imposing conditions or an interim zoning category other than what was requested in the superior court pursuant to its original jurisdiction over declaratory judgments pursuant to Chapter 4 of Title 9 and equity jurisdiction under Title 23. Such challenges shall be by way of a de novo review by the superior court wherein new evidence may be adduced.

SECTION 1809. Appeal from Zoning Board of Appeals

Any person aggrieved by a final decision of the Zoning Board of Appeals, or any officer, department, or agency of the City affected by such decision, may appeal the decision by writ of certiorari to the Superior Court of Gwinnett County. The appeal must be filed within 30 days after decision of the Zoning Board of Appeals is rendered. Such matters shall be reviewed on the record. The City Clerk shall have the authority, without additional board action, to approve and issue the bond and certificate of costs described in O.C.G.A. §5-45 and to accept service of such petition on behalf of the members of the Board in their official capacities as respondents during normal business hours at the City's administrative offices. The City Attorney shall have authority to accept service and upon whom service of an appeal of a quasi-judicial decision may be effected or accepted on behalf of the Mayor and Council during normal business hours at the City's administrative offices.

In the event an appeal of a quasi-judicial decision is initiated by an opponent of the applicant, the applicant shall be a necessary party as an additional defendant in the appeal and shall be served in accordance with O.C.G.A. 5-4-6(b) or O.C.G.A 9-11-4 as appropriate.