



LAWRENCEVILLE

GEORGIA

CITY COUNCIL WORK SESSION AGENDA

Wednesday, May 10, 2023
5:00 PM

Council Assembly Room
70 S. Clayton St, GA 30046

Call to Order

Prayer

Pledge of Allegiance

Agenda Additions / Deletions

Discussion of General City Business

There is no public comment during this section of the agenda unless formally requested by the Mayor and the Council.

- [1.](#) RZC2023-00046; West Crogan Capital; 439 West Crogan Street
- [2.](#) An Ordinance to Amend the Zoning Ordinance, Article 9, Administration and Enforcement
- [3.](#) Resolution of the City of Lawrenceville in support of the application for a Land & Water Conservation Fund Grant through The Georgia Department of Natural Resources
- [4.](#) Multi-Family Inspection Ordinance
- [5.](#) Discussion of City Millage
- [6.](#) Authorization to sign signature cards and approval of resolution for 2023 SPLOST Bank Account

Executive Session - Personnel, Litigation, Real Estate

Final Adjournment



LAWRENCEVILLE

GEORGIA

AGENDA REPORT
MEETING: CITY COUNCIL WORK SESSION
AGENDA CATEGORY: NEW BUSINESS

Item: RZC2023-00046; West Crogan Capital; 439 West Crogan Street

Department: Planning and Development

Date of Meeting: Wednesday, May 10, 2023

Applicant Request: Rezone property from OI (Office Institutional District) to BG (General Business District)

Presented By: Todd Hargrave, Planning and Development Director

Department Recommendation: **Denial**

Planning Commission Recommendation: **Denial**

Summary: The applicant requests the rezoning of an approximately 0.46-acre parcel at 439 West Crogan Street from OI (Office Institutional District) to BG (General Business District). The subject property is located along the northwestern intersection of West Crogan Street (a.k.a. U.S. Highway 29) and Pine Tree Drive. The parcel is currently developed as a two story, 3,484 square foot law office and the applicant intends to add an Electronic Messaging Center (EMC) sign to the existing monument sign on the West Crogan Street frontage.

Attachments/Exhibits:

- RZC2023-00046_Report
- RZC2023-00046_Application
- RZC2023-00046_Letter of Intent
- RZC2023-00046_Legal Description
- RZC2023-00046_Survey
- RZC2023-00046_Aerial Map – 1:2,750
- RZC2023-00046_Aerial Map – 1:5,500

- **RZC2023-00046_ Character Areas Map – 1:2,750**
- **RZC2023-00046_ Character Areas Map – 1:5,500**
- **RZC2023-00046_ DDA Map – 1:2,750**
- **RZC2023-00046_ DDA Map – 1:5,500**
- **RZC2023-00046_ Zoning Map – 1:2,750**
- **RZC2023-00046_ Zoning Map – 1:5,500**



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1.

Planning & Development

CASE NUMBER: RZC2023-00046

APPLICANT: ERIC CRAWFORD

OWNER(S): WEST CROGAN CAPITAL LLC

CONTACT: ERIC CRAWFORD – 678.680.5000

LOCATION(S): 439 WEST CROGAN STREET

PARCEL ID(S): R5143 162

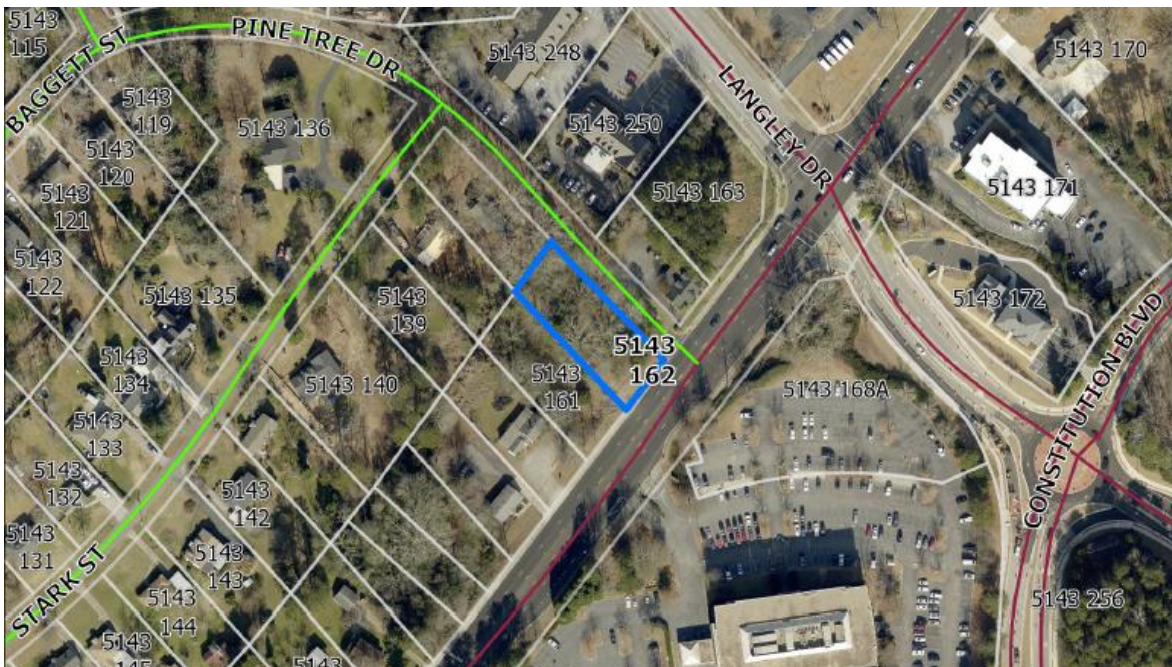
APPROXIMATE ACREAGE: 0.46

ZONING PROPOSAL: OI (OFFICE INSTITUTIONAL DISTRICT) TO BG
(GENERAL BUSINESS DISTRICT)

PROPOSED DEVELOPMENT: LAW OFFICE WITH AN ELECTRONIC MESSAGING
CENTER (EMC) SIGN

DEPARTMENT RECOMMENDATION: **DENIAL**

VICINITY MAP





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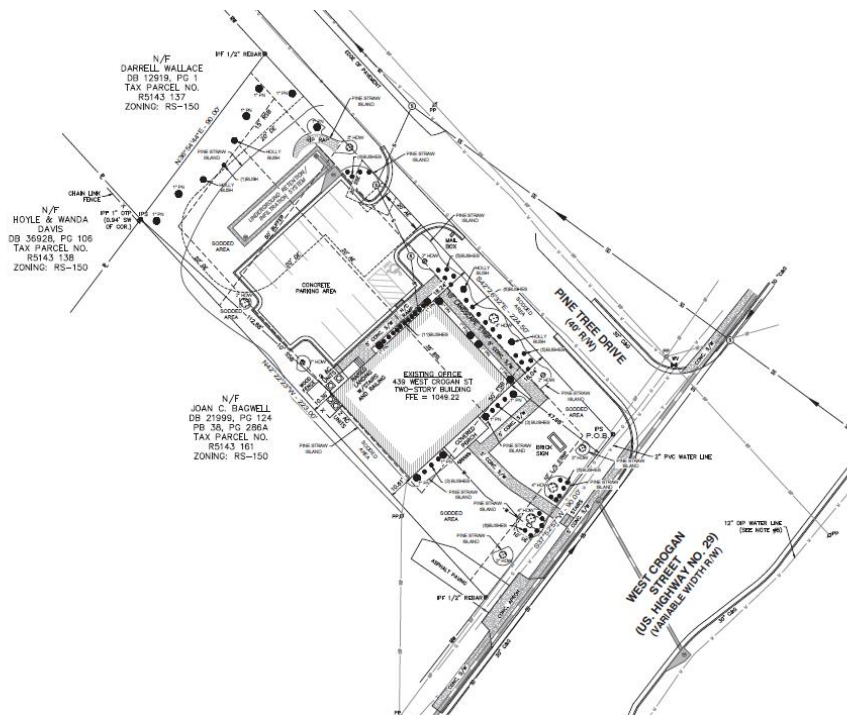
ZONING HISTORY

The subject property has been zoned OI (Office Institutional District) since 1960.

PROJECT SUMMARY

The applicant requests the rezoning of an approximately 0.46-acre parcel at 439 West Crogan Street from OI (Office Institutional District) to BG (General Business District). The subject property is located along the northwestern intersection of West Crogan Street (a.k.a. U.S. Highway 29) and Pine Tree Drive. The parcel is currently developed as a two story, 3,484 square foot law office and the applicant intends to add an Electronic Messaging Center (EMC) sign to the existing monument sign on the West Crogan Street frontage.

LAND SURVEY



ZONING AND DEVELOPMENT STANDARDS

The existing law office and monument sign conform to the standards of the 2020 Lawrenceville Zoning Ordinance, as both were permitted and constructed within the last year and passed all applicable inspections. The applicant has proposed to



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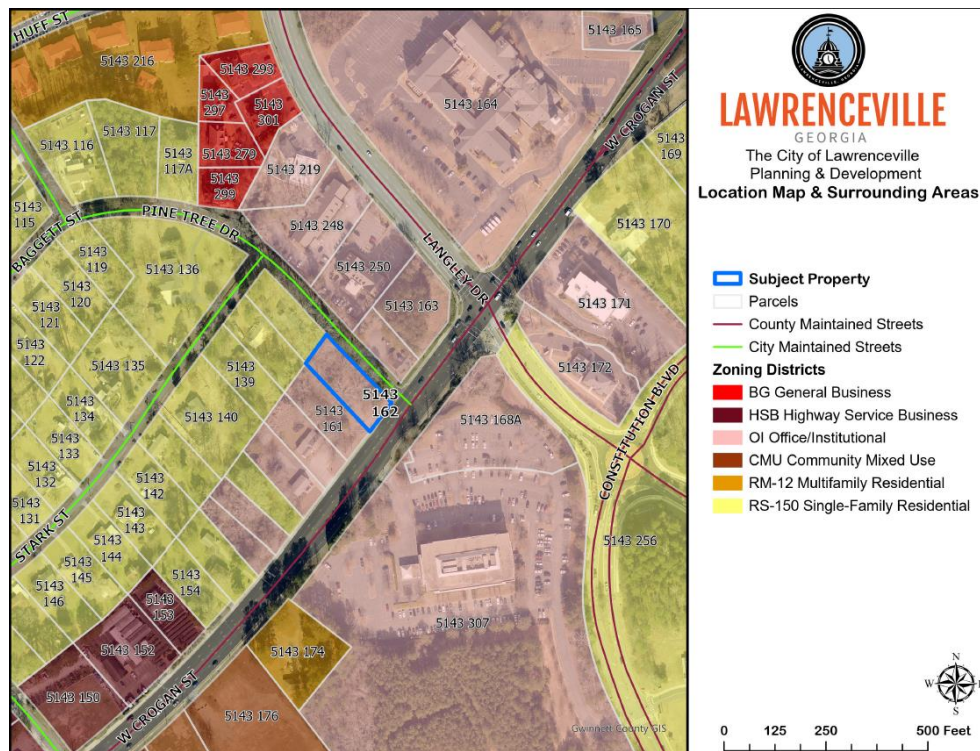
1.

add an Electronic Messaging Center (EMC) panel to the existing ground sign, but such a use is only allowed in BG (General Business District) and HSB (Highway Service Business District) zones.

SURROUNDING ZONING AND USE

The surrounding area is composed of a mixture of commercial offices and single-family dwellings. The adjacent parcels along West Crogan Street are all zoned OI (Office Institutional District). The parcels immediately across the street are also zoned OI; this includes the Gwinnett County Planning and Development offices at 446 West Crogan Street. The parcels behind the subject property (along Stark Street) are zoned RS-150 and are occupied by single family dwellings; the requisite fifty (50) foot commercial buffer is already in place between the subject property and these residential parcels. There are no other BG (General Business District) parcels in the immediate area, however; approval of this proposal would be an instance of spot zoning and would be inconsistent with existing zoning patterns.

CITY OF LAWRENCEVILLE OFFICIAL ZONING MAP





LAWRENCEVILLE

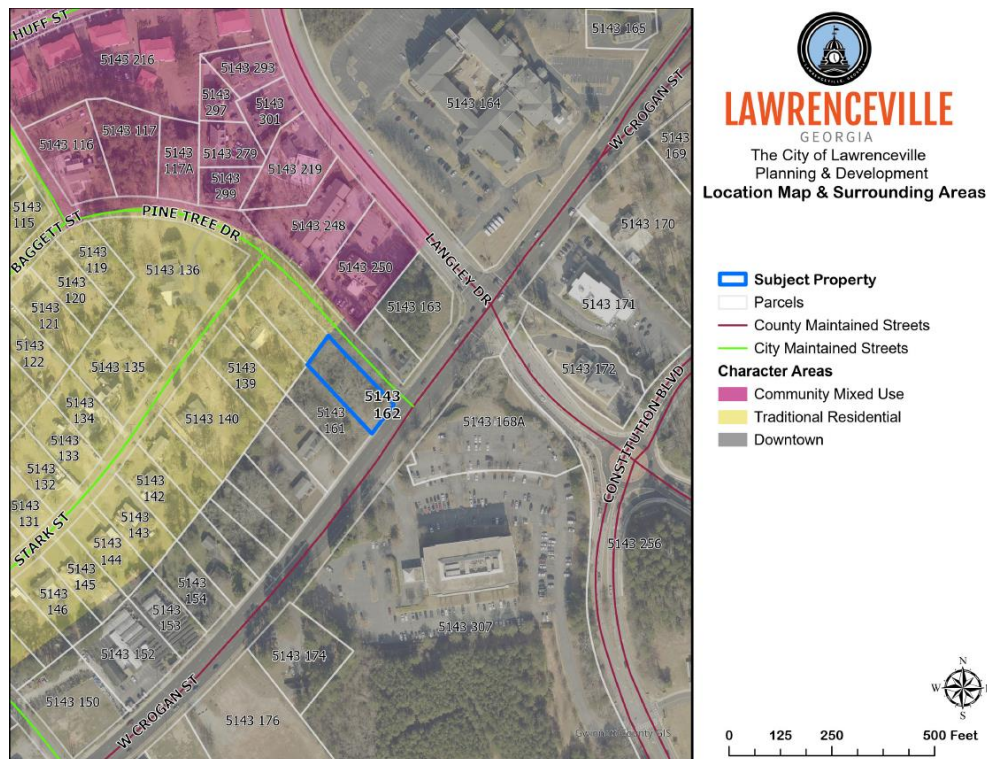
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2040 COMPREHENSIVE PLAN

The City of Lawrenceville 2040 Comprehensive Plan and Future Development Map indicate the subject property is located within the Downtown Character Area. Downtown is the heart of Lawrenceville, both in terms of its location and level of activity. It is the highest-intensity district in terms of its density and mixture of uses, particularly because of its mix of businesses and single-family uses. This Character Area supports a live-work-play lifestyle, with a variety of housing, employment, and entertainment options. As proposed, the request could be consistent with the intent of the 2040 Comprehensive Plan.

LAWRENCEVILLE 2040 COMPREHENSIVE PLAN – FUTURE LAND USE PLAN MAP



STAFF RECOMMENDATION

In conclusion, while the proposal is consistent with the established variety of land uses found in the greater Downtown Lawrenceville area — that is, a fine-grained mixture of single-family residential development, higher density multifamily



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residential dwellings, and pedestrian-friendly retail and office space — approval of the rezoning would be inconsistent with existing zoning in the immediate area. That is, approval of the proposal would be a tacit endorsement of spot zoning practices. Furthermore, even if the rezoning does proceed as proposed, an EMC sign would not be permitted at the subject property. According to the 2020 Zoning Ordinance, EMC signs are only permitted along certain street frontages in the City, of which this section of West Crogan Street is not included. As such, the Planning and Development Department recommends **DENIAL** of the request.



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CITY OF LAWRENCEVILLE DEPARTMENT COMMENTS:

ENGINEERING DEPARTMENT

No comment

PUBLIC WORKS

No comment

ELECTRIC DEPARTMENT

No comment

GAS DEPARTMENT

No comment

DAMAGE PREVENTION DEPARTMENT

No comment

CODE ENFORCEMENT

No comment

STREET AND SANITATION DEPARTMENT

No comment



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STATE CODE 36-67-3 (FMR.) REVIEW STANDARDS:

- 1. Whether a zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;**

As proposed, the plan would be suitable in view of the use and development in the immediate area along West Crogan Street and the greater Downtown Lawrenceville area.

- 2. Whether a zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;**

No; the subject property is already active as a law office, which is consistent with neighboring businesses along West Crogan Street. The rezoning as proposed is intended to allow the business to operate an Electronic Messaging Center (EMC) on their existing monument sign.

- 3. Whether the property to be affected by a zoning proposal has a reasonable economic use as currently zoned;**

The property has reasonable economic use as currently zoned.

- 4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;**

The rezoning proposal will not induce additional demand on public facilities in the form of traffic, utilities, school system, and stormwater runoff.

- 5. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan;**

Policies of the City are intended to benefit or enhance the quality of life for existing and potential members of the public choosing to reside within the city limits. The Downtown character area is district composed of a wide variety of uses at differing levels of intensity, so this rezoning conforms with the long-range plan.



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- 6. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal;**

The 2020 City of Lawrenceville Zoning Ordinance limits where Electronic Messaging Center (EMC) signs can be located; the subject property is not located within one of these permitted areas. Furthermore, the proposal would not be suitable with the existing zoning of the immediate area along West Crogan Street, which is composed predominantly of OI and RS-150 parcels. Approval of the proposal would promote spot zoning in the area.



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REZONING APPLICATION

The application and all required documents must be complete and fees must be paid or the application will not be accepted.

Documents, exhibits and fees required at the time of application submittal:

1. Application Form (signed and notarized)
2. Disclosure of Campaign Contributions Form
3. Letter of Intent describing the proposed zoning change and development
4. Typed, metes and bounds Legal Description
5. Boundary survey (sealed by a Registered Land Surveyor) *7 Accut e 6004*
6. Property tax verification
7. Site Plan/Rezoning Exhibit: *7 Accut e 6004*
 - a. Prepared by a Registered Land Surveyor, Professional Engineer or Landscape Architect
 - b. One full size paper copy drawn to scale of 1"= 50' or greater
 - c. Electronic File (external hard drive)
 - d. Show property line data (metes and bounds) as well as existing infrastructure and existing site conditions, including:
 - i. Existing structures
 - ii. Full width of existing streets and intersecting streets
 - iii. Streams, stream buffers and impervious setbacks
 - iv. Flood hazard zones (reference source of data)
 - v. A vicinity map
 - e. Show proposed improvements, including:
 - i. Proposed buildings, setbacks, buffers and required screening
 - ii. Proposed streets, ingress/egress, driveways, sidewalks and parking
8. Application Fee
 - a. Payment may be made in cash, check or credit card (Visa, MasterCard). Please make checks payable to the City of Lawrenceville. One check is preferred.



LAWRENCEVILLE

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REZONING APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>West Crogan Capital, LLC</u>	NAME: <u>West Crogan Capital, LLC</u>
ADDRESS: <u>306 S. Hammond Dr.</u>	ADDRESS: <u>306 S. Hammond Dr.</u>
CITY: <u>Monroe</u>	CITY: <u>Monroe</u>
STATE: <u>GA</u> ZIP: <u>30655</u>	STATE: <u>GA</u> ZIP: <u>30655</u>
CONTACT PERSON: <u>Eric C. Crawford</u> PHONE: <u>(678) 680-5000</u>	
* If multiple property owners, each owner must file an application form or attach a list, however only one fee. Multiple projects with one owner, must file separate applications, with separate fees.	
PRESENT ZONING DISTRICT(S): <u>OI</u> REQUESTED ZONING DISTRICT: <u>BG</u>	
PARCEL NUMBER(S): <u>R5143 162</u> ACREAGE: <u>0.46</u>	
ADDRESS OF PROPERTY: <u>439 W. Crogan St., Lawrenceville, GA 30046</u>	

SIGNATURE OF APPLICANT

DATE

Eric C. Crawford

TYPED OR PRINTED NAME

SIGNATURE OF OWNER

DATE

Eric C. Crawford

TYPED OR PRINTED NAME

NOTARY PUBLIC

DATE



NOTARY PUBLIC

DATE



70 S Clayton St • PO Box 2200 • Lawrenceville, Georgia 30046-2200
 770.963.2814 • www.lawrencevillega.org



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DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to the Mayor of the City of Lawrenceville, a member of the City Council, or to a member of the Planning Commission of the City of Lawrenceville? N Y/N

If the answer is yes, please complete the following section:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or more)	DATE CONTRIBUTION WAS MADE (Within last two years)

Have you, within the two years immediately preceding the filing of this application, made gifts having in the aggregate a value of \$250.00 or more to the Mayor of the City of Lawrenceville, a member of the City Council, or to a member of the Planning Commission of the City of Lawrenceville? N Y/N

If the answer is yes, please complete the following section:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or more)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions/gifts.



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1.

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL CITY OF LAWRENCEVILLE PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE SPECIAL USE PERMIT REQUEST.

PARCEL I.D. NUMBER: R 5143 162
(Map Reference Number) District Land Lot Parcel

Signature of Applicant

Date

Eric C. Crawford, Managing Partner, West Crogan Capital, LLC

Type or Print Name and Title

PLEASE TAKE THIS FORM TO THE TAX COMMISSIONER'S OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.

TAX COMMISSIONER'S USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Chris Nelson

NAME

Tax Services Associate

TITLE

March 2, 2023

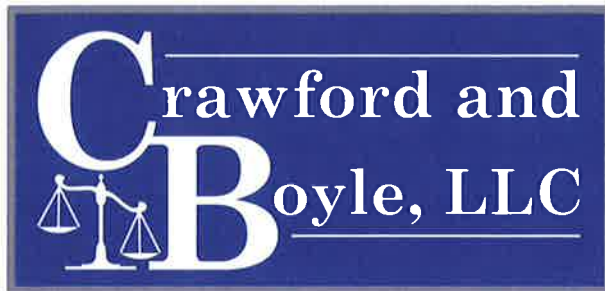
DATE

Main Office

306 S. Hammond Drive
Post Office Box 765
Monroe, Georgia 30655

(678) 951-8821 [phone]
(678) 244-3666 [fax]

www.crawfordboyle.com

**Satellite Offices**
(by appointment only)

189 W. Pike St. 1.
Suite 107
Lawrenceville, GA 30046

337 S. Milledge Avenue
Suite 220
Athens, GA 30605

LETTER OF INTENT**Application for Rezoning****City of Lawrenceville, Georgia**

West Crogan Capital, LLC (the “Applicant/Owner”) requests a rezoning of the approximately 0.46 acres located at 439 W. Crogan Street (Parcel Identification Number R5143 162) (the “Property” from the OI Office Institutional District zone to the BG General Business District zone for the ultimate purpose of installing an Electronic Messaging Center (EMC) sign.

The overall property was a wooded lot on which an office for a law firm is being built. Prior to construction, the lot appears to have been used by Central Gwinnett High Schoolers as a meeting place (due to the trash located in the center of the lot including beer cans and condoms). Now, it is a nicely landscaped, well-manicured, presentable office and lot.

There is minimal difference between the OI and BG zones, and the building and parking lot on the subject property complies with the lot development standards of both OI and BG. As there is a business beside the subject property (a State Farm agency) and government offices across the street, this rezone request will not adversely impact the character of this area. Additionally, because the office on this location has already been constructed, there will be no change in the footprint or the use of the property.

Furthermore, this request is in-line with the policies and objectives of the comprehensive plan. The change in zoning designation will not increase traffic in the area, will not affect storm drainage, will not negatively impact land values, and using the land for a professional law office would fall into the “wide range of retail and service establishments” covered by the BG zoning.

Because this small change in zoning from OI to BG will have minimal to no impact on the surrounding properties, and because this request is consistent with the factors the City is to consider when mulling a zoning change request, the Applicant respectfully asks the City of Lawrenceville to approve the rezoning as requested.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Eric C. Crawford', is written over the typed name.

Eric C. Crawford
Manager, West Crogan Capital, LLC
Managing Partner, Crawford and Boyle, LLC

METES AND BOUNDS LEGAL DESCRIPTION**439 W. CROGAN STREET**

All that tract or parcel of lying and being in the City of Lawrenceville in Land Lot 143 of the 5th District of Gwinnett County Georgia and being more particularly described as follows.

Beginning at a 5/8 rebar set at the intersection of the Northerly right of way of U.S. Hwy 29 (aka West Crogan Street) having a variable right of way and the westerly right of way line of Pine Tree Drive having a 40' right of way and thence run along said northern right of way line South 37 degrees 51 minutes 34 seconds West a distance of 90.0 feet to a 5/8-inch rebar set; thence leaving said right of way and run North 42 degrees 23 minutes 46 seconds West a distance of 223.00 feet to a 1-1/2-inch open top found; thence North 36 degrees 53 minutes 21 seconds East a distance of 90.00 feet to a 1/2-inch rebar found on said western right of way line; thence run along said western right of way line South 42 degrees 27 minutes 55 seconds East a distance of 224.50 feet to a 5/8-inch rebar set and the Point of Beginning.

Said Tract or Parcel contains 0.455 Acres.

LEGEND

AC	ACCESS EASEMENT
BFE	BASEMENT FLOOR ELEVATION
BOC	BACK OF CURB
C&G	CURB & GUTTER
CMF	CONCRETE MONUMENT FOUND
CMP	CORRODATED METAL PIPE
CIO	CLEAN OUT
CIP	CORROD TOP PIPE
D&B	DEED BOOKPAGE NUMBER
D&E	DRAINAGE EASEMENT
DI	DITCH
DIP	DITCH INLET
DWCB	DOUBLE WING CATCH BASIN
EB	ELECTRIC BOX/TRANSFORMER
EP	EDGE OF PAVEMENT
ELEV	ELEVATION
EX	EXISTING
FF	FENCE LINE
FI	FIRE HYDRANT
FFR	FLARED END SECTION
FFE	FINISHED FLOOR ELEVATION
FA	FLOW ARROW
F&B	FRONT BUILDING SETBACK LINE
GV	GAS VALVE
GI	GRATE INLET
GW	GUY WIRE
HDW	HARDWOOD TREE
HW	HEADWALL
ICV	IRRIGATION CONTROL VALVE
IE	INVERT ELEVATION
IF	IRON PIN SET
JB	JUNCTION BOX
LP	LIGHT POLE/LAMP POST
LL	LAND LOT
LL	LAND LOT LINE
MFE	MINIMUM FLOOR ELEVATION
N	NOW OR FORMERLY
NTS	NOT TO SCALE
OC	OUTLET CONTROL STRUCTURE
OC	OVERHEAD POWER LINE
OC	OPEN TOP PIPE
PN	PINE TREE
PL	PLAT BOOKPAGE
PL	PROPERTY LINE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
PO	POINT ON LINE
PP	POWER POLE
RAH	RECORD ANGLE HELED
R&B	REAR BUILDING SETBACK LINE
RD	RECORD DISTANCE
RCH	REINFORCED CONCRETE PIPE
R&C	RIGHT OF WAY
R&M	RIGHT OF WAY MONUMENT
S&M	SANITARY SEWER MANHOLE
S&B	SINGLE WING CATCH BASIN
S&B	SIDE BUILDING SETBACK LINE
S&S	SANITARY SEWER LINE
S&S	SANITARY SEWER EASEMENT
STA	STATION
T&M	TEMPORARY BENCHMARK
T&B	TELEPHONE BOX/SETBACK
T&B	TRAFFIC SIGNAL BOX
T&P	TRAFFIC SIGNAL POLE
-E-C-C-	UNDERGROUND CABLE TV LINE
-E-E-E-	UNDERGROUND ELECTRIC LINE
-G-G-G-	UNDERGROUND GAS LINE
-W-W-W-	UNDERGROUND WATER LINE
WM	WATER METER
WV	WATER VALVE
WI	WEIR INLET

OWNER:
WEST CROGAN CAPITAL, LLC
308 S HAMMOND DR
MONROE, GA 30085
PHONE: (878) 851-8821
EMAIL: ERIC@CRAWFORDBOYLE.LAW
CONTACT: ERIC CRAWFORD

CONTRACTOR:
DOMINY CONSTRUCTION GROUP, INC.
4405 INTERNATIONAL BLVD, SUITE B108
NORCROSS, GA 30093
PHONE: (770) 776-2006
EMAIL: TIM@DOMINYCONSTRUCTION.COM
CONTACT: TIM DOMINY

PIPE CONTRACTOR:
AWA DEVELOPMENT SERVICES, INC.
PO BOX 760
HOSCHTON, GA 30548
SEAN@AWADEVELOPMENT.COM
PHONE: (770) 726-3300
EMAIL: RICHARD@DOVETAILCIVIL.COM
CONTACT: RICHARD BREEDLOVE

CIVIL ENGINEER:
DOVETAIL CIVIL DESIGN, INC.
3651 MARS HILL RD
WATSONSVILLE, GA 30677
PHONE: (878) 726-3300
EMAIL: RICHARD@DOVETAILCIVIL.COM
CONTACT: RICHARD BREEDLOVE

SURVEYOR:
PARAMOUNT SURVEYS, INC.
PO BOX 1024
MADISON, GA 30650
PHONE: (404) 384-3122
EMAIL: RBB@PARAMOUNT-SURVEYS.COM
CONTACT: RICHARD BARNETT

N/F
DARRELL WALLACE
DB 12919, PG 1
TAX PARCEL NO.
R5143 137
ZONING: RS-150

N/F
HOYLE & WANDA
DAVIS
DB 36928, PG 106
TAX PARCEL NO.
R5143 138
ZONING: RS-150

N/F
JOAN C. BAGWELL
DB 21999, PG 124
PB 38, PG 286A
TAX PARCEL NO.
R5143 161
ZONING: RS-150

SURVEY NOTES

1. ANGULAR AND DISTANCE MEASUREMENTS WERE MADE USING A GEOMAX ZOOM 90 TOTAL STATION. A PORTION OF THIS SURVEY, INCLUDING THE ESTABLISHMENT OF HORIZONTAL AND VERTICAL CONTROL, WAS PERFORMED USING A CARLSON BROD INSIS ROVER WITH NETWORK ADJUSTED REAL TIME KINEMATIC MEASUREMENTS REFERENCED TO THE LEICA WIMBA NETWORK. THE GPS SURVEY INCLUDED REDUNDANT MEASUREMENTS WITH POSITIONAL ACCURACY OF BETTER THAN 0.04' (HORIZONTAL) AND 0.07' VERTICAL.

2. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 1,415.7 FEET.

3. HORIZONTAL DATUM: NAD83

4. VERTICAL DATUM: NAVD83 USING TOP OF MANHOLE ELEVATION ON REFERENCE DOCUMENT #1 AS BENCHMARK.

5. TOPOGRAPHIC INFORMATION SHOWN HEREON WAS OBTAINED FROM FIELD RUN TOPOGRAPHIC SURVEY UTILIZING THE GNSS EQUIPMENT MENTIONED IN SURVEY NOTE #1.

6. TOPOGRAPHIC INFORMATION SHOWN COMPLES WITH STANDARDS PROVIDED IN THE GEORGIA TECHNICAL STANDARDS FOR PROPERTY SURVEYS, RULE NO. 180-7-GA.

7. ZONING INFORMATION SHOWN HEREON OBTAINED FROM CITY OF LAWRENCEVILLE PUBLIC RECORDS AT THE TIME OF SURVEY. THIS SURVEYOR MAKES NO CERTIFICATION AS TO MATTERS OF ZONING.

8. THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. EASEMENTS OF RECORD OR OTHER TITLE MATTERS AFFECTING THE SUBJECT PROPERTY MAY EXIST. PARAMOUNT SURVEYS, INC. AND THE LAND SURVEYOR WHOSE SEAL IS AFFIXED HEREON DO NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.

9. UNDERGROUND UTILITY LOCATIONS THAT ARE SHOWN HEREON ON THIS SURVEY ARE SHOWN FOR FIELD LOCATED PLANT MARKINGS ON THE GROUND AT THE TIME OF SURVEY. THIS SURVEYOR HAS NO KNOWLEDGE AS TO THE SOURCE OR ACCURACY OF THESE PLANT MARKINGS. ONLY ABOVE GROUND APPURTENANCES BASED ON OBSERVED EVIDENCE ARE SHOWN HEREON. UNDERGROUND UTILITIES NOT OBSERVED OR LOCATED MAY EXIST ON THIS SITE, BUT NOT BE SHOWN, AND MAY BE FOUND UPON EXCAVATION. VERIFICATION OF EXACT UNDERGROUND UTILITY LOCATIONS SHOULD BE MADE PRIOR TO ANY CONSTRUCTION ACTIVITIES.

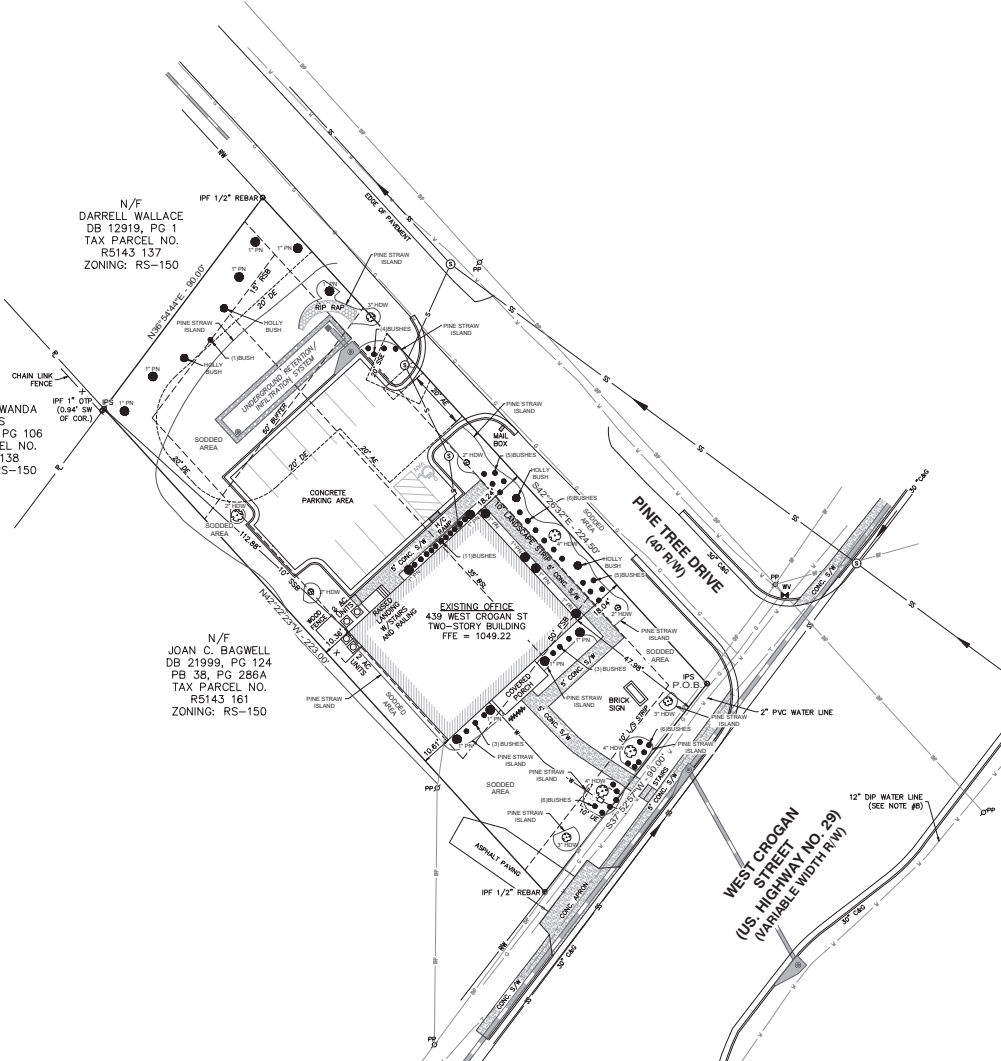
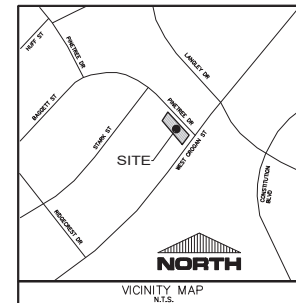
10. WATER LINE SIZE AND MATERIAL PROVIDED TO PARAMOUNT SURVEYS BY PHONE CONVERSATION WITH GWINNETT COUNTY DWR. THIS SURVEYOR HAS NO FURTHER KNOWLEDGE OF THE ACCURACY OF THIS INFORMATION.

FLOOD HAZARD NOTE

BY GRAPHIC PLATTING ONLY, THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD AREA PER THE FEMA FLOOD INSURANCE RATE MAP OF GWINNETT COUNTY, GEORGIA. MAP NUMBER 13150C088P, DATED SEPTEMBER 26, 2006.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.



LANDSCAPE MATERIALS LIST	
HARDWOOD TREES (2\"/>	= 4
HARDWOOD TREES (3\"/>	= 3
HARDWOOD TREES (4\"/>	= 3
PINE TREES (PN) (Leyland Cypress)	= 16
HOLLY BUSH	= 4
BUSHES	= 50

AS-BUILT LANDSCAPE PLAN FOR:

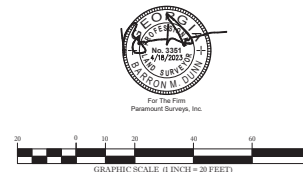
CRAWFORD & BOYLE, LLC
439 WEST CROGAN STREET

PARAMOUNT SURVEYS
Richard Barnett
404.384.3122
rb@paramount-surveys.com

Baron Dunn
404.328.3604
bd@paramount-surveys.com

PO Box 1024, Madison Georgia 30650 LSF #1295

DATE: 4/17/2023 COUNTY: GWINNETT CITY: LAWRENCEVILLE
DISTRICT: 01H LAND LOT: 143 Sheet Number
DRAWN BY: BD CHECKED BY: BD
SCALE: 1\"/>



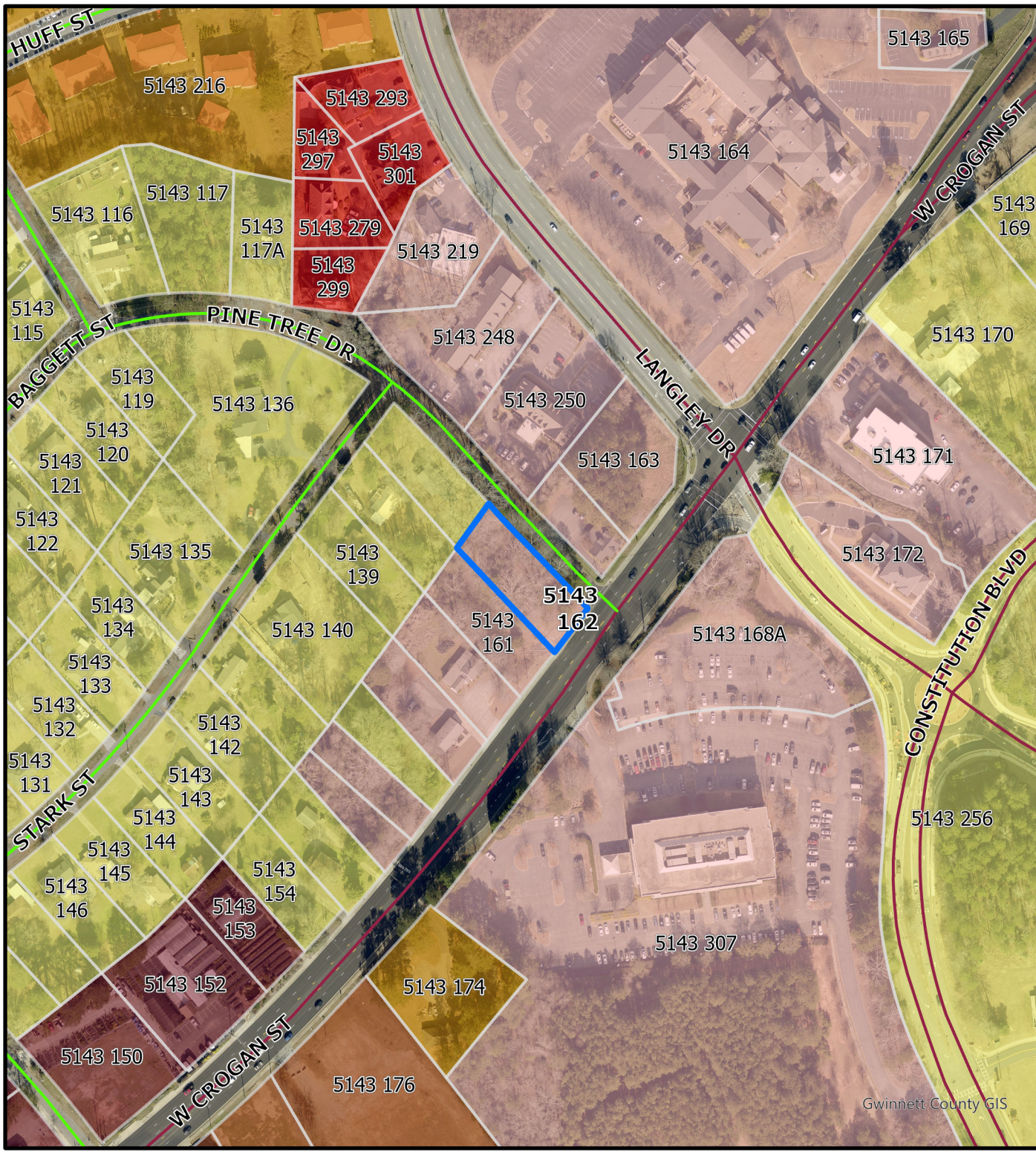


LAWRENCEVILLE

GEORGIA

The City of Lawrenceville
Planning & Development

Location Map & Surrounding Areas



Subject Property

Parcels

County Maintained Streets

City Maintained Streets

Zoning Districts

BG General Business

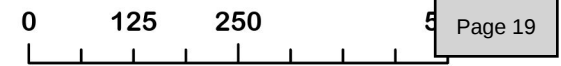
HSB Highway Service Business

OI Office/Institutional

CMU Community Mixed Use

RM-12 Multifamily Residential

RS-150 Single-Family Residential

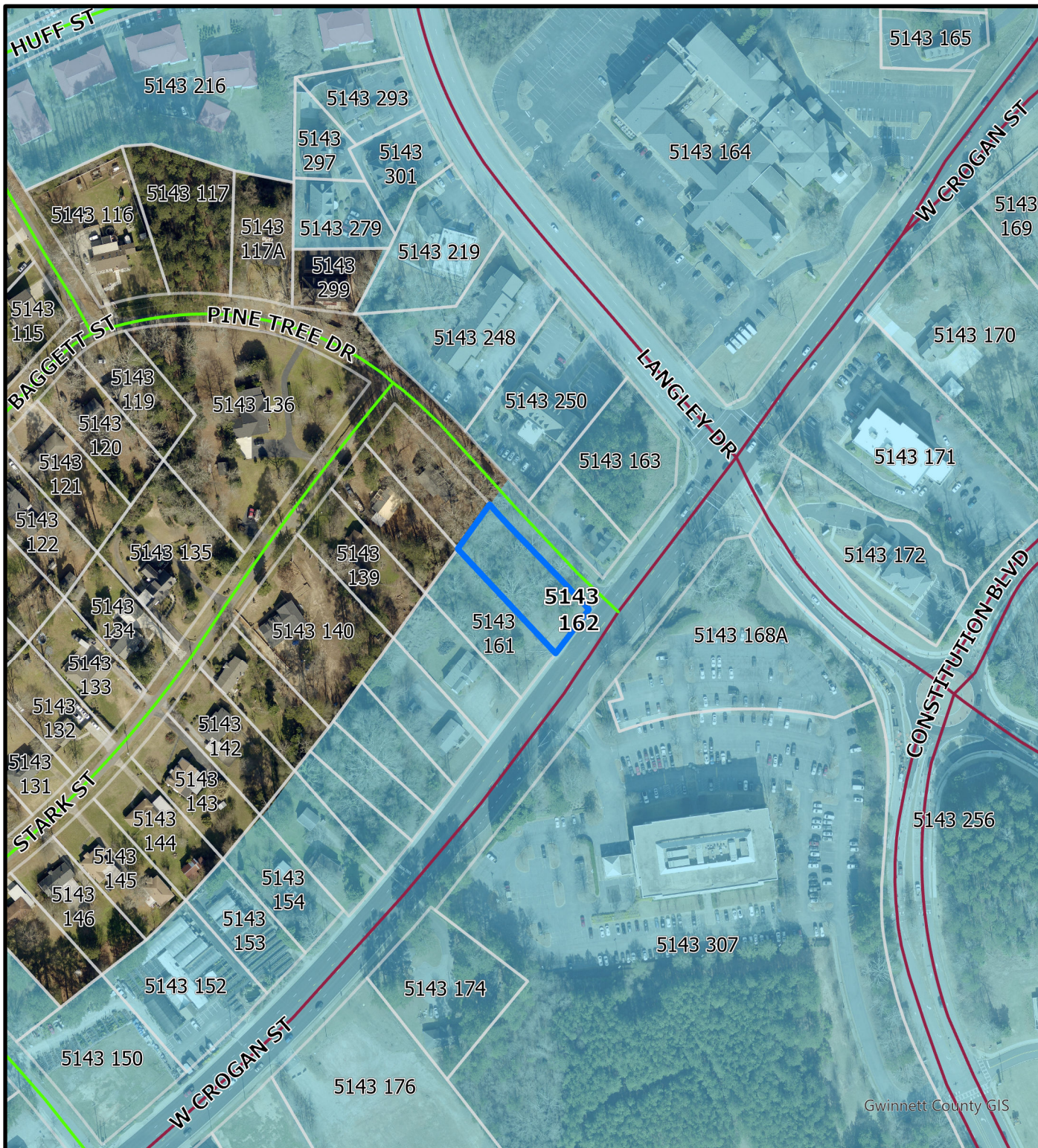




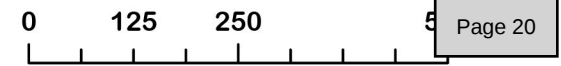
LAWRENCEVILLE

GEORGIA

The City of Lawrenceville
Planning & Development
Location Map & Surrounding Areas



- Subject Property
- Parcels
- Downtown Development Authority Boundary
- County Maintained Streets
- City Maintained Streets



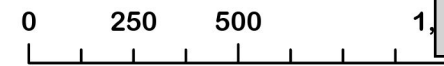


LAWRENCEVILLE

GEORGIA

The City of Lawrenceville
Planning & Development
Location Map & Surrounding Areas

-  Subject Property
-  Parcels
-  Downtown Development Authority Boundary
-  County Maintained Streets
-  City Maintained Streets

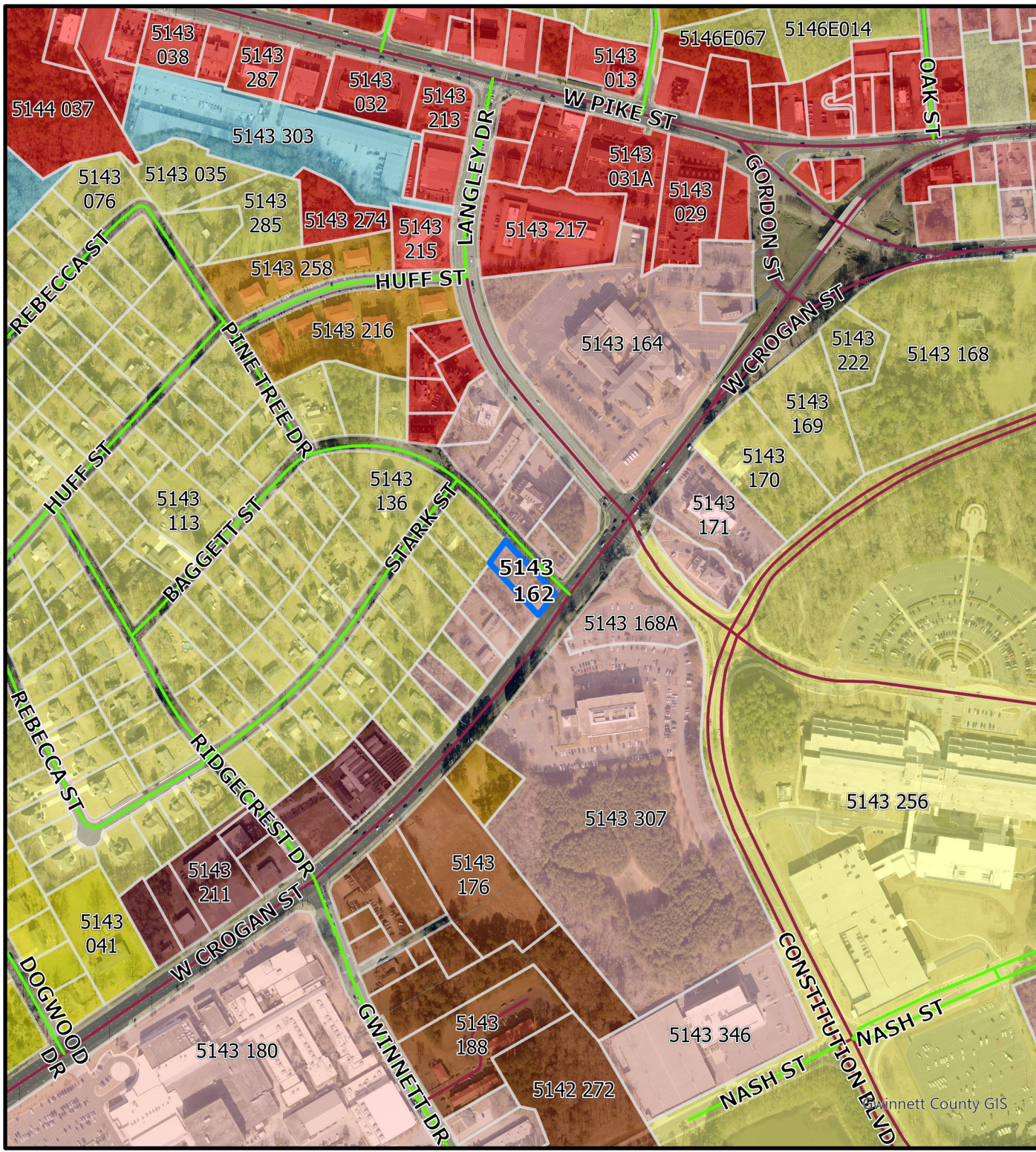




LAWRENCEVILLE

GEORGIA

The City of Lawrenceville
Planning & Development
Location Map & Surrounding Areas



Subject Property

Parcels

County Maintained Streets

City Maintained Streets

Zoning Districts

BG General Business

BGC Central General Business

HSB Highway Service Business

LM Light Manufacturing

OI Office/Institutional

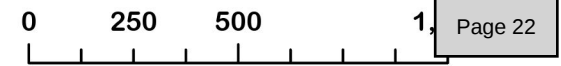
CMU Community Mixed Use

RM-12 Multifamily Residential

RS-60 Single-Family Residential

RS-150 Single-Family Residential

RS-180 Single-Family Residential





LAWRENCEVILLE

GEORGIA

AGENDA REPORT
MEETING: CITY COUNCIL WORK SESSION
AGENDA CATEGORY: DISCUSSION OF CITY BUSINESS

Item:	An Ordinance to Amend the Zoning Ordinance, Article 9, Administration and Enforcement
Department:	Planning and Development
Date of Meeting:	Wednesday, May 10, 2023
Fiscal Impact:	None
Presented By:	Todd Hargrave, Planning and Development Director
Action Requested:	Approval of amendment
Planning Commission Recommendation:	Approval

Summary: The recommendation is to eliminate the Architectural Review Board and to provide clarity and eliminate contradicting language for the withdrawal process for public hearings. Staff is building relationships with developers which gives room for conversations about compliance with the rules and better decision making. In 2019, the department received five applications for variances. There were no meetings in 2020 due to the pandemic, and all meetings in 2021 were cancelled due applicants within the Downtown Entertainment District meeting and exceeding architectural design standards set forth in Article 6 of the Zoning Ordinance. The Board has only met once in 2022; in March to go over the responsibilities of the members and sign their commitment to the City. Only three of the seven members were in attendance.

Attachments/Exhibits:
ARTICLE 9 Amendment Draft

**AN ORDINANCE TO AMEND
THE ZONING ORDINANCE OF THE CITY OF LAWRENCEVILLE, GEORGIA**

The City Council of the City of Lawrenceville, Georgia hereby ordains that the City of Lawrenceville Zoning Ordinance is amended as follows:

Section 1. **Delete Article 9, Administration and Enforcement in its entirety and replace it as follows:**

Administration and Enforcement

900. General Provisions

A. Decision-Making Responsibilities

The following table provides a summary of the decisions and applicable decision-makers for each of the determinations to be made in this Article.

Table 900-1: Summary Table of Procedures and Decision-Making Roles				
	Director of Planning and Development	Board of Appeals	Planning Commission	City Council
Administrative Variance	√			
Appeals		√		√
Building Permit	√			
Certificate of Occupancy	√			
Special Uses			√	√
Temporary Use Permit	√			
Variances		√	√	√
Zoning Ordinance Enforcement	√			
Zoning Ordinance Text Amendments			√	√
Zoning Map Amendments			√	√

901. Policies and Procedures

A. Policies and Procedures Governing Hearings on Zoning Decisions

For purposes of this section the term “zoning decision” shall have the meanings set forth in O.C.G.A. §36-66-3. Prior to making any zoning decision, the City Council shall conduct a public hearing. The public hearing shall be called, and public notice provided in accordance with the provisions of O.C.G.A §36-66-4. At any such public hearing, the following procedures shall apply:

- 1.** A member of the planning staff will briefly summarize the requested zoning change; and shall respond to any questions from the City Council regarding the staff recommendations related to the proposed zoning change.
- 2.** The applicant shall be provided with an opportunity to be heard, and may present any evidence, information, or materials which the applicant desires for the City Council to consider in arriving at its determination. The applicant’s presentation shall be counted against the time allowed for proponents of the application.
- 3.** Public comments will be accepted and individuals making public comments may present any evidence, information and/or materials the individual desires for the City Council to consider in arriving at its determination.
- 4.** The City Council may place reasonable time limitations on the presentation of the applicant and on public comments by individuals in support of or opposition to the zoning decision. An equal period be allowed for presentation data, evidence, and opinion by proponents of the zoning decision and by opponents of the zoning decision, and in no event shall the minimum time period allowed for presentation be less than 10 minutes per side.
- 5.** Persons speaking either in support of or in opposition to a zoning decision shall be recognized by the mayor, shall state their name and address for the public record, and shall present any written documents which they desire to be included in the record of the meeting to the City Clerk and Director of Planning and Development.
- 6.** All comments shall be directed to the City Council and shall be made in an orderly manner.

7. The applicant and any opponents to the zoning decision shall acquaint themselves with the provisions of §36-67a-3 and shall comply with the provisions of that statute.

B. Policies and Procedures Governing Hearings on Quasi-Judicial Decisions

For purposes of this section the term “quasi-judicial decision” shall include hearings on appeals of administrative decisions and hearings on applications for variances, special administrative permits, special exceptions, conditional use permits, and other similar permits. Prior to making a quasi-judicial decision, the Zoning Board of Appeals or the City Council shall conduct a public hearing. The public hearing shall be called, and public notice provided in accordance with the provisions of O.C.G.A §36-66-4. At any such public hearing, the following procedures shall apply:

1. A member of the planning staff will briefly summarize the request and shall respond to any questions regarding the staff recommendations related to the request.
2. The applicant shall be provided with an opportunity to be heard, and may present any evidence, information, or materials which the applicant desires for the Board of Appeals or City Council to consider on arriving at its determination. The applicant’s presentation shall be counted against the time allowed for proponents of the application.
3. Public comments will be accepted and individuals making public comments may present any evidence, information, or materials the individual desires for the Board of Appeals or City Council to consider in arriving at its determination.
4. The Board of Appeals or City Council may place reasonable time limitations on the presentation of the applicant and on public comments by individuals in support or opposition to the quasi-judicial matter. An equal period shall be allowed for presentation of data, evidence, and opinion by proponents of the matter and by opponents of the matter, and in no event shall the minimum time period allowed for presentation be less than 10 minutes per side.
5. Persons speaking either in support of or in opposition to a matter shall be recognized by the chairman/mayor, shall state their name for the public record, and shall present any written documents which they desire to be

included in the record of the meeting to the Director of Planning and Development and/or City Clerk.

6. All comments shall be directed to the Zoning Board of Appeals or City Council and shall be made in an orderly manner.
7. The applicant and any opponents to the zoning decision shall acquaint themselves with the provisions of §36-67a-3 and shall comply with the provisions of that statute.

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902. Planning and Development Director**A. Role of the Director of Planning and Development**

1. The Director of Planning and Development shall administer and enforce this Ordinance with the assistance of the Planning and Development and Code Enforcement staff and other people as designated by the Director of the Planning and Development Department.
2. The Director shall have the authority to approve and issue Administrative Variances, Building Permits, Certificates of Occupancy, and Temporary Outdoor Activity, and to make interpretations and determinations of the Zoning Ordinance and Zoning Map in order to carry out the intent and purpose of this Zoning Ordinance.

B. ADMINISTRATIVE VARIANCES

1. The Director shall have the power to grant variances (except for density and use) from the development standards of this Ordinance where, in his or her opinion, the intent of the Ordinance can be achieved, and equal performance obtained by granting a variance. The authority to grant such variance shall be limited to variances from the following requirements:
 - a. Front yard or yard adjacent to a public street - variance not to exceed twenty (20) percent.
 - b. Side yard - Variance not to exceed twenty (20) percent.
 - c. Rear yard - Variance not to exceed twenty (20) percent.

C. BUILDING PERMITS REQUIRED

No building or structure shall be erected, moved, added to, or structurally altered without a permit issued by the Director of the Planning and Development Department. No building permit shall be issued except in conformity with the provisions of this Ordinance unless the Director receives a written order from the Board of Appeals in the form of an administrative review or variance as provided by this Ordinance.

D. APPLICATION FOR BUILDING PERMIT

1. The applicant for a building permit shall submit plans at a suitable scale showing the shape, size, and location of the lot to be built upon; the

- shape, size, height, use, and location of the buildings to be erected, altered, or moved and of any buildings already occupying the lot; the number of dwelling units the building is designed to accommodate; the setback line of the buildings on adjoining lots; and any other information needed to determine whether the provisions of this Ordinance are being followed.
2. If the plans conform to the provisions of this Ordinance, the City building Ordinances, and other Ordinances of the City, the permit shall be issued upon payment of the required fee. If compliance does not result, the building permit shall be refused by the Planning and Development Director stating such refusal in writing with the cause.
 3. If no visible progress on construction or modification has been made within 12 months of the date that said permit is issued, the permit becomes invalid. The Director may renew the permit pending review and recommendation of the Building Inspector. A renewal fee is required to be paid by the applicant before the permit is renewed.

E. CERTIFICATE OF OCCUPANCY REQUIRED

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both until a Certificate of Occupancy has been issued by the Director of Planning and Development or their designee stating that the proposed use of the building or land conforms to the provisions of this Ordinance.
2. A record of all Certificates of Occupancy shall be kept on file in the Planning and Development Department and a copy shall be furnished, upon request, to any person.

903. Board of Appeals**A. ESTABLISHMENT AND PROCEDURE****1. COMPOSITION, APPOINTMENT, AND TENURE**

The Board of Appeals (BOA) shall consist of five (5) members, appointed by the Mayor and with the consent of the City Council. The terms of the members shall be for four years each with staggered terms. No member of the Board of Appeals may hold any other public office or position in the Municipality.

2. VACANCIES

Vacancies shall be filled by appointments for unexpired terms only and in the same manner as the original appointment.

3. REMOVAL

Any member of the Board of Appeals may be removed by the Mayor, with the consent of the City Council, for any reason after written notice and a public vote. Any member who misses more than three meetings in any one calendar year without excuse shall be removed from the Board by the City Council. The Director of Planning and Development shall keep an attendance record and report if a member's attendance does not meet this requirement to the mayor's office.

4. COMPENSATION

All members of the Board of Appeals shall receive compensation in an amount to be determined by the City Council.

5. OFFICERS AND RULES OF PROCEDURE

The Board of Appeals shall elect one of its members as Chairman who shall serve for one year or until such person is reelected or a successor is elected. The Director of the Planning and Development Department or his/her designee shall act as Secretary for the Board of Appeals. Meetings shall be heard regularly, once a month, at the call of the Chairman and at such other times as the Board may determine. The Board of Appeals shall follow the rules adopted by the City Council in accordance with the provisions of this Section; shall keep minutes of its proceedings showing the absence, vote, or the failure to vote of each member; and shall keep records of its examination and other official actions, which minutes and

records shall be filed in the Planning and Development Department and open to the public for inspection.

6. QUORUM

For the purpose of transacting business, a quorum of the Board of Appeals shall be considered to be three (3) of the five (5) members.

B. BOARD OF APPEALS HEARINGS.

The Board of Appeals shall conduct public hearings on all applications or referrals, within a reasonable time and place to advertise as required by State law. Any party of interest may appear in person, or by an agent or by an attorney, and be heard. Hearings shall be conducted in accordance with the provisions set for in Article.

C. POWERS AND DUTIES

The Board of Appeals shall have the following powers and duties:

1. VARIANCES

If literal enforcement of the provisions of this Ordinance would result in unnecessary hardship due to special conditions and not to the intentional conduct of the requesting party, the Board of Appeals may authorize such variance if it is not contrary to the public interest. A variance from the terms of this Zoning Ordinance shall not be granted by the Board of Appeals unless and until:

- a.** A written application for a variance is submitted demonstrating that:
 - i.** Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - ii.** That the special conditions and circumstances did not result from the actions of the applicant.
 - iii.** No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings on other districts shall be considered grounds for the issuance of a variance.

- b.** Notice of a public hearing shall be given as provided in this Ordinance.
- c.** Where the strict application or literal enforcement of the requirements of this Zoning Ordinance would result in the applicant suffering practical difficulties, the Board of Appeals shall have the power to authorize a variance from the terms of this Zoning Ordinance to relieve such difficulties. In granting a variance, the Board of Appeals may impose such conditions as may be necessary to comply with the factors herein to reduce or minimize potential injurious effects of such variance upon neighboring properties and to carry out the general purpose and intent of this Zoning Ordinance. In making such a determination, the Board of Appeals shall consider all the following factors, including whether:
- i.** The property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.
 - ii.** The variance is substantial.
 - iii.** The essential character of the neighborhood would be substantially altered, or adjoining properties would suffer a substantial detriment as a result of the variance.
 - iv.** The variance would adversely affect the delivery of government services (i.e., water, sewer, garbage).
 - v.** The property owner purchased the property with knowledge of the zoning restriction.
 - vi.** The property owner's predicament feasibly can be obviated through some method other than a variance.
 - vii.** The spirit and intent behind the zoning requirement would be observed and substantial justice is done by granting the variance; and
 - viii.** Any other relevant factor to assist the Board of Appeals in weighing and balancing the public and private benefits and harms of the requested relief is necessary.

- d.* In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with the intent of this Ordinance.
- e.* Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under the provisions of this Ordinance.
- f.* Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or to allow any use expressly or by implication prohibited by the terms of this Ordinance in said district.

2. APPEAL OF ADMINISTRATIVE REVIEW:

a. HEARINGS, APPEALS, NOTICE

- i.* Appeals to the Board of Appeals concerning interpretation or administration of the Zoning Ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision rendered.
- ii.* Such appeals shall be submitted within 30 days of the action by filing with the Director of Planning and Development a notice of appeal specifying the grounds thereof.
- iii.* The Director of Planning and Development or his or her designee shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of an appeal; give due notice thereof to all parties in interest; and after hearing, decide the same within a reasonable time. At the hearing, any party of interest may appear in person, or by agent or attorney, and be heard by the Board of Appeals.

b. STAY OF PROCEEDINGS

- i.* An appeal stays all proceedings in furtherance of the action appealed from, unless the Director, or other person or agency from whose action the appeal is taken certifies to the Board of Appeals after the notice of appeal is filed that by reason of facts

stated in such certification a stay would, in the opinion of the person making the certification, cause imminent peril to life and property.

- ii.* In such cases, proceedings may be stayed by a restraining order issued by the Board of Appeals, or by a court of record, on the application, on notice to the parties of interest, and for good cause shown.

c. HEARING OF APPEAL

The Board of Appeals shall conduct a public hearing.

d. POWERS TO REVERSE OR AFFIRM

In exercising the above-mentioned powers so long as such action is in conformity with the terms of this Ordinance, the Board shall have the power to reverse or affirm, wholly or partly, or to modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Director, or other person or agency from whom the appeal is taken. The concurring vote of three members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination from which the appeal was made, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation in the application of the Ordinance.

e. BOARD OF APPEALS DECISIONS.

A written version of all Board of Appeals decisions shall be mailed to the applicant and any interested parties who make a written request for a copy of the written decision without unreasonable delay after the close of the hearing. Where an application has been denied, no new application on substantially the same facts shall be filed within twelve months of the date the previous denial, unless the Board of Appeals, for good cause shown by the applicant, grants permission to do so.

f. APPEALS FROM THE BOARD OF APPEALS TO THE CITY COUNCIL.

Any person or persons severally or jointly aggrieved by any decision of the Board of Appeals may make an appeal to the City Council. Any

appeal filed by the City shall be filed by the City Manager. Said appeals to the City Council shall be filed within thirty (30) days of the date of the decision of the Board of Appeals. If no appeal of the decision of the Board of Appeals is filed within thirty (30) days, said decision of the Board of Appeals shall be final. Any appeals to the City Council shall be filed with the City Clerk, and upon receipt of the appeal, the City Clerk shall place the matter on the agenda of the next regularly scheduled City Council meeting, which is scheduled at least forty-five (45) days after the date the appeal is received by the City Clerk. The appeal to the City Council shall be a de novo hearing, and the parties to the appeal shall be entitled to present whatever evidence they deem appropriate to the City Council. Evidence submitted to the City Council on the appeal may be in writing or through oral presentation. However, the City Council shall have the right to limit oral presentations to no more than fifteen (15) minutes per side. Upon hearing an appeal, the City Council may render a decision at the meeting or may take the matter under advisement and render a decision at any regularly scheduled or specially called meeting in the next forty-five (45) days. Decisions by the City Council may be in writing or by oral motion but shall be approved at a regular or specially called meeting.

g. APPEALS FROM THE CITY COUNCIL TO THE SUPERIOR COURT OF GWINNETT COUNTY

Any person or persons severally or jointly aggrieved by any decision of the City Council on an appeal from a decision of the Board of Appeals may take an appeal to the Superior Court of Gwinnett County. Said appeal to the Superior Court shall be pursuant to the superior court's appellate jurisdiction from a lower judicatory body and shall be brought by way of a petition for such review as provided in Title 5 of the Official Code of Georgia Annotated. Said appeal must be filed within thirty (30) days from the date of the written decision of the City Council. If no appeal of the decision of the City Council is filed within thirty (30) days, the decision of the City Council shall be final. Any appeals to the Superior Court shall be an appeal based on the record created before the City Council and shall be limited to determining whether the City Council acted arbitrarily or capriciously or abused its discretion in exercising the

powers granted to it. Any such appeal shall be served upon the City Clerk who shall have the authority to approve or issue any form or certificate necessary to perfect the appeal petition.

h. DUTIES OF ADMINISTRATIVE OFFICIAL, BOARD OF APPEALS, CITY COUNCIL AND COURTS ON MATTERS OF APPEAL.

It is the intent of this Ordinance that all questions of interpretation of this Ordinance shall be first presented to the Director of Planning and Development. Questions of interpretation shall be presented to the Board of Appeals only upon appeals from a decision of the Director of Planning and Development. It is further the intent of this Ordinance that any such decision by the Board of Appeals shall be appealable to the City Council, and that the only recourse from the decisions of the City Council shall be to the Courts as provided by law.

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904. Planning Commission**A. ESTABLISHMENT AND PROCEDURE.**

The Planning Commission shall consist of five (5) members appointed by the Mayor with consent of the City Council for terms of four (4) years on a rotating basis from and among the qualified electors of the City. Members of the Planning Commission shall not hold any other City office.

1. The Planning Commission may make recommendations to the City Council on all matters affecting the physical growth and development of the City, shall be consulted on the Comprehensive Plan and the implementation or amendment thereof, and shall exercise all other responsibilities as may be provided by the City Ordinance, including, but not limited to, this Zoning Ordinance.
2. Meetings of the Planning Commission shall be held once a month as determined by the Planning and Development Department. Hearing dates will be available online and in-person at the Planning and Development Department.
3. The Planning Commission shall follow the rules and procedures adopted by the City Council and shall keep a record of its proceedings, recording the vote upon each question, and shall also keep records of its hearings and other official actions.
4. Actions of the Planning Commission shall be a public record and all meetings of the Planning Commission shall be open to the public except in those instances when the Planning Commission is acting in a quasi-judicial manner; in which case the Planning Commission shall conduct a record hearing and may deliberate in private, and any matters permitted to be closed to the public under applicable Georgia law.

B. AMENDMENTS TO THE ZONING ORDINANCE AND MAP (REZONING)

1. Petitions for amendments to the Zoning Ordinance or Zoning Map shall be made to the Planning Commission and City Council if the petition is City initiated or non-City initiated. If a petition is made for a Zoning Map amendment, the petition shall only be considered if one or more owners of property in the proposed area or an authorized agent are party to the petition.

2. The Planning and Development Department shall create a yearly calendar of all meetings and shall provide notice of each hearing as required by State law.

C. SPECIAL USES

The Planning Commission shall review and make a recommendation to the City Council regarding the establishment or material change in Special Uses as regulated in this *Section*.

1. The Planning Commission shall give due regard to the nature and condition of all adjacent uses and structures and in authorizing a special use may impose such requirements and conditions, in addition to those expressly stipulated in this Zoning Ordinance, as it may deem necessary for the protection of adjacent properties and the public interest.
2. In deciding a special use, the Planning Commission may recommend conditions as may be necessary to comply with the standards set forth herein to reduce or minimize potential injurious effects upon neighboring properties and to carry out the general purpose and intent of this Zoning Ordinance.
3. A special use shall become null and void at the expiration date recommended by the Planning Commission; set and approved by the City Council.
4. The Planning Commission shall not recommend a special use unless it, in each specific case, makes specific findings of fact directly based upon credible evidence as to all the following:
 - a. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
 - b. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or will not substantially diminish and impair property value within the neighborhood.
 - c. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

- d.** Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
 - e.** Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets; and
 - f.** The special use will be in a district where such use may be permitted and that all requirements set forth in this Zoning Ordinance and applicable to such conditional use will be met.
- 5.** The special use permit is designed to be used when:
 - a.** A special use listed under the zoning district is desired for development in a more intensive zoning district which contains that use as a use by right would not be appropriate for the property; or
 - b.** A special use listed under the zoning district is desired for development and no zoning district contains that use as a use by right; or
 - c.** The height of a building may affect the overall density of development; or
 - d.** The height of any structure may affect neighboring properties; and,
 - e.** The special use would be consistent with the needs of the neighborhood or the community, be compatible with the neighborhood, and would not conflict with the overall objectives of the comprehensive plan.
- 6.** To accommodate these special uses, the special use permit allows the City Council to approve a special use on a particular lot without changing the general zoning district.
- 7.** Such approval shall be subject to the requirements set forth below and any additional conditions deemed necessary to ensure the compatibility of the special use with the surrounding properties.
- 8.** All special use permit applications shall be for planned developments only and shall not be used for securing early zoning for conceptual proposals which may not be undertaken for some time. A special use permit application shall be considered only if it is made by the owner of the property or his/her authorized agent.

9. If a special use permit is granted, any non-conforming use of property shall end within six (6) months of the granting of the special use permit and all non-conforming use rights shall terminate unless otherwise specifically authorized in the conditions granting the special use permit.

D. DECISIONS OF THE PLANNING COMMISSION

1. The Planning Commission may, by a vote of not less than a simple majority of the members, present at a meeting:
 - a. Recommendation to City Council that the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use be **Approved as Requested**; or
 - b. Recommendation to City Council that the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use be **Approved with Conditions**; or
 - c. Recommend to City Council **Denial** of the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use; or
 - d. Recommend to City Council to **Table** the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use.
2. The recommendation shall be forwarded in writing to City Council within 30 days of the Planning Commission's vote, after which a public hearing shall be held by City Council in accordance with its rules of procedure.

905. City Council

Under this Ordinance, the City Council shall have only the following duties:

- A.** Considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law;
- B.** Hearing and making a final determinations on Special Uses;
- C.** Hearing and making a final determination on appeals related to this Zoning Ordinance or an interpretation of this Zoning Ordinance;
- D.** Hearing and making final determinations on Zoning Map amendments;
- E.** Establishing a schedule of fees and charges as stated in this Ordinance; and
- F.** Such other duties as may be established by laws of the State of Georgia or subsequently enacted Ordinances of the City.

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906. Authority

The City Council may from time to time amend the boundaries of the zoning districts established on the official zoning map or the regulations set forth in this Ordinance or amend the text of this Ordinance.

- A.** Any proposed amendments shall be submitted to the Planning Commission for its recommendation. The Planning Commission shall make a recommendation to the City Council within thirty (30) days, or the Council shall be free to proceed without further awaiting the report of the Planning Commission.
- B.** When acting on an application for a rezoning or a Special Use Permit, the City Council shall have the right to grant the application, to deny the application, to grant a rezoning to less intense zoning classification than the classification requested, or to grant the application with the appropriate conditions. The City Council may also table the proposal or allow the proposal to be withdrawn without prejudice. In granting a rezoning application or Special Use Permit, in addition to imposing appropriate and necessary conditions, the Council shall have the authority to grant variances of the terms and conditions of this Ordinance if an application is allowed to be withdrawn without prejudice there shall be no waiting period for the filing of a new application.

907. Rezoning and Special Use Permit Application Public Hearing Process

The Applicant or representative is encouraged to appear at the Planning Commission Meeting and the City Council Public Hearing. Failure to attend a meeting may result in the tabling of the application until the next meeting of that group. However, the Planning Commission and the City Council may act on the application should they so choose. Meeting dates, times, and locations are available online and in-person at the Planning and Development Department.

A. Schedule Of Events

1. At least one week prior to the scheduled Planning Commission Meeting, the Planning Staff Report and Recommendation will be emailed to the applicant and will be available at the Planning and Development office.
2. The applicant is encouraged to appear before the City of Lawrenceville Planning Commission to present their case in support of the rezoning application. The applicant's presentation shall be counted against the time allowed for proponents of the application. The Planning Commission may ask questions of the applicant and the opposition. The Planning Commission is a recommendation body. Their recommendation will be forwarded to the City Council.
3. The applicant is encouraged to be present at the City Council Work Session.
4. The applicant is encouraged to appear before the City Council for the Public Hearing.
5. If the rezoning application is denied by the City Council, no new application shall be submitted unless it meets the requirements for resubmittal as set forth in this Ordinance.

B. Procedures

1. In the approval process for a zoning proposal application, the City Council shall consider the policies and objectives of the comprehensive plan, particularly in relation to the proposed site and surrounding area and shall consider the potential adverse impacts on the surrounding area, especially with regard to but not limited to traffic, storm drainage, land values, and compatibility of land use activities.

2. If an application is approved and a zoning proposal is granted, all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. All final site plans shall be approved by the Director of Planning and Development or his or her designee prior to the issuance of any permits.
3. Once established, the zoning proposal shall be permanent unless otherwise rezoned. A Special Use Permit may be conditioned in such a manner that it is granted for a limited period of time.
4. Upon approval by the City Council, a zoning proposal shall be identified on the official zoning maps.
5. Upon approval by the City Council of the zoning proposal, the owner of the property shall be issued a notice from the Planning and Development Department, which states the rezoning, the requirements of this section, and any conditions attached to the approval.
6. Any person, persons, or entities jointly or severally aggrieved by any decision of the City Council regarding a zoning proposal application may take an appeal to the Superior Court of Gwinnett County. The appeal must be filed within 30 days of the decision of the City Council, and upon failure of such appeal, the decision of the City Council shall be final.

C. STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

The City Council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

1. Whether a zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. Whether a zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
3. Whether the property to be affected by a zoning proposal has a reasonable economic use as currently zoned.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan; and
6. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

DRAFT

908. Variance Public Hearing Procedures

The Applicant is required to appear at the Board of Appeals Meeting. Failure to attend the meeting may result in the tabling of the application until the next meeting of that group. However, the Board of Appeals may act on the application should they so choose. Meeting dates, times, and locations are available online and in-person at the Planning and Development Department.

A. SCHEDULE OF EVENTS

1. After confirming that the conditions for a variance as described in Section 903C.1.a are met, the applicant can apply through the Planning and Development Department.
2. The applicant must post a sign given to them by the Planning and Development Department at least 15 days prior to the public hearing.
3. The applicant shall appear before the City of Lawrenceville Board of Appeals to present their case in support of the variance application. Any opposition to the variance application will be given equal time to present its case.

B. PROCEDURE

1. In the approval process for a variance application, the Board of Appeals shall consider all the factors set forth in this Ordinance for the granting of a variance.
2. Once approved, the applicant may begin development. A variance is a permanent entitlement to the land.
3. Upon approval by the Board of Appeals, the variance shall be archived by the Planning and Development Department.
4. Any person, persons, or entities jointly or severally aggrieved by any decision of the Board of Appeals regarding a variance application may take an appeal to the City Council. The appeal must be filed within 30 days of the decision of the Board of Appeals, and upon failure of such appeal, the decision of the Board of Appeals shall be final.

909. Withdrawal of Application

Once an application for an amendment to the Official Zoning Map or an application for a Variance or Special Use Permit has been made the applicant may withdraw such application without prejudice at any time until the official withdrawal deadline published in the Public Hearing Schedule maintained by the Department has passed.

An application may not be withdrawn by an applicant or property owner under any circumstance after the official withdrawal deadline. Once past the published withdrawal deadline all applications shall be considered by the City Council or Board of Appeals, as appropriate, and shall receive final action, unless the City Council or the Board of Appeals votes to allow the application to be withdrawn without prejudice. Any application that is allowed to be withdrawn without prejudice shall have no waiting period for filing a new application.

910. Lapse of Time for Reapplication and Waiver of said period.

The following shall apply to the reapplication for a Zoning Map Amendment, Variance or Special Use Permit.

- A.** No application or reapplication for any zoning map amendment affecting the same land or any portion thereof shall be made and accepted within 12 months from the date of last action by the City Council unless such 12-month period is waived by the City Council, and in no case may such an application or reapplication be allowed in less than six months from the date of last action by the City Council.
- B.** No application or reapplication for the same type of Variance or Special Use Permit affecting the same land or any portion thereof shall be made or accepted within 12 months from the date of last action by the City Council or Board of Appeals, as appropriate, unless such 12 month period is waived by the City Council or Board of Appeals as appropriate, and in no case may such an application or reapplication be allowed in less than six months from the date of last action by the City Council or Zoning Board of Appeals, as appropriate.

911. Appeals to Superior Court***A. Appeals of Zoning Decision***

Any person or persons severally or jointly aggrieved by any zoning decision, as defined in this Ordinance (also see O.C.G.A. Section 36-66-3) and being legislative in nature, shall have a direct constitutional challenge as set forth in O.C.G.A. Section 36-66-5.1. Such challenges shall be by way of a de novo review by the Superior Court of Gwinnett County. Any such direct challenge to the superior court shall be brought within 30 days of the written decision being challenged.

B. Appeals of Quasi-Judicial Decision

Any person or persons severally or jointly aggrieved by any quasi-judicial decision, as defined by this Ordinance, may take an appeal of the quasi-judicial decision to the Superior Court of Gwinnett County. Said appeal to the Superior Court shall be pursuant to the superior court's appellate jurisdiction from a lower judicatory body and shall be brought by way of a petition for such review as provided in Title 5 of the Official Code of Georgia Annotated. Said appeal must be filed within thirty (30) days from the date of the written decision. If no appeal of the quasi-judicial decision is filed within thirty (30) days, the decision shall be final. Any appeals to the Superior Court shall be an appeal based on the record. Any such appeal shall be served upon the City Clerk who shall have the authority to approve or issue any form or certificate necessary to perfect the appeal petition.

IT IS SO ORDAINED, this ____ day of _____, 2022.

Mayor David R. Still

Attest: _____
City Clerk



LAWRENCEVILLE

GEORGIA

AGENDA REPORT

MEETING: CITY COUNCIL WORK SESSION, MAY 10, 2023

AGENDA CATEGORY: DISCUSSION OF GENERAL CITY BUSINESS

Item:	RESOLUTION OF THE CITY OF LAWRENCEVILLE IN SUPPORT OF THE APPLICATION FOR A LAND & WATER CONSERVATION FUND GRANT THROUGH THE GEORGIA DEPARTMENT OF NATURAL RESOURCES
Department:	Engineering
Date of Meeting:	Wednesday, March 15, 2023
Fiscal Impact:	\$0.00
Presented By:	Jim Wright, P.E., City Engineer
Action Requested:	Approval of Resolution.

Summary: The Georgia Department of Natural Resources has an open call for applications for the Land & Water Conservation Fund Grant. The grant is for projects that provide outdoor recreation or conservation areas. The City has identified a general corridor for a greenway along Shoal Creek between E. Crogan Street and Paper Mill Rd. Pre-applications are due May 31, 2023 and if successful, funding would be available in the Fall of 2024. Grant funding can be used for Design, Construction and Right-of-Way acquisitions. The City application will be requesting funding for R/W acquisitions.

Attachments/Exhibits: Resolution

RESOLUTION _____

RESOLUTION OF THE CITY OF LAWRENCEVILLE IN SUPPORT OF THE APPLICATION FOR A LAND & WATER CONSERVATION FUND GRANT THROUGH THE GEORGIA DEPARTMENT OF NATURAL RESOURCES

WHEREAS, the City of Lawrenceville supports greenway projects that improve the quality of life for our citizens and has identified various corridors for future greenways; and

WHEREAS, the City of Lawrenceville agrees to submit a application for funding from the Land and Water Conservation Fund. The City of Lawrenceville further agrees that in the event the City of Lawrenceville's application is recommended for funding by the Department of Natural Resources, the City of Lawrenceville certifies and assures that it has the ability and intention to finance their 50 percent of the total project cost and will move forward with due diligence to prepare appropriate documentation required for a formal LWCF application.; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lawrenceville authorizes filing a grant application with the Georgia Department of Natural Resources in an amount not to exceed \$100,000,000.00, with the commitment to a local match not to exceed \$500,000.00.

1. The City Manager is authorized to execute and file an application for assistance on behalf of the City of Lawrenceville with the Georgia Department of Natural Resources.
2. The City Manager is authorized to execute any necessary documents the Georgia Department of Natural Resources may require before awarding a Land and Water Conservation Fund grant.
3. The City Manager is authorized to execute the grant and other agreements with the Georgia Department of Natural Resources on behalf of the City of Lawrenceville.

IT IS SO RESOLVED this 22nd day of May, 2023.

**CITY OF LAWRENCEVILLE, GEORGIA
A GEORGIA MUNICIPAL CORPORATION**

ATTEST:

David R. Still, Mayor

Karen Pierce, City Clerk



LAWRENCEVILLE

GEORGIA

AGENDA REPORT

MEETING: WORK SESSION, MAY 10, 2023

AGENDA CATEGORY: GENERAL DISCUSSION

Item:	Multi-Family Inspection Ordinance
Department:	Code Enforcement
Date of Meeting:	Wednesday, May 10, 2023
Fiscal Impact:	None
Presented By:	Alan Bannister- Code Enforcement manager
Action Requested:	Consideration for new ordinance

Summary: Review the benefits of a Multi-Family Inspection Ordinance. This ordinance would require and development with a building that has 4 or more rental units to be inspected by a qualified building inspector. The inspections schedule would be set by ordinance and required in order to obtain a yearly Occupational Tax Certificate.

Background:

Significant Impacts- Maintain building code standards and give tenants a recourse to address maintenance issues required by the International Property Maintenance Codes.

Attachments/Exhibits:

Power Point Presentation

Multi-Family Inspection Ordinance

May Work Session 2023





Multi-Family Inspection Ordinance

What does this ordinance provide?

1. A framework for legal routine inspections of all multi-family housing units within the jurisdiction of the City of Lawrenceville.
2. Require all multi-family developments to be inspected externally, and internally by qualified 3rd party inspectors.
3. Certify that all units comply with the International Maintenance Codes, Life Safety Codes, and the International Fire Codes.





Why do we need an ordinance?

- Currently, most internal property maintenance issues within multi-family units are civil matters between the tenant and the property management.
- Property maintenance issues involving heating, cooling, water, electrical and sewer issues may go unrepaired, or repaired below code requirements, leaving tenants little recourse.
- Would assist the Planning and Development Department and the Code Enforcement Unit to utilize the International Property Maintenance Codes to ensure properties are thoroughly and professionally inspected.
- Problems could be addressed in a timely manner.
- Help maintain standards for properties year after year.
- Assist tenants in lower income areas
- Prevent “slum lord” properties





Water Damage



HVAC SYSTEMS



Examples from recent investigation.



Inspection Requirements

- Any developments with a building that has 4 units or more
(Single family rentals, duplex communities, and townhomes are not included)

When would they be required?

- Annually with the Occupational Tax Certificate renewal.

Additional requirements?

- Property management would be required to submit a “Code Compliance Certificate”, completed by the inspector, when applying for their OTC.

How many units inspected?

- Set by the ordinance. How often would the city require 100% inspections. (1/3 per year = 3 years, 1/2 = every other year etc.)

Who will inspect the units?

- The city would maintain a list of qualified 3rd party inspectors to complete the work. This will ensure the inspections are done properly, by qualified people and will ensure fair and impartial examination.



Next Steps

- Developing the ordinance and passing legal review.
- Follow examples of other jurisdictions (Brookhaven, Sandy Springs,)
- Creating a list of qualified inspectors. (education, certifications, experience etc.)
- Determine penalties / fines / restrictions for non-compliance
- Educating the property managers, owners, and agents on the ordinance prior to implementation.
- This will take time (12-18 months)





LAWRENCEVILLE

GEORGIA

AGENDA REPORT
MEETING: CITY COUNCIL WORK SESSION
AGENDA CATEGORY: DISCUSSION OF GENERAL CITY BUSINESS

Item: Discussion of City Millage

Department: Finance

Date of Meeting: Wednesday, May 10, 2023

Fiscal Impact: N/A

Presented By: Keith Lee, Chief Financial Officer

Action Requested: Discussion of City Millage.

Summary: The City's FY 2024 Proposed Budget recommended a 2.228 millage for FY 2024. This is a discussion of the revenue that is generated from a 2.228 millage rate.

Fiscal Impact: N/A.

Attachments/Exhibits: Power Point Presentation

Millage Rate

May 10, 2023





Agenda

- Proposed Millage
 - Revenue in FY 2024 Budget
 - Changes based on Data from Assessor's Office
- Exempt Properties
- Future Needs



City Millage

- For FY 2024, the Proposed Millage is 2.228
- This is the same millage as FY 2023
 - FY 2023 revenue: \$3,734,700
 - FY 2024 Proposed Revenue: \$3,940,134
 - 5.5% increase
 - \$205,000 increase in revenue



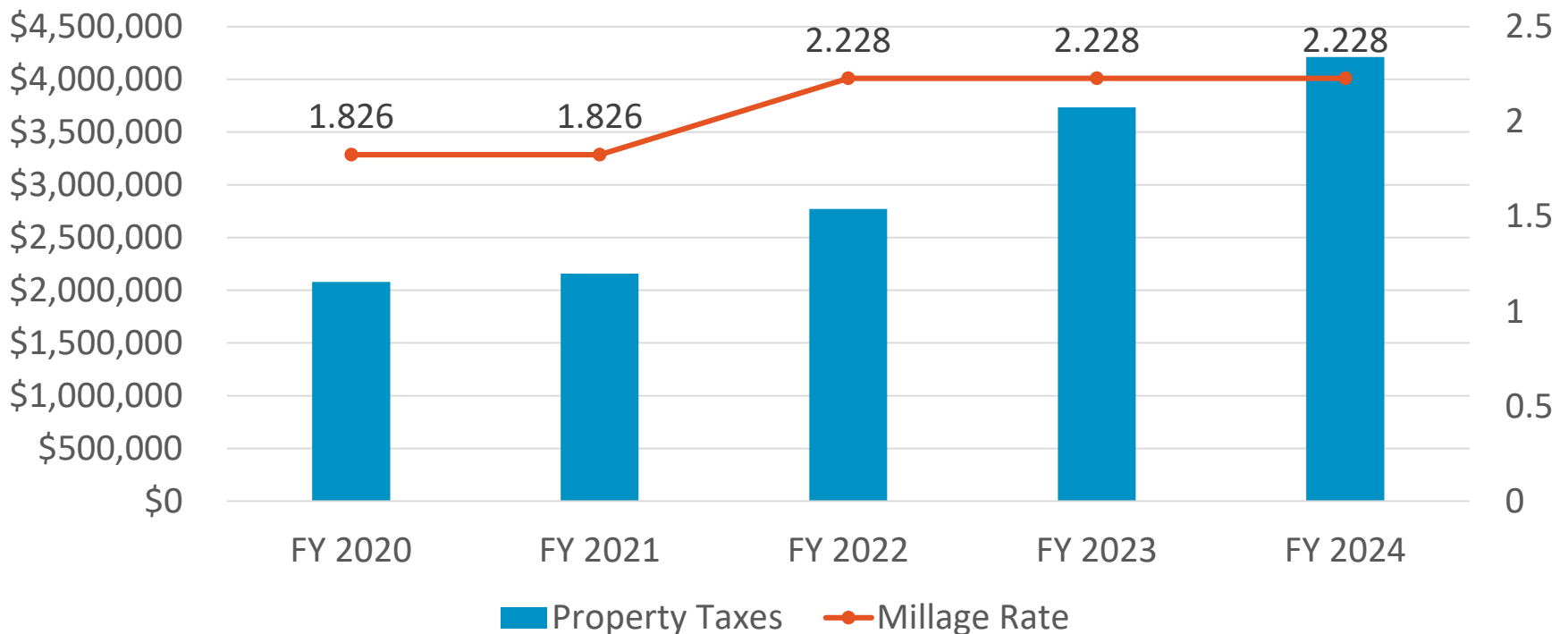
City – Preliminary Digest

	Count	FY 2023	FY 2024	Change
Growth	183	19,206,560	33,770,081	14,563,521
Market - Change	6,239	917,137,640	1,116,775,679	199,638,039
Market - No Change	2,479	600,548,160	600,548,160	0
--Total Market:	8,718	1,517,685,800	1,717,323,839	199,638,039
Grand Total	8,901	1,536,892,360	1,751,093,920	214,201,560

- 13.9% Digest Growth
 - 13% from re-evaluation
 - 0.9% from new growth
 - \$477,000 in additional revenue
 - \$272,000 above FY 2024 Proposed Budget

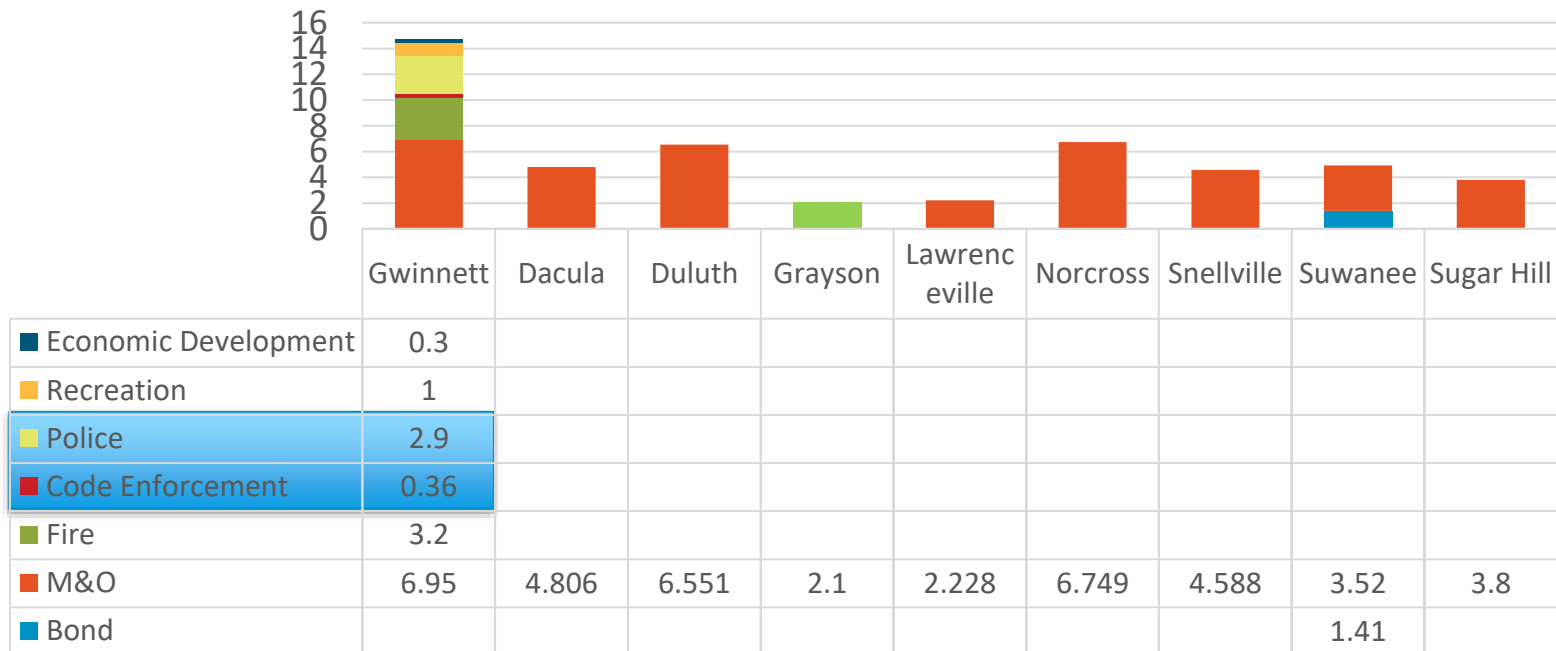


City Millage - Historical





Comparison of Millage Rates



- Gwinnett Code Enforcement and Police Millage rates do not apply inside the City



Comparisons of Homestead Exemptions

	M & O	Proposed	Senior	Floating
Gwinnett BOC	\$10,000.00		\$20,000.00	House + 5 acres
Lilburn	\$5,000.00	\$10,000.00		
Sugar Hill	\$2,000.00	\$10,000.00		
Lawrenceville	\$20,000.00			
Snellville	\$3,000.00			
Swanee	\$0.00			
Duluth	\$2,000.00		\$4,000.00	
Norcross	\$9,000.00			

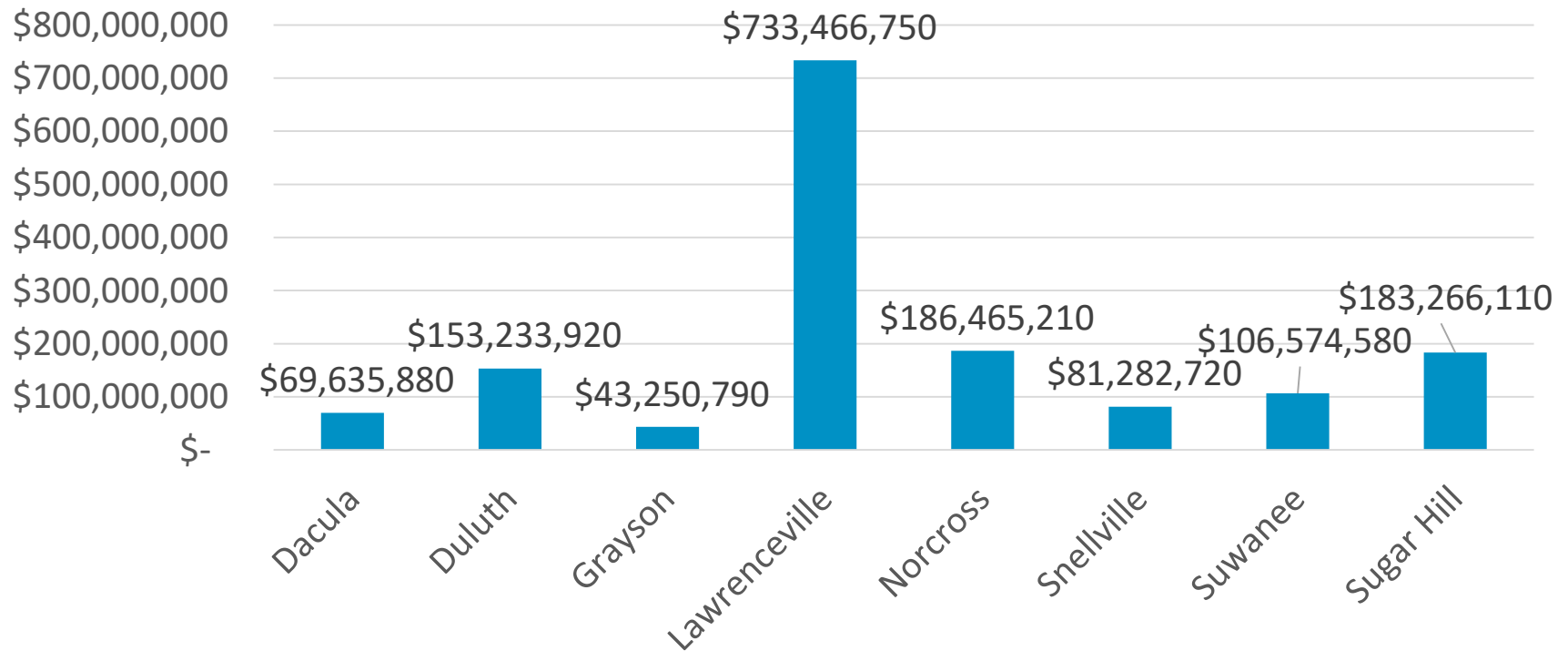


City – Exempt Properties

- The City has 320 parcels that are exempt from Property Tax
- These properties have a 40% value of \$733,466,750
 - 41.8% of the taxable digest
 - Gwinnett County, Gwinnett County Schools, Georgia Gwinnett College, Hospital, Lawrenceville Housing Authority
- At 2.228 mills this is equivalent to \$1,634,000 in revenue



City – Exempt Properties





Future Needs

- Based on the FY 2024 five year pro forma the City has a revenue deficit of \$16,000,000 each year of the pro forma
- 1 mill of taxes generates \$1,890,000 in revenue
- In order to meet the City's future needs a millage adjustment should be part of the conversation



LAWRENCEVILLE
GEORGIA



5.

Questions



LAWRENCEVILLE

GEORGIA

AGENDA REPORT

MEETING: CITY COUNCIL WORK SESSION

AGENDA CATEGORY: DISCUSSION OF GENERAL CITY BUSINESS

Item: Authorization to sign signature cards and approval of resolution for 2023 SPLOST Bank Account

Department: Finance

Date of Meeting: Wednesday, May 10, 2023

Fiscal Impact: N/A

Presented By: Keith Lee, Chief Financial Officer

Action Requested: Consideration of resolution authorizing the creation of the 2023 SPLOST account and approval for the Mayor and City Manager to sign signature cards.

Summary: We are required to segregate our SPLOST. As such we are asking for approval to setup a new bank account. Our bank requires approval of a resolution and authorization to sign signature cards for the setup of new bank accounts. The attached file contains the resolution and signature cards.

Fiscal Impact: N/A.

Attachments/Exhibits: Renasant Bank File with Resolution

RESOLUTION _____

RESOLUTION OF THE CITY COUNCIL
CITY OF LAWRENCEVILLE, GEORGIA
SPLOST 2023 BANK ACCOUNT RESOLUTION

WHEREAS, City of Lawrenceville, Georgia entered into an intergovernmental agreement for SPLOST 2023 funds with Gwinnett County; and

WHEREAS, the City is opening a bank depository account with Renasant Bank to separate SPLOST funds from other City Funds; and

WHEREAS, Renasant Bank requires a resolution be adopted by the governing board; and

NOW, THEREFORE, the City Council of the City of Lawrenceville, Georgia does hereby approve and authorize the Mayor, City Manager, and City Clerk to sign the Renasant Bank Resolution (Attached) and supporting signatory cards.

IT IS SO RESOLVED this _____ day of _____, 2023.

David R. Still, Mayor

ATTEST:

Karen Pierce, City Clerk

RESOLUTIONS

6.

The Association named on this resolution resolves that,

- (1) The Financial Institution is designated as a depository for the funds of the Association and to provide other financial accommodations indicated in this resolution.
- (2) If this resolution is limited to a specific Deposit Account, then any powers conferred by this resolution are limited to the specific Deposit Account identified on page 1.
- (3) Unless "superseding" is indicated on page 1 of this resolution, any and all prior resolutions adopted by the Association and certified to the Financial Institution as governing the operation of this Association's account(s) individually a "Deposit Account", and collectively the "Deposit Accounts", are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification, or replacement as provided above. In order for this resolution to supersede previous resolutions in effect, the superseding box on page 1 must be checked and an updated signature card must be completed, signed, delivered to and recorded by the Financial Institution for each existing Deposit Account which Association wishes to supersede by this resolution. If an updated signature card is not completed, signed, delivered to and recorded by the Financial Institution, then the signature card on file with the Financial Institution will continue to govern such Deposit Account. If the Association delivers conflicting resolutions, Financial Institution may look to all resolutions and signature cards as a whole to determine the identity of and authority granted to the Agent(s) named. This resolution shall continue to have effect until superseded by a subsequent resolution as provided above or until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for any changes.
- (4) The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Association. Any Agent, so long as they act in a representative capacity as an Agent of the Association, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing including without limitation, authorization for those Agents identified as having the authority set forth in Paragraphs (1), (2), and (3) of the Description of Powers on the preceding page 1 to enter into agreements with respect to the issuance of debit cards, internet (online) banking, mobile internet (online) banking, internet (online) bill payment, and related internet (online) banking services.
- (5) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Association with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
- (6) The Association agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Association. The Association authorizes the Financial Institution, at any time, to charge the Association for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the signatures of an Agent for this purpose or are otherwise authorized as set forth in this resolution.
- (7) The Association acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Association to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM) and debit cards.
- (8) The Association acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), digital signatures and electronic signatures, including but not limited to those captured via a digital pen pad device. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Association with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Association authorizes each Agent to have custody of the Association's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.
- (9) Without limitation on the authority granted in paragraph (3) above, Agents who are identified as Agents with the powers designated in Paragraphs (1) and (2) of the Description of Powers on the preceding page 1 of this Resolution (individually an "Account Administrator", collectively "Account Administrators") may enter into and close from time to time, certain operating, treasury management, funds transfer, night depository, lockbox, safe deposit box, debit card and other bank services offered by the Financial Institution relating to the Deposit Accounts including, without limitation, wire transfer, internet (online) banking, positive pay, Automated Clearing House (ACH) origination, and remote deposit capture (each a "Bank Service" or collectively "Bank Services"); to execute, amend, supplement, and deliver to the Financial Institution agreements on behalf of the Association related to the Bank Services (each a "Service Agreement" or collectively "Service Agreements") upon such terms and conditions as they may deem appropriate, including, without limitation, such waivers and indemnities as may be requested by Financial Institution and the authority: (a) to appoint and delegate, from time to time, persons or other entities who may act on behalf of the Association pursuant to such Service Agreements irrespective of whether any such person or entity is an Agent for such Association in a resolution adopted with respect to any of the Deposit Accounts; and (b) to delegate or appoint a person or entity who may further initiate transactions or instructions using security procedures applicable to any such Bank Service.
- (10) Any Account Administrator is hereby authorized to appoint, from time to time, additional person(s) who may act on behalf of the Association as an Agent with respect to any of the powers referenced in the Description of Powers on the preceding page 1 of this resolution, such person(s) shall have the same authority as any Agent designated on page 1 of this resolution with corresponding powers, including any Agent with the powers designed in Paragraphs (1) and (2) of the Description of Powers, and any such Agent who is additionally appointed by the Account Administrator with such powers shall also be considered an Account Administrator.
- (11) The Association has from time to time established relationships with other businesses or entities which may or may not be affiliates by common ownership or control, as well as relationships with other persons who may act on behalf of the Association, such as officers, directors, managers, members, accountants, attorneys, or other persons; and it is in the interest of and the Account Administrators are hereby authorized to allow such other organizations, entities, or persons (any one of which will be referenced herein individually as a "Third Party" and collectively as "Third Parties") to have access to and initiate transactions with respect to any of the Deposit Accounts, as well as access to any loan accounts which the Association presently or hereafter has with Financial Institution, via internet (online) banking or any other Bank Service(s), all on such terms and conditions as any Account Administrator may agree. The Association further authorizes the Financial Institution to honor the instruction or authorization of any Account Administrator: (1) to provide complete access by any Third Party to the Deposit Accounts and loan accounts of the Association, and (2) to recognize, accept and effectuate all transactions initiated via any Bank Service(s) by any Third Party with respect to the Deposit Accounts or loan accounts of the Association, all without further inquiry regarding: (a) the authority of the person(s) initiating the transaction(s), and (b) any aspect of the transaction(s) itself. Financial Institution shall not otherwise be deemed to have any knowledge of the provisions of any agreement between the Association and any Third Party respecting such banking or other matters, nor any of their respective duties or authority there under.
- (12) The Association acknowledges and agrees (1) that a change in the Agents or authorized signers or users on any of the Deposit Accounts, any loan account, or any Bank Service; or any renewal, extension, amendment, or replacement of any of the Deposit Accounts, loan accounts or agreements for Bank Service shall have no effect on this resolution or the powers and authority authorized by any Account Administrator; (2) that any internet (online) banking administrator or any other administrator designated by any Third Party in connection with any such Bank Service has the authority to administer all aspects of the powers, authority and access authorized by the Account Administrator including, without limitation, the authority to determine and grant authority for other persons and entities to view or initiate any transactions with respect to the Deposit Accounts and/or loan accounts of the Association.
- (13) With respect to the Bank Services agreed to by an Account Administrator or administrator of any Third Party authorized by the Account Administrator, the initiation of a transaction or instructions using security procedures applicable to any such service constitutes sufficient authorization for Financial Institution to execute such transaction or instruction regardless of whether such transaction or instructions were initiated by an Agent, Third Party, or any administrator of a Third Party, and that the submission of transactions and instructions using such security procedures shall be considered the written signature of an Agent with authority to withdraw and transfer funds on deposit, and the Association shall be conclusively bound by any and all such transactions, regardless of whether the initiator of the transaction was in fact authorized to initiate the transaction.
- (14) The Association has fully advised the appropriate owners, directors, officers, and other personnel of the Association regarding the authority granted to the Account Administrators or any Agent herein, and fully agrees to be bound by the terms hereof in respect of any Service Agreement or linkage or joinder agreement with a Third Party entered into by the Agent and/or Account Administrator with respect to its Deposit Accounts.
- (15) That the Association does hereby further (a) agree that Financial Institution shall have no responsibility with respect to the application of funds pursuant to transactions authorized by Account Administrators or any Agent designated in this resolution, and Financial Institution's obligations with respect to such funds and other matters shall be limited strictly and specifically by the agreements entered into by the Account Administrator or Agent with respect to such Bank Services, and (b) agree to indemnify and save Financial Institution, its officers, directors, employees, affiliates, agents, and service providers harmless from any damage, loss, injury, or claim, of any nature or amount, arising from the authority granted in this resolution or any breach or falsity of the certifications set forth herein.
- (16) Each person who certifies to this resolution on behalf of the Association further certifies: a) that he/she is a person authorized to make the certifications herein and that the foregoing is a complete and correct copy of the resolutions duly adopted by the Association and affirmatively appearing in the permanent records of the Association; b) that the governing documents of the Association provided to the Financial Institution are true and correct and have not been amended as to the date of such resolutions; c) that there is no provision within the governing document of the Association that either restricts the passing of such resolutions or prevents him/her from executing this certification, and that these acts were and are duly approved and authorized in conformity with the governing documents and applicable law; d) that such resolutions (i) have not been modified, amended or rescinded, (ii) are in full force and effect, and (iii) are binding upon the Association; and e) that the Association is duly organized, validly existing and in good standing under the laws governing its creation and existence, and is duly registered in all states which it does business.

Pennsylvania. The designation of an Agent does not create a power of attorney; therefore, Agents are not subject to the provisions of 20 Pa.C.S.A. Section 5601 et seq. (Chapter 56; Decedents, Estates and Fiduciaries Code) unless the agency was created by a separate power of attorney. Any provision that assigns Financial Institution rights to act on behalf of any person or entity is not subject to the provisions of 20 Pa.C.S.A. Section 5601 et seq. (Chapter 56; Decedents, Estates and Fiduciaries Code).

FOR FINANCIAL INSTITUTION USE ONLY

Acknowledged and received on _____ (date) by _____ (initials) ☐ This resolution is superseded by resolution dated _____.

Comments:

Organization Authorization

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