



MEMORANDUM

MEETING OF: August 22, 2017
COMMITTEE: Planning Commission
DEPARTMENT: Community Development

ISSUE/AGENDA ITEM TITLE:

TA17-16 an Ordinance to Amend Section 27-1443 Places of Worship; Convents; Monasteries; Temporary Religious Meetings; General Requirements, Chapter 27, of the Code of the City of Brookhaven

BACKGROUND/SUMMARY:

The proposed amendment updates the current regulations related to places of worship, ensuring the protection of property owners within the city while allowing improvements to existing developments. The specific amendments are as follows:

- Deletion of subsection 5 - many of the existing places of worship in the City do not meet this requirement. Additionally, places of worship are reviewed under the Special Land Use Permit criteria, which address impact to surrounding neighborhoods and infrastructure.
- Deletion of subsection 9 - duplicate language and unnecessary to confine to specific dates rather than the standard nonconforming use requirements.
- Deletion of subsection 10 - duplicate language and unnecessary to confine to specific dates rather than the standard nonconforming use requirements.

STAFF RECOMMENDATION:

Approval as presented.

ATTACHMENTS:

- TA17-16 MARK-UP An Ord to Amend Sec. 27-1443, Places of Worship (PDF)

**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF BROOKHAVEN**

ORDINANCE 2017 _____

**AN ORDINANCE TO AMEND SECTION 27-1443 PLACES OF WORSHIP; CONVENTS; MONASTERIES;
TEMPORARY RELIGIOUS MEETINGS; GENERAL REQUIREMENTS, OF THE CODE OF THE CITY OF
BROOKHAVEN**

WHEREAS, Section 1.03(b)(25) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to provide comprehensive planning and regulation through zoning and subdivision requirements to ensure a safe, healthy, and aesthetically pleasing community; and

WHEREAS, the Mayor and City Council find that amendments to the current regulations related to places of worship are necessary to ensure the protection of property owners within the city while allowing improvements to existing developments.

BE IT ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same:

SECTION I:

Section 27-1443, Places of worship; convents; monasteries; temporary religious meetings; general requirements, is amended to read as follows:

Sec. 27-1443. - Places of worship; convents; monasteries; temporary religious meetings; general requirements.

The following subsections shall apply to places of worship, convents and monasteries and their related uses, as defined within this Code:

- (1) When located in a residential district, any building or structure established in connection with places of worship, monasteries or convents shall be located at least 75 feet from any property line, except where the adjoining property is zoned for nonresidential use, the setback for any building or structure shall be no less than 20 feet for a side-yard setback and no less than 30 feet for a rear-yard setback.
- (2) When located in a residential district, the required setback from any property line that adjoins a street right-of-way shall be the front-yard setback for the applicable residential district.
- (3) When located in a residential district, the parking areas and driveways for any such uses shall be located at least 20 feet from the boundaries of any property line, with a visual screen, e.g., a six-foot fence or sufficient vegetation established within that area.
- (4) Places of worship, convents and monasteries in residential districts shall be located on a minimum lot area of three acres and shall have frontage of at least 100 feet along a public street.

- (5) The establishment of sites and tents for temporary religious meetings requires the grant of a special administrative permit by the community development director. Such tents or sites for any specific location may not be used for a cumulative period of more than 14 days during any calendar year.
- (6) Any uses, buildings or structures operated by a place of worship that are not specifically included within the definition of place of worship must fully comply with the applicable zoning district regulations, including, but not limited to, any requirement for a special land use permit.
- (7) Any use, building or structure operated by a place of worship that is included within the definition of a place of worship must comply with the applicable supplemental regulations found in sections 27-1408 through 27-1467.

(Ord. No. 2014-09-03, § I(27-768), 9-23-2014)

SECTION II:

Severability: Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION III:

Repeal of Conflicting Provisions: All ordinances, part of ordinances, maps, or regulations in conflict herewith are repealed.

SECTION IV:

Effective Date: This ordinance shall be effective immediately upon adoption.

SO ORDAINED, this _____ day of _____, 2017.

Approved by:

Approved as to Form and Content

John Arthur Ernst Jr., Mayor

Christopher Balch, City Attorney

Attest:

Susan Hiott, City Clerk

SEAL