

## Zoning Amendment Requirements & Planning Commission Review

### 17.4. - Application for Amendments.

17.4-1 Each application to amend this ordinance or the Official Zoning Map(s) shall be filed with the Zoning Administrator. Applications shall be submitted in compliance with the following:

17.4-2 Text amendment applications shall include the following:

1. Name and address of applicant.
2. Current provisions of text to be affected by amendment.
3. Proposed wording of text change.
4. Reason for amendment request.

17.4-3 Map amendment applications shall include the following:

1. A legal description of the tract(s) to be rezoned, including the street address and subdivision, if any, or area in which the tract is located.
2. Seven copies of a plat, drawn to scale, showing north arrow, land lot and district; the dimensions, acreage and location of that tract(s); floodplain and flood hazard areas; unusual topographical features; current zoning of subject tract and all adjacent properties; and existing structures. This plat shall be prepared by an architect, engineer, landscape architect, a planner with an AICP certification or land surveyor whose seal shall be affixed to the plat.
3. When any applicant or his attorney for a rezoning action has made, within two (2) years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
  - a. The name and official position of the local government official to whom the campaign contribution was made; and
  - b. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for the rezoning action and the date of each contribution.

The disclosure required by this Section shall be filed within ten (10) days after an application for the rezoning action is first filed.

4. The names and addresses of the owners of the land and their agents, if any; together with a written notarized authorization for the owner(s) agents, if any, to seek rezoning.
5. A letter of intent indicating specifically how the property is to be used.
6. Each zoning map amendment application, whether submitted by local government, or by a party other than local government, shall include with it a complete, written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:
  - a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
  - b. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property.
  - c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

- d. 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.
- e. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Land Use Plan.
- f. 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.

17.4-3.7 The fee for each Zoning amendment shall be \$250.00 (Two Hundred and Fifty Dollars).

17.4-3.8 The fee for each Variance request shall be \$250.00 (Two Hundred [and] Fifty Dollars). (Ord. No. 728, 8-26-2004)

17.4-4 Submitted Application. Applications shall be submitted in accordance with a schedule adopted annually by the City Council which shall provide that each application shall be submitted at least 50 days prior to the date on which it is to be considered by the City Council and in any event in sufficient time so as to permit advance advertising and notice of any public hearing(s) pursuant to the terms of this Section and State Law. Each application for an amendment to the Official Zoning Ordinance text or map shall be assessed a fee as posted in Building and Zoning office of the City of Grantville to defray administrative costs. A fee shall not be charged for applications initiated by the City Council or Zoning Administrator.

17.4-5 An application shall not be withdrawn by the applicant after the legal advertising as required by this Section has first appeared.

17.4-6 An applicant may file site plans, renderings, construction specifications, written development restrictions, and other conditions which the applicant proposes as binding conditions upon the development and use of the property involved in the application; provided, however, that any such conditions or alterations or changes thereto shall be filed with the Zoning Administrator at least seven (7) days prior to the public hearing before the City Council. If any such conditions or alterations or changes thereto are proposed by an applicant and have not been filed as required by this subsection, the City Council, at the time of the public hearing on the application, may defer any action on such application to a specific meeting date. The date designed for action on the application shall be set at a time which will allow the applicant to comply with the filing requirements of this subsection.

17.4-7 If after one (1) year from rezoning, the approved use has not been developed as stated the rezoning application, or [a] Building Permit has not been issued, the rezoning shall become invalid. At this time, the lot or parcel may revert to previously zoned status and a new application for rezoning shall be filed with the Zoning Administrator.

#### 17.5. - Planning Study.

17.5-1 The Zoning Administrator (or his/her designee) upon receiving an application to amend the Official Zoning Map(s), shall do the following:

1. With respect to an application to amend the Official Zoning Map(s), consider and evaluate each of the matters set forth in 17.4-3.6.a—f.
2. Consult with other departments of the Coweta County and the City of Grantville to fully evaluate the impact of any land use or zoning district change upon public facilities and services including, but not limited to schools, drainage, traffic, and related facilities.

3. Conduct a site review of the property and surrounding area.
4. Submit a written record of his/her investigation and recommendations to the Planning Commission and City Council, which report shall be a matter of public records.

17.5-2 The Zoning Administrator's report may recommend amendments to the applicant's request which would reduce the land area for which the application is made, change the zoning district requested, or recommend conditions of rezoning which may be deemed advisable so that the purpose of this ordinance will be served, and the health, public safety, and general welfare secured.

#### 17.6. - Planning Commission Action.

17.6-1 The Planning Commission shall hold a meeting on each application in accordance with a schedule adopted by the City Council or as needed. Any recommendations on each application shall be submitted to the Planning Commission at the public hearing. In addition, the Planning Commission shall with respect to each application consider each of the matters set forth in 17.4-3.6 a—f. As to each application, the Planning Commission shall make a recommendation for approval, approval with conditions, denial, deferral, withdrawal without prejudice or no recommendation. A written report of the Planning Commission's investigation and recommendation, along with the investigation and recommendation of the Zoning Administrator, shall be submitted to the City Council and shall be public record. The Planning Commission's action may recommend amendments to the applicant's request which would reduce the land area for which the application is made, change the district requested, or recommend conditions of rezoning which may be deemed advisable so that the purpose of this ordinance will be served, health, public safety and general welfare secured. The failure of the Planning Commission to take any action as to a particular petition within sixty (60) days of the public hearing will be the same as approval thereof.

#### 17.7. - Public Notification.

17.7-1 Legal Notice. Due notice of the public hearing before the City Council shall be published in the newspaper of general circulation for the City of Grantville in which is carried the legal advertisements of the City by advertising the application and date, time, place, and purpose of the public hearings at least 15 days and not more than 45 days prior to the date of the first hearing conducted by the City Council. If the application is for amendment to the Official Zoning Map(s), then this notice also shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property.

17.7-2 Signs Posted. As to an application to amend the Official Zoning Map(s), if such application is initiated by any party other than the City Council or the City's Zoning Administrator, the Zoning Administrator (or a designee) shall post a sign in a conspicuous place on the property for which the application has been submitted at least fifteen (15) days and no more than forty-five (45) days in advance of the City Council's hearings. Said sign shall contain information as to the date, time and place of the public hearing, the current zoning classification and the proposed zoning classification. (Ord. No. 08-2012, § 4, 8-27-2012)

#### 17.8. - Standards Governing the Exercise of the Zoning Power of the City of Grantville.

17.8-1 In addition to the standards enumerated in other sections of this ordinance, the Planning Commission and City Council shall consider the following matters in reference to any rezoning application:

1. The existing land use patterns.
2. The possible creation of an isolated district unrelated to adjacent and nearby districts.
3. The population density pattern and possible increase or overtaxing of the load on public facilities including, but not limited to, schools, utilities, and streets.
4. Whether the proposed change will adversely influence living conditions in the neighborhood.
5. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.
6. Whether the proposed change will create adverse environmental impacts to water, erosion and sedimentation control regulations, or sewerage systems.
7. Whether the proposed change will adversely affect property values in the adjacent area.
8. Whether the proposed change will seriously reduce light and air to adjacent areas.
9. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.
10. Whether the change suggested is out of scale with the needs of the neighborhood or the City.
11. The extent to which the zoning decision is consistent with the comprehensive plan, adopted by the City Council.
12. Any other factors relevant to balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property.
13. Whether or not any parcel is located in a wetland as determined by the Wetland Protection District Map and by determination of the U.S. Army Corps of Engineers. If the Corps determines that wetlands are present a Section 404 Permit as provided by the Clean Water Act is required to be issued before any parcel is rezoned.