

Chapter 22

ZONING*

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***Cross references**--Administration, Ch. 2; buildings, construction and related activities, Ch. 5; floodplain regulations, Ch. 8; historic preservation, Ch. 9; streets and sidewalks, Ch. 16; subdivisions, Ch. 17; taxation, revenue and miscellaneous business regulations, Ch. 18; trees and landscaping, Ch. 20.

State law references--City's authority to adopt plans and exercise the power of zoning, Ga. Const., art. 9, sec. 2, par. 4; The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; local government zoning powers, O.C.G.A. § 36-66-2; conflicts of interest in zoning actions, O.C.G.A. § 36-67A-1 et seq.; effect of zoning laws on covenants running with the land, O.C.G.A. § 44-5-60.

Section 22-150A ARTICLE VI. AMENDMENTS AND REZONING

Section 22-151 Alternative methods; preliminary review required.

This article, including the zoning map, may be amended by the city council:

- (a) On its own motion;
 - (b) By petition of the property owner or the property owner's agent to whom the property owner has designated such authority in writing;
 - (c) On recommendation of the planning and zoning commission, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the planning and zoning commission for review and recommendation.
- (Code 1958, § 24-21; Ord. of 7-28-86, § I; Ord. of 7-28-97(2), § I)

Section 22-152 Application for amendment.

Applications for amendment of this article may be in the form of proposals for amendment of the text of this article or proposals for amendment of the zoning map. Applications for amendment shall be submitted to the zoning administrator and shall include a five hundred dollar

(\$500.00) fee, payable to the city, to defray expenses, except that the application fee shall be one hundred fifty dollars (\$150.00) for zoning amendments involving single-family residential with one (1) to four (4) units. Any application for a zoning amendment which is denied by the city council shall not be reconsidered for one (1) year after the date of denial.

(Code 1958, § 24-21.01; Ord. of 7-28-86, § I; Ord. of 2-27-95(2), § I)

Section 22-153 Signature of applicant required.

All applications shall be signed by the applicant, and shall state the applicant's name and address.

(Code 1958, § 24-21.02; Ord. of 7-28-86, § I)

Section 22-154 Application for text amendment.

In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.

(Code 1958, § 24-21.03; Ord. of 7-28-86, § I)

Section 22-155 Applications for map amendment.

An application for a map amendment shall include the following information:

- (1) The area in which the lot proposed to be rezoned is located and the street number, if any, or if none, the location with respect to the nearby public streets in common use; and,
- (2) A plat of the lot in question, or a description by metes and bounds, bearings, and distances of the lot, or, If the boundaries conform to the lot boundaries within a subdivision for which a plat is recorded in the land records of the county, then the lot, block, and subdivision designations with appropriate plat references and a copy of the deed to the land so described as required above; and,
- (3) The present zoning and the zoning proposed for the lot in question; and,
- (4) The name and address of the owners of the land; and,
- (5) The area of the land proposed to be rezoned stated in square feet if less than one (1) acre, and in acres if one (1) or more acres; and,
- (6) The application number, date of application, and action taken on all prior applications filed for the rezoning of the whole or part of the land proposed to be rezoned.

(Ord. of 7-28-86, § I; Ord. of 1-12-87(3))

Section 22-156 Public hearing and notification.

Before considering any proposed amendment which changes the text of this chapter or any amendment which rezones property from one (1) classification to another, a public hearing shall be held. No less than fifteen (15) days nor more than forty-five (45) days notice shall be given of the time and place of the public hearing. The notice shall give the time and place, application number and a summary of the proposed amendment, if a text amendment. In the case of a map amendment (rezoning), the location of the property, its area, name of owner and the proposed change of classification shall be stated. Such notices shall appear in at least two (2) consecutive issues of the newspaper used as the official legal organ of the city.

(Code 1958, § 24-21.06; Ord. of 7-28-86, § I)

(2005 (Sec.22-156), Amended, 06/29/2005)

Section 22-157 Notice to interested parties.

In the case of a map amendment (rezoning), a notice of the application number, the applicant's name, property location, current zoning classification and proposed zoning classification, and the date, time and location of the planning and zoning commission public hearing will be sent to all property owners within, but not limited to, four hundred (400) feet of the property proposed to be rezoned. Such notice shall be by U.S. mail, and shall be mailed so as to be received by local citizens not less than fifteen (15) days nor more than forty-five (45) days before the date of the hearing. Copies of each notice shall also be sent to each planning and zoning commission member. All application files shall be placed in the custody of the zoning administrator, and shall be open to public inspection during regular office hours.

(Code 1958, § 24-21.07; Ord. of 7-28-86, § I)

Section 22-158 Referral to planning commission.

Not less than seven (7) days prior to the scheduled hearing date, the zoning administrator shall transmit a copy of any application for amendment to each member of the planning and zoning commission for preliminary review. Additional copies of any application for amendment shall be made available in the hearing. The planning and zoning commission shall have a thirty-day period after a public hearing in which to submit its report to the city council.

(Code 1958, § 24-21.05; Ord. of 7-28-86, § I; Ord. of 2-24-03)

(22-158, Amended, 02/24/2003)

Section 22-159 Rezoning policies and procedures.

The following policies and procedures are hereby adopted by the city to provide established guidelines for the following:

- (1) The adoption of an amendment to the Comprehensive Zoning Ordinance which changes the text of the zoning chapter;
- (2) The adoption of an amendment to the Comprehensive Zoning Ordinance which rezones property from one (1) zoning classification to another;
- (3) The adoption of an amendment to the zoning plan and map sponsored by the city;
- (4) The adoption of an amendment to the zoning plan and map sponsored by the planning and zoning commission;
- (5) The adoption of an amendment to the zoning plan and map sponsored by a citizen/property owner.

(Ord. of 7-28-86, § I)

Section 22-160 Policies and procedures for city planning commission initiated rezoning activities.

(a) All amendments to any existing zoning plan must be reviewed by both the planning and zoning commission and the city council. However, when the boundary lines of an established zoning district are proposed for change (rezoning), the planning and zoning commission shall prepare an evaluation and recommendation with regard to such proposed item of rezoning, considering each of the following factors:

- (1) Existing uses and zoning of nearby property;
- (2) The extent to which property values are diminished by the proposed zoning restrictions;
- (3) The extent to which the destruction of property values, resulting from existing zoning of specific parcels, promotes the health, safety, morals or general welfare of the public;
- (4) The relative gain to the public, as compared to the hardship imposed upon the individual

property owner by the proposed zoning classification;

- (5) The suitability of the subject property for the zoning purposes as proposed;
- (6) The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property;
- (7) Conformity with or divergence from the zoning map; and
- (8) Recommendations of the Zoning Administrator of the City of Thomasville Planning Department.

(b) The public hearing will be convened at the advertised time and place and will be presided over by the chairman of that meeting.

(c) At each public hearing, the chairman of the hearing must allow each side of the zoning issue a minimum of ten (10) minutes per side for the presentation of data, evidence, and opinions pursuant to. The chairman will review, for those present, the following operating procedures:

- (1) In order for a person in attendance to speak, the chairman must recognize that person. Upon rising to speak, the person recognized will first identify himself. The chairman may also request that the person furnish a home or business street address, as appropriate.
- (2) The person speaking will be allowed a reasonable amount of time to express opinions and make comments on each separate element of the proposed revisions which he wishes to address.
- (3) Additional persons will be recognized through the procedure described in subsections (1) and (2), for the purpose of addressing additional elements of the proposed revisions or to make additional points with regard to elements already addressed, but not to revisit points already made.
- (4) Appropriate notes or minutes will be recorded by the planning and zoning commission at its public hearing.

(d) The planning and zoning commission shall prepare and submit the necessary minutes, evaluations and recommendations to the city council prior to the meeting of the city council at which action on the zoning request will be taken.

(e) The city council will review the evaluations and recommendations from the planning and zoning commission and may choose to adopt or reject or modify the planning and zoning commission's recommendations, considering the factors set forth in this section, or the business may be tabled for additional study to the next regular meeting.

(Ord. of 7-28-86, § I; Ord. of 12-23-96(3), § II)
(Sec.22-160-(a)8, Amended, 03/28/2005)

Section 22-161 Policies and procedures for citizen/property owner initiated rezoning activities.

(a) An application for rezoning must be filed with the zoning administrator at the municipal building as prescribed in sections 22-152 through 22-155.

(b) The zoning administrator will inform the applicant, in writing, of the public hearing date required under the provisions of section 22-156.

(c) The zoning administrator shall require to be erected upon the property for which rezoning is to be considered a sign of no less than eight (8) square feet announcing the public hearing; stipulating the date, time, and place for the hearing; the present zoning class; and the proposed zoning class. The sign shall be clearly visible from the street. It shall be erected not less than fifteen (15) days before the public hearing date. Failure to erect a sign will cause postponement of the hearing until this requirement is met.

(d) The public hearing held by the planning and zoning commission will follow the same procedure as prescribed in section 22-160(c). Thereafter the planning and zoning commission shall prepare an evaluation and recommendation for the city council with regard to the proposed action, considering each of the factors set out in section 22-160(a).

(Ord. of 7-28-86, § I; Ord. of 7-28-97(1), § I)

Section 22-162 22-162--22-180. Reserved.