

City of Statham
County of Barrow
State of Georgia

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF STATHAM TO AMEND CHAPTER 5.01 TO MODIFY THE AMENDMENT PROCESS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Chapter 5.01, Amendments, is amended as follows: Chapter 5.01 is deleted in its entirety, and the following is inserted in lieu thereof:

Chapter 5.01 Amendment

5.01.001 Authority

After initial adoption of this Zoning Ordinance, the City of Statham may from time to time amend the boundaries of the districts established on the Official Zoning Map and/or the provisions set forth in this Ordinance. Except for action by the City, an application must be filed at least thirty (30) days prior to the City Council meeting at which the request will be heard. The City Council has sixty (60) days following the public hearing within which to render a decision on the application. If the City Council fails to render a decision within the sixty (60) day period, or by the next regularly scheduled City of Statham meeting (whichever is later) it is deemed to have approved the proposed amendments unless the application is withdrawn or tabled.

5.01.002 Application for Amendment (Rezoning Application)

An application for amendment must be filed with the City Clerk and must contain the following information:

(1) A survey of the property prepared by a licensed surveyor showing existing and proposed structures and uses, access drives, easements, utilities, buffers, existing zoning, and any other supporting documentation required by the City

Clerk to assist the City of Statham in rendering a decision, including concept plans;

(2) A list of adjoining property owners as shown on the tax rolls;

(3) The written analysis should address the following, where applicable.

(a) What is the existing land use pattern in the area?

(b) Would approval create an isolated district designation unrelated to adjacent and nearby district designations?

(c) Would approval significantly increase or possibly overtax available infrastructure including, but not limited to schools, streets, utilities and public safety services?

(d) Are the existing boundaries illogically drawn in relation to existing conditions on the property proposed for change?

(e) Would changed or changing conditions make the passage of the proposed amendment necessary?

- (f) Will the proposed change adversely influence living conditions in the neighborhood?
 - (g) Will the proposed change create or excessively increase traffic congestion or otherwise affect public safety?
 - (h) Will the proposed change seriously reduce light and air to adjacent areas?
 - (i) Will the proposed change adversely affect property values in the adjacent area?
 - (j) Will the proposed change be a deterrent to the improvement or development of adjacent property in accordance with existing regulations?
 - (k) Will the proposed change constitute a grant of special privilege to an individual owner as contrasted with the public welfare?
 - (l) Are there substantial reasons why the property cannot be used in accordance with its existing zoning?
 - (m) To what extent is the proposed change consistent with the city's Comprehensive Plan?
 - (n) What other factors, if any, should be considered in balancing the interest in promoting the public health, safety morality or general welfare against the right to unrestricted use of the property?
- (4) Any additional information the applicant or the City Clerk believes to be pertinent.
- (5) Additionally, the applicant, if other than the local government, must pay the required application fee, as determined by the Governing Authority, to cover the administrative and advertising costs of the application and sign a statement certifying he/she or the owner represented by the applicant has at least a fifty-one percent (51 %) ownership interest in the property.
- (6) Once the application is submitted it cannot be amended. Incomplete applications will not be processed.
- (7) The applicant or his designee shall present the application and all its supporting documents, along with a written analysis of the requested zoning's impact, to the City Council at its work session in the month in which the public hearing on the application is scheduled.

5.01.003 Public Hearings, Procedures, and Rezoning Standards

- (1) Public Hearing Required.** Before enacting an amendment of or pursuant to this Ordinance, one (1) public hearing must be held by the City Council.
- (2) Applicant Notification.** The City Clerk, or her designee, must notify the applicant of the date, time, and place of the required public hearing.
- (3) Publication of Notice.** Not less than fifteen (15) days, and not more than forty-five (45) days prior to the date of the public hearing, the City Clerk, or her designee, shall advertise the date, time, place and purpose of the public hearing in a newspaper of general circulation in Statham. The notice shall also include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property. The notice shall further include a statement that " Any opponent of a rezoning action that has made within two years immediately preceding the filing of the rezoning action, campaign contributions

aggregating \$250.00 or more to a local government official that will consider the application, must file a disclosure with the City of Statham showing:

(a) The name and official position of the City Official to whom the , contribution was made; and,

(b) The dollar amount and description of each campaign contribution made to the City of Statham official. The disclosure shall be filed at least five calendar days prior to the public hearing on the zoning application."

(4) Sign. In addition to the newspaper notice and not less than fifteen (15) days prior to the public hearing, the City Clerk, or her designee, shall cause the applicant to have posted in a conspicuous place on the lot or parcel to be rezoned, one (1) or more signs, which shall provide adequate notice of the zoning action. Each sign shall be approximately 32" in height and 24" in width and shall provide adequate notice of the zoning action. At a minimum the sign must contain the following information: date, time, and location of the hearing, current zoning classification and proposed zoning classification, and a telephone number interested persons can call for additional information.

If, because of circumstances peculiar to the location of the property to be posted, the sign will either be inconspicuous or invisible from any well-traveled right-of- way, the sign(s) shall be posted on the property to be rezoned and on other property in such a location that it is likely to be seen by persons potentially

interested in the decision.

(5) City of Statham Action. The Mayor and City Council of City of Statham shall review the application and vote on the proposed amendment to the zoning. ordinance or the zoning map. The Mayor and Council may approve, approve with conditions, or deny the application. Within seven (7) days of its decision, the City Clerk shall so notify the applicant. If the City of Statham fail to act on the application within sixty (60) days of its submission or by the next regularly scheduled City of Statham meeting (whichever is later) the application is deemed to have been approved unless the application or the matter is tabled, postponed, or withdrawn.

(6) Withdrawal. of an application for an amendment to the Zoning Ordinance or Official Zoning Map is withdrawn in writing by the applicant at any time after the publication of the newspaper notice and posting of the required sign, but prior to the public hearing, then the same property may not be considered for zoning by the City of Statham until the expiration of at least sixty (60) days immediately following the withdrawal of the rezoning application. The withdrawal must be in writing and signed by the applicant.

The application will be considered to have been withdrawn if the applicant, his/her authorized agent or his/her attorney fails to appear at the public hearing. By withdrawing in this manner, the same property may not be considered for rezoning by the City of Statham until the expiration of at least sixty (60) days from the date

of the scheduled public hearing for which the applicant failed to appear.

(7) Denial. If the zoning ordinance amendment or Official Zoning Map amendment is denied by the City of Statham, then the same property may not be considered for rezoning until the expiration of at least six (6) months immediately following the denial of the rezoning by the City of Statham. A tie vote with no further action during said sixty (60) day period shall be deemed a denial of the rezoning by the City of Statham.

5.01.004 Zoning Amendment Criteria

In the adoption of a zoning ordinance, an amendment to an existing zoning ordinance or amendment to the Official Zoning Map, the City of Statham shall consider factors relevant in balancing the interest in promoting the public health, safety, morals or general welfare against the right of the individual to the unrestricted use of property and must specifically consider the following factors as they may be relevant to the application:

- (I) The existing land use pattern;
- (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) The cost to the City and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;
- (5) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality;
- (6) Whether the proposed zoning map amendment will be a deterrent to the value or improvement or development of adjacent property in accordance with existing regulations;
- (7) Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;
- (8) The aesthetic effect of existing and future use of the property as it relates to the surrounding area;
- (9) The extent to which the proposed zoning map amendment is consistent with the comprehensive plan;
- (10) The possible effect of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;
- (II) The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations;
- (12) The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;
- (13) In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the

residential area shall be considered to carry great weight.

After hearing evidence at the zoning hearing, the Mayor and Council shall apply the evidence of the Standards of Review (Zoning Amendment Criteria) in making their decision. It will not be required that the Mayor and Council consider every criterion contained in the Standards of Review. It shall be the duty of the applicant to carry the burden of proof that the proposed zoning map amendment promotes the public health, safety, morality or general welfare.

5.01.005 Procedure for Conducting a Public Hearing

All public hearings held pursuant this ordinance shall be conducted as follows:

- (1) the presiding officer shall allow the applicant or the applicant's agent or attorney to present the applicant's case and then shall be afforded the opportunity, prior to the closing of the public hearing, to answer questions and respond to objections of others in attendance. A minimum of ten (10) minutes is allowed for presentation of data, evidence, and opinion by proponents of each zoning decision and a minimum of ten (10) minutes for presentation of opponents of each proposed zoning decision.
- (2) Others desiring to speak or make a statement shall be given reasonable opportunity do so but must first be recognized by the presiding officer. Upon rising to speak, the person recognized will stat his/her name. The presiding officer may also request that the person furnish a home or business street address, as may be appropriate.
- (3) Groups, affiliations, and associations shall designate a spokesperson who shall speak for the group.
- (4) Both proponents and opponents of the matter under consideration shall be given comparable time and opportunity by the presiding officer to speak.
- (5) Questions shall be directed only to the presiding officer who shall respond or designate another person for the response.
- (6) The presiding officer may limit or terminate the discussion, statements of comments because of time, repetitiveness or irrelevancy.

After all discussion concerning the zoning application is concluded, the presiding officer shall close the public hearing for that particular zoning application.

5.01.006 Meeting Format

- (1) Minutes of the meeting will be taken by the person so designated. Should a complete transcript of the meeting be requested it will be provided at the expense of the person making the request.
- (2) No set time will be set for each person to talk but it is suggested remarks be kept short and to the point.
- (3) Following is an outline of how the meeting will be held:
 - (a) Hearing called to order.
 - (b) Proposal or ordinance summarized.
 - (c) Applicant or proponent states his case.

- (d) Persons in favor testify .
- (e) Rebuttal and cross examination.
- (f) Hearing closed.

5.01.007 Publication of Standards

The above criteria shall be available to the public to aid in the preparation for a change in the Zoning Ordinance or the Official Zoning Map of Statham, Georgia.

- 2 . All ordinances, parts of ordinances, or regulations in conflict with this ordinance are hereby repealed;.

- 3 . This ordinance shall become part of the Statham Zoning Ordinance of the City of Statham, Georgia; and

- 4 . This ordinance shall be effective immediately upon adoption as provided in Chapter 5.01 of the Zoning Ordinance.