

AN ORDINANCE

To Be Entitled:

AN ORDINANCE OF THE MAYOR/COUNCIL OF THE CITY OF HAHIRA, GEORGIA, AMENDING THE ZONING ORDINANCE FOR THE CITY OF HAHIRA BY DELETING SECTION 13 ZONING DECISIONS AND ORDINANCE AMENDMENTS IN ITS ENTIRETY AND CREATING A NEW SECTION 13 ZONING DECISIONS AND ORDINANCE AMENDMENTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE MAYOR/COUNCIL OF THE CITY OF

HAHIRA, GEORGIA, that:

SECTION 1. The Zoning Ordinance for the City of Hahira, Section 13 Zoning

Decisions and Ordinance Amendments, is hereby deleted in its entirety and a new Section 13

Zoning Decisions and Ordinance Amendments is hereby created as follows:

SECTION 13

ZONING DECISIONS AND ORDINANCE AMENDMENTS

13-1 General Conditions. This ordinance, including the zoning map or major thoroughfare plan, may be amended by the City Council on their own motion, on recommendation of the Planning Commission, or on petition by the property owner or his duly authorized agent, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review and recommendation. Before enacting an amendment to this ordinance, the governing authority shall give public notice and hold a public hearing thereon as set forth in this section.

13-2 Application for Amendment.

13-2.1 General: Applications for amendment of this ordinance may be in the form of proposals for amendment of the text or proposals for amendment of the zoning map. Applications for amendment shall be on forms provided by the Zoning Administrator, shall be submitted to the Zoning Administrator, and shall include a fee set by the city payable to the city, to defray expenses. Applications shall be submitted by the 25th day of each month, as an established submittal deadline, in order for the application to be reviewed by the Planning Commission the following month, and advertised and then considered at a public hearing during a subsequent month. Only complete applications will be accepted by the established submittal deadline. No application for a zoning change affecting the same parcel of property or part thereof shall be accepted by the Zoning Administrator until the expiration of at least one (1) year immediately following the defeat of a rezoning request by the City Council.

13-2.2 Signature of Applicant Required: All applications shall be signed by the applicant, and shall state his name and address.

13-2.3 Application for Text Amendment: In the case of a text amendment, the application shall set forth the text to be added and the existing text to be deleted.

13-2.4 Application for Map Amendment: An application for a map amendment shall include but not be limited to the following information:

- a. The community or area in which the land proposed to be reclassified is located, and the street address, the tax Map-Parcel number(s), and the location with respect to the nearby public roads in common use;
- b. a legal survey of the land in question, and a description by metes and bounds, bearings, and distances of the land, 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 reference;

- c. the present zoning classification and the classification proposed for such land and a statement as to the proposed use of the property;
- d. the name and address of the owners of the land;
- e. the area of the land proposed to be reclassified, stated in square feet if less than one (1) acre, and in acres if one (1) acre or more.

f. If the applicant has made, within two (2) years immediately preceding the filing of the applicant's application for a map amendment, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to the City of Hahira, any member of the City Council of Hahira, Georgia, it shall be the duty of the applicant and the attorney representing the applicant to disclose the following in the application:

- 1) the name of the local government official to whom the campaign contribution or gift was made;
- 2) the dollar amount 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 map amendment and the date of each such contribution; and
- 3) an enumeration and description of each gift having a value of \$250 or more made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for the map amendment.
- 4) In the event that no such gifts or contributions were made, the application shall affirmatively so state.

g. The application file number, date of application, and action taken on all prior applications filed for the reclassification of the whole or part of the land proposed to be reclassified.

h. A list of all current owners of record for properties located immediately adjacent to or directly across a public street or railroad right-of-way from the subject property. The list shall include the current names, mailing addresses, and tax Map-Parcel numbers as reflected on the current tax roll of Lowndes County.

**13-2.5 Exclusions.** The provisions of subsections 13-2.1 through 13-2.4 shall not be applicable to amendments of this ordinance, including the zoning map, initiated by the Planning Commission or the City Council.

**13-3 Referral to Planning Commission:** By the fourth (4th) working day of each month, the Zoning Administrator shall transmit a copy of the completed rezoning application to the Planning Commission, and applicable local staff members, for review and recommendation. The Planning Commission shall review each application for consistency with the adopted local Comprehensive Plan, and shall issue a finding which states the request to be either "consistent" or "inconsistent" with said Comprehensive Plan. The finding shall then be transmitted as recommendation to the City Council.

#### 13-4 Notice of Public Hearing

- a) **Posting of Property:** Not less than fifteen (15) nor more than 45 days prior to the date set for the public hearing on any application for a map amendment, and pursuant to Chapter 66 O.C.G.A., the Zoning Administrator shall erect at least one notification sign on the land proposed to be reclassified. Such sign(s) shall be erected by the Zoning Administrator within ten (10) feet of whatever boundary line of such land that abuts the street of the advertised address. If no public road abuts thereon, then such sign shall be erected along the nearest opened public right-of-way. Signs shall be erected in such a manner as may be most readily seen by the public. In the case of two intersecting street frontages (corner lot), a single sign may be placed at or near the corner of the intersection at the Zoning Administrator's discretion. In the case of two or more non-intersecting street frontages, a notification sign shall be placed along each

non-intersecting street frontage. Each sign shall show the application file number, the present zoning classification, the proposed zoning classification, the scheduled date, time and place of public hearing, and the telephone number to call for further information. If the land sought to be reclassified lies within more than one (1) block as shown on a plat recorded in the land records of the County, then a sign shall be erected on the land in each such block. The Zoning Administrator shall verify the posting of a sign upon said property in accordance with these provisions. Any such sign shall be maintained on the property at all times by the Zoning Administrator until a decision on the application has been made by the City Council.

b) **Notification of Adjacent Property Owners.** In the case of a map amendment, the Zoning Administrator shall prepare a "notice of public hearing" letter and send a copy by certified mail to each adjacent property owner as described above. The notice shall include the application file number, a map depicting the location of the subject property, the present zoning classification, the proposed zoning classification, the scheduled date, time, and place of public hearing, and the telephone number to call for further information. These notices shall be postmarked not less than fifteen (15) days prior to the scheduled date of public hearing. The application shall include an additional fee to defray the expense of preparing and mailing these notices. The accuracy and completeness of the list of property owners shall be the responsibility of the applicant.

c) **Newspaper Advertisement.** Not less than fifteen (15) days prior to the scheduled date of public hearing, and pursuant to Chapter 66 O.C.G.A., a notice of public hearing shall be published for at least two (2) consecutive issues in a newspaper of general circulation within the City of Hahira. Such notice shall state the application file number, and shall contain a summary of the proposed amendment in the case of a text amendment, and the location of the property, its area, owner, the current zoning classification, and the proposed classification in the case of a map amendment.

### 13-5 Public Hearing Process:

13-5.1 **Notice to Interested Parties:** A notice shall be given to the applicant and the Planning Commission of the date, time and place of the public hearing. All application files shall be placed in the custody of the Zoning Administrator and be open to public inspection during regular office hours.

13-5.2 **Hearing Procedure:** All public hearings on zoning matters shall be placed on the City Council agenda under a section entitled "Public Hearings". After an initial presentation of a specific zoning and/or annexation/zoning request by the Planning Commission or their designated staff, citizen comments will be heard in an orderly fashion. The Mayor or Mayor Pro Tem will ask for those citizens speaking in favor of the request first, followed by those opposed to the issue. All speakers will be asked to provide his or her name and address for the public record. Citizens are requested to keep their comments as brief as possible so that all who wish to be heard will have adequate time. When there are a large number of citizens wishing to testify at a given hearing, the presiding officer may invoke time limitations on individual speakers. In such cases, these time limits shall apply to all speakers. Citizens may address their comments to the City Council as a whole. Individual attacks or cross examination of a Council Member, city employees or other citizens will be ruled out of order. After all citizens' comments have been received, all further discussion of the specific application is reserved for the City Council. The City Council retains the privilege to ask any questions of staff or any citizen present for clarification. The City Council will then render a decision on the application. The passage of a motion to table or a postponement to a specific time shall constitute a decision for the purpose of this section.

13-5.3 **Standards for Exercise of Zoning Powers:** In order to promote the public health, safety, and general welfare of the City of Hahira against the unrestricted use of property, the recommendation of the Planning Commission, the following standards, and any other factors relevant to balancing the above stated public interest will be considered by the City Council in making any zoning decision:

- a. The existing land use pattern;
- b. the possible creation of an isolated district unrelated to adjacent and nearby districts;
- c. the existing population density pattern and the possible increase or overtaxing

of the load on public facilities;

- d. whether changed or changing conditions make the passage of the proposed amendment reasonable;
- e. whether the proposed change will adversely influence existing conditions in the neighborhood or the community at large;
- f. potential impact(s) on the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplains, air quality, and water quality and quantity;
- g. the reasonableness of the costs required of the public in providing, improving, increasing or maintaining public utilities, schools, streets and public safety necessities when considering the proposed changes;
- h. whether the proposed change will be detrimental to the value or improvement of development of adjacent or nearby property in accordance with existing requirements;
- i. whether the proposed change is out of scale with the needs of the neighborhood or the City of Hahira;
- j. whether the proposed change will constitute a grant of special privilege to the individual owner as contrasted with the adjacent or nearby neighborhood or with the general public; and
- k. the extent to which the zoning decision is consistent with the adopted local Comprehensive Plan as determined by the Planning Commission.

#### 13-5.4

**Public Hearings Records Standards:** The City Clerk shall mechanically record the proceedings of all zoning public hearings. If requested by any party, verbatim transcripts of the public hearing can be prepared, but only if requested and purchased in advance by the requesting party. The record of the public hearing and all evidence (e.g., maps, drawings, traffic studies, etc.) submitted at the public hearing shall be noted as such and shall become a permanent part of the particular zoning amendment's file.

and

**SECTION 2. Severability.** If for any reason any section, subsection, paragraph or part of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, that fact shall not affect, invalidate or destroy any other section, subsection or part of this ordinance and the remaining portions thereof shall remain in full force and effect without regard to the section, subsection, paragraph or part invalidated or held unconstitutional.

**SECTION 3.** This ordinance shall become effective immediately upon passage.