

## **ARTICLE 29   TEXT AMENDMENTS**

### **Sec. 29.1. Authority to Amend.**

The Governing Body may from time to time amend any regulation pertaining to any zoning district; or may amend any other Article or Section of this Zoning Ordinance.

### **Sec. 29.2. Initiation of Proposals for Text Amendments.**

An application to amend the text of this Zoning Ordinance may be initiated by:

(a) The Governing Body; or

(b) The Planning Commission; or

(c) Any person, firm, corporation or agency, provided said individual, firm, corporation or agency is the owner or owner's agent of the property for which an amendment is sought, and further provided that the applicant has attended a pre-application meeting with the Zoning Administrator; or

(d) The Zoning Administrator.

### **Sec. 29.3. Application Requirements.**

Applications to amend the text of this zoning ordinance shall require submittal of an application fee, application form, and proposed text amendment in a form approved in advance by the Zoning Administrator. The Zoning Administrator shall waive the application fee required by this Section when an application is initiated by the Mayor and City Council, the Planning Commission, or the Zoning Administrator.

### **Sec. 29.4. Limitation on Concurrent Consideration.**

In cases where an applicant is proposing a text amendment to modify or create a new zoning district or to add a permitted or conditional use to an existing zoning district, and where the applicant also desires to rezone property to the new or modified zoning district (or establish a conditional use in accordance with the amendment), the two applications shall not be considered concurrently.

### **Sec. 29.5. Planning Commission Hearing, Review and Recommendation.**

The Planning Commission shall hold a public hearing and provide a recommendation on all applications for text amendment. The Planning Commission shall make a recommendation after careful study of the application, and after review of any investigations and recommendations supplied by the Zoning Administrator.

The Planning Commission's recommendations shall be submitted to the Mayor and City Council, and its recommendations and, if any, its report, shall be available upon request to the interested members of the public at any public hearing on the matter held by the Mayor and City Council. The Planning Commission shall have thirty (30) calendar days from the date of its public hearing within which to submit its recommendations. The Planning Commission may submit any additional report it deems appropriate. The recommendations of the Planning Commission shall have an advisory effect only and shall not be binding on the Mayor and City Council.

For any application specified in this Article, a public notice of the Planning Commission's public hearing may be published in the official paper of the City or in a newspaper of general circulation in the municipality. This public notice requirement may include the provision of the zoning ordinance proposed to be amended.

**Sec. 29.6. Notice of Public Hearing.**

At least fifteen (15) but not more than forty-five (45) days prior to the date of the public hearing before the Governing Body, the city shall cause to be published within a newspaper of general circulation within the City a notice of the public hearing before Mayor and City Council. The notice shall state the time, place, and purpose of the public hearing.

**Sec. 29.7. Public Hearing.**

The Mayor and City Council shall hold a public hearing on all text amendments in accordance with the public hearing procedures specified in Article 31 of this zoning ordinance.

**Sec. 29.8. Decision.**

(a) Within a period of sixty-five (65) calendar days from the date of the public hearing held by the Mayor and City Council on any such application(s), the Mayor and City Council shall render a decision on the application(s).

(b) The Mayor and City Council may approve or disapprove the proposed text amendment as written, or it may approve modifications of the text amendment as originally proposed.

(c) In rendering a decision on any such application, the Mayor and City Council shall consider all information supplied by the applicant, Planning Commission, and Zoning Administrator.

**Sec. 29.9. Withdrawal of Text Amendment.**

Any application for an amendment to the text of this zoning ordinance may be withdrawn at any time at the discretion of the person or agency initiating such a request, upon written notice to the Zoning Administrator.

**Sec. 29.10. Refunds When Application is Withdrawn.**

(a) When any application for a text amendment is initiated by a party other than the Mayor and City Council, Planning Commission, or the Zoning Administrator, and said text amendment is withdrawn within ten (10) calendar days from the date of approval for initiation by the Zoning Administrator, one half (1/2) of the entire application fee paid by the applicant shall be refunded to the applicant. The Administrator shall refund that portion of the application fee within thirty (30) calendar days of the date of withdrawal of the application.

(b) No portion of a required application fee shall be refunded on any application withdrawn by an applicant later than ten (10) calendar days from the date of approval for initiation by the Zoning Administrator.

**Sec. 29.11. Notice of Action.**

When a text application is filed by a property owner, the Zoning Administrator shall notify the applicant of the action taken by the Mayor and City Council on the application no later than five

(5) Working days from the date the Mayor and City Council took action on said application.

**Sec. 29.12. Incorporation Clause.**

This Article is intended to comply with the provisions of the Georgia Zoning Procedures Act,

O.C.G.A. § 36-66 et. seq., which Act is incorporated by reference in its entirety into this ordinance.

Where any provision of this Article is in conflict with any provision of the Act, the Act shall control. Or where this Article is incomplete in having failed to incorporate a provision necessarily required for the implementation of the Act, such provision of the Act, so as to meet the mandate of the Act, shall be fully complied with.