

ARTICLE IV ♦ DEVELOPMENT PROCEDURES

Chapter 40—Amendments to Zoning Ordinance and Map

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§40.010 Purpose and Intent

The purpose of this Chapter is to provide clear and consistent procedures and requirements for amendments to the Zoning Ordinance and Zoning Map.

§40.020 Authority

The City Council may, by ordinance, amend, supplement, change or repeal the provisions of this Ordinance or the boundaries of zoning classifications established in the Zoning Map.

§40.030 Definitions Referenced

The definitions of certain terms referenced in this chapter are set forth in Chapter 3, "Definitions", of this Ordinance.

§40.040 Applicability

The provisions of this Chapter apply to any and all amendments to the Zoning Ordinance and Zoning Map of the City of Newnan, Georgia subsequent to the date of adoption of this Ordinance.

§40.050 Initiation of Amendment

Either a zoning map or text amendment may be proposed by resolution of the City Council or Planning Commission. In the case of a zoning map amendment, an application may be filed by a person who owns or has a legal interest in or is a duly authorized representative of the owner. In all events, the application must exhibit the consent of those with a legal ownership interest in the property under consideration. In the case of a zoning text amendment, a landowner may file a petition for a resolution of intent to amend the ordinance text to be acted upon by the City Council.

The Council shall either adopt such resolution, initiating the text amendment requested, or deny such petition.

§40.060 Application Submittal Requirements

Applications for amendments to the Zoning Ordinance or Zoning Map must provide the following information:

1. Ordinance Amendments
 - a. Amendments to the Zoning Ordinance must provide a completed application for an ordinance amendment. The application requests that the applicant be able to satisfactorily answer the following questions:
 - 1) How has/have the current Zoning Ordinance section(s) that is/are the subject of this application become outdated or no longer in the best interest of the City of Newnan?
 - 2) How does the proposed zoning ordinance change better serve the City of Newnan in promoting and protecting the health, safety, morals, convenience, order, prosperity, or general welfare of the City and its citizenry?
 - 3) How does the proposed ordinance change fit with the goals, objectives, and policies of the City of Newnan’s Comprehensive Plan, as amended?
 - b. In addition, the following information must be provided along with the completed application:
 - 1) A letter of intent giving the details of the proposed ordinance change which should include, at a minimum, the following information:
 - a. What is the purpose of the proposed ordinance change?
 - b. How the ordinance change may affect other ordinance sections?
 - 2) Impact of Zoning Ordinance Change description. A narrative explaining the benefit to the City anticipated from the ordinance change including expected impact on public services as well as the amount of City land that is expected to be affected by the proposed change.
 - 3) Completed Disclosure of Campaign Contributions and Gifts form
 - 4) Filing fee is not applicable for this application
 - c. The application must be signed by the applicant and duly notarized.
2. Map Amendments
 - a. Amendments to the Zoning Map must provide a completed application for a map amendment (rezoning). The application requests that the applicant be able to satisfactorily answer the following questions:
 - 1) If different than that needed for this application, please explain how conditions have changed that renders the future land use map designation invalid and no longer applicable?

- 2) If the proposed Zoning Map change is an extension to an existing adjacent zoning district to include this property, please provide an explanation below why the proposed extension should be made?
 - 3) If the requested change is not designed to extend an adjacent zoning district, please explain below why this property should be placed in a different zoning district than all adjoining property. In other words, how does this property differ from adjoining property and why should it be subject to different restrictions and use than those applying to adjoining property
- b. In addition, the following information must be provided along with the completed application:
- 1) A letter of intent giving the details of the proposed use of the property which should include, at a minimum, the following information:
 - a. What the property is to be used for.
 - b. The size (in acres if one acre or more and in square feet in less than one acre) of the parcel or tract.
 - c. The zoning classification requested and that which exists at the time of the filing of the application.
 - d. The number of lots expected (if subsequent subdivision is planned) and/or the number of dwelling units proposed.
 - e. Dwelling unit size, if applicable (if a range, please provide such range).
 - f. For non-residential projects, please provide the density of development in terms of gross square footage per acre.
 - g. The number of parking spaces to be provided.
 - h. The height of buildings.
 - i. Any proposed buffers and modification to existing buffers.
 - j. Availability of water and sewer facilities including existing distance to property.
 - k. Names and mailing addresses of all owners of all property within 250 feet of the subject property (from County Tax Assessor records). This is encouraged to be submitted in a mail merge data file format.
 - 2) Legal description of property with a metes and bounds description. This description must establish a point of beginning and from the point of beginning give each dimension bounding the property which the boundary follows around the property returning to the point of beginning. If there are multiple property owners, all properties must be combined into one legal description. If the properties are not contiguous, a separate application and legal description must be submitted for each property. For requests for multiple zoning districts, a separate application and legal description must be submitted for each district requested. A copy of the deed may substitute for a separate description.
 - 3) A certified plat (stamped and dated) drawn to scale by a registered engineer, architect, land planner, land surveyor, or landscape architect, registered in the State of Georgia, that shall include the following information:

- a. Boundary survey showing property lines with lengths and bearings
- b. Adjoining streets, existing and proposed, showing right-of-way.
- c. Locations of existing buildings dimensioned and to scale, paved areas, dedicated parking spaces, and other improvements on the property
- d. North arrow and scale
- e. Adjacent land ownership, zoning and current land use
- f. Total and net acreage of property
- g. Proposed building locations
- h. Existing and proposed driveways
- i. Lakes, ponds, streams, and other watercourses
- j. Floodplain, wetlands, and slopes equal to or greater than 20 percent (20%)
- k. Cemeteries, burial grounds, and other historic or culturally significant features
- l. Required and/or proposed setbacks and buffers
- m. Other elements as may be requested by the Planning Department staff to explain or clarify application

Submit ten (10) copies if the plat is 11" x 17" or smaller. For larger plats up to 36" x 48", please submit twenty-five (25) folded copies or one (1) at the larger size plus twenty-five (25) clear copies at 8.5" x 11".

- 4) Completed Disclosure of Campaign Contributions and Gifts form. When any applicant or legal representative for a rezoning action has made, within two (2) years immediately preceding the filing of an application, campaign contributions aggregating \$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 as attached to said application with the City that shows:
 - a. The name and official position of the local government official to whom the campaign contribution was made.
 - 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 and the date of each contribution.
- 5) If the applicant and the property owner are not the same, please complete a Property Owner's Authorization form or Authorization of Attorney form.
- 6) For multiple owners, an attached sheet with signatures duly notarized may be attached.
- 7) A community impact study must be submitted if the development meets any of the following criteria:
 - a. Office proposals in excess of 200,000 gross square feet
 - b. Commercial proposals in excess of 250,000 gross square feet
 - c. Industrial proposals which would employ over 500 persons
 - d. Multi-Family proposals in excess of 150 units

This study shall provide a narrative and include tabular data on the proposed developments impact on schools, roads and streets, and public services including police, fire protection, sanitation, and taxes.

8) A Development of Regional Impact form shall be completed and submitted to the City to be transmitted to the Chattahoochee Flint Regional Development Center (CFRDC) for review and comment if the development meets any of the following criteria: (Amended by City Council on 1-22-2002)

- a. Office—Greater than 400,000 gross square feet.
- b. Commercial—Greater than 300,000 gross square feet.
- c. Whole & Distribution—Greater than 500,000 gross square feet.
- d. Hospitals and Health Care Facilities—Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day.
- e. Housing—Greater than 400 new lots or units.
- f. Industrial—Greater than 500,000 gross square feet; or employing more than 1,600 workers; or covering more than 120 acres.
- g. Hotels—Greater than 400 rooms.
- h. Mixed Use—Total gross square feet greater than 400,000; or covering more than 120 acres.
- i. Airports—All new airports, runways, and runway extensions.
- j. Attractions & Recreational Facilities—Greater than 1,500 parking spaces or a seating capacity of more than 6,000.
- k. Post-Secondary Schools—New school with a capacity of more than 2,400 students, or expansion by at least 25 percent (25%) of capacity.
- l. Waste Handling Facilities—New facility or expansion of use of an existing facility by 50 percent (50%) or more; and located within one-half mile of a jurisdictional boundary.
- m. Quarries, Asphalt & Cement Plants—New facility or expansion of existing facility by more than 50 percent (50%); and located within one-half mile of a jurisdictional boundary.
- n. Wastewater Treatment Facilities—New facility or expansion of existing facility by more than 50 percent (50%); and located within one-half (0.5) mile of a jurisdictional boundary.
- o. Petroleum Storage Facilities—Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise, storage capacity greater than 200,000 barrels; and located within one-half mile of a jurisdictional boundary.
- p. Water Supply Intakes/Reservoirs—New facilities.
- q. Intermodal Terminals—New Facilities.
- r. Truck Stops—A new facility with more than three (3) diesel fuel pumps; or containing a half-acre of truck parking or 10 truck parking spaces.
- s. Any Other Development Types Not Identified Above (Including Parking Facilities)—1000 Parking Spaces.

Applicants shall submit a Request for Review form to the City of Newnan. The City shall provide comment on the proposed project and submit the document to the RDC for review. The City may not take action on any application related to the Request for Review until the RDC has received the form.

9) Filing fee payable to the City of Newnan according to the fees as established by City Council.

The application must be signed by the applicant and duly notarized. It shall be submitted in accordance with a schedule as provided in the application packet.

§40.070 Review of Application

An application for a zoning map amendment, containing information specified in Chapter 40, §40.060 within this Ordinance shall be filed and be reviewed pursuant to the following:

1. Pre-Application Conference

Prior to filing an application, an applicant shall meet with the Planning Director or designee and discuss his/her intentions with regard to a given application and questions regarding the procedures or substantive requirements of this Ordinance. In connection with all such conferences, the Zoning Administrator shall be consulted as appropriate. A request for a pre-application conference shall be made in writing to the Planning Director and shall be accompanied by a sketch map of the site, a description of the proposed project or use, and a list of the issues to be discussed at the conference. No matters discussed at said meeting shall be binding on either the applicant or the City. The Planning Director shall respond to each written request for a pre-application conference within fifteen (15) calendar days.

2. Review of Application for Completeness

No application shall be accepted and reviewed unless determined by the Planning Director or designee to be complete. A complete application is one which meets such minimum submission requirements as may be established pursuant to Chapter 40, §40.060 within this Ordinance. Within seven (7) calendar days of filing, each application shall be reviewed to determine if it includes the minimum submission requirements. The City shall maintain a current log of all pending applications. Upon receipt of application and after a review for completeness, the request for rezoning shall be forwarded to the City Manager's office for inclusion on the next City Council agenda as a referral request to the Planning Commission.

3. Acceptance of Complete Application

Within seven (7) calendar days of receipt of an initial application, the Planning Director shall either accept the application if it is complete and forward to the applicant a notice of acceptance or reject the application if it is incomplete and forward to the applicant a notice of incompleteness specifying those areas of additional information necessary for review.

- a. If neither a notice of acceptance nor incompleteness is sent, the application shall be deemed accepted for the purposes of beginning the time limits of this Ordinance on the twenty-first (21st) calendar day after the filing of the application.
- b. If notice of incompleteness is sent, the applicant may resubmit the application with the additional data required, in which event the Planning Director shall review the re-submitted application in the manner provided in this Section for the application.
- c. If the application is not resubmitted, the Planning Director shall notify the applicant that the original application has been rejected as incomplete.

§40.080 Staff Review of Application

1. Referrals

Upon acceptance of the application for zoning amendment and within the seven (7) day review period, the Planning Director shall forward a copy of the application to any City or state agencies whose comments are necessary or desirable for full and appropriate review of the merits of the application.

2. Referral Responsibilities

Each reviewing agency should, within seven (7) calendar days of the receipt of a referral, prepare a staff report which sets out in writing its comments and recommendations regarding the application and shall forward such staff report to the Planning Director.

3. Review of Referrals

Referral comments shall be obtained and reviewed by the Planning Director fourteen (14) calendar days after a final application has been accepted. The Planning Director shall forward to the applicant a written review of the issues raised by the application.

4. Applicant Response

Upon receipt of the written review, an applicant may request a meeting with the Planning Director and/or Development Review Committee to discuss the matters contained in the written review and the application generally. Such request shall be in writing and shall include a response to the matters raised in the written review received. If the applicant's response and/or such a meeting results in an amended application, the provisions of Chapter 40, §40.080 of this Ordinance shall apply.

5. Required Action By Other Board

In the event this Ordinance requires that an application not be granted until acted upon by some government board or agency other than the Planning Commission or City Council, then the Planning Director shall forward the application for amendment to such board or agency for appropriate action prior to the notification to an applicant that an application is ready to be presented to the City Council or Planning Commission. If they deem it appropriate, the Planning Commission may recommend, and the City Council may approve, an application contingent on required action by the other board.

6. Report and Notice to Applicant

The Planning Director shall compile the referrals and any other necessary information, prepare a written staff report with proposed findings and a recommendation, and notify the applicant that the report is complete and the application is ready to be presented to the City Council or Planning Commission, as appropriate, for hearing. The Planning Director or designee shall be required to conduct a site visit of the property and the surrounding area.

§40.090 Amendment to Application (Adopted by City Council on 6-19-2001)

An application may be amended by the submittal of additional information or proposed changes, provided however, that no amendment shall be made to the application after the Planning Commission has formulated its recommendation. If the additional information or proposed changes to the application are submitted to conform with recommendations made by City staff, then it shall not be deemed an amendment and the application shall continue on its original time line. However, if the additional information or proposed changes to the application are submitted at the applicant's discretion, then the Planning Director shall review the information and render a finding as to whether the amendment requires re-advertising of the public notice or additional review time by City staff. If the Planning Director determines re-advertising or additional review time is necessary, the application shall be delayed until the next regularly scheduled Planning Commission meeting and the applicant shall pay an additional rezoning application fee.

§40.100 Withdrawal of Application

An application may be withdrawn upon written request by the applicant any time prior to the date of the public hearing before the Mayor and Council; provided that if the request for withdrawal is made after such deadline, such withdrawal shall be only with the consent of the City Council. No new application concerning any or all of the same property shall be filed within twelve (12) months of the

date of withdrawal, unless the respective body approving withdrawal specifies at the time it consents to withdrawal that said time limitation shall not apply. In the event that an application is withdrawn, the application fee shall not be refunded if the notices concerning such application have been advertised.

§40.110 Limitation on Application After Denial

After the denial of an application by the Mayor and Council, a same application concerning any or all of the same property shall not be filed within twelve (12) months of the date of denial; provided, however, that the Mayor and Council may move to rezone the same property provided such action occurs not less than six (6) months after the date of denial.

§40.120 Conditional Zoning

As part of classifying land within the City into areas and districts by legislative action, the City may allow reasonable conditions governing the use of such property, such conditions being in addition to, or modification of, the regulations provided for a particular zone or zoning district by this Ordinance. See Chapter 33, §33.080 of this Ordinance for additional information regarding conditional uses. Conditional uses should not be confused with conditions of zoning which are conditions specific to a development proposal that may be applied by City Council regarding such proposal.

§40.130 Proffered Conditions

As part of an application for a rezoning, a property owner may proffer in writing the provision of reasonable applicant proposed conditions to apply and be part of the rezoning sought to be approved by said application. Proffered conditions may include written statements, development plans, profiles, elevations, or other demonstrative materials and shall be subject to the following procedures and regulations:

1. When Proffers Are Made
 - a. It is the intent of this Ordinance that any proffered conditions be submitted for staff review as part of an initial application for rezoning. Further, it is the intent of this Ordinance that revised proffers be publicly available no later than twenty-one (21) calendar days, and the staff report be publicly available no later than five (5) calendar days, prior to the Planning Commission public hearing on the application.
 - b. In no event shall the applicant's proposed statement of proffered conditions be submitted later than thirty (30) calendar days prior to the scheduled public hearing before the City Council.
 - c. Nothing in this paragraph shall prevent the City Council from approving an application subject to changes in proffers agreed to by an applicant at the public hearing so long as the change imposes a more restrictive standard and the ordinance adopted accurately reflects such changes.
2. Contents of Proffer

Proffered conditions shall be signed by all persons having an ownership interest in the property and shall be notarized. Proffered conditions shall contain a statement that the owners voluntarily enter into the conditions contained therein.
3. Filing And Notice Of Accepted Proffers

If the amendment to the Zoning Map is adopted subject to proffered conditions, then the property in question shall be appropriately annotated on the Zoning Map and the proffers shall be placed in the Zoning Administrator's official proffer file.

4. Proffers Govern Development

Proffered conditions shall become a part of the zoning regulations applicable to the property which shall be clearly shown on the Zoning Map with a capital "P" unless subsequently changed by an amendment to the Zoning Map, which amendment is not part of a comprehensive implementation of a new or substantially revised zoning ordinance, and such conditions shall be in addition to the specific regulations set forth in this Ordinance for the zoning district in question.

5. Substantial Conformance Required

Upon approval of a rezoning with proffers, any site plan, subdivision plat, development plan or other application for development thereafter submitted shall be in substantial conformance with all proffered conditions. No development shall be approved by any City official in the absence of said substantial conformance.

6. Substantial Conformance Defined

For the purpose of this Section, substantial conformance shall be determined by the Zoning Administrator and shall mean that conformance which leaves a reasonable margin for adjustment due to final design or engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials proffered by the applicant.

7. Enforcement of Proffers

The Zoning Administrator shall be vested with all necessary authority on behalf of the City Council to administer and enforce proffered conditions. Such authority shall include the ability to order, in writing, the remedy of any non-conformity with a proffered condition and the ability to bring legal action to ensure compliance including injunction, abatement, or other appropriate action or proceedings, as provided for in Chapter 6, "Enforcement" of this Ordinance. Any person, group, company, or organization aggrieved by an interpretation of the Zoning Administrator may appeal such interpretation as provided by Chapter 44, §44.130, "Appeals [From Administrative Ruling]" of this Ordinance.

8. Guarantee for Construction of Improvements

A guarantee, satisfactory to the Board, may be required in an amount sufficient for and conditioned upon the construction of any public improvements required by the proffered conditions. This guarantee may be reduced or released by the Board or agent thereof, upon the submission of satisfactory evidence that the construction of such improvements has been completed in whole or in part. Said guarantee shall be required no later than final site plan or subdivision approval.

9. No Permits Shall Be Issued Not In Compliance With Proffers

Failure to meet or comply with any proffered conditions shall be sufficient cause to deny the issuance of any site plan or subdivision approvals, grading permits, zoning permits, building permits, or certificates of occupancy as may be determined appropriate by the Zoning Administrator. In addition to the other penalties appropriate for violations of this Ordinance, failure to meet or comply with any proffered condition shall be sufficient cause to deny the issuance of any development approvals or permits relating to the land area which was the subject of the conditional zoning. To this end, each application for a development approval

or permit shall include an affidavit by the applicant that all applicable proffers have or will be complied with as agreed upon at the time of rezoning. The burden shall be on the applicant to verify that proposed development complies with any and all proffered conditions.

10. Appeal of Proffer Decision

Any person aggrieved by a decision of the Zoning Administrator regarding any proffered condition may appeal such decision to the City Council. Such appeal shall be filed within thirty (30) calendar days from the date of the decision appealed by filing a notice of appeal with the Zoning Administrator. Such notice shall be a written statement specifying the grounds on which aggrieved and the basis for the appeal. Upon receipt of the appeal notice, the City Council shall take such testimony as it deems appropriate and shall render its decision within sixty (60) calendar days after receipt of the appeal notice. The City Council may reverse or affirm wholly or partly or may modify the decision of the Zoning Administrator.

§40.140 Hearing Before Planning Commission

No later than sixty (60) calendar days after an application has been accepted, the Planning Commission shall hold a public hearing on an application for a zoning amendment which meets the requirements of Chapter 40, §40.190 of this Ordinance.

§40.150 Report by Planning Commission

1. The Planning Commission shall report to the City Council its recommendation with respect to the proposed amendment. With respect to each application, the Planning Commission shall make a recommendation for approval, approval with conditions, denial, continuance, tabling, withdrawal without prejudice, or no recommendation.
2. The Planning Commission need not confine its recommendation to the proposed amendment as set forth in the application. If the proposed amendment consists of a change in the text of this Ordinance, it may recommend a revision to the proposal. If the proposed amendment consists of a change in zoning district boundaries, it may reduce or enlarge the extent of land that it recommends be rezoned; or it may recommend that the land be rezoned to a different zoning district classification than that requested if, in either case, the Commission is of the opinion that such revision is in accordance with sound zoning practice and the adopted Comprehensive Plan, and is in furtherance of the purposes of this ordinance. Before recommending a larger extent of land or a rezoning to a more intensive classification than was set forth in the application, the Commission shall hold an additional duly noticed public hearing on the matter.
3. In recommending the adoption of any proposed amendment to this Ordinance, the Planning Commission may state its reason for such recommendation, describing any changes in conditions, if any, that it believes make the proposed amendment advisable and specifically setting forth the manner in which, in its opinion, the proposed amendment would be in harmony with the adopted comprehensive plan and would be in furtherance of the purpose of this Ordinance.
4. Text Amendments

If the request is for an amendment of the text of this Ordinance, the Planning Commission shall consider the following matters:

- a. Whether the proposed text amendment is consistent with the Comprehensive Plan.
- b. Whether the proposed text amendment is consistent with the intent and purpose of this Ordinance.

5. Zoning Map Amendments (Amended by City Council on 02/11/2003)

If the application is for a reclassification of property to a different zoning district classification on the Zoning Map, the applicant shall address all the following in its statement of justification or plat unless not applicable. The Planning Commission shall give reasonable consideration to the following matters:

- a. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property.
 - b. Will the proposed use adversely affect the existing use or usability of adjacent or nearby property.
 - c. Are there substantial reasons why the property cannot or should not be used as currently zoned.
 - d. Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection.
 - e. Is the proposed use compatible with the purpose and intent of the Comprehensive Plan.
 - f. Will the use be consistent with the purpose and intent of the proposed zoning district.
 - g. Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan.
 - h. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety morality, or general welfare and the right to unrestricted use of property.
6. Failure of the Planning Commission to provide a recommendation to the City Council within sixty (60) calendar days after the first meeting of the Commission following the date the proposed amendment has been referred to the Commission or such shorter period as the Board may direct shall be deemed a recommendation of approval by the Commission.

§40.160 Hearing Before City Council (Amended by City Council on 7-22-2003)

No later than one-hundred fifty (150) calendar days after an application has been accepted, a duly advertised and noticed public hearing shall be held by the City Council regarding an application for zoning amendment. Hearings on applications for rezoning of property shall be held at the second meeting of the month by the City Council in the month following the meeting at which the Planning Commission takes action.

§40.170 Action by City Council

After the conclusion of its public hearing, the City Council shall act on the application for rezoning. The City Council need not confine its action to the proposed amendment as set forth in the application. If the proposed amendment consists of a change in the text of this ordinance, it may act on a revision to the application. If the proposed amendment consists of a change in zoning district boundaries, it may reduce or enlarge the extent of land that it rezones or it may rezone the land to a different zoning district classification than that requested if, in either case, it is of the opinion that such revision is in accordance with sound zoning practice and the adopted Comprehensive Plan and is in furtherance of the purposes of this Ordinance. Before rezoning a larger extent of land or rezoning

the land to a more intensive classification than was set forth in the application, the City Council shall hold a further duly noticed public hearing on the matter.

§40.180 Evidentiary Matters Before City Council

All information, testimony or other evidence presented by an applicant for zoning amendment shall be presented to the Planning Commission in conjunction with its review and hearing on the application. If the City Council determines that an applicant is presenting evidence which is substantially or materially different from that presented to the Commission, the Council may refer the application back to the Commission for such additional consideration and action as the Council may deem appropriate.

§40.190 Public Hearings

Public hearings shall be conducted for all zoning decisions (as defined in O.C.G.A. §36-66-3). Public hearings shall require public notification that meets the minimum requirements of the Georgia Zoning Procedures Act and the Georgia Open Meetings Act as follows:

1. Legal Notice

Due notice of a public hearing shall be published in a newspaper of general circulation for the City of Newnan in which is carried the legal advertisements of the City of Newnan by advertising the date, time, place, and purpose of the public hearing at least fifteen (15) and not more than forty-five (45) days prior to the date of first hearing. If the application is for an amendment to the Zoning Map, then this notice shall also include the location of the property (address or tax map reference), the present zoning classification of the property, and the proposed zoning classification of the property.

2. Signs Posted

As to an application to amend the Zoning Map, the Zoning Administrator or his/her designee shall post a sign at least fifteen (15) and not more than forty-five (45) days in advance of the hearing. Such sign shall be placed in a conspicuous place on the property for which an application has been submitted. Such sign or signs shall contain information as to the application including the present zoning classification of the property, the proposed zoning classification of the property, and the date, time, and place of the Public Hearing.

3. Procedures

The following rules of procedure shall govern public hearings on zoning decisions before the Planning Commission, Board of Zoning Appeals and/or the City Council. These rules apply to all such public hearing items appearing on any agenda.

- a. Procedures relating to application, notice, and advertisement of items on the public hearing agenda shall conform to the requirements of state law and the City of Newnan codes and ordinances.
- b. Exercise of the zoning power shall conform to the standards expressed in this Ordinance as well as with the Comprehensive Plan, as amended.
- c. The Zoning Administrator shall provide a limited number of copies of the policies required by O.C.G.A. §36-66-1 et. Seq., which copies shall be available on request to interested members of the public.
- d. Individuals desiring to address the Planning Commission, Board of Zoning Appeals or City Council regarding an agenda item are required to complete a name and address card and mail or present it to the Zoning Administrator. Applicants or proponents of an item on the public hearing agenda shall be heard first and shall have a minimum

of ten (10) minutes and a maximum of fifteen (15) minutes in which to present any information pertinent to the issue to be decided. Such time shall be divided among those wishing to speak in favor of the issue. Opponents of the issue may respond and shall also have a minimum of ten (10) minutes and a maximum of fifteen (15) minutes in which to present any information pertinent to the issue to be decided or speak against the application or issue. Such time shall be divided among those wishing to speak. Applicants, proponents, and opponents may use any remaining portion of their ten (10) minutes for rebuttal.

- e. In the event there is more than one (1) speaker per side, speakers must divide their time in order to complete their full presentation within the allotted time.
- f. Following the presentation of positions by members of the public, the public hearing shall be closed and no member of the public shall speak without first being addressed by the Commission, Board or Council.
- g. At the close of the public hearing, a recommendation from planning staff and any other presentation from a member of the administrative staff with information pertinent to the issue to be decided shall be afforded.
- H Following the staff recommendation, Commission, Board or Council members may ask anyone present to answer specific questions.
- i. Following questions and/or comments by Commission, Board or Council members, a motion for action on the issue shall be in order. A majority of affirmative votes is required to pass any motion before the Commission, Board or Council.
- j. Authorized recommendation or action by the Planning Commission, Board of Zoning Appeals or City Council with respect to any motion pending before it shall consist of one of the following: approval, approval with conditions, denial, tabling, withdrawal, or continuance to a time and date specified in the minutes of the meeting.
- k. No official action shall be taken except upon the affirmative vote of a majority of the City Council, or a majority of the quorum present of the Board of Zoning Appeals or Planning Commission.

§40.200 Standards of Review by City Council

In making a Zoning Decision, the City Council shall give reasonable consideration to the following matters:

1. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property.
2. Will the proposed use adversely affect the existing use or usability of adjacent or nearby property.
3. Are there substantial reasons why the property cannot or should not be used as currently zoned.
4. Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection.
5. Is the proposed use compatible with the purpose and intent of the Comprehensive Plan.

6. Will the use be consistent with the purpose and intent of the proposed zoning district.
7. Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan.
8. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety morality, or general welfare and the right to unrestricted use of property.