

CHAPTER 22

AMENDMENTS

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SECTION 2200 GENERAL

The regulations, restrictions, prohibitions and limitations imposed, and the districts created may from time to time be amended, supplemented, changed, modified or repealed by ordinance, but no change shall be made until the Planning Commission, after notice and public hearing, files with the City a report and recommendation on the proposed change. In addition to the procedural provisions hereinafter set out, the Planning Commission shall adopt procedural rules for the conduct of zoning public hearings.

SECTION 2210 POLICY ON ZONING MAP AMENDMENTS

It is the policy of the City of Coweta that in the consideration of proposed amendments to this Code that:

Amendments will be adopted to recognize changes in the Comprehensive Plan, to correct error, or to recognize changed or changing conditions in a particular area or in the jurisdictional area generally.

SECTION 2220 ZONING TEXT AMENDMENTS

The Planning Commission upon its own motion may, or at the direction of the City Council of Coweta shall hold a public hearing, giving notice thereof, of a proposed text amendment. After holding the public hearing, the Planning Commission shall within 30 days transmit its report and recommendation to the City Council of Coweta.

SECTION 2230 ZONING MAP AMENDMENTS

2230.1 Initiated by Application

- (a) Any person, corporation, partnership, association, or combination thereof, having a legal or equitable interest in or to real property, may file an application for a change in the zoning classification of such property by amendment of the Zoning Map. An application shall be filed with the City Manager or his designee shall be in such form and content as the Planning Commission may by resolution establish, and shall be accompanied by payment of a fee, the amount of which shall be established by resolution adopted by the City Council. Cost of notice and posting of signs shall be billed to the applicant.

- (b) An application shall be filed with the City Manager or his designee at least 30 days prior to the date of public hearing and shall be set for public hearing.

2230.2 Initiated by Planning Commission

In any instance, the Planning Commission, upon its own motion may, or on the written request of any person may, or at the direction of the City Council shall, hold a public hearing, giving notice thereof, of a proposed map amendment. After holding the public hearing, the Planning Commission shall within 15 days transmit its report and recommendation to the City Council.

2230.3 Notice Required

- (a) The Planning Commission shall give notice of public hearing on any proposed zoning changes as follows:
 - 1. At least fifteen (15) days notice of the date, time, and place of the hearing by publication in a newspaper of general circulation in the City of Coweta. Said notice shall include a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in said area.
 - 2. By posting of the affected property at least twenty (20) days before the date of the hearing. The notice shall state:
 - a. The date, time, and place of public hearing; and
 - b. Who will conduct the public hearing; and
 - c. The present and desired zoning classifications; and
 - d. The proposed use of the property; and
 - e. Other information as may be necessary to provide adequate and timely public notice.
 - 3. Twenty (20) days notice by mailing written notice to all owners of real property included in the proposed change and all owners of real property within a three hundred (300) foot radius of the exterior boundary of the property included in the proposed change. The notice shall contain:
 - a. The legal description of the property and the street address or approximate location in the City of Coweta and
 - b. The present zoning of the property and the zoning sought by the applicant; and
 - c. The date, time and place of the public hearing.

Provided that, if the City of Coweta proposes zoning reclassifications in order to revise its comprehensive plan or official map or to identify areas which require specific land use development due to topography, geography or other distinguishing features, including but not limited to floodplain, drainage, historic preservation and blighted areas, mailing or

posting of notice as above provided shall not be required and notice shall be given at least fifteen (15) days before the date of the hearing by publication as above provided.

(b) Notice of rezoning shall confer jurisdiction:

1. Notice of the proposed RM-1 rezoning shall confer jurisdiction on the Planning Commission and City Council to consider and act upon RM-1, RD, RS-3, RS-2 and RS-1, or combination thereof in the disposition of the application, and in like manner, notice of any R district, including RMHS, and RMHP shall confer jurisdiction to consider any less dense R district, except RMHS and RMHP. However, notice of a RMHP shall confer jurisdiction to consider the RMHS district.
2. Notice of a proposed CH rezoning shall confer jurisdiction on the Planning Commission and City Council to consider and act upon CH, CG, CN, and O, or combination thereof in the disposition of the application, and in like manner, notice of any C district, shall confer jurisdiction to consider any less intense C or O district.
3. Notice of a proposed IH rezoning shall confer jurisdiction on the Planning Commission and City Council to consider and act upon IH, IM, IL, and combinations thereof in the disposition of the application.
4. Specific notice of a proposed AG, PUD or RMHS district shall be required to confer jurisdiction on the Planning Commission and City Council to consider such AG, PUD or RMHS district.

2230.4 Planning Commission Action on Zoning Map Amendments

After notice and public hearing, the Planning Commission shall vote to:

- (a) Recommend to the City Council that the application be approved as submitted, or as amended, or be approved subject to modification or;
- (b) Recommend to the City Council that the application be denied.

An application recommended for approval, or approval subject to modification shall be transmitted, with the report and recommendation of the Planning Commission, to the City Council within 15 days from the date of Planning Commission action.

An application recommended for denial from the Planning Commission, shall not be considered further unless the applicant within 15 days from the date of the Planning Commission action, files a written request with the City Clerk for a hearing by the City Council. The request for hearing shall be accompanied by the payment of a fee as set by resolution. Upon notice of such request, the Planning Commission shall forthwith transmit the application and its report and recommendations to the City Council.

In the event the Planning Commission arrives at a tie vote, the application shall be transmitted with a report and notation of the tie vote, to the City Council within 15 days from the date of

Planning Commission action.

2230.5 City Council Action on Zoning Map Amendments

The City Council shall hold a hearing on each application transmitted from the Planning Commission and on any proposed Zoning Map amendment initiated pursuant to Section 2230.2. The City Council shall approve the application as submitted, or as amended, or approve the application subject to modification, or deny the application. Prior to the hearing on the proposed rezoning ordinance before the City Council, the applicant shall remit to the office of the City Clerk the application fee as set by resolution. In case of a protest against such zoning change filed at least three (3) days prior to the public hearing before the Planning Commission by the owners of twenty percent (20%) or more of the area of the lots included in such proposed change, or by the owners of fifty percent (50%) or more of the area of the lots within a three hundred (300) foot radius of the exterior boundary of the territory included in a proposed change such amendment shall not become effective except by the favorable vote of three-fifths (3/5) of all the members of the City Council.

2230.6 Time Limit for Resubmittal of Denied Applications

When the City Council of Coweta has denied an application to amend the zoning classification of a particular tract of land, or when the Planning Commission has denied such application and no appeal was made to the City Council of Coweta, no subsequent application on such tract or portion thereof, shall be set for public hearing by the Planning Commission until 180 days have elapsed from the date of the Planning Commission action on the original application.