

ARTICLE XXI
AMENDMENTS

SECTION 2100. Procedure for Amending the Zoning Ordinance.

- A. This Ordinance may be amended from time to time by the City Council.
- B. All amendments to this Ordinance shall be submitted to or proposed by the Planning Commission, who shall review and make a recommendation upon the amendment, before action by the City Council.
- C. If the Planning Commission fails to submit a report to the City Council with 30 days of its meeting, after it has received an amendment request complete in all respects, the request shall be deemed to have received a "no comment" on the proposed amendment. However, the City's Planning Commission and an applicant for an amendment may jointly agree to an extension of the 30-day period.
- D. Before the City Council enacts an amendment to this Ordinance they shall hold a Public Hearing thereon.
 - 1. The notice of such hearing shall be published at least 15 days but not more than 45 days prior to the hearing in the official organ of the City.
 - 2. The notice shall include the date, time, place and purpose of the Public Hearing.

SECTION 2101. Procedure for Amending the Official Zoning Maps.

- A. The Official Zoning Maps of the City may be amended from time to time by the City Council. The City Council shall consider Standard Governing Exercise of Zoning Power, Section 2106, within its review and consideration for amending the Official Zoning Map.
- B. Application for amendment of the Official Zoning Maps may be initiated by ordinance of the City Council, or by motion of the Planning Commission, or by petition of any property owner addressed to the City Council. In the case of a petition for the rezoning of property, such petition shall be submitted by the owner of record of said property, the owner's agent, or by a contract purchaser with owner's written consent.
- C. If the Planning Commission fails to submit a report to the City Council within 30 days of its meeting, after it has received an amendment request complete in all respect, the request shall be deemed to have received a "no comment" on the proposed amendment. However, the City's Planning Commission and the applicant for an amendment may jointly agree to an extension of the 30-day period.

- D. Before the City Council enacts an amendment to the Official Zoning Maps, the City Council shall base this enactment on Section 2105 of the Standards Governing Exercise of Zoning Power and shall hold a Public Hearing thereon.
1. The notice of the time and place of such hearing shall be published at least 15 days but not more than 45 days prior to the hearing in the official organ of the City.
 2. The Notice shall include the location of the property, the present zoning classification of the property, the proposed zoning classification of the property, as well as the date, time, place and purpose of the Public Hearing.
- E. The City shall erect a sign on the property involved, at least 15 days before the public hearing, giving notice of the date, time, place and purpose of the hearing. Failure to erect and maintain the sign as specified above shall not invalidate the amendment procedure. Any zoning change by ordinance of the City Council or motion of the Planning Commission, initiated for any property owned by the City, Gwinnett County, state, federal or other government, shall be exempt from this requirement.
- F. The City shall also give similar notice by regular mail to all abutting property owners. Said notice shall be mailed to the abutting property owners of record as they appear on the current tax records of the City. Any zoning change by ordinance of the City Council or motion of the Planning Commission, initiated for any property owned by the City, Gwinnett County, state, federal or other government, shall be exempt from this requirement.

SECTION 2102. Documents Required for Filing and Application.

An application for an amendment to the Official Zoning Maps or a Special Use Permit shall be accompanied by the following items:

- A. A sketch plan at scale and other such plans, elevations, or additional information as the Planning Commission or this Ordinance may require, showing the proposed development and specific information about the proposed business or use if required by the Planning Commission.
- B. A metes and bounds legal description of the property.
- C. A boundary survey prepared by a registered land surveyor.
- D. A fee as established by the City Council.
- E. Application form as available from the City Clerk.

SECTION 2103. Conditional Zoning.

The City Council may impose special conditions upon an application for an amendment to the Official Zoning Map or a Special Use Permit which it deems necessary in order to make a request acceptable and consistent with the Zoning Districts and special uses involved and abutting or nearby developments. Such conditions of zoning may consist of imposing more restrictive buffers, setbacks, building locations, land uses, driveway curb cuts, maximum building heights, dedication of right-of-way or any other requirement that the City deems appropriate and necessary.

Such conditions shall:

- A. Only be valid if they are included in the motion approving the amendment or Special Use Permit.
- B. Be in effect for the period of time specified in the amendment or Special Use Permit.
- C. Be required of the property owner and all subsequent owners as a condition of their use of the property.
- D. Be interpreted and continuously enforced by the Zoning Enforcement Officer in the same manner as any other provision of this Ordinance.

SECTION 2104. Application or Reapplication Time Constraints for Amendments to the Official Zoning Map.

If an application for an amendment to the Official Zoning Map or Special Use Permit is denied by the City Council, an application or reapplication involving the same or part of the same property may not be considered for action by the City Council within 12 months from the date of last action by the City Council. The City Council may waive the 12-month time constraint, but in no case may an application or reapplication be considered in less than 6 months from the date of last action by the City Council.

SECTION 2105. Standards Governing Exercise of Zoning Power.

The City Council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power therewith.

- A. Whether the zoning or special use proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- B. Whether the zoning or special use proposal will adversely affect the existing uses or usability of adjacent or nearby property;
- C. Whether the property to be affected by the zoning or special use proposal has a reasonable economic use as currently zoned;

- D. Whether the zoning or special use proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;
- E. If the local government has an adopted land use plan, whether the zoning or special use proposal is in conformity with the policy and intent of the land use plan; and
- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning or special use proposal.

SECTION 2106. Applicant and/or Representative.

The property owner, applicant and/or representative thereof shall be present at all meetings of the Zoning Board of Appeals, Planning Commission and/or Mayor and Council at which official action is requested on any variance, Special Use Permit or application for amendment. The failure of the property owner, applicant and/or a representative to attend such meetings shall result in the denial of said variance, Special Use Permit or application for amendment.

SECTION 2107. Support of Comprehensive Planning.

All applications for rezoning or special use permit shall include an explanation as to how the proposal furthers the goals of the comprehensive plan. If the proposal does not further the goals of the plan then the application shall include an explanation as to how the proposal otherwise benefits the City.