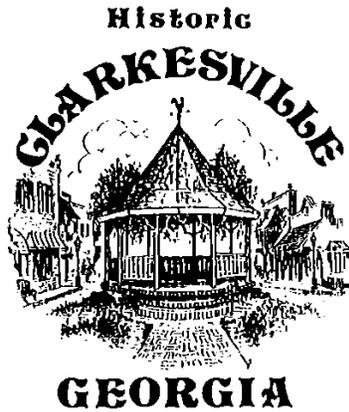


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Zoning Amendment Application Requirements & Process

The following information **MUST** be included with the application:

- a) Zoning Change Application
- b) Letter of Intent (6 copies)
- c) Recorded Legal Description of property (6 copies)
- d) Site Plan (6 copies)

Professional site plans and drawings are highly suggested, and shall be required for requests located in any of the Clarkesville Preservation Districts and on all commercial requests.

Zoning Process:

All requests are public and follow the guidance of Appendix D of the Zoning Ordinance of the City of Clarkesville. Meeting times are:

Planning Commission on the 3rd Tuesday of the month and then by the Mayor and Council on the 1st Monday of the following month.

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Appendix D – Zoning Procedures

Section 2 - Zoning Map Amendments.

2.1 Authority. The Council may amend the Official Zoning Map from time to time. Such amendments require a public hearing by the Planning Commission and Council.

2.2 Initiation of Zoning Map Amendments. An application to amend the Official Zoning Map may be initiated by the Council, by the owner of the subject property, or by the owner's designee.

2.3 Frequency of Applications. After an application for map amendment has been considered, no application pertaining to the same or similar use requested shall be accepted within twelve (12) months from the date of the application. A map amendment may be initiated by the City at any time.

2.4 Application Procedure for Zoning Map Amendments.

(1) Pre-application Conference. All applicants must meet with the Zoning Administrator to discuss the application procedures, the public hearing process, and any other information which may be pertinent to the proposed request. Applications will not be accepted until a pre-application conference has been held. Conferences may be handled via telephone at the discretion of Staff.

(2) Application Contents. Each application for a rezoning must be submitted to the Zoning Administrator at least forty-five (45) days before any hearing by the Planning Commission. Unless waived by the Building and Zoning Administrator, each application submitted by a person other than the City shall include all the following information about the subject property:

- (a) legal description;
- (b) survey plat showing acreage and abutting property owners;
- (c) current zoning of the subject property and abutting properties and description of all existing uses of abutting properties;
- (d) a statement of intent explaining the requested zoning change, the proposed use, and any special or unusual parts of the rezoning request;
- (e) a description of suitability for development under existing and proposed zoning and a description of all existing uses and structures;
- (f) the duration of vacancy or non-use if the property is vacant and unused at the time the application is submitted;
- (g) a site plan drawn to scale showing the proposed use, including at a minimum information on proposed improvements, including parking and traffic circulation areas of required landscaping, storm water, detention structures, amenities, buildings, and buffers;

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- (h) for any applications for commercial or industrial uses , the site plan shall also identify the maximum gross square footage of structures, the minimum square footage of landscaped area, the maximum height of any structure, the minimum square footage of parking and drive areas, and the proposed number of parking spaces, landscaping and buffers, stormwater retention structures;
- (i) for any application for single-family residential uses, the site plan shall also identify the maximum number of residential dwelling units, the maximum height of any structure, the minimum square footage of landscaped area, the maximum gross square footage of structures, and the proposed number of parking spaces;
- (j) for any application for multi-family residential uses, the site plan shall also identify the maximum height of any structure, location of amenities, and buffer areas; and,
- (k) any other information as may be reasonably required by the Building & Zoning Administrator, Planning Commission or Council.

(2) Filing Fee. All applications for zoning amendment shall be accompanied by payment of a non-refundable fee as established by the *City of Clarkesville*.

(3) Disclosure Report. The requirements of Section 7 apply.

(4) Withdrawal of Amendment Application. Any application may be withdrawn at any time at the discretion of the applicant without prejudice, upon written notice to the Zoning & Planning Official, prior to a decision by the Council.

(5) Procedure Relative to Ex Parte Contact With Mayor and Council. The Planning Commission is not subject hereto. To maintain transparency and to avoid and appearance of impropriety in the decision-making process, there shall be no unsolicited substantive ex parte (individual) communication with the Mayor or Council members by an applicant or his/her representative(s) or by supporters of or opposition to the rezoning, unless the Mayor or Councilperson agrees to such. Unsolicited E-mails, letters and faxes to the Mayor and Council as a whole, copied to the City Planner and City Clerk, are permissible. They will be made a part of the record. The applicant and his/her representative(s) and supporters and opponents are to limit their unsolicited verbal contacts with City officials and employees to the City Planner, City Manager, and to the City Attorney if the proposed contact is from legal counsel. Mayor and Council members will accept verbal presentations in the advertised public hearings and meetings, and via express solicitation or agreement in other instances. If an individual Mayor or Council member received unsolicited, unwanted substantive verbal communication by an applicant or his/her representative(s) or by supporters or opposition, said Mayor or Council member shall direct that person to the City Planner, City Manager and City Attorney and advise the

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person of upcoming public hearings, and disclose such to the Mayor and Council at the public hearing.

2.5 Notice Procedure. The requirements of Section 5 apply.

2.6 Planning Commission Hearing and Recommendation. The Planning Commission shall consider the standards in Section 2.8 prior to any recommendation. Hearings shall comply with Section 6.

2.7 City Council Hearing and Decision. Before taking action on a zoning map amendment application, the Council shall hold a hearing in accordance with Section 6, and shall consider the standards in Section 2.8. At the conclusion of the public hearing, the Council may approve or deny the application, approve with modifications or conditions, or defer a decision until a specified meeting date.

2.8 Standards for Zoning Map Amendment Application Decisions. The Planning Commission and the Council shall consider the following:

- (1) the location, present use and zoning classification of the subject property, and its suitability and economic viability for use as currently zoned;
- (2) the proposed use and zoning classification of the subject property;
- (3) the existing land uses and zoning classification of nearby property, whether the zoning proposal seeks a use consistent with the use and development of adjacent and nearby property, and to what extent the zoning proposal will adversely affect adjacent or nearby property;
- (4) whether the zoning proposal will result in a use which could adversely affect existing infrastructure including without limitation streets, transportation facilities, utilities, schools, police and fire protection, and municipal personnel;
- (5) whether the zoning proposal is consistent with the Comprehensive Plan; and,
- (6) whether there are other factors or existing or changing conditions regarding the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

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Section 5 - Notice Provision

Whenever a public hearing is required, posted and published notice shall be given as provided for in this Section.

5.1 Published Notice.

(1) Planning Commission Hearing. A public notice shall be published in the official legal organ of Habersham County, Georgia, or in a newspaper of general circulation in Clarkesville at least fifteen (15) days and not more than forty-five (45) days prior to the scheduled meeting of the Clarkesville Planning Commission, stating that the Planning Commission will hold a hearing and stating the purpose, time, date, and location of the hearing, the tax parcel number of the property, the present zoning classification, and a brief description of the nature of the zoning action proposed.

(2) City Council Hearing. A public notice shall be published in the official legal organ of Habersham County, Georgia, or in a newspaper of general circulation in Clarkesville at least fifteen (15) days and not more than forty-five (45) days prior to the scheduled meeting of the Council, stating that the Council will hold a hearing and stating the purpose, time, date, and location of the hearing, the tax parcel number of the property, the present zoning classification, and a brief description of the nature of the zoning action proposed.

5.2 Notice Posted on Property. Upon the filing of an application for any zoning action, the applicant shall cause to be erected in a conspicuous place on the subject property, no less than fifteen (15) days prior to the scheduled hearings, one (1) or more sign(s) furnished by the City, each of which shall contain information as to the proposed change and the date and time of the public hearings before the Council and Planning Commission. No such public hearing shall take place until said signs have been posted for at least fifteen (15) days. The sign shall read more or less as follows:

NOTICE TO PUBLIC

An application has been filed regarding this property requesting (FILL IN THE ZONING ACTION REQUESTED, for example: “a rezoning from [insert present zone] to [insert zone requested]”; or “application for a conditional use to use the property as (insert proposed use)”; or “application for a variance to allow [insert proposed use]”, or “application for a text amendment to allow (insert proposed use)”). A public hearing will be held by the Clarkesville Planning Commission to review and consider a recommendation to the Clarkesville City Council at [LOCATION], on [DATE], at [TIME]. The Clarkesville City Council will hold a public hearing and a decision will be made at [LOCATION] on [DATE], at [TIME]. All persons having an interest in this application should be at both of these public hearings to voice their interest. Call 706-754-4216, for more details. Such posting of the property is not required when the City enacts a new zoning map or initiates a text amendment. Nor is it necessary for the City to give actual written notice directly to the individual property owner. In such cases of City initiated

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zoning actions, the notice published pursuant to Section 5.1 shall make express reference to “adoption of official zoning district map for Clarkesville, Georgia” or “amendment to the text of the City of Clarkesville Zoning Ordinance at section _____”, as the case may be. No further detail as to the new zoning district map will be necessary.

Section 6 - Public Hearing Procedure

Whenever a public hearing is required by this Ordinance or by state law to be held by the Planning Commission or Council prior to a proposed zoning action, such hearing, whether conducted by the Planning Commission or the Council, shall be governed by this Section, which is adopted pursuant to O.C.G.A. Section 36-66-5(a).

6.1 Administrative Record. Minutes of the meeting will be taken by a secretary to the Planning Commission or the City Clerk. A complete tape recording of a public hearing may be requested and will be available at the expense of a party making a timely request.

6.2 Presiding Officer to Call the Meeting to Order. The public hearing shall be called to order by the presiding officer, who shall summarize the requirements as to speakers’ conduct and time limits, and other matters of procedure.

6.3 Staff Report. The Zoning Administrator, or his/her designee, shall report on the following:

- (1) location of the property, present zoning classification, and description of requested zoning action;
- (2) any report, investigation, or recommendations of the Zoning Administrator or his/her designee;
- (3) for hearings before the Council, the recommendation of the Clarkesville Planning Commission and any additional information designated by the Planning Commission to be presented to the Council; and,
- (4) any other information as may be reasonably required by Zoning Administrator, Planning Commission or Council.

6.4 Speakers’ Conduct. All speakers shall speak only from the podium, shall address only the merits of the pending application, and shall address remarks only to the Planning Commission or Council. Each speaker shall refrain from personal attacks on any other speaker, any discussion irrelevant to the pending application, or any other inappropriate behavior. No debate or argument between speakers or with Commission or Council members will be allowed. Speakers shall not repeat previous comments, as repetition deprives other speakers of valuable time to provide new information.

The presiding officer or his/her designee shall refuse a speaker the right to continue, if the speaker, after once being cautioned, continues to violate any section of this Ordinance. Speakers should provide supporting documentation prior to the date of the hearing. Speakers shall sign the speaker list prior to the hearing.

6.5 Applicant’s Initial Presentation. The applicant or applicant’s representative shall present and explain the application after being permitted to proceed. The applicant will be

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allowed not less than ten (10) minutes combined total to make an initial presentation and subsequent rebuttal, but the applicant and all supporters shall have a combined time limit of no more than fifteen (15) minutes.

6.6 Other Interested Parties. After the applicant's presentation, interested persons who support the application, after being permitted to speak by the presiding officer, may address the proposed application by standing and stating their name, address, and interest and any comments on the pending application. Persons other than the applicant who support the application are allowed to speak in support of the pending application for no more than two (2) minutes each, and are also subject to the fifteen (15) minute combined total time limit. Persons opposing an application are allowed at least ten (10) minutes total as a group (and in no event less than the combined time used by the applicant and supporters), to address their opposition to the application. The opponents shall have a combined total time limit of no more than fifteen (15) minutes. It is suggested that supporters and opponents each obtain one (1) spokesperson to present their views. No individual except the applicant, or an attorney, or a designated

representative of a group, shall speak longer than two (2) minutes or more than one time.

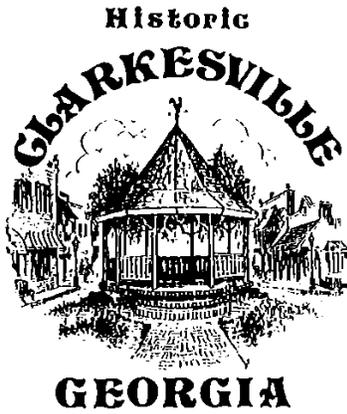
6.7 Applicant's Summary. The applicant may make brief summary remarks using any reserved time, after which the presiding officer shall close the public hearing.

6.8 Deliberation and Action by the Planning Commission or City Council; Appeal. At the close of the public hearing, the Planning Commission or Council shall deliberate and take action. Deliberation may include questions to applicants, supporters and/or opponents. Actions shall be by majority vote. The Chairman and Mayor may vote only in the event of a tie. Any person aggrieved by a decision of the Council shall have the right of appeal to a court of law if such appeal is filed within thirty (30) days of the decision of the Council.

Section 7 Disclosure of Campaign Contributions and/or Gifts.

When any applicant for any zoning action, or any supporter or opponent of any zoning action who has contacted the City to express an opinion or who wishes to speak at a public hearing or submit written opinion, has made within two (2) years immediately preceding the filing of that application campaign contributions totaling two hundred and fifty dollars (\$250.00) or more to an official of the City of Clarkesville, it shall be the duty of said person to file a disclosure report with the City. In the case of the applicant, filing shall be within ten (10) days after the application is made, and in the case of a supporter or opponent, filing shall be at least five (5) days before the first public hearing. Such disclosure report shall include the name and official position of the official to whom the campaign contribution and/or gift was made, and the dollar amount, date, and description of each campaign contribution and/or gift made during the two (2) years immediately preceding the filing of the application.

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Section 8 Conflict of Interest In Zoning Decisions.

Any City Official who has a property interest in any real property affected by a zoning action which the City will consider, or has a financial interest in any business entity which has a property interest in any real property affected by a zoning action which the City will consider, or has a member of the family having any such interest, shall immediately disclose the nature and extent of such interest, in writing, to the Council. Such City Official shall disqualify himself from attending, participating in or voting on the zoning action. Disclosures made in accordance with this Section shall be public record and available for public inspection during normal business hours. Terms used herein are defined below.

- (1) **BUSINESS INTEREST:** Any corporation, partnership, limited liability company, limited partnership, limited liability partnership, firm, enterprise, franchise, association, or trust.
- (2) **FINANCIAL INTEREST:** All direct ownership interests of total assets or capital stock of a business entity of ten percent (10%) or more.
- (3) **CITY OFFICIAL.** The Mayor, Council member, or any member of the Planning Commission.
- (4) **MEMBER OF THE FAMILY.** The spouse, parent, sibling, or child of a City Official.
- (5) **PROPERTY INTEREST:** The direct ownership of real property, including any percentage of ownership.

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