

¹ARTICLE XIII

AMENDMENTS

Section 13.1 AUTHORITY

The governing authority may from time to time amend the boundaries of the zoning districts established on the Official Zoning Map or the regulations set forth in this Ordinance. Any proposed amendment shall first be submitted to the Planning Commission for its recommendation. The Planning Commission shall make recommendation to the City Council within thirty (30) days or the Council shall be free to proceed without further awaiting the report of the Planning Commission.

Section 13.2 APPLICANT REQUIREMENTS

The following procedure shall be followed by an applicant requesting a zoning change:

- (1) All applications for rezoning and all other business to come before the Planning Commission shall be submitted to the Zoning Administrator not later than the close of business twenty-two (22) days prior to the meeting date of the Planning Commission at which such request is to be heard.

Any person or persons desiring to submit a petition requesting a change in zoning shall file such petition, with a plat of the affected property attached thereto, together with a payment of the amount determined by the City Council from time to time as an appropriate fee for same to cover administrative costs, with the Zoning Administrator. In addition, the petitioner may be required by the Council to submit such additional information as may be determined by the Council to be useful and necessary to the Council's deliberations regarding such requested zoning change, providing such additional information is reasonable or consistent with the type information which should be considered by a council regarding such a zoning change set forth in the statutes of the State of Georgia and the decisions of the appellate courts of Georgia interpreting such statutes. 03/04/85

- (2) A legal description of the property shall be filed at the time of application.
- (3) A site plan or boundary survey drawn to scale by a registered engineer/surveyor with the preliminary plans for development shown thereon shall be submitted. The site plan must include: specific use,

building location, parking areas, access points, adjacent streets, land lot lines, directional arrow, and detailed plans for buffer areas. Any additional information as may be required by the Planning Commission will also be submitted at this time.

- (4) The applicant shall give notice of the proposed rezoning by first class mail to all adjacent property owners of record of the property proposed for rezoning as shown by Gwinnett County tax records. Such notice shall be mailed at least fifteen (15) days prior to the first Planning Commission public hearing and shall include:
 - (a) A copy of the application cover sheet, letter of intent, applicant/contact person, vicinity map and the site plan.
 - (b) The rezoning case number.
 - (c) The date, time, place and purpose of public hearings.
 - (d) The applicant is required to submit to the Planning Department a certificate of mailing from a U. S. Post Office verifying the attempt to notify all adjacent property owners of the property proposed for rezoning.
 - (e) The certificate of mailing must be submitted to the Planning Department no later than 12:00 noon on Wednesday of the week preceding the first scheduled hearing or the application may be tabled by the Planning Commission or Mayor and Council.

- (5) The applicant shall erect a sign at or near the right-of-way line (near the center of the frontage) and not interfering with sight distance at any intersection or driveway. This sign will be provided by the Planning Department.
 - (a) The sign shall contain the following information: location of the property, the present zoning of the property, the proposed zoning of the property, and the date, time and location of the public hearing. The sign shall be erected not less than fifteen (15) days prior to the date of the public hearing.
 - (b) Signs must be posted prior to the established posting deadline, and failure to meet this deadline shall result

in an administrative withdrawal of the application from the agenda. Failure to maintain sign(s) continuously throughout the process may, at the discretion of the Mayor and Council, delay or prohibit consideration of the application. The Director may require the placement of signs at multiple locations for large acreage tracts or sites with multiple road frontages.

- (c) No less than fifteen (15) days prior to the first public hearing, the Planning Department shall inspect and photograph the sign(s).
 - (d) For cases tabled to a subsequent month, the Planning Department shall provide the applicant with new sign faces displaying the revised public hearing dates. The applicant will be responsible for reposting and maintaining these signs as prescribed above.
- (6) Applicant will submit a statement as to whether or not this application is a reapplication from a previous denial.

Section 13.3 REZONING PROCEDURE

The following process will be adhered to in evaluating zoning amendment requests:

- (1) Rezoning application shall be prepared and submitted to the Zoning Administrator who will in turn submit the application to the Planning Commission.

Prior to the Planning Commission meeting, the Planning Staff shall prepare an assessment of the rezoning application using the following criteria:

- (a) Existing uses and zoning of nearby property.
- (b) The extent to which the property values are diminished by the particular zoning restrictions of current zoning.
- (c) The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals, or general welfare of the public:

- (i) Would the change alter the population density pattern and thereby increase the load on community facilities (such as schools, sewers and streets)?
 - (ii) Will a change adversely influence living conditions in the neighborhood?
 - (iii) Will a change stimulate any adverse environmental impact (light, soil erosion, air, drainage problems)?
 - (iv) Will a change adversely affect property values in adjacent areas and to what extent is the property value of the subject site diminished by the present zoning?
- (d) The relative gain to the public, as compared to the hardship imposed upon the individual property owner.
 - (e) The suitability of the subject property for its current zoning.
 - (f) The suitability of the subject property for the proposed zoning.
 - (g) The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property.
 - (h) Conformity with or divergence from the Land Use Plan or other applicable local state laws and Ordinances.
 - (i) The availability of adequate sites for the proposed use in districts that permit such use.

- (j) The suitability of the site for the proposed use relative to the requirements set forth in the Zoning Ordinance (such as off-street parking, setbacks, buffer zones, and open space).
- (2) The Planning Commission will recommend approval or disapproval of the rezoning application and forward the application to the Mayor and Council. Any proposal, disapproval or suggestion of the Planning Commission shall have advisory effect only and is not binding on the Mayor and Council. In the event the Planning Commission tables a rezoning application without an approval or disapproval, such action shall be in effect only until the next regularly scheduled meeting. The rezoning application shall not be tabled more than once, and a decision must be made at the next regularly scheduled meeting or it shall be deemed approval of the amendment. The Zoning Administrator may prepare the amendment for advertisement during this period.
- (3) At least fifteen (15) but not more than forty-five (45) days prior to the date of the public hearing, the Zoning Administrator shall cause to be published within a newspaper of general circulation within the territorial boundaries of Lawrenceville a notice of the hearing. The notice shall state the date, time, place and purpose of the hearing.
- (4) The public hearing shall be held by the City Council.
 - (a) The public hearing shall be convened by the Mayor and Council at the scheduled time.
 - (b) The presiding officer shall review the procedures for holding the public hearing, the procedures being those set forth in 3, 4 and 5 above.
 - (c) For each case, the presiding officer shall allow the applicant of his/her designee to present the case as the speaker.
 - (d) After each person has been afforded an opportunity to speak and/or be counted as to concurrence with each point raised, the presiding officer shall present the results of the evaluation prepared per 3 above.

- (e) When the public hearing is conducted by the City Council at a regular Council meeting, action may be taken approving or rejecting the proposal at that meeting or the question may be tabled for consideration at the next regular meeting.
 - (f) No later than the day after a decision on the question has been reached, the results of that action will be posted as a regular public notice at the office of Planning and Zoning in the City Hall.
- (5) Upon denial of a rezoning application by the Mayor and Council, the applicant may not make application for the same zoning classification earlier than twelve (12) months from the date of the denial. An applicant may reapply for a rezoning as to a different use or zoning classification no earlier than six (6) months from the date of denial. The procedures of this Article as to any reapplication for a different use or zoning classification shall remain applicable and must be followed.
- (6) Upon approval of a rezoning application by the Mayor and Council, the zoning classification and changes in district boundaries shall be entered on the Official Zoning Map. The applicant may not make application for another zoning classification earlier than twelve (12) months from the date of the approval.
- (7) The applicant or a designated representative of the applicant shall be present for all hearings when their application for an amendment to the Zoning Ordinance of the City of Lawrenceville is on the agenda of the meeting of the Mayor and Council or the Planning Commission of the City of Lawrenceville. In the event an applicant or a designated representative fails to appear for any such hearing, the application shall be automatically tabled to the next meeting of the Council or Commission. If, during the time an application is pending, the applicant or a designated representative fails to appear for a second scheduled hearing during the consideration of the application, the application shall be considered to be withdrawn by the applicant with prejudice and the application may not be refiled for a period of least six (6) months.

¹ ***Ordinance to Amend the City of Lawrenceville's Zoning Ordinance Section 13 to Adopt Revised Public Notification Policies for Rezoning Applications in the City of Lawrenceville, to Increase the Scope and Geographic Area of Written Notification to Potentially Affected Neighbors, and to Provide for New Zoning Notice Sign Posting Policies was adopted on October 6, 2003.***