

# WATKINSVILLE APPLICATION FOR REZONE

## EXCERPTS OF ORDINANCE

### Chapter 14.03 Rezoning Application

#### A. Application Requirements

1. A rezoning application must be filed with the City Clerk at least 45 days prior to the MAYOR AND COUNCIL meeting at which the request will be heard.

2. A rezoning application must contain the following information:

a. A survey of the property prepared by a licensed surveyor showing existing and proposed STRUCTURES and uses, access drives, easements, environmental features, utilities, Buffers, existing zoning, and any other relevant supporting documentation reasonably required by the City to assist in rendering a decision, including concept plans.

b. A list of adjoining property owners as shown on the tax rolls.

c. Any additional relevant information the applicant or the Clerk reasonably believes to be pertinent.

d. Payment of the application fee, as determined by the Mayor and Council to cover the administrative and advertising costs of the application.

The fee is waived if the APPLICANT is the City of Watkinsville.

e. A signed statement certifying APPLICANT or the owner represented by the APPLICANT has one hundred percent (100%) ownership or leasehold interest in the property. In case of a lease, the owner must also sign.

3. Once the application is submitted it cannot be amended. Incomplete applications will not be processed.

#### B. Rezoning Application Review

##### 1. Zoning Administrator Written Analysis

a. The ZONING ADMINISTRATOR shall present the application and all its supporting documents, along with a written analysis of the requested zoning's impact, at the public hearing. The written analysis shall show that the ZONING ADMINISTRATOR has considered the proposed change in relation to the Standard or Review of §14.03.C.

#### C. Public Hearing and Procedures

##### 1. Public Hearing Required.

a. Before enacting an amendment to this Ordinance, a public hearing must be held by the Mayor and Council.

##### 2. Applicant Notification

a. The City Clerk must notify the applicant of the date, time, and place of the required public hearing.

##### 3. Publication of Notice

a. Not less than fifteen (15) days, and not more than forty-five (45) days prior to the date of the public hearing, the City Clerk shall cause to be advertised the date, time, place and purpose of the public hearing in a newspaper of general circulation in Watkinsville, GA.

##### 4. Sign

a. Not less than fifteen (15) days prior to the public hearing, the City Clerk shall cause the applicant to have posted in a conspicuous place on the lot or parcel to be rezoned, one (1) or more signs, which shall provide adequate notice of the zoning action. Each sign shall be approximately 32" in height and

24" in width and shall provide adequate notice of the zoning action.

At a minimum the sign must contain the following information: date, time, and location of the hearing, current zoning classification and proposed zoning classification, and a telephone number interested persons can call for additional information.

b. If, because of circumstances peculiar to the location of the property to be posted, the sign will either be inconspicuous or invisible from any well-traveled right-of-way, the sign(s) shall be posted on the property to be rezoned and on other property in such a location that it is likely to be seen by persons potentially interested in the decision.

#### 5. Mayor and Council Action

a. The Mayor and Council shall hold a public hearing on the application in accordance with §14.06. After the hearing, the Mayor and Council shall consider the Standards of Review of §14.03.C and approve, approve with conditions, or deny the application.

b. Within seven (7) days of its decision, the City Clerk shall so notify the applicant in writing.

#### 6. Withdrawal...

#### 7. Denial...

#### D. Standards of Review (Zoning Amendment Criteria)

1. In the consideration of a rezoning application, the Mayor and Council shall consider factors relevant in balancing the interest in promoting the public health, safety, morals or general welfare against the right of the individual to the unrestricted use of property and must specifically consider the following factors as they may be relevant to the application:

a. The existing land use pattern;

b. The possible creation of an isolated district unrelated to adjacent and nearby districts;

c. The population density pattern and possible increase or overtaxing of the load on public facilities including, but not limited to, schools, utilities, public safety, and streets;

d. The cost to the City and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;

e. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality;

f. Whether the proposed zoning map amendment will be a deterrent to the value or improvement or development of adjacent property in accordance with existing regulations;

g. Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;

h. The aesthetic effect of existing and future use of the property as it relates to the surrounding area;

i. The extent to which the proposed zoning map amendment is consistent with the comprehensive plan;

j. The possible effect of the proposed zoning map amendment on the character of a

zoning district, a particular piece of property, neighborhood, a particular area, or the community;

k. The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations;

1. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight.

2. After hearing evidence at the zoning hearing, the Mayor and Council shall apply the evidence of the Standards of Review (Zoning Amendment Criteria) in making its decision. It will not be required that the Mayor and Council consider every criterion contained in the Standards of Review. It shall be the duty of the applicant to carry the burden of proof that the proposed rezoning promotes the public health, safety, morality or general welfare.

### SUMMARY OF DEADLINES AND PROCEDURES

1. Pre-application review is requested prior to formal submittal of the application.
2. The application must be complete and submitted in proper form at least 45 days prior to a hearing. Fees are to be paid, by check or money order, at the time of filing. Checks without pre-printed account information will not be accepted.
3. Applications preferably should be submitted in-person by the applicant or an authorized agent. Applications submitted via courier or mail makes it harder to immediately communicate with the applicant about any potential deficiency or any ambiguity.
4. Applicant is requested to submit any revisions to site plans, letters of intent, proposed conditions, etc. to the City immediately. Last minute revisions may delay the dates of public hearings.
5. The applicant must attend the public hearing.
6. Any staff analysis will be available from the City typically a day before the hearing.

### CHECK SHEET FOR TEXT AMENDMENTS THAT ARE PARCEL SPECIFIC

NARRATIVE DESCRIPTION OF REQUEST: The applicant shall set forth a written justification for the requested zoning amendment. For any site specific application, this should include factual information such as requested use, acreage, square footage of buildings, number of residential structures, number of parking spaces, any special conditions, any subdivision of property, setbacks, existing and proposed buildings, parking, driveways, buffers, landscape areas, streams, and other features. If the request is for a text amendment, applicant shall state the exact language of any zoning ordinance text amendment requested

PLAT: The plat of the property must be prepared and sealed by a professional engineer or land surveyor registered in Georgia, and include: The complete boundaries of the subject property and all buildings and structures existing thereon; and Notation as to the total acreage or square footage.

LEGAL DESCRIPTION: Must match the plat.

IMPACT ANALYSIS: Complete the form answering all questions regarding the impact of the use with respect to each standard and factor.

STANDARDS OF REVIEW: Complete the form answering all questions regarding the standards of review.

DISCLOSURE FORM: If the owner, petitioner and/or the agent for the petitioner has made a campaign contribution to any member of the Mayor and Council for \$250 or more within the past 2 years, the form must be completed. If not, the petitioner must circle "No" and complete the top of the form indicating name, signature and date.

PETITION FOR AMENDMENT

Date: \_\_\_\_\_ Tax Map and Parcel Number(s) \_\_\_\_\_

PROPERTY ADDRESS \_\_\_\_\_

USE REQUESTED: \_\_\_\_\_

Parts 1 and/or Part 2 below must be signed and notarized when petition is submitted.

- a) If you are the sole owner of the property and not the petitioner complete Part 1.
- b) If you are the petitioner and not the sole owner of the property complete Part 2.
- c) If you are the sole owner and petitioner complete Part 1.
- d) If there are multiple owners each must complete a separate Part 1 and include it in the application.

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Part 1. The undersigned states under oath that he/she is the owner of the property and the application is true and complete. The owner also states under oath that the petitioner below is authorized to act on their behalf in the filing of this application.

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PRINT NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ Day of \_\_\_\_\_ 2019

\_\_\_\_\_  
NOTARY PUBLIC

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Part 2. The undersigned states under oath that he/she is the petitioner and is authorized to act on the owner's behalf in the filing of this application and the application is true and complete.

PRINT NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ Day of \_\_\_\_\_ 2019

\_\_\_\_\_  
NOTARY PUBLIC

ATTORNEY/AGENT

Check One:     Attorney     Agent

\_\_\_\_\_  
TYPE OR PRINT ATTORNEY / AGENT NAME

\_\_\_\_\_  
SIGNATURE OF ATTORNEY / AGENT

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY & STATE

\_\_\_\_\_  
ZIP CODE

\_\_\_\_\_  
PETITIONER'S SIGNATURE

\_\_\_\_\_  
PHONE NUMBER

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

\_\_\_\_\_  
APPLICANT

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
PHONE NUMBER

\_\_\_\_\_  
BUSINESS REPRESENTED

Check one of the following:

\_\_\_\_\_ (A) The applicant here certifies, under oath, that he or she has not made any campaign contributions or gifts having an aggregate total value of \$250 or more to any local government official of Watkinsville, Georgia, as defined by O.C.G.A. 36-67A-1(5).

\_\_\_\_\_ (B) The Applicant here certifies, under oath, that he or she has made the following campaign contributions or gifts having an aggregate total value of \$250.00 or more to a local government official of Watkinsville, Georgia as defined by O.C.G.A.36-67A-1 (5).

Please list total value of contribution(s) dates and names of the local Government Official:

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Describe in detail any gifts listed above (example: quantity and nature, etc.):

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### IMPACT ANALYSIS

1. Map and Parcel #: \_\_\_\_\_

2. Road Names): \_\_\_\_\_

3. Use Request: \_\_\_\_\_

4. Petitioner's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Daytime Telephone No.: \_\_\_\_\_

Analyze the impact of the requested use and answer the following questions:

The following standards governing the exercise of the City's zoning power are to be considered by the Mayor and Council in balancing the interest of the public health, safety, morality and/or general welfare against the unrestricted use of property:

1. Is the request consistent with the existing land use pattern? \_\_\_\_\_

2. Does the request create an isolated district unrelated to adjacent and nearby districts? \_\_\_\_\_

3. Does the request create a possible increase or over-taxing of the load on public facilities including, but not limited to, school, utilities, and streets? \_\_\_\_\_

4. Does the request create costs to the City and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets, law enforcement, fire protection and other public services? \_\_\_\_\_
5. Does the request impact the environment, including, but not limited to drainage, soil erosion and sedimentation, flooding, air quality and water quality? \_\_\_\_\_
6. Does the request allow uses which will be a detriment to the value of adjacent property in accordance with existing regulations? \_\_\_\_\_
7. Are there substantial reasons why the property cannot be used and developed in accordance with the existing regulations? \_\_\_\_\_
8. What is the aesthetic effect of the existing and proposed use of the property as it relates to the surrounding area? \_\_\_\_\_
9. Is the proposed zoning amendment consistent with the comprehensive land use plan?
10. What are the possible effects of the proposed zoning amendment on the character of the zoning district, a particular piece of property, neighborhood, a particular area or the community as a whole? \_\_\_\_\_
11. Is the proposed zoning amendment consistent with the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed zoning change will carry out the purposes of these zoning regulations? \_\_\_\_\_
12. Does a site specific request include a specific site plan? \_\_\_\_\_
13. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight. Does the request affect residential neighborhoods? \_\_\_\_\_
14. If property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation in the residential neighborhood shall be considered to carry great weight. Does the request affect residential neighborhoods? \_\_\_\_\_
15. Does the property affected by the zoning decision have a reasonable economic use as currently zoned? \_\_\_\_\_
16. Are there other conditions that exist that affect the use and development of the property in question and support either approval or denial of the zoning action? \_\_\_\_\_