

ARTICLE XIV AMENDMENTS

Section 14.1 PROCEDURE

A proposed change of the zoning district boundaries or of the regulations as they pertain to a piece of property may be initiated by the Town Council, the Planning Commission, or at the request of the owners of the property to be rezoned or their authorized agent. In addition the Town Council may, from time to time, amend, supplement or repeal the regulations and provisions of this Ordinance as provided by law.

14.1.1 Petition by Property Owners. Whenever the owner of record of any property desires a change in zoning classification, a change of the conditions or regulations of any district or any other provision of this Ordinance, the following procedure shall be followed.

A. The applicant shall submit a complete zoning amendment application, on a form provided by the Town, to the Town Clerk at least fifteen (15) days prior to the Planning Commission meetings at which the amendment is to be considered, containing as a minimum, the following:

(1) A one hundred (\$100.00) dollar administrative fee to defray the cost of expenses related to processing the application.

(2) A map, drawn to scale, indicating:

- a. The dimensions and location of the site.
- b. The shape, size, height and location of all existing structures on the site.
- c. The number and location of parking spaces, and location of ingress and egress.
- d. All rights-of-way and easements.
- e. Other information which may be required by the Planning Commission during the review process.

(3) A written statement indicating:

- a. Reason for the request.
- b. Legal description of the subject property.

Section 14.2 PLANNING AND ZONING COMMISSION REVIEW

Regardless of the source of the proposed zoning change, the Town Council shall not hold its public hearing or take actions on any amendment to this Ordinance until it has received a final report on such amendment from the Planning Commission. The Planning Commission shall make a preliminary report and hold a public hearing thereon before submitting its final report to the Town Council.

Section 14.3 PUBLIC HEARINGS AND NOTICES

The following procedures for hearings and notices shall be followed for the rezoning of specific property upon request of the property owner. The following procedures for hearings and notices shall be required for amendments or revisions to the Zoning Ordinance initiated by the Town of Fort Deposit. Such amendments or revisions shall follow the requirements of State Law regarding notices and hearings.

- 14.3.1 Mailed Notice. At least fifteen (15) days prior to the public hearing to be held by the Planning Commission, notice shall be sent to owners of record of property within the town limits that is located within three hundred (300) feet of the property on which the change in zoning is requested. Such notice shall be served by posting the same postage paid, in the United States Post Office, to owner(s) of record as said name and address appears on the last approved tax roll of Lowndes County.
- 14.3.2 Posted Notice. Property proposed to be rezoned shall be posted with a notice at least fifteen (15) days before the public hearing by the Planning Commission. The posted notice shall set forth the property's present zoning, proposed zoning, the date and time and place of public hearing. Such notice to remain in place until final determination by the Town Council.
- 14.3.3 Planning Commission Hearing. The Planning Commission shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein.
- 14.3.4 Town Council Hearing. Upon receipt of a favorable recommendation from the Planning Commission, the Town Clerk shall, in accord with State law, schedule and advertise the proposed amendment for a public hearing before the Town Council. Upon receipt of a negative recommendation from the Planning Commission, the Town Council review process will be initiated at the request of the applicant.

Section 14.4 CONDITIONAL REZONING

In situations where more flexible and adaptable zoning methods are needed, rezoning amendments may be allowed subject to certain conditions that are not generally applicable to land similarly zoned. Proposed rezoning amendments may include the

voluntary proffering in writing, signed by the property owner (and the authorized agent of the property owner, if any), of reasonable conditions in addition to the regulations provided for in the desired zoning district.

14.4.1 Proffered conditions must adhere to the following criteria:

- A. The rezoning itself must give rise to the need for the conditions.
- B. Such conditions shall have a reasonable relation to the rezoning.
- C. Such conditions shall not include a cash contribution to the Town.
- D. Such condition shall not include dedication of property for public right-of-way or facilities, unless otherwise required by the Fort Deposit Subdivision Regulations.
- E. Such conditions shall not include payment for or construction of off-site improvements, unless otherwise required by the Fort Deposit Subdivision Regulations.
- F. No condition shall be proffered that is not related to the physical development or physical operation of the property.
- G. No condition shall allow for the reversion of zoning held previous to the rezoning, unless a new application for rezoning is filed.
- H. All such conditions shall be in conformity with the purposes and considerations of this ordinance.

14.4.2 The Zoning Administrator shall be vested with all necessary authority on behalf of the Town Council to administer and enforce conditions attached to a rezoning amendment.

14.4.3 The zoning map shall show by an appropriate symbol the existence of conditions attached to the zoning. The Zoning Administrator shall keep in his office and make available for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district. The zoning designation of the property shall carry a C suffix in addition to the zoning district designation (for example, B-1-C), and the zoning map shall reference the conditional zoning index by ordinance number. Any amendment, waiver, or variation of conditions created pursuant to the provisions of this section shall be subject to zoning amendment procedures.

Section 14.5 LIMITATIONS ON REZONING AMENDMENTS

Should the Town Council reject a rezoning amendment proposal by a property owner, the same kind of rezoning for the same tract of land will not be considered by the Planning Commission until a period of one (1) year has elapsed from the date of such action by the Town Council. Further, a withdrawal of the application for rezoning after the hearing held by the Planning Commission, but prior to the hearing held by the Town Council shall also require a one (1) year time period before another application may be submitted. However, the Planning Commission may adjust this time period if in the opinion of a majority of the commission, an unusual situation or circumstance exists which would warrant another hearing. Each time the zoning amendment application is made, the required administrative fees must be paid. Under no condition shall fees be refunded for failure of such proposed amendment to be enacted into law.