

## **9.7 Policies and Procedures for the Call and Conduct of Zoning Public Hearings—**

In order to conform to the Zoning Procedures Law of the State of Georgia (Title 36 Chapter 66 of the Official Code of Georgia Annotated), the following policies and procedures shall govern the call and conduct of all zoning public hearings in the City.

- A. All required zoning hearings shall be properly advertised and have proper notice according to Georgia Law and the Zoning Ordinance of the City.
- B. All such hearings shall be open to the general public, and no person shall be excluded for any reason other than grossly disruptive or offensive actions.
- C. The purpose of holding a zoning public hearing is to listen to the views of the citizens of the community, and then evaluate the entire matter at a later time or official meeting. No cross-examination or prolonged argumentative questioning of the hearing body shall be permitted. Decorum and order shall prevail.
- D. Before any requests for amendments or zoning changes may be considered, the City Clerk shall verify and announce publicly for the record that:
  - 1. All necessary submission requirements as established in the Zoning Ordinance have been met.
  - 2. All requirements under Georgia Law for advertising and posting of a sign on the property for rezoning, if appropriate, including any time limitations, have been met.
- E. The Chair shall announce publicly the convening of the hearing on each amendment or change, identifying specifically, if appropriate, the property proposed for zoning and stating the present zoning classification and the proposed zoning classifications.
- F. Any citizen and all parties in interest shall be given opportunity to be heard, provided that oral presentations for each side of the issue shall be limited to thirty (30) minutes, and those persons wishing to make oral presentations have signed a hearing register with their name, address and affiliation or standing, and indicated which side of the issue they wish to address. The Chair shall have the authority to place more specific time limits on individual oral presenters (as a class), so long as each side is given its full amount of allotted time, or to extend the allotted time of the public hearing to one hour for each side, if warranted.
- G. Submission of written comments and supporting data shall be allowed, in addition to or as supplement to oral presentations, without affecting time limits on oral presentation. To be accepted and entered into the record, these comments must be clearly identified as to the issue concerned, and carry the name, address, and affiliation of the respondent. The receipt and acceptance of written comments shall be read into the record of the Chair or the Chair's designee.
- H. Those persons wishing to make oral or written presentations before the hearing body should be aware that the hearing body is attempting to make an objective decision, based on the adopted "Standards for Zoning Decisions" of the City and is interested only in factual presentations and information which can be supported and which is accurately and carefully presented. The Chair may declare out of order any presenter making emotional arguments or extraneous statements not germane to the issue. Only

presentation and information relevant to issues raised in the City's adopted "Standards for Zoning Decisions" shall be considered germane.

- I. Only members of the hearing body may question a person making a presentation during the hearing. In order for a person in attendance to speak, the Chair must first recognize that person.
- J. The order of procedure for each hearing shall be as outlined below:
  1. After convening and identifying the public hearing, the Chair will request the register for that hearing and briefly recite the procedures in effect, including any specific time limits.
  2. Presentations, if desired, by the proponents of the proposed zoning change or amendment.
  3. Questions by members of the hearing body of the proponents.
  4. Presentations, if desired, by the opponents of the proposed zoning change or amendment.
  5. Questions by members of the hearing body of the opponents.
  6. Upon conclusion of the presentations and questions, the Chair will thank all for their interest and attendance, assure that all views and the entire matter will be given careful consideration, and shall close that hearing.
- K. The Chair will then announce the time and place of the meeting of the Mayor and City Council which will have the proposed change on the agenda for official action.
- L. Any other scheduled public hearing or amendment or change shall then be convened, utilizing the same procedures.
- M. Only normal minutes shall be maintained by any zoning public hearing as a matter of course. However, upon receipt of written request from an affected party or parties at least one week prior to the scheduled public hearing, the City shall have a transcript prepared, provided that the entire cost of preparation shall be borne by the affected party or parties making such request. Agreement to this by the party or parties making such request must be provided to the City in writing before preparations for such a transcript will be undertaken.

### **9.8 Standards for Zoning Decisions—**

In order to conform to the Zoning Procedures Law of the State of Georgia (Title 36, Chapter 66 of the Official Code of Georgia Annotated), the following standards will be considered as appropriate and as relevant to a particular zoning decision by the City Council when adopting, changing, or amending the Zoning Ordinance or the Zoning Map.

- A. Assure that the proposed change is reasonable and consistent with the spirit, purpose, and intent of the Zoning Ordinance.
- B. Consider the changes in community characteristics which may take place because of

the proposed change, and consider the consistency with and effect of the change on current public growth and development policies and plans.

- C. Consider the relative effectiveness or ineffectiveness of the present wording or districting of the Ordinance, and whether a justification for change exists because of special reasons or a change in conditions.
- D. Consider the effect upon the public interest of granting or denying the proposed change and determine that the change will serve the best interests of the City, as compared to any hardship imposed upon the individual property owner.
- E. Consider the existing land use pattern, and specifically the presence or absence in the adjacent surrounding area of conditions and uses which are the same or similar in character to any proposed change or use, and the possible creation of an isolated district unrelated to adjacent districts.
- F. Determine that the proposed change will not substantially injure or detract from the use or value of neighboring property, or from the general character of adjacent and nearby property in the surrounding area.
- G. Consider the unique characteristics of the property involved, and whether the property to be affected by the zoning proposal has some reasonable economic use as currently zoned or whether there are substantial reasons why the property cannot be used in accordance with existing zoning.
- H. Consider the effect of the proposed change upon the logical, efficient, and economical extensions of public services and facilities, or possible overtaxing or burdening of existing public services or facilities, including but not limited to utilities, streets, schools, and public safety services, and also the associated costs to the local government in providing, improving, increasing, or maintaining such facilities and services.
- I. Consider the impact of the change with respect to probable effects upon highway traffic and safety, and especially access near intersections.
- J. Consider the impact of the proposed change upon the environment, including but not limited to drainage, soil erosion and sedimentation, flooding, noise, air quality, and water quality and quantity.
- K. Determine that the zoning proposal will permit suitable use or uses in view of the subject property's physical characteristics, the use and development of adjacent and nearby properties, existing zoning patterns, existing or proposed public facilities or services, environmental impacts, and current public growth and development policies and plans of the City.
- L. Consider whether the change is designed to correct an improper situation or would merely result in the granting of special privileges not available to adjacent or surrounding properties.
- M. Consider the conformity of the proposed change with the City's adopted Comprehensive Plan.

N. Consider any other factors relevant to balancing the City's interests in promoting and protecting the public health, safety, morality, or general welfare against a right to unrestricted use of property.