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## Text Amendment

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Applicant	Kenneth Hughes on behalf of the City of St. Marys
Request	Zoning Ordinance Text Amendment – City of St. Marys requests a zoning ordinance text amendment to amend the Enforcement and Administration, Appeals, and Amendments articles.

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## History/Background

The proposed text amendment will do the following things:

1. Refer to the CRC instead its former name of the CGRDC.
2. Provide that the director is the person responsible for making interpretations of the ordinance.
3. *Amends the process for issuing a building permit to require a release from the planning and zoning director before the building official can issue the permit.*
4. Provide that Certificates of Occupancy (CO) shall be issued if the work conforms to the ordinance and necessary regulations, including compliance with all other permits/licenses issued.
5. Change the maximum penalty from \$50.00 per offense to \$1,000.00 per offense.
6. Provide that appeals must be timely filed and that they are to be heard at the next regularly scheduled planning commission meeting.

## Staff Recommendation

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## Discussion and Final Recommendation

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Staff recommends approval of the text amendment as presented.

## ARTICLE V. - ENFORCEMENT AND ADMINISTRATION

### Sec. 110-141. - Planning and zoning director.

- (a) All provisions of this chapter shall be enforced and administered by the planning and zoning director(s). He may be provided with assistance of other people if directed by the city council.
- (b) The duties and powers of the planning and zoning director shall be:
- (1) To receive and check all applications for building and sign permits, certificates of occupancy, and certificates of appropriateness.
    - a. Prior to issuance of any building permit, the planning and zoning director shall ensure that the proposed building structures or use conforms in all respects to the provisions of this zoning chapter and other applicable regulations (see section 110-142).
    - b. Prior to issuance of certificate of occupancy, the planning and zoning director shall determine that the work completed is in accordance with all provisions of this chapter and other applicable regulations (see section 110-143).
    - c. For new developments proposed within the city which meet or exceed the minimum thresholds identified in the Department of Community Affairs' Procedures and Guidelines for the Review of Developments of Regional Impact (DRI), the city will comply with these intergovernmental review procedures. The city shall be allowed up to a maximum of 30 days to complete the review process for large development projects that are likely to create impacts in other local jurisdictions. The city will not take any official action to further any such developments until the DRI Review Process is completed or a maximum of 30 days has transpired from the date the completed DRI Request for Review Form was forwarded to the Coastal Georgia Regional Development Center Commission.
  - (2) To require any information necessary to determine the conformity of the application with the regulations of this chapter. This information may include:
    - a. Proposed uses of building, structure, or land;
    - b. Placement of the building or structure on the lot;
    - c. Size, dimensions or other characteristics of the building, structure, and the lot itself,
    - d. Placement, size, and number of signs;
    - e. Number, size, and location of parking and unloading spaces;
    - f. Any other relevant information under this chapter (such as access points).
  - (3) To inspect premises of applicant's property, building or structure.
  - (4) To review for compliance with this zoning chapter and other applicable regulations ~~are established~~.
  - (5) To notify any person responsible for violating the provisions of this chapter and to order the action necessary to correct the violation. He shall order:
    - a. Discontinuance of illegal use of land, buildings, or structures.
    - b. Removal of illegal buildings or structures;
    - c. Discontinuance of any illegal work being done.
  - (6) To issue temporary permits, provided that the permit includes necessary safeguards for the public safety, health, and welfare. (See section 110-144).

- (7) To inform the applicant of a building permit if his proposed use, building or structure is designated as a special permit use or requires a variance and to advise said applicant of the procedure necessary to acquire this permit.

(8) To interpret this ordinance.

**Sec. 110-142. – Building permit.**

(a) *Building permit required.*

- (1) It shall be unlawful to begin the excavation or filling of any lot for the construction of any building, including accessory buildings, until the building official has issued a building permit for such work.
- (2) No building permit for construction, alteration, or demolition of any structure shall be issued unless the applicant has complied with the requirements of the St. Marys Historic Preservation Commission Ordinance and the Flood Damage Ordinance.

(b) *Issuance of a building permit.*

- (1) The applicant shall submit to the building official a dimensioned plot plan, either in sketch or to scale, indicating the size, shape and location of all buildings on the lot, either proposed or existing. Such plot plan shall be accompanied by a complete set of building plans and a completed application for a building permit.

- (2) Applicant shall also state the existing and intended use of all such buildings and structures.

- (3) ~~If the proposed work conforms to the provisions of this chapter, the building official shall issue the building permit.~~

(a) If the proposed work conforms to the provisions of this chapter, the planning and zoning director shall inform the building official of its conformance to the provisions of this chapter. (Said notice may also be referred to a preliminary certificate of zoning compliance.)

(b) If the proposed work conforms to all other requisite requirements and said notice under subpart (a) is received from the planning and zoning director, the building official shall issue the building permit.

- (4) If the building permit is refused, the building official shall give the applicant a written explanation of reasons for the refusal.

- (5) Building permits expire if physical construction has not begun within six months of the initial date of issue or work has stopped for a period of six months.

**Sec. 110-143. - Certificate of occupancy.**

- (a) *Certificate of occupancy required.* No land or building hereafter erected or altered in its use shall be used until a certificate of occupancy has been granted.

(b) *Issuance of certificate of occupancy.*

- (1) Upon completion of any work for which a building permit has been granted, application shall be made to the building official for a certificate of occupancy.

- (2) Within three business days of application, the building official shall make a final inspection of the property and shall issue the certificate of occupancy if the work conforms to the necessary regulations. Conformance to the provisions of this chapter shall be provided by the planning and zoning director in the form of a final certificate of zoning compliance to the building official.

Conformance to necessary regulations shall include being in compliance with all permits and/or licenses issued by the city including those permits issued under Chapter 18 of the Code of Ordinances.

- (3) If the certificate is refused, the building official and planning and zoning director must state such refusal in writing, with the cause.

**Sec. 110-144. - Temporary permit.**

The planning and zoning director is authorized to issue temporary permits for the following uses, subject to the applicable conditions for each individual temporary use and provided it is determined such use will cause no traffic congestion, will not adversely affect surrounding areas, and will not create a nuisance nor otherwise constitute a threat to the health, safety, and welfare of the public. Any temporary use not allowed for in this chapter shall be requested from the city council. Each application for temporary permit shall be filed with the planning and zoning director a minimum of 14 days prior to the commencement of such temporary use.

- (1) Carnival or circus, in approved open areas, for a period not to exceed three weeks. Such application shall be accompanied by documentation in a form acceptable to the planning and zoning director establishing adequate public liability insurance coverage and current safety inspection reports.
- (2) Religious meeting in a tent or other temporary structure, in an approved open area, for a period not to exceed 40 days and 40 nights.
- (3) Open lot sale of Christmas trees, in the approved area, for a period not to exceed 45 days.
- (4) Contractor's office and equipment sheds, for a period of 12 months, provided that such office is placed on the property to which it is appurtenant.

**Sec. 110-145. - Special permit uses.**

The uses listed under the various land use districts (article II, division 2) as "special permit uses" are so classified because they more intensely dominate the area in which they are located than do other uses which are called permitted uses. Special permit uses are uses which would not normally be appropriate in a district unless strictly controlled as to size, lot coverage, impact on public services, visibility, traffic and other such characteristics. The following procedure is established to integrate the special permit uses with other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

- (1) When applying for a building permit, the applicant shall be informed by the planning and zoning director that the proposed use is a special permit use. The matter will then be referred to the planning commission.
- (2) An application for special permit use shall be filed with the planning and zoning director at least 30 days prior to the next regularly scheduled meeting of the city planning commission except where the land is located within the MILUN-1 Overlay District in which case it shall be filed at least 35 days before said meeting. Such application shall contain all information requested thereon and any other material or information pertinent to the request which the planning commission may require.
- (3) Public hearings, public hearing procedures, and standards for special use permits.
  - a. *Required public hearings.* No official action shall be taken on any proposed special permit unless one public hearing has been held. The public hearing shall be conducted by the planning commission.

b. Procedure for calling a public hearing.

1. Prior to scheduling required public hearings, applicants shall complete all submission requirements provided by the planning and zoning director (e.g., forms, fees, deeds, maps, etc.)
2. The planning and zoning director shall then notify the applicant of the date, time, and place of the required public hearing.
3. At least 16, but not more than 44 days prior to scheduled public hearings, the planning and zoning director shall publish in the newspaper of general circulation, notice of the date, time, place, and purpose of the public hearing.
4. Not less than 15 days prior to the date of a public hearing, the planning and zoning director shall post in a conspicuous location on the property in question a sign which shall contain information regarding the proposed special permit; specifically the date, time, place, and purpose of the public hearing.
5. The primary goal of conducting public hearings on proposed special permits shall be to solicit pertinent factual information which will be beneficial in helping the planning commission judge the merits of each specific proposed special permit.
  - (i) *Notice to property owners.* The planning and zoning director shall give notice of the date, time, place, and purpose of public hearings to be held by the planning commission on proposed special permits or supplements by mail to the owners of all properties abutting any part of the property proposed to be changed. The failure to notify as provided in this section, shall not invalidate any recommendations or action adopted hereunder.
  - (i)(a) *Notice within MILUN-1 or MILUN-2.* Where the property under consideration is within the MILUN-1 or MILUN-2 district, the planning and zoning director shall give notice of the date, time, place, and purpose of public hearings to be held by the planning commission on proposed special permits or supplements by mail to the commanding officer of NSB Kings Bay as required under Sec 110-81 for the MILUN-1 district or Sec 110-82 for the MILUN-2 district.
  - (ii) *Action of planning commission.* The planning commission may recommend approval of the application, as submitted, to city council; or it may require conditions for approval before recommendation of approval is made to city council; or it may recommend denial of the application. These recommendations shall then be certified to the city council.
  - (iii) *Action of the city council.* The city council shall consider the recommendations of the planning commission, and vote on the special permit. If the proposed special permit is not recommended by the planning commission, the favorable vote of a majority of the city council shall be required to approve the special permit. The applicant and others so requesting shall receive notice of the decision of the city council through the planning and zoning director.
  - (iv) *Denial of special permits.* If the decision of the city council is to deny the special permit, then the same property may not again be considered for a special permit until the expiration of at least six months immediately following the defeat of the special permit by the city council.
  - (v) *Appeals of decision.* Decisions of the city council may be appealed to the Superior Court as permitted by law described in section 110-165 of this chapter. A written appeal must be submitted to the court within 30 days after the city council decision otherwise, its decision is final.

- c. *Procedure for conducting a public hearing.* Public hearings on special permits shall be conducted in the same manner as described in section 110-165~~165~~<sup>185</sup> for zoning amendments.
- d. *Standards for special use permits.* A special use permit recommendation for approval may be granted by the planning commission only if the applicant establishes to the satisfaction of the planning commission that:
1. Neither the proposed use, nor the proposed site upon which the use will be located is of such a character that the use will have significant adverse impact upon the value or quiet possession of surrounding properties greater than would normally occur from generally permitted uses in the zoning district. In reaching a determination on this standard, the planning commission or city council shall consider:
    - (i) The size of the proposed use compared with the surrounding uses;
    - (ii) The intensity of the proposed use, including amount of noise to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses;
    - (iii) The potential generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances;
    - (iv) Unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which may tend to aggravate adverse impacts upon surrounding properties;
    - (v) The degree to which landscaping, fencing and other design elements have been incorporated to mitigate adverse impacts on surrounding properties.
  2. City or other facilities serving the proposed use will not be overburdened or hazards created because of inadequate facilities. In reaching a determination on this standard, the commission shall consider:
    - (i) The ability of the traffic to safely move into and out of the site at the proposed location;
    - (ii) The presence of facilities to assure the safety of pedestrians passing by or through the site;
    - (iii) The capacity of the street network to accommodate the proposed use;
    - (iv) The capacity of the sewerage and water supply systems to accommodate the proposed use;
    - (v) The capacity of the storm drainage system to accommodate the proposed use;
    - (vi) The ability of the fire department to provide necessary protection services to the site and development.
  3. The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and floodplain, shall not be such that the proposed use when placed on the site will cause undue harm to the environment or to neighboring properties.
- e. *Conditions of special exceptions.* Upon consideration of the standards listed in subsection (3)d. above, the planning commission and/or the city council may require, such conditions, in addition to those required by other provisions of this chapter, as it finds necessary to insure compliance with those standards and all other applicable requirements of this chapter. Violation of any of those conditions shall be a violation of this chapter. Such conditions may include, but are not limited to, specifications for: Type of landscaping/vegetation, increased setbacks and yards, specified sewage disposal and water supply facilities, hours of operation, operational controls, professional inspection and maintenance, sureties, location of piers, docks, parking and signs, and types of construction.

- (4) Where the city council authorizes the issuance of a special permit use for the use of land or building, as listed in article II, "Land Use Districts", that special permit shall be issued only to the applicant/entity requesting the special permit use and only for the specific use presented at the public hearing. The special use permit shall be automatically transferred or assigned to a subsequent owner of the land or building so long as the use will remain the same.
- (5) All special use permits shall be licensed by the city.
- (6) Electronic game promotions. Performance standards and development criteria. It is the intent of the City of St. Marys that these supplementary regulation standards and criteria be in addition to, rather than in lieu of, any other requirement in this chapter. The following uses, whether permitted or permissible by exception, must meet the criteria listed under each use as a prerequisite for further consideration under this Zoning Code:
- (a) Any game promotions or sweepstakes utilizing electronic equipment and drawings by chance conducted in connection with the sale of a consumer product or service utilizing electronic equipment.
  - (b) *Distance limitations.* Such establishments shall not operate within 750 feet of the perimeter property line of a church or school, and 3,000 feet of the perimeter property line of a military installation. With respect to the distance between such an establishment and an established church, school, or military installation the distance shall be measured by following a straight line from the nearest point of the building or portion of the building used as part of the proposed location to the nearest point of the grounds (property line) used as part of the church, school facilities, or military installation. The applicant for such an establishment which involves a change in location or a new location shall provide the planning department with a map of the proposed location and vicinity. The map shall show existing zoning and all locations of schools, churches and military installations within a radius of 750 feet for schools and churches and 3,000 feet for military installations of the proposed location and the actual distances thereto from the proposed location measured as required herein. The map shall include a certificate that all distance requirements as required herein as it relates to the proposed location have been met and both the map and certificate shall be prepared and executed by a land surveyor registered in the State of Georgia.
  - (c) Where an establishment for game promotions or sweepstakes utilizing electronic equipment and nonconforming drawings by chance conducted in connection with the sale of a consumer product or service utilizing electronic equipment exists lawfully in any zoning district prior to the passage of this provision, such use may be continued on such property as a nonconforming use subject to all restrictions, limitations and requirements set forth in chapter 22, article VII, "Electronic Game Promotions", and all other applicable provisions of the Code of Ordinances for continuance of a nonconforming use.

**Sec. 110-146. - Variances.**

The planning commission may authorize a variance from the requirements of this chapter where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the chapter would cause practical difficulties that would cause the site to be developed in an impractical manner. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance the planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purpose of this chapter.

(a) *Conditions governing the granting of a variance*<sup>1</sup>. A variance may be granted by the planning commission only in the event that all of the following circumstances exist:

- (1) The variance requested is the minimum variance which would alleviate the practical difficulties;
- (2) the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (3) the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
- (4) the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

(b) *Public hearings, public hearing procedures, and procedures for taking action for variances.*

(1) *Required public hearings.* No official action shall be taken on any proposed variance unless a public hearing has been held by the planning commission. Public hearings on variances shall be conducted in the same manner as described in section 110-165~~185~~ for zoning amendments.

(2) *Procedure for calling a public hearing.*

- a. Prior to scheduling the required public hearings, applicants shall first complete all submission requirements provided by the planning and zoning director (e.g., forms, fees, deeds, maps, etc.) A complete application must be filed 30 days prior to the planning commission meeting where the application will be heard. The application shall be accompanied by a list of names and addresses of all abutting property owners of the property for which the variance is requested, shown by the current City of St. Marys tax maps and indexes thereof. The failure to notify as provided in this section shall not invalidate any recommendations or actions adopted hereunder.
- b. The planning and zoning director shall then notify the applicant of the date, time, and place of the required public hearing.
- c. At least 16 but not more than 44 days prior to scheduled public hearings, the planning and zoning director shall publish in the newspaper of general circulation, notice of the date, time, place, and purpose of the public hearing.
- d. Not less than 15 days prior to the date of a public hearing, the planning and zoning director shall post in a conspicuous location on the property in question a sign which shall contain information regarding the proposed variance; specifically the date, time, place, and purpose of the public hearing.
- e. No official action shall be taken on a proposed variance by the planning commission until after the required public hearing has been conducted. The commission may conduct more than one hearing if the commission deems necessary.
- f. The primary goal of conducting public hearing on proposed variance shall be to solicit pertinent factual information which will be beneficial in helping the planning commission judge the need of the proposed variance.
  1. (a) *Notice to property owners.* The planning and zoning director shall give notice of the date, time, place, and purpose of public hearing to be held by the planning commission on proposed variance by mail to the owners of all properties abutting any part of the property proposed to be changed. The failure to notify as provided in this section, shall not invalidate any recommendations adopted hereunder.

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<sup>1</sup> Updated March 2021



(b) *Notice within MILUN-1 or MILUN-2.* Where the property under consideration is within the MILUN-1 or MILUN-2 district, the planning and zoning director shall give notice of the date, time, place, and purpose of public hearings to be held by the planning commission on proposed variances by mail to the commanding officer of NSB Kings Bay.

2. *Action by planning commission.* The planning commission shall render its decision based on the variance criteria in (a) above. The planning and zoning director shall notify the applicant within five days of the decision by the planning commission.
3. *Time limit on permit for variance.* Authorization of a variance shall be void after one year unless substantial construction has taken place. However, the planning commission may extend authorization for an additional period not to exceed one year, on request.
4. *Denial of variances.* If the decision of the planning commission is to deny the variance, then the same property may not again be considered for a variance until the expiration of at least six months immediately following the defeat of the variance by the planning commission.
5. *Appeals of decision.* Decisions of the planning commission may be appealed to the city council as described in section 110-162 of this chapter.

**Sec. 110-147. - Official zoning map interpretation.**

The planning commission shall provide interpretations of the official zoning map. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the official zoning map may be made of the planning commission, and a determination shall be made by the planning commission. All decisions rendered in this regard by the planning commission shall be based on criteria set forth in section 110-52 of this chapter.

**Sec. 110-148. - Penalties.**

Any person violating any provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$2.00 and no more than ~~\$50.00~~ \$1,000.00 for each offense. Each day the violation continues constitutes a separate offense and will be treated as such. In the case of any building, structure, or land used, erected, repaired, converted, or maintained in violation of this chapter, the ~~building official~~ planning director or any other appropriate authority, or any city resident who would be damaged by such violation, may institute injunction, mandamus, or other appropriate action to prevent the use of the building, structure, or land.

**Secs. 110-149—110-160. - Reserved.**

## ARTICLE VI. - APPEALS

### Sec. 110-161. - Administrative appeals.

~~Appeals of planning and zoning director decisions shall be made to the planning commission.~~

The planning commission shall have the power to hear appeals of decisions made by the planning director under the provisions of this chapter. Written notice of appeal shall be filed with the planning director within 15 days of the decision of the planning director by which the person applying is believed to be aggrieved. If the appeal is not filed within the 15-day period, the decision of the planning director shall be final. Appeals shall be heard at the next regularly scheduled planning commission meeting.

### Sec. 110-162. - Appeals of planning commission decisions.

Appeals of planning commission decisions shall be made to the city council. Written notice of appeal shall be filed with the planning and zoning director within 15 days of the decision of the planning commission. The city council decision is final.

### Sec. 110-163. - Powers of the planning commission.

The powers of the planning commission shall be to hear and decide appeals where an error is alleged in any order, requirement, decision, or determination made by the planning and zoning director in the enforcement of any section or article adopted in this chapter.

### Sec. 110-164. - Powers of the city council.

The powers of the city council shall be to hear and decide appeals on any action or ruling of the planning commission pursuant to this chapter except actions of the planning commission involving rezoning of land or amending the zoning ordinance so long as any such appeal is filed within 15 days after the planning commission has rendered its decision. Written notice of appeal shall be filed with the planning and zoning director and the appellate body. If the appeal is not filed within the 15-day period, the decision of the planning commission shall be final. If the appeal is filed, the city council shall receive a report and recommendation thereon from the planning commission and shall hold a public hearing on the appeal.

In exercising the above powers, the city council may reverse, affirm, or modify the orders or requirements, and to that end shall have the powers of the officer from whom the appeal is taken and may issue the necessary permit.

### Sec. 110-165. - Reserved.

### Secs. 110-166—110-180. - Reserved.

## **ARTICLE VII. - AMENDMENTS**

### **Sec. 110-181. - Authority to amend this chapter.**

- (a) The city council may amend the regulations, restrictions, boundaries, or any provision of this chapter.
- (b) No amendment shall become effective until it is first submitted to and approved or disapproved by the planning commission.

### **Sec. 110-182. - Initiation of amendments.**

- (a) An amendment may be initiated by the city council or planning commission by introduction of a resolution, or by any official, board or other person by presentation of a petition to the planning commission.
- (b) A map amendment (rezoning) may be initiated by the owner of the property proposed for rezoning by filing an application with the planning and zoning director. The planning commission or city council may also initiate such map amendments.

### **Sec. 110-183. - Application for amendments.**

- (a) The proper form on which to file an application for any amendment (map or text) shall be obtained from the planning and zoning director. The completed application and all applicable fees required to cover legal and administrative costs as set forth in the schedule of fees shall be filed with the planning and zoning director at least 32 days prior to the planning commission meeting at which the request will be heard. Any recommendation purporting to be an application for amendment shall be regarded as mere notice of intention to seek an amendment until such time as it is made on the required form. Such application shall have attached to it the information required in paragraph (b) below.
- (b) Application for a map amendment (rezoning) shall contain all of the following information in order to be considered complete. (See section 110-68 concerning application requirements for PD, Planned Development District rezonings.)
  - (1) A plot plan or survey to scale showing existing and proposed structures and uses, access drives, parking, and loading areas, easements, utilities existing zoning and future land use designation and any other supportive documentation required by the planning commission;
  - (2) A list of all adjacent property owners as shown on the tax rolls; and
  - (3) Any additional information the applicant feels to be pertinent.

### **Sec. 110-184. - Site development plan.**

- (a) Applications to rezone property for R-2, R-3, R-5, MH, C-1, C-2, C-3, I-L, I-G, or WP shall be accompanied by a detailed site development plan prepared by a registered surveyor containing the following elements:
  - (1) Survey plat showing the dimensions of the property to be rezoned.
  - (2) Location and dimension of existing structures, rights-of-way, marshlands, boundaries, watercourses, lakes and jurisdictional wetlands.
  - (3) Location and dimensions of proposed development including structures, types of uses, access drives, setbacks, easements, etc.
  - (4) Location and dimensions of proposed recreational areas and buffer zones, if any.

- (5) Location and size of water, sewer, and drainage facilities.
- (6) In the case of residential developments, proposed number of dwelling units and net acres available for building.
- (7) In the case of commercial and industrial developments, proposed off-street parking and loading areas, signage, and outdoor lighting

**Sec. 110-185. - Public hearings, public hearing procedures, and rezoning standards.**

(a) *Required public hearings.* No official action shall be taken on any proposed zoning amendment unless a public hearing has been held. The public hearing shall be conducted by the planning commission.

(b) *Procedure for calling a public hearing.*

- (1) Prior to scheduling of the required public hearing, applicants shall first complete all submission requirements provided by the planning and zoning director (e.g., forms, fees, deeds, maps, etc.) Incomplete applications shall not be processed. There shall be no amendment made to the application once submitted.
- (2) The planning and zoning director shall then notify the applicant of the date, time, and place of the required public hearing.
- (3) At least 16 but not more than 44 days prior to scheduled public hearings, the planning and zoning director shall publish in the newspaper of general circulation, notice of the date, time, place, and purpose of the public hearing.
- (4) If a zoning amendment is for the rezoning of property, the public notice shall also include:
  - a. The location of the property;
  - b. The present zoning classification of the property; and
  - c. The proposed zoning of the property.
- (5) Not less than 15 days prior to the date of a public hearing, the planning and zoning director shall post in a conspicuous location on the property in question, a sign which shall contain information regarding the proposed rezoning; specifically the date, time, place, and purpose of the public hearing.
- (6) No official action shall be taken on a proposed amendment by the city council until after the required public hearings have been conducted.
- (7) The primary goal of conducting public hearings on proposed zoning amendments shall be to solicit pertinent factual information which will be beneficial in helping the planning commission and the city council judge the merits of each specific proposed amendment.
  - a. *Notice to property owners.* The planning and zoning director shall give notice of the date, time, place, and purpose of public hearings to be held by the planning commission on proposed amendments or supplements by mail to the owners of all properties abutting any part of the property proposed to be changed. The failure to notify as provided in this section, shall not invalidate any recommendations adopted hereunder.
    - (i) *Notice within MILUN-1 or MILUN-2.* Where the property under consideration is within the MILUN-1 or MILUN-2 district, the planning and zoning director shall give notice of the date, time, place, and purpose of public hearings to be held by the planning commission on

proposed amendments by mail to the commanding officer of NSB Kings Bay as required under Sec 110-81 for the MILUN-1 district or Sec 110-82 for the MILUN-2 district.

- b. *Action of the planning commission.* The planning commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall then be certified to the city council.
- c. *Action of the city council.* The city council shall consider the recommendations of the planning commission, and vote on the proposed amendment to the text or map of the zoning ordinance after the planning commission's public hearing. If the proposed amendment is not recommended by the planning commission, the favorable vote of a majority of the entire membership (four members) of the city council shall be required to make the amendment effective. The applicant and others so requesting shall receive notice of the decision of the city council through the planning and zoning director.
- d. *Conditions of zoning amendments.* Upon consideration of the standards listed in subsection (d) below, the planning commission may recommend and the city council may require, such conditions, in addition to those required by other provisions of this chapter, as it finds necessary to ensure compliance with those standards and all other applicable requirements of this chapter. Violation of any of those conditions shall be a violation of this chapter. Such conditions may include, but are not limited to, specifications for: type of landscaping/vegetation, increased setbacks and yards, specified sewage disposal and water supply facilities, hours of operation, operational controls, professional inspection and maintenance, sureties, location of piers, docks, parking and signs, and types of construction.
- e. *Denial of rezonings.* If the decision of the city council is to deny the rezoning of property, then the same property may not again be considered for rezoning until the expiration of at least six months immediately following the defeat of the rezoning by the city council.
- f. *Action by city to rezone property to original zoning.* When a map amendment (rezoning) has been granted for a parcel of land on request by the owner or his agent, and no building permit has been applied for within 12 months of the date of the rezoning, the planning and zoning director will initiate action to rezone the parcel to its original zoning. The procedures in this article shall be followed, except that no fees shall be paid.

(c) *Procedure for conducting a public hearing.*

- (1) All public hearings on zoning amendments shall be chaired by either the chairman of the planning commission or the mayor of St. Marys or their designees.
- (2) A secretary shall record the proceedings of the public hearing. If requested by any party, verbatim transcripts of the public hearing can be prepared, but, only if requested and purchased in advance by the requesting party.
- (3) The record of the public hearing and all evidence submitted at the public hearing shall be recorded as such and become a permanent part of the particular zoning amendment's file.
- (4) The chairman of the planning commission or his or her designee shall preside at the public hearing and shall identify speakers, maintain order, and conduct the public hearing.
- (5) The process to be followed in conducting these hearings shall be as follows:
  - a. The presiding officer shall open the hearing by stating the specific zoning amendment being considered at the public hearing.
  - b. ~~When there are a large number of individuals wishing to testify at a hearing, the presiding officer may invoke time limits on individual speakers. In such cases, these time limits shall apply to all speakers.~~  
Proponents and opponents of the proposed zoning amendment shall be permitted to present data,

evidence, and opinions at the hearing. The cumulative presentation time for each side shall be limited to 15 minutes unless a longer amount of time is approved by the planning commission.

c. The presiding officer shall recognize the individual parties wishing to testify ~~on~~ or present evidence and allow them to present this information in accordance with subsection (b) above.

d. Once all parties have concluded their testimony or the time period for their presentation has expired, the presiding officer shall adjourn the public hearing.

(d) *Zoning amendment criteria.* The following will be used to determine whether the rezoning is appropriate.

- (1) The zoning request should be a logical extension of a zoning boundary which would improve the pattern of uses in general area.
- (2) The request should not be an illogical extension of a zone boundary which would intrude a damaging salient of a commercial, industrial, or high-density apartment use into a stable neighborhood of well-maintained single-family homes, and would be likely to lead to neighborhood deterioration, the spread of blight, and requests for additional zoning of a similar nature which would expand the problem.
- (3) The request should not result in spot zoning or generally be unrelated to either existing zoning or the pattern of development of the area.
- (4) The request should not create traffic which would traverse established single-family neighborhoods on minor streets, leading to congestion, noise and traffic hazards.
- (5) The request should conform to the general expectations for population growth and distribution.
- (6) The request should not limit options for the acquisition of future planned public facility sites, roads, open-space, etc.
- (7) This request should not result in major changes in existing levels of public service, and/or fiscal stability.
- (8) This request should not achieve short term goals at the expense of long-term, development goals.
- (9) This request should not result in changes to market values and/or tax rates of nearby properties.
- (10) The request should conform to policies and recommendations contained in the St. Marys/Camden County Comprehensive Plan.

A negative finding on one or more of these criteria shall not preclude approval of a rezoning.