



722.01 Generally

- A. This article, including the Official Zoning Map, may be amended by the City Council on its own motion, or on recommendation of the Planning Commission, but no amendment shall become effective unless it shall have been proposed by or been submitted to the Planning Commission for review and recommendation; provided, however, that after any such amendment has been submitted to and reviewed by the Planning Commission and its recommendation made thereon, the City Council shall have the right to modify such amendment or place conditions thereon, and it shall not be necessary to resubmit such amendment, as modified or conditioned, to the Planning Commission. Before enacting an amendment to this article, the City Council shall give public notice and hold a public hearing thereon.
- B. Application to amend this article may be in the form of proposals to amend the text or Official Zoning Map. Unless initiated by the City Council or Planning Commission, all applications for map amendments must be submitted by the owner (as determined by controlling at least a 51% interest in the property) or the authorized agent of such property. An application for an amendment affecting the same property shall not be submitted more than once every 6 months; however, this provision shall not apply to those properties affected by an amendment filed by the City Council or Planning Commission.

(Code 1996, Sec. 7-8-2-22-010)

722.02 Application for map amendments

- A. Each application to amend the Official Zoning Map shall be filed with the Department of Planning and Zoning at least 31 days (or less at staff discretion) prior to the Planning Commission hearing at which they may be heard. Each application shall include such information as the Planning and Zoning Director may require including, but not limited to:
1. a legal description of the tract(s) proposed to be rezoned;
 2. a plat showing the dimensions, acreage and location of the tract(s) prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid (his seal shall be affixed to the plat);
 3. the present and proposed zoning classification for the tract(s);
 4. the name(s) and address(es) of the owners of the land and their agents, if any;
 5. a copy of the recorded warranty deed (or other instrument of title) which vested title to the property in the applicant,
 6. a copy of the paid in full tax bill or a letter from the City of Marietta Tax Department stating that all taxes have been paid, and
 7. a site plan showing any and all proposed improvements to be constructed if the application is approved.
- B. This application shall be accompanied by a fee to partially defray the public expense of processing the application. A fee shall not be charged if an official governmental agency files the application or if the rezoning is a result of O.C.G.A. § 36-66-1 et seq., which requires all annexed properties to have a zoning hearing, provided said hearing designates a zoning classification which is the most equivalent to the existing county zoning.



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- C. No submitted application may be amended after public notice of the request has been given provided, however, the Planning Commission and City Council may allow such application to be amended during the public hearing.
- D. The applicant or agent shall be present at the hearings before the Planning Commission and City Council with regard to said application. In the event that an agent is present, rather than the applicant, such agent must have full authority to act on behalf of the applicant with regard to all matters pertaining to said application.
- E. The applicant shall be allowed to submit renderings, site plans and other exhibits purporting to depict what is to be constructed should a map amendment be approved; however, the applicant may be required to develop according to such plans if approved by the City Council. Any deviation from such approved plans would require another rezoning application be filed. The City Council may also require or attach to any rezoning such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable so as to improve the quality of life through the protection against air, water and noise pollution and promotion of aesthetic considerations.
- F. An application may not be withdrawn by the applicant within 48 hours prior to a hearing on the matter, however, the City Council may, by a majority of the members present, allow an application to be withdrawn without prejudice with respect to the 6-month limitation, or allow an application to be amended. Failure of the applicant or their representative to appear at the scheduled hearing may result in automatic dismissal with prejudice, rejection of the application or continuance of the hearing at the sole discretion of the Planning Commission or City Council.

(Code 1996, Sec. 7-8-2-22-020)

722.03 Assistance by staff

The Planning and Zoning Director upon receiving an application for amendment to the Official Zoning Map shall prepare and transmit a report to the Planning Commission and City Council determining:

- Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- Whether the zoning proposal will result in a use that may cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- Whether the zoning proposal is in conformity with the policies and intent of the land use plan; and
- Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approved or disapproved zoning proposal.

(Code 1996, Sec. 7-8-2-22-030)



722.04 Planning Commission action

- A. The Planning Commission shall conduct a public hearing on each rezoning application in accordance with their adopted schedule and procedures. The staff report on each application shall be considered and testimony solicited from the applicant and those interested citizens. The Planning Commission shall review the following factors in making a determination on the application:
1. Existing uses and zoning classifications of nearby property;
 2. The extent to which property values are diminished by the particular zoning restrictions;
 3. The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;
 4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
 5. The suitability of the subject property for the zoned purposes;
 6. 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;
 7. Whether the subject property has a reasonable economic use as currently zoned;
 8. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
 9. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive land use plan;
 10. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
 11. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- B. As to each application, the Planning Commission shall make a recommendation to:
1. Approve
 2. Approve with modifications
 3. Deny
 4. Approve another zoning district
 5. Table - the Planning Commission may only table a request upon consent of the applicant. If the applicant does not wish for the application to be tabled, the Planning Commission shall forward the request to City Council with or without a recommendation.
 6. No recommendation - only in the case of a tie vote, the Planning Commission may forward the request to City Council without a recommendation.
- A copy of the Planning Commission's recommendations shall be prepared and submitted to the City Council. (#20170801, 11/8/17)
- C. The Planning Commission shall adopt such rules and regulations for the conduct of hearings and meetings as are consistent with state law and the City code and are appropriate to its responsibilities which shall be published and available to the public, as well as conflict of interest rules, to insure that no member is entitled to rule on a matter in which he has an direct or indirect interest.
- (Code 1996, Sec. 7-8-2-22-04)



722.05 City Council action

- A. The City Council shall hold a public hearing on all requests to amend this article and the Official Zoning Map contained therein. Prior to such hearing the City Council shall review the staff report and recommendation from the Planning Commission. At the public hearing the applicant shall present their request for a map amendment and any information they deem to support said request.
- B. So that the purpose of this article will be served and the health, public safety and general welfare secured, the City Council may approve, approve with stipulations (which may be site-specific), deny, reduce the land area for which the application is made, change the zoning classification requested, table until the next meeting or allow an application to be withdrawn (with or without prejudice at the discretion of the Council).
- C. The decision by City Council to approve in whole or part, reject, condition or delete an application for rezoning shall be based on, but not limited to, a consideration of the following:
 - 1. Existing uses and zoning classifications of nearby property;
 - 2. The extent to which property values are diminished by the particular zoning restrictions;
 - 3. The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;
 - 4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
 - 5. The suitability of the subject property for the zoned purposes;
 - 6. 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;
 - 7. Whether the subject property has a reasonable economic use as currently zoned;
 - 8. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
 - 9. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive land use plan;
 - 10. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
 - 11. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- D. In acting on such application, the City Council shall have the authority to grant the applicant variances from the regulations and provisions of this article in accordance with the standards set forth in Section 720.03 (A)(3)
(Code 1996, Sec. 7-8-2-22-05)

722.06

[Deleted]

(Code 1996, Sec. 7-8-2-22-06; #20150959, Ord #7859, 12/9/15)



722.07 Public notification

- A. Due notice of all public hearings on an application for text or map amendment shall be published at least 15 (but no more than 45) days prior to the public hearing in the newspaper denoted as the legal organ of the City and shall include the date, time and place of said public hearings.
- B. At least 15 days prior to the Planning Commission public hearing, the Department of Planning and Zoning shall post on a conspicuous place on the property for which an application has been submitted, a sign or signs containing information as to the application and date, time and place of public hearings.
- C. For amendments not initiated by the City, the Department of Planning and Zoning shall notify by regular mail all property owners within 200 feet of the property being considered (excluding owners of common areas or common elements of a condominium development) as shown by the most recent City tax records at the addresses shown on said records. Such notification shall be mailed at least 15 days prior to the City Council hearing and must include the proposed zoning change, as well as the date, time and place of the scheduled public hearings.
- D. If an application for map amendment is postponed at the request of the applicant, due notice of the new public hearings on the application must be republished and reposted as per the requirements of Sections 7-8-2-24-070 (A) and (B) above. The costs of said advertisements shall be the responsibility of the applicant. (Code 1996, Sec. 7-8-2-22-07)

722.08 Home rule annexation

- A. The Department of Planning and Zoning, upon receiving a request for annexation, shall determine whether such application complies with legal and procedural requirements. If it does not comply with requirements, the City shall notify in writing the persons presenting the application, stating wherein the application is deficient. If it is determined that the application does comply with this article, the City shall proceed to act on the application in accordance with O.C.G.A. § 36-36-36.
- B. Within seven days of accepting an application for annexation, the Department of Planning and Zoning shall give written notice to Cobb County (by certified mail- return receipt requested) and include a map or other description of the site proposed to be annexed sufficient to identify the area.
- C. The City of Marietta shall make plans for the extension of services to the area proposed to be annexed and shall prepare a report to be made available to the public at least 14 days prior to the public hearing.
- D. The Planning Commission shall review each application after a public hearing is held. The Planning Commission will determine whether the annexation would have adverse effects upon public facilities and services, and may recommend a Future Land Use designation and zoning category. A report of the Planning Commission's recommendation shall be submitted to the City Council.
- E. The City shall hold separate public hearings on the proposed annexation and zoning of the property, not less than 15 days nor more than 45 days from the time a determination is made that the petition is valid. Notice of the time and place of the hearing shall be given in writing to the persons presenting



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the application and shall be advertised in the local newspaper once a week for two consecutive weeks immediately preceding the hearing. If, after the public hearing, the governing body determines that the annexation would be in the best interests of the area's residents and property owners and of the citizens of the City, an annexing ordinance shall be adopted within 60 days following validation of the signature of the applicants.

- F. All annexation proposals must be accompanied by a rezoning application submitted to the Department of Planning and Zoning even if the applicant desires the City zoning district most similar to that previous designated by Cobb County.
(Code 1996, Sec. 7-8-2-22-080)

722.09 Legislative annexation

Annexation into the corporate limits of the City by action of the Georgia State Legislature will conform to the requirements of section 722.08 above, except that the City Council will not pass the ordinance zoning the annexed tract until after action by the legislature.
(Code 1996, Sec. 7-8-2-22-090)



722.01 Generally

- A. This article, including the Official Zoning Map, may be amended by the City Council on its own motion, or on recommendation of the Planning Commission, but no amendment shall become effective unless it shall have been proposed by or been submitted to the Planning Commission for review and recommendation; provided, however, that after any such amendment has been submitted to and reviewed by the Planning Commission and its recommendation made thereon, the City Council shall have the right to modify such amendment or place conditions thereon, and it shall not be necessary to resubmit such amendment, as modified or conditioned, to the Planning Commission. Before enacting an amendment to this article, the City Council shall give public notice and hold a public hearing thereon.
- B. Application to amend this article may be in the form of proposals to amend the text or Official Zoning Map. Unless initiated by the City Council or Planning Commission, all applications for map amendments must be submitted by the owner (as determined by controlling at least a 51% interest in the property) or the authorized agent of such property. An application for an amendment affecting the same property shall not be submitted more than once every 6 months; however, this provision shall not apply to those properties affected by an amendment filed by the City Council or Planning Commission.

(Code 1996, Sec. 7-8-2-22-010)

722.02 Application for map amendments

- A. Each application to amend the Official Zoning Map shall be filed with the Department of Planning and Zoning at least 31 days (or less at staff discretion) prior to the Planning Commission hearing at which they may be heard. Each application shall include such information as the Planning and Zoning Director may require including, but not limited to:
1. a legal description of the tract(s) proposed to be rezoned;
 2. a plat showing the dimensions, acreage and location of the tract(s) prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid (his seal shall be affixed to the plat);
 3. the present and proposed zoning classification for the tract(s);
 4. the name(s) and address(es) of the owners of the land and their agents, if any;
 5. a copy of the recorded warranty deed (or other instrument of title) which vested title to the property in the applicant,
 6. a copy of the paid in full tax bill or a letter from the City of Marietta Tax Department stating that all taxes have been paid, and
 7. a site plan showing any and all proposed improvements to be constructed if the application is approved.
- B. This application shall be accompanied by a fee to partially defray the public expense of processing the application. A fee shall not be charged if an official governmental agency files the application or if the rezoning is a result of O.C.G.A. § 36-66-1 et seq., which requires all annexed properties to have a zoning hearing, provided said hearing designates a zoning classification which is the most equivalent to the existing county zoning.



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- C. No submitted application may be amended after public notice of the request has been given provided, however, the Planning Commission and City Council may allow such application to be amended during the public hearing.
- D. The applicant or agent shall be present at the hearings before the Planning Commission and City Council with regard to said application. In the event that an agent is present, rather than the applicant, such agent must have full authority to act on behalf of the applicant with regard to all matters pertaining to said application.
- E. The applicant shall be allowed to submit renderings, site plans and other exhibits purporting to depict what is to be constructed should a map amendment be approved; however, the applicant may be required to develop according to such plans if approved by the City Council. Any deviation from such approved plans would require another rezoning application be filed. The City Council may also require or attach to any rezoning such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable so as to improve the quality of life through the protection against air, water and noise pollution and promotion of aesthetic considerations.
- F. An application may not be withdrawn by the applicant within 48 hours prior to a hearing on the matter, however, the City Council may, by a majority of the members present, allow an application to be withdrawn without prejudice with respect to the 6-month limitation, or allow an application to be amended. Failure of the applicant or their representative to appear at the scheduled hearing may result in automatic dismissal with prejudice, rejection of the application or continuance of the hearing at the sole discretion of the Planning Commission or City Council.

(Code 1996, Sec. 7-8-2-22-020)

722.03 Assistance by staff

The Planning and Zoning Director upon receiving an application for amendment to the Official Zoning Map shall prepare and transmit a report to the Planning Commission and City Council determining:

- Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- Whether the zoning proposal will result in a use that may cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- Whether the zoning proposal is in conformity with the policies and intent of the land use plan; and
- Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approved or disapproved zoning proposal.

(Code 1996, Sec. 7-8-2-22-030)



722.04 Planning Commission action

- A. The Planning Commission shall conduct a public hearing on each rezoning application in accordance with their adopted schedule and procedures. The staff report on each application shall be considered and testimony solicited from the applicant and those interested citizens. The Planning Commission shall review the following factors in making a determination on the application:
1. Existing uses and zoning classifications of nearby property;
 2. The extent to which property values are diminished by the particular zoning restrictions;
 3. The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;
 4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
 5. The suitability of the subject property for the zoned purposes;
 6. 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;
 7. Whether the subject property has a reasonable economic use as currently zoned;
 8. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
 9. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive land use plan;
 10. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
 11. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- B. As to each application, the Planning Commission shall make a recommendation to:
1. Approve
 2. Approve with modifications
 3. Deny
 4. Approve another zoning district
 5. Table - the Planning Commission may only table a request upon consent of the applicant. If the applicant does not wish for the application to be tabled, the Planning Commission shall forward the request to City Council with or without a recommendation.
 6. No recommendation - only in the case of a tie vote, the Planning Commission may forward the request to City Council without a recommendation.
- A copy of the Planning Commission's recommendations shall be prepared and submitted to the City Council. (#20170801, 11/8/17)
- C. The Planning Commission shall adopt such rules and regulations for the conduct of hearings and meetings as are consistent with state law and the City code and are appropriate to its responsibilities which shall be published and available to the public, as well as conflict of interest rules, to insure that no member is entitled to rule on a matter in which he has an direct or indirect interest.
- (Code 1996, Sec. 7-8-2-22-04)



722.05 City Council action

- A. The City Council shall hold a public hearing on all requests to amend this article and the Official Zoning Map contained therein. Prior to such hearing the City Council shall review the staff report and recommendation from the Planning Commission. At the public hearing the applicant shall present their request for a map amendment and any information they deem to support said request.
- B. So that the purpose of this article will be served and the health, public safety and general welfare secured, the City Council may approve, approve with stipulations (which may be site-specific), deny, reduce the land area for which the application is made, change the zoning classification requested, table until the next meeting or allow an application to be withdrawn (with or without prejudice at the discretion of the Council).
- C. The decision by City Council to approve in whole or part, reject, condition or delete an application for rezoning shall be based on, but not limited to, a consideration of the following:
 - 1. Existing uses and zoning classifications of nearby property;
 - 2. The extent to which property values are diminished by the particular zoning restrictions;
 - 3. The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;
 - 4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
 - 5. The suitability of the subject property for the zoned purposes;
 - 6. 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;
 - 7. Whether the subject property has a reasonable economic use as currently zoned;
 - 8. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
 - 9. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive land use plan;
 - 10. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
 - 11. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- D. In acting on such application, the City Council shall have the authority to grant the applicant variances from the regulations and provisions of this article in accordance with the standards set forth in Section 720.03 (A)(3)
(Code 1996, Sec. 7-8-2-22-05)

722.06

[Deleted]

(Code 1996, Sec. 7-8-2-22-06; #20150959, Ord #7859, 12/9/15)



722.07 Public notification

- A. Due notice of all public hearings on an application for text or map amendment shall be published at least 15 (but no more than 45) days prior to the public hearing in the newspaper denoted as the legal organ of the City and shall include the date, time and place of said public hearings.
- B. At least 15 days prior to the Planning Commission public hearing, the Department of Planning and Zoning shall post on a conspicuous place on the property for which an application has been submitted, a sign or signs containing information as to the application and date, time and place of public hearings.
- C. For amendments not initiated by the City, the Department of Planning and Zoning shall notify by regular mail all property owners within 200 feet of the property being considered (excluding owners of common areas or common elements of a condominium development) as shown by the most recent City tax records at the addresses shown on said records. Such notification shall be mailed at least 15 days prior to the City Council hearing and must include the proposed zoning change, as well as the date, time and place of the scheduled public hearings.
- D. If an application for map amendment is postponed at the request of the applicant, due notice of the new public hearings on the application must be republished and reposted as per the requirements of Sections 7-8-2-24-070 (A) and (B) above. The costs of said advertisements shall be the responsibility of the applicant. (Code 1996, Sec. 7-8-2-22-07)

722.08 Home rule annexation

- A. The Department of Planning and Zoning, upon receiving a request for annexation, shall determine whether such application complies with legal and procedural requirements. If it does not comply with requirements, the City shall notify in writing the persons presenting the application, stating wherein the application is deficient. If it is determined that the application does comply with this article, the City shall proceed to act on the application in accordance with O.C.G.A. § 36-36-36.
- B. Within seven days of accepting an application for annexation, the Department of Planning and Zoning shall give written notice to Cobb County (by certified mail- return receipt requested) and include a map or other description of the site proposed to be annexed sufficient to identify the area.
- C. The City of Marietta shall make plans for the extension of services to the area proposed to be annexed and shall prepare a report to be made available to the public at least 14 days prior to the public hearing.
- D. The Planning Commission shall review each application after a public hearing is held. The Planning Commission will determine whether the annexation would have adverse effects upon public facilities and services, and may recommend a Future Land Use designation and zoning category. A report of the Planning Commission's recommendation shall be submitted to the City Council.
- E. The City shall hold separate public hearings on the proposed annexation and zoning of the property, not less than 15 days nor more than 45 days from the time a determination is made that the petition is valid. Notice of the time and place of the hearing shall be given in writing to the persons presenting



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- F. All annexation proposals must be accompanied by a rezoning application submitted to the Department of Planning and Zoning even if the applicant desires the City zoning district most similar to that previous designated by Cobb County.
(Code 1996, Sec. 7-8-2-22-080)

722.09 Legislative annexation

Annexation into the corporate limits of the City by action of the Georgia State Legislature will conform to the requirements of section 722.08 above, except that the City Council will not pass the ordinance zoning the annexed tract until after action by the legislature.
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722.01 Generally

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(Code 1996, Sec. 7-8-2-22-010)

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 3. the present and proposed zoning classification for the tract(s);
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- B. This application shall be accompanied by a fee to partially defray the public expense of processing the application. A fee shall not be charged if an official governmental agency files the application or if the rezoning is a result of O.C.G.A. § 36-66-1 et seq., which requires all annexed properties to have a zoning hearing, provided said hearing designates a zoning classification which is the most equivalent to the existing county zoning.



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- F. An application may not be withdrawn by the applicant within 48 hours prior to a hearing on the matter, however, the City Council may, by a majority of the members present, allow an application to be withdrawn without prejudice with respect to the 6-month limitation, or allow an application to be amended. Failure of the applicant or their representative to appear at the scheduled hearing may result in automatic dismissal with prejudice, rejection of the application or continuance of the hearing at the sole discretion of the Planning Commission or City Council.

(Code 1996, Sec. 7-8-2-22-020)

722.03 Assistance by staff

The Planning and Zoning Director upon receiving an application for amendment to the Official Zoning Map shall prepare and transmit a report to the Planning Commission and City Council determining:

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- Whether the zoning proposal is in conformity with the policies and intent of the land use plan; and
- Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approved or disapproved zoning proposal.

(Code 1996, Sec. 7-8-2-22-030)



722.04 Planning Commission action

- A. The Planning Commission shall conduct a public hearing on each rezoning application in accordance with their adopted schedule and procedures. The staff report on each application shall be considered and testimony solicited from the applicant and those interested citizens. The Planning Commission shall review the following factors in making a determination on the application:
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 2. The extent to which property values are diminished by the particular zoning restrictions;
 3. The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;
 4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
 5. The suitability of the subject property for the zoned purposes;
 6. 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;
 7. Whether the subject property has a reasonable economic use as currently zoned;
 8. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
 9. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive land use plan;
 10. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
 11. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- B. As to each application, the Planning Commission shall make a recommendation to:
1. Approve
 2. Approve with modifications
 3. Deny
 4. Approve another zoning district
 5. Table - the Planning Commission may only table a request upon consent of the applicant. If the applicant does not wish for the application to be tabled, the Planning Commission shall forward the request to City Council with or without a recommendation.
 6. No recommendation - only in the case of a tie vote, the Planning Commission may forward the request to City Council without a recommendation.
- A copy of the Planning Commission's recommendations shall be prepared and submitted to the City Council. (#20170801, 11/8/17)
- C. The Planning Commission shall adopt such rules and regulations for the conduct of hearings and meetings as are consistent with state law and the City code and are appropriate to its responsibilities which shall be published and available to the public, as well as conflict of interest rules, to insure that no member is entitled to rule on a matter in which he has an direct or indirect interest.
- (Code 1996, Sec. 7-8-2-22-04)



722.05 City Council action

- A. The City Council shall hold a public hearing on all requests to amend this article and the Official Zoning Map contained therein. Prior to such hearing the City Council shall review the staff report and recommendation from the Planning Commission. At the public hearing the applicant shall present their request for a map amendment and any information they deem to support said request.
- B. So that the purpose of this article will be served and the health, public safety and general welfare secured, the City Council may approve, approve with stipulations (which may be site-specific), deny, reduce the land area for which the application is made, change the zoning classification requested, table until the next meeting or allow an application to be withdrawn (with or without prejudice at the discretion of the Council).
- C. The decision by City Council to approve in whole or part, reject, condition or delete an application for rezoning shall be based on, but not limited to, a consideration of the following:
 - 1. Existing uses and zoning classifications of nearby property;
 - 2. The extent to which property values are diminished by the particular zoning restrictions;
 - 3. The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;
 - 4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
 - 5. The suitability of the subject property for the zoned purposes;
 - 6. 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;
 - 7. Whether the subject property has a reasonable economic use as currently zoned;
 - 8. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
 - 9. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive land use plan;
 - 10. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
 - 11. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- D. In acting on such application, the City Council shall have the authority to grant the applicant variances from the regulations and provisions of this article in accordance with the standards set forth in Section 720.03 (A)(3)
(Code 1996, Sec. 7-8-2-22-05)

722.06

[Deleted]

(Code 1996, Sec. 7-8-2-22-06; #20150959, Ord #7859, 12/9/15)



722.07 Public notification

- A. Due notice of all public hearings on an application for text or map amendment shall be published at least 15 (but no more than 45) days prior to the public hearing in the newspaper denoted as the legal organ of the City and shall include the date, time and place of said public hearings.
- B. At least 15 days prior to the Planning Commission public hearing, the Department of Planning and Zoning shall post on a conspicuous place on the property for which an application has been submitted, a sign or signs containing information as to the application and date, time and place of public hearings.
- C. For amendments not initiated by the City, the Department of Planning and Zoning shall notify by regular mail all property owners within 200 feet of the property being considered (excluding owners of common areas or common elements of a condominium development) as shown by the most recent City tax records at the addresses shown on said records. Such notification shall be mailed at least 15 days prior to the City Council hearing and must include the proposed zoning change, as well as the date, time and place of the scheduled public hearings.
- D. If an application for map amendment is postponed at the request of the applicant, due notice of the new public hearings on the application must be republished and reposted as per the requirements of Sections 7-8-2-24-070 (A) and (B) above. The costs of said advertisements shall be the responsibility of the applicant. (Code 1996, Sec. 7-8-2-22-07)

722.08 Home rule annexation

- A. The Department of Planning and Zoning, upon receiving a request for annexation, shall determine whether such application complies with legal and procedural requirements. If it does not comply with requirements, the City shall notify in writing the persons presenting the application, stating wherein the application is deficient. If it is determined that the application does comply with this article, the City shall proceed to act on the application in accordance with O.C.G.A. § 36-36-36.
- B. Within seven days of accepting an application for annexation, the Department of Planning and Zoning shall give written notice to Cobb County (by certified mail- return receipt requested) and include a map or other description of the site proposed to be annexed sufficient to identify the area.
- C. The City of Marietta shall make plans for the extension of services to the area proposed to be annexed and shall prepare a report to be made available to the public at least 14 days prior to the public hearing.
- D. The Planning Commission shall review each application after a public hearing is held. The Planning Commission will determine whether the annexation would have adverse effects upon public facilities and services, and may recommend a Future Land Use designation and zoning category. A report of the Planning Commission's recommendation shall be submitted to the City Council.
- E. The City shall hold separate public hearings on the proposed annexation and zoning of the property, not less than 15 days nor more than 45 days from the time a determination is made that the petition is valid. Notice of the time and place of the hearing shall be given in writing to the persons presenting



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the application and shall be advertised in the local newspaper once a week for two consecutive weeks immediately preceding the hearing. If, after the public hearing, the governing body determines that the annexation would be in the best interests of the area's residents and property owners and of the citizens of the City, an annexing ordinance shall be adopted within 60 days following validation of the signature of the applicants.

- F. All annexation proposals must be accompanied by a rezoning application submitted to the Department of Planning and Zoning even if the applicant desires the City zoning district most similar to that previous designated by Cobb County.
(Code 1996, Sec. 7-8-2-22-080)

722.09 Legislative annexation

Annexation into the corporate limits of the City by action of the Georgia State Legislature will conform to the requirements of section 722.08 above, except that the City Council will not pass the ordinance zoning the annexed tract until after action by the legislature.
(Code 1996, Sec. 7-8-2-22-090)