



INSTRUCTIONS FOR APPLICATION FOR **(100% METHOD)** ANNEXATION

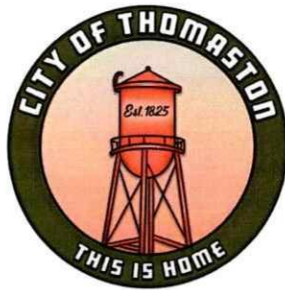
In order for an Annexation Application to be considered by the City of Thomaston, you must complete and submit the attached forms, together with any other requested documents. We recommend that you, your developer, engineer, or other representatives review the applicable city ordinances, zoning ordinance, development guidelines, and regulations prior to submitting your application.

The application, with all appropriate attachments, which are listed herein below, should be delivered to the City Manager's Office c/o City Clerk at 106 E. Lee Street, Thomaston, Georgia 30286. You may reach the City Clerk by phone at (706) 647-4242 Ext. 4 between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday or via email: onichols@cityofthomaston.com should you have questions about this application or the annexation Process.

The following documents are required to be submitted:

1. Completed Annexation Application (copy attached);
 - a. Plat or Tax Map
2. Completed Questionnaire (copy attached);
3. Property Owner or Owner's Representative Authorized Form (copy attached);
4. Conflict of Interest Disclosure (copy attached);
5. Site Plan or drawing of the respective development; and
6. Application Fee.

Upon submittal, the City staff will determine if the application is complete. If it is not complete, you will be contacted and advised of the deficiencies of the application. If it is complete, you will be provided written notice of the date, time and place of the public hearings before the appropriate commission or commissions. You and/or your representative should attend the public hearings and be prepared to resolve all comments received regarding issues relative to the your request.



APPLICATION FOR ANNEXATION

Date: _____ Applicant's Name: _____

Property Owner _____ Engineer _____ Architect _____
Realtor _____ Other _____ Developer _____

Applicant's Address: _____

Telephone #: _____ (Home) _____ (Cell)

Email Address: _____

Location Address of Property Subject to Rezone:

_____ (A plat or tax map of the property must be
attached to this application.)

Tax Map _____ Block _____ Lot Number _____

Total Acreage: _____ Requested Zoning: _____

Please state the reason for the requested annexation of the property:

Signature of Property Owner(s) _____

_____ Date Annexation

Application Fee: The applicant for the annexation of any property shall, pay the application fee in full at the time the application is submitted. A check, money order, or cash is accepted by the city. All payments need to be made out to The City of Thomaston and include the property address and application number _____. The annexation fee must be paid in full at the time of submission of the application. The annexation application fee is non-refundable whether an approval or denial vote is made.

Acknowledgment (Applicant Initials): _____

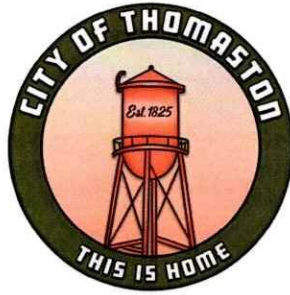
Application Fee Amount: \$1,025.00 Check _____ Cash _____

Application received by City Manager's Office: _____

Thomaston Zoning Commission Recommendation: _____

Thomaston-Upson Commission Recommendation (HB489 - If property is located within 300 feet of county limits): _____

Public Hearing and Approval by the Thomaston City Council: _____



OWNER'S AUTHORIZATION

This shall certify that _____ is the Owner
(Name of Applicant)

or Representative of the Owner holding interest in the property that is the subject of the attached Annexation Application.

If the Applicant is not the Owner of the property, by execution of this form, authorization is given to the person named as "Applicant" to act on behalf of the Owner, to file for and pursue for approval the annexation of said subject property.

Applicant: _____ Telephone: _____

Address: _____

SIGNATURE OF OWNER

DATE

Notary Public
Commission expires: _____
(SEAL)

SIGNATURE OF OWNER

DATE

Notary Public
Commission expires: _____
(SEAL)



CONFLICT OF INTEREST DISCLOSURE

Have you, within two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City Council or any other government official who will consider this application?

_____ Yes _____ No

If yes, please complete the following section:

Name and Official Position of Government Official:

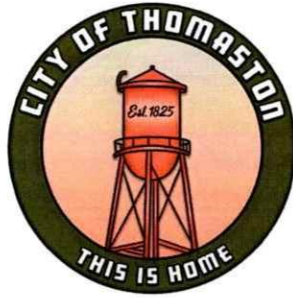
Please list the date and amount of contribution(s). (List all which aggregate \$250.00 or more)

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF REPRESENTATIVE

DATE



ANNEXATION QUESTIONNAIRE

Date submitted: _____

Applicant's Name: _____

Location of Property Subject to Annexation:

*Acknowledgment that the applicant has been provided a copy of and read the City of Thomaston Zoning Ordinance: Sec. 98-14.10. Standards of review.

You can find Sec. 98-14.10. Standards of review at the following link: <https://www.cityofthomaston.com/DocumentCenter/View/1951/City-of-Thomaston-Zoning-Ordinance---Adopted-4-5-22>

(Applicant Initials): _____

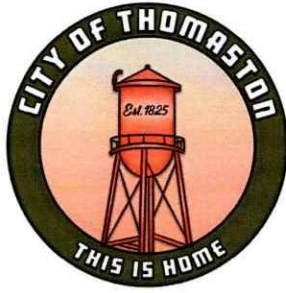
*Acknowledgment that the applicant has been provided a copy of and read through the City of Thomaston Zoning Ordinance: Sec. 98-14.11. Zoning of property to be annexed.

You can find Sec. 98-14.11. Zoning of property to be annexed at the following link: <https://www.cityofthomaston.com/DocumentCenter/View/1951/City-of-Thomaston-Zoning-Ordinance---Adopted-4-5-22>

"Any parcel or parcels of land annexed to the city of Thomaston shall be designated as the zoning district classification most similar to and consistent with the Upson County zoning district classification applicable to such property at the time of its annexation. Where Upson County has raised an objection to the rezoning of any parcel or parcels of land to be annexed, the provisions of O.C.G.A. Title 36, Chapter 36 (§ 36-36-1 et seq.) shall apply."

You can find O.C.G.A. Title 36, Chapter 36 (§ 36-36-1 et seq.) at the following link: <https://law.justia.com/codes/georgia/2021/title-36/chapter-36/>

(Applicant Initials): _____



I/we understand and agree, upon execution and submission of this application, that I/we agree to abide by all provisions of the City of Thomaston Zoning Ordinance as well as all procedures and policies of the City of The Thomaston City Council and Thomaston Zoning Commission as those provisions, procedures and policies relate to the handling and the disposition of this application. I attest that the information contained in this application is true and accurate to the best of my/our knowledge.

SIGNATURE OF APPLICANT

PRINTED NAME OF APPLICANT

DATE

ARTICLE 98-14. PROCEDURES FOR ZONING DECISIONS

Sec. 98-14.1. Zoning decisions, generally.

- A. A zoning decision as defined by O.C.G.A. § 36-66-3 of the Zoning Procedures Law (ZPL) shall only be rendered by city council. A zoning decision is defined in the ZPL as final legislative action by a local government that results in the following measures:
 - 1. Adoption of a zoning ordinance;
 - 2. Adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;
 - 3. Adoption of an amendment to a zoning ordinance which rezones property from one zoning classification to another;
 - 4. Adoption of an amendment to a zoning ordinance by a municipal local government which zones property to be annexed into the municipality; or
 - 5. The grant of a permit relating to a special use of property.
- B. The zoning commission and city council shall each hold a public hearing concerning a zoning decision. The zoning commission shall forward a recommendation to city council following a public hearing. City council shall make no zoning decision until a public hearing has been held. Public notice for all public hearings shall comply with Sec. 98-14.4 Public notice of public hearings. Public hearings shall be conducted as provided in Sec. 98-14.5. Public hearing procedures. Zoning decisions may amend the text of the zoning ordinance, amend the official zoning map or approve a special use. The owner of a majority interest in the property affected, or his or her authorized agent, may petition city council for the rezoning of property or approval of a special use. Amendments to the text of the zoning ordinance shall only be initiated by city council.
- C. The building official shall prepare a written report concerning an amendment to the text of the ordinance or an amendment to the official zoning map within thirty (30) calendar days of receipt of an amendment proposal from city council or receipt of a complete application proposing the rezoning of property or approval of a special use. Such reports shall be available to the public and the applicant on or before the date of publication of the public notice announcing the public hearing before the zoning commission and the city council public hearing at which such zoning decision shall be considered.

Sec. 98-14.2. Application requirements.

The requirements of this section shall be met prior to the building official certifying an application for rezoning of property or approval of a special use as complete. Applications shall be submitted on forms provided by the building official. Complete applications shall be processed according to the schedule of public hearings held by the zoning commission and city council and maintained by the city clerk. The following information shall be provided by the applicant:

- A. A written statement concerning the proposed use and zoning of the property.
- B. A boundary survey of the property prepared by a registered land surveyor, including a legal description, size of the property in square feet for properties less than one (1) acre and in acres for properties of one (1) acre or more, the street address, and the parcel identification number.

- C. A site plan of the property proposed for rezoning depicting the location of all existing and proposed buildings, building setbacks, building height, site access, parking and loading areas, wooded areas, buffers and 100-year floodplain.
- D. Current zoning classification of all adjacent parcels.
- E. Payment of the appropriate fee to the city clerk. Such fee shall be non-refundable following the ordering of a public notice by the city clerk.
- F. Owner's affidavit granting permission to the applicant to file a rezoning petition or special use application for the property.
- G. Any other supporting documentation as may be required by the building official.

Sec. 98-14.3. Building official review.

- A. Upon receipt of a complete application, and payment of all applicable fees, the building official shall perform the following tasks:
 - 1. Consult with other departments of the city and county, as appropriate, to fully evaluate the impact of the proposed zoning or special use on public facilities and services including, but not limited to, the transportation network, public water supply, sanitary sewer infrastructure, storm water system, schools, public safety services, fire protection and related facilities and services.
 - 2. Assess the potential impact of the proposed rezoning or special use on adjacent and surrounding uses by visiting the property and surrounding area.
 - 3. Evaluate compliance of the zoning petition or application for a special use with the comprehensive plan.
 - 4. Hold a pre-application conference according to the schedule of public hearings before the zoning commission. This conference shall be attended by the applicant and representatives of the city and county, as appropriate to the application.
 - 5. Prepare a written report of findings and recommendation to the zoning commission which report shall be a matter of public record available for review. The report may recommend approval, denial or approval with stated conditions designed to further the purposes of this ordinance and ensure that public health, safety, welfare and aesthetics are secured.

Sec. 98-14.4. Public notice of public hearings.

- A. Legal notice. Notice of a hearing pursuant to this ordinance shall be published in the legal organ of the city in which legal advertisements of the city are published announcing the application and date, time, place and purpose of the public hearing a minimum of fifteen (15) calendar days and a maximum of forty-five (45) calendar days prior to the date of the hearing. Notices announcing a public hearing for considering an application to rezone property or an application for a special use shall also include the location of the property, and the present and proposed zoning classification or the proposed special use of the property, as appropriate.
- B. Property posting. The applicant shall post a sign or signs provided by the building official in a conspicuous location on the property a minimum of fifteen (15) calendar days and a maximum of forty-five (45) calendar days prior to a public hearing that shall comply with the following requirements:

1. Be readable from each street on which the property has frontage, or if the property has no street frontage, readable from each street by which access will be gained;
 2. Clearly indicate the following information:
 - a. Present zoning classification of the property;
 - b. Proposed zoning classification or special use;
 - c. Hearing date and time; and
 - d. Location of the public hearing.
 3. Be maintained by applicant to prevent removal from the property or destruction for the period commencing on the date the public notice appears in the newspaper through the date of the public hearing.
 4. All signs shall have dimensions of four (4) feet by four (4) feet, and shall conform to the following color schedule:
 - a. Rezoning – Bright Yellow
 - b. Variances – Bright Pink
 - c. Annexations – Bright Orange
 - d. De-annexations – Bright Blue
 - e. Special Uses – Bright Green
 - f. Historic District – White
- C. Written notice to adjacent and nearby property owners. The applicant shall give written notice via certified mail return receipt requested to all property owners within 300 feet of the boundaries of the property as appear in Upson County tax records and as provided by the Thomaston Geographic Information Department. The associated measurement shall be performed from each boundary of the property that is the subject of a zoning petition or special use application. Public notices shall be mailed such that they are received a minimum of 15 calendar days and a maximum of 45 calendar days prior to the public hearing. Return receipts shall be provided to the building official within one (1) week of receipt.
- D. Posting of property associated with an amendment to the official zoning map initiated by the city of Thomaston shall not be required.

Sec. 98-14.5. Public hearing procedures.

- A. Unless otherwise provided, public hearings at which zoning decisions are to be considered shall be advertised and held by the zoning commission prior to an application involving a zoning decision being considered at a public hearing held by city council. Public hearings shall be conducted in the following manner:
1. The zoning commission chair or the mayor, as appropriate, acting as presiding officer shall convene the public hearing at the scheduled time and place. The presiding officer shall open the public hearing, introduce each application being considered, identify speakers and maintain order.

2. The presiding officer shall announce the specific zoning decision being considered. He or she shall inform the public that anyone wishing to speak at the hearing concerning an amendment to the text of the zoning ordinance, an amendment to the official zoning map or an application for a special use must sign in with the zoning commission secretary or the city clerk, as appropriate, prior to speaking.
3. Analysis to be presented at the hearing. Any analysis submitted by an applicant shall be presented by the applicant or his or her agent at the public hearing. The building official shall then present his or her report, including a recommendation concerning the proposed zoning decision, and any other information related to an application for a property rezoning, an amendment to the text of this ordinance or an application for approval of a special use. This information shall consist of, at a minimum, a statement of the findings and recommendations with respect to each standard contained in Sec. 98-14.10. Standards of review, as applicable. A limited number of copies of the report shall be available to the public at the hearing and available in the office of the city clerk for public review on or before the date of the public notice announcing the public hearing.
4. Who may appear at the public hearing. Any party may appear at the public hearing in person, by agent, or by an attorney-at-law. Any party desiring a verbatim transcript of the proceedings shall notify the city clerk a minimum of two (2) business days prior to the public hearing and shall be responsible for arranging such stenographic services and for all associated costs.
5. Presentation of information. Individuals wishing to speak for or against an application shall enter their name and address on a sign-in sheet provided by the zoning commission secretary or the city clerk, as appropriate, prior to the opening of the hearing. Such individuals shall indicate whether they are proponents speaking for, or opponents speaking against, the application. The applicant for a rezoning or a special use shall speak first. Other parties in support of the application may then speak, followed by those opposed to the application. The applicant may then be allowed a rebuttal opportunity provided time remains and the applicant has reserved such rebuttal time. Proponents, including the applicant, shall be given a minimum of ten (10) minutes and a maximum of twenty (20) minutes to present data, evidence and opinion concerning the petition and may choose to reserve a portion of that time for rebuttal. Rebuttals must be limited to topics and issues raised at the hearing by opponents of the application. These minimum and maximum timeframes shall apply to each side of the issue and not to individuals wishing to speak.
6. Opponents of an application shall also be given a minimum of ten (10) minutes and a maximum of twenty (20) minutes in which to present information. The presiding officer may grant additional time to proponents or opponents, provided an equal amount of time is granted to each side. The presiding officer shall recognize individual parties wishing to speak and monitor the time allotted to each speaker. Prior to speaking, each person shall identify him or herself and state his or her current address. Each speaker shall limit remarks to data, evidence and opinions relevant to the application being considered. Speakers shall address all remarks to the presiding officer. The zoning commission members or city council members may ask questions of the applicant at any time. Time devoted to questions and answers will not affect any time limitations imposed on presenters. Once all parties have concluded their comments, the presiding officer shall close discussion of that agenda item and the public hearing.
7. A first reading and second reading of the ordinance amending the text of the zoning ordinance, or an amendment of the official zoning map shall be accomplished in compliance with the provisions of Sec. 98-14.4. Public notice of public hearings and Sec. 98-14.5. Public hearing procedures applicable to each such reading.

- B. Printed copies of these procedures shall be available for distribution to the public at the public hearing and available for public review in the office of the city clerk on or before the date of the public notice announcing the public hearing.
- C. All hearings of the zoning commission and city council shall be open to the public and shall comply with O.C.G.A. 50-14-1 Georgia Open Meetings Act § 50-14-1.

Sec. 98-14.6. Zoning commission recommendation as concerns zoning decisions.

- A. The zoning commission shall form a recommendation of approval, denial or approval subject to specific conditions unless substantial reasons exist for tabling an application. These reasons shall be clearly recorded in the hearing minutes, and any additional information required by the zoning commission shall be identified. Failure to make a recommendation shall go forward as "No Recommendation." The presiding officer shall announce the new hearing date prior to adjourning the hearing. In the event of a tabling, the public notice procedures of Sec. 98-14.4. Public notice of public hearings shall be repeated, including the posting of signs on the property and applicant mailing of public notices.
- B. Standards adopted in Sec. 98-14.10. Standards of review shall be applied by the zoning commission in forming a recommendation to city council concerning a zoning decision.
- C. The zoning commission secretary shall forward the recommendation of the zoning commission to city council in writing within three (3) business days of the zoning commission public hearing.

Sec. 98-14.7. Zoning decisions by city council.

- A. Upon closing the public hearing as provided in Sec. 98-14.5. Public hearing procedures, the presiding officer shall solicit a motion by a member of city council calling for approval of the application, denial or approval subject to specified conditions unless substantial reasons exist for tabling the application to a date certain that shall be announced at the public hearing. These reasons shall be clearly recorded in the hearing minutes, and any additional information required of the applicant by city council shall be identified. In the event of a tabling, the public notice procedures of Sec. 98-14.4. Public notice of public hearings shall be repeated, including the posting of signs on the property and applicant mailing of public notices. City council may also vote to return the application to the zoning commission for further study.
- B. Standards adopted in Sec. 98-14.10. Standards of review shall be applied by city council in rendering a zoning decision. Such zoning decisions may also be based on public input received at the public hearing, the recommendation of the zoning commission and the findings and recommendations of the building official.
- C. The city clerk shall inform the applicant in writing by certified mail return receipt requested of the decision of city council within five (5) business days following such decision.

Sec. 98-14.8. Establishment of a halfway house or similar facility.

A public hearing to consider such facilities shall be held by city council no less than six (6) months nor more than nine (9) months prior to the date of final action by city council concerning a zoning decision involving establishment or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. The zoning commission shall hold a public hearing and shall forward a recommendation concerning such applications to city council. Notice of the public hearing shall comply with the procedures of Sec. 98-14.4. Public notice of public hearings and the following additional requirements:

The posted notice and the legal notice shall prominently state that the proposed zoning decision concerns the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug

dependency. The legal notice shall comprise a minimum of six (6) column inches and shall not be located in the classified advertising section of the newspaper.

Sec. 98-14.9. Withdrawal of applications.

An applicant may withdraw a rezoning or special use application on one (1) occasion at any time prior to a vote by city council. Such withdrawal shall not cause imposition of the 12-month waiting period prior to reconsideration of the same application. Fees associated with applications withdrawn following the date the public notice has been ordered by the city clerk shall not be refunded.

Sec. 98-14.10. Standards of review.

Standards governing the exercise of zoning authority are hereby adopted. These standards are to be applied to consideration of zoning ordinance text amendments, special uses, character area map amendments and zoning map amendments, also referred to as property rezonings. The standards to be considered in deciding applications for zoning map amendments are found in Sec. 98-14.10.1. Standards of review applicable to amendments to the official zoning map. Standards to be considered in assessing the appropriateness of amendments to the text of the zoning ordinance are found in Sec. 98-14.10.2. Standards of review applicable to amendments to the zoning ordinance.

Sec. 98-14.10.1. Standards of review applicable to amendments to the official zoning map.

- A. The following standards are found by the city of Thomaston to be relevant in balancing the promotion of public health, safety and welfare against the right to unrestricted use of property. The zoning commission and city council shall consider these standards when reviewing rezoning applications. A written, point-by-point application of each of the standards used to assess the impact of a proposed rezoning shall be generated by the applicant.
 - 1. The existing uses and zoning of the 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 zoning proposal is in conformity with the policies and intent of the comprehensive plan; and
 - 8. Whether existing or changing conditions affecting the use and development of the property are present that support approval or denial of the zoning proposal.
- B. City council may also consider whether development of the property in the zoning classification sought would have the following impacts:
 - 1. An adverse effect on the insurance rating of the city, or any substantial portion thereof, issued by the Insurance Service Office or similar rating agency;
 - 2. Overtax the existing public infrastructure or services; and

3. A substantial adverse impact on the environment, including but not limited to drainage, soil erosion and sedimentation, flooding, air quality and water quality and quantity.

Sec. 98-14.10.2. Standards of review applicable to amendments to the zoning ordinance.

- A. The following standards are found by the city of Thomaston to be relevant in assessing the appropriateness of amendments to the text of the zoning ordinance. Such changes may impact the manner in which property may be developed and used. Accordingly, such text amendments must be closely evaluated to ensure public policy goals are advanced by any such amendments. The zoning commission and city council shall consider these standards when reviewing amendments to the text of the zoning ordinance proposed by city council, the zoning commission or city staff. An assessment of the impact of a proposed amendment to the text of the zoning ordinance shall not be required of an applicant as only city council, the zoning commission and city staff may propose such amendments.
 1. The proposed amendment will promote implementation of significant goals, objectives and policies adopted in the comprehensive plan.
 2. The proposed amendment will ensure desirable development patterns responsive to Thomaston's historic past and a desired future.
 3. The proposed amendment will take into account market demand as indicated in such documents as the Downtown Thomaston Master Plan Market Analysis Report, May 21, 2021.
 4. The proposed amendment will further policies aimed at ensuring consistency and fairness in application of the zoning ordinance.

Sec. 98-14.10.3. Standards of review applicable to special uses.

- A. The following standards are found by the city of Thomaston to be relevant in balancing the promotion of public health, safety, morality and welfare against the right to unrestricted use of property. The zoning commission and city council shall consider the following standards when reviewing special use applications. A written point-by-point application of each of the standards in assessing the potential impact of the proposed special use shall be generated by the applicant.
 1. Whether the proposed special use will permit a use compatible with the current or future use of adjacent and nearby properties comprising the established land use pattern or a use that may adversely affect the existing or potential use of adjacent or nearby properties;
 2. Whether unacceptable impacts on the environment could be caused by the proposed special use, including, but not limited to, impacts on stormwater discharges, wetlands, groundwater recharge areas, wildlife habitats, soil erosion and sedimentation, floodplains, air quality, and water quality and quantity;
 3. Whether the proposed special use will allow a use that will or could cause an excessive or burdensome use of existing or planned streets, other transportation facilities, utilities, schools, or other public facilities and services such as police protection, fire protection, emergency medical services, or public health facilities;
 4. Whether the proposed amendment will adversely affect the health, safety, aesthetics, convenience, order, prosperity, or welfare of residents, business owners or property owners of the city of Thomaston;

5. Adequacy of parking on the property;
6. Proximity of similar uses, whether conforming or non-conforming; and
7. The standards contained in Sec. 98-14.10.1, subsection A. 1. through 6.

Sec. 98-14.10.4. Standards of review applicable to character area map amendments.

The future land use map, referred to in the Upson County, the City of Thomaston, and the City of Yatesville Joint Comprehensive Plan 2018-2038 as the "City of Thomaston Character Area Map", is considered a primary guide to zoning decisions. Revisions to such maps may occur as circumstances and public policies change over time. The following standards are found by the city of Thomaston to be relevant in assessing whether such revisions are well founded and would advance public policy objectives rooted in the comprehensive plan. The zoning commission and city council shall consider these standards when reviewing proposals to amend the future land use map or character area map, as appropriate. A written point-by-point reference to each of these standards in assessing the appropriateness of the proposed future land use designation and the designations of nearby properties shall be generated by the applicant.

- A. Whether the proposed amendment is compatible with the established development pattern;
- B. Whether the proposed amendment is consistent with policies adopted in the comprehensive plan;
- C. Whether potentially adverse environmental impacts may result from the proposed amendment;
- D. Whether the map amendment will adversely impact properties in an adjoining jurisdiction;
- E. Whether there are other existing or changing conditions affecting the use and development of the affected properties that support approval or denial of the proposed amendment to the land use designation on the map; and
- F. Whether there are impacts on historic buildings, sites, districts or archaeological resources resulting from the proposed amendment.

Sec. 98-14.11. Zoning of property to be annexed.

Any parcel or parcels of land annexed to the city of Thomaston shall be designated as the zoning district classification most similar to and consistent with the Upson County zoning district classification applicable to such property at the time of its annexation. Where Upson County has raised an objection to the rezoning of any parcel or parcels of land to be annexed, the provisions of O.C.G.A. Title 36, Chapter 36 (§ 36-36-1 et seq.) shall apply.

Sec. 98-14.12. Special use approvals.

- A. It is hereby declared that certain uses have potentially serious damaging effects on public health, safety, and welfare. Accordingly, it is in the public interest to adopt heightened review and approval processes intended to minimize or prevent such adverse impacts that may comprise a blighting influence on surrounding properties and the Thomaston community. The purpose of this section, therefore, is to safeguard the public interest, to protect and enhance the quality of the environment and to promote public health, safety and welfare by pursuing the following objectives:
 1. Provide appropriate locations to accommodate the special uses listed in the respective zoning districts of this ordinance.

2. Support development compatible with surrounding uses thereby protecting residential property values and the investment of business owners.
- B. Special use approvals shall be transferable, provided that any expansion of a special use or conversion of an approved special use to a use allowed only as a special use shall require the filing of a new application to allow establishment or expansion of that special use.
- C. Any approval of a special use by the city council shall cease to be authorized and shall be terminated unless a building permit has been obtained within six (6) months of the date the application for the special use was approved. The special use approval shall also be terminated in the event the approved construction has not been completed and approved by the building official as being consistent with all written commitments and conditions, the requirements of this ordinance, and all applicable permits and a C.O. is issued within two (2) years of the date the special use is approved by city council.
- D. Upon a determination by the building official that a special use is void and terminated pursuant to this section, the building official shall notify the applicant via certified mail return receipt requested or by hand delivery.
- E. A special use approval that has been determined to be void and terminated pursuant to this section shall not be reconsidered by the city council for a period of twelve (12) months from the date of notice of such termination sent by the building official pursuant to this section. Notice shall be by hand delivery or certified mail return receipt requested and shall be deemed to have been given a minimum of three (3) business days following such mailing.

Sec. 98-14.13. Conditional zoning.

- A. The zoning commission may recommend and city council may on its own motion assign conditions of zoning intended to mitigate potentially adverse impacts that may be associated with the proposed zoning classification of the property involved. Such conditions shall bear a reasonable relationship to the potentially adverse impact being mitigated.
- B. The process for deciding a conditional zoning shall be identical to the process for a property rezoning that requires public notice, a public hearing and application of the standards contained in Sec. 98-14.10.1. Standards of review applicable to amendments to the official zoning map. Removal of any conditions of zoning shall only be accomplished by the filing of a new rezoning application and favorable decision by city council.
- C. Any zoning of property that is subject to conditions assigned by city council shall be indicated on the official zoning map as the zoning district assigned to the property, followed by the letter "C," indicating the property is zoned "conditional." The ordinance associated with such a conditional zoning shall be indicated on the official zoning map and a copy maintained by the city clerk.

Sec. 98-14.14. Properties zoned conditional remain subject to all other zoning provisions.

All property that is assigned conditions of zoning by city council shall continue to be subject to all other standards and provisions of the zoning ordinance that are not in conflict with such imposed conditions.

Sec. 98-14.15. Permit issuance dependent on plan compliance with assigned conditions.

No building permit or other approvals concerning property that has been assigned conditions by city council shall be issued unless all plans and other submittals accompanying the application for a permit are drawn in compliance with such conditions. Such conditions shall be printed on the building plans and all civil drawings to ensure the conditions assigned by city council are incorporated into all such plans and drawings.

Sec. 98-14.16. Reversion of zoning approval.

The following development milestones shall be considered in assessing the need for reversion of a property rezoning or approval of a special use:

- A. Failure of the applicant to obtain a building permit and commence bona fide development and substantial construction in accordance with city council approval of a rezoning application or a special use within twelve (12) months of such approval may, at the sole discretion of city council, subject the property to reversion to the former zoning classification or a reversal of the special use approval. For purposes of this section, the term "development" shall be defined as having obtained a land disturbance permit or building permit, as appropriate, mobilized equipment and/or labor, and proceeded diligently with development of the property. The process for reversion of zoning approval or reversal of a special use approval shall be identical to a property rezoning. Such reversion or reversal shall require an affirmative zoning decision by city council and shall not be automatic. City council may rezone such property to the original zoning district or may revoke the approval of a special use.
- B. All conditions and stipulations assigned by city council in approving a rezoning petition shall remain in full force and effect, and all terms, conditions and stipulations imposed as a condition of rezoning or approval of a special use shall remain in effect and be binding.
- C. Any cessation of development or construction after a final plat containing all the conditions and stipulations assigned to the zoning approval or to approval of a special use has been legally recorded shall not cause a zoning reversion to the previous zoning classification. The conditions and stipulations of the approved zoning or special use shall remain in effect and be binding upon subsequent owners unless a modification is requested and approved as a new rezoning or a special use application.

Sec. 98-14.17. Re-application following denial of a rezoning or special use application.

An application for rezoning of property or a special use affecting the same property shall not be considered by city council more often than once every twelve (12) months from the date of the zoning decision by city council denying such application.

Sec. 98-14.18. Appeal of a zoning decision.

Any person or persons, jointly or severally, aggrieved by a zoning decision of the city council of the City of Thomaston may appeal to Upson County Superior Court through a writ of certiorari.

Sec. 98-14.19. Conflict of interest in zoning decisions.

Any government official, as defined in the Official Code of Georgia Annotated Chapter 67A of Title 36, having a financial interest in any real property affected by a property rezoning or consideration of a special use application, or having a member of the family with such an interest, shall immediately disclose the nature and extent of such interest as required by law.

Sec. 98-14.20. Disclosure of campaign contributions.

- A. When any applicant for the rezoning of property or approval of a special use has made a campaign contribution or contributions totaling \$ 250.00 or more to an official of the local government that will consider such applications within a two (2) year period immediately preceding the filing of such application, it shall be the duty of the applicant to file a disclosure report with the city clerk documenting the following information:
 - 1. Name and official position of the local government official to whom the campaign contribution or contributions were made; and

2. Dollar amount and description of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of a rezoning application or an application for special use approval and the date of each such contribution.
 3. Such disclosures shall be filed in writing within ten (10) calendar days after a rezoning application or an application for special use approval is first filed with the city clerk.
- B. When any opponent of a rezoning application or an application for special use approval has made a campaign contribution or contributions totaling \$ 250.00 or more to an official of the local government that will consider the application within the two (2) years immediately preceding the filing of the rezoning application or an application for special use approval being opposed, it shall be the duty of the opponent to file a disclosure report with city council documenting the following information:
1. Name and official position of the local government official to whom the campaign contribution or contributions were made; and
 2. Dollar amount and description of each campaign contribution made by the opponent to the local government official during the two (2) years immediately preceding the filing of a rezoning application or an application for special use approval and the date of each such contribution.
- C. Disclosures required by subsection B. of this section shall be filed in writing a minimum of five (5) calendar days prior to the first hearing on the rezoning application or an application for special use approval by city council.

Sec. 98-14.21. Rezoning and special use application filing fees.

A fee schedule as adopted from time-to-time by resolution of city council shall be published and maintained by the city clerk.

Secs. 98-14.22. – 98-14.26. Reserved.

2021 Georgia Code

Title 36 - Local Government

Chapter 36 - Annexation of Territory

Reserved Sec.

- Article 1 - General Provisions
- Article 1A - Annexation by Local Act of the General Assembly
- Article 2 - Annexation Pursuant to Application by 100 Percent of Landowners
- Article 3 - Annexation Pursuant to Application by Owners of 60 Percent of Land and 60 Percent of Electors
- Article 4 - Annexation Pursuant to Resolution and Referendum
- Article 5 - Limitation on Annexation of Areas Furnished Services or Included in Comprehensive Zoning Plan by Certain Counties
- Article 6 - Annexation of Unincorporated Islands
- Article 7 - Procedure for Resolving Annexation Disputes

Law reviews.

- For article tracing the history of municipal annexation, and the General Assembly's role therein, see 2 Ga. L. Rev. 35 (1967). For article discussing the evolution of municipal annexation law in Georgia in light of *Plantation Pipe Line Co. v. City of Bremen*, 227 Ga. 1, 178 S.E.2d 868 (1970), see 5 Ga. L. Rev. 499 (1971). For survey article on local government law, see 34 Mercer L. Rev. 225 (1982). For annual survey of local government law, see 38 Mercer L. Rev. 289 (1986). For article, "Lawyers Who Represent Local Governments," see 23 Ga. St. B. J. 58 (1987). For article, "Municipal De-Annexation: The Ins and the Outs," see 27 Ga. St. B. J. 118 (1991). For annual survey article on local government law, see 50 Mercer L. Rev. 263 (1998). For note, "Annexation by Municipalities in Georgia," see 2 Mercer L. Rev. 423 (1951).

RESEARCH REFERENCES

ALR.

- Proper remedy or procedure for attacking legality of proceedings annexing territory to municipal corporation, 18 A.L.R.2d 1255.

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M-1 Light industrial district	Industrial Development
M-2 Heavy industrial district	Industrial Development
Thomaston Gateway North Overlay	Commercial Gateway Corridor

Sec. 98-3.5. Interpretation of district boundaries.

- A. All properties located within the city limits are assigned a zoning district as indicated on the official zoning map. No property shall be used except in accordance with the zoning district designations on the official zoning map and the provisions of this ordinance. Where uncertainty exists with respect to the boundaries of any zoning district shown on the official zoning map, the following rules shall apply:
 1. The boundaries of the various zoning districts established by this chapter are as indicated on the official zoning map. Street rights-of-way adjoining property lines shall serve as district boundaries. No such rights-of-way shall be zoned.
 2. Where a zoning district boundary is shown on the official zoning map as approximately following a property boundary; corporate limits line; militia district line; land lot line; streambed; lot line; centerline of a city street, county road, state highway, public right-of-way, or railroad right-of-way; or such lines extended, such lines shall be construed to be the zoning district boundary.
 3. Where a lot having frontage on two different streets that is not a corner lot is divided by a zoning district boundary approximately paralleling the two streets, the standards and provisions of the zoning districts controlling development along each respective street on which the frontage of the lot is located shall apply to that portion of the lot so divided.
- B. Where a zoning district boundary remains in doubt in specific instances following application of the above rules, mayor and council shall determine the location of the zoning district boundary.

Sec. 98-3.6. Lots divided by a zoning district boundary.

In the event a zoning district boundary line on the official zoning map divides a lot of record held in one ownership on the date of adoption of this ordinance, each part of the lot so divided shall be used in conformity with the standards established by this ordinance for the zoning district in which each portion of such lot is located.

Sec. 98-3.7. Lots divided by corporate limits.

Any lot divided by the corporate limits of the city and county shall fully meet the ordinance standards of the county on that portion of the lot within the unincorporated county for purposes of issuing a building permit. All corporate limits dividing a lot shall be viewed in the same manner as a property line. Setbacks shall be measured from corporate city limit lines and county boundary lines, as appropriate.

Sec. 98-3.8. Annexation.

All land annexed into the city of Thomaston shall be subject to rezoning in accordance with the provisions of this ordinance found in Article 14. Procedures for Zoning Decisions, the Georgia Zoning Procedures Law, and O.C.G.A. Title 36, Chapter 36 Annexation of Territory § 36-36-1 et seq.

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Secs. 98-3.9 – 98-3.13. Reserved.

Sec. 98-21.14.8. Substitution of non-commercial speech.

The owner of any sign that is otherwise allowed by this article may substitute non-commercial speech in lieu of any commercial speech or other non-commercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent preference assigned to commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech. This provision shall prevail over any more specific provision in this article to the contrary.

Sec. 98-21.14.9. Sign permit fees.

A fee shall be paid to the City of Thomaston upon submittal of a complete application as provided in this article. No sign permit shall be issued until the sign application has been approved by the building official and the appropriate fees have been paid. Applicable sign permit fees shall be as adopted by Resolution of Mayor and City Council and maintained by the city clerk.

Sec. 98-21.15. Appeals.

- A. A denial of an application for a sign permit or revocation of a sign permit by the building official may be appealed to the board of zoning appeals (BZA) as provided in Sec. 98-13.2.3.
- B. Upon denial of a sign permit application or revocation of a sign permit, the applicant or owner shall be given written notice by the building official rendering a decision concerning the sign permit, stating the reason for the denial or revocation. Upon written notice of a denial of a sign permit application or revocation of a permit, an applicant or owner wishing to challenge the decision of the building official must file an application for an appeal, including payment of the application fee, with the city clerk according to the following timeframes:
 - 1. An appeal of a decision by the building official to deny a sign permit application or to revoke a sign permit shall be filed with the city clerk within ten (10) business days of receipt of written notice of such denial or revocation. In the event that no appeal is filed within the 10-day period, the decision of the building official shall become final.
 - 2. The BZA shall hold a public hearing on any such appeal no more than sixty (60) calendar days from the filing of an appeal with the city clerk and shall render a final decision on the appeal no more than thirty (30) calendar days following the close of the public hearing.
 - 3. Signs under construction that are the subject of an appeal shall be concealed by a blank cover, sheet or other means pending a decision of the board.
- C. Procedures for public notices shall be as proscribed in Sec. 98-14.4. Public notice of public hearings of the zoning ordinance. Public hearing procedures shall comply with the procedures found in Sec. 98-14.5. Public hearing procedures.
- D. An appeal of any decision of the board of zoning appeals under this section shall be decided by city council at a properly noticed public hearing.

Sec. 98-21.16. Nonconforming signs.

A nonconforming sign is a sign that was lawfully erected and maintained prior to adoption or amendment of Chapter 98 - Zoning and Art. IX - Signs and which by reason of such adoption or amendment no longer conforms to one or more applicable standards of Art. IX, as adopted or amended. Signs that were lawful and for which a permit was issued at the time of installation that were subsequently rendered nonconforming due to an amendment of Art. IX are deemed "legal, nonconforming signs." Signs that were unlawful and

installed without the proper permits shall be deemed "illegal, nonconforming signs." Each classification is addressed below:

A. Legal, nonconforming signs.

Sign standards adopted in this article are intended to minimize clutter, preserve property values and protect public health, safety and welfare as well as to achieve the purposes set forth in Sec. 98-21.1. Purpose and findings. Any sign that existed and was lawfully permitted and installed prior to the effective date of this article may remain even though such sign does not conform to the standards of this article, provided none of the following circumstances occur. In that event, the owner of a nonconforming sign shall immediately forfeit the legal, nonconforming status and the sign shall become an illegal sign.

1. The nonconforming sign is replaced with another nonconforming sign;
2. The sign is enlarged, extended, re-constructed, moved to another location on the lot, or structurally altered except to bring the sign into compliance with all standards of this article;
3. Any part of the sign structure is replaced, other than the display face of the sign;
4. The sign is altered in any way that increases the degree of nonconformity;
5. The sign is placed within a sight triangle;
6. Deterioration of the sign by any cause such that a hazard to public safety is created; or
7. Deterioration of the sign that constitutes more than twenty-five (25) percent of the value of the sign as determined by the building official.

B. Illegal, nonconforming signs.

Any sign that was not lawfully erected in accordance with the sign standards in effect at the time of installation, and for which the proper permits were not issued, or a sign that was subsequently altered in a manner inconsistent with those standards shall be considered an illegal sign and the owner shall not be granted legal, nonconforming status. Such signs shall be brought into compliance with the standards of this article within ninety (90) calendar days of receipt of written notice by the building official or shall be removed. Such removal shall be entirely accomplished within the above ninety (90) day period.

- C. All signs that on the effective date of this article became nonconforming with respect to the standards adopted in this article may continue in existence provided the sign is not altered in any manner that increases the degree of nonconformity, and provided further that no portable or temporary sign shall be afforded the status of a legal, nonconforming sign.
- D. A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution of sign panels, painted boards or other dismountable materials to effect a change of copy or replacement of deteriorating display faces on nonconforming signs shall be allowed. Minor repairs and maintenance to nonconforming signs shall be allowed.
- E. No change in size, height or location of a nonconforming sign shall be permitted, nor shall any structural change be made to such sign except to render the sign in compliance with this article.

F. All nonconforming signs established on a lot containing more than one (1) ground sign on any lot frontage shall be removed within six (6) months of the effective date of this article, unless otherwise provided, after which such nonconforming signs shall be declared illegal.

G. Abandonment.

1. In the event the use of a lot or a building on a lot ceases for a period exceeding three (3) months, any nonconforming sign or signs shall be deemed to have been abandoned. All nonconforming signs located on such lots shall be brought into compliance with this article or shall be removed within three (3) months of the date of abandonment. Occupancy of a property that has been suspended temporarily due to a change of ownership or management shall not be deemed abandoned unless the property remains unoccupied, regardless of whether or not utilities remain active, for a period of six (6) months or more. All nonconforming signs located on a lot that experienced a change in ownership or management shall be brought into compliance with this article or shall be removed within three months (3) months of the date of abandonment. The support structure of an abandoned sign shall also be subject to the non-conforming use provisions of this section.
2. A determination of abandonment by the building official shall be communicated in writing to the sign owner or building owner and the appropriate timeframe within which to render the sign in compliance shall begin upon receipt of such notice. Conforming signs that otherwise comply with this article that are located on property that has been deemed to have been abandoned may remain, provided such signs do not fall into disrepair.
3. For purposes of this section, abandonment shall be determined by the building official based on a finding that any of the following conditions exist:
 - a. Failure of the owner to maintain an occupational tax permit, as applicable;
 - b. Failure to maintain the full complement of public utilities to the property; or
 - c. Revocation of a certificate of occupancy for a period of six (6) months or more.
4. The building official shall provide written notice to the owner of the lot as to the abandoned status of the use of the lot or building and the implications of that status on the nonconforming sign or signs within thirty (30) calendar days of the occurrence of either paragraphs a. b. or c., above.

H. Sign destruction beyond the control of the owner.

Any nonconforming sign damaged by a natural disaster, fire or other cause beyond the control of the owner to an extent exceeding twenty-five (25) percent of repair costs, as determined by the building official, shall be brought into compliance with this article. Restoration to achieve such compliance shall be diligently pursued and completed within ninety (90) days of the damage. In no event shall the sign structure or any structural member of a nonconforming sign be replaced.

I. Maintenance and minor repair of nonconforming signs.

1. Minor repairs and minor maintenance of nonconforming signs such as repainting or electrical repairs shall be allowed. However, no structural repairs or changes in the size, shape, height, design or location of a nonconforming sign shall be allowed except to render the sign in compliance with the standards of this article.

2. Restoration of nonconforming signs to a safe condition shall be allowed; provided no change in the size of the display face shall be allowed.

J. Impact of public action.

In the event any sign must be removed to accommodate a road widening or other public improvement, such removal shall be accomplished within ninety (90) calendar days following the conclusion of all necessary public agency action to achieve such removal.

K. Impact of site improvements on a nonconforming sign or signs.

Where a legal, nonconforming sign is located on a lot for which renovation of the primary building exceeding fifty percent (50%) of replacement cost of the building or development of an undeveloped lot is proposed, any such sign or signs shall be brought into compliance with this article or shall be removed as provided in Sec. 98-21.16. Nonconforming signs, subsection B.

L. Sign maintenance exempt from permit requirements.

A change of a sign display face or copy or message panel on an existing, approved and properly permitted sign or a legal, nonconforming sign, shall not require a sign permit; provided in the event the proposed display face or panel replacement creates a need for any structural repair or alteration, or results in a change in the size or height of the sign, a sign permit shall be required for the purpose of bringing the sign into compliance with the standards of this article.

M. Signs on annexed property.

Existing signs established on newly annexed property that were legally erected under a county ordinance that would become nonconforming under this article upon annexation by the City shall be allowed to remain and the building official shall issue a sign permit to the property or sign owner. Such signs shall be registered with the City within ninety (90) days of the property on which the sign is located being annexed by the City.

Sec. 98-21.17. Removal of certain signs.

A. Removal of dilapidated signs.

1. The City may remove any sign and sign structure that becomes dilapidated following written notice by the building official. The owner of a dilapidated sign shall have thirty (30) calendar days following receipt of such notice to remedy any dilapidated condition.

B. Removal of nonconforming, abandoned signs.

1. Except as otherwise provided in this article, any nonconforming sign located on property that becomes vacant and unoccupied for a period of three (3) months or longer shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended due to a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. Sign panels from abandoned signs shall be covered with a blank sheet within the timeframe specified in this subsection. The supporting structure of an abandoned sign shall be subject to the non-conforming use provisions of Sec. 98-21.16. Nonconforming signs, subsection B.
2. All nonconforming signs that have been deemed to be abandoned, including all sign structures, shall be entirely removed by the property owner or sign owner no later than

STATE OF GEORGIA
CITY OF THOMASTON

**RESOLUTION OF THE CITY OF THOMASTON ESTABLISHING
ADMINISTRATIVE FEES FOR REZONING APPLICATIONS AND ZONING
VERIFICATION LETTERS AND A FEE SCHEDULE RELATIVE TO
APPLICATIONS FOR REZONING, VARIANCES, AND ANNEXATIONS
WITH AN EFFECTIVE DATE OF SEPTEMBER 21, 2022.**

WHEREAS, Council has considered the administrative time expended in assisting a prospective applicant with a rezoning application;

WHEREAS, Council has considered the administrative time expended in reviewing and replying to a request for zoning verification;

WHEREAS, Council has considered the average costs associated with the procedural requirements to process an application for a variance, special use permit, rezone, or annexation, including staff's time in organizing and scheduling the required meetings and agendas; the city attorney's review of the application, preparation of the public hearing notice, and preparation of the resolution or ordinance to be considered by Council; and the publication fee;

WHEREAS, Council acknowledges that in the past, the fees charged by the city attorney were billed to the applicant directly;

WHEREAS, Council has determined that it is necessary to establish a fee schedule to set forth the administrative fees and costs for receiving, reviewing

and processing applications for variances, special use permits, rezones, and annexations;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves and adopts the following fee schedule:

ZONING FEE SCHEDULE

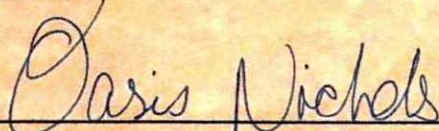
* Rezoning Application (<u>Administrative Fee</u>)	\$ 25.00 *
Zoning Verification Letter	50.00
<i>Variances</i>	
Variance, Administrative Review	100.00
Variance, Zoning	650.00
<i>Rezoning</i>	
To: ES-1, ES-2, R-1, R-2	650.00
To: C-TH, C-1, C-2, M-R, M-1, M-2, P-I	750.00
To: DT	850.00
To: PD	1,000.00 + \$25 per acre
Special Use Permit	650.00
Zoning Modification (Conditions or Modified Site Plans)	650.00
Appeals	200.00
* <i>Annexation</i>	1,000.00 *
<i>De-annexation</i>	1,000.00

IT IS SO RESOLVED this 20th day of September, 2022, by
the City Council of the City of Thomaston, Georgia.




John David Stallings, Mayor

ATTEST:


Oasis Nichols, Deputy City Clerk



ARTICLE 98-15. ETHICS, CONFLICTS OF INTEREST AND DISCLOSURES

The governing authority of each county and each municipality may adopt plans and may exercise the power of zoning, Ga. Const., art. 9, sec. 2, par. 4; The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; zoning proposal review procedures, O.C.G.A. § 36-67-1 et seq.; conflict of interest in zoning actions, O.C.G.A. § 36-67A-1 et seq.

Sec. 98-15.1. Ethics.

- A. All members of boards, commissions and authorities having the authority or responsibility to offer recommendations on zoning decisions or to render zoning decisions shall be subject to Georgia Code Title 45. Public Officers and Employees § 45-10-1, Chapter 10 - Codes of Ethics and Conflicts of Interest, Article 1 - Codes of Ethics § 45-10-3 - Code of ethics for members of boards, commissions, and authorities -- Establishment and text. O.C.G.A. 45-10-3 (2010).

Sec. 98-15.2. Conflicts of interest.

- A. The zoning commission members shall adhere to the provisions contained in the following excerpt from the Official Code of Georgia Annotated:
- B. "Any government official, as defined in the Official Code of Georgia Annotated, Title 36 - Local Government Provisions - Provisions applicable to Counties and Municipal Corporations, Chapter 67A - Conflict of Interest in Zoning Actions, having a financial interest in any real property affected by a rezoning or consideration of a conditional use, or having a member of the family with such an interest, shall immediately disclose the nature and extent of such interest as required by Title 36, Chapter 67A."
- C. Chapter 67A. Conflicts of interest in zoning actions, Georgia Code (Last Updated: August 20, 2013) Title 36. Local Government Provisions Applicable to Counties and Municipal Corporations, Chapter 67a. Conflict of Interest in Zoning Actions establishes the following definitions:

Section 36-67A-1. Definitions

"*Applicant*" means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

"*Business entity*" means any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.

"*Campaign contribution*" means a "contribution" as defined in paragraph (7) of Code Section 21-5-3.

"*Financial interest*" means all direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent or more.

"*Local government*" means any county or municipality of this state.

"*Local government official*" means any member of the governing authority of a local government or any member of a planning or the zoning commission.

"*Member of the family*" means the spouse, mother, father, brother, sister, son, or daughter of a local government official.

"*Opponent*" means any person who opposes a rezoning action or any attorney or other person representing or acting on behalf of a person who opposes a rezoning action.

"Oppose" means to appear before, discuss with, or contact, either orally or in writing, any local government or local government official and argue against a rezoning action.

"Person" means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

"Property interest" means the direct ownership of real property and includes any percentage of ownership less than total ownership.

"Real property" means any tract or parcel of land and, if developed, any buildings or structures located on the land.

"Rezoning action" means action by local government adopting an amendment to a zoning ordinance which has the effect of rezoning real property from one zoning classification to another.

Sec. 98-15.3. Disclosures.

- A. The following sections found in O.C.G.A. 36-67A-2 (2010) shall apply to Mayor and City Council, The Zoning Commission and the Board of Zoning Appeals in the exercise of their respective authority:

Section 36-67A-2. Disclosure of financial interests.

A local government official who knew or reasonably should have known he or she:

1. Has a property interest in any real property affected by a rezoning action which that official's local government will have the duty to consider;
2. Has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action which that official's local government will have the duty to consider; or
3. Has a member of the family having any interest described in paragraph (1) or (2) of this Code section shall immediately disclose the nature and extent of such interest, in writing, to the governing authority of the local government in which the local government official is a member. The local government official who has an interest as defined in paragraph (1) or (2) of this Code section shall disqualify himself from voting on the rezoning action. The disqualified local government official shall not take any other action on behalf of himself or any other person to influence action on the application for rezoning. The disclosures provided for in this Code section shall be a public record and available for public inspection at any time during normal working hours.

Section 36-67A-3. Disclosure of campaign contributions

- A. When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 1. The name and official position of the local government official to whom the campaign contribution was made; and
 2. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

- B. The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- C. When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:
 - 1. The name and official position of the local government official to whom the campaign contribution was made; and
 - 2. The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- D. The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

CITY OF THOMASTON

STATE OF GEORGIA

ORDINANCE NO. 1176

AN ORDINANCE TO AMEND ARTICLE 98-14, AND SPECIFICALLY SECTION 98-14.1 TO PROVIDE THAT THE ZONING COMMISSION SHALL MAKE RECOMMENDATIONS FOLLOWING A PUBLIC MEETING AND TO CLARIFY WHAT CONSTITUTES A ZONING DECISION; SECTION 98-14.4 REQUIRING WRITTEN PUBLIC NOTICE WHEN REQUIRED BY STATUTE; SECTION 98-14.5 TO PROVIDE THAT THE FIRST READING OF A PROPOSED CHANGE TO THE ZONING ORDINANCE OR MAP SHALL REQUIRE A FIRST READ AND PUBLIC HEARING, FOLLOWED BY A SECOND READING; SECTION 98-14.6 TO PROVIDE FOR THE POSTING OF SIGNS ON THE PROPERTY TO BE REPEATED IF THE ZONING COMMISSION TABLES ITS DECISION; SECTION 98-14.7 TO PROVIDE THAT NOTICES BE FORWARDED TO THE APPLICANT BY CERTIFIED MAIL; AND SECTION 98-14.8 OF THE CODE OF ORDINANCES OF THE CITY OF THOMASTON, GEORGIA; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, by the authority granted the Mayor and City Council by the home rule provisions of the 1983 Constitution of the State of Georgia, Article IX, Section II, Paragraph IV, the Mayor and City Council have determined portions of Chapter 98 - Zoning shall be amended as specifically set forth herein below and all provisions not herein specifically amended shall remain in full force and effect;

WHEREAS, the City Council of City of Thomaston has complied with the provisions set forth in O.C.G.A. §36-66-4 (a) as the City published notices in the local newspaper setting forth the time, place, and purpose of the public hearings;

WHEREAS, the Zoning Commission held a pubic hearing on August 1, 2022, and the City Council had the first reading and public hearing on August 2, 2022, and a second readings and public hearing on August 16, 2022;

BE IT HEREBY ORDAINED by the Mayor and City Council of the City of Thomaston, Georgia, as follows; to-wit:

SECTION 1

Chapter 98 Zoning Ordinance, and Article 98-14. Procedures for Zoning Decisions is hereby amended to read as follows:

Sec. 98-14.1. Zoning recommendations and decisions, generally.

B. The zoning commission shall hold a public meeting concerning a zoning application and shall forward a recommendation in favor or against the requested change to city council following such meeting within seven (7) days of said public meeting. City council shall hold a public hearing concerning a zoning decision. City council shall make no zoning decision until a public hearing has been held. Public notices for all public hearings shall comply with Sec. 98-14.4 Public notice of public hearings. Public meetings held by the zoning commission shall not be subject to such notice requirements. Public hearings shall be conducted as provided in Sec. 98-14.5. Public hearing procedures. Zoning decisions may amend the text of the zoning ordinance, amend the official zoning map, grant or deny a special use, grant or deny a variance or condition, or any other decision defined as a "zoning decision" by the state statute. The owner of a majority interest in the property affected, or his or her authorized agent, may petition city council for the rezoning of property or approval of a special use. Amendments to the text of the zoning ordinance shall only be initiated by city council.

Sec. 98-14.4. Public notice of public hearings.

C. Unless otherwise required by statute, written notice (also referred to as "public notice") to adjacent and nearby property owners shall not be required. If written notice to adjacent and nearby property owners is statutorily required, the applicant shall give written notice via certified mail return receipt requested to all property owners within 300 feet of the boundaries of the property as appear in Upson County tax records and as provided by the Thomaston Geographic Information Department. The associated measurement shall be performed from each boundary of the property that is the subject of a zoning petition or special use application. Public notices shall be mailed such that they are received a minimum of 15 calendar days and a maximum of 45 calendar days prior to the public hearing. Return receipts shall be provided to the building official within one (1) week of receipt.

D. Reserved.

Sec. 98-14.5. Public hearing procedures.

A. Unless otherwise provided, public hearings at which zoning decisions are to be considered shall be advertised and held by city council prior to an application involving a zoning decision being considered at a public hearing held by city council. Public hearings shall be conducted in the following manner:

1. The mayor, acting as presiding officer, shall convene the public hearing at the scheduled time and place. The presiding officer shall open the public hearing, introduce each application being considered, identify speakers and maintain order.

2. The presiding officer shall announce the specific zoning decision being considered. He or she shall inform the public that anyone wishing to speak at the hearing concerning an amendment to the text of the zoning ordinance, an amendment to the official zoning map or an application for a special use must sign in with the city clerk prior to speaking.

3. Analysis to be presented at the hearing. Any analysis submitted by an applicant shall be presented by the applicant or his or her agent at the public hearing. The building official shall then present his or her report, including a recommendation concerning the proposed zoning decision, and any other information related to an application for a property rezoning, an amendment to the text of this ordinance or an application for approval of a special use. This information shall consist of, at a minimum, a statement of the findings and recommendations with respect to each standard contained in Sec. 98-14.10. Standards of review, as applicable. A limited number of copies of the report shall be available to the public at the hearing and available in the office of the city clerk for public review on or before the date of the public notice announcing the public hearing.

4. Who may appear at the public hearing. Any party may appear at the public hearing in person, by agent, or by an attorney-at-law. Any party desiring a verbatim transcript of the proceedings shall notify the city clerk a minimum of two (2) business days prior to the public hearing and shall be responsible for arranging such stenographic services and for all associated costs.

5. Presentation of information. Individuals wishing to speak for or against an application shall enter their name and address on a sign-in sheet provided by the city clerk prior to the opening of the hearing. Such individuals shall indicate whether they are proponents speaking for, or opponents speaking against, the application. The applicant for a rezoning or a special use shall speak first. Other parties in support of the application may then speak, followed by those opposed to the application. The applicant may then be allowed a rebuttal opportunity provided time remains and the applicant has reserved such rebuttal time. Proponents, including the applicant, shall be given a minimum of ten (10) minutes and a maximum of twenty (20) minutes to present data, evidence and opinion concerning the petition and may choose to reserve a portion of that time for rebuttal. Rebuttals must be limited to topics and issues raised at the hearing by opponents of the application. These minimum and maximum timeframes shall apply to each side of the issue and not to individuals wishing to speak.

6. Opponents of an application shall also be given a minimum of ten (10) minutes and a maximum of twenty (20) minutes in which to present information. The presiding officer may grant additional time to proponents or opponents, provided an equal amount of time is granted to each side. The presiding officer shall recognize individual parties wishing to speak and monitor the time allotted to each speaker. Prior to speaking, each person shall identify him or herself and state his or her current address. Each speaker shall limit remarks to data, evidence and opinions relevant to the application being considered. Speakers shall address all remarks to the presiding officer. City council members may ask questions of the applicant at any time. Time devoted to questions and answers will not affect any time limitations imposed on presenters. Once all parties have concluded their comments, the presiding officer shall close discussion of that agenda item and the public hearing.

7. A first reading of the ordinance amending the text of the zoning ordinance, or an amendment of the official zoning map shall be accomplished in compliance with the provisions of Sec. 98-14.4. Public notice of public hearings and Sec. 98-14.5. Public hearing procedures. No action shall be taken to either approve or deny the zoning request until after a second reading at the next regular meeting of the mayor and city council.

8. While the zoning commission is not subject to public hearings, it shall conduct the public meeting in the same manner that city council conducts a public hearing so that there is an introduction of each application being considered, speakers are identified, proponents and opponents are allowed to present information as set forth above, and order is maintained.

B. Printed copies of these procedures shall be available for distribution to the public at the public hearing and the public meeting and available for public review in the office of the city clerk on or before the date of the public notice announcing the public hearing.

C. All public meetings conducted by the zoning commission and public hearings held by city council shall be open to the public and shall comply with O.C.G.A. 50-14-1 Georgia Open Meetings Act § 50-14-1.

Sec. 98-14.6. Zoning commission recommendation as concerns zoning decisions.

A. The zoning commission shall form a recommendation of approval, denial or approval subject to specific conditions unless substantial reasons exist for tabling an application. These reasons shall be clearly recorded in the meeting minutes, and any additional information required by the zoning commission shall be identified. Failure to make a recommendation shall go forward as "No Recommendation." The presiding officer shall announce the new meeting date prior to adjourning the meeting. In the event of a tabling, the posting of signs on the property shall be repeated.

B. Standards adopted in Sec. 98-14.10. Standards of review shall be applied by the zoning commission in forming a recommendation to city council concerning a zoning decision.

C. The zoning commission secretary shall forward the recommendation of the zoning commission to city council in writing within three (3) business days of the zoning commission public meeting.

Sec. 98-14.7. Zoning decisions by city council.

A. Upon closing the public hearing as provided in Sec. 98-14.5. Public hearing procedures, the presiding officer shall solicit a motion by a member of city council calling for approval of the application, denial or approval subject to specified conditions unless substantial reasons exist for tabling the application to a date certain that shall be announced at the public hearing. These reasons shall be clearly recorded in the hearing minutes, and any additional information required of the applicant by city council shall be identified. In the event of a tabling, the public notice procedures of Sec. 98-14.4. Public notice of public hearings shall be repeated, including the posting of signs on the property. City council may also vote to return the application to the zoning commission for further study.

B. Standards adopted in Sec. 98-14.10. Standards of review shall be applied by city council in rendering a zoning decision. Such zoning decisions may also be based on public input received at the public meeting held by the zoning commission, the recommendation of the zoning commission and the findings and recommendations of the building official.

C. The city clerk shall inform the applicant in writing by certified mail return receipt requested of the decision of city council within five (5) business days following such decision.

Sec. 98-14.8. Establishment of a halfway house or similar facility.

A public hearing to consider such facilities shall be held by city council no less than six (6) months nor more than nine (9) months prior to the date of final action by city council concerning a zoning decision involving establishment or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. The zoning commission shall hold a public meeting and shall forward a recommendation concerning such applications to city council. Notice of the public hearing shall comply with the procedures of Sec. 98-14.4. Public notice of public hearings and the following additional requirements:

The posted notice and the legal notice shall prominently state that the proposed zoning decision concerns the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. The legal notice shall

comprise a minimum of six (6) column inches and shall not be placed in the classified advertising section of the newspaper.

SECTION 2

All other portions of Section 98-14.1, 98-14.4, 98-14.5, 98-14.6, 98-14.7, and 98-14.8 not herein above amended shall remain unchanged.

SECTION 3

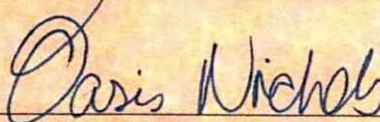
All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION 4

The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

The foregoing ordinance was adopted by the City Council of the City of Thomaston, Georgia, and transmitted by me to the Mayor, this 2nd day of

August, 2022.



OASIS NICHOLS
DEPUTY CITY CLERK

Approved by me and returned to said City Clerk as "Approved", this 2nd day of August, 2022.



J. D. STALLINGS
MAYOR

