

City of Montezuma, Georgia

REZONING AND VARIANCE REQUESTS PACKAGE

Procedures, Forms and
Uses Allowed by Zoning District

THE STEPS REQUIRED

Requests to amend the Zoning Map for the City of Montezuma require numerous steps that must be completed in the proper order. State law also governs the rezoning process and adds specific requirements that must be followed as well. Persons or organizations requesting an amendment to the Zoning Map should plan on the entire process taking anywhere from two to three months. Due to the advertising requirements, posting of signs, and other public notices required by state law, the process cannot be rushed.

1. The person must submit the proper forms along with any documentation specified on the form to the City Clerk. These forms are included in this package and will be explained in detail later in this document.
2. The City Clerk will forward the application to the Chairman of Planning and Zoning for the review and to be placed on the agenda for the Planning and Zoning Commission meeting. P&Z meets at 5:30 p.m. eight days before each meeting of the Montezuma City Council. The request will be placed on the agenda for the next regular P&Z meeting following the request.
3. The City Clerk will order the proper signage to be erected on the property for which the request is being made as required by State law.
4. The City Clerk will place the advertisement about the request in the legal organ for the City as required by State law.
5. The P&Z Commission will review the request at their regular meeting. The P&Z members will vote on a recommendation to be made to the Mayor and City Council. The P&Z only makes recommendations to the Mayor and Council. The decision on the request will be made by the elected officials. The person making the request is highly encouraged to be present at the P&Z meeting.
6. A public hearing will be held immediately before the next regular City Council meeting if there was sufficient time for the required advertisement and sign to be erected at least 15 days before the meeting.
7. The City Council will vote on the request during their regular session following the public hearing.

ALLOWED USES IN VARIOUS ZONING DISTRICTS

The following uses are allowed in each of the zoning districts. The person requesting an amendment to the Zoning Map must determine what zoning is required for their proposed use of the property.

A-1 Agricultural District

- Any type of agricultural use.
- Any use permitted in the R-1 residential district.
- Hospitals.
- Cemeteries.
- Golf course.
- Facilities providing municipal services.

R-1 Single-family Residential District

- Single-family dwellings, except trailers and mobile homes.
- Agriculture, excluding the commercial raising of poultry and livestock.
- Church bulletin boards not exceeding twenty (20) square feet in area.
- Churches, fraternal organizations and clubs not operating for profit. Provided that:
 - There is a planted buffer strip at least ten(10) feet wide along the side and rear lines; and
 - The building is located not less than fifty (50) feet from any lot line.
- Customary accessory uses or buildings.
- Customary incidental home occupation including the professional offices of an architect, artist, beautician, dentist, engineer, lawyer, and physician provided there is no external evidence of such occupations except an announcement sign not more than two (2) square feet in area and that the operations are conducted within the dwelling by not more than one (1) person in addition to those persons residing therein. Off-street parking provision of article VI, section, 62, are applicable to incidental home occupations.
- Substations, electric or gas, provided that:
 - The structures are placed not less than fifty (5) feet from any property line;
 - The structures are enclosed by a woven wire fence at least eight (8) feet high;
 - No vehicles or equipment stored on the premises; and
 - The lot includes a planted buffer strip of at least ten (10) feet wide along the side and rear property lines.
- Public buildings, structures and grounds, except cemeteries.
- Schools, including private schools, nursery schools, and kindergartens. The off-street parking provision of article VI, section 62, are applicable to these uses.
- Signs not more than six (6) square feet in area advertising the sale or rental of the property on which they are located.

R-2 Multifamily Residential District

- Any use permitted in the R-1 district.
- Multifamily residence.
- Boardinghouses and roominghouses.
- Hospitals.

R-3 Multifamily Residential District

- Any user permitted in the R-1 district.
- Multifamily residence.

- Boardinghouses and roominghouses.
- Hospitals.
- House trailers (mobile homes) shall be permitted providing that:
 - A single house trailer shall be allowed on a single lot in the R-3 district provided said lot, whether existing or created, has the minimum square feet as herein specified for a lot in this district and provided that adequate sanitary sewage facilities are installed or connected to as recommended by the state health department.
 - House trailer or trailers shall be allowed in the R-3 district on property that has been designated and developed as a trailer park, which has been constructed according to standards recommended by the American National Standards Institute.

R-3R Manufactured Residential Housing

- Any use permitted in the R-1 district.
- Any new double-wide manufacture home shall be allowed on a single lot in the R-3R district provided such lot, whether existing or created, has the minimum square footage as here specified for a lot in this district and provided that adequate sanitary sewage facilities are installed or connected to as recommended by the state health department. prior to the connection of such manufactured homes to city utilities and all other public utilities, the following restrictions and requirement shall be complied with:
 - Proper moving permit is obtained from city hall.
 - The lot and manufacture home has been landscaped in front of such home.
 - All wheels, axles and tow bars have been removed.
 - The manufactured home has met the required manufactures or industry standards for tie downs and anchors.
 - The manufactured home is owned by the lot owner.

FP-1R Floodplain restricted

This property was purchased under the Hazard Mitigation Grant Program, authorized by Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, PL 93-288 as amended; and the state has entered into a cooperative agreement with the city to use the property as described hereafter under the terms and conditions thereunder:

- The premises shall only be used for purpose consistent with open space, recreational, or wetlands management purposes (as defined in Title 44, Code of Federal Regulations part 206.434, as it appears now or may hereafter be amended).
- No future disaster assistance for any purpose from any federal source will be sought or provided with respect to the property.
- There shall not be erected on the premises any new structures or other improvements other than rest rooms, or public facility that is open on all sided and functionally related to open space uses.
- The city agrees that it shall convey the property only to another public entity and only with prior approval from GEMA and the Regional Director of FEMA. Such conveyance shall be made expressly subject to the above-referenced conditions and restrictions which shall run with the property in perpetuity. In addition, for property that is transferred to another public entity; that public entity must obtain approval from GEMA and the Regional Director of FEMA to convey the property to another public entity.

C-1 General commercial

- Any retail business or service, including manufacturing in connection with a retail store or shop providing that such manufacturing is incidental to the retail use and all goods manufactured are sold on the premises.
- Automobile sales rooms and repair garages.
- Bus terminals and taxicab stands.
- Clubs and lodges.
- Funeral parlors.

- Gasoline service stations, provided that points of access and egress shall be located ten (10) feet or more from the intersection of street lines; shall not exceed forty (40) feet in width; and shall not be closer than twenty (20) feet apart.
- Hotels and motes.
- Offices and banks.
- Newspapers and printing plants.
- Off-street parking lots.
- Professional offices for physicians, dentists, lawyers, engineers, and the like.
- Public uses and structures.
- Public utility structures.
- Radio stations.
- Restaurants, bars, grills, and similar eating and/or drinking establishments, excluding drive-in establishments.
- Signs: Outdoor advertising, and professional, or announcement.
- Theaters, indoor.
- Existing buildings in the C-1 area may be converted in whole or in part for residential use either for single-family occupancy or multifamily occupancy, including apartments but excluding boardinghouses and roominghouses. Any new buildings constructed in the C-1 area may also be used for residential purposes, including single-family occupancy or multifamily occupancy but excluding boardinghouses and roominghouses. Also excluded are single-family dwellings.

C-2 Highway commercial

- Retail shops customarily serving tourist or highway trade.
- Agricultural equipment sales and service.
- Automobile parts sales stores.
- Automobile sales rooms and used car lots.
- Boat sales, or rental, new or used.
- Bus terminals.
- Business and outdoor advertising signs.
- Car wash.
- Funeral parlor.
- Cold storage and frozen food lockers.
- Commercial greenhouses and nurseries.
- Drive-in grocery.
- Drive-in theaters.
- Drugstores.
- Gasoline service stations, provided the points of access and egress shall be located ten (10) or more feet from the intersection of street lines; shall not exceed thirty (30) feet in width; and shall not be closer than forty (40) feet apart.
- Laundry and dry cleaning establishments.
- Miniature golf course.
- Monument sales establishment.
- Mobile home and travel trailer sales.
- Motels.
- Off-street parking lots.
- Private clubs, lodges, and meeting halls.
- Public and semipublic recreation facilities, including bowling alleys.
- Public uses and structures.
- Repair garages.
- Restaurants, grills, and similar eating establishments, including drive-ins.
- Trailer parks.
- Signs: Outdoor advertising, and professional or announcement.
- Veterinarian office, animal hospital and kennel.

C-3 Neighborhood commercial

- Antique shop
- Automobile parking lot
- Baby shop
- Bakery goods store
- Bank and savings and loan office
- Barbershop
- Beauty shop
- Book or stationary store
- Camera shop
- Curio or gift shop
- Drugstore or fountain
- Dairy products or ice cream store
- Delicatessen
- Dress shop
- Florist shop, greenhouse, nursery
- Furniture store
- Grocery store
- Hardware store
- Jewelry or notion store
- Lodge hall
- Meat market
- Medical facility
- Messenger or telegraph service
- Newspaper or magazine sales
- Office business
- Optometrists sales and service
- Photographer studio
- Pharmacy
- Radio and television sales and service
- Restaurant
- Self-service laundry or dry cleaning
- Sewing machine sales, instruction
- Sporting goods sales
- Shoe repair shop
- Tailor shop
- Toy store
- Variety store
- Accessory buildings and uses customarily incidental to the above uses.

I-1 Light industrial

- Agricultural equipment sales and repair.
- Apparel manufacturing plants.
- Banking establishments.
- Bottling and distribution plants.
- Business and outdoor advertising signs.
- Cabinet and woodworking shops.
- Electrical repair shops.
- Furniture manufacturing.

- Gasoline service stations, provided the points of access and egress shall be located ten (10) or more feet from the intersection of street lines; shall not exceed thirty (30) feet in width; and shall not be closer than forty (40) feet apart.
- Ice plants and cold storage plants.
- Laundry and dry-cleaning establishments.
- Machine shops and light metal fabrication plants.
- Public utility structures.
- Restaurants, cafes, and similar establishments.
- Truck terminals and warehouses.
- Wholesale and store businesses including building material yards.
- Other light industries, provided that any industry that may cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazards, or other objectionable conditions, shall be required to show that the proposed location, construction, and operation will not injure present or prospective industrial development in the district.

I-2 Heavy industrial

- Any use permitted in the I-1 district.
- Bulk storage of petroleum.
- Concrete batch plants.
- Junkyards, auto salvage, and scrap yards.
- Metal fabricating plants.
- Millwork and flooring processing.
- Business and outdoor advertising signs.
- Railroad terminals and warehouses.
- Radio transmission towers.
- Stockyards for livestock and swine, slaughterhouses, and the processing of poultry and livestock.
- Textile manufacturing and processing.
- Other heavy industries, provided that any industry that may cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard, or other objectionable condition, shall be required to show that such conditions will not adversely affect the surrounding districts.

FORMS REQUIRED

This package contains six different forms. All of these forms are not required for every request. Please read the following sections to determine if you are required to complete each form for your particular request.

APPLICATION TO AMEND THE ZONING MAP OF MONTEZUMA, GEORGIA

All requests involving a change in zoning must be made using this form. This includes temporary requests for which a Certificate of Non-conforming Use will be issued. If the request being made is not to extend an adjacent zoning district, a Certificate of Non-conforming Use may be recommended by Planning and Zoning.

Be sure to answer all questions completely. A detailed explanation is required especially when the request is not to extend an adjoining zoning district. You must explain why the property should be subject to different restrictions than those applying to adjoining properties. This explanation is vital.

The form includes a list of documents that must be submitted with the form. If any of the required documents are missing, your application will not be considered.

AUTHORIZATION OF PROPERTY OWNER

This form is required if the person or organization making the request is not the owner of record for the property.

AUTHORIZATION OF ATTORNEY

This form is required if an attorney is handling the request for the property owner.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

This form is required by State law for all applications. If you or your organization did not make contributions to any elected official in the City of Montezuma, you must denote that no contributions were made.

DISCLOSURE OF FINANCIAL INTEREST

This form must be completed if an elected official of the City of Montezuma has any financial interest in the property for which the request is being made.

APPLICATION FOR VARIANCE

This form is used only for requesting variances to specific sections of the City Code other than the allowed uses of the property. Generally, this would be only for variances in lot size, setbacks, etc. that the Building Inspector does not have the authority to approve. The Building Inspector does have the authority to approve most variances in lot size and setbacks.

APPLICATION TO AMEND THE ZONING MAP OF MONTEZUMA, GEORGIA

Name of Applicant _____ Phone _____

Mailing Address _____

Name of Property Owner _____ Phone _____
(Use back if more than one owner.)

Address of Property _____

Zoning Classification: Present _____ Requested _____

Present Use of Property _____

Proposed Use of Property _____

Will the proposed use be temporary? _____ Yes _____ No If yes, then through what date? _____

____ If the requested change is to extend an existing adjacent zoning district to include this property, explain below why the proposed change should be made.

____ If the requested change is not to extend an adjacent zoning district, explain below why this property should be placed in a different zoning district than all adjoining property. (How does it differ from adjoining property, and why should it be subject to different restrictions than those applying to adjoining property?)

____ If the requested change is not to extend an adjacent zoning district, explain below any special circumstances that would justify allowing a nonconforming use of the property in the event that it is determined that no change to the zoning map is warranted.

Attach the following documents:

1. Written legal description of the property (e.g., copy of deed) – full metes and bounds description rather than plat reference.
2. Names and mailing addresses of owners of all property within 250 feet of this property (from records of county Tax Assessor).
3. Plat showing property lines with lengths and bearings, adjoining streets, locations of existing buildings, north arrow, and scale. Submit one copy if the plat is 11" x 17" or smaller. For larger plats, submit ten (10) copies.
4. Disclosure of Campaign Contributions and Gifts form (required if applicant has within the last two years has made campaign contributions aggregating \$250 or more to a city official who will consider the application).
5. Disclosure of Financial Interests form (required if a city official who will consider the application or a family member of a city official who will consider the application has any property or financial interest in the property).
6. If property owner and applicant are not the same, Authorization by Property Owner form or Authorization of Attorney form.
7. Filing fee of \$60, payable to the City of Montezuma.

PLANNING AND ZONING COMMISSION MEETS EIGHT DAYS PRIOR TO EACH CITY COUNCIL MEETING AT 5:30 P.M. IN THE COUNCIL CHAMBER AT CITY HALL. THIS APPLICATION MUST BE FILED AT LEAST FIVE DAYS BEFORE THE PLANNING AND ZONING COMMISSION MEETS TO BE CONSIDERED AT THE NEXT MEETING.

I hereby authorize the staff of the City of Montezuma to inspect the premises of the above described property. I hereby depose and say that all statements herein and attached statements submitted are true and correct to the best of my knowledge and belief.

Sworn to and subscribed before me this

_____ day of _____, _____.

Notary Public

Signature of Applicant

AUTHORIZATION OF PROPERTY OWNER
Application for Rezoning or Variance

I swear that I am the owner of the property which is the subject matter of the attached application, as is shown in the records of Macon County, Georgia.

I authorize the person named below to act as applicant in the pursuit of a variance or for the rezoning of this property.

Name of Applicant: _____

Address: _____

Telephone Number: _____

Signature of Owner

Personally appeared before me

who swears that the information contained in
this authorization is true and correct to the
best of his or her knowledge and belief.

Notary Public

Date

AUTHORIZATION OF ATTORNEY
Application for Rezoning or Variance

I swear that as an attorney at law, I have been authorized by the owner to file the attached application.

Signature of Attorney

Name

Address

City, State, and ZIP Code

Telephone Number

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS
(Required by Title 36, Chapter 67A, Official Code of Georgia Annotated)

Reference: Application filed on _____, _____, to rezone or grant variance for real property described as follows:

Within the two years preceding the above filing date, the applicant has made campaign contributions aggregating \$250.00 or more to each member of the City Council of the City of Montezuma who will consider the application and is listed below. List (1) the name and official position of the local government official and (2) the dollar amount, description, and date of each such campaign contribution.

I hereby depose and say that all statements herein are true, correct, and complete to the best of my knowledge and belief.

Sworn to and subscribed before me this

_____ day of _____, _____.

Notary Public

Signature of Applicant

DISCLOSURE OF FINANCIAL INTEREST
(Required by Title 36, Chapter 67A, Official Code of Georgia Annotated)

Reference: Application filed on _____, _____, to rezone or grant variance for real property described as follows:

The undersigned official of the City of Montezuma has a property interest (Note 1) in said property as follows:

The undersigned official of the City of Montezuma has a financial interest (Note 2) in a business entity (Note 3) which has property interest in said property, which financial interest is as follows:

The undersigned official of the City of Montezuma has a member of the family (Note 4) having a property interest in said property or a financial interest in a business entity which has a property interest in said property, which family member and property interest or financial interest are as follows:

Note 1: Property interest – Direct ownership of real property, including any percentage of ownership less than total ownership.

Note 2: Financial interest – All direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent or more.

Note 3: Business entity – Corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.

Note 4: Member of the family – Spouse, mother, father, brother, sister, son or daughter.

I hereby depose and say that all statements herein are true, correct, and complete to the best of my knowledge and belief.

Sworn to and subscribed before me this

_____ day of _____, _____.

Notary Public

Signature of Official

**APPLICATION FOR VARIANCE
CITY OF MONTEZUMA, GEORGIA**

Name of Applicant _____ Phone _____

Mailing Address _____

Name of Property Owner _____ Phone _____
(Use back if more than one owner.)

Address of Property _____

Zoning Classification: _____ Intended Use: _____

The undersigned hereby requests the following variance from the provision of section(s) _____
of the Code of the City of Montezuma as described: _____

In order for the Planning and Zoning Commission to consider a request, it must be claimed that "application of the Ordinance to a particular piece of property would create an unnecessary hardship," which by definition exists only when all of the following criteria are satisfied. It is hereby claimed that these criteria are specifically satisfied as follows:

(ANSWER ON THE BACK OF THIS PAGE OR ATTACH ADDITIONAL PAGES.)

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
2. Such conditions are peculiar to the particular piece of property involved; that is, these conditions are not common to other property in the same zoning district, and application of the Ordinance would deprive the applicant of rights commonly enjoyed by others in the same zoning district. (The existence of non-conforming uses near the property is not grounds for the issuance of a variance.)
3. Such conditions were not imposed by the action or will of the owner of the property.
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance. For example, granting the variance requested would not confer on the applicant any special privilege that is denied by this ordinance to other property in the same zoning district.

Attach the following documents:

1. Written legal description of the property (e.g., copy of deed) – full metes and bounds description rather than plat reference.
2. Names and mailing addresses of owners of all property within 250 feet of this property (from records of county Tax Assessor).
3. Plat showing property lines with lengths and bearings, adjoining streets, locations of existing buildings, north arrow, and scale. Submit one copy if the plat is 11" x 17" or smaller. For larger plats, submit ten (10) copies.
4. Plans or drawings to illustrate the requested variance.
5. Disclosure of Campaign Contributions and Gifts form (required if applicant has within the last two years has made campaign contributions aggregating \$250 or more to a city official who will consider the application).
6. Disclosure of Financial Interests form (required if a city official who will consider the application or a family member of a city official who will consider the application has any property or financial interest in the property).
7. If property owner and applicant are not the same, Authorization by Property Owner form or Authorization of Attorney form.
8. Filing fee of \$60, payable to the City of Montezuma.

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I hereby authorize the staff of the City of Montezuma to inspect the premises of the above described property. I hereby depose and say that all statements herein and attached statements submitted are true and correct to the best of my knowledge and belief.

Sworn to and subscribed before me this

_____ day of _____, _____.

Notary Public

Signature of Applicant