



Information Packet for Rezoning

City of Bremen
232 Tallapoosa Street

Department of Community Development
Bremen, GA 30110 (770) 537-2331

Q: Where do I begin?

A: Get the City of Bremen Zoning Ordinance available at City Hall or online at www.bremenga.gov/building. Review the Zoning Ordinance to make sure the property's intended purpose meets City ordinance requirements.

If you feel sure that ordinance requirements will be met:

Step 1 If you do not already have a plat showing ownership of the property to be rezoned AND:

(a) you live in the Carroll County district of Bremen:
a plat may be obtained from 8:00 AM to 5:00 PM, Monday - Friday at the

Carroll County Map Room
423 College St. / Room 410.
Carrollton, GA 30117
(770) 830-5820

Current charge for copy of plat: .50 cents per page

~~Carroll County offers a free aerial map for the purpose of rezoning, that may be useful.~~

(b) you live in the Haralson County district of Bremen: a plat may be obtained from 8:00 AM to 5:00 PM, Monday - Friday at the

Haralson County Superior Court Clerk's Office
4485 Georgia Highway 120
Buchanan, GA 30113
(770) 646-2005

Current charge for copy of plat: .50 cents per page

Aerial maps, that may be useful, may be obtained from the Board of Assessors Office for a fee.

HOWEVER, if a plat can not be found on record, the petitioner (you) must have the property surveyed and the resulting plat recorded with the county, before you may proceed.

Step 2 Fill out the Rezoning Application available at the City Hall. You will need:

- street address & a plat of the property
- present zoning category & requested zoning category
- the legal description of the property

Rezoning Request/Application - 1 Acre -\$350.00

2 -5 Acres \$350 plus \$50 each additional Acre

6(+) Acres \$550 plus \$25.00 each additional acre

Step 3 The completed application and payment are due by 5:30 pm the day of the Planning and Zoning Commission Meeting, held the last Monday of every month. If a subdivision is being planned for the rezoned area, the petitioners will also have to submit any materials at this time communicating their intent. The application and any additional information will be introduced to the City's 5-member Planning and Zoning Commission for a first reading. The Commission will set a date and time for a second public hearing on the issue.

Step 4 A Public Hearing Notice of the Intent to Rezone will be placed in the local newspaper, a sign posted on the property, and a notice will be mailed to all adjacent property owners. All residents will be invited to attend the hearing, overseen by the Commission, to voice their opinions on the plan.

Step 5 At the second public hearing, the Commission will make sure the proposal meets with City ordinance standards, and assess its impact on the community. Any additional information the petitioner would like to present should be brought to the second hearing. Although the petitioner (you) is not required to attend, attendance is recommended to answer any questions that may arise.

Step 6 The Zoning Board can not vote on the proposal, but does make its formal recommendation to the Mayor and City Council at the next available council meeting. The meetings are held every 2nd Monday of each month at the Senior Citizens Center at 7:00 pm.

Step 7 The petitioner (you) is not required to attend, attendance is recommended to answer any questions that may arise, or possibly defend any objections raised by the public at hand. After the hearing, the Council will again review all the factors, and decide whether to grant the application for rezoning. Their decision will be announced at the conclusion of the hearing.



**Mayor & City Council Public Hearing
Procedures For Zoning Applications**

City of Bremen
232 Tallapoosa Street

Department of Community Development
Bremen, GA 30110 (770) 537-2331

Public Hearing

The public hearing shall be conducted in the following manner:

- The public hearing shall be convened at the scheduled time and place by the Chairman, Vice-Chairman, or the Chairman's designee, who shall act as the Presiding Official.
- The Presiding Official shall submit each proposed zoning change for consideration.
- No person in attendance shall speak unless formally recognized by the Presiding Official. Upon rising to speak each person shall state their name and home address. The Presiding Official may place reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation. In accordance with Georgia law, no less than 10 minutes shall be provided for all those speaking against, unless such proponents or opponents take less time than the minimum allowed. If reasonable time limitations permit, any member of the general public may speak at a hearing. However, the applicant and nearby property owners shall be afforded the first opportunity to speak.
- The applicant shall be allowed to speak first in order to present the application. Others may then speak, indicating first their support for or opposition to the application. The applicant will then be allowed time for rebuttal. Rebuttal must be limited to points or issues raised by opponents to the application at the hearing.
- During the public hearing, the Commission members Council may ask questions at any time. Time devoted to questions and answers will not be counted against any time limitations that have been imposed on presentations.

At the meeting, following consideration of the application, action shall be taken under the following rules:

- A motion to approve or deny an application must be approved by an affirmative vote of at least a quorum of the members in order for the motion to be approved.
- If a motion to approve an application fails, the application is denied. If a motion to deny an application fails, then another motion would be in order.
- A tie vote on a motion for approval of an application shall be deemed a denial of the application. A tie vote on any other motion shall be deemed to be no action and another motion would be in order.

In taking action on an application, the Commission may:

- Approve, approve with conditions, or deny the proposal; or,

- Allow withdrawal if so requested by the applicant (with or without imposing a 12 month period during which another zoning change on the property may not be considered); or,
- Table the proposal for consideration at a subsequent meeting; or,
- Public Notice

Notification to the General Public

- At least 15 days but not more than 45 days prior to the public hearing, notice shall be published in a newspaper of general circulation within the jurisdiction. The City shall prepare such notice, which shall state the time, place and purpose of the hearing.
- A zoning change initiated by a party other than the local governing body shall be heard at a public hearing only upon:
- The published notice, in addition to the requirements above, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property or the conditional use requested; and
- At least 15 days prior to the public hearing, a sign or signs shall be posted stating the date, time and place for the public hearing, the present zoning classification and the nature of the proposed zoning change. Such sign shall be placed in a conspicuous location along the street frontage of the property for which the zoning change has been requested. If the property has no street frontage, the sign shall be placed on the street from which access will be gained to the property.

Notice to Surrounding Property Owners

- If the zoning change was initiated by a party other than the governing body, or if it affects only one property owner, notice shall be given to surrounding owners as follows:
- Prior to the public hearing at which a zoning change will be considered, a notice to be mailed to all persons owning property located adjacent to or across the street from the property that is the subject matter of the zoning change.
- The notice shall state the time, place and purpose of the hearing and the date of the meeting. The written notice shall be mailed to the property owners as such names and addresses appear on the Carroll or Haralson County ad valorem tax records.

Zoning Map Amendments (Rezoning)

The Planning Commission and the Mayor and City Council may consider, in addition to others, the following standards in considering any zoning proposal that would result in a change in the boundary of a zoning district, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

1. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?
2. Will the proposed use not adversely affect the existing use or usability of adjacent or nearby property?
3. Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?
4. Are there substantial reasons why the property cannot or should not be used as currently zoned?
5. Will the proposed use not cause an excessive or burdensome use of public utilities or services, including but limited to streets, schools, water or sewer facilities, and public safety services?
6. Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?
7. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

Rezoning of Areas to be Annexed

- An area proposed for annexation into the City shall first be considered for rezoning prior to its annexation. Consideration of the rezoning shall be subject to the same procedures, standards, and requirements for any zoning change as contained in this section, except as modified below:
- Upon or following the date of notice to the County of the proposed annexation as required under O.C.G.A. 36-36-6, the governing body shall initiate the rezoning of the property to be annexed or considered an application for a zoning change submitted by or on behalf of the owner of such property under the provisions of this Ordinance.
- The public hearing on the zoning change shall be conducted under the provisions of this section prior to the annexation of the land into the city. Notice of such hearing shall be provided under the provisions of this section for zoning changes, provided further that the notice shall be published in a newspaper of general circulation in the county.
- Following its public hearing on a zoning change for a property proposed to be annexed, the governing body may take action on the zoning change or it may table such action pending action on the proposed annexation. In any event, the zoning change shall become effective either 1) on the date the zoning is approved by the governing body, or 2) on the date that the annexation becomes effective under O.C.G.A. 36-36-2, whichever occurs last.



Application for Rezoning

City of Bremen
232 Tallapoosa Street

Department of Community Development
Bremen, GA 30110 (770) 537-2331

The undersigned hereby requests that the Bremen City Council rezone the following described property from:

_____ to _____
Present Zoning Requested Zoning

In order that _____

_____ (Proposed Use)

Current use of the property _____

The property requested for rezoning is described as follows on the City Tax Maps: (for this information contact Amy Boyce, Tax Clerk).

Section of City	Street and Number	Lot(s)	Taxes Paid

The above described property is owned by the following:

Name: _____ Address: _____
Name: _____ Address: _____
Name: _____ Address: _____
Name: _____ Address: _____

Petitioner's Name Signature

Address

Date

Phone Number



Disclosure Report by Applicant*

City of Bremen
232 Tallapoosa Street

Department of Community Development
Bremen, GA 30110 (770) 537-2331

This report must be filed within ten (10) days after filing rezoning application.

Has the applicant made, within two years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the Bremen City Council or the Mayor who will consider the application?

If so, the applicant and the attorney representing the applicant must file a disclosure report with the City within 10 days after this application is first filed.

Provision of the following information will be considered as the required disclosure:

The name of the Councilmember or Mayor to whom the campaign contribution or gift was made;

The dollar amount of each campaign contribution made by the applicant to the Councilmember or Mayor during the two years immediately preceding the filing of this application, and the date of each such contribution:

An enumeration and description of each gift having a value of \$250 or more made by the applicant to the Councilmember or Mayor during the two years immediately preceding the filing of this application:

I certify that the foregoing information is true and correct, this ____ day of _____, 20__

Applicant: _____

Applicant's Attorney, if applicable: _____

**Applicant is defined as any individual or business entity (corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust) applying for rezoning action, and/or any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.*

Does the Mayor, any member of the City Council, or any member of the Planning Commission have a property interest (direct or indirect ownership including any percentage of ownership less than total) in the subject property?

If so, describe the nature and extent of such interest:

Does the Mayor, any member of the City Council, or any member of the Planning Commission have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is 10% or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?

If so, describe the relationship and the nature and extent of such interest:

Does the Mayor, any member of the City Council, or any member of the Planning Commission have a spouse, parent, sibling, or child who has any interest as described above?

If so, describe the relationship and the nature and extent of such interest:

If the answer to any of the above is "Yes", then the Mayor, Councilmember, or Planning Commission member must immediately disclose the nature and extent of such interest, in writing, to the City Council of the City of Bremen, Georgia. A copy should be filed with the rezoning application. Such disclosures shall be a public record and available for public inspection at any time during normal business hours.

Official Use Only

Date Filed: _____ Paid: _____

Preliminary Subdivision: _____

Plat: _____ Legal Description: _____

1st Reading: _____ 2nd Reading: _____

Mayor & Council Hearing: _____

Notes & Comments: _____

99.12.20 Building Permit Required. No building or structure shall be erected, moved, added to, demolished, or structurally altered without a building permit being authorized and issued by the City of Bremen and signed by the Zoning Enforcement Officer or City Manager, unless the aggregate total cost of labor and material involved in such work is less than one thousand (\$1,000.00) dollars, as estimated by the Zoning Enforcement Officer using current average cost estimates. No building permit shall be issued except in conformity with the provisions of this Ordinance.

99.12.30 Application for Building Permit for New Construction. All applications for building permits for new construction shall be made to the Zoning Enforcement Officer and shall be accompanied by plans in duplicate, drawn to scale, and showing the actual dimensions of the lot to be built upon, the size and location on the lot of any existing buildings or structures, the shape, size, height, use, and the location on the lot of the building or structure proposed to be erected or altered, setback lines, buffer zone, and such other information as may be necessary to provide for the enforcement of this Ordinance. The plans shall include the following items:

1. Project name;
2. Project owner and address;
3. Date, scale, north arrow;
4. Vicinity map;
5. Owner and zoning classification of adjacent properties;
6. Property lines and dimensions;
7. Total project acreage;
8. Proposed use of property to be developed;
9. Required yard setbacks appropriately dimensioned;
10. Location of buildings and the square footage in each;
11. Existing and future right-of-way of adjacent street, including names of streets and width of pavement;
12. Topography at 5' contour intervals for properties greater than one acre, topography at 2' contour intervals for properties less than one acre;
13. Location of driveway ingress and egress including dimensions for curb radius, driveway width, and distance to nearest street intersection;
14. All existing and proposed off-street parking space, and if applicable to the proposed use, all loading stations, bays and walkways, including the type of servicing, angle of stalls, dimension of stalls, width of access aisle and schedule listing total number of parking stalls by type;
15. Location of buffers/screening, identifying the plant material by name, spacing of plant material and total number of plants by species;
16. Dumpster location;
17. Location of 100 year flood plain with elevations;
18. Means and location of tie in lines for sewerage disposal or, if applicable, proposed location of septic tank and field lines;
19. Approximate location and distance to nearest fire hydrant;
18. Any other data requested in writing by the zoning enforcement officer necessary to an understanding and evaluation of the project.

If the plans conform to the provisions of this Ordinance, the City building codes and other Ordinances of the City, the permit shall be issued upon payment of the required fee, allowing for a reasonable review period by necessary city staff of not more than thirty (30) days. If compliance does not result, the building permit shall be refused by the City stating such refusal in writing with the reason(s) for the rejection of the application.

Development standards and ordinance requirements in effect on the date of approval of development plans for a specific project shall remain in effect for a period of twenty-four months. Any work performed within the approved development under a building permit issued after the twenty four month period has expired shall be accomplished in accordance with the then current standards and ordinance requirements.

99.12.40 Fees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal. The Mayor and City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the City Clerk and may be altered and amended only by the Mayor and City Council.

99.12.50 Construction Progress. If no substantial construction progress has been made within six months of the date of issuance of the building permit, the permit becomes invalid and a new building permit application will have to be submitted and approved. In the event the proposed plans and uses for the project remain the same, the plans and specifications previously submitted in compliance with Section 99.12.30 may be resubmitted together with payment of a new building permit fee and relied upon by the City in making its decision on the new application .

99.12.60 Certificate of Occupancy. A certificate of occupancy authorized and issued by the Zoning Enforcement Officer shall be required in advance of:

1. The initial use or occupancy of a lot.
2. Any change in the use or occupancy of a lot.
3. The initial use and occupancy of a building erected after enactment of this Ordinance.
4. Any change in the use of a building existing at the time of enactment of this Ordinance.
5. The change in use, extension, alteration, or reconstruction of any nonconforming use existing at the time of the enactment of this Ordinance or an amendment thereto. The certificate of occupancy shall state specifically wherein the nonconforming use fails to meet the provisions of this Ordinance.

Except in the case of nonconforming uses existing at the time of the enactment of this Ordinance or an amendment thereto, no certificate of occupancy shall be issued unless the lot, building, or structure complies with the provisions of this Ordinance. A record of all certificates of occupancy shall be kept on file in the office of the Zoning Enforcement Officer and a copy shall be furnished on request, to any person having a proprietary or tenancy interest in the lot, building, or structure involved.

99.12.70 Penalties for Violation. Any person violating any provision of this Ordinance shall be guilty of a misdemeanor, and, upon conviction shall be punished for each offense according to the Charter, Codes, and Ordinances of the City. In the event of a violation of this Ordinance, the Zoning Enforcement Officer shall issue a Citation of Violation to the Owner of the Lot or Property deemed to be in violation. Each day that said violation continues after the date of the service of the Citation of Violation may be determined by the Judge of the Municipal Court to constitute a separate prosecutable offense.

99.12.80 Remedies. If any building or structure is erected, constructed, moved, added to, demolished, structurally altered, maintained, or used in violation of this Ordinance, any appropriate authority, or any property owner whose property would be damaged by such violation may file a written complaint with the Zoning Enforcement Officer stating fully the causes and basis for the complaint. The Zoning Enforcement Officer shall properly record such complaint, shall immediately investigate, and shall take an appropriate course of action thereon as provided by this Ordinance. Nothing herein shall, however, prevent any person from exercising their individual right of access to the courts to institute an

action for injunction, mandamus, or other appropriate relief in a proceeding to stop or enjoin the alleged violation of this Ordinance.

ARTICLE XIII

BOARD OF DEVELOPMENT APPEALS

99.13.10 Establishment of Board of Development Appeals. There is hereby created a Board whose title shall be "The Bremen Board of Development Appeals" (hereinafter "Board").

1. The Board shall be a part of the planning functions of the City of Bremen and shall hear and decide appeals to the following Ordinances and/or Codes:
 - a. Zoning Ordinance
 - b. Sign Ordinance
 - c. Subdivision Ordinance
 - d. Soil and Sedimentation Control Ordinance
 - e. Flood Damage Prevention Ordinance
 - f. Standard Unsafe Building Abatement Code
 - g. Standard Building Code (and its associated Codes)
 - h. Landscaping and Buffers Ordinance
 - i. Planned Unit Development Ordinance
2. The Board shall consist of three (3) members, appointed by the Mayor and City Council and shall serve at the pleasure of the Council. All members shall be residents of the City of Bremen, Georgia, and shall be persons who have demonstrated special interest, experience or education in development activities.
3. Members shall serve three-year terms. Members may not serve more than two (2) consecutive terms.
4. No member of the Board shall hold any elective public office within the City. Members shall not receive compensation other than for actual expenses.
5. The Board shall elect one of its members as Chairman and a second member as Vice-Chairman. The Chairman and Vice-Chairman shall serve for a one (1) year term or until re-elected or their successors are elected. The Board's Secretary shall be an employee of the City.

99.13.20 Procedures of the Board of Development Appeals. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Vice-Chairman, may administer oaths and compel the attendance of witnesses by subpoena.

1. The Board shall fix a reasonable time for a hearing of an appeal or other matters referred to it, and give at least fifteen (15) days notice of the time, place, and issue to be decided, published in a newspaper of general circulation in the City. Adjacent property owners shall be given notice by first-class mail at their last known address as shown on the records of the Carroll or Haralson County Tax Commissioner and said notice shall be deemed sufficient when deposited in the U.S. Post Office with sufficient postage thereon to insure delivery.

2. Appeals presented to the Board shall be decided within sixty (60) days of the filing of the appeal by a majority vote of the Board. At all meetings of the Board, a quorum of two members shall be present. The Presiding Officer shall be entitled to a vote on all issues presented on Appeal.
3. In the event the Board is unable to obtain a quorum during the sixty day time period, the time for decision of the matter shall be automatically extended by thirty (30) days and the matter shall be presented to the next meeting of the Planning Commission, which shall then act in the place of the Board of Development Appeals to hear and decide the issues presented on Appeal within the additional thirty day time period extension.
4. Transcripts, if desired, shall be the responsibility of the party adversely affected by the decision being appealed.
5. Any party with business before the Board may appear in person or by agent or by attorney.
6. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the Office of the City Clerk and shall be public record.

99.13.30 Powers of the Board of Development Appeals. The Board of Development Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the City in the enforcement of these ordinances or codes.
2. To hear and decide special exceptions to the terms of these ordinances or codes upon which the Board is required to pass.
3. To authorize upon appeal in specific cases a variance from the terms of this zoning regulation that will not be contrary to the public interest where, owing to special conditions in the respective individual case, it is shown that a literal enforcement of the provisions of this ordinance will result in an unnecessary hardship. This variance of the literal enforcement of the rules will be granted only when it appears that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
4. Such variance may be granted in such individual case of unnecessary hardship upon finding by the Board of Development Appeals that relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the regulation, and the presence of at least one of the additional conditions set out as follows:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
 - b. The application of the subdivision regulation to this particular piece of property would create an unnecessary hardship;

- c. Such conditions are peculiar to the particular piece of property involved;
 - d. Such conditions are not a result of any action of the property owner;
5. In exercising the above powers the Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as the Board deems proper, and to that end shall have the powers of the officer from whom the appeal is taken.

99.13.40 Appeals to the Board of Development Appeals. Appeals to the Board may be made by any person dissatisfied by a decision or interpretation made by the City Official charged with the enforcement of the Ordinances listed in §99.12.10. Such appeal shall be made within thirty (30) days from the date the appellant is notified of an adverse decision of the City by filing with the City Clerk a Notice of Appeal specifying the grounds thereof. The City Clerk shall forthwith transmit to the Secretary of the Board all the papers constituting the record upon which the action appealed from was taken.

99.13.50 Appeal Shall Stay Other Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the City certifies to the Board after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, a stay would, in the City's opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Superior Court of Haralson County.

99.13.60 Appeals from Decision of Board of Development Appeals. Any person aggrieved by any decisions of the Board, may take appeal to the Superior Court of Haralson County, Georgia. Said appeal to the Superior Court shall be the same as an appeal to the Superior Court from any decision made by the Probate Court, except, however, that said appeal shall be filed within thirty (30) days from the date of the decision of the Board, and upon failure to file said appeal within the thirty (30) days the said decision of the Board shall be final.

99.13.70 Expiration of a Variance - Building Permits. If building permits have not been issued within one year of the date of the granting of a variance, the variance becomes invalid. For the variance to retain its valid status a building permit must be issued and work must be in progress within one year of the date of the granting of a variance. Once invalid, the variance may be reconsidered only upon resubmitting a new application to the Board of Development Appeals.

ARTICLE XIV

AMENDMENTS

99.14.10 Amendments Permitted. This Zoning Ordinance, including the Zoning Map may be amended from time to time by the Mayor and City Council of Bremen, Georgia.

99.14.20 Amendment Procedure. The procedure for amending this Zoning Ordinance shall be as outlined below:

1. Any person or persons desiring to submit an application requesting a change in zoning shall file with the City Clerk, the following:

- a) An application for amendment of the zoning ordinance;
 - b) With a plat of the affected property prepared in accordance with the provisions of §99-12-30 herein, attached thereto;
 - c) Payment of the amount determined by the Mayor and City Council from time to time as an appropriate fee for same to cover administrative costs, with the City Clerk;
 - d) A written, documented analysis of the impact of the proposed zoning with respect to each of the matters enumerated in O.C.G.A. §36-67-3 (and as enumerated below in §99.16.20(8)) as well as any other supporting materials required by the City;
 - e) Along with, or within ten days thereafter, the applicant shall file a disclosure of campaign contributions, if any, made within two years immediately preceding the filing of the Application to any local government official who will consider the application, in accordance with the provisions of O.C.G.A. §36-67A-3.
2. Application fees shall be established by the Mayor and Council and must accompany all application requests. The application fee is waived for applications initiated by the Planning Commission or the Mayor and Council. The fee shall not be refundable after the application has been submitted regardless of any future action under this ordinance.
3. The application must be submitted at least seven (7) days prior to the next regularly scheduled meeting of the Planning Commission. Upon receipt of the completed application the Zoning Enforcement Officer shall prepare a summary of the application to be delivered to the Mayor, each member of the City Council, and each member of the Planning Commission. Each of said individuals shall review the summary and make a personal determination as to whether he or she has any of the following potential conflicts in the zoning decision making process with respect to the property or the applicant in question. The questions each individual official must ask themselves is:
- a) Do I have a property interest in any real property affected by the proposed rezoning action;
 - b) Do I have a financial interest in any business entity which has a property interest in any real property affected by the proposed rezoning action;
 - c) Do I have a member of my immediate family that has a property or financial interest in any real property affected by the proposed rezoning action.

In the event an individual official answers "yes" to any of the above listed questions, said official shall immediately disclose the nature and extent of such interest to the Secretary of the Commission for the Planning Commission, or to the City Clerk for the Mayor and Council. The Secretary of the Commission, or the City Clerk, as the case may be shall record said disclosure in the records of the Commission or Council, as applicable for inclusion in the minutes of the hearing at which the issue is presented. An official that has an interest as defined in sections a) and b) above shall disqualify himself/herself from voting on the rezoning action. Henceforth, the disqualified official shall not take any action to influence the decision on the application for rezoning. In the event disqualifications of one or more of the members of the commission or the council result in the inability to obtain a quorum for the purpose of making a final decision on the rezoning matter, the governing authority shall immediately petition either the Superior Court for Carroll County or Haralson County (depending upon the location of the

property in question) for the appointment of a Special Master to hear the application and render a decision on the issue presented in accordance with O.C.G.A. §36-67A-5.

4. The Planning Commission review shall consist of two (2) hearings. The first hearing is to officially recognize the proposed amendment and place said amendment on the agenda and is known as a first reading. At the first reading of the application discussion of the application may be held by the Planning Commission, and the Planning Commission may instruct the Zoning Enforcement Officer to request additional information of the applicant for consideration at the public hearing on the application; however, no vote on the Application or the merits thereof shall be held or taken during this initial reading. The second hearing, known as a second reading, shall be a public hearing following published notice, at which hearing the Planning Commission will review and discuss the application and have the opportunity to take and receive information from the applicant and others speaking on behalf of the application and take comments from those in the general public who desire to speak in opposition to the amendment proposed by the application. The applicant is encouraged to meet with the owners of properties lying adjacent to the property in question that may be directly affected by the proposed amendment change and also with others expressing an opposition to the proposed amendment in an effort to clarify its application, to resolve misunderstandings and differences prior to the public hearing; however, such a meeting is not mandatory.
5. All amendments shall be proposed by, or shall first be submitted to, the Planning Commission for review and recommendation prior to consideration and denial or adoption by the Mayor and City Council. The Planning Commission shall have sixty days (which may be increased to ninety days upon a request by the applicant that the issue be tabled until the next scheduled hearing date) within which to complete its review, hold a public hearing, and submit its report and recommendations to the Mayor and City Council. During the sixty day review period, the Planning Commission shall hold a public hearing on the proposed amendment. Notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the City, a minimum of fifteen (15) days prior to the hearing date. If the Planning Commission fails to submit a report to the Mayor and City Council within the allotted time period, it shall be deemed that the Planning Commission has recommended an approval of the proposed amendment.
6. An application for amendment of the zoning ordinance may be withdrawn by the applicant, without penalty, so long as a written request to withdraw the application is received by the Zoning Enforcement Officer, or the Planning Commission, prior to the start of the Planning Commission's public hearing on the application. During the initial public hearing before the Planning Commission, the applicant may request that the issue presented in the application be tabled until the next regularly scheduled meeting of the Planning Commission for the obtaining and submission of additional information to the commission for its consideration prior to the Commission making its decision to recommend approval or denial of the application. Subsequent to the completion of the hearing on the application by the Planning Commission, the application may be withdrawn by written request of the applicant delivered to the Zoning Enforcement Officer not less than 24 hours prior to the public hearing on the application by the Mayor and City Council; however, the applicant shall not be allowed to resubmit its application for consideration for an amendment to the zoning ordinance (to the same zoning classification as previous submitted) for a period of ninety (90) days after the date of the withdrawal. Any request by the applicant to withdraw its application within the twenty

four hours prior to the public hearing by the Mayor and City Council and before the zoning decision on the application is made by the Council shall be solely in the discretion of the Mayor and Council.

7. Within its allotted review period, the Planning Commission shall submit a recommendation to the Mayor and City Council that recommends an approval or a denial of the application for amendment change to the Zoning Ordinance. Before the Mayor and City Council render its decision to accept or reject an application for amendment to the Zoning Ordinance, it shall hold a public hearing on the issue presented by the application. A notice of the time and place of the hearing shall be published a minimum of fifteen (15) days prior to the hearing in a newspaper of general circulation in the City. At the public hearing the Mayor and City Council shall receive and consider the recommendation of the Planning Commission, but the Council is in no way bound to follow the recommendations of the Planning Commission. The Mayor and City Council shall take a vote on the application to amend the zoning ordinance upon the completion of the public hearing, to either: 1) approve the application; 2) deny the application, or 3) accept the application subject to stipulations agreed to by the applicant. The Mayor and City Council may vote to table the zoning decision until its next available regularly scheduled monthly hearing date, but only with the consent of the applicant. The applicant may demand a vote on a decision either for or against the application at the hearing.
8. Posting Notice of Rezoning Petition:
 - a. At least fifteen (15) days prior to the second reading before the Planning Commission, signs shall be posted on the property notifying interested persons that a rezoning petition has been filed. Failure to post or maintain the Notice shall not, however, invalidate the actions taken.
 - b. Zoning decisions initiated by the Planning Commission or the Mayor and City Council shall require a public hearing on the proposed action; notice of said hearing to be published in the Legal Organ of either Haralson County or Carroll County (depending upon the situs of the property in question) at minimum of 15 days but not more than 45 days prior to the date of the hearing. The notice shall state the time, place, and purpose of the hearing.
 - c. In addition, notice that an application for amendment to rezone a tract of property shall be given by first-class mail to all readily identifiable property owners holding recorded title to adjacent properties at the addresses for said adjacent property owners as shown on the tax records of the respective county wherein the property is situated. Said notice shall be deemed sufficient when deposited in the U.S. Post Office.
 - d. Signs posted on the property shall be located on private property but within ten (10) foot of the public right-of-way upon which said property fronts.

- e. The signs shall be placed on the property at 500-foot intervals. If the property in question has less than five hundred (500) feet of frontage, only one (1) sign is required. Where property does not front on an existing right-of-way, said sign shall be placed as close to the right of way as reasonably possible, but not more than (10) foot of the right-of-way of the nearest street or road. Where the property borders more than one public right-of-way, a sign shall be posted on all contiguous rights-of-way.
 - f. The sign shall include the following:
 - (1) Notice of rezoning hearing
 - (2) Date, time, and location of hearing
 - (3) Present zoning
 - (4) New zoning proposed by the application
 - (5) Property map
 - (6) Name of applicant
 - (7) Name and telephone number of a City official or staff member from whom additional information may be obtained.
7. The following procedures shall apply to all amendment hearings:
- a. At all hearings a quorum of the Planning Commission or Mayor and City Council members shall be present.
 - b. All hearings shall be open to the public.
 - c. At any hearing the analysis submitted by the initiating party, if any, shall be reviewed, along with the record prepared by the Planning Commission. The review of such analysis and records at such hearing or meeting shall consist, as a minimum, of a statement of the finding with respect to each matter enumerated in §99.14.20(8) below, or the written presentation of such finding to the members of the Mayor and City Council together with a limited supply of copies of such finding to be available at the hearing or meeting and available on request to interested members of the public.
 - d. The Procedures for Conducting Public Zoning Hearings as adopted by the City Council shall apply for all public hearings to include hearings before boards and commissions of the City.
 - e. All decisions shall be by a majority vote.
 - f. Transcripts, if desired, shall be the responsibility of the applicant.
8. The Planning Commission in making its review, investigations, and recommendations, and the Mayor and City Council in rendering its zoning decision shall, at all times, endeavor to reach decisions which balance the interest of promoting the public health, safety, morality, and general welfare of the city against the constitutionally protected rights of the property owner to the unrestricted use of his/her/its property. In that regard and in accordance with O.C.G.A. §36-67-3, the Planning Commission shall investigate and make a recommendation with respect to certain required matters. The Planning Commission shall make a written record of its investigation and recommendations, and this record shall be a public record. The Planning Commission shall address each of the enumerated matters set out below and make a recommendation with respect to each of said matters. The matters with which the Planning Commission shall be required to make such investigation and recommendation shall be:

a) Compatibility with Adjacent Uses and Districts. Existing uses and use districts of surrounding and nearby properties, and whether the proposed use district is suitable in light of such existing uses and use districts of surrounding and nearby properties, and whether the proposal will materially and adversely affect the existing use or usability of adjacent or nearby properties.

b) Property Value. The existing value of the property contained in the petition under the existing use district classification, the extent to which the property value of the subject property is diminished by the existing use district classification, and whether the subject property has a viable and reasonable economic use under the current use district.

c) Suitability. The suitability of the subject property under the existing use district classification, and the suitability of the subject property under the proposed use district classification of the property.

d) Vacancy and Marketing. The length of time the property has been vacant or unused as currently used under the current use district classification; and any efforts taken by the property owner(s) to use the property or sell the property under the existing use district classification.

e) Evidence of Need. The amount of undeveloped land in the general area affected which has the same use district classification as the map change requested. It shall be the duty of the applicant to carry the burden of proof that the proposed application promotes public health, safety, morality or general welfare.

f) Public Facilities Impacts. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities and services.

g) Consistency with Comprehensive Plan. Whether the proposal is in conformity with the policy and intent of the locally adopted comprehensive plan.

h) Other Conditions. Whether there are any other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.

In addition to the review criteria listed above, the following review criteria shall be utilized in the review of rezoning applications for two-family developments (duplexes), townhouse developments, and multi-family developments (apartments) in excess of twelve units.

1. Rezoning for two-family, townhouse, and multi-family uses should not be permitted on parcels that are surrounded on more than two sides by property that is either used for single-family residential uses or zoned R-12, R-40, or R-20.
2. The parcel shall have primary ingress and egress from a major collector street.
3. The parcel should be served with public water and sewer.
4. The rezoning of parcel should not require more than two steps up in district intensity compared to its current zoning district.

5. Rezoning for two-family, townhouse, and multi-family uses should be evaluated in the context of the comparatively greater impacts of multi-family housing on City services when considered as a land development pattern; and the City's policy to limit the amount of multi-family housing to the proportion that currently exists, approximately fifty percent (50%) of the total housing stock.

99.14.30 Amendment to Official Zoning Map. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Mayor and City Council. The date of amendment and signature of the Mayor shall be entered on the Official Zoning Map in connection with any changes made on the Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Mayor and City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map, unless properly adopted by the Mayor and Council. Any such replacement map shall bear the date of adoption and signature of the Mayor.

99.14.40 Information Showing Proposed Use. An application for an amendment to re-zone any land or to create or extend any zoning district may be accompanied by such documents and information as are necessary to show proposed changes in land use and proposed development to occur as a result of the amendment.

99.14.50 Conditional Development. Each category for zoning shall have a subhead thereunder to be known as "Conditional" for that category.

1. Whenever any amendment for amending or altering this Zoning Ordinance is accompanied or supported by specific plans and design for a particular development and use, and the Mayor and City Council, after public hearing as provided herein, approve such specific plans and design and this Ordinance is amended accordingly, said amendment may be qualified as "conditional" under that category and the Planning Administrator shall issue a building permit for the development of said property only in strict compliance with the plan submitted.
2. Plans supporting the approval and procedure outlined in subparagraph 1 above shall be submitted in triplicate. Upon approval by the Mayor and City Council said plans shall bear a certificate by the City Clerk indicating said approval with the stipulated conditions. One copy of said plan shall be maintained by the City Clerk as a part of the record of rezoning, one copy filed with the Zoning Enforcement Officer and one copy returned to the applicant.
3. If for any reason, development and use of the property approved in accordance with the procedure outlined in subparagraphs 1 and 2 above cannot be accomplished, such plans shall not be altered, changed or varied, except after approval by the Mayor and City Council.

4. If no building permit or certificate of occupancy, based upon approved plan and amendment, is issued within twelve months from the date of approval of any such "conditional" rezoning, the Mayor and City Council may, on its own motion, cause the property to revert to its original zoning category after notice by U. S. Mails addressed to the original applicant for rezoning or to such other person as may be substituted for said original applicant and the filing of the same upon the records of the Clerk, and reasonable opportunity to said applicant to oppose the reversion to the original zoning category has been given.
5. Notwithstanding anything to the contrary which might appear in this Ordinance, the Mayor and Council shall have all powers to approve and to enforce conditional zoning not otherwise prohibited by state and federal law.

99.14.60 Reconsideration by Mayor and City Council. No application for rezoning property within the City to the same zoning classification previously requested, shall be considered, if the area requested to be rezoned, to the zoning classification sought, has been considered and denied, by the Mayor and City Council within a period of twelve months immediately preceding the application.

99.14.70 Review of Zoning Decision. Recourse from a zoning decision by the Mayor and City Council shall be to the Superior Court of Haralson or Superior Court of Carroll County, based upon the location of the property requested to be rezoned, by the filing of a writ of certiorari to said respective court within 30 days of the date of the announcement of the zoning decision by the city council on the date of the hearing.

ARTICLE XV

LEGAL STATUS PROVISIONS

99.15.10 Conflict with Other Laws. Whenever the regulations of this Ordinance require a greater lot width or depth or size of yards, or impose other more restrictive standards than are required in or under any other statute or covenants, the requirements of this Ordinance shall govern. Whenever the provisions of any other state statute or covenants require more restrictive standards than are required by this Ordinance, the provisions of such statute or covenants shall govern.

99.15.20 Separability. Should any Article or Section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

99.15.30 Repeal of Conflicting City of Bremen Ordinances. All City of Bremen ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

99.15.40 No Prejudice to Pending Applications. Notwithstanding anything to the contrary herein, this Ordinance shall in no way prejudice or affect any pending application for rezoning before the Planning Commission of the City of Bremen or the Mayor and City Council of the City of Bremen.

99.15.50 Zoning Map of the City of Bremen. As of the effective date of this Ordinance the revised Zoning Map of the City of Bremen is formally adopted.