
PROPOSED AMENDMENT TO THE CITY OF CLEVELAND CODE OF ORDINANCES

CHAPTER 64 ZONING ORDINANCE

Section. 64-217. Initiation of proposals for zoning amendments.

A zoning **text or map** amendment may be proposed by the mayor and city council, the planning commission of the city, or by the owner of the property sought to be affected by said zoning amendment, or by a duly authorized agent of said owner. Regardless of the source of the proposed amendment, the procedures set out in this resolution shall govern:

- (1) Zoning application fees. Fees for the administration of the zoning regulations of the city and the processing of any application for a zoning amendment shall be collected prior to any action of the city. An application shall not be considered complete until the requested fee is paid. ~~The filing fee for an application for a zoning amendment shall be \$350.00 plus the cost of advertising, except that application fees shall not be paid by the mayor and city council, nor by the planning commission of the city, when either acts in its official capacity. The fee includes the costs of administering and processing, and the advertising fee will be determine by the rate charged to the city by the local newspaper.~~
- (2) Zoning applications. An application for a zoning amendment shall be filed with the ~~city clerk~~ **Planning Director**, in accordance with the form ~~established by the mayor and council~~ **provided by the city**, and containing the information required by said form. Said application shall be filed during normal office hours. The ~~city clerk~~ **Planning Director** shall forward any completed and duly filed application for a zoning amendment to the Planning Commission **and City Council** of the city for its evaluation ~~within five of the filing thereof.~~
- (3) **Public Notification. Legal notice. Not less than thirty (30) days and not more than forty-five (45) days prior to the scheduled date of the public hearing the final action by the city council, and in accordance with O.C.G.A. 36-66-1, et seq, and not less than ten (10) days prior to the Planning Commission meeting, a notice of public hearing shall be published in the legal notice section of a newspaper of general circulation within the City of Cleveland. Such notice shall state the application, shall contain a summary of the proposed amendment in the case of a text or map amendment. A map amendment shall also include the location of the property, its area, owner, the current zoning classification, and the proposed zoning classification in the case of a map amendment. Such notice shall include both the Planning Commission and the City Council meeting dates, time and the location of the hearings.**
- (4) **Signs posted. The Planning Director shall post, at least thirty (30) days prior to the Planning Commission's public hearing and the City Council's public hearing, in a conspicuous place in the public right-of-way fronting the property or on the property for which an application has been submitted, a sign or signs containing information as to the application and date, time and place of the public hearing.**

Sec. 64-218. Action by Planning Commission **and City Council** on applications for zoning amendments.

~~In order for applications for zoning amendments to be acted upon by the city in a timely manner, all such applications shall be filed with the city clerk not later than the eighth day of the month.~~

The Planning Commission shall hold a public hearing on each application for an amendment pursuant to this article. As to each application, the Planning Commission shall make a recommendation for approval, approval with conditions, or denial. A tie vote on any motion shall equate to denial. The Planning Commission may grant the applicant's request to withdraw without prejudice at its hearing. A written report or summary of the Planning Commission's recommendation shall be prepared by the zoning staff, and shall be a public record, and shall be provided to the City Council prior to its public hearing on the application for amendment.

Before taking action on a proposed amendment and after receipt of the Planning Commission recommendations, the Mayor and City Council shall hold a public hearing on the proposed amendment made pursuant to this article, which shall be advertised as stated in section 64-217(3)(4).

At the public hearing, the Mayor and City Council shall review the analysis submitted by the initiating party and the recommendation prepared by the Planning Commission. So that the purpose of this ordinance will be served, health, public safety and general welfare secured, the Mayor and City Council may approve or deny the application, reduce the land area for which the application is made, change the district or land use category requested, or add or delete conditions of the application. The Mayor and City Council shall have the power to impose a different zoning classification from the classification requested, and impose any zoning conditions which ameliorate the impact of the zoning, or serve other lawful purposes of this ordinance. The submission of an application for a rezoning shall be deemed notice of this power and consent to any such action. The Mayor and City Council may also remand the application, if it has been changed or for any reason, to the Planning Commission for further review and recommendation.