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## **Sec. 12-7. Rezoning Requests and Text Amendments.**

- A. An application for a rezoning of property shall be considered a simultaneous request for an amendment to the Official City Zoning Map.
- B. A request for rezoning, amendment to the zoning map, or amendment to the text of the Zoning Ordinance may be proposed to the City Council by any public agency or department of the City of Hampton, Georgia.
- C. Applications for rezoning or change of zoning conditions may also be submitted by an individual with 51 or more percent ownership in fee simple of the subject property being petitioned for rezoning, or their legal agent authorized in writing over the owner's signature.
- D. All requests by private groups, individuals, businesses and other nonpublic organizations for rezoning or change of zoning conditions shall be accompanied by a filing fee which is maintained in the office of the Zoning Administrator.
- E. Applications for rezonings, except those initiated by Hampton City Council, must contain the following:
  - 1. A completed and signed copy of the application.
  - 2. A copy of any proposed restrictive covenants to be placed upon the property which is subject to the application.
  - 3. A site plan representing information on the location, extent and type of proposed development, which may include, depending upon the type of development, the following minimum types of information:
    - i. Correct scale and north arrow.
    - ii. The present zoning classification of all adjacent parcels.
    - iii. The location of the parcel relative to existing or proposed public streets.
    - iv. Required setbacks for the zoning district requested.
    - v. Topographic information sufficient to show elevation and drainage conditions of the land.
    - vi. Existing conditions or improvements on the property.
    - vii. The location and extent of required buffer areas, including the extent of natural vegetation or fences as required.
    - viii. Proposed lot layout of the property if it is to be a subdivision for residential, commercial or industrial development, with required setbacks and buffer areas shown.
    - ix. Commercial or industrial development shall also indicate the location and dimensions of proposed buildings, parking and loading areas, driveways and storage areas.
    - x. Report from the Henry County Health Department and the Henry County Water and Sewerage Authority and/or (as applicable) the City utility department.
    - xi. The Zoning Administrator may require additional information, or information different from the above, depending upon the type of development, to properly evaluate the application.
- F. All proposed amendments to this Appendix, rezonings or changes of zoning conditions shall be transmitted by the City of Hampton Community Development Director to the City of Hampton City Council for review. The City of Hampton City Council shall study the need and justification of the following facts:
  - 1. The possible effects of the proposed amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community.

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2. The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed amendment will help carry out the purposes of this Appendix.
  3. Consistency with the Comprehensive Plan.
  4. Potential impact on infrastructure including water and sewerage systems.
  5. Impact on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes.
  6. Impact upon adjacent property owners.
  7. Ability of the subject land to be developed as it is presently zoned.
  8. Physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.
  9. Merits of the requested amendment relative to any other guidelines and policies for development which the City Council may use in furthering the objectives of the land use plan.
  10. An approval of rezoning does not incorporate plan approval. For plan submittal, review, and approval process see City of Hampton Code of Ordinances. Appendix B - Subdivisions. Article 3. Procedure.
- G. After completing a study of the proposed amendment, the City of Hampton Community Development Department shall submit their recommendations and report to the City Council. These recommendations shall be of an advisory nature and shall not be binding on the City Council.
- H. In making a decision, following a public hearing, the City of Hampton City Council may approve, approve with conditions, or deny.
- I. Conditional zoning. In deciding upon any application for zoning map amendment or special use permit, the Hampton City Council may, on their own motion or upon the suggestion of the applicant, grant the application subject to any of the following conditions. The applicant or any successor in title may construct only those uses agreed upon as conditions and only in such a manner as approved by the Hampton City Council. The applicant or any successor in title is not vested by right to a depicted concept design or layout but rather the uses agreed upon as conditions approved by the Hampton City Council. Any zoning map amendment which is adopted with conditions shall be indicated on the Official Zoning Map. The property shall be indicated on the Official Zoning Map with the suffix "C" to indicate that the property has been rezoned with conditions. Such conditions shall remain imposed upon the property until removed or modified by the City Council.
1. Such conditions deemed necessary to promote and protect the health, safety, and general welfare.
  2. Such conditions deemed necessary to protect neighboring properties and to lessen any potentially adverse effects of the zoning change.
  3. Such conditions set forth, but not limited to, the following:
    - i. Setback requirements from any lot line;
    - ii. Street network design and street block layout;
    - iii. Provisions contained within the Master Plan for Greenways and Trails in Hampton;
    - iv. Requirement of additional professional certified studies including but not limited to traffic analysis, environmental analysis, economic and market analysis, etc.
    - v. Specified or prohibited locations for buildings, parking, loading or storage areas;
    - vi. Restrictions on land use activities to be permitted;

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- vii. Maximum building dimensions and height;
  - viii. Landscaping or planted area which may include the location, type and maintenance of plant materials within a designated buffer area;
  - ix. Fences, walls, earth berms, or other landscape buffer provisions or protective measures;
  - x. Preservation of existing trees and vegetation;
  - xi. Special conditions to eliminate or reduce undesirable views, light, glare, dust or odor;
  - xii. Hours of operation;
  - xiii. Architectural details to be compatible with existing buildings in the area;
  - xiv. Adherence to specific concept plans as adopted;
  - xv. Any other requirements that the City Council may deem appropriate and necessary for the protection of public health and welfare.
- J. Prior to a final vote being taken on any application for which conditions shall be imposed, such conditions shall be made a part of the motion to approve. If the applicant finds such conditions to be unacceptable, they may, at the time before the final vote, withdraw the application. Such withdrawal shall not enable the applicant to refile the same request for the same property until at least 12 months have elapsed from the date of withdrawal.
- K. If the decision of the City Council is to deny the request for rezoning or change of zoning conditions, then the same property may not again be considered for rezoning or change of zoning conditions, until the expiration of at least 12 months immediately following the defeat of the request by the City Council.
- L. Requirements for amendments to the City of Hampton Code of Ordinances. This City of Hampton Code of Ordinances may be amended by the City of Hampton City Council on its own motion or by the initiation of the Community Development Department. Otherwise, a complete application packet shall be required as described below:
- 1. An application to amend the text of the City of Hampton Code of Ordinances shall be submitted on forms provided by the City of Hampton Community Development Department.
  - 2. The application shall include the following information:
    - i. Identification of the specific provision proposed for amendment;
    - ii. The proposed modifications in a strikethrough and underline format;
    - iii. A detailed explanation of the rationale and justification for the requested amendment;
    - iv. A detailed explanation of the potential impacts of the modification on the development of the City of Hampton;
  - 3. The Community Development Department shall prepare a staff report analyzing the proposed amendment and recommend approval, denial, or approval with modifications. The staff report shall address the following issues:
    - i. Consistency of the amendment with the comprehensive plan.
    - ii. Potential impacts on the character and quality of development in the City of Hampton and any affected zoning districts.
    - iii. Potential impacts on the provision of infrastructure and improvements.
    - iv. The merits of the proposed amendments relative to any guidelines, policies, or programs adopted in furtherance of the comprehensive plan.

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4. The City of Hampton City Council shall consider the proposed amendment to the City of Hampton Code of Ordinances at a public hearing, according to the procedures.

The City of Hampton City Council shall evaluate the proposed amendment, considering the issues and recommendations contained in the City of Hampton Community Development Department staff report.

The City of Hampton City Council shall make a decision to approve, approve with further modifications, or deny.

M. Requirements for amendment to the comprehensive plan. The comprehensive plan may be amended by the City of Hampton City Council on its own motion. Otherwise, a complete application packet shall be required as described below.

1. An application to amend the text or maps of the City of Hampton Comprehensive Plan shall be submitted on forms provided by the City of Hampton Community Development Department.
2. The application shall include the following information:
  - i. Identification of the specific provision proposed for amendment.
  - ii. The proposed modifications in a strikethrough and underline format.
  - iii. A detailed explanation of the rationale and justification for the requested amendment.
  - iv. A detailed explanation of the potential impacts of the modification on the development of the City of Hampton.
3. The Director of Community Development shall prepare a staff report analyzing the proposed amendment and recommend approval, denial, or approval with modifications.
4. The City of Hampton City Council shall consider the proposed amendment to the City of Hampton Comprehensive Plan at a public hearing.
  - i. The City of Hampton City Council shall evaluate the proposed amendment, considering the issues and recommendations contained in the staff report.
  - ii. The City of Hampton City Council shall approve, approve with further modifications, or deny.

(Ord. No. 457, § 1, 8-14-18; Ord. No. 505, § 2, 2-11-20; Ord. No. 2023-07, § 1(Exh. A), 6-13-23)