

Georgia, Jackson County.

**AN AMENDMENT TO
THE UNIFIED DEVELOPMENT CODE
OF JACKSON COUNTY, GEORGIA.**

ENACTMENT CLAUSE. For the purpose of promoting the health, safety and general welfare of the present and future inhabitants of Jackson County and to further the purposes of the Unified Development Code of Jackson County as set forth in Article I therein, the Board of Commissioners of Jackson County does hereby ordain and enact into law the following changes in the Unified Development Code of Jackson County.

WHEREAS; it appears to be advantageous to the welfare of Jackson County, Georgia that the revisions be made to the Unified Development Code of Jackson County to revise Article 2, 4, 5, and 12 and,

Be It Resolved, that the Jackson County Board of Commissioners hereby amends the Unified Development Code of Jackson County to reflect the following changes:

**JACKSON COUNTY UNIFIED DEVELOPMENT CODE
AMENDMENTS TO IMPLEMENT THE NEWLY ADOPTED COMPREHENSIVE PLAN**

Article 2. Use of Land and Structures

Sec. 201 Purpose of Article 2.

This Article defines the zoning and overlay districts in the County and identifies the specific uses to which land and structures may be put in the various districts, including certain uses or structures for which special approval is required in order to be allowed. In addition, this Article identifies specific uses within each zoning district to which restrictions may apply. Restrictions on particular uses are presented in Article 3 of this Code.

Sec. 202 Zoning and Overlay Districts Maps.

The boundaries of the various zoning districts are shown on a map entitled "Official Zoning Map of Jackson County, Georgia" adopted on the date of adoption of this Development Code, and as amended thereafter from time to time. The boundaries of the various overlay districts are shown on a map entitled "Official Overlay Districts Map of Jackson County, Georgia" adopted by amendment to this Development Code, and as amended thereafter from time to time.

Sec. 203 Implementation of the Comprehensive Plan.

The Jackson County Comprehensive Plan (including a community agenda and a community assessment), as adopted and as may subsequently be amended from time to time by the Board of Commissioners, is hereby incorporated into this Development Code as if fully stated herein. The Comprehensive Plan as adopted and as may be amended from time to time shall be implemented by this Development Code.

The use of land and structures are regulated by this Article via the establishment of zoning and overlay districts. All amendments of the boundaries of zoning and overlay districts as provided on the official zoning map shall be consistent with the character area map 2020 (or after 2020 the 2030) and the future land use plan map 2020 (or after 2020 the 2030) of the Comprehensive Plan, as specified in this Article.

Sec. 204 Zoning and overlay districts; established.

204 (a) Zoning districts established.

For purposes of this Development Code, the following Zoning Districts are established:

(1) Agricultural Districts

Planned Commercial Farm District (PCFD)
Agricultural Rural Fringe District (A-1)
Agricultural Rural Farm District (A-2)
Agricultural Fringe District (A-3)

(2) Residential Districts

Agricultural Residential District (AR)
Low Density Single-Family Residential District (R-1)
Medium Density Residential District (R-2)
Multi-Family Residential District (R-3)
Manufactured Housing District (MH)

(3) Commercial Districts

Neighborhood Retail Commercial District (NRC)
Community Retail Commercial District (CRC)
Highway Retail Commercial District (HRC)

(4) Industrial Districts

Light Industrial District (LI)
General Industrial District (GI)
Heavy Industrial District (HI)

204 (b) Overlay districts established.

For purposes of this Development Code, the following Overlay Districts are established:

Airport Zone Overlay District (AZ)
Airport Design Overlay District
SR 124 and SR 53 Corridor Overlay District

The statement of purpose pertaining to the Airport Zone Overlay District is set forth in, Section 206(p) of this Article. The Regulations pertaining to the Airport Zone Overlay District are set forth in Section 355 of Article 3. The statement of purpose pertaining to the Airport Design Overlay District is set forth in Section 515 of Article 5. The statement of purpose pertaining to the SR 124 and SR 53 Corridor Overlay District is set forth in Section 206 (r) of this Article. The regulations pertaining to the SR 124 and SR 53 Corridor Overlay District as set forth in, Article 5, Division II of this Code in Sections 510 through 514.

Sec. 205

Relationship of Comprehensive Plan and Zoning Districts.

205 (a)

Consistency with Character Area and Future Land Use Plan Designations.

Every application to amend the Zoning Map shall be reviewed for consistency with the Comprehensive Plan as described in this subsection, and recommendations and decisions with regard to amending the Zoning Map for properties within the unincorporated portion of Jackson County shall be made in accordance with this subsection and the standards set forth in Article 12 relating to zoning amendments.

(1) **2020 Character Area Map.** The Zoning Map shall not be amended unless the zoning district proposed is consistent with the 2020 character area map of the Comprehensive Plan, which divides the county into conservation, agricultural, rural, suburban, and urban areas. In order for an application for a Zoning Map amendment (“rezoning”) to be approved the zoning district(s) proposed must be for one or more of the zoning districts specifically indicated as consistent with that character area in Table 2.1.

2020 Future Land Use Plan Map. The Zoning Map shall not be amended unless the zoning district proposed is consistent with the 2020 future land use plan map of the Comprehensive Plan, which divides the unincorporated portion of the county into appropriate future land use districts. In order for an application for a Zoning Map amendment (“rezoning”) to be accepted for processing, the zoning district(s) proposed must be for one or more of the zoning districts specifically indicated as consistent with that future land use plan district in Table 2.1.

Policies and Text of the Comprehensive Plan. The staff of the Department of Public Development and the Jackson County Planning Commission may recommend disapproval of, and the Board of Commissioners may disapprove, any application to amend the official zoning map if said application is determined to be inconsistent with:

The written narrative in the Comprehensive Plan describing the character area assigned to the property that is the subject of the application; or

One or more policies for the character area assigned to the property that is the subject of the application; or

One or more policies pertaining to a particular land use proposed in the application to amend the Zoning Map; or

One or more policies relative to other topics, including, but not limited to community facilities and services, housing, natural resources, and economic development. In applying this provision, the county may appropriately consult and cite policies, maps, and/or findings in the community assessment and/or community agenda portions of the Comprehensive Plan and may interpret the plan’s intentions accordingly; or

Any other written or graphic provision of the Comprehensive Plan.

Table 2.1: Consistency of Zoning Districts With Character Area and Future Land Use Plan Map Designations of the Comprehensive Plan

Zoning District	Consistent Character Area	Consistent Future Land Use District
Agricultural Districts		
Planned Commercial Farm District (PCFD)	Agricultural	Intensive Agriculture
Agricultural Rural Fringe District (A-1)	None	None*
Agricultural Rural Farm District (A-2)	Agricultural	Intensive Agriculture
Agricultural Rural Farm District (A-2)	Agricultural	Agricultural/Forestry
Agricultural Rural Farm District (A-2)	Agricultural	Residential
Agricultural Rural Farm District (A-2)	Agricultural	Public/Institutional
Agricultural Rural Farm District (A-2)	Rural	Agricultural/Forestry
Agricultural Fringe District (A-3)	None	None*
Residential Districts		
Agricultural Residential (AR)	Rural	Agricultural/Forestry
Agricultural Residential (AR)	Rural	Residential
Low Density Single-Family Residential (R-1)	Suburban	Residential
Low Density Single-Family Residential (R-1)	Suburban	Master-Planned Mixed Use
Low Density Single-Family Residential (R-1)	Urban	Residential
Low Density Single-Family Residential (R-1)	Urban	Master-Planned Mixed Use
Medium Density Residential District (R-2)	Suburban	Residential
Medium Density Residential District (R-2)	Suburban	Master-Planned Mixed Use
Medium Density Residential District (R-2)	Urban	Residential
Medium Density Residential District (R-2)	Urban	Master-Planned Mixed Use
Multi-Family Residential District (R-3)	Urban	Residential
Multi-Family Residential District (R-3)	Urban	Master-Planned Mixed Use
Manufactured Housing District (MH)	Rural	Residential
Commercial Districts		
Neighborhood Retail Commercial (NRC)	Rural	Public/Institutional
Neighborhood Retail Commercial (NRC)	Rural	Commercial
Neighborhood Retail Commercial (NRC)	Suburban	Public/Institutional
Neighborhood Retail Commercial (NRC)	Suburban	Commercial
Neighborhood Retail Commercial (NRC)	Suburban	Master-Planned Mixed Use
Neighborhood Retail Commercial (NRC)	Urban	Public/Institutional
Neighborhood Retail Commercial (NRC)	Urban	Commercial
Neighborhood Retail Commercial (NRC)	Urban	Master-Planned Mixed Use
Community Retail Commercial (CRC)	Suburban	Commercial
Community Retail Commercial (CRC)	Urban	Commercial
Community Retail Commercial (CRC)	Urban	Master-Planned Mixed Use
Highway Retail Commercial (HRC)	Urban	Commercial
Highway Retail Commercial (HRC)	Urban	Master-Planned Mixed Use
Industrial Districts		
Light Industrial (LI)	Urban	Industrial
General Industrial (GI)	Urban	Industrial
Heavy Industrial (HI)	Urban	Industrial

**The District has been deleted from the Code. Properties zoned in this district shall retain the zoning designation, but no property may be added to the district.

Interpretations.

The following interpretations will apply to decisions about rezoning property in relation to the 2020 character areas and 2020 future land use districts:

- (1) **Current zoning.** Nothing in this section shall be construed to prevent a property owner from using and/or developing land according to its existing zoning classifications, despite the character area or future land use designation of the Comprehensive Plan.
- (2) **More than one character area designation for a given property.** Because of the generalized nature of the 2020 character map in relation to actual property lines, the following rule of interpretation shall apply to all properties which have more than one character designation:
 - (a) If the parcel is less than five acres in area, the more permissive (less restrictive) character area may be deemed applicable to the entire parcel of record.
 - (b) If the parcel is more than five acres in area, the parcel shall be deemed to be in more than one character area and the boundaries of the character area applicable to any given portion of the parcel shall be as shown on the character map.
- (3) **Mitigation.** An application for rezoning to a zoning district that is consistent with the 2020 character area map and 2020 future land use district as specified in Table 2.1, that would result in development which on first review would appear to be inconsistent with the current development of adjoining properties in the character area and character area policies of the Comprehensive Plan may be denied unless there are clear proposals by way of voluntary conditions of zoning that would mitigate the inconsistent aspects of the subject proposal. In such cases the applicant must indicate in writing the conditions of rezoning that will satisfactorily mitigate inconsistencies. Density/intensity and sewer service inconsistencies cannot be mitigated.
- (4) **Rezoning is Subject to Legislative Discretion.** Each rezoning application will be considered on its own merits and according to criteria specified in this Development Code. Although the Comprehensive Plan may support a zoning district that allows for higher density or intensity, it is within the legislative discretion of the Board of Commissioners to disapprove a particular application for rezoning based on determinations, principles, and/or criteria other than consistency with the Comprehensive Plan. The Board of Commissioners may approve a rezoning at less intensity or density than that contemplated in the Comprehensive Plan and requested in the application. The determinations, principles, and/or criteria relied upon by the Board of Commissioners to approve or disapprove a rezoning or reduce the density/intensity of development authorized by a rezoning may, but are not required to, be articulated in the records of the Board of Commissioners when making a decision on a particular rezoning.

Exception Authorizing Consistency with 2030 Character Area Designation.

If a proposed rezoning is consistent with a character area designation on the 2030 map but the 2020 map of character areas does not support the zoning district proposed (via application of Table 2-1), then that rezoning application cannot be considered consistent and shall not be applied for until January 1, 2021, or thereafter, unless the 2020 character area map is amended for consistency;

provided, however, that exceptions for rezoning to a zoning category not otherwise consistent with the 2020 character area map but consistent with the 2030 character area map may be permitted without amending the 2020 character area map, if the applicant demonstrates consistency with one or more of the following:

- (1) Sanitary sewer is shown to be available or could be reasonably extended to the property in question (i.e., sewer is within one-quarter mile of the subject property);
- (2) Approval of the rezoning would not result in development that would “leapfrog” beyond existing development of the same land use (i.e., more than one-quarter mile along the same or major fronting roadway);
- (3) Evidence is presented that there is a market need for the development proposed in the subject rezoning, as documented by other existing development in the vicinity or along the same road or highway corridor as the subject property;
- (4) Property rights objections are made, alleging that the property does not have a reasonable use as currently designated; including an analysis of interim development possible under the current character area designation until the year 2021.

This subsection shall not be construed as authorizing exceptions with regard to inconsistencies with the future land use plan map.

Sec. 206. Zoning and Overlay Districts, purpose of each.

[note: no other changes are proposed to this section except to the title itself]

Article 4. Lot and Building Standards

Table 4.1: Residential Density and Lot Area by Zoning District

Amend one of four footnotes to table:

The maximum density in the rural character area as shown on the character area map of the comprehensive plan is 0.667 DU/Acre and minimum lot size is 1.5 acres for conventional subdivisions [Added 2/13/2006]

Article 5. Subdivisions, Master Planned Developments, and Overlay Districts

Division II Overlay Districts

Sec. 510. SR 124 and SR 53 Corridor Overlay District Boundaries

This Article applies to all lands in unincorporated Jackson County within the SR 124 and SR 53 Corridor Overlay District as depicted on the Official Overlay Districts Map. All property contained within any parcel subject to this Section on the date of adoption of this Ordinance shall continue to be subject to this Article Section, even if the parcel is subdivided in the future.

Article 12. Procedures and Permits

Sec. 1201 Purpose of Article 12.

This Article describes the process through which a rezoning or special use may be approved on a property, the approval process for construction of subdivisions and other land development projects, and the procedures for amendments to the Comprehensive Plan and text of this Development Code.

Sec. 1202 Overview—land development.

The following presents a summary of the plans and procedures involved in the land development approval and construction regulation process.

1202 (a) Character area map and future land use plan changes.

[Amended 04/19/10]

Zoning map amendments are required by this Development Code to be consistent with the County's Comprehensive Plan's character area and future land use plan maps. If a particular zoning district is proposed for a property that is inconsistent with the 2020 character area map designation or the 2020 future land use plan map designation, or both, for such property the 2020 character area map or the 2020 future land use plan map of the Comprehensive Plan, or both, as the case may be, must first be amended as applied to the subject property to a character area and/or future land use category that is consistent with the proposed zoning district, as indicated in Table 2.1 (see Article 2, Section 205) before the zoning can be approved. In cases where an amendment to both the 2020 character area map and 2020 future land use plan map are required to support a rezoning application, such amendment proposals may be filed as a single application for amendment to the Comprehensive Plan and shall be considered as one application (only one filing fee shall be required). Such application shall be required to proceed under Section 1204 before any application for rezoning may proceed under Section 1205. approved shall automatically effectuate a change to the 2030 character area map, and any amendment to the 2020 future land use plan map approved shall automatically effectuate a change to the 2030 future land use plan map.

1202 (b) Zoning changes (rezoning or special use approval).

If the property is not appropriately zoned, a request for rezoning or approval of a special use must be approved prior to development or construction. A zoning change for a subdivision, multi-family or nonresidential project must include a concept plan showing the proposed layout of the building, parking lots, etc.

1202 (c) Major subdivisions. [Amended 2/13/06]

Permitting and construction of a major subdivision will be conducted substantially with the following flow chart:

(1) Project Approval is granted by the Public Development Department upon review and approval of a Preliminary Subdivision Plat.

A Development Permit is issued by the Public Development Department based on review and approval of development plans for construction of the subdivision.

Receipt and approval by the Public Development Department of accurate surveys of the as-built condition of improvements along with all other required documents as required by this Development Code, state, & federal rules and regulations shall required prior to approving of a Final Plat. [Amended 04/19/10]

Approval of a Final Subdivision Plat by the Public Development Department will authorize recordation of the plat with the Clerk of the Superior Court.

After recordation of the Final Plat, the lots may be sold. Building permits may be applied for provided that the subdivision is in compliance with the Jackson County Development Code and all applicable state and federal regulations. [Amended 04/19/10]

The developer will be responsible for maintenance and repair of all public improvements for a minimum of two years or till at least 75% of the building lots receive a Certificate of Occupancy (C.O.). [Amended 04/19/10]

All public improvements will be inspected by the County prior to the end of the maintenance period. After the developer has made any required repairs, public acceptance of the improvements shall be issued by the Director of Public Development. Acceptance of all improvements will allow the release of the maintenance bond. [Amended 04/19/10]

1202 (d) Minor subdivisions.

Approval of a minor subdivision shall be conducted as follows:

(1) Approval of a Final Subdivision Plat by the Public Development Department will authorize recordation of the plat with the Clerk of the Superior Court. [Amended 2/13/06]

After recordation of the Final Plat, the lots may be sold. Building permits may be obtained provided that the subdivision is in compliance with the Jackson County Development Code and all applicable state and federal regulations. [Amended 04/19/10]

1202 (e) Multi-family residential projects. [Amended 04/19/10]

(1) Project Approval is granted by the Public Development Department upon review and approval of a Site Plan for the project.

A Development Permit is issued by the Public Development Department based on review and approval of development plans for construction of the project.

Approval of a Final Subdivision Plat by the Public Development Department will authorize recordation of the plat with the Clerk of the Superior Court. [Amended 2/13/06]

After recordation of the Final Plat, the lots may be sold. Building permits may be applied for provided that the subdivision is in compliance with the Jackson County Unified Development Code and all applicable state and federal regulations.

A Building Permit is issued by the Building Inspector based on review and approval of architectural plans. Buildings falling under the authority of the State Fire Marshall shall be approved by the Fire Marshall prior to issuance of the building permit.

Permanent electric power and occupancy of the building is authorized by the Building Inspector based on final inspection and issuance of a Certificate of Occupancy.

1202 (f) Nonresidential projects. [Amended 04/19/10]

(1) Project Approval is granted by the Public Development Department upon review and approval of a Site Plan for the project.

A Development Permit is issued by the Public Development Department based on review and approval of development plans for construction of the project.

If property is located within an overlay district additional approval must be granted by Public Development prior to a Building Permit being applied for. See Article 5.

A Building Permit is issued by the Building Inspector based on review and approval of architectural plans. Buildings falling under the authority of the State Fire Marshall shall be approved by the Fire Marshall prior to issuance of the building permit.

Receipt by the Public Development Department of accurate surveys of the as-built condition of all improvements is required in order to apply for a Certificate of Compliance.

Once the Certificate of Compliance is approved the Certificate of Occupancy may be applied for through the Building Official.

Permanent electric power and occupancy of the building is authorized by the Building Inspector based on final inspection and issuance of a Certificate of Occupancy.

After both the Certificate of Compliance and the Certificate of Occupancy is issued the business license may be applied for.

Sec. 1203 Definitions related to procedures. (Reserved)

Sec. 1204 Comprehensive Plan amendments.

The Comprehensive Plan, including character area and future land use plan maps, may be amended from time to time by the Board of Commissioners in accordance with the procedures and requirements of this Section. Such a change is referred to as a Comprehensive Plan amendment.

1204 (a) Initiation of a Comprehensive Plan amendment. [Amended 2/13/06]

- (1) The Board of Commissioners and the Planning Commission are authorized to initiate an amendment to the Comprehensive Plan affecting the Comprehensive Plan as a whole, but only the Board of Commissioners may by resolution authorize the filing of a property-specific Comprehensive Plan amendment application on behalf of a property owner, to change the character area map designation, or the future land use plan designation, or both, of the specific property. All amendments to the Comprehensive Plan must be processed according to procedures, as applicable, established in the Rules of the Georgia Department of Community Affairs, Chapter 110-12-1, "Standards and Procedures for Local Comprehensive Planning" (aka "Local Planning Requirements") effective May 1, 2005, as may be amended from time to time.
- (2) An owner of property is authorized to file an amendment to the Comprehensive Plan to change the character area map designation or future land use plan designation, or both, applied to property under his or her ownership. In cases where there is more than one owner of the subject property in question, approval of all owners of the property affected shall be required to file a Comprehensive Plan amendment.
- (3) All applications by property owner or initiated by the Board of Commissioners on behalf of an property owner shall be submitted to the Public Development Department on the Department's application forms. A

non-refundable fee, if any, as set by the Board of Commissioners from time to time, shall accompany all such applications. Completed forms, plus any information the applicant believes to be pertinent is to be filed with the Public Development Department.

- (4) The Public Development Department shall review the application for completeness within 5 working days of submission. Incomplete or improper applications will be returned to the applicant. The Department shall also, in consultation with the Northeast Georgia Regional Commission, determine if the application if approved would authorize development meeting the threshold of a "development of regional impact" as specified in Rules of the Georgia Department of Community Affairs, Chapter 110-12-3, "Developments of Regional Impact," effective July 1, 2009, as may be amended from time to time. If the application is determined to qualify as a "Development of Regional Impact," then the procedures for processing and acting on said Comprehensive Plan amendment application shall be consistent with said rules to the extent they conflict with procedures established in this section. The Department shall also, in consultation with the Northeast Georgia Regional Commission, determine if the application is a "minor" or "major" Comprehensive Plan amendment as defined in and according to Rules of the Georgia Department of Community Affairs, Chapter 110-12-1, "Standards and Procedures for Local Comprehensive Planning" (aka "Local Planning Requirements") effective May 1, 2005, as may be amended from time to time (see Sec. 110-12-1-.08 Procedural Requirements). In making this determination of "major" or "minor," the procedures for processing and acting on said Comprehensive Plan amendment application shall be consistent with said rules to the extent they conflict with procedures established in this section. The Department shall notify the applicant of such determinations and convey to the applicant the extent to which procedures will be modified per requirements of state administrative rules.

An application filed by a property owner for a Comprehensive Plan amendment which proposes to change a character area map designation or future land use plan designation, or both, affecting the same property shall not be considered by the Board of Commissioners more often than once every 12 months; provided, however, that the Board of Commissioners may approve a reduction in the waiting period as it deems appropriate for extenuating circumstances.

1204 (b) Impact analyses.

- (1) If the Comprehensive Plan amendment has been initiated by the property owner, the application must be accompanied by a written, documented analysis of the proposed Comprehensive Plan amendment with regard to each of the standards for Comprehensive Plan amendments enumerated under Section 1204 (d). If the Comprehensive Plan amendment initiated by a property owner would authorize development (if approved) that constitutes a "development of regional impact," said applicant shall submit impact analyses and all required information specified in Rules of the Georgia Department of Community Affairs, Chapter 110-12-3, "Developments of Regional Impact," effective July 1, 2009, as may be amended from time to time, to the extent they conflict with procedures established in this section.

- (2) An application for a Comprehensive Plan amendment which would authorize a proposed development that is capable of generating 1,000 average daily vehicle trips or more shall be accompanied by a traffic study or a hydrology study, or both, prepared by professional engineers registered in Georgia, under guidelines available from the Public Development Department. Anticipated vehicle trips may be based upon the latest edition of *Trip Generation* published by the Institute of Transportation Engineers. The Director of Public Development may waive these requirements when conditions warrant.

A traffic study or a hydrology study, or both, prepared by professional engineers registered in Georgia, shall also be required for a proposed modification to a previously approved Comprehensive Plan amendment if the average daily vehicle trips will increase by 10% or more than calculated for the original Comprehensive Plan amendment approval, or average daily vehicle trips will exceed 1,000 for the first time. The Director of Public Development may waive these requirements when conditions warrant.

For a Comprehensive Plan amendment which would authorize a proposed development that will generate fewer than 1,000 average daily vehicle trips or an increase of less than 10%, a traffic study or a hydrology study, or both, prepared by professional engineers registered in Georgia, may be required by the Director of Public Development. Determination of such requirements will be made within 5 working days of receipt of the application for Comprehensive Plan amendment and must if required be submitted to the Director of Public Development at least 10 working days prior to the first public hearing on the Comprehensive Plan amendment.

A traffic study, a hydrology study and/or other studies of the impact of the proposed development may be required by the Planning Commission or the Board of Commissioners as deemed necessary for adequate consideration and a fully-informed decision on the Comprehensive Plan amendment request, relative to the standards for Comprehensive Plan amendment consideration contained in Section 1204 (d), below.

1204 (c) Public hearings and decisions on Comprehensive Plan amendments.
[Amended 2/13/06]

Before the Board of Commissioners may take final action on a proposed Comprehensive Plan amendment, the Planning Commission and the Board of Commissioners shall each hold a public hearing on the proposal as provided for in Section 1219 and thereafter shall be subject to the following requirements. No action shall be taken on the amendment until the review process mandated by state administrative rules for developments of regional impact and for Comprehensive Plan amendments shall have been completed, if applicable.

- (1) The Planning Commission shall have 40 days following its public hearing in which to make its recommendation. Failure to make a recommendation shall go forward to the Board of Commissioners as "no comment."
- (2) Following its public hearing, the Board of Commissioners shall consider the Comprehensive Plan amendment at the next meeting scheduled for the purpose of considering Comprehensive Plan amendments.

In considering a Comprehensive Plan amendment, action shall be taken by vote of the members present.

A motion to approve or deny an application must be approved by an affirmative vote of at least 3 of the members in order for the motion to be approved.

If a motion to approve an application fails, the application is automatically denied. If a motion to deny an application fails, 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.

If no action is taken on an application, it shall be considered tabled and action deferred to the next regular meeting of the Board of Commissioners.

In taking final action on an application, the Board of Commissioners may:

Approve or deny the proposal; or,

Approve any portion of the area proposed for Comprehensive Plan amendment, thus reducing the boundaries of the area changed; or

Approve the area or any portion of the area proposed for Comprehensive Plan amendment to a character area designation or future land use category different than that requested by the applicant; or,

Allow withdrawal if so requested by the applicant (with or without imposing a six month period during which another Comprehensive Plan amendment on affecting the same property may not be considered); or,

Table the proposal for consideration at its next scheduled meeting; or

Return the proposed Comprehensive Plan amendment to the Planning Commission for further consideration.

1204 (d) Standards for Comprehensive Plan amendment consideration.

The Planning Commission and the Board of Commissioners shall consider the following in evaluating a Comprehensive Plan amendment, giving due weight or priority to those factors particularly appropriate to the circumstances of the application:

- (1) The extent to which a change in the economy, character, land use or development opportunities of the area has occurred.
- (2) The extent to which the proposed amendment is in compliance with the goals and policies of the Comprehensive Plan.

The extent to which the proposed amendment would require changes in the provision of public facilities and services.

The extent to which the proposed amendment would impact the public health, safety, and welfare.

The extent to which additional land area needs to be made available or developed for the specific type of use that would be authorized to be developed if the Comprehensive Plan amendment is approved.

The extent to which area demographics or projections are not occurring as projected.

1204 (e) Withdrawal of a Comprehensive Plan amendment application.

Any applicant wishing to withdraw a proposed Comprehensive Plan amendment prior to final action by the Board of Commissioners shall file a written request for withdrawal with the Director of Public Development.

- (1) If the request for withdrawal is received prior to the publication of notice for the public hearing, the Director of Public Development shall withdraw the

application administratively without restriction on the re-filing of a proposed Comprehensive Plan amendment on the property in the future.

- (2) If notice has been published (or is irretrievably set for publication) but the application has not been heard by the Planning Commission, the application may be withdrawn administratively by the Director of Public Development at the applicant's request, and an application for a Comprehensive Plan Applicants who choose to withdraw any request after the Planning Commission public hearing but before the Board of Commissioner's public hearing may do so, but an application for comprehensive plan amendment on the property shall not be resubmitted for 6 months from the date of withdrawal.
- (3) Should the applicant make any request for withdrawal after the Planning Commission hearing but before the Board of Commissioners' hearing, the application shall remain on the Board of Commissioners' public hearing agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the Board of Commissioners.

1204 (f) Effect of a land use plan amendment approval.

Approval of a Comprehensive Plan amendment shall be in full force and effect upon its approval by the Board of Commissioners.

Sec. 1205. Rezoning approval.

The Official Zoning Map may be amended from time to time by the Board of Commissioners under the procedures in this Section. In addition, changes in the conditions of approval pertaining to a specific rezoning approval may also be approved by the Board of Commissioners following the procedures in this Section.

1205 (a) Initiation of rezoning proposal.

- (1) The Board of Commissioners and the Planning Commission are authorized to initiate a text amendment to the Official Zoning Map. The Board of Commissioners may by resolution authorize the filing of a property-specific rezoning amendment application on behalf of a property owner.
- (2) An owner of property is authorized to file an amendment to the Official Zoning Map to change the zoning district applied to property under his or her ownership. In cases where there is more than one owner of the subject property in question, approval of all owners of the property affected shall be required to file a rezoning application. All applications by a property owner or initiated by the Board of Commissioners on behalf of a property owner shall be submitted to the Public Development Department on the Department's application forms. A non-refundable fee, if any, as set by the Board of Commissioners from time to time, shall accompany all such applications. Completed forms, plus any information the applicant feels believes to be pertinent is to be filed with the Public Development Department. [Amended 2/13/06]

A pre-application meeting must be arranged and held with a Planning Division staff member to review the requirements of the UDC and site

specific issues prior to the submittal of an application. [Amended 2/13/06]

The Planning & Development Department shall review the application for completeness within 5 working days of submission. Incomplete or improper applications will be returned to the applicant. If the application is determined to qualify as a "development of regional impact" as specified in Rules of the Georgia Department of Community Affairs, Chapter 110-12-3, "Developments of Regional Impact," effective July 1, 2009, as may be amended from time, then the procedures for processing and acting on said rezoning application shall be consistent with said rules to the extent they conflict with procedures established in this section. The department shall notify the applicant of such determination and convey to the applicant the extent to which procedures will be modified per requirements of state administrative rules.

- (3) If application is made for a change to a zoning district is requested, which is inconsistent with the 2020 character area designation or 2020 future land use district, or both, for the property in question, an application for a Comprehensive Plan amendment must first be filed by the applicant and considered by the Planning Commission and approved by the Board of Commissioners before the rezoning request can be considered.

If the 2020 Character Area and/or Future Land Use Plan Map is amended such that the proposed zoning is consistent with said maps, then the rezoning can be considered, although it may be approved or denied for other reasons under the standards of Section 1204(d). See also Subsection 205 (b) (6).

If the Comprehensive Plan amendment is not approved and the proposed zoning district remains inconsistent with the 2020 character area designation or 2020 future land use district maps as applied to the subject property, then the rezoning cannot be approved and must be denied or withdrawn.

An application for a rezoning affecting the same property shall not be considered by the Board of Commissioners more often than once every 12 months from the date of action by the Board of Commissioners either approving or denying the rezoning; provided, however, that the Board of Commissioners may approve a reduction in the waiting period to no less than 6 months.

1205 (b) Rezoning concept plan.

- (1) An application for a rezoning shall be accompanied by a concept plan if any new construction is proposed or alteration of the site is required under the site or development design standards of this Development Code.

A concept plan must be prepared by a professional engineer, a registered land surveyor, a landscape architect, or a certified land planner. The applicant may prepare the concept plan if approved by the Public Development Director. [Amended 2/13/06]

The concept plan shall be drawn to approximate scale on a boundary survey of the tract or on a property map showing the approximate location of the boundaries and dimensions of the tract.

The concept plan shall show the following:

Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries if they cross the property.

Man-made features within and adjacent to the property, including existing streets and names, city and county political boundary lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.

Proposed use of the property.

The proposed project layout including:

For residential subdivisions, and office or industrial parks, approximate lot lines and street right-of-way lines, along with the front building setback line on each lot.

For multi-family and nonresidential development projects, the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas and driveways.

The Concept Plan shall also indicate:

Name and address of the property owner.

Name, address, and telephone number of the applicant (if different than the owner).

If drawn on a boundary survey: date of survey and source of datum,

Date of plan drawing, and revision dates, as appropriate.

North point and approximate scale of the drawing

Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).

Location sketch of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location concept.

A statement as to the source of domestic water supply.

A statement as to the provision for sanitary sewage disposal.

The approximate location of proposed storm water detention facilities.

The approximate location of proposed access to the County road system.

Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

1205(c)

Impact analyses.

- (1) If the rezoning has been initiated by the property owner, the application must be accompanied by a written, documented analysis of the proposed rezoning with regard to each of the standards for rezoning enumerated under Section 1205 (e). If the zoning amendment initiated by a property owner would authorize development (if approved) that constitutes a "development of regional impact," said applicant shall submit impact analyses and all required information specified in Rules of the Georgia Department of Community Affairs, Chapter 110-12-3, "Developments of Regional Impact," effective July 1, 2009, as may be amended from time to time, to the extent they conflict with procedures established in this section.

An application for a zoning amendment which would authorize a proposed development that is capable of generating 1,000 average daily vehicle trips or more shall be accompanied by a traffic study or a hydrology study, or both, prepared by professional engineers registered in Georgia, under guidelines available from the Public Development Department. Anticipated vehicle trips may be based upon the latest edition of *Trip Generation* published by the Institute of Transportation Engineers. The Public Development Director may waive these requirements when conditions warrant. [Amended 2/13/06]

A traffic study or a hydrology study, or both, prepared by professional engineers registered in Georgia, shall also be required for a proposed modification to a previously approved rezoning if the average daily vehicle trips will increase by 10% or more than calculated for the original rezoning approval, or average daily vehicle trips will exceed 1,000 for the first time. The Public Development Director may waive these requirements when conditions warrant. [Amended 2/13/06]

For a proposed development that will generate fewer than 1,000 average daily vehicle trips or an increase of less than 10%, a traffic study and a hydrology study, prepared by professional engineers registered in Georgia, may be required by the Public Development Director. Determination of such requirements will be made within 5 working days of receipt of the application for rezoning and must be submitted to the and Public Development Directors at least 5 working days prior to the first public hearing. [Amended 2/13/06]

- (2) A traffic study, a hydrology study and other studies of the impact of the proposed development may be required by the Planning Commission or the Board of Commissioners as deemed necessary for adequate consideration and a fully-informed decision on the rezoning request, relative to the standards for rezoning consideration contained in Section 1205 (e), below.

1205(d) Decision actions for rezoning. [Renamed 2/13/06]

Before the Board of Commissioners may take final action on a proposed rezoning, the Planning Commission and the Board of Commissioners shall each hold a public hearing on the proposal as provided for in section 1219. After the public hearing the Planning Commission and the Board of Commissioners will be guided by the following:

- (1) The Planning Commission shall have 40 days following its public hearing in which to make its recommendation. Failure to make a recommendation shall go forward to the Board of Commissioners as "no comment."

Following its public hearing, the Board of Commissioners shall consider the rezoning application at the next meeting scheduled for the purpose of considering zoning amendments.

In considering a rezoning application, action shall be taken by vote of the members present.

A motion to approve or deny an application must be approved by an affirmative vote of at least 3 of the members in order for the motion to be approved.

If a motion to approve an application fails, the application is automatically denied. If a motion to deny an application fails, 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.

If no action is taken on an application, it shall be considered tabled and action deferred to the next regular meeting of the Board of Commissioners.

In taking final action on an application, the Board of Commissioners may:

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

Approve or approve with conditions any portion of the area proposed for rezoning, thus reducing the boundaries of the area rezoned; or

Rezone the area or any portion of the area proposed for rezoning to a zoning district different than that requested by the applicant; or,

Allow withdrawal if so requested by the applicant (with or without imposing a six month period during which another zoning change on the property may not be considered); or,

Table the proposal for consideration at its next scheduled meeting; or

Return the proposed rezoning to the Planning Commission for further consideration.

1205 (e) Standards for rezoning consideration.

(1) Map amendments (rezoning).

The Planning Commission and the Board of Commissioners shall consider the following standards in considering any rezoning proposal, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

Is the proposed use consistent with the stated purpose of the zoning district that is being requested?

Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?

Will the proposed use not adversely affect the existing use or usability of adjacent or nearby property?

Is the proposed use compatible with the goals, objectives, purpose and intent of the Comprehensive Plan?

Are there substantial reasons why the property cannot or should not be used as currently zoned?

Will the proposed use not cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

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?

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?

(2) Change in conditions of rezoning approval.

Any application that proposes a change in the conditions of approval previously established by the Board of Commissioners through action on a rezoning shall require the filing of a new rezoning application to amend the condition or conditions of approval, and such rezoning application to amend conditions of zoning shall be reviewed in light of the standards set forth in this Subsection.

1205 (f) Withdrawal of rezoning request. [Amended 2/13/06]

Any applicant wishing to withdraw a proposed rezoning prior to final action by the Board of Commissioners shall file a written request for withdrawal with the Director of Public Development.

(1) If the request for withdrawal is received prior to the publication of notice for the public hearing, the Director of Public Development shall withdraw the application administratively without restriction on the re-filing of a proposed rezoning on the property in the future.

If notice has been published (or is irretrievably set for publication) but the application has not been heard by the Planning Commission, the application shall be withdrawn administratively by the Director of Public Development, and an application for a rezoning on the property may not be resubmitted for 6 months from the date of withdrawal.

Applicants who choose to withdraw any request after the Planning Commission public hearing but before the Board of Commissioner's public hearing may do so, but an application for rezoning on the property shall not be resubmitted for 6 months from the date of withdrawal.

1205(g) Effect of rezoning approval.

(1) Approval of a rezoning shall be in full force and effect upon its approval by the Board of Commissioners.

For a property on which a use, building, structure or other improvements existed in conformity with this Development Code prior to the effective date of a rezoning affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed under the Grandfathered Development Article of this Development Code.

Construction of any use, building, structure, or other improvements for which a building permit has been issued in conformity with this Development Code prior to the effective date of a rezoning affecting

the property may continue to completion in accordance with the provisions for Exemptions of Previously Issued Permits in Article 1 and, upon completion, shall be governed under the provisions of the Grandfathered Development Article of this Development Code, as applicable.

Sec. 1206 Special use approval.

A use that would not be appropriate generally or without restriction throughout a particular zoning district and is not automatically permitted by right within said zoning district, but which, if controlled as to number, area, location, relation to the neighborhood or other pertinent considerations, may be found to be compatible and approved by the Governing Body in accordance with this development code. Special Use approval is limited to uses as stated in Table 2.2. Standards for special use consideration are listed in Section 1206(e).

1206(a) Initiation of special use request. [Amended 2/13/06]

- (1) An owner of property is authorized to and may initiate an application for a special use for any property or properties under his or her ownership. In cases where there is more than one owner of the subject property in question, approval of all owners of the property affected shall be required to file the application for special use.

All applications shall be submitted to the Public Development Department on the Department's application forms. A non-refundable fee, if any, as set by the Board of Commissioners from time to time, shall accompany all such applications. Completed forms, plus any information the applicant believes to be pertinent is to be filed with the Public Development Department.

The Public Development Department shall review the application for completeness within 5 days of submission. Incomplete or improper applications will be returned to the applicant. If the application is determined to qualify as a "development of regional impact" as specified in Rules of the Georgia Department of Community Affairs, Chapter 110-12-3, "Developments of Regional Impact," effective July 1, 2009, as may be amended from time, then the procedures for processing and acting on said special use application shall be consistent with said rules to the extent they conflict with procedures established in this section. The department shall notify the applicant of such determination and convey to the applicant the extent to which procedures will be modified per requirements of state administrative rules.

An application for a special use affecting the same property shall not be considered by the Board of Commissioners more often than once every 12 months from the date of action by the Board of Commissioners either approving or denying the special use; provided, however, that the Board of Commissioners may approve a reduction in the waiting period to no less than 6 months.

1206(b) Special use concept plan.

- (1) An application for a special use shall be accompanied by a concept plan if any new construction is proposed or alteration of the site is required under the site or development design standards of this Development Code.

A concept plan may be prepared by the applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development activities.

The concept plan shall be drawn to approximate scale on a boundary survey of the tract or on a property map showing the approximate location of the boundaries and dimensions of the tract.

The concept plan shall show the following:

Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries if they cross the property.

Man-made features within and adjacent to the property, including existing streets and names, city and county political boundary lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.

Proposed use of the property.

The proposed project layout including:

For residential subdivisions, and office or industrial parks, approximate lot lines and street right-of-way lines, along with the front building setback line on each lot.

For multi-family and nonresidential development projects, the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas and driveways.

3. For master planned developments, areas designated for specific types of development are to be identified and the project layout for subdivisions and for multi-family or nonresidential development shall be shown as required under paragraphs d.1. and d.2. respectively, above. Areas set aside as buffers and common open space must be clearly delineated, along with identification of any primary conservation areas and the location of any proposed conservation easement. [Amended 2/13/06]

e. Master planned development concept plans must include such dimensions, calculations and tabular information as may be needed to clearly establish compliance with all requirements pertaining to such developments contained in this Development Code. [Amended 2/13/06]

The Concept Plan shall also indicate:

Name and address of the property owner.

Name, address, and telephone number of the applicant (if different than the owner).

If drawn on a boundary survey: date of survey and source of datum,

Date of plan drawing, and revision dates, as appropriate.

North point and approximate scale of the drawing

Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).

Location sketch of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location concept.

A statement as to the source of domestic water supply.

A statement as to the provision for sanitary sewage disposal.

The approximate location of proposed storm water detention facilities.

The approximate location of proposed access to the County road system.

Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

1206(c) Impact studies. [Amended 2/13/06]

- (1) If the special use request has been initiated by an owner or their representative, the application must be accompanied by a written, documented analysis of the proposed special use with regard to each of the standards for special use enumerated under Section 1206 (e).

A special use application for a proposed development that is capable of generating 1,000 average daily vehicle trips or more shall be accompanied by a traffic study or a hydrology study, or both, prepared by professional engineers registered in Georgia, under guidelines available from the Public Development Department. Anticipated vehicle trips may be based upon the latest edition of *Trip Generation* published by the Institute of Transportation Engineers. The Public Development Director may waive these requirements when conditions warrant.

A traffic study or a hydrology study, or both, prepared by professional engineers registered in Georgia, shall also be required for a proposed modification to a previously approved special use if the average daily vehicle trips will increase by 10% or more than calculated for the original special use approval, or average daily vehicle trips will exceed 1,000 for the first time. The Public Development Director may waive these requirements when conditions warrant.

For a special use application which would authorize a proposed development that will generate fewer than 1,000 average daily vehicle trips or an increase of less than 10%, a traffic study or a hydrology study, or both, prepared by professional engineers registered in Georgia, may be required by the Public Development Director. Determination of such requirements will be made within 5 working days of receipt of the application for the special use and must be submitted to the Public Development Director at least 5 working days prior to the first public hearing.

- (2) A traffic study, a hydrology study and/or other studies of the impact of the proposed development may be required by the Planning Commission or the Board of Commissioners as deemed necessary for adequate consideration and a fully-informed decision on the special use application relative to the standards for special use consideration contained in Section 1206 (e), below.

1206(d) Decision actions for special use approval. [Amended 2/13/06]

Before the Board of Commissioners may take final action on a proposed special use, the Planning Commission and the Board of Commissioners shall each hold a public hearing on the proposal as provided for in section 1219. After the public hearing the Planning Commission and the Board of Commissioners will be guided by the following:

- (1) The Planning Commission shall have 40 days following its public hearing in which to make its recommendation. Failure to make a recommendation shall go forward to the Board of Commissioners as "no comment."

Following its public hearing, the Board of Commissioners shall consider the special use application at the next meeting scheduled for the purpose of considering special use applications.

At the public hearing on the special use request, action shall be considered by vote of the members present, as follows:

A motion to approve or deny an application must be approved by an affirmative vote of at least 3 of the members in order for the motion to be approved.

If a motion to approve an application fails, the application is automatically denied. If a motion to deny an application fails, 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.

If no action is taken on an application, it shall be considered tabled and action deferred to the next regular meeting of the Board of Commissioners.

In taking final action on an application, the Board of Commissioners may:

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

Allow withdrawal if so requested by the applicant (with or without imposing a six month period during which another special use on the property may not be considered); or,

Table the proposal for consideration at its next scheduled meeting;
or

Return the proposed to the Planning Commission for further consideration.

1206(e) Standards for special use consideration.

- (1) Approval of special use.

A special use otherwise permitted within a zoning district shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria. Emphasis may be placed on those criteria most applicable to the specific use proposed:

Will the proposed special use be consistent with the stated purpose of the zoning district in which it will be located?

Is the proposed special use compatible with the goals, objectives, purpose and intent of the Comprehensive Plan?

Will the establishment of the special use impede the normal and orderly development of surrounding property for uses predominate in the area?

Is the location and character of the proposed special use consistent with a desirable pattern of development for the locality in general?

Is or will the type of street providing access to the use be adequate to serve the proposed special use?

Is or will access into and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles?

Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the special use?

Are or will refuse, service, parking and loading areas on the property be located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor?

Will the hours and manner of operation of the special use have no adverse effects on other properties in the area?

Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?

Change in conditions of special use approval.

Any application that proposes a change in the conditions of approval previously established by the Board of Commissioners through action on a special use shall be reviewed in light of the standards set forth in this Section for a special use, as appropriate.

1206(f) Withdrawal of special use request. [Amended 2/13/06]

Any applicant wishing to withdraw a special use application prior to final action by the Board of Commissioners shall file a written request for withdrawal with the Director of Public Development.

- (1) If the request for withdrawal is received prior to the publication of notice for the public hearing, the application shall be withdrawn administratively by the Director of Public Development without restriction on the re-filing of a proposed special use on the property in the future.

If notice has been published (or is irretrievably set for publication) but the application has not been heard by the Planning Commission, the application shall be withdrawn administratively by the Director of Public Development, and an application for a special use on the property may not be resubmitted for 6 months from the date of withdrawal.

Should any request for withdrawal be made by the applicant after the Planning Commission hearing but before the Board of Commissioners' hearing, the application shall remain on the Board of Commissioners' public hearing agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the Board of Commissioners. Applicants

who choose to withdraw any request after the Planning Commission public hearing but before the Board of Commissioner's public hearing may do so, but an application for special use on the property shall not be resubmitted for 6 months from the date of withdrawal.

1206(g) Effect of special use approval.

- (1) Approval of a special use shall be in full force and effect upon approval by the Board of Commissioners.

For a property on which a use, building, structure or other improvements existed in conformity with this Development Code prior to the effective date of a special use approval affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed under the provisions of the Grandfathered Development Article of this Development Code.

Construction of any use, building, structure, or other improvements for which a building permit has been issued in conformity with this Development Code prior to the effective date of a special use permit affecting the property may continue to completion in accordance with the provisions for Exemptions of Previously Issued Permits in Article 1 and, upon completion, shall be governed under the provisions of the Grandfathered Development Article of this Development Code, as applicable.

Sec. 1219 Procedure for Land Use Comprehensive Plan Amendments, Rezoning Approval, Special Use Approval, and Text Amendments. [Added 2/13/06]

All public hearings to be held by the Board of Commissioners as required under Article 12 of the UDC will be held in accordance with the following procedures:

1219 (a) Public hearing and notice.

Before the Board of Commissioners may take final action on a proposed Comprehensive Plan Amendment, Rezoning Approval, Special Use Approval, or Text Amendments, the Planning Commission and the Board of Commissioners shall each hold a public hearing on the proposal.

(1) Public notice.

- a. At least 15 days but not more than 45 days prior to each public hearing, notice shall be published in a newspaper of general circulation within the county. The notice, shall state the time, place and purpose of the hearing.
- b. An amendment, other than a text amendment, initiated by an owner or their representative shall be heard at a public hearing only upon:

At least 15 days prior to the public hearing, the applicant shall post a sign or signs provided by the Public Development Department stating the date, time and place for the Planning Commission public hearing and the initially scheduled Board of Commissioners public hearing, and as appropriate to the requested action;

- a) In addition to the requirements above, Comprehensive Plan amendment request shall include the present character area and future land use classifications and the nature of the proposed amendment; or
- b) In addition to the requirements above, Rezoning amendment request shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property requested; or
- c) In addition to the requirements above, Special Use requests shall include the location of the property, the present zoning classification of the property, and the proposed special use of the property; or

One such sign shall be placed in a conspicuous location along each street frontage of the property for which the rezoning has been requested. If the property has no street frontage, the sign shall be placed on each street from which access will be gained to the property.

(2) Public hearings; procedures.

The public hearing held by the Planning Commission and the Board of Commissioners for a Comprehensive Plan amendment, rezoning, special use, or text amendment will be conducted in the following manner:

- a. The Chair or an appointed designee, who will act as the Presiding Official, will convene the public hearing at the scheduled time and place.
- b. The Presiding Official will call for each proposed Comprehensive Plan amendment, rezoning to be presented.

- c. No person in attendance is to speak unless first formally recognized by the Presiding Official. Upon rising to speak each person recognized is to state his or her name and home address.
 - 1. 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 of and opposition to the proposed amendment (giving equal time to both proponents and opponents).
 - 2. No less than 10 minutes is to be provided for all of those speaking in support of an amendment and no less than 10 minutes is to be provided for all of those speaking against, unless such proponents or opponents take less time than the minimum allowed.
 - 3. If reasonable time limitations permit, any member of the general public may speak at the public hearing.
- d. The applicant will be allowed to speak first in order to present the application. Others in support of the application may then speak, followed by those in opposition to the application. The applicant may then be allowed time for rebuttal if adequate time remains. Rebuttal must be limited to points or issues raised by opponents to the application at the hearing.
- e. During the public hearing, the members of the Planning Commission or the Board of Commissioners 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.

Severability. Should any sentence, section, subsection or provision of this Ordinance amending the Unified Development Code of Jackson County and the Official Zoning Map of Jackson County or application thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Unified Development Code of Jackson County, as amended, as a whole nor any part thereof that is not specifically declared to be invalid or unconstitutional.

Effective Date. This Amendment to the Unified Development Code of Jackson County Georgia shall take effect and shall be enforced from and after the date of its adoption, the public welfare demanding it.

ADOPTED BY THE JACKSON COUNTY BOARD OF COMMISSIONERS, THIS
20th DAY OF December, 2010.

APPROVED:

ATTEST:


 Chairman, Board of Commissioners

