



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: TEXT AMENDMENT

Applicant: Morgan County Planning & Development
Applicant's Agent:
Zoning Ordinance: Morgan County Zoning Ordinance
Article 19 Zoning Amendment Procedures

Summary

As mentioned in a Planning Commission training session, Staff has been working on updating the applications for zoning actions (rezonings, text amendments, variances, and conditional uses). Specifically, the goal was to make the applications more explicit regarding the information needed from the applicant. The current applications do not elaborate regarding necessary information and do not reference the applicant to the applicable Article in the Morgan County Zoning Ordinance. As a result, the information submitted by applicants has varied widely from detailed drawings and descriptions, to one sentence requests and scrap paper depictions. Staff is frequently left to fill in the informational gaps in the staff report. In order for the updated applications to be effective, the language in the Ordinance must also be updated to prevent any contradiction between the documents.

Article 19 has the most modifications of the three zoning action Articles, as there was no existing language (except for one or two sentences) related to text amendments.

Proposed Language

See attached.

Article 19 Zoning Amendment Procedures

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Chapter 19.1 Amendments

Section 19.1.1 Authority

The Governing Body of Morgan County may from time to time amend the number, shape, boundary, or area of the zoning districts established on the Zoning Map or individual section of this Ordinance. Any proposed amendment shall first be submitted to the Morgan County Planning Commission for its recommendation, as outlined in this Ordinance.

Section 19.1.2 Initiation of Amendment

A petition to amend this Ordinance or the Zoning Map may be initiated by the Governing Body of Morgan County, The Morgan County Planning Commission, or by any person, firm or corporation owning property in unincorporated Morgan County, Georgia. The property owner's permission is required before a petition for changing the zoning district map can be filed by anyone other than the Governing Body or Planning Commission.

Section 19.1.3 Applicability

The provisions of this Article apply to all applications for text amendments to the Morgan County Zoning Ordinance and map amendments to the Morgan County Zoning Map.

Chapter 19.2 Procedures for Requesting a Zoning **Map Amendment**

Section 19.2.1 Application

Any person or persons desiring to submit a petition requesting a zoning **map** amendment shall file such petition, with a ~~deed for the property and a plat of the property~~ **of the property** by a Georgia registered land surveyor of the property attached thereto, together with a fee as determined by the Morgan County Board of Commissioners to cover administrative and advertising costs, and any other information as may be required by this Ordinance or as specified by the Director to evaluate compliance with this Ordinance.

Section 19.2.2 Application Requirements

Each application for a zoning **map** amendment must be submitted to the Planning and Development Office at least forty-five (45) days before any hearing by the Planning Commission. Each application shall include the following information:

- A written description of the proposal designed to inform the Planning Commission and Board of Commissioners, in detail, about all aspects of the proposed zoning **map** amendment and its impacts on the community. **The written description must address the criteria for considering zoning map amendments, as found in this Article.**
- When appropriate, a concept plan, drawn to scale by a professional engineer, architect, landscape architect or surveyor, indicating how the proposed zoning **map** amendment will affect the property for which the zoning **map** amendment is sought, and surrounding property in the area. This concept plan will include, when appropriate, at a minimum:
 - Project name
 - Project owner

- Date, scale, and north arrow
- Vicinity map
- Use of adjacent property
- Exterior dimensions of the site
- Total project acreage
- Subdivision of lots within project
- Location, name, and width of all existing or proposed streets
- Location of all proposed structures
- Location of all off-street parking and driveways serving the project
- Proposed buffers or screening
- Location, height, fixture type and wattage of site lighting
- Dumpster locations
- Rough floor plans including gross floor area
- Building height
- When appropriate, a traffic impact analysis
- Any other materials as determined relevant or necessary by the Planning and Development staff, the Planning Commission and/or the Board of Commissioners

Applications which are incomplete at the date of submission may be postponed or withheld from a Planning Commission meeting, at the discretion of Planning and Development staff, until all required materials are received. **Incomplete applications will not be accepted.**

Section 19.2.3 Notice of Public Hearing

Upon the filing of a petition for a zoning **map** amendment, the Office of Planning and Development shall erect a sign, no less than fifteen (15) days and no more than forty-five (45) days before the public hearing, in a conspicuous place on the property in question, which shall read more or less as follows:

PUBLIC NOTICE OF ZONING MAP AMENDMENT REQUEST	
An application has been filed with the Morgan County Board of Commissioners requesting a zoning map amendment be granted for this property located on Map _____, Tax Parcel _____.	
PUBLIC MEETINGS REGARDING THIS REQUEST WILL BE HELD ON:	
Date: _____, 20__	Date: _____, 20__
Time.	Time:
Morgan County Planning Commission Suite 201 150 E. Washington St. Madison, GA 30650	Board of Commissioners BOC Conference Room 150 E. Washington St. Madison, GA 30650
FOR FURTHER INFORMATION CALL: (706) 342 - 4373	
THIS SIGN IS NOT TO BE REMOVED WITHOUT AUTHORIZATION FROM MORGAN COUNTY DIRECTOR OF PLANNING AND DEVELOPMENT	

Upon the filing of a petition for a zoning **map** amendment, the Office of Planning and Development shall place an advertisement in the legal organ of Morgan County, no less than fifteen (15) days and no more than forty-five (45) days prior to the public hearing, indicating that a zoning **map** amendment has been requested, the purpose of the request, the location of the property (listed as street address and tax map/parcel number), the person/organization requesting the zoning **map** amendment, and the dates, times and locations of all public hearings regarding the request.

Section 19.2.4 Submission of Inaccurate/**Incomplete** Information

The submission of inaccurate or incomplete information may be cause of denial of the request, or if said discrepancies are realized after approval of the petition or issuance of relevant local permits, cause the revocation of the approval and any related permits by the Board of Commissioners.

Chapter 19.3 Criteria for Considering Zoning **Map Amendments**

Section 19.3.1 Required Findings for Zoning Map **Amendment** Approval

The following standards governing the exercise of the Board of Commissioners' zoning power are adopted in accordance with O.C.G.A. Section 36-66-5(b), as amended, to be used by the ~~Director~~ **Planning and Development Staff**, Planning Commission and the Board of Commissioners in reviewing, recommending, and acting upon applications for map amendments for approval, ~~conditional approval~~, or disapproval as appropriate so as to balance the interest of the public health, safety or general welfare against the unrestricted use of property.

- **Compatibility with Adjacent Uses and Districts:** Existing uses and use districts of surrounding and nearby properties, 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 adversely affect the existing use or usability of adjacent or nearby properties.
- **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 reasonable economic use under the current use district.
- **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.
- **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.
- **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.
- **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.
- **Consistency with Comprehensive Plan:** Whether the proposal is in conformity with the policy and intent of the locally adopted comprehensive plan.
- **Other Conditions:** Whether there are any other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the proposal.

Chapter 19.4 Procedures for Requesting a Text Amendment

Section 19.4.1 Application

Any person or persons desiring to submit a petition requesting a text amendment to the Morgan County Zoning Ordinance shall file such petition, together with a fee as determined by the Morgan County Board of Commissioners to cover administrative and advertising costs, and any other information as may be required by this Ordinance or as specified by the Director to evaluate compliance with this Ordinance.

Section 19.4.2 Application Requirements

Each application for a text amendment must be submitted to the Planning and Development Office at least forty-five (45) days before any hearing by the Planning Commission. Each application shall include the following information:

- Written description of the text amendment request. All Articles, Chapters and Sections affected must include specific wording requested to be added, deleted or modified, along with modified Chapter or Section numbers, if applicable. Suggested language in paraphrased format will not be accepted. Zoning districts to be affected by the proposed language change must be identified. Sufficient justification must be made as to why the language should be modified. Such justification must address all properties affected by the requested change and should not focus on the applicant's property.

Planning and Development Staff, the Planning Commission, or the Board of Commissioners may request additional information, depending on the nature of the text amendment requested. Incomplete applications will not be accepted.

Section 19.4.3 Notice of Public Hearing

Upon the filing of a petition for a text amendment, the Office of Planning and Development shall place an advertisement in the legal organ of Morgan County, no less than fifteen (15) days and no more than forty-five (45) days prior to the public hearing, indicating that a text amendment has been requested, the Article, Chapter or Section of the Morgan County Zoning Ordinance to be affected, the person/organization requesting the text amendment, and the dates, times and locations of all public hearings regarding the request.

Section 19.4.4 Submission of Inaccurate/Incomplete Information

The submission of inaccurate or incomplete information may be cause of denial of the request, or if said discrepancies are realized after approval of the petition or issuance of relevant local permits, cause the revocation of the approval and any related permits by the Board of Commissioners.

Chapter 19.5 Application Review and Recommendation

Section 19.5.1 Public Hearing Requirements

The public hearing shall be held in accordance to the provisions of this Ordinance.

Section 19.5.2 Disclosure Requirements

- All persons and/or organizations requesting a zoning **map or text** amendment must meet the disclosure requirements of this Ordinance.
- All members of the Planning Commission or Board of Commissioners must meet the disclosure requirements of this Ordinance, in regard to each application.

Section 19.5.3 Criteria for Consideration

Each application will be reviewed and considered in accordance with the conditions of this Article.

Section 19.5.4 Submission of Additional Information

In addition to the materials required for an application for a zoning **map or text** amendment request specified in this Article, the applicant may submit any additional materials for consideration up to fourteen (14) days prior to the scheduled Planning Commission meeting where the zoning amendment will be heard. Materials submitted after the fourteen (14) days will be accepted only at the discretion of the Chairman of the Morgan County Planning Commission.

Once the application has been presented for public hearing by the Planning Commission, additional materials may only be submitted at the discretion of the Chairman of the Planning Commission, the Chairman of the Board of Commissioners, and/or staff of the Office of Planning and Development.

If additional materials are submitted after the public hearing of the Planning Commission, and the content of these materials does not substantially change the content of the application, the conditions for which the zoning amendment is requested, and/or the nature of the zoning **map or text** amendment requested, the Chairman of the Board of Commissioners may: consider the additional materials at his/her discretion; or may remand the application to the Planning Commission for reconsideration.

If additional materials are submitted after the public hearing of the Planning Commission, and the content of these additional materials substantially changes the content of the application, the conditions for which the zoning **map or text** amendment is requested, and/or the nature of the zoning **map or text** amendment requested, the Chairman of the Board of Commissioners may: consider the additional materials at his/her discretion; may remand the application to the Planning Commission for reconsideration; or may request the applicant withdraw its/his/her application.

Section 19.5.5 Site Plan Approved

Unless otherwise noted, the site plan submitted in support of an approved zoning **map** amendment shall be considered part of the approval and must be followed.

Section 19.5.6 Future Expansion Not Approved

Approval of a proposed use by the Board of Commissioners does not constitute an approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes not included in the original approval are subject to the provisions of this Article and the review of new detailed plans and reports for said alterations by the Board of Commissioners.

Section 19.5.7 Withdrawal of Zoning **Map or Text** Amendment Application

Any application may be withdrawn without prejudice at any time by the discretion of the applicant, upon written notice to the Planning and Development Office, prior to a decision by the Morgan County Board of Commissioners.

Chapter 19.6 Appeals

Section 19.6.1 Appeal from Office of Planning and Development

Any persons/organizations jointly or severally aggrieved by any decision of the Morgan County Office of Planning and Development shall have the right to file an appeal in accordance with this Ordinance.

Section 19.6.2 Appeal from Board of Commissioners

Any persons/organizations jointly or severally aggrieved by any decision of the Morgan County Board of Commissioners shall have the right to file an appeal in accordance with this Ordinance.

Section 19.6.3 Stay of Proceedings

Any appeal to a Court of Record stays all proceedings in furtherance of the action appealed from, unless the Director certifies that a stay would, in his opinion, cause imminent peril to life or property.

Chapter 19.7 Limitation on New Applications

In a case where an application for a text amendment to this Ordinance or application for a zoning map amendment is denied by the Board of Commissioners, the same or substantially similar application shall not be eligible to be resubmitted for reconsideration until twelve (12) months has elapsed from the date of said denial.