



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 21 Conditional Use 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.

Modifications are also proposed to the time limitations in Section 21.5.8 to have such time frames match those allotted for building permits.

Proposed Language

See attached.

Article 21 Conditional Use Procedures

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Chapter 21.1 Purpose

The Morgan County Board of Commissioners may, in specific cases, approve a conditional use which is not permitted inherently, but which may be permitted within a zoning district, if this approval will not be contrary to the public interest and so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. A conditional use of neighboring land, buildings or structures in the same district or permitted conditional uses in other districts shall not constitute a reason for the requested conditional use.

Chapter 21.2 Procedure for Requesting a Conditional Use

Section 21.2.1 Applications

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

Section 21.2.2 Application Requirements

Each application for a conditional use 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 use, and its impacts on the community. The description should include when pertinent information on the hours of operation, number of employees, number of dwelling units, vehicle trip ends, noise, water usage, sanitary waste treatment, and any other relevant concerns identified by the Planning Commission, Board of Commissioners, staff or applicant. The written description must address the criteria for granting a conditional use, as found in this Article.
- The preliminary building and site plans showing the following information:
 - Project name
 - Project owner
 - Date, scale and north arrow
 - Vicinity map
 - Use of adjacent property
 - Exterior dimensions of the site
 - Total project acreage
 - 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 and/or screening
 - Location, height, fixture type and wattage of site lighting
 - Dumpster locations
 - Rough floor plans, including gross floor area
 - Building height
- When required by the ~~Director~~ **Planning and Development Staff**, preliminary building and site plans must be drawn to scale by a professional engineer, architect, landscape architect or surveyor;
 - Specific uses may have additional requirements outlined in this Ordinance in accordance with regulations for specific uses. All regulations for specific uses must be met to grant approval of the conditional use.
 - ~~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 21.2.3 Notice of Public Hearing

Upon the filing of a petition for a conditional use, the Office of Planning and Development shall erect a sign, no less than 15 days and no more than 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 CONDITIONAL USE REQUEST	
An application has been filed with the Morgan County Board of Commissioners requesting a conditional use permit 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 filing of a petition for a conditional use, 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 conditional use 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 conditional use, and the dates, times and locations of all public hearings regarding the request.

Section 21.2.4 Submission of Inaccurate/~~Incomplete~~ Information

The submission of inaccurate or incomplete information may be cause for denial of the request, or as 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 21.3 Criteria for Granting a Conditional Use

Section 21.3.1 Required Findings for Conditional Use Approval

In determining the compatibility of a use with adjacent properties and the overall community, the Planning Commission and Board of Commissioners must consider the following findings if the use is to be approved or approved with conditions:

- Adequate provision is made by the applicant to reduce any adverse environmental impacts of the proposed use to an acceptable level;
- Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered;
- Off-street parking and loading, and the entrance to and exit from such parking and loading, will be adequate in terms of location, amount and design to service the use;
- Public facilities and utilities are capable of adequately serving the proposed use;
- Granting the request would not be an illogical extension of a use which would introduce damaging volumes of (1) agricultural, (2) commercial, (3) industrial, or (4) high density apartment use into a stable neighborhood of well-maintained single family homes, and likely lead to decreasing surrounding property values, neighborhood deterioration, spreading of blight, and additional requests of a similar nature which would expand the problem;
- Granting the request would not lead to congestion, noise and traffic hazards or overload public facilities, current or planned;
- Granting the request would conform to the general expectation for the area population growth and distribution according to the Comprehensive Land Use Plan;
- Granting the request would not lead to a major negative change in existing (1) levels of public service, (2) government employees or (3) fiscal stability;
- Granting the request would not have a “domino effect,” in that it becomes the opening wedge for further rapid growth, urbanization or other land-use change beyond what is indicated in the Comprehensive Land Use Plan.

Chapter 21.4 Conditional Use Prohibited

Applications for conditional uses shall be limited to the uses identified as conditional uses in the zoning district in which the lot, which is subject to the conditional use application, is located. Neither the Planning Commission nor the Board of Commissioners shall have authority to consider or act upon an application for a conditional use, which is not so identified, or which seeks relief properly considered under the provisions of this Article.

Chapter 21.5 Application Review and Recommendation

Section 21.5.1 Public Hearing Requirements

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

Section 21.5.2 Disclosure Requirements

All persons and/or organizations requesting a conditional use must meet the requirements of this Ordinance.

All members of the Planning Commission or Board of Commissioners must meet the requirements of this Ordinance, in regard to each application.

Section 21.5.3 Criteria for Consideration

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

Section 21.5.4 Submission of Additional Information

In addition to the materials required for an application for a conditional use request specified in this Article, the applicant may submit any additional materials for consideration up to 14 days prior to the scheduled Planning Commission meeting where the conditional use will be heard. Materials submitted after the 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 conditional use is requested, and/or the nature of the conditional use 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 conditional use is requested, and/or the nature of the conditional use 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 that the applicant to withdraw its/his/her application.

Section 21.5.5 Site Plan Approved

Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.

Section 21.5.6 Future Expansion Not Approved

Approval of a proposed use by the Board of Commissioners does not constitute an approval for future expansion of, or additional changes to, the initially approved project. 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 21.5.7 Withdrawal of Conditional Use Application

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

Section 21.5.8 Time Limitation of Approval

All uses, construction or building approved in the conditional use must begin within ~~sixty (60) days~~ **six (6) months** of approval of the Board of Commissioners and be fully completed within one (1) year of approval. If not fully completed, it is the responsibility of the applicant to appeal to the Director of Planning and Development for a renewal of approval. This appeal should include, at a minimum, statements of fact demonstrating that the applicant is still invested in the project; that the project is moving forward in a reasonable manner; the project has not deviated from the approved plan; and any other information that is pertinent to the appeal. The applicant will be notified within seven (7) days of the date of the receipt of the appeal if their conditional use approval has been extended for another ~~twelve (12)~~ **six (6)** months. Any applicant aggrieved by the decision of the Morgan County Office of Planning and Development in regard to this appeal may file an appeal in accordance with this Article.

Chapter 21.6 Appeals

Section 21.6.1 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 21.6.2 Appeal from Board of Commissioners

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

Section 21.6.3 Stay of Proceedings

An 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/her opinion, cause imminent peril to life or property.

Chapter 21.7 Limitation on New Applications

In a case where an application for conditional use 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 have elapsed for the date of said denial.