

STANDARDS FOR REZONING, AMENDMENTS, CONDITIONAL USE PERMITS, AND APPEALS

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Section 1.0 General

The following regulations are herein established to provide guidelines for the following activities:

1. The adoption of an amendment of the Land Development Regulations that changes the text of the Regulations (Text Amendment).
2. The adoption of an amendment to the Land Development Regulations that rezones property from one zoning classification to another (Map Amendment).
3. The procedural requirements for zoning amendments sponsored by the Sole Commissioner of Pulaski County or other County staff.
4. The procedural requirements for zoning amendments sponsored by a citizen or property owner.
5. The procedural requirements for conditional use permit applications.
6. Procedural regulations for appealing decisions made by the Zoning Administrator, the Planning and Zoning Board, and the Sole County Commissioner.

Section 2.0 Zoning Application and Amendments

The Pulaski County Sole Commissioner may amend, supplement, or change the regulations or the district boundaries of these Regulations as established herein. The procedure for submitting a request for an amendment to the Land Development Regulations or district boundaries of the official Zoning Map shall be as follows:

1. An applicant shall complete and submit to the Zoning Administrator a rezoning application with a site plan no later than the 4th Monday of each month. Completed applications submitted after the cutoff date will not be considered for that meeting.
2. At the time of the application submittal, the applicant shall deposit the appropriate fee amount with the County Clerk to cover the cost of processing the application.
3. Within ten (10) days of the next scheduled Planning and Zoning Board meeting, the Zoning Administrator shall compile all of the rezoning requests for the next scheduled meeting. This agenda shall be mailed to all Planning and Zoning Board members, as well as all other relevant personnel.

Section 2.2 County Initiated Zoning Activities

In the case of developing initial Land Development Regulations (map and text), or updating or amending existing Land Development Regulations, the Planning and Zoning Board and the Sole County Commissioner will, where appropriate, utilize any new or existing land use studies, land use plans, or other relevant documents as a resource for

regulation development or regulation amendment. The Sole Commissioner of Pulaski County and the Planning and Zoning Board will each hold at least one (1) public hearing on any new land development regulations or any proposed amendment to the current Land Development Regulations.

Upon completion of a preliminary land development document(s) by the Planning and Zoning Board and after this draft document has been presented to and reviewed by the Sole County Commissioner, public hearings shall be scheduled by both the Planning and Zoning Board and the Sole County Commissioner, respectively. The official public hearing will be held by the Planning and Zoning Board, and the public notice shall be given no less than fifteen (15) days nor more than forty-five (45) days prior to the official hearing date.

Public hearing notices shall be published at least once within a newspaper of general circulation within Pulaski County and posted at the hearing site. The public hearing notice shall state the time, place, and purpose of the public hearing.

Both the Planning and Zoning Board and the Sole County Commissioner must review all amendments to any existing land development regulations. However, when the boundary lines of an established zoning district are proposed for change (rezoning), the Sole County Commissioner shall have the Planning and Zoning Board prepare an evaluation of each such proposed rezoning considering each of the following factors:

Rezoning Criteria:

1. Does the proposed zoning classification promote the health, safety, moral, or general welfare?
2. The existing uses of the subject property and uses of adjacent and near properties.
3. The current zoning of the subject property and adjacent or near properties.
4. The extent to which property values are diminished by the present zoning restrictions.
5. The extent to which the restrictions diminishing property values, promote the health, safety, morals, or general welfare of the public.
6. The relative gain to the public, compared to the extent of hardship imposed upon the individual property owner.
7. The suitability of the subject property considered under the proposed zoning classification.
8. The history of the use of the subject property considered in the context of land development in the vicinity of the property.
9. Conformity with the most current Pulaski County Comprehensive Plan.

The public hearings will be convened at the advertised time and place and will be presided over by the appropriate officials.

The presiding official of each respective public hearing will review for those present, the procedures for conducting a public hearing as adopted by Pulaski County.

The Planning and Zoning Board shall prepare and submit the necessary minutes, evaluations, and/or recommendations to the Sole Commissioner prior to the Commissioner's public hearing.

The Sole County Commissioner at his or her public hearing will review the evaluation(s) and recommendation(s) from the Planning and Zoning Board and may choose to adopt, reject, or modify the Planning and Zoning Board's recommendation(s), or the business may be tabled for additional study until the next regular Commissioner's meeting.

Section 2.3 Zoning Activities Initiated by a Citizen or Property Owner

A rezoning application or application for amendment, along with a site plan for the property in question must be filed with the Zoning Administrator on a prescribed form and fees paid as set by the Sole County Commissioner.

The Zoning Administrator will inform the applicant of the public hearing dates. The Planning and Zoning Board will convene a public hearing on each proposal. The official public hearing will be held by the Planning and Zoning Board and public notice will appear at least once in a newspaper of general circulation within Pulaski County, and be posted at the hearing site no less than fifteen (15) days nor more than forty-five (45) days prior to the official public hearing.

The official public hearing notice will name the applicant, the location of the property to be affected, the present zoning class, the proposed zoning class, and the date, time, and place of the public hearing.

The applicant shall have erected upon the property for which rezoning is to be considered, one (1) sign of no less than seventeen inches by twenty-four inches (17" X 24") on each property line of the property in question. These signs shall announce the public hearings, stipulate the dates, times, and places for the two (2) hearings, the present zoning class, and the proposed zoning class. The signs shall be clearly visible from a public street. It shall be erected no less than fifteen (15) days before the Planning and Zoning Board's public hearing date. The applicant shall obtain these signs from the Zoning Administrator and shall be required to place a deposit of one hundred dollars (\$100) per sign with the County Clerk. This deposit shall be returned to the applicant if all the signs are returned to the Zoning Administrator within fourteen (14) days of the final public hearing.

Any application for rezoning of a particular parcel of property that is denied by the Sole County Commissioner may not again be considered for rezoning until the expiration of at least six (6) months immediately following the defeat of the zoning request.

Public hearing procedures and rezoning criteria for a citizen or property owner initiated zoning activity shall be the same as in Section 2.2 of this document.

Section 2.4 Conditional Use Permits

In reviewing, recommending, and acting upon applications for conditional uses, the Zoning Administrator shall consider the following criteria for approval or disapproval as appropriate:

1. Access to the site is appropriate considering the anticipated volume of traffic resulting from the use.
2. The amount and location of open space and the provision of screening is such that buffering of incompatible uses is achieved.
3. Hours and manner of operation of the proposed use are not inconsistent with the adjacent or nearby uses.
4. Public facilities and utilities are capable of adequately serving the proposed use.
5. The proposed use will not have a significant adverse effect on the level of property values or the health, safety and general welfare and character of adjacent land uses or the general area.
6. The physical conditions of the site, including size, shape, topography and drainage, are suitable for the proposed development.
7. The proposed use is consistent with the goals and objectives of the comprehensive plan.
8. Whether or not all pertinent and applicable requirements of this code, as well as all applicable state and federal laws have been met.
9. Any other factors deemed relevant to the Zoning Administrator.

Section 2.5 Appeals

Section 2.5.1 Appeal to the Planning and Zoning Board

Any party aggrieved because of the alleged error in any order, requirement, decision, or determination made by the Zoning Administrator or may appeal in writing to the Planning and Zoning Board for and receive a hearing for an interpretation of pertinent Regulation provisions. In exercising this power of interpretation, the Planning and Zoning Board may, in conformity with the provisions of these Regulations, reverse or affirm any order, requirement, decision, or determination made by the Zoning Administrator.

Section 2.5.2 Appeal to the Sole County Commissioner

Any party aggrieved because of the alleged error in any order, requirement, decision, or determination made by the Planning and Zoning Board may appeal in writing to the Sole County Commissioner for and receive a hearing for an interpretation of pertinent Regulation provisions. In exercising this power of interpretation, the Sole County Commissioner may, in conformity with the provisions of these Regulations, reverse or

affirm any order, requirement, decision, or determination made by the Planning and Zoning Board.

Section 2.5.3 Appeal from the Sole County Commissioner

Any party aggrieved by any decision of the Sole County Commissioner may seek review of such decision by a Court of Record, as provided by law.

Section 3.0 Effective Date

These Regulations will take effect and be in force the _____ day of _____, 20__.

BE IT ORDAINED, by the Sole Commissioner of Pulaski County that the foregoing Standards for rezoning, amendments, conditional use permits, and appeals be ordained, adopted, and enacted for the unincorporated areas of Pulaski County, Georgia, pursuant to the Home Rule Power of Pulaski County granted under the Laws and Constitution of Georgia.

ADOPTED this ____ day of _____, 20__.

ATTEST:

Sole County Commissioner

Date

Pulaski County Clerk

Date