



Cherokee County Planning Commission Work Session AGENDA

July 17, 2017

Business Center 6:30 PM

CALL TO ORDER

ZONING CASES

1. Case #17-07-020 Bart Williams (BOC Dist. 1)

Applicant is requesting to rezone 0.60 acres at 10631 East Cherokee Drive from R-20 to NC for expansion of adjacent property.

OTHER BUSINESS

1. Discuss Amendments to Article 18 of the Zoning Ordinance

APPROVAL OF MINUTES

ADJOURN



Cherokee County, Georgia
Agenda Request

Item#: 1.

SUBJECT: **Case #17-07-020 Bart Williams (BOC Dist. 1)** **MEETING DATE:** 7/17/2017
SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 0.60 acres at 10631 East Cherokee Drive from R-20 to NC for expansion of adjacent property.

FACTS AND ISSUES:

Commission District: 1
Zoning Change: R-20 to NC
Location: 10631 East Cherokee Drive
Tax Map and Parcel No: 03N10, Parcel 110
Acres: 0.60 acres
Proposed Development: Expansion of adjacent property
Future Development Map: Community Village Node over Suburban Growth

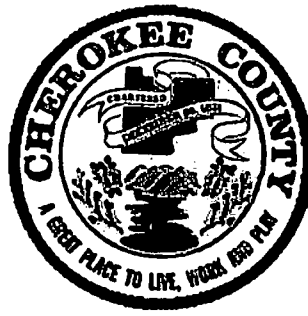
BUDGET:

Budgeted Amount: Account Name:
Amount Encumbered: Account #:
Amount Spent to Date: Remaining Budget:
Amount Requested:

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Exhibit
<input type="checkbox"/> Revised Application	Exhibit
<input type="checkbox"/> Survey	Exhibit
<input type="checkbox"/> Deed	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> Public Participation Report	Exhibit



Staff Report

Case No: 17-07-020
Applicant Name: Bart Williams for Macedonia Memorial Properties, LLC.
Location: 10631 East Cherokee Drive
 (03N10, 110)
From/To: R-20 to NC
Proposed Use: Parking for the adjacent funeral home
Commission Post: 1

	Existing Zoning	Existing Land Use
North	NC	Funeral Home
South	NC	Vacant
East	GC and AG	Shopping Center and Community Club
West	AG	Cemetery

Future Development Map

Character Area/Node/Corridor	Description
Community Village Node	Medium-scaled commercial designated to serve several neighborhoods. 80,000 sf Maximum.
Suburban Growth	Areas located outside identified centers that are experiencing a high volume of residential growth, primarily single-family houses.

Community Village	
Primary Land Uses	Secondary Land Uses
Grocery stores Home Improvement Stores Restaurants & Fast Food Auto Sales, Repair and Maintenance Self Storage Personal services such as laundromats, dry cleaners, barber/beauty shops and video rental Professional services such as lawyers, accountants, insurance agents, physicians and dentists	Local institutions such as churches, schools, day care, fire stations Single family residential neighborhoods

Suburban Growth	
Primary Land Uses	Secondary Land Uses
Single-family detached housing Conservation Subdivisions Master planned communities	Residentially-related institutional uses

Analysis and Comment

The subject parcel is 0.6 acres and lies on the west side of East Cherokee Road approximately 575 feet south of State Route 20 (Cumming Highway). A Public Participation Meeting is scheduled for June 29, 2017. No Existing Site resource map was required per Article 18, Section 18.3-2 a) 6, 6.3. This case cannot be heard on July 11 due to the lack of a public participation report submitted prior to the Work Session.

1 Findings

1.1 Engineering Department

Transportation:

- **Primary Public Access** – The primary public access for the property in this application is East Cherokee Drive. East Cherokee Drive is currently a two-lane major collector roadway that is approximately 24 feet wide. A traffic count was performed by GDOT in 2015 and recorded a volume of 6,240 vehicles per day. The geometry of the roadway is generally good.
- **Planned Improvements** – There are no planned improvements to this section of East Cherokee Drive.
- **Trip Generation** – It is not anticipated that this particular parcel will create an increase in traffic as it is joining the existing property of the Macedonia Memorial Park.

- Development Related Improvements – It appears that improvements have already been constructed on the property. Any improvements that have been made as well as any planned improvements will need to be submitted for Development Site Plan Review to make sure they are in compliance with the Cherokee County Development Regulations.

Stormwater:

- Flood Plain or Wetlands on Property – No.
- Runoff Tributary and Basin – Unnamed tributary of Canton Creek in the Allatoona basin.

Conclusion:

- It is the opinion of the Cherokee County Engineering Department that East Cherokee Drive should be able to handle the traffic generated by this application.

1.2 Cherokee County Water and Sewerage Authority

1.3 Cherokee County Board of Education

1.4 Fire Marshal's Office

1.5 Sheriff's Office

Adequate protection is presently provided by the Freehome Precinct. Response times will vary with the nature of the request, workload, proximity and driving conditions at the time of dispatch. Based upon historical data, response times for calls will normally range from four to eleven minutes. The proposed change will not have a noticeable impact on patrol operations.



REZONING MEMORANDUM

Case Number: 17-07-020
Current Zoning: R-40

Applicant: Bart Williams
Proposed Zoning: NC

● **Transportation:**

- **Primary Public Access** – The primary public access for the property in this application is East Cherokee Drive. East Cherokee Drive is currently a two-lane major collector roadway that is approximately 24 feet wide. A traffic count was performed by GDOT in 2015 and recorded a volume of 6,240 vehicles per day. The geometry of the roadway is generally good.
- **Planned Improvements** – There are no planned improvements to this section of East Cherokee Drive.
- **Trip Generation** – It is not anticipated that this particular parcel will create an increase in traffic as it is joining the existing property of the Macedonia Memorial Park.
- **Development Related Improvements** – It appears that improvements have already been constructed on the property. Any improvements that have been made as well as any planned improvements will need to be submitted for Development Site Plan Review to make sure they are in compliance with the Cherokee County Development Regulations.

● **Stormwater:**

- **Flood Plain or Wetlands on Property** – No.
- **Runoff Tributary and Basin** – Unnamed tributary of Canton Creek in the Allatoona basin.

● **Conclusion:**

It is the opinion of the Cherokee County Engineering Department that East Cherokee Drive should be able to handle the traffic generated by this application.

Case # 17-07-020 - Community Agenda Analysis

Section 1 – Community Vision

Community	Macedonia, south of the intersection of SR 20 and East Cherokee Drive
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Vision:

- Natural beauty and diversity make Cherokee County a desirable and sustainable community.
- Commitment to grow responsibly from rich agricultural foundation through careful community design.
- Lake Allatoona and Etowah River provide water supply and recreation opportunities to be preserved.
- Balance needed between housing, employment, education, recreation, infrastructure, and community services.

Applicant seeks to rezone from R-40 to NC for lot combination and commercial use.

Section 2 - Core Issues

Project Supports

Planning for Sustainable Growth	This location has most infrastructure and services nearby.
----------------------------------------	------------------------------------------------------------

Diverse Economic Opportunities	If the existing funeral home expands onto this tract, there may be an increase in employment opportunities.
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Project Neutral

Housing Choice	No evidence of impact.
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Aging in Place	No evidence of impact.
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Land Use Patterns that Promote Connectivity and Mobility	No evidence of impact.
-----------------------------------------------------------------	------------------------

Designing with the Environment	No evidence of impact.
---------------------------------------	------------------------

Preserve and Enhance Sense of Place	No evidence of impact.
--------------------------------------------	------------------------

Project Neglects

Section 3 – Character Area Description

Character Area	Suburban Growth
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The intent of this Character Area is to channel growth pressures to areas that are suitable in terms of land use patterns and infrastructure investment to create more sustainable communities. This Character Area is primarily residential in nature. Suggested zoning districts are R-80, R-60, and R-40. This project is not consistent with the Suburban Growth Character Area.

Node or Corridor	Community Village
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Community Villages are envisioned as places where a compatible mixture of higher-intensity uses are located, which may include a variety of housing options, small businesses, offices, retail shops, services, and open spaces that create a small, interconnected community. Professional services are a primary land use in this node. Suggested zoning districts are OI, NC, and GC. This project is consistent with the Community Village Development Node.

**CHEROKEE COUNTY SHERIFF'S OFFICE
MEMORADUM**

CASE NUMBER: 17-07-020

DATE: June 6, 2017

APPLICANT: Bart Williams (Macedonia Memorial Properties, LLC)

PRESENT ZONING: R40

PROPOSED ZONING: NC

1. IS ADEQUATE POLICE PROTECTION IN AREA PRESENTLY?

Generally, yes. This area is served by the Freehome Precinct

2. ESTIMATED RESPONSE TIME TO REQUEST:

Response times will vary with the nature of the request, workload, proximity and driving conditions at the time of dispatch. Based upon historical data, response times for calls will normally range from four to eleven minutes.

3. WILL ADDITIONAL PERSONNEL AND EQUIPMENT BE NECESSARY TO CONTINUE EFICIENT SERVICE IN THE AREA?

The proposed change will no have a noticeable impact on patrol operations

IF SO, LIST APPROXIMATE NEEDS:

None

4. ADDITIONAL REMARKS:

None



CHEROKEE COUNTY
Application for Public Hearing



Important Notes:

1. Please check all information supplied on the following pages to ensure your response is complete and accurate before signing this form. This page should be the first page of your completed application package.
2. All required documents for this application shall be submitted at the same time as the application. An application for a Public Hearing will not be scheduled unless and until it is complete.
3. Please contact the Planning and Land Use Department at 678-493-6101 if you have questions regarding your application package or the public hearing process for your application.

SECTION I

Contact Person: BART Williams Phone: 770 330 2930
 Email: jbartley.williams@gmail.com

Applicant's Information:

Name: BART Williams (Macedonia Memorial Properties, LLC)
 Address: 10655 E. Cherokee Phone: 770 330-2930
 City, State, Zip: Canton GA 30115

Property Owner's Information: same as above see attached authorization forms (multiple properties)

Name: Bart Williams and Joseph Hickey Macedonia Memorial Properties, LLC
 Address: 10631 E. Cherokee DR. Phone: 770 479 2788
 City, State, Zip: Canton GA 30115

Requested Public Hearing (check all that apply):

- Rezoning Amendment / Modification of Zoning
 Variance / Appeal Other: _____

STAFF USE ONLY:	PUBLIC HEARING SCHEDULE:
Commission District: <u>1</u>	Public Participation Meeting: <u>N/A</u>
Case: <u>17-07-020</u>	PC Work Session Date: <u>6/19/17</u>
CityView # <u>PL2017-0674</u>	Planning Commission Hearing: <u>7/11/17</u> <u>8/1/17</u>
Received by: _____	Board of Commissioners: <u>7/18/17</u> <u>8/15/17</u>
Fee Paid: \$ <u>750.00</u>	Zoning Board of Appeals: _____
Date: <u>4/7/17</u>	Other: _____

1 SIGN

SECTION II

REVISED
7/13/17

Property Information:

Location: 10631 E. Cherokee DR. Canton GA 30115

Current Zoning: ~~R10~~ **R20** Proposed Zoning: NC Total Acreage: .16

Tax Map #: ~~03N10~~ Parcel #: ~~003N10-0000~~ Land Lot(s): 851 District: 3

Future Development Map Designation: 6 Community Village Node over Suburban Growth

Adjacent Zonings: North NC South ~~R10~~ R20 East GC West AG

Applicant's Request (Itemize the Proposal, including code sections for Variance requests):

This application is to have parcel adjacent to our property rezoned to NC as is our property. South is 1 hour zoned R and then the next property south is zoned NC.

Proposed Use(s) of Property:

expansion of our property

Applicant Affidavit:

Upon receipt of the completed application package, the Planning and Land Use Department shall notify the applicant of scheduled date, times, and locations of the public meetings/hearings. The applicant or a representative must be present to answer any questions that may be asked. In the event that an application is not complete, the case may be delayed or postponed at the discretion of the department.

This form is to be executed under oath. I, James Bartley Williams, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Application for Public Hearing is true and correct and contains no misleading information.

This 9 day of May, 20 17.

Print Name James Bartley Williams.

Applicant Signature [Signature].

SECTION III

Infrastructure Information:

Is water available to this site? Yes No

Jurisdiction: CCWSA

How is sewage from this site to be managed?

septic

Will this proposal result in an increase in school enrollment? Yes No

If yes, what is the projected increase? _____ students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home		0.725	
Multi Family (Attached) Home		0.287	

Traffic Generation:

A traffic impact study prepared by a registered engineer will be required if the proposed subdivision exceeds 250 dwelling units; the non-residential development contains more than 25,000 square feet of floor area; or at the discretion of the County Engineer. If a traffic study is not required as part of this application, complete the following charts to estimate traffic generated by the proposal. Information for additional residential and all commercial/industrial development shall follow the summary of ITE Trip Generation Rates published in the Transportation Planning Handbook by the Institute of Transportation Engineers.

What is the estimated number of trips generated? _____ trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends ⁺	Number of Trips
210	Single Family Home/ Townhome		9.57	
220	Apartment		6.63	

Notes:

* Residential land uses are calculated based on the number of residential units. Commercial and industrial land uses are typically calculated based on square feet (sqft) of floor area for the use.

+ Residential daily trip ends per unit are shown. Contact Planning and Land Use staff about rates for other land uses.

AUTHORIZATION OF PROPERTY OWNER

I, James Bartley Williams, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Cherokee County/Cherokee County, Georgia.

He/She authorizes the person named below to act as applicant in the pursuit of a request for:

Rezoning

Amendment / Modification of Zoning Conditions

Variance / Appeal

Other: _____

I hereby authorize the staff of the Cherokee County, Department of Planning and Land Use to inspect the premises which are subject of the application.

Applicant's Information:

Name: _____

Address: N/A Phone: _____

City, State, Zip: _____

Property Owner's Information:

Name: _____

Address: _____ Phone: _____

City, State, Zip: N/A

Signature of Owner: N/A Date: _____

Print Name: _____

Sworn to and Subscribed before me this: 9th day of May, 2017.

Notary Signature: William Trion Patterson

(Notary Seal)



SECTION V

APPLICANT RESPONSE STATEMENT - REZONINGS AND AMENDMENTS / MODIFICATIONS TO ZONING CONDITIONS

The applicant finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to unrestricted use of property and shall govern the exercise of the zoning power.

If this application is in response to an annexation and/or rezoning, please respond to the following standards in the form of a written narrative:

1. Explain the intent of the requested zoning.
2. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
3. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
4. Whether the property to be affected by a proposed zoning has a reasonable economic use as currently zoned.
5. Whether the proposed zoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
6. Whether the proposed zoning is in conformity with the policy and interest of the land use plan.
7. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approved or disapproval of the proposed zoning.

① Canton Funeral Home and Cemetery, located at 10655 E. Cherokee DR. Canton GA 30115, has acquired the adjacent property to the south 10631 E. Cherokee DR. We desire to have new property rezoned and be joined to our original property as a single parcel.

② New zoning will allow us the same use as we have today

③ New zoning will not adversely affect existing use or usability of adjacent or nearby properties and in fact should enhance them

④ Current zoning of proposed property has no economic use as currently zoned but it will have significant economic use/^{value} once rezoned.

⑤ Proposed rezoning will have or cause no excessive or burdensome use to existing streets, transportation facilities, utilities or schools

⑥ Rezoning is in conformity with policy and interest of the land use plan

⑦ As this is a simple rezoning to an existing property whose use will be the same as
the current zoning, and around the parkline expansion and around beautification, zoning should be approved

DEED BOOK:14150 PG:236 Filed: 01/25/2017 10:00 AM Clerk File Number: 28-2017-002818
Rec: \$12.00 TRANSFER TAX \$200.00
Patty Baker, Clerk of Superior Court - Cherokee County, GA

Record and Return to:
Weissman PC
One Alliance Center, 3500 Lenox Road, 4th Floor
Atlanta, GA 30326
File No.: CA115-16-0167-RC

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF COBB

THIS INDENTURE, made this 19th day of January, 2017 by and between Janie N. Hamilton f/k/a Janie N. Hester, as party or parties of the first part, hereinafter called Grantor, and Macedonia Memorial Properties, LLC, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS AND NO/100 (\$10.00) AND OTHER VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to-wit:

SEE ATTACHED EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE HERETO

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said described property.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, only to the proper use, benefit and behoof of the said Grantee, forever IN FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by, through, or under Grantor herein.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, on the date and year above written.

Signed, sealed and delivered
in the presence of:

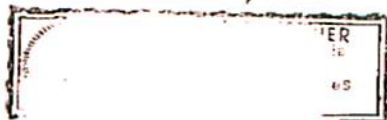
Unofficial Witness

Notary Public

My Commission Expires:

4-11-2017

Janie N. Hamilton Janie N. Hester (Seal)
Janie N. Hamilton f/k/a Janie N. Hester



Deed (Limited Warranty)

CA115-16-0167-RC

DEED BOOK:14150 PG:237 Filed: 01/25/2017 10:00 AM Clerk File Number: 28-2017-002818

Rec: \$12.00 TRANSFER TAX \$200.00

Patty Baker, Clerk of Superior Court - Cherokee County, GA

EXHIBIT "A"

File No.: CA115-16-0167-RC

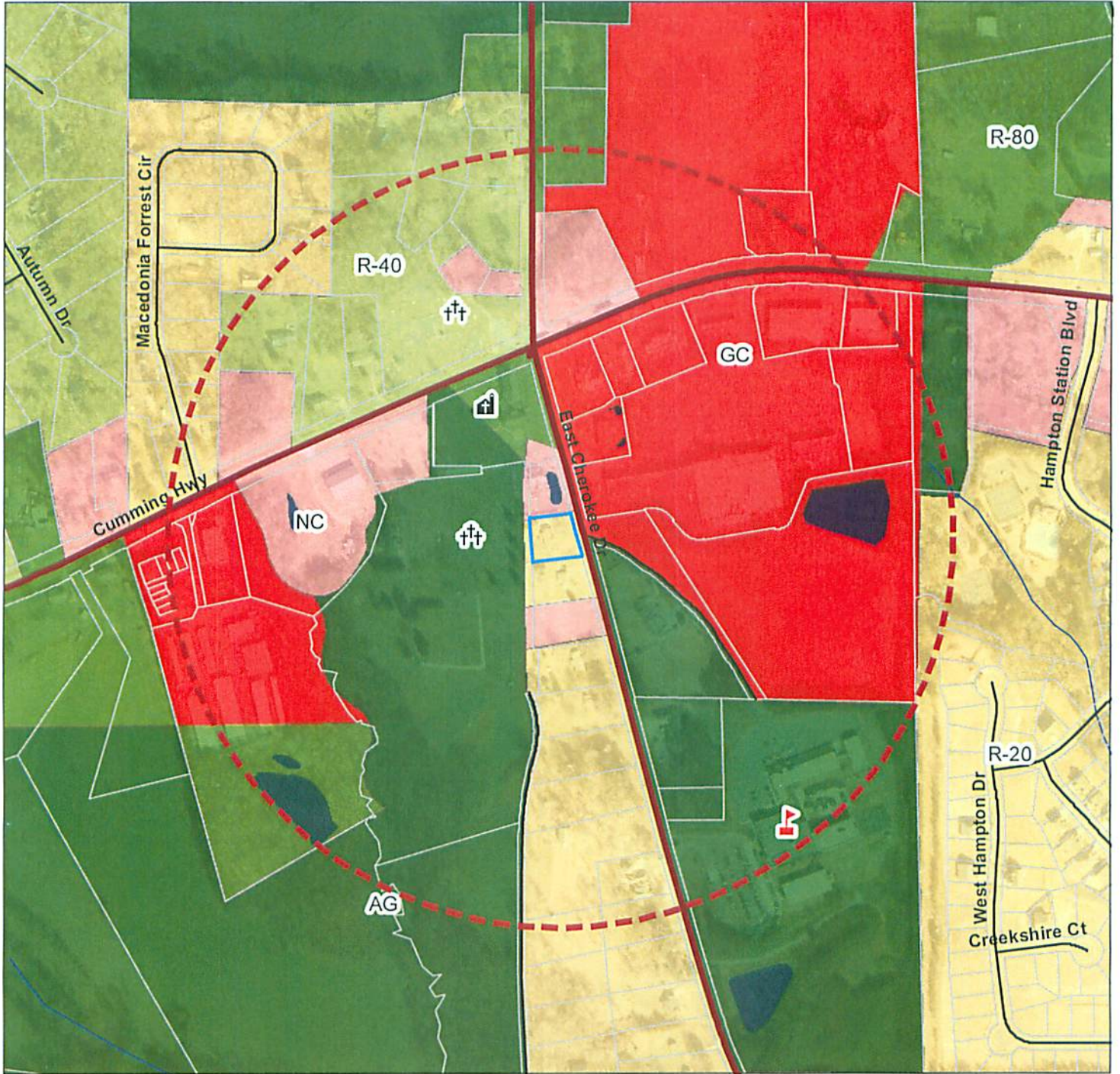
All that tract or parcel of land lying and being in Land Lot 851 of the 3rd District, 2nd Section, of Cherokee County, Georgia, being Lot 2, of Pinyan & Williams Subdivision, as per plat thereof recorded in Plat Book 2, Page 203, Cherokee County, Georgia, records, which plat is incorporated herein and made a part hereof by reference for a more detailed description; said property being known as 10631 East Cherokee Drive, according to the present system of numbering property in Cherokee County, Georgia.

[COPY]

Deed (Limited Warranty)

CA115-16-0167-RC

Case # 17-07-020 Bart Williams Macedonia Memorial Properties, LLC
Zoning Map



Legend

- | | | |
|---------------------|-------------------------------|----------------------|
| Rezoning Parcel | Cherokee County Zoning | RTH |
| 1/4 Mile Radius | AG | RM10 |
| School | R80 | RM16 |
| Cemetery | R60 | TND |
| Church | R40 | PUD |
| Street | R30 | OI |
| Parcel | R20 | NC |
| 100 Year Flood Zone | R15 | GC |
| Ball Ground | R03 | LI |
| Canton | R10 | H8 |
| Holly Springs | R2L | Bell's Ferry Overlay |
| Woodstock | RA | Hwy 92 Overlay |
| Detention Pond | | |



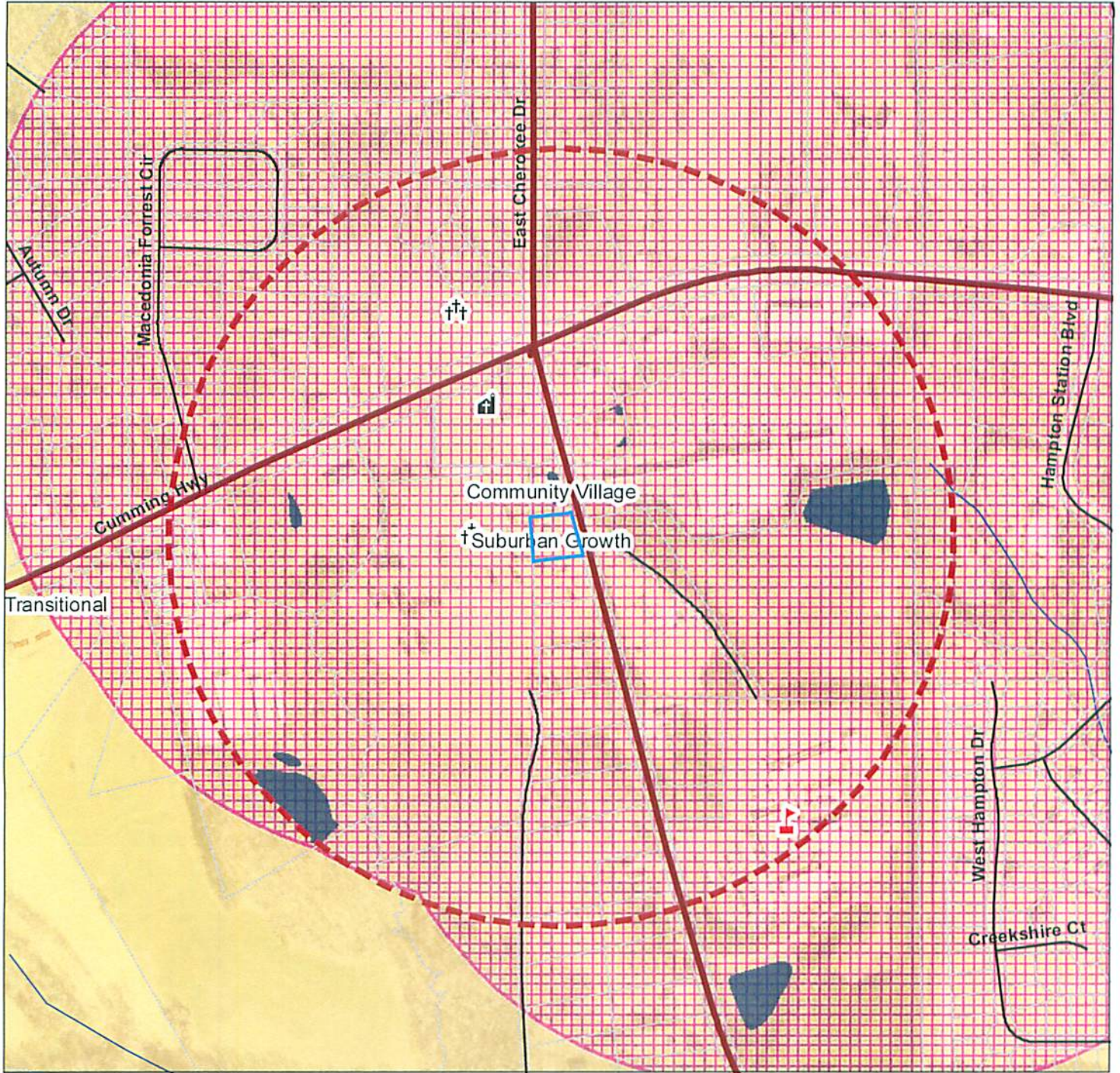
This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.



Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
06 June 2017



Future Development Map



- Legend**
- Rezoning Parcel
 - 1/4 Mile Radius
 - School
 - Cemetery
 - Church
 - Street
 - Parcel
 - 100 Year Flood Zone
 - Ball Ground
 - Canton
 - Holly Springs
 - Woodstock
 - Detention Pond
- Development Nodes**
- County Crossroads
 - Hamlet
 - Neighborhood Village
 - Community Village
 - Scenic Corridor
 - Transitional Corridor
 - Development Corridor
- Character Areas**
- Natural Preserve
 - Rural Places
 - Country Estates
 - Suburban Growth
 - Suburban Living
 - Neighborhood Living
 - Bell's Ferry LCI
 - Urban Core
 - Workplace Center
 - Regional Center
 - Waste Management



This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.



Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
06 June 2017



ENTERED
7/5/17

To: Cherokee County Land Planning

From: Bart Williams

Subject: Report of Public Participation meeting held for rezone application 17-07020

A Public Participation meeting was scheduled and held June 29, 2017 from 6:30-8:00pm at the FreeHome Community Center.

Announcement of the meeting was made by sending letter(copy attached) to the interested parties and residents and business owners within 750 ft of proposed lot to be rezoned. Receipts of mailing attached.

There was no attendance at the meeting and therefore there were no issues raised that needed to be addressed.

Bart Williams

7703302930

RECEIVED
JUL 5 2017



**Cherokee County, Georgia
Agenda Request**

Item#: 1.

SUBJECT: **Discuss Amendments to Article 18 of the Zoning Ordinance**
MEETING DATE: 7/17/2017

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

FACTS AND ISSUES:

BUDGET:

Budgeted Amount:	Account Name:
Amount Encumbered:	Account #:
Amount Spent to Date:	Remaining Budget:
Amount Requested:	

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> New Zoning Guidebook	Exhibit
<input type="checkbox"/> Article 18	Exhibit

REZONING APPLICATION



Department of Planning & Land Use
1130 Bluffs Parkway
Canton, GA 30114
678-493-6101

pluse@cherokee.ga.gov

CHEROKEE COUNTY PLANNING & LAND USE

PROCESS FOR SUBMITTING A REZONING APPLICATION

All applications requesting a change in the zoning of a property are reviewed by the Planning & Land Use staff, the Cherokee County Municipal Planning Commission and the Cherokee County Board of Commissioners. The following outline identifies the steps within the process

(1) Pre-Application Meeting prior to any submittal

A meeting scheduled with staff of the Planning & Land Use Department is required prior to submitting a request to change the zoning of their property. The purpose of the meeting is to communicate the intent to seek a change of zoning, to understand the documents required of the process, the timeline and the responsibilities for submitting a complete application.

(2) Preliminary Review Meeting

After the pre-application meeting, but prior to submittal of an application requesting a change of zoning, the project shall be presented by the applicant in a Preliminary Review of the project. The purpose of the preliminary review meeting is to allow the Plan Approval team the opportunity to become familiar with the proposed site / project and to offer their comments as to what will be required of the proposed site / project

(3) Submittal of Completed Application by Filing Deadline

After having met with staff in a Pre-application meeting and subsequently presenting their project in a Preliminary Review meeting, a completed application is to be submitted to the Department of Planning and Land Use. The application shall be submitted before 5:00 pm on the date of filing deadline (see Public Hearing Schedule). An applicant is **NOT REQUIRED** to wait to the submittal deadline to file an application. Applications shall be limited to **NO MORE THAN SIX (6) SCHEDULED FOR PUBLIC HEARING PER MONTH** on a first come, first served basis. In addition to said six (6), two (2) non-residential applications shall be accepted

(4) Public Participation Meeting (if required)

Where required, a person requesting a change of zoning is required to host a Public Participation meeting the purpose of which is to ensure early and effective communication with nearby property owners and interested citizens, giving them the opportunity to understand the proposed request for a change of zoning and to mitigate any impacts such proposal may have on the community. A person seeking a change of zoning may host a Public Participation meeting any time after the project has been presented in both a Pre-Application meeting and a Preliminary Plan meeting.

(5) Application Deemed Complete

The Department of Planning & Land Use shall review and assess all applications requesting a map amendment for completeness. If the application is deemed incomplete, the department staff shall inform the applicant in writing of the deficiencies of the application. The applicant requesting a map amendment shall correct all deficiencies **no later than 45 days prior to the public hearing date**, or the application will be continued until the next available public hearing date.

(6) Planning Commission Work Session

Prior to the regularly scheduled public hearing date, the Planning Commission may schedule a work session at which all business items scheduled to come before the Planning Commission at a public hearing are to be presented. The purpose of the work session is to familiarize the members with the facts of each such item. Planning and Land Use staff shall provide technical assistance in preparing the agenda for the Work Session. The Work Session is a public meeting however; no presentations or unsolicited comments are welcomed.

(7) Public Hearing

The Planning Commission shall conduct a public hearing for the purpose of hearing the application requesting a change of zoning and to make a recommendation for action on the request to the Board of Commissioners.

(8) Board of Commissioners regular meeting

Upon

DRAFT

SUBMITTAL CHECKLIST

The following is the checklist of information required for submission of an Application for Public Hearing for a rezoning of property. Submission of the items in this checklist by the filing deadline does not imply the application has been accepted nor that it will appear at the Public Hearing.

Application Form

One (1) copy of the appropriate application form

Letter of Intent

One copy of a Letter of Intent

The Letter of Intent must give details of the property use of the property and should include at least the following information (as applicable):

1. A Statement regarding the proposed use of the property
2. The acreage or size of the tract
3. The zoning classification(s) requested
4. The number of lots or number of dwelling units property; house size proposed
5. The density in terms of gross square footage per acre, if commercial, industrial or office / institutional use
6. Number of parking spaces
7. Height of buildings

Applicant Response Statement

Property Owner Authorization

Conflict of Interest Certification

Campaign Contribution Certification

Application Fees

See attached schedule of fees. Acceptable payment methods are: cash, check, or credit card (Visa, Mastercard or Discover) Checks should be made payable to Cherokee County

Legal Description

The legal description must be a metes and bounds description. It must establish a point of beginning and from the point of beginning cite each dimension bounding the property, calling the directions (ie. North, Northeasterly, Southerly, etc.) which the boundary follows around the property returning to the point of beginning. If there are multiple property owners, all properties must be combined into one legal description. If the properties are not contiguous, a separate application and legal description must be submitted for each property. For requests for multiple zoning districts, a separate legal description must be submitted for each district requested.

Boundary Survey

One copy of a boundary survey to scale for the subject property, displaying all metes and bounds. This is not necessary if the Site Plan includes this information

Warranty Deed

A copy of the warranty deed that reflects the current owner(s) of the property. Security deeds are not acceptable

Site Plan

A site plan or a plat showing the dimensions, acreage and location of the tract(s) prepared by an architect, engineer, landscape architect or land surveyor, whose State registration is current and valid. (Plans must be stamped). One (1) drawing shall be no larger than 36" x 48" and two (2) copies must be 11" x 17".

Traffic Study

A traffic impact study prepared by a registered engineer will be required if:

- (1) the proposed subdivision exceeds 250 dwelling units;
- (2) the non-residential development contains more than 25,000 square feet of floor area;
- (3) or at the discretion of the County Engineer

Public Participation Plan (if required)

DRI Review Form (if meeting DRI thresholds)

Other



CHEROKEE COUNTY

Application for Public Hearing

Important Notes:

1. Please check all information supplied on the following pages to ensure your application is complete and accurate before signing this form. This page should be the first page of your completed application package.
2. All required documents for this application shall be submitted at the same time as the application. An application for a Public Hearing will not be scheduled unless and until it is *complete*.
3. Please contact the Planning and Land Use Department at 678-493-6103 if you have questions regarding your application or the public hearing process.
4. Applicant, or representative for applicant, must attend the Zoning Hearings. Failure to attend may result in dismissal with prejudice, rejection of the application or continuance of the hearing at the Board's sole discretion. If continued due to failure to appear at hearing, applicant will be responsible for all costs associated for re-advertising and notice for public hearing.

SECTION I

Contact Person: _____ Phone: _____
 Email: _____

Applicant's Information:

Name: _____

Address: _____ Phone: _____

City, State, Zip: _____

Property Owner's Information: _____ same as above _____ see attached authorization forms (multiple properties)

Name: _____

Address: _____ Phone: _____

City, State, Zip: _____

Requested Public Hearing (check all that apply):

Rezoning

Amendment / Modification of Zoning

Special Use

Other: _____

STAFF USE ONLY:

Commission District: _____

Case: _____-_____-_____

CityView # _____

Fee \$: _____

Date Paid: _____

of Signs: _____

Other: _____

PUBLIC HEARING SCHEDULE:

Public Participation Meeting: _____

PC Work Session Date: _____

Planning Commission Hearing: _____

Board of Commissioners: _____

Zoning Board of Appeals: _____

SECTION II

Property Information:

Location: _____

Current Zoning: _____ Proposed Zoning: _____ Total Acreage: _____

Tax Map #: _____ N _____ Parcel #: _____ Land Lot(s): _____ District: _____

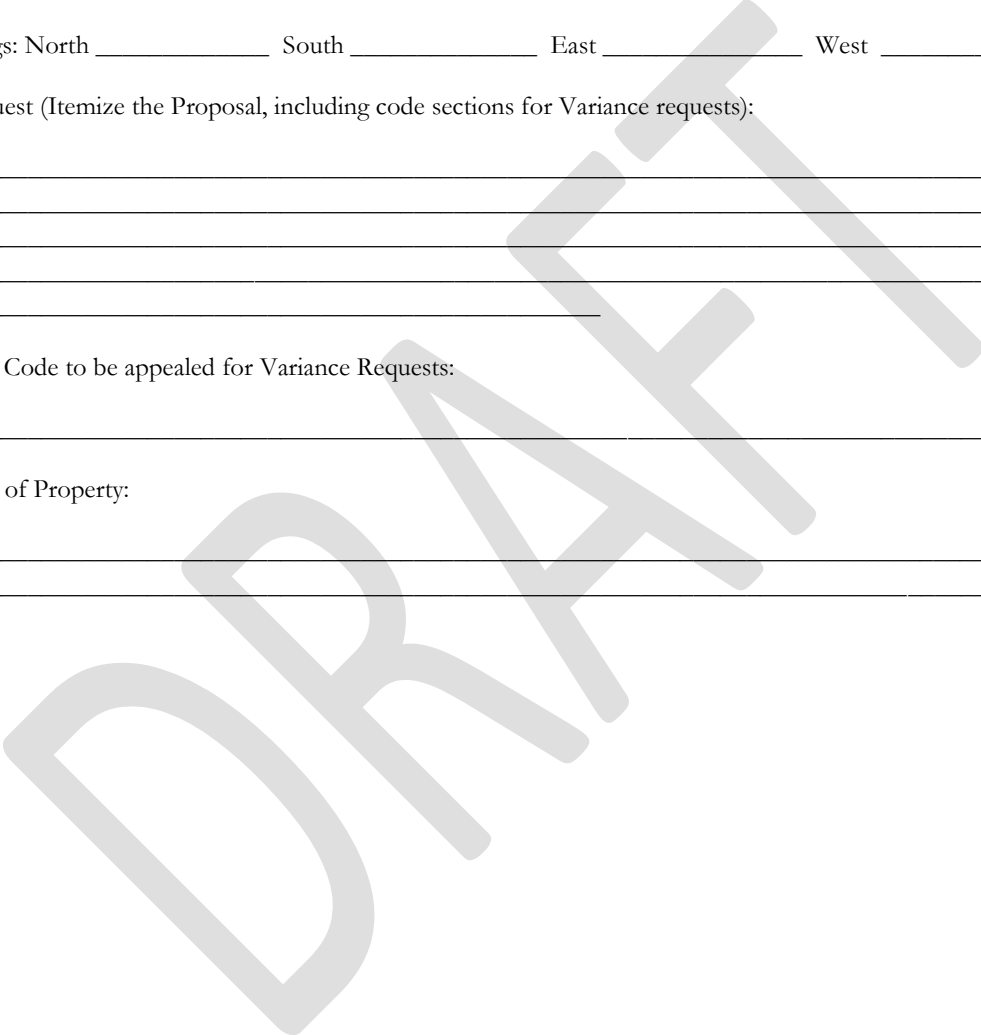
Future Development Map Designation: _____

Adjacent Zonings: North _____ South _____ East _____ West _____

Applicant's Request (Itemize the Proposal, including code sections for Variance requests):

Section(s) of the Code to be appealed for Variance Requests:

Proposed Use(s) of Property:



SECTION III

Infrastructure Information:

Is water available to this site? Yes No Jurisdiction: _____

How is sewage from this site to be managed?

Will this proposal result in an increase in school enrollment? Yes No

If yes, what is the projected increase? _____ students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home		0.725	
Multi Family (Attached) Home		0.287	

Traffic Generation:

A traffic impact study prepared by a registered engineer will be required if the proposed subdivision exceeds 250 dwelling units; the non-residential development contains more than 25,000 square feet of floor area; or at the discretion of the County Engineer. If a traffic study is not required as part of this application, complete the following charts to estimate traffic generated by the proposal. Information for additional residential and all commercial/industrial development shall follow the summary of ITE Trip Generation Rates published in the Transportation Planning Handbook by the Institute of Transportation Engineers.

What is the estimated number of trips generated? _____ trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends ⁺	Number of Trips
210	Single Family Home/ Townhome		9.57	
220	Apartment		6.63	

Notes:

- * Residential land uses are calculated based on the number of residential units. Commercial and industrial land uses are typically calculated based on square feet (sqft) of floor area for the use.
- + Residential daily trip ends per unit are shown. Contact Planning and Land Use staff about rates for other land uses.

APPLICANT RESPONSE STATEMENT

The applicant finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to unrestricted use of property and shall govern the exercise of the zoning power.

The applicant shall respond to the following standards in the form of a written narrative:

1. Explain the intent of the requested zoning.
2. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
3. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
4. Whether the property to be affected by a proposed zoning has a reasonable economic use as currently zoned.
5. Whether the proposed zoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
6. Whether the proposed zoning is in conformity with the policy and interest of the land use plan.
7. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approved or disapproval of the proposed zoning.

AUTHORIZATION OF PROPERTY OWNER(S)

I, _____, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; that he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Cherokee County/Cherokee County, Georgia.

He/She authorizes the person named below to act as applicant in the pursuit of a request for:

___ Rezoning

___ Amendment / Modification of Zoning Conditions

___ Variance / Appeal

___ Other: _____

I hereby authorize the staff of the Cherokee County, Department of Planning and Land Use to inspect the premises which are subject of the application.

Applicant's Information:

Name: _____

Address: _____ Phone: _____

City, State, Zip: _____

Property Owner's Information:

Name: _____

Address: _____ Phone: _____

City, State, Zip: _____

Signature of Owner: _____ Date: _____

Print Name: _____

Signature of Owner: _____ Date: _____

Print Name: _____

Sworn to and subscribed before me this: _____ day of _____, 20____.

Notary Signature: _____

(Notary Seal)

CONFLICT OF INTEREST CERTIFICATION

The undersigned below, making application for a zone change has complied with the O.C.G.A. § 36-67A, et. Seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided. Title 36 relates to disclosure of financial interests, campaign contributions, and penalties for violating O.C.G.A.

Signature of Applicant: _____ Date: _____

Print Name: _____

Signature of Applicant's Attorney: _____ Date: _____

Print Name: _____ Title: _____

Sworn to and subscribed before me this: _____ day of _____, 20_____.

Notary Signature: _____

(Notary Seal)

CAMPAIGN DISCLOSURE STATEMENT

Nothing in Chapter 36 of OCGA shall be construed to prohibit a local government official from voting on a zoning decision when the local government is adopting a zoning ordinance for the first time or when a local government is voting upon a revision of the zoning ordinance initiated by the local government pursuant to a comprehensive plan as defined in Chapter 70 of this title.

___ No, I have not made any campaign contribution to County Officials voting on this application exceeding \$250 in the past two years.

___ Yes, I have made campaign contributions to County Officials voting on this application exceeding \$250 in the past two years.

To Whom: _____

Value of Contribution: _____

Date of Contribution: _____

Signature of Applicant: _____ Date: _____

Print Name: _____

Sworn to and subscribed before me this: _____ day of _____, 20_____.

Notary Signature: _____

(Notary Seal)

SITE PLAN

A site plan or a plat showing the dimensions, acreage and location of the tract(s) prepared by an architect, engineer, landscape architect or land surveyor, whose State registration is current and valid. (Plans must be stamped) The following information shall be prepared, where applicable:

- a. Location Map. A general location map.
- b. North Arrow
- c. Lot Lines
- d. Date of plan
- e. Graphic scale
- f. Bearing and distances
- g. Survey Boundaries. Surveyed boundaries of the entire tract and their relationship to adjoining properties, public rights-of-way, and easements.
- h. Existing zone district classification(s) of abutting properties
- i. Identification of abutting property type/land use
- j. Names of owners of abutting properties
- k. Building Locations. Location of all proposed buildings, their intended use, shape, size and setback in appropriate scale.
- l. Existing Structures or buildings
- m. Cemeteries
- n. Parking Spaces and Loading Areas
- o. Adjoining Streets with Right-of-Way. Location and right-of-way of streets, roads, alleys, railroads, with lengths and paving widths, road names or designations.
- p. Utility easements
- e. Buffers. Proposed zoning and landscaping buffers.
- f. Topography (at no less than 10 ft. intervals)
- g. General vegetative characteristics of property. (i.e.: Forested, Pasture, etc.)
- h. General soil types (if using septic systems)
- i. Flood Plain. Limits of 100-year floodplain and acreage of flood plain
- j. Lakes and streams, including required state or local buffers
- k. Wetlands
- l. Sketches. Representative architectural sketches or renderings of typical proposed structures, signs, landscaping, screening and/or fencing.
- j. Technical Data. Statistical or technical data as necessary to accurately describe the proposed development
 - i. Total land area.
 - ii. Amount of land to be used for recreational or open space purpose.
 - iii. Total number of dwelling units and gross density by type of land use.
 - iv. Amount of space to be occupied by streets and parking areas.
 - v. Amount of any submerged land within the project boundary.
 - vi. The total ground coverage and floor area of all buildings.
 - vii. A breakdown of the number of kinds of proposed buildings, including square footage, and the number and range of lot sizes and proposed setback and yard dimensions for typical lots and/or building types.

PUBLIC PARTICIPATION PROCESS

PUBLIC PARTICIPATION PLAN

A Public Participation Plan shall be required for all rezoning applications proposing office, commercial, multi-family residential, industrial, and single family residential of five (5) or more lots. A Public Participation Plan will also be required for AG rezoning requests proposing any commercial agriculture activity. (e.g. Breeding of livestock, sales of produce).

The applicant may submit a Public Participation Plan and begin implementation prior to formal application at his discretion; however, implementation shall not begin until the project has been presented in both a Pre-Application meeting and a Preliminary Plan meeting

At a minimum, the Public Participation Plan shall include the following information:

- (a) Which property owners, interested parties, political jurisdictions and public agencies may be affected by the application
- (b) How those interested in and potentially impacted by an application will be notified that an application has been made.
- (c) How those interested and potentially impacted parties will be informed of the substance of the development proposed by the applicant.
- (d) How those potentially impacted and interested parties will be afforded an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues or problems that they may have with the proposal, in advance of the public hearing.
- (e) The applicant's schedule for completion of the Public Participation Plan process.

PUBLIC PARTICIPATION MEETING

Where required, it shall be the responsibility of the applicant to schedule and hold a public participation meeting. The public notification letter sent to the neighborhood shall identify the date, time, and place of the meeting.

Minimum Public Notification Target Area. The minimum public notification target area for the public participation meeting will include:

- (a) All properties that lie within 750 feet of the legal boundary of the subject property.
- (b) Any homeowners' associations which represent subdivisions or properties, that falls within the 750 foot boundary.
- (c) Other interested parties who have requested that they be placed on the Interested Parties Notification List, to be maintained by the Department of Planning & Land Use.
- (d) Department of Planning & Land Use
- (e) Cherokee County Board of Commissioners

Meeting Notices. Notices sent by the applicant to the properties in the Target Area and to the Interested Parties Notification List **SHALL BE MAILED NO LATER THAN 10 DAYS PRIOR** to the scheduled Public Participation Meeting date. (See Public Participation Meeting Notification Letter template)

Certificate of Mailing. The applicant will be required to submit to the Department of Planning and Land Use a Certificate of Mailing from the post office which lists those property owners within the Target Area who were invited to the scheduled Public Participation meeting.

Meeting Protocol. At the Public Participation meeting:

- (a) The applicant or authorized representative shall be available to answer questions of the general public for at least 30 minutes
- (b) The meeting location shall be held at a public facility within the community for which the applicant is seeking re-zoning request. The meeting location should be within a 5-mile radius from location of the subject property. If no such facility is available, the applicant may propose an alternate location to be approved by the Director of Planning & Land Use prior to making such arrangements.

- (c) The meeting shall not begin prior to 6:30 p.m. on the evening the meeting is to be held.
- (d) The applicant or authorized representative shall provide the following material for the general public to view:
 - Cherokee County Future Land Use Map.
 - Site plan proposed on application.
 - Contact information (name and phone number and/or e-mail address) for the applicant or authorized representative.
 - Procedure and contact information provided by Cherokee County Department of Planning & Land Use
- (e) Failure to comply with the public participation requirements herein will result in a request by staff to continue the case until such time as the applicant demonstrates compliance

PUBLIC PARTICIPATION REPORT

The applicant shall provide a written report on the results of the public participation meeting to the Department of Planning & Land Use **one (1) week** prior to the Planning Commission Work Session. This report will be provided to the Planning Commission and Board of Commissioners.

At a minimum, the Public Participation Report shall include the following information:

Details of methods the applicant used to involve the public, including:

- (a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
- (b) Content, dated mailed and numbers of mailings, including letters, meeting notices, newsletters and other publications;
- (c) Where property owners and interested parties receiving notices or other written materials, are located; and
- (d) The number of people that participated in the process.

A summary of concerns, issues and problems expressed during the process, including:

- (a) The substance of the concerns, issues and problems;
- (b) How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and
- (c) Concerns, issues and problems the applicant is unable or unwilling to address and why.

NEED TEMPLATES HERE

DRAFT

DEVELOPMENT OF REGIONAL IMPACT

The State of Georgia, Department of Community Affairs has established specific thresholds for the identification of Developments of Regional Impact (DRI). Please refer to the Thresholds Table that is attached to this application to determine if the proposed project meets or exceeds any of the development thresholds. If the proposed project meets or exceeds any of the development thresholds, a Development of Regional Impact Review **MUST** be conducted prior to the Planning Commission Hearing. The rules and procedures for a DRI REVIEW are available from the Atlanta Regional Commission or the Georgia Department of Community Affairs respective websites.

DEVELOPMENTS OF REGIONAL IMPACT DEVELOPMENT THRESHOLDS

Type of Development	Notification Only	Rural and Developing Rural	Maturing Neighborhoods, Established Suburbs, Developing Suburbs and other places not mentioned in this table	Regional Centers, and Regional Employment Corridors	Region Core
(1) Office	400,000 gross sf	400,000 gross sf	500,000 gross sf	600,000 gross sf	700,000 gross sf
(2) Commercial	Greater than 300,000 gross sf	300,000 gross sf	400,000 gross sf	500,000 gross sf	600,000 gross sf
(3) Wholesale & Distribution	Greater than 500,000 gross sf	500,000 gross sf	500,000 gross sf	500,000 gross sf	500,000 gross sf
(4) Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	300 new beds	400 new beds	500 new beds	600 new beds
(5) Housing	Greater than 400 new lots or units	400 new lots or units	500 new lots or units	600 new lots or units	700 new lots or units
(6) Industrial	Greater than 500,000 gross sf; or employing more than 1,600 workers; or covering more than 400 acres	500,000 SF or 1,600 workers	500,000 SF or 1,600 workers	500,000 SF or 1,600 workers	500,000 SF or 1,600 workers
(7) Hotels	Greater than 400 rooms	400 rooms	500 rooms	600 rooms	700 rooms
(8) Mixed Use	Gross sf or 400,000 or more (with residential units calculated at either 1,800 sf per unit or, if applicable, the minimum sq footage allowed by local development regulations); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein	400,000 gross sf (with residential units calculated at 1,800 sf per unit, or the minimum allowed by the host local government)	500,000 gross sf (with residential units calculated at 1,500 sf per unit, or the minimum allowed by the host local government)	600,000 gross sf (with residential units calculated at 1,000 sf per unit, or the minimum allowed by the host local government)	700,000 gross sf (with residential units calculated at 1,000 sf per unit, or the minimum allowed by the host local government)
(9) Airports	All new airports, runways, and runway extensions	New airports and runway extensions of 500 ft. or more	New airports and runway extensions of 500 ft. or more	New airports and runway extensions of 500 ft. or more	New airports and runway extensions of 500 ft. or more
(10) Attractions & Recreational Facilities	Greater than 1,500 parking spaces or seating capacity of more than 6,000	1,500, seating capacity or 6000+	1,500, seating capacity or 6000+	1,500, seating capacity or 6000+	1,500, seating capacity or 6000+
(11) Post Secondary Schools	New school with a capacity or more than 2,400 students; or expansion by at least 25% of capacity	New school with a capacity or more than 2,400 students; or expansion by at least 25% of capacity	New school with a capacity or more than 2,400 students; or expansion by at least 25% of capacity	New school with a capacity or more than 2,400 students; or expansion by at least 25% of capacity	New school with a capacity or more than 2,400 students; or expansion by at least 25% of capacity

(12) Waste Handling Facilities	New facility or expansion of use of an existing facility by 50% or more	New facility within 1 mile of a public facility (airport, school, reservoir, river, etc.), otherwise, notification only	New facility within 1 mile of a public facility (airport, school, reservoir, river, etc.), otherwise, notification only	New facility within 1 mile of a public facility (airport, school, reservoir, river, etc.), otherwise, notification only	New facility within 1 mile of a public facility (airport, school, reservoir, river, etc.), otherwise, notification only
(13) Quarries, Asphalt & Cement Plants	New facility or expansion of use of an existing facility by 50% or more	New facility within 1 mile of a public facility (airport, school, reservoir, river, etc.), otherwise, notification only	New facility within 1 mile of a public facility (airport, school, reservoir, river, etc.), otherwise, notification only	New facility within 1 mile of a public facility (airport, school, reservoir, river, etc.), otherwise, notification only	New facility within 1 mile of a public facility (airport, school, reservoir, river, etc.), otherwise, notification only
(14) Wastewater Treatment Facilities	New major conventional treatment facility or expansion of existing facility by more than 50%; or community septic treatment facilities exceeding 150,000 gallons per day or serving a development project that meets or exceeds an applicable threshold as identified herein	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)
(15) Petroleum Storage Facilities	Storage greater than 50,000 barrels if within 1,000 ft of any water supply; otherwise, storage capacity greater than 200,000 barrels	50,000 barrels if within 1,000 ft of water supply	50,000 barrels if within 1,000 ft of water supply	50,000 barrels if within 1,000 ft of water supply	50,000 barrels if within 1,000 ft of water supply
(16) Water Supply Intakes / Public Wells / Reservoirs / Treatment Facilities	New Facilities	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)
(17) Intermodal Terminals	New Facilities	New Facilities	New Facilities	New Facilities	New Facilities
(18) Truck Stops	New facility with more than 3 diesel fuel pumps, or containing a half acre of truck parking or 10 truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces
(19) Correctional / Detention Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day
(20) Any other development types not identified above (includes parking facilities)	1,000 parking spaces or, if available, more than 5,000 daily trips generated	1,000 spaces or 5,000 daily trips	1,000 spaces or 5,000 daily trips	1,000 spaces or 5,000 daily trips	1,000 spaces or 5,000 daily trips

NEED FORM ONE FOR DRI HERE

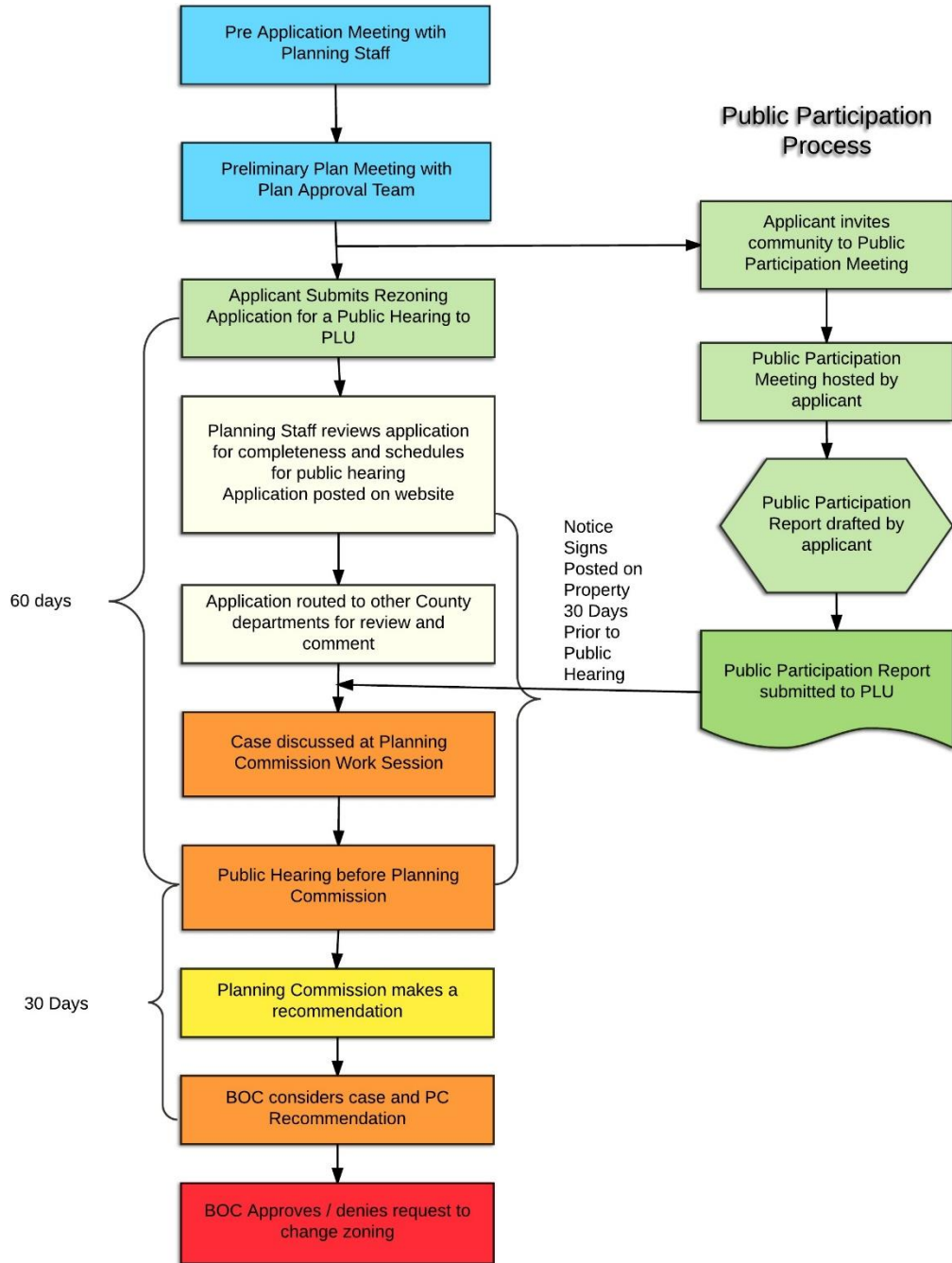
PUBLIC HEARING SCHEDULE

Last Filing Day	Deemed Complete by	Signs Posted	PC Public Hearing	BOC Regular Meeting
4/7/2017	4/22/2017	5/7/2017	6/6/2017	7/11/2017
5/12/2017	5/27/2017	6/11/2017	7/11/2017	8/1/2017
6/2/2017	6/17/2017	7/2/2017	8/1/2017	9/5/2017
7/7/2017	7/22/2017	8/6/2017	9/5/2017	10/3/2017
8/4/2017	8/19/2017	9/3/2017	10/3/2017	11/7/2017
9/8/2017	9/23/2017	10/8/2017	11/7/2017	12/5/2017
10/6/2017	10/21/2017	11/5/2017	12/5/2017	1/2/2018
No January Hearing				
12/8/2017	12/23/2017	1/7/2018	2/6/2018	3/6/2018

SCHEDULE OF FEES

Rezoning Applications			
Acres	Single Family Residential	Multi-Family Residential	Commercial / Industrial
0-20	\$ 250.00	\$ 500.00	\$ 750.00
20-100	\$ 500.00	\$ 750.00	\$ 850.00
100+	\$ 750.00 + \$ 10 / acre	\$ 1,000.00 + \$ 10 / acre	\$ 1,000.00 + \$ 15 / acre
Max fee	\$ 2,500.00		
Modification of Zoning Conditions	\$ 175.00		

Cherokee County Zoning Process



CONTACT LIST

PLANNING & LAND USE

Vicki Taylor	Zoning Administrator	678-493-6105	vtaylor@cherokeega.com
Margaret Stallings	Principal Planner	678-493-6106	mstallings@cherokeega.com
Michael Chapman	Planner	678-493-6112	
Tamala Davis	Planning Tech	678-493-6104	tdavis@cherokeega.com
Rhonda Hilliard	Exec. Assistant	678-493-6103	rlhilliard@cherokeega.com
Jeff Watkins	Community Dev. Director	678-493-6107	jwatkins@cherokeega.com

DEVELOPMENT SERVICE CENTER

ENGINEERING

FIRE MARSHAL

PLANNING COMMISSION

Article 18 – Amendments and Zoning Procedures

18.1 ADMINISTRATION AND LEGISLATIVE BODIES.

The provisions of this Article of the Zoning Ordinance shall be administered by the Planning and Land Use Department, in association with and in support of the Planning Commission, and Board of Commissioners, as described herein.

18.2 PLANNING COMMISSION

18.2-1 Purpose

There is hereby established a Cherokee County Planning Commission for the purposes of providing recommendations to the Board of Commissioners of Cherokee County concerning re-zoning applications, zoning, and land use.

18.2-2 Membership

The Cherokee County Planning Commission shall consist of nine (9) members who reside in Cherokee County. The Board of Commissioners of Cherokee County shall appoint seven (7) of the members with each Commissioner having one (1) appointment to run concurrently with the term of the person so appointing. In addition, two members shall be appointed by the Board of Commissioners of Cherokee County as a whole to serve at the pleasure of the Commission.

Two members of the Cherokee County Planning Commission shall consist of representatives of the City of Waleska and the City of Ball Ground. The City of Waleska and the City of Ball Ground shall appoint the respective members.

18.2-3 Leadership

There is hereby established a Chairman of the Cherokee County Planning Commission to be appointed annually by the members of the Cherokee County Planning Commission. In addition, a Vice-Chair shall be designated by the members of the Cherokee County Planning Commission.

18.2-4 Policies and Procedures

Copies of the Cherokee County Planning Commission Policies and Rules of Procedure shall be available for distribution to the general public through the Planning and Land Use Department.

18.3 ZONING ORDINANCE TEXT AND MAP AMENDMENTS.

18.3-1 Zoning Ordinance and Official Zoning Map Amendment Procedure.

The Zoning Ordinance, including the Official Zoning Maps, may be amended from time to time by the Board of Commissioners in accordance with the requirements of the State Zoning Procedures Law (Ga. Laws 1985, page 1139; O.C.G.A. Sections 36-66-1 through 36-66-5) and this Ordinance.

18.3-2 Initiation of Amendments.

Applications for amendment of the text or maps of the Zoning Ordinance may be initiated by the Board of Commissioners, the Planning Commission, the Director of Planning and Land Use, the County Engineer or by petition of any property owner addressed to the Board of Commissioners when public necessity, general welfare or good zoning practice justifies such action.. In the case of a petition for the rezoning of property, such petition shall be submitted by the owner of record of said property, the owner's agent or by a contract purchaser with the owner's written consent.

18.3-3 Public Hearing Required.

- A. Prior to enacting either a text amendment to this code or a map amendment, the Board of Commissioners shall cause a public hearing to be held on the proposal.
- B. At least fifteen (15) but not more than forty-five (45) days prior to the date of each such hearing, the Board of Commissioners shall cause to be published within a newspaper of general circulation within the territorial boundaries of Cherokee County, a notice of the hearing. The notice shall state the time, place and purpose of the hearing.

18.3-4 Text Amendments.

- A. Public Hearing. The Board of Commissioners shall schedule and conduct such public hearing. Alternatively, the Board of Commissioners may direct the Planning Commission to conduct a public hearing for the purpose of obtaining their recommendation. Following its public hearing or after receipt of the Planning Commission recommendation, the Board of Commissioners shall consider the text amendment and take final action.
- B. In considering a text amendment, action by the Planning Commission shall be considered by vote of the members present.
 1. A motion to recommend approval or denial of an amendment must be passed by an affirmative vote of at least a majority of the members present in order for the motion to carry.
 2. If a motion to recommend approval of an amendment fails, the amendment is automatically denied. If a motion to recommend denial of an amendment fails, another motion would be in order.
 3. A tie vote on a motion to recommend approval of an amendment shall be deemed a recommendation for denial of the amendment. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.
 4. If no action is taken on an amendment, it shall be considered tabled and action deferred to the next regular meeting.
- C. In taking final action on an text amendment, the Board of Commissioners may:
 1. Approve, approve with changes, or deny the proposal; or,
 2. Table the proposal for consideration at its next scheduled meeting; or
 3. Return the proposed amendment to the Planning Commission for further consideration.
- D. Standards for text amendments.

The Planning Commission and / or the Board of Commissioners shall consider the following standards in considering any proposal that would result in a change to the text of this Ordinance, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

1. Is the proposed amendment consistent with the purpose and intent of this Ordinance as stated under Article 2 - Purpose?
 2. Does the proposed amendment further or is it compatible with the purpose and intent of the Comprehensive Plan?
 3. Is the proposed amendment required to adequately address new or changing conditions or to properly implement the Comprehensive Plan?
 4. Does the proposed amendment reasonably promote the public health, safety, morality or general welfare?
- E. Effect of text amendment approval.
1. Approval of a text amendment shall be in full force and effect upon its approval by the Board of Commissioners or upon the stated effective date thereof.
 2. For a property on which a use, building, structure or other improvements existed in conformity with this Ordinance prior to the effective date of a text amendment affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed by the provisions for Nonconforming Uses under Article 13 of this Ordinance, as applicable.
 3. Construction of any use, building, structure, or other improvements for which a permit has been issued in conformity with this Ordinance prior to the effective date of a text amendment may continue to completion as though no change had occurred and, upon completion, shall be governed by the provisions for Nonconforming Uses under Article 13 of this Ordinance, as applicable.

18.3-5 Map Amendments

In all applications for a map amendment the burden shall be on the applicant both to produce sufficient information to allow the Board of Commissioners to fully consider all relevant factors and to demonstrate that the proposal complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this chapter for consideration by the County.

A. Initiation of Map Amendment.

1. Pre-Application Meeting prior to any submittal

Any person considering submitting a rezoning application, or an application for a special use permit per section 18.4 of this code, shall first schedule a meeting with staff of the department of Planning and Land Use prior to submitting such application. The purpose of the pre-application meeting is to communicate the intent to seek a change of zoning, to understand the documents, the timeline and the responsibilities for submitting a complete application.

2. Preliminary Review Meeting prior to any submittal

Any time after the pre-application meeting with staff, but prior to submittal of an application, the project shall be presented for a Preliminary Review of the project.

The purpose of the preliminary review meeting is to allow the County's staff assigned to review and approve development plans the opportunity to become familiar with the proposed site / project and to offer their comments as to what their respective codes will require of the proposed site / project were the project to seek a development permit as proposed.

3. Application Submitted (60 days)

Any person seeking to change the zoning of their property, or a special use permit per section 18.4 of this code, having met with staff in a Pre-application meeting and subsequently presenting their project in a preliminary review meeting, shall submit an application on forms provided by the Department of Planning and Land Use and contained in the Zoning Guidebook, latest version. The application shall be submitted a minimum of 60 days in advance of the scheduled public hearing. In addition to the application, the request for map amendment shall include additional information such as, but not limited to, site plans, surveys, legal descriptions and deeds of the property to be rezoned, traffic studies, letter of intent, existing resource maps, and other information as outlined herein or contained in the Zoning Guidebook, latest version.

4. Public Participation Meeting (if required)

Any person submitting a rezoning application, or an application for a special use permit per section 18.4 of this code, will host a Public Participation meeting after the proposed project has been presented in both a Pre-Application meeting and a Preliminary Review meeting. The purpose of the meeting is to ensure early and effective communication with nearby property owners and interested citizens, giving them the opportunity to understand the proposed request for a change of zoning or proposed special use, and to mitigate any impacts such proposal may have on the community.

Public Participation is intended to facilitate fair, open and honest discussions between an applicant for rezoning or a special use permit, and citizens. Emerging out of these discussions should be a better understanding of the issues and an atmosphere for informed decision making. At best, citizens and the applicant work together to refine the proposal and try to mitigate any impacts the proposal might have on the surrounding community

This requirement applies to rezoning applications for any commercial, office, industrial, multi-family residential, single-family residential rezoning requests for major subdivisions (6 or more lots), commercial uses in agriculture and applications for a special use permit. Rezoning applications initiated by the Board of Commissioners are exempt from this requirement. Failure to comply with the public participation requirements herein will result in a request by staff to continue the case until such time as the applicant demonstrates compliance

No public participation meetings shall be scheduled by any applicant during the week of Thanksgiving, from the Monday prior to Thanksgiving Day to the following Sunday, or during the Christmas Holiday from December 20th to January 3rd

- a. The minimum public notification target area for the public participation meeting will include:

- i. All properties that lie within 1,000 feet of the legal boundary of the subject property.
 - ii. Any homeowners associations which represent subdivisions or properties, that falls within the 1,000 foot boundary.
 - iii. Notifications shall be mailed at least 10 days prior to the scheduled meeting.
 - iv. The applicant must include certificates of mailing for the invitations and a meeting summary with their rezoning or special use application
 - v. Other interested parties who have requested that they be placed on the Interested Parties Notification List, to be maintained by the Planning and Land Use Office.
- b. Public Participation Letter. A copy of the letter to be sent to all persons and organizations per department procedures. The letter shall meet the requirements as set forth by the department, but at a minimum shall include:
- i. Applicant name;
 - ii. Contact information;
 - iii. Details regarding the date, time and location of the required public participation meeting and any additional proposed meetings;
 - iv. Statement of what type of application will be / was submitted to the county;
 - v. Brief description of the project and/or scope of proposed development and where more information may be obtained, e.g. via the county's Web site;
 - vi. 8.5 x 11" copy of the site plan
- c. Meeting Protocol.
- i. The meeting location shall be held at a public facility within the community for which the applicant is seeking re-zoning request. The meeting location should be within a 5-mile radius from location of the subject property. If no such facility is available, the applicant may propose an alternate location to be approved by the Director of Planning & Land Use prior to making such arrangements
 - ii. The applicant or authorized representative shall be available to answer questions of the general public for at least 30 minutes
 - iii. The meeting shall not begin prior to 6:30 pm nor later than 8:30 pm on the evening the meeting is to be held.
 - iv. The applicant or authorized representative shall provide the following material for the general public to view:
 1. Cherokee County Future Land Use Map.
 2. Proposed Site plan proposed.

3. Contact information (name and phone number and/or e-mail address) for the applicant or authorized representative.
 4. Procedure and contact information provided by Cherokee County Department of Planning & Land Use
- d. Public Participation Meeting Summary. The applicant shall provide a written report on the results of the public participation meeting to the Planning and Land Use one (1) week prior to the Planning Commission Work Session. At a minimum, the meeting summary shall include the following information:
- i. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
 - ii. Content, dated mailed and numbers of mailings, including letters, meeting notices, newsletters and other publications;
 - iii. The number of people that participated in the process.
 - iv. A summary of concerns, issues and problems expressed during the process, including:
 1. The substance of the concerns, issues and problems;
 2. How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and
 3. Concerns, issues and problems the applicant is unable or unwilling to address and why.

These requirements will apply, in addition to the formal notification provisions typically undertaken by the County. The basis for this target area is to provide an expanded notification area beyond the legal notification required for rezoning requests (adjacent properties) to enhance public participation opportunities.

5. Application Deemed Complete

The Department of Planning and Land Use shall review and assess all applications requesting a rezoning, or a special use permit per section 18.4 of this code, for completeness within five (5) business days of the submittal deadline. An application shall be considered "complete" if it is submitted on the required form(s), includes all submittal information, including all forms specified within the Zoning Guidebook and provided by the department of Planning and Land Use, and accompanied by the application processing fee as adopted by the Board of Commissioners and as may be revised periodically. If the application is deemed incomplete, the department staff shall inform the applicant in writing of the deficiencies of the application, and the application shall receive no further processing until the deficiencies are corrected. The applicant shall correct such deficiencies no later than 45 days prior to the public hearing date, or the application may be subject to a request by staff to continue the case until the next available public hearing date.

No more than eight (8) new applications, which have been deemed complete by staff, shall be scheduled for public hearing per month on a first come, first served basis.

6. Planning Commission Work Session

Prior to the regularly scheduled public hearing date, the Planning Commission shall schedule a work session at which all business items scheduled to come before the Planning Commission at a public hearing shall be presented in order to familiarize the members with the facts of each such item. Planning and Land Use staff shall provide technical assistance in preparing the agenda for the Work Session.

7. Map Amendment Initiated by Board of Commissioners

A map amendment may be initiated by the Board of Commissioners. An application promulgated by the County Board of Commissioners shall require legal notice as per 18.3-3 of this ordinance referencing the time, date, place and purpose of the Public Hearing at which the map amendment will appear.

B. Public Hearing.. The Board of Commissioners shall schedule and conduct such public hearing. Alternatively, the Board of Commissioners may direct the Planning Commission to conduct a public hearing for the purpose of obtaining their recommendation. Following its public hearing or after receipt of the Planning Commission recommendation, the Board of Commissioners shall consider the map amendment, or special use permit, and take final action

C. Public Notice for Map Amendments:

1. The legal notice, in addition to the requirements in 18.3-3 above, shall include the location of the property, the present zoning classification of the property, the proposed zoning classification of the property and proposed use of the property;
2. The Director shall cause a copy of the contents of the legal notice to be sent by regular mail to the applicant and adjoining property owners at the address listed in the current county tax records at least ten (10) days prior to the public hearing.
3. A sign containing the information outlined above shall be placed in a conspicuous location on the property not less than thirty (30) days prior to the date of the hearing. The applicant shall make a good faith effort to insure the notice sign remains in place during the 30 days' notice period. Acts of vandalism or natural occurrences limiting the effectiveness of notice by a sign posted on the property shall not invalidate any proceedings or action taken on the proposed application.

D. Limitation on Permits.

Once a rezoning application is submitted by a property owner or their agent, no application for a land disturbance, building, development or other similar permit, or for a Variance or Special Use Permit for the affected property shall be accepted for processing or acted upon until final action is taken by the Board of Commissioners on the proposed map amendment.

If the Board of Commissioners does not take final action on the rezoning application within six (6) months from the date of a complete application, Permit, Variance and Special Use Permit applications shall again be accepted and reviewed pursuant to

existing zoning. And, further provided that such permit applications shall be accepted during the map amendment process if the proposed use is authorized under the same conditions in both the existing and proposed zoning district.

E. Criteria for Evaluating Map Amendments.

1. The Board of Commissioners finds that the following criteria are relevant in balancing the interest of promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property. These criteria shall be used to evaluate rezoning applications:
 - a. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property;
 - b. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property;
 - c. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned;
 - d. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
 - e. Whether the proposed rezoning is in conformity with the policy and intent of the Comprehensive Plan and Future Development Map; and
 - f. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning.
2. The Planning Commission and Board of Commissioners may also consider the following factors in evaluating rezoning applications:
 - a. Impact on the road system and traffic flow;
 - b. Adequacy of the water service system to the area proposed for development;
 - c. Availability or adequacy of sanitary sewer systems or whether the soils in the area proposed for development are suitable to absorb the projected flows from septic tank systems;
 - d. Impact on economic values in the area;
 - e. Impact on the health, safety, and general welfare of the area; and
 - f. Suitability of the site for the proposed use in overall size, topography and neighborhood compatibility.

F. Impact Analysis for Map Amendments.

1. The initiating party, if a party other than the Board of Commissioners, shall be required to file, with its application for rezoning, a written, documented analysis of the impact of the proposed zoning with respect to each of the matters enumerated in Section 18.3-5 E (1) a-f, above.
2. The Department of Planning and Land Use shall, with respect to each such zoning proposal, evaluate and make a finding with respect to each of the matters enumerated in Section 18.3-5 E (1) a-f above. This investigation may involve

consulting with other County departments or governmental units to evaluate the impact of the proposal on public facilities and services.

3. The Department shall make a written record of its investigation and finding,
4. The Planning Commission shall, with respect to each such request for a map amendment, evaluate and make a recommendation with respect to each of the matters enumerated in Section 18.3-5 E (1) a-f above.

G. Planning Commission Action

1. In considering an application for rezoning or a special use permit, action shall be considered by vote of the members present.
2. The Planning Commission shall recommend to :
 - a. Continue the case to the next scheduled public hearing date upon a request by the applicant, staff, and / or of their own motion; or
 - b. Approve the proposed map amendment, or special use permit, as presented; or
 - c. Approve the proposed map amendment, or special use permit, with conditions; or
 - d. Approve a substitute zoning classification with or without conditions; or
 - e. Deny the proposed map amendment, or special use permit, in its entirety.
3. A motion to recommend approval or denial of an application for rezoning or a special use permit must be passed by an affirmative vote of at least a majority of the members present in order for the motion to carry.
4. If a motion to recommend approval or denial of an application for rezoning or a special use permit fails to get a second, another motion would be in order.
5. A tie vote on a motion to recommend approval or denial of an application for rezoning or a special use permit shall result in no action being taken.
6. If no action is taken on an application for rezoning or a special use permit, it shall be considered tabled and action deferred to the next scheduled public hearing. If no action is taken at the next scheduled public hearing, the application shall move on to the Board of Commissioners with a recommendation for denial from the Planning Commission.
7. Failure of the applicant or his agent(s) to be present at the public hearing constitutes abandonment and dismissal of the case unless the applicant shows just cause by reason of illness or health or other emergency within a reasonable time, in writing, and accompanied by new costs for re-advertisement and hearing
8. In carrying out its responsibilities in reviewing and taking action on an application, the Planning Commission may adopt rules and regulations for the conduct of public hearings and meetings as are consistent with State law and County ordinances and appropriate to its responsibilities. Robert's Rules of Order may be used as a procedural guide in the absence of a rule or policy.
9. The decision of the Planning Commission is advisory only.

H. Action by Board of Commissioners.

Following the public hearing by the Planning Commission and after receipt of their recommendation on an application for rezoning or a special use permit, the Board of Commissioners may:

1. Approve the proposed map amendment, **or special use permit**, as presented;
2. Approve the proposed map amendment, **or special use permit**, with conditions;
3. Approve a similar or less intense use, with or without conditions, only with the applicants' consent ;
4. Deny the proposed map amendment, **or special use permit**, in its entirety;
5. Remand the proposed map amendment, **or special use permit**, back to the Planning Commission for re-hearing;
6. Table final action to a future regularly scheduled meeting. If the Board of Commissioners has not taken action on such application as enumerated in items 1–5 above within ninety (90) days of the Planning Commission's recommendation and the applicant has not requested postponement, the application shall be deemed to be denied without prejudice.

I. Plans and Other Documents Showing Proposed Use and Impact Required.

An application for a map amendment to create or extend a Zoning District shall be accompanied by a site plan to scale and such other plans, elevations or additional information as **requested by County Staff, required on forms provided by the Department of Planning and Land Use and contained in the Zoning Guidebook, latest version, and/ or as** this Ordinance may require, showing the proposed development and its impact on natural and built systems. Additional **requested** information may include without limitation traffic studies, utility studies, drainage studies and information about the existing site resources on the tract(s) in terms of topography, hydrologic features, trees \ vegetation, historic \ archeological \ cultural features, general soil types, existing roads and structures, and surrounding property land use.

J. Concurrent Variances.

An application for a map amendment may include a request for variance to the provisions of the Zoning Ordinance. Concurrent variances must be advertised with the rezoning application, specifically identifying the section(s) of the ordinance from which relief is requested.

The purpose of a variance request concurrent with a map amendment is to address factors that affect a significant portion of the proposed development of the property. The factors are so critical that they are evident even at this very early stage of development. The granting of the concurrent variance will help to overcome significant topographic, environmental or access challenges on the site and prevent the need for a number of variances later in the process. It is the burden of the applicant to demonstrate the hardship that necessitates a concurrent variance.

These variances shall be limited to building setbacks, lot widths, and zoning buffers. Variances to permitted uses or minimum lot size are not permitted.

18.3-6 Modification of Existing Zoning Conditions.

Applications for changes to the conditions of an approved rezoning shall follow a streamlined process but meet the minimum standards in accordance with the requirements of the State Zoning Procedures Law (Ga. Laws 1985, page 1139; O.C.G.A. Sections 36-66-1 through 36-66-5).

These applications shall be submitted to the Planning and Land Use Department for analysis per Section 18.3-5 E. The public shall be notified through the publication of a legal notice and posting of a sign on the property no less than 15 days prior to the public hearing, which will be held by the Board of Commissioners with a decision to follow. The applicant and adjoining property owners shall also be notified by mail as described in Section 18.3-5 (C) 2 .

18.3-7 Actions to be taken if Plans are not Implemented within Specified Time Limits.

- A. Purpose: The purpose of this section is to reduce map amendments of a speculative nature in Cherokee County. Where a rezoning application was approved on or after Jan. 1, 2018, and no discernable development activity has occurred in reliance of the approved rezoning application in the 12 months following the date such application was approved by the BOC, a notice shall be delivered to the property owner(s) of record, by the Department of Planning and Land Use advising that a BOC-initiated rezoning to a constitutional zoning designation for the subject property may occur if the property owner does not initiate some action within thirty (30) days of said notice. The property owner may request the BOC for an extension of time not to exceed 12 months from the date of notice sent by the Department of Planning and Land Use as described herein. If the request for extension is the first such extension requested by the property owner, the extension shall be granted administratively by the Director of Planning and Land Use. Any subsequent request for extension of time shall be heard and decided by the BOC. Alternatively, in response to the notice of a potential BOC initiated rezoning, the property owner may present evidence the Director of Planning and Land Use of specific actions taken in reliance upon the approved rezoning to effect development of the property. Discernable development activity would include, but not be limited to, the preparation of documents and/ or plans by a professional surveyor, engineer, architect or landscape architect for the clearing, grading, installation of infrastructure, or other activity for submission to Cherokee County in anticipation of the approval of a land disturbance permit, final plat, subdivision plat, site development permit or building permit. Upon no discernable development activity being initiated 30 days after notice tendered, and no extension of time being requested or evidence presented to the contrary, the property shall be placed upon a Board agenda for consideration of a County-initiated rezoning. Nothing contained within this paragraph shall impair or otherwise limit the Board's authority to initiate a rezoning of property at any time subject only to vested right considerations
- B. The Board of Commissioners may review the zoning district classification of any approved zoning map amendment and determine whether it shall be continued or initiated for rezoning if it meets all of the following criteria:
1. The Board of Commissioners is not the applicant
 2. Zoning district is not AG, R-80, R-60 or R-40
 3. No land disturbance permit, building permit or certificate of occupancy has been issued within 24 months of the date of approval of the map amendment.

- C. If the Board of Commissioners decides to initiate a map amendment, the application shall follow the same process as any other Board-initiated map amendment application.

18.4 SPECIAL USE PERMITS.

18.4-1 Purpose.

The purpose of a Special Use Permit is to provide a process for review of a use that is generally compatible with the use characteristics of a zoning district, but requires individual review of its location, design, height, intensity, configuration and public facility impact to determine the appropriateness of the use for any particular site and its compatibility with adjacent uses.

18.4-2 Authority.

The Board of Commissioners shall take final action on applications for Special Use Permits in accordance with the procedures, standards and limitations of the Zoning Ordinance. In order to accommodate these special uses, the Special Use Permit allows the Board of Commissioners to approve a special use on a particular parcel without changing the general zoning district. Such approval shall be subject to the requirements set forth in this Zoning Ordinance and any additional conditions deemed necessary to ensure the compatibility of the special use with the surrounding properties. All Special Use Permit applications shall be for **a specific proposed use** only. The Special Use Permit shall not be used for securing early zoning for conceptual proposals which may not be undertaken for some time.

18.4-3 Special Use Permit Procedure.

The application and review process for a Special Use Permit shall be the same as those contained in Section 18.3-5 Map Amendments, herein.

In addition to the information and/or site plans which are required to be submitted for the proposed development, additional information deemed necessary by the Planning Director in order to evaluate a proposed use and its relationship to the surrounding area shall be submitted as requested.

18.4-4 Staff Analysis.

The staff analysis on each application for a Special Use Permit shall follow the same procedures as those contained in Section 18.3-5, herein. In the review process, particular emphasis shall be given to the evaluation of the characteristics of the proposed use in relationship to neighboring properties and the compatibility of the proposed use with its surroundings.

18.4-5 Public Hearing Required

The public hearing process, impact analysis and application for a Special Use Permit shall be the same as those contained in Section 18.3-5, herein.

18.4-6 Special Use Permit Review Criteria.

- A. The Board of Commissioners may grant a Special Use Permit for the uses enumerated with an “S” in Table 7.2 Permitted Uses of this Ordinance. The

granting of a Special Use Permit is based upon the site plan presented to the Board and are subject to the following process and review procedure:

- B. The Board may grant Special Use Permits for limited periods of time based upon the criteria set forth in 18.4-6 C.
- C. In addition to district regulations, the Board shall consider, at a minimum, the following in its determination of whether or not to grant a Special Use Permit, whether to limit the time such Special Use is allowed and whether to restrict the Special Use to a particular owner or party:
 - 1. Whether or not there will be a significant adverse effect on the surrounding area in which the proposed use will be located.
 - 2. Whether or not the use is otherwise compatible with the surrounding area.
 - 3. Whether or not the use proposed will result in a nuisance as defined under state law.
 - 4. Whether or not quiet enjoyment of surrounding property will be adversely affected.
 - 5. Whether or not property values of surrounding property will be adversely affected.
 - 6. Whether or not adequate provisions are made for parking and traffic considerations.
 - 7. Whether or not the site or intensity of the use is appropriate.
 - 8. Whether or not special or unique conditions created by the use are consistent with the purpose, intent and goals of the Comprehensive Plan.
 - 9. Whether or not adequate provisions are made regarding hours of operation.
 - 10. Whether or not adequate controls and limits are placed on commercial and business deliveries.
 - 11. Whether or not adequate landscape plans are incorporated to ensure appropriate transition between adjacent or nearby properties.
 - 12. Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.
 - 13. Whether the application complies with any applicable specific requirements set forth in the Zoning Ordinance for particular types of uses.
 - 14. Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors.
 - 15. Whether the Special Use requested emits or creates unusual odors which would warrant use of an odor elimination/attenuation system as recommended by industry standards.
- D. In all applications for a Special Use Permit the burden shall be on the applicant both to produce sufficient information to allow the Board of Commissioners to fully consider all relevant factors and to demonstrate that the proposal complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this chapter for consideration by the County.

18.4-7 Voluntary Termination of a Special Use Permit.

The owner of the property approved for a Special Use Permit may voluntarily request termination of the Special Use Permit by notifying the Director in writing. The Director shall notify the Board of Commissioners of voluntary terminations as they occur. The approval of a Special Use Permit for a specific use which may be operated by a lessee under a private agreement with a lessor in any zoning district shall not obligate the Board of Commissioners to be responsible for or be required to resolve any disputes which may arise out of the voluntary termination of the Special Use Permit by the property owner.

18.4-8 Change in Conditions or Modification of a Special Use Permit.

Changes to the conditions or modification of an approved Special Use Permit shall be subject to the same application, review and approval process as a new application, including the payment of relevant fees.

18.4-9 Development of an Approved Special Use.

- A. The issuance of a Special Use Permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required. The Department shall not issue a Certificate of Occupancy for the specific use unless all requirements and conditions of the Special Use Permit have been fulfilled by the owner of the property.
- B. If an application is approved and a Special Use Permit is granted, all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. Once established, the special use shall be in continuous operation. Upon discovery that the operation of the special use has or had ceased for a period of 90 days or more and the owner of the property has not requested voluntary termination of the Special Use Permit, the Director may forward a report to the Board of Commissioners which may recommend that action be taken to remove the Special Use Permit from the property.

18.4-10 Compliance with Special Use Permit Requirements.

The Planning and Land Use Department shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements and any conditions. If the Director determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of 10 days to come into compliance. If after 10 days the violations continue to exist, the Director shall forward a report to the Board of Commissioners to recommend that action be taken to remove the Special Use Permit from the property.

18.4-11 Actions to be Taken if Plans of Property Owner are not Implemented within Specified Time Limits.

The use for which a Special Use Permit is granted shall commence operations or construction within 12 months of the date of approval by the Board of Commissioners. If, at the end of this 12-month period, the Director determines that active efforts are not proceeding toward operation or construction, a report may be forwarded to the Board of Commissioners which may recommend that action be taken to remove the Special Use Permit from the property.

18.4-12 Appeal of a Special Use Permit Decision.

Any person, persons or entities jointly or severally aggrieved by any decision of the Board of Commissioners regarding a Special Use Permit application may take an appeal to the Superior Court of the County. The appeal shall be limited to the proceedings and record of the Board of Commissioners. Any appeal must be filed within 30 days of the decision of the Board of Commissioners, and upon failure of such appeal, the decision of the Board of Commissioners shall be final.

18.5 CONDITIONAL APPROVALS.

18.5-1 Purpose.

In adopting a map amendment to the Official Zoning Map, or approving a Special Use Permit, the Planning Commission may recommend to, and the Board of Commissioners may impose special conditions which are deemed necessary in order to make the requested action acceptable and consistent with the purposes of the district(s) involved and to further the goals and objectives of the Comprehensive Plan.

18.5-2 Such conditions may consist of (but are not limited to):

- A. Restrictions as to what land uses or activities shall be permitted;
- B. Permitted hours of operation;
- C. Setback requirements from any lot line;
- D. Specified or prohibited locations for buildings, parking, loading or storage areas or other land uses;
- E. Maximum building heights or other dimensions;
- F. Architectural style, or exterior treatments;
- G. Driveway curb cut restrictions, or inter-parcel access requirements;
- H. Landscaping or planted areas which may include the location, type and maintenance of plant materials;
- I. Preservation of existing trees or other vegetation;
- J. Fences, walls, berms, or other buffering provisions or protective measures;
- K. Special measures to alleviate undesirable views, light, glare, noise, dust or odor;
- L. A requirement that the existing building(s) be removed or retained, or a limitation on exterior modifications of existing buildings;
- M. Special drainage or erosion provisions;
- N. A requirement that developers must build according to the site plans as adopted;
- O. Any other requirement that the Board of Commissioners may deem appropriate and necessary as a condition of rezoning or issuance of a Special Use Permit.

18.5-3 Such conditions shall:

- A. Only be valid if they are included in the motion approving the **map** amendment, **or special use permit**, for adoption;
- B. Be recorded in the Resolution of the Board of Commissioners if enacted pursuant to an amendment of the Official Zoning Maps, **or for issuance of a special use permit**.

- C. Be continually in effect, or for the period of time specified in the amendment **or permit.**
- D. Be required of the property owner and all subsequent owners as a condition of their use of the property.
- E. Be interpreted and continually enforced by the Director in the same manner as any other provision of this Zoning Ordinance.

18.5-4 Violations of Conditions

Notwithstanding any other remedies available in this Zoning Ordinance and under local and state law, violations of conditions imposed pursuant to this Section 18.5 shall be handled in accordance with Article 19.

18.6 WITHDRAWAL OF AN APPLICATION.

Once an application, other than those initiated by the Board of Commissioners, for an amendment to the Official Zoning Map or an application for a Special Use Permit has been made, the applicant may withdraw such application without prejudice only until such time as the official withdrawal deadline published in the Public Hearing Schedule, maintained by the Department.

An application may not be withdrawn by an applicant or property owner under any circumstance after the official withdrawal deadline. Once past the published withdrawal deadline, all applications shall be considered by the Board of Commissioners and shall receive final action. At their discretion, the Board of Commissioners may allow an application to be withdrawn without prejudice at any time.

18.7 LAPSE OF TIME REQUIREMENT FOR REAPPLICATION.

The following shall apply to the reapplication for a Zoning Map Amendment, or Special Use Permit.

No application or reapplication for any zoning map amendment affecting the same land or any portion thereof shall be acted upon within 12 months from the date of last action by the Board of Commissioners unless such 12-month period is waived by the Board of Commissioners, and in no case may such an application or reapplication be reconsidered in less than six months from the date of last action by the Board of Commissioners.

No application or reapplication for the same type of Concurrent Variance or Special Use Permit affecting the same land or any portion thereof shall be acted upon within 12 months from the date of last action by the Board of Commissioners.