



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: TEXT AMENDMENT

Applicant: Morgan County Planning & Development
Applicant's Agent:
Zoning Ordinance: Morgan County Zoning Ordinance
Article 22 Comprehensive Plan Amendment Procedures (New number)
Article 22 Public Hearings (Old number)
Article 23 Disclosure Requirements

Summary

The Morgan County Zoning Ordinance contains Articles outlining procedures for zoning actions (Rezoning, Conditional Use, Variances, Text Amendments), but does not contain information related to requested changes to the Comprehensive Plan. In the past decade, no changes have been proposed to the Comprehensive Plan, other than amendments to the Future Land Use Map when a rezoning occurred. These changes to the FLUM were single parcel changes that did not require approval from the Northeast Georgia Regional Commission (NEGRC).

Current and Proposed Language

See attached. Please note that the Character Area Map is the Future Land Use Map in the upcoming Comp Plan, hence, the language "Future Land Use Map" is not used.

To keep all Zoning Actions and Amendment Articles together in the Zoning Ordinance, the proposed language has been titled Article 22. This will make the current Article 22, Public Hearings, move to 23, and the current Article 23, Disclosure Requirements, move to 24. No changes to the language is proposed for these Articles other than numbering.

Staff Comments

The language for this Article follows the layout of the information in the Articles for zoning action procedures in the Zoning Ordinance. The criteria for consideration was largely copied from the Madison Zoning Ordinance.

The Zoning Ordinance requires that applications for zoning actions be turned in 45 days prior to the meeting for staff to research the request, Planning Commission to review the staff report, and to advertise. Depending on the complexity of the request, Comp Plan Amendments may also require review by the NEGRC. The proposed language also gives other jurisdictions 30 days to comment on

requested changes. For those reasons, applications for Comp Plan Amendments must be submitted 65 days prior to the meeting, and could be delayed further if additional studies are required.

Article 22 Comprehensive Plan Amendment Procedures

Table of Contents	22-1
Chapter 22.1 Amendments.....	22-2
Section 22.1.1 ..Authority.....	22-2
Section 22.1.2 ..Initiation of Amendment.....	22-2
Section 22.1.3 ..Applicability.....	22-2
Chapter 22.2 Procedures for Requesting a Comprehensive Plan Amendment.....	22-2
Section 22.2.1 ..Application.....	22-2
Section 22.2.2 ..Application Requirements.....	22-2
Section 22.2.3 ..Notice Procedure.....	22-3
Section 22.2.4 ..Submission of Inaccurate Information.....	22-3
Chapter 22.3 Criteria for Considering a Comprehensive Plan Amendment.....	22-3
Chapter 22.4 Application Review and Recommendation.....	22-4
Section 22.4.1 ..Public Hearing Requirements.....	22-4
Section 22.4.2 ..Disclosure Requirements.....	22-4
Section 22.4.3 ..Criteria for Consideration.....	22-4
Section 22.4.4 ..Submission of Additional Information.....	22-4
Section 22.4.5 ..Withdrawal of Zoning Amendment Application.....	22-5
Chapter 22.5 Appeals.....	22-5
Section 22.5.1 ..Appeal from Office of Planning and Development.....	22-5
Section 22.5.2 ..Appeal from Board of Commissioners.....	22-5
Section 22.5.3 ..Stay of Proceedings.....	22-5
Chapter 22.6 Limitation on New Applications.....	22-5

Chapter 22.1 Amendments

Section 22.1.1 Authority

The Governing Body of Morgan County may amend the Comprehensive Plan, including but not limited to, the Character Area Map, from time to time. Any proposed amendment shall first be submitted to the Morgan County Planning Commission for its recommendation, as outlined in this Ordinance.

Section 22.1.2 Initiation of Amendment

A petition to amend this Ordinance or the Zoning Map may be initiated by the Governing Body of Morgan County, The Morgan County Planning Commission, or by any person, firm or corporation owning property in unincorporated Morgan County, Georgia.

Section 22.1.3 Applicability

The provisions of this Article apply to all applications for amendments to the Morgan County Comprehensive Plan, including but not limited to the Character Area Map.

Chapter 22.2 Procedures for Requesting a Comprehensive Plan Amendment

Section 22.2.1 Application

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

Section 22.2.2 Application Requirements

Each application for a Comprehensive Plan amendment must be submitted to the Planning and Development Office at least sixty-five (65) days before any hearing by the Planning Commission. Each application shall include all the following information:

- A statement of intent explaining the proposed change and any special or unusual part of the request;
- A statement addressing the impact of the proposed change on the following:
 - Basic tenets of the Comprehensive Plan as a whole, or a specific component of the Comprehensive Plan;
 - Impact upon Morgan County and other local governments;
- A statement addressing the impact of the proposed change on the following:
 - The Character Area Map and its intended outcome;
 - The balance of land uses upon the Character Area Map;
 - The criteria for consideration outlined in this Article.
- Any other information, including without limitation, infrastructure and traffic impact analyses, as may be reasonable required by Planning and Development staff, the Planning Commission, or the Board of Commissioners, to make an informed decision.
- Applications which are incomplete at the date of submission may be postponed or withheld from a Planning Commission meeting, at the discretion of Planning and Development staff, until all required materials are received. Any application which meets the criteria for a Development of Regional Impact

(DRI) or requires an extended review by the Northeast Georgia Regional Commission (NEGRC) or Department of Community Affairs (DCA) may be held until the necessary reviews are completed.

Section 22.2.3 Notice Procedure

Upon the filing of a petition for a Comprehensive Plan amendment, the Office of Planning and Development shall place an advertisement in the legal organ of Morgan County, no less than fifteen (15) days and no more than forty-five (45) days before the public hearing, indicating that an amendment has been requested and a brief description of the request.

If the amendment requested is to the Character Area Map, the Office of Planning and Development shall erect a sign, no less than fifteen (15) days and no more than forty-five (45) days before the public hearing, in a conspicuous place on the property in question, which shall indicate the amendment requested, section(s) of the Comprehensive Plan affected by the proposal and meeting information.

All local governments which participated in the development of the Comprehensive Plan shall be notified of the amendment request and given thirty (30) days to respond.

In accordance with State law, the Northeast Georgia Regional Commission (NEGRC) shall be consulted regarding any requested changes to the Comprehensive Plan.

Section 22.2.4 Submission of Inaccurate Information

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

Chapter 22.3 Criteria for Considering Comprehensive Plan Amendments

The following standards shall be used by the Director, Planning Commission and the Board of Commissioners in reviewing, recommending, and acting upon applications for amendments to the Comprehensive Plan as appropriate to balance the interest of the public health, safety or general welfare against the unrestricted use of property.

- The traditional population growth pattern the population density pattern, and possible increase or over-taxing of the load on public facilities, including but not limited to schools, utilities and streets;
- The possible impact of property values, whether the change be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations;
- The possible impact on the natural and historic environment, including but not limited to drainage, soil erosion and sedimentation, flooding, air quality, water quality and community assets of aesthetic importance, such as historic and cultural resources and gateways;
- The impact to the county and other local governments in providing, improving and increasing schools, streets and other public safety measures not anticipated in the current Comprehensive Plan;
- The possible impact upon the number and diversity of housing options for the local community other than currently anticipated in the current Comprehensive Plan;
- The existing land use pattern surrounding the property in issue, and any evidence of community needs for a change not outlined in the current Comprehensive Plan;
- The comments of other comprehensive planning partners, specifically Bostwick, Buckhead and Rutledge; and comments from the Regional Commission and the Department of Community Affairs;

- The amendment is of the correct scope, be that either the minimum necessary or the full extent necessary, to address the community need.

Chapter 22.4 Application Review and Recommendation

Section 22.4.1 Public Hearing Requirements

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

Section 22.4.2 Disclosure Requirements

- All persons and/or organizations requesting an amendment to the Comprehensive Plan must meet the disclosure requirements of this Ordinance.
- All members of the Planning Commission or Board of Commissioners must meet the disclosure requirements of this Ordinance, in regard to each application.

Section 22.4.3 Criteria for Consideration

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

Section 22.4.4 Submission of Additional Information

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

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

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

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

Section 22.4.5 Withdrawal of Comprehensive Plan Amendment Application

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

Chapter 22.5 Appeals

Section 22.5.1 Appeal from Office of Planning and Development

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

Section 22.5.2 Appeal from Board of Commissioners

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

Section 22.5.3 Stay of Proceedings

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

Chapter 22.6 Limitation on New Applications

In a case where an application for a Comprehensive Plan amendment, including but not limited to an amendment to the Character Area Map, is denied by the Board of Commissioners, the same or substantially similar application shall not be eligible to be resubmitted for reconsideration until twelve (12) months has elapsed from the date of said denial.