

ARTICLE XIV AMENDMENTS

SECTION 1400: AUTHORITY

The Oglethorpe County Zoning Ordinance and the Official Zoning Map of Oglethorpe County, Georgia, may be amended from time to time by the Oglethorpe County Board of Commissioners pursuant to the policies and procedures set out herein. Any proposed amendment shall first be submitted to the Oglethorpe County Planning Commission for review and recommendation.

SECTION 1401: INITIATION OF AMENDMENTS

Applications for amendment may be in the form of proposals to amend the text of this Ordinance or proposals to amend a zoning classification or use, as designated on the Official Zoning Map of the town, including rezoning, conditional uses and variances.

1401.1 Amendment to Text of Oglethorpe County Zoning Ordinance

An application to amend the text may be initiated by the Planning Commission, or be submitted to the Planning Commission by the Mayor and Town Council or by any individual, firm, or organization of the County, or by their duly appointed agent or attorney.

1401.2 Change of Zoning Classification or Use on Official Zoning Map of Oglethorpe County, Georgia

An application for a change in zoning classification or use (rezoning, conditional use, or variance) for a specific parcel of land as designated on the Official Zoning Map may be initiated by the Planning Commission, or be submitted to the Planning Commission by the Maxeys Town Council or by any person with fifty-one (51%) or more percent ownership in fee simple of subject property being petitioned for rezoning or his legal agent authorized in writing over the owner's signature. Unless initiated by the Maxeys Town Council or by the Planning Commission, all applications for amendments or change in zoning classification or use must be submitted by the owner of such property or by the authorized agent of the owner. Such authorization shall be notarized and attached to the application.

SECTION 1402: APPLICATION PROCEDURE

1402.1 Submission Requirements

1. **Application Fee** - Any application for amendment to the text of the Oglethorpe County Zoning Ordinance or for a change in zoning classification or use (rezoning, conditional use, or variance) on the Official Zoning Map of Oglethorpe County (except those initiated by County Officials) shall be accompanied by a filing fee, to cover administrative and advertising expenses, as established by the Maxeys Town Council. No application shall be processed unless the filing fee has been paid in full.
2. **Submittal Deadline** - All applications, fees, and materials shall be submitted to the Planning Commission or the Zoning Official(s) at least fifteen (15) working days in advance of the next regular meeting of the Planning Commission at which the application is to be considered. All data, drawings, narratives and other supporting documentation required herein, along with payment of the required application fee, must be provided for in an application before it shall be officially received for review and consideration by the Planning Commission.

1402.2 Applications for Text Amendment

All applications for a text amendment of the Oglethorpe County Zoning Ordinance shall include ten (10) copies of the amendment application providing the following information:

1. Name and address of applicant.
2. Current provisions of text to be affected by amendment.
3. Proposed wording of text change.
4. Reason for amendment request.

1402.3 Application for Change of Zoning Classification or Use

All applications for a change of zoning classification or use (including rezoning, conditional use, or variance) shall include the information and materials as specified in this Ordinance and shall be accompanied by all applicable filing fees. Incomplete applications shall not be processed. The submittal of inaccurate or incomplete information may be cause for denial of the request; or, if such discrepancies are realized after approval of the petition or issuance of the relevant local permits, cause for revocation of the approval and any related permits by the County.

1402.3.1 Minimum Requirements – All applications for change in zoning classification or use, including rezoning, conditional use, and variances, submitted or initiated by a party other than the Planning Commission or Maxeys Town Council, shall include, at minimum, the following:

1. A typed metes and bounds legal description of the subject property.
2. Ten (10) copies of a written description of the proposal designed to inform the County in detail, about all aspects of the proposed use and its anticipated impact on the community. The description should include a general description of the project, including details for provision of water supply and sewage management, (signed certification of approval by the Oglethorpe County Health Department shall be required, or, if use of municipal water supply and/or municipal sewage system are proposed, a signed and dated authorization for such use from the appropriate municipal governing body shall be required), details of any existing or proposed development controls, deed restrictions, or covenants applicable to the property and any other relevant concerns identified by the County or applicant.. For any application for change in zoning classification or use, the applicant shall also include an analysis of the impact of the proposed change in zoning classification or use, addressing the criteria set forth in *Section 1403, Evaluation Criteria*, herein.
3. Ten (10) copies of a site plan or plat of the subject property, drawn to scale and prepared by an architect, engineer, land surveyor, or landscape architect, whose state registration is current and valid and whose seal shall be affixed thereto, and containing the following information, as applicable:
 - a. Project Name
 - b. Name, address, telephone number, and signature of owner(s) of record as well as that of any authorized agent(s)
 - c. Date, scale, and north arrow
 - d. Vicinity map
 - e. Current zoning classification and use of property and proposed zoning classification and use of property

- f. Owners of record, zoning district classifications and uses of adjacent property, including those across an abutting public right-of-way.
 - g. Property Lines and Dimensions of the tract, with bearings and distances
 - h. Total project acreage
 - i. Required setbacks, appropriately dimensioned
 - j. Location of existing or proposed streets on and adjacent to the site, including street names and width of rights-of-way, pavement (or if unpaved, notation of such), and points of access
 - k. Location and dimensions of any existing or proposed easements, including access, utility, drainage, etc., on or adjacent to the site;
 - l. Location, identification, and dimensions (including height and gross square footage), of any existing or proposed buildings, structures, and uses,
 - m. Location, dimensions, and type surfacing of existing or proposed off-street parking/loading areas and interior drives;
 - n. Location, and dimensions of any required landscaping, buffers and/or screening
 - o. Location of any lakes, ponds, significant wetlands, rivers, creeks, and other watercourses including location of one hundred (100) year flood plain, on or adjacent to the site.
 - p. Location of any significant rock outcrops, cemeteries, or significant identified historic sites/structures on or adjacent to the site
 - q. Provision for water supply and sewage disposal. A signed Certification of Approval by the Oglethorpe County Health Department shall be required. If use of municipal water supply and/or municipal sewage system are proposed, a signed and dated authorization for such use from the appropriate municipal governing body shall be required;
 - r. Location, height, fixture type, and wattage of any proposed exterior site lighting
 - s. Trash/garbage receptacle locations
 - t. Any additional information the applicant believes to be pertinent.
 - u. A topographical map with contour lines at intervals of not more than five (5') feet may be required by the Planning and Zoning Official(s), if deemed necessary to an evaluation of the project and to determine compliance with this Ordinance.
4. Any additional information or data as may be required for certain specific districts or uses as specified in this Ordinance;
 5. Any other data which is deemed necessary to an understanding and evaluation of the project, as may be requested by the Planning Commission or Maxeys Town Council.

1402.3.2 Comprehensive Site Development Plan - If a Comprehensive Site Development Plan is required as part of the application for change in zoning classification or use, including conditional use, as specified for certain zoning districts and uses in this Ordinance, then the following additional information and materials shall be required:

1. A typed metes and bounds legal description of the subject property.
2. Ten (10) copies of a written description of the proposal designed to inform the County in detail, about all aspects of the proposed use and its anticipated impact on the community, including:
 - a. The name and type of the business or company, address, and telephone number as registered with the Secretary of State.
 - b. The existing and proposed zoning district classification and use of the property;
 - c. Zoning district classifications and uses of adjacent properties, including those across an abutting public right-of-way.
 - d. Provision for water supply and sewage disposal.
 - e. A general description of the project including proposed uses, density (including any calculations used to determine allowed density), details of the operation, number of employees, shifts, hours of operation.
 - f. Calculations of average daily traffic and peak hour(s) vehicle trip ends to be generated by the project with estimate of preferred route split.
 - g. A description of any significant modifications of the natural landscape that will be required to accommodate the proposed use
 - h. Information and data relating to surface water runoff as it effects storm water drainage and impact on adjacent areas.
 - i. Any significant site improvements proposed to accommodate the proposed use or to further buffer adjacent uses.
 - j. Details of any proposed development controls, deed covenants, or deed restrictions, condominium declarations, or similar documents.
 - k. Details of any areas or improvements to be dedicated to the County and the extent of the title which is to be dedicated;
 - l. Details of proposed surety for installation of required or proposed improvements or as indemnity for closure or cleanup of certain uses as specified in this Ordinance;
 - m. For phased developments, a proposed development schedule shall be included indicating the phases in which the project will be built and the approximate beginning date and time period required for completion of each phase; and a schedule by which amenity packages will be completed (if applicable).
 - n. An analysis of the impact of the proposed change in zoning classification or use, addressing the criteria set forth in *Section 1403, Evaluation Criteria*, herein.

- o. Any additional required data as specified for certain districts and uses, in this Ordinance;
 3. Ten (10) copies of Site Development Plans, drawn to scale and prepared by an architect, engineer, land surveyor, or landscape architect, whose state registration is current and valid and whose seal shall be affixed thereto. Plans shall be clearly and legibly drawn in permanent ink or blue line at a scale sufficient to show necessary details, generally one inch equals one hundred feet (1" = 100'). Sheet size shall be no smaller than 17" x 22", of paper consistent with current engineering practices. If the complete plat cannot be shown on one sheet, it may be shown on more than one sheet with approximate match lines provided and an index map on a separate sheet of the same size.
 - p. All Site Development Plans shall include the following information as applicable:
 1. Project name
 2. Name, address, telephone number and signature of owner(s) of record as well as that of any authorized agent(s)
 3. Date, scale, and north arrow
 4. Vicinity map, drawn at a scale of not less than one inch equals 2,000 feet (1" = 2,000') and showing adjacent roads and landmarks.
 5. Current zoning classification and use of property and proposed zoning classification and use of property
 6. Owners of record, zoning district classification and uses of adjacent property, including those across an abutting public right-of-way.
 7. Property Lines and Dimensions of the tract, including bearings and distances
 8. Total project acreage and total percentage of ground coverage.
 9. Existing topography with ground elevations, based on the datum plane of the U.S. Geological Survey (or other approved datum plane) with contour lines at intervals of not more than five (5') feet.
 10. Location of any lakes, ponds, significant wetlands, rivers, creeks, natural drainageways, and other watercourses including location of one hundred (100) year flood plain, within or adjacent to the site.
 11. Location of any rock outcrops, cemeteries, or identified significant historic or archaeological sites/structures (as designated in the Oglethorpe County Comprehensive Plan or any published surveys or inventories of the County, officially authorized or accepted by local, state, or federal authorities);
 12. For mixed use developments, locations, acreage, dimensions, and identification of areas set aside for each type of use;
 13. Location, dimensions, purpose, identification of any areas to be reserved or dedicated for public or common use.
 14. Required setbacks, appropriately dimensioned
 15. Location and dimensions of any existing or proposed easements, including access, utility, drainage, stormwater detention facilities, etc., within or adjacent to the site;

16. Location of existing and proposed streets within and adjacent to the site, including street names and width of rights-of-way and surface treatment, and cross-section and centerline profiles (showing angles of deflection, angles or intersection, radii, and lengths of tangents) for each proposed new street;
 17. Location, use, dimensions, gross square footage and rough floor plans (if applicable) of existing and proposed buildings, structures, and areas of operation;
 18. Number of units and number of bedrooms for all proposed single-family attached, two-family, and multi-family residential structures and/or any proposed minimum/maximum restrictions on size or number of bedrooms for any single-family detached residential structures on lots of reduced size.
 19. Location, dimensions, capacity, and surface treatment of all off-street parking/loading areas, including entrances and exits, interior drives, and, if applicable, provisions for interior interconnecting access
 20. Location, width and surface treatment of any proposed bikeways, equestrian paths, and pedestrian walkways;
 21. Number, location(s), dimensions, height, design, materials, orientation, and lighting details (if any) of proposed signs;
 22. Location, height, fixture type, and wattage of exterior site lighting;
 23. Trash/garbage/ receptacle (dumpster) locations;
 24. Details of required or proposed landscaping, any required buffers and/or screening, and any additional screening elements proposed to further protect surrounding properties, including location, dimensions, identification of plant material by name, spacing of plant material, and total number of plants by species (as applicable).
 25. A signed Certification of Approval by the Oglethorpe County Health Department shall be required. If use of municipal water supply and/or municipal sewage system are proposed for the development, a signed and dated authorization for such use from the appropriate municipal governing body shall be included;
 26. For phased developments, locations, acreage, dimensions, and identification of areas set aside for each development phase.
 27. Any additional data as may be required for certain specific districts and uses as specified in this Ordinance;
4. Representative architectural sketches or renderings of typical proposed structures, signs, landscaping, walls, fencing, buffers/screening.
 5. An applicant may also file any additional renderings, construction specifications, written development restrictions, covenants, proposed additional site improvements or conditions planned to mitigate potential adverse impacts, or any other conditions which the applicant proposes as binding conditions upon the development and use of the property involved in the application, or any additional information the applicant believes to be pertinent.
 6. Any other data which is deemed necessary to an understanding and evaluation of the project, as may be requested by the Planning Commission or Maxeys Town Council.

SECTION 1403: EVALUATION STANDARDS

When evaluating on application for amendment for a change of zoning classification or use (including rezoning, conditional use, or variance), the Planning Commission and the Maxeys Town Council shall consider factors relevant in balancing the interest in promoting the public health, safety, morals, or general welfare against the right of the individual to the unrestricted use of property, and shall specifically consider the following criteria. The applicant shall have the burden of proof, which includes the presentation of evidence and the burden of persuasion of each factor necessary to receive approval by the Maxeys Town Council.

1. Whether the zoning proposal is in conformity with the policy and intent of the Oglethorpe County Comprehensive Plan, the Transportation Plan, or any other duly adopted plans for the development of the County.
2. Whether there is reasonable evidence, based upon existing and anticipated land use, which would indicate a mistake was made in the original zoning of the property.
3. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area.
4. Whether the change will create an isolated district unrelated to the surrounding districts, such as "spot zoning?"
5. Whether the need for rezoning could be handled instead by a variance request to the Zoning Board of Adjustments.
6. Whether the subject property is suitable for the existing zoned purpose.
7. Whether the subject property is suitable for the proposed zoning or use (location, size, lot configuration, topography, drainage, availability of public water supply and sewage system, or space and soil type to accommodate a safe water supply and an appropriately sized septic system, etc.).
8. Whether the zoning proposal will permit a use that is suitable in view of the use, development, and zoning of adjacent and nearby property.
9. The impact and suitability of the most intense possible future use that would be permitted on the subject property under the proposed change in zoning classification.
10. Whether the change requested is out of scale with the immediate neighborhood or the needs of the county as a whole.
11. Whether the zoning proposal will result in a use that could cause an excessive or burdensome use of or other adverse impact on existing streets, traffic patterns and congestion, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical services.
12. Whether the zoning proposal will result in a use that will have an adverse impact on population density in the area.
13. Whether there could be a significant threat for ecological, environmental, or pollution impact, including but not limited to air quality; ground and surface water supply and quality; significant destruction of habitat for wildlife, deterioration or destruction of significant or sensitive natural and environmental resources, habitat for endangered or threatened plants or animals, waste generation and disposal; waste water quality, sanitary sewage disposal capacity; toxic or hazardous materials; odors, noise, vibration, and other nuisances; diseases of public health importance, and any related concerns, resulting from the proposed use or from major modifications to the land if the request is granted.

14. Whether the requested change would have an adverse impact on significant natural, historic, or scenic resources.
15. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
16. To what extent the zoning proposal will adversely affect the property values of adjacent or nearby property.
17. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned.
18. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
19. The length of time the property has been vacant as zoned considered in the context of land development in the area, in the vicinity of the property.
20. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
21. To what extent subject's property values will be diminished by the existing zoning restrictions.
22. To what extent the destruction of the subject's property value under the existing zoning will promote the health, safety, morals, or general welfare of the public
23. The relative gain to the public as compared to the hardship imposed upon the individual property owner.

SECTION 1404: PLANNING COMMISSION REVIEW

All applications for a change of zoning classification or use or for amendments to the text of this Ordinance, together with all other required materials, shall be transmitted to the Oglethorpe County Planning Commission, which shall study the proposal and materials and make a recommendation to the Maxeys Town Council. The recommendations of the Planning Commission shall be of an advisory nature to the Maxeys Town Council.

1. The Planning Commission shall conduct a comprehensive review of the application and accompanying materials. It shall determine the need and justification for the requested change based on the facts applicable to the particular case, an analysis of the immediate and future impact of the proposed use on the community in general, and any other relevant factors. Applications for amendments involving a change in zoning classification or use shall be evaluated subject to the criteria set out in *Section 1403, Evaluation Criteria*, herein.
2. Where appropriate, the Planning Commission may consult with other departments of the County to fully evaluate the impact of the proposal on public facilities and services and conduct a site review of the property and surrounding area.
3. Where expert opinion and studies are deemed necessary to fully evaluate the impacts of the proposed use, the Planning Commission may recommend to the Maxeys Town Council, that consultation with impartial professionals or experts regarding issues pertinent to the proposal be provided as specified in *Subsection 1406.7, Professional Consultation*, herein.
4. The Planning Commission may recommend amendments or modifications to the applicant's request and/or recommend conditions of rezoning which are deemed advisable so that the purpose of this Ordinance will be served and that the health, safety, and welfare of the public is secured.

5. The Planning Commission shall have sixty (60) days or two regular meetings, whichever is greater, from the date the application is officially received to complete its study of the proposed amendment and submit a written report and recommendation for approval, approval with conditions, disapproval, or such other recommendation as it deems appropriate to the Maxeys Town Council. If the Planning Commission fails to submit a report within sixty (60) days or two regular meetings, after it has officially received the application, complete in all respects, it shall be deemed to have recommended approval of the proposal, provided that the time limit may be extended by mutual agreement between the applicant and the Commission.

1404.1 Changes or Amendments to Application

There shall be no changes or amendments to an application once officially received for review and consideration by the Planning Commission, except for those specifically requested by the Planning Commission. Any adjustments or amendments other than those recommended by the Planning Commission shall be considered a new application and cause the original rezoning request to be returned to the Planning Commission for reconsideration. The Planning Commission, if necessary, may take up to sixty (60) days to review the new application. All fees normally associated with a rezoning request shall also be applicable.

Any changes or amendments to the site plan, made in response to recommendations by the Planning Commission, must be completed by the applicant and approved by the Planning Commission prior to submission to the Maxeys Town Council.

1404.2 Withdrawal of Application

An amendment application or application for a change of zoning classification or use and accompanying materials may be voluntarily withdrawn by the applicant without prejudice until such time as the advertising for public hearing required by this Article has been made. Once the application has been submitted to the Maxeys Town Council and the advertising for public hearing has been made, no such application shall be withdrawn without causing the application to comply with the designated waiting period prior to a rehearing as specified in *Subsection 1406.6, Rehearing After Denial*, herein, unless the request for withdrawal shall be specifically granted by the Maxeys Town Council, by a majority vote at the public hearing or at the next following regularly scheduled meeting. There shall be no reimbursement of application fees for withdrawn applications.

SECTION 1405: NOTIFICATION AND PUBLIC HEARING REQUIREMENTS

Before taking any official action on an application for text amendment, change of zoning classification or use, conditional use, or variance, the Maxeys Town Council shall hold a public hearing thereon, for the purpose of receiving and considering the recommendations of the Planning Commission and public comment on the merits of the proposed amendment or change. Said hearings shall be open to the public and any interested party and citizens may appear in person, or by agent, or by attorney. The public hearing shall be held in accordance with the provisions set forth herein.

1405.1 Setting Public Hearing Date

Upon completion of the Planning Commission review, the Maxeys Town Council shall establish a date, time, and place for a public hearing on the petition which shall be not less than thirty (30) days nor more than sixty (60) days from the completion date of said review.

1405.2 Notification to Applicant

Written notification of the hearing date, time and place shall be forwarded forthwith to the applicant or his duly authorized agent.

1405.3 Notification to Adjacent Property Owners

The Maxeys Town Council shall cause notice of the date, time, place, and purpose of the public hearing to be given by mail to the owners of record of all properties adjacent to the property subject to the amendment application.

1405.4 Publication of Notice

At least fifteen (15) and no more than forty-five (45) days prior to the date of the public hearing, the Maxeys Town Council shall cause to be published in a newspaper of general circulation in Oglethorpe County, a legal notice of the hearing. Said notice shall state the date, time, place, and purpose of the hearing.

1. If an amendment to the text of the Oglethorpe County Zoning Ordinance is under consideration, then the public notice shall also include a description of the proposed amendment and the intent of the proposed change.
2. If an amendment for a change in zoning classification or use is under consideration, then the public notice shall also include the name of the applicant, tax parcel number, location of the property, the present zoning classification of the property, and the proposed zoning classification of the property or conditional use or specific variance requested.

1405.5 Notification Sign Required

If an application for amendment involves the rezoning of property from one zoning district classification to another, then a sign shall be placed in a conspicuous location on the subject property, facing the public road. On lots with more than one road frontage, a sign shall be placed facing each public road. If the subject property does not have frontage on a public road, then the sign may be posted on the right-of-way of the nearest public road that provides access to the site.

1. The sign shall be installed not less than fifteen (15) days prior to the public hearing. Said sign shall remain posted until final action has been taken by the Maxeys Town Council.
2. The sign shall be not less than nine (9) square feet, with not less than three (3") inch black letters upon a white background, and shall read as follows:

NOTICE TO THE PUBLIC

APPLICATION TO REZONE THIS PROPERTY

FROM _____ CLASSIFICATION

TO _____ CLASSIFICATION

PUBLIC HEARING TO BE HELD [Day of the Week] [Month] [Date] [Time]

_____ [Location] _____

FOR MORE INFORMATION CALL _____ [Telephone Number] _____

1405.6 Additional Notification and Public Hearing Requirements for Zoning Amendments Involving Halfway Houses, Drug Rehabilitation Centers or Other Facilities for Treatment of Drug Dependency

When a proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a public hearing shall be held on the proposed action. Such public hearing shall be held at least six months and not more than nine months prior to the date of final action on the zoning decision. The rearing required by this subsection shall be in addition to any other hearing required in Section 1405, Notification and Public Hearing Requirements, herein. The Maxeys Town Council shall give notice of such hearing by posting notice on the affected premises as specified in Subsection 1405.5, Notification Sign Required, and by publishing a notice as specified in Subsection 1405.5, Publication of Notice, herein, but with the additional requirements that both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or

other facility for treatment of drug dependency, and that the published notice shall be at least six column inches in size and shall not be located in the classified advertising section of the newspaper.

1405.7 Public Hearing Procedures

All hearings for final zoning decisions by the Maxeys Town Council shall be called pursuant to O.C.G.A. 36-66-4, as amended.

All hearings for final zoning decisions by the Maxeys Town Council shall be conducted according to the following procedures:

1. All persons who wish to address the Board at a hearing concerning a final zoning decision under consideration by the Board shall first sign up on a form to be provided by the Board prior to the commencement of the hearing. Any party who wishes to address the Board through his or her attorney or other designated representative or agent shall first sign up on a form to be provided by the Board prior to the commencement of the hearing, setting forth the name of their principal and the capacity in which they are appearing before the Board, i.e. whether as attorney, parent, attorney in fact, real estate agent, or otherwise.
2. The Board shall cause to be read the proposed zoning decision under consideration and the reading or presentation of any departmental reviews pertaining thereto prior to receiving public input on said proposed zoning decision. Proposed zoning decisions shall, as a general rule, be called in the order in which they are received by the Board, provided that nothing shall prevent the Board from changing the order of decisions reviewed at the time of the hearing, for the convenience of the Board and the public.
3. The Board shall call each person who has signed up to speak on the proposed zoning decision in the order in which the persons have signed up to speak, except for the applicant (or his designated representative or agent), who will always speak first, or if the Board has brought a proposed zoning decision to the hearing, then the Commissioners shall speak first; provided however, no person shall be allowed to speak in addition to his or her attorney or other designated representative or agent. Each person shall have only one opportunity and time limit in which to speak, and said opportunity and time shall be used only by the person or the person's attorney or other designated agent. The purpose of this provision is to disallow additional time not allowed to the speakers, by use of attorneys and agents, thereby gaining an unfair advantage at the hearing. Prior to speaking, the speaker will identify himself or herself and state his or her current address, and if an attorney or other designated agent, identify his or her principal. Only those persons signed up to speak prior to the commencement of the hearing shall be entitled to speak unless the Board, in its discretion, votes to make an exception at the time of the hearing, notwithstanding the failure of the person to sign up prior to the hearing.
4. Each speaker shall be allowed a limited amount of time to address the Board concerning the proposed zoning decision then under consideration, unless the Board, prior to or at the time of the reading of the proposed decision, allows additional time in which to address the Board on said proposed zoning decision. The applicant may initially use all of the time allotted to him or her to speak or he or she may speak and reserve a portion of his or her allotted time for rebuttal. Provided however, if the Board's members desire to ask questions of the speaker, once the speaker has finished speaking on said proposed zoning decision, the time incurred to ask and answer said questions shall not accrue to the speaker's allotted time. Provided further, however, the questioning body may stop questioning and responses at any time, at which time the speaker must relinquish the floor. Individual speakers at the hearing shall be allotted five (5) minutes in which to address the Board. A member of the Board's staff shall be designated as the timekeeper to record the time expended for each speaker. Both proponents and opponents of the matter under consideration shall be given comparable time and opportunity by the presiding officer to

speaking. This time period shall not be less than ten (10) minutes per side in accordance with State Law.

5. Each speaker shall speak only to the merits of the proposed zoning decision under consideration and shall address his or her remarks only to the Board. The merits of the proposed zoning decision shall include evidence or opinions regarding devaluation, fair market value, nuisance, environmental concerns, traffic, noise, aesthetics and in general, the health, welfare and benefit of the community or county as it is affected by the proposed zoning decision. The speaker shall refrain from comment on unrelated zoning issues and unrelated tracts of land. Each speaker shall refrain from personal attacks on any other speaker and from discussion of facts or opinions irrelevant to the proposed decision under consideration. The Board may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.
6. Nothing contained herein shall be construed as prohibiting the Board from taking reasonable steps necessary to insure that hearings are conducted in a decorous manner, to assure that the public hearing on each proposed zoning decision is conducted in a fair and orderly manner.
7. Prior to the close of the hearing, the Board shall announce whether it votes on the proposed amendment or decision at the same hearing or whether it will defer its vote for a period not to exceed thirty (30) days.
8. A secretary shall record the proceedings of the public hearing. The record of the public hearing and all evidence submitted at the public hearing shall be recorded for public record and shall become a permanent part of the particular zoning amendment's file.

SECTION 1406: MAXEYS TOWN COUNCIL CONSIDERATION AND DECISION

1406.1 Official Action

The Maxeys Town Council shall have sixty (60) days or two regular meetings, whichever is greater, following the public hearing, to make a decision to approve, approve with conditions or modifications (as set out in *Subsection 1406.2, Conditional Zoning*, herein) or deny the application, provided, however, that the Maxeys Town Council shall reserve the right to defer decision on an application in order to seek additional information or consultation with impartial professionals or experts regarding issues pertinent to the proposed amendment or change in zoning classification or use, as specified in *Subsection 1406.7 Professional Consultation*, herein, or pertinent to issues arising from the public hearing. Any action to defer decision shall include a specific meeting date to which the application shall be deferred.

1406.2 Conditional Zoning

The Maxeys Town Council may approve an application with conditions or modifications. Conditional zoning may be defined as the imposition of conditions or modifications upon a rezoning request that do not necessarily arise out of the zoning resolution itself; or are not uniformly applicable throughout a zoning district; but rather, are uniquely applicable to the specific project or rezoning involved. As such the Maxeys Town Council, based on the report and recommendations of the Planning Commission, and any professional or expert consultation, may require that certain conditions be added or modifications be made to a rezoning request so as to offset any adverse impacts to the community that may result from an approval. Such conditions or modifications might include reducing the land area, changing the district requested, and/or adding or deleting conditions of rezoning, and/or modifying the hours of operation, arrangement of facilities or structures, parking, building size, lot size, outside displays, signs, lighting, setbacks, buffering and screening requirements, or any other conditions or modifications deemed necessary, and shall be imposed when it benefits the neighbors or community as a whole by ameliorating the effects of the zoning change and insuring the safe and orderly operation of the proposed uses and their compatibility with the surrounding properties. These conditions shall be consistent with the Oglethorpe County Comprehensive

Plan; and/or lessen the impact on public infrastructure, facilities or services; and/or protect the health, safety, and welfare of the community. Such conditions:

1. Must be included in the motion for approval; and
2. Shall be required of the property owner and all subsequent owners as a condition of their use of the property until such time as said conditions shall be removed or modified through a subsequent application and approval of a change of zoning classification or use, as specified herein; and
3. Shall be interpreted and continuously enforced by the Planning Commission and Zoning Official(s) in the same manner as any other provision of this regulations.
4. A building permit shall not be issued until after the review and approval by the Zoning Official(s) and Planning Commission of final site, architecture, and development plans required by such conditions.

1406.3 Changes In the Zoning Maps

Following final action by the Maxeys Town Council, any necessary changes shall be made on the Official Zoning Map of Maxeys, Georgia. A written record of the type and date of such changes shall be maintained by the Town Clerk.

1406.4 Adherence to Approved Plans

Unless otherwise noted, the building and site plans, operations data, and other documentation and proposals submitted in support of an application for rezoning, conditional use, or variance as amended and approved by the Maxeys Town Council, shall be considered part of the approval and binding. No Building Permit or other permits or Certificates of Occupancy shall be granted for any buildings, structures, uses, or actions that do not comply with said approved building and site plans, operations data, and other documentation and proposal and any deviation from such, without applying for an amendment as specified herein, shall constitute a violation of these regulations.

Approval of a proposed use by the Maxeys Town Council does not constitute an approval for future expansion of, or additions or changes to, the initially approved operation. Any future phases or changes that are considered significant by the Planning Commission, Maxeys Town Council, or their designated Zoning Official(s), and not included in the original approval, are subject to the provisions herein, and the review of new detailed plans and reports for said alterations, by the governing authority.

1406.5 Expiration of Approval

The approval of any amendment for a change in zoning classification or use shall be effective for a period of no longer than twelve (12) months from the date of final approval by the Maxeys Town Council. If during that twelve (12) month period, no action is taken by the applicant to implement the use proposed in the application by obtaining the proper permits and/or license, initiating development plat approval, or otherwise proceeding with the building, occupancy or establishment of the approved use, then such approval shall become null and void. Written notice of the expiration shall be issued to the applicant by the Maxeys Town Council or their designated Zoning Official(s) prior to revocation of any permits. The Maxeys Town Council shall reserve the right to initiate action to rezone the parcel to its original zoning, following the procedures outlined herein, except that no fees shall be required.

1406.6 Rehearing After Denial

If an application for a change in zoning classification or use is denied by the Maxeys Town Council, then the same property may not again be consideration for an application for the same change in zoning classification or use that was previously denied and no application for such shall be accepted until the expiration of at least twelve (12) months immediately following the date of the final decision for denial. In addition, the same property may not be considered for any other type of zoning application (rezoning, conditional use, variance, etc.), and no application shall be accepted for such until the

expiration of at least six (6) months immediately following the date of the previous final decision for denial. Said interval shall not apply to applications initiated by the Maxeys Town Council or Planning Commission.

1406.7 Professional Consultation

The Maxeys Town Council reserves the right to require an independent evaluation of the impacts of the proposed use and technical details of the proposal. The evaluations of the impacts may include but are not limited to, environmental impacts, traffic density impacts, economic impacts, infrastructure impacts or growth impacts. Where expert opinion and studies are deemed necessary for the County to fully evaluate the impacts and/or technical details of the proposed use, additional fees may be charged to cover the actual cost to the County of obtaining such expert opinion and studies. The initial deposit for such additional fees shall cover a minimum of ten hours of an expert consultant's established hourly rate to provide consultation to Oglethorpe County or Maxeys. The Maxeys Town Council shall not contract for more than ten hours of expert consultation without the prior notification and consent of the applicant in writing. The initial deposit, in cash or check, shall be submitted to the Maxeys Town Council or their designated Official(s). If the actual cost to the government is greater than the initial deposit, the applicant shall be billed for the difference and shall pay the bill in full prior to the hearing before the Maxeys Town Council. If the actual cost to the government is less than the initial deposit, the actual cost will be deducted from the initial deposit and the remainder of the deposit shall be refunded to the applicant within ten working days following the hearing before the Maxeys Town Council.

1406.8 Developments of Regional Impact

The Georgia Planning Act of 1989 authorized the Department of Community Affairs to establish procedures for regional review of development projects that are of sufficient size that they are likely to create impacts beyond the jurisdiction in which the project will be located. The DRI review process involves the host local government, the reviewing Regional Development Center (RDC), and other potentially affected local governments, RDC's, and agencies.

Thresholds are used to determine whether a proposed development is a DRI. Because positive and negative impacts of DRI's are not necessarily confined to the host local government's jurisdictional boundaries, impacts on other jurisdictions need to be assessed.

If a development project submitted to the Oglethorpe County Planning Commission or the Maxeys Town Council for approval is determined to require DRI review, then the time deadlines imposed by this Ordinance shall be suspended until the DRI review process is completed.

SECTION 1407: DISCLOSURE OF FINANCIAL INTEREST AND CAMPAIGN CONTRIBUTIONS

Any local government official, including members of the Planning Commission and members of the Maxeys Town Council, who has a property interest in any real property affected by a rezoning action upon which that official will have the duty to consider; or has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action which that official will have the duty to consider; or has a member of the family having such an interest shall immediately disclose the nature and extent of such interest, in writing, to the Maxeys Town Council, as set out in OCGA Subsection 36-67A-2. The Oglethorpe County official, who has an interest as defined above, shall disqualify himself from voting on the rezoning action. The disqualified county official shall not take any other action on behalf of himself or any other person to influence action on the application for rezoning. Disclosures provided for in this section shall be public record and available for public inspection at any time during normal working hours.

When any individual applying for rezoning action has made or given, within two years immediately preceding the filing of said rezoning application, campaign contributions or gifts aggregating \$250.00 or more to a local government official involved in the rezoning action, it shall be the duty of the applicant and the attorney representing the applicant to file a disclosure report with the Maxeys Town Council as set out in OCGA Subsection 36-67A-3.