

**CAMDEN COUNTY BOARD OF COMMISSIONERS
AGENDA MEMORANDUM**

SUBJECT: Second reading and adoption of the resolution to adopt policies and procedures for calling and conducting hearings on proposed zoning decisions as part of the Unified Development Code of Camden County, Georgia.

DEPARTMENT: Planning & Development

AUTHORIZED BY: Steve Howard **CONTACT:** Loretta Hylton – 729-5603

MOTIONS/RECOMMENDATIONS:

1. Waive the second reading and adopt the Resolution to adopt polices and procedures for calling and conduction hearings on proposed zoning decisions as a part of the Unified Development Code of Camden County, Georgia.
2. Read into the record and adopt the Resolution to adopt polices and procedures for calling and conduction hearings on proposed zoning decisions as a part of the Unified Development Code of Camden County, Georgia.

BACKGROUND:

The Unified Development Code includes policies and procedures for calling and conducting public hearings on proposed zoning decisions, prepared in accordance with O.C.G.A. § 36-66-5. The Policies and Procedures must be adopted by the Camden County Board of Commissioners by its own resolution and prior to the adoption of the Standards and Ordinance.

STAFF RECOMMENDATION:

Staff recommends waiving the second reading and adopt the Resolution.

ATTACHMENTS:

1. Resolution to adopt polices and procedures for calling and conduction hearings on proposed zoning decisions as a part of the Unified Development Code of Camden County, Georgia.

A RESOLUTION

A RESOLUTION BY CAMDEN COUNTY, GEORGIA, TO ADOPT POLICIES AND PROCEDURES FOR CALLING AND CONDUCTING HEARINGS ON PROPOSED ZONING DECISIONS AS A PART OF THE UNIFIED DEVELOPMENT CODE OF CAMDEN COUNTY, GEORGIA.

WHEREAS, the Board of Commissioners of Camden County desires to adopt the Unified Development Code of Camden County, Georgia; and

WHEREAS, the Unified Development Code includes policies and procedures for calling and conducting hearings on proposed zoning decisions, prepared in accordance with O.C.G.A. § 36-66-5; and

WHEREAS, notice of a public hearing was duly published as required by O.C.G.A. § 36-66-4; and

WHEREAS, pursuant to O.C.G.A. § 36-66-4, public hearings were held by the Planning Commission on July 30, 2008, and by the Board of Commissioners on October 7, 2008, after public notice as required by law, at which times all owners of property affected and other citizens of the county were given the opportunity to voice their protests, suggestions, or criticisms, if any;

NOW THEREFORE the Board of Commissioners of Camden County resolves as follows:

- (a) The policies and procedures for calling and conducting hearings on proposed zoning decisions, attached hereto and incorporated herein as Exhibit A, are hereby adopted and shall be incorporated into the Unified Development Code of Camden County, Georgia, which Code shall become effective on January 1, 2009.
- (b) All other laws or regulations or parts of laws or regulations of Camden County in conflict with this Resolution are hereby repealed to the extent of their conflict as of the effective date of the Unified Development Code of Camden County, Georgia.
- (c) If any section, clause, sentence, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Resolution.

ADOPTED AND APPROVED by the Camden County Board of Commissioners this
___ day of _____, 2008.

ATTEST:

**CAMDEN COUNTY
BOARD OF COMMISSIONERS**

Jodi Gregory, County Clerk

Preston Rhodes, Chairman

EXHIBIT A

POLICIES AND PROCEDURES FOR CALLING AND CONDUCTING HEARINGS ON PROPOSED ZONING DECISIONS

Section I. Public notice for zoning changes.

(a) Zoning changes initiated by Camden County.

Any Camden County action resulting in a zoning change shall provide for a hearing on the proposed action. At least 15, but not more than 45, days prior to the date of the hearing Camden County shall cause to be published within a newspaper of general circulation within the territorial boundaries of Camden County a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.

(b) Zoning changes initiated by property owner.

If the zoning change application is initiated by a party other than Camden County:

- (1) The notice, in addition to the requirements of Section I(a) above, shall include the name of the applicant, the location of the property, acreage of the property, the present zoning classification of the property, and the proposed zoning classification or type of Special Use (as applicable).
- (2) Multiple applications on a single property may be combined in a single notice, but must be heard individually at the public hearing.
- (3) Posting of signs.
 - a. In addition to the newspaper notice, a sign or signs shall be placed by the applicant in a conspicuous location on the property frontage in such manner as to be legible from the public road. On lots with more than one road frontage, a sign will be placed facing each public road. If the property has no road frontage, the sign shall be placed on each road at a location where access will be gained to the property.
 - b. The sign(s) must be in place no less than 15 days prior to the date of the public hearing and shall state the date, time and place for the planning commission public hearing and the initially scheduled county commission meeting, the present zoning classification and the nature of the proposed zoning change (requested zoning classification or type of Special Use).
 - c. The applicant shall remove all public notice signs from the subject property within 3 business days after the date of final action by the county commissioners on the proposed zoning change.

(c) Sufficiency of public notice.

- (1) Where proper notice is given in accordance with this Section, and a sign has been posted in accordance with this Section by the applicant, no further

notice to interested parties or adjacent or nearby property owners is required.

- (2) Failure to provide notice as required by this Section may be grounds for the final action on a proposed zoning change to be declared null and void. It is the responsibility of the applicant for the zoning change to determine prior to the public hearing that proper notice requirements have been met.
- (3) Appearance of a person at the public hearing shall constitute a waiver of all claims based upon improper publication of notice or posting on the property by such person.

Section II. Planning commission review and public hearing on proposed zoning changes.

(a) Planning commission review.

- (1) All papers and other data submitted by the applicant on behalf of the zoning change request shall be transmitted to the planning commission.
- (2) All meetings of the planning commission shall be open to the public. At a meeting, any party may appear in person, or be represented by an agent or attorney.
- (3) No member of the planning commission shall vote on a matter in which he has any material interest, and no staff member may represent an individual application or party.
- (4) The planning commission, at a regular meeting, shall review the request and prepare a report, including its recommendations, for transmittal to the county commission.
- (5) Following the action by the planning commission, all papers and data pertinent to the application shall be transmitted to the county commission for final action.

(b) Planning commission's recommendation.

The planning commission shall make a recommendation for approval, approval with conditions or denial no later than their next regularly scheduled meeting following the public hearing, or the request shall go forward with no recommendation. The report of the planning commission shall be forwarded in writing to the Camden County Board of Commissioners for final approval or denial.

(c) Public hearing procedures—planning commission.

At the public hearing, the applicant or any other party may appear on his own behalf or be represented by agent or by attorney. The outline for conducting the public hearing on each case shall be as follows:

- (1) Statement of the case by the chairman or his/her designee.
- (2) Supporting argument by applicant or his/her agent or attorney.
- (3) Supporting argument by others at the hearing.

- (4) Opposing arguments by persons at the hearing.
- (5) Final rebuttal by applicant.
- (6) Witnesses may be called, and factual evidence and exhibits may be submitted. The chairman may establish appropriate time limits for arguments, but such time limits shall be equal for both sides and in no case less than 10 minutes. The chairman may request representatives of each side to speak for the entire group or portions of the group, but shall not require such representatives against the wishes of the group or any individual involved.

Section III. Final action on proposed zoning changes by the Board of Commissioners.

- (a) Board of commissioners' decision.
 - (1) The Camden County Board of Commissioners shall take action on each application at a regularly scheduled meeting for which adequate notice can be published, but not less than 30 days following receipt of the planning commission report.
 - (2) To "take action" is defined as to approve, to approve with conditions, to disapprove or to table the proposal.
 - (3) If the proposed amendment is not recommended for approval by the planning commission, it shall require the favorable vote of a majority of the entire sitting membership of the county commission (exclusive of vacancies or abstaining members) to make the amendment effective.
 - (4) Following the final action by the county commission on a zoning change, any necessary changes to the official zoning map shall be made by the Planning Director.
 - (5) The Planning Director shall maintain a written record (or a tape recording) and date of such changes approved or denied by the county commission, along with any conditions of approval.
- (b) Public hearing procedures—board of commissioners.

At the public hearing, the applicant or any other party may appear on his own behalf or be represented by agent or by attorney. The outline for conducting the public hearing on each case shall be as follows:

- (1) Statement of the case by the chairman or his/her designee.
- (2) Supporting argument by applicant or his/her agent or attorney.
- (3) Supporting argument by others at the hearing.
- (4) Opposing arguments by persons at the hearing.
- (5) Final rebuttal by applicant.
- (6) Witnesses may be called, and factual evidence and exhibits may be submitted. The chairman may establish appropriate time limits for

arguments, but such time limits shall be equal for both sides and in no case less than 10 minutes. The chairman may request representatives of each side to speak for the entire group or portions of the group, but shall not require such representatives against the wishes of the group or any individual involved.

Section IV. Text amendment process.

No amendment to the text of the Unified Development Code shall become effective unless it shall have been submitted to the Planning Commission for review and recommendations.

(a) Public notice.

Before enacting a text amendment to the Development Code, the county shall hold public hearings thereon. At least 15 days but not more than 45 days prior to each public hearing, notice is to be published in a newspaper of general circulation within the county. The notice is to state the time, place and purpose of the hearing.

(b) Public hearings; procedures.

The public hearing held by the Planning Commission and the Board of Commissioners for a text amendment shall be conducted in the following manner:

- (1) The public hearing is to be convened at the scheduled time and place by the Chair or an appointed designee, who will act as the Presiding Official.
- (2) The Presiding Official will call for each proposed text amendment to be presented.
- (3) No person in attendance is to speak unless first formally recognized by the Presiding Official. Upon rising to speak each person recognized is to state their name and home address.
 - a. The Presiding Official may place reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the proposed zoning change.
 - b. No less than 10 minutes shall be provided for all of those speaking in support of a text amendment and no less than 10 minutes shall be provided for all of those speaking against, unless such proponents or opponents take less time than the minimum allowed.
 - c. If reasonable time limitations permit, any member of the general public may speak at a hearing.

During the public hearing, the Planning Commission and the Board of Commissioners members may ask questions at any time. Time devoted to questions and answers will not be counted against any time limitations that have been imposed on presentations.

(c) Decision on a text amendment.

- (1) The Planning Commission shall make a recommendation for approval, denial or such other action it deems appropriate, no later than their next regularly scheduled meeting following their public hearing, or the proposed amendment shall go forward with no recommendation. The report of the Planning Commission shall be forwarded in writing to the Camden County Board of Commissioners for final approval or denial.
- (2) The Camden County Board of Commissioners shall take action on each proposed amendment at a regularly scheduled meeting for which adequate notice can be published, but not less than 30 days following receipt of the Planning Commission report.
- (3) The Planning Director shall maintain a written record (or a tape recording) and date of such amendments as approved or denied by the County Commission.