

Disclosure of Campaign Contributions

The Official Code of Georgia (36-67A-3) requires that when any **applicant** for, or **opponent** of, a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250 or more to a local government official of the local government which will consider the application, it shall be the duty of the applicant/opponent to file a disclosure with the governing authority of the respective local government showing:

- The name and official position of the local government official to whom the campaign contribution was made; and
- The dollar amount and description of each campaign contribution made by the applicant/opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

The disclosure required by this Code section shall be filed:

- By the **applicant** within 10 days after the application for the rezoning action is first filed.
- By the **opponent** at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

Any person knowingly failing to comply with or otherwise violating the above disclosure requirements shall be guilty of a misdemeanor (36-67A-4).

Banks County Zoning Districts

For the purpose of regulating development, Banks County has divided its jurisdictional area into the following zoning districts:*

CAD, Commercial Agricultural District

ARR, Agricultural-Rural Residential District

R-1, Single-Family Residential District

R-2, Residential-Multifamily District

C-1, Neighborhood Commercial District

C-2, General Commercial District

M-1, Industrial District

*This list is current as of August 2004. However, it is subject to revision as the zoning regulations are amended.

Each zoning district differs from all other districts as to

- Which land uses are allowed;
- What standards and restrictions apply; and
- What approvals are necessary.

For each district, Banks County Zoning Regulations provide a description of permitted land uses and other requirements (minimum lot size, setbacks, frontage, etc.).

Complete information may be obtained from

Banks County Planning & Development

150 Hudson Ridge, Suite 4

Homer, GA 30547

(706)677-4272

Requirements and permitted uses are subject to change with new amendments to the regulations. Always make sure you have the latest version of requirements and permitted land uses.

Legal Representation: This information sheet is not, and should not be considered, a substitute for sound legal advice. Because of the importance of all zoning matters, the Board of Commissioners encourages you to seek legal advice from an attorney of your choice.

BANKS COUNTY, GEORGIA

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BANKS COUNTY, GEORGIA

CITIZENS' GUIDE TO PUBLIC HEARINGS ON ZONING CHANGES



Application Process for Zoning Change

The zoning-change process begins by arranging a preliminary meeting with the Zoning Official to determine what items are to be provided by the applicant. Required items include:

- A plat
- Letter of intent
- Authorization from the property owner
- Application fee (to be paid upon filing)

Additional items which may be required include:

- Site plan
- Plan approval by the Health Dept., Inspection Dept., Water Dept. and/or DOT

Applications are filed in the Planning Department at least 30 working days prior to the Planning Commission meeting, and a legal advertisement is published at least 15 days prior to both Planning Commission and Board of Commissioners public hearings.

Signage must be posted on the subject property at least 15 days prior to public hearings by the Planning Commission and Board of Commissioners.

Property owners adjacent to the subject property are notified of the zoning request and dates and times of public hearings, by mail postmarked no later than five days before the hearings.

A location map and staff report are prepared and delivered to Planning Commission members, along with any information submitted by the applicants.

A public hearing on the request is held by the Planning Commission, which meets regularly at 6:00 p.m. in the Board Room of the Banks County Courthouse Annex (*unless otherwise posted*) on the first & third Tuesday of each month. At the hearing, comments are heard from the applicant and any other concerned citizen, and the Planning Commission decides if the application is approved, denied, approved with conditions, tabled or requires specific action by the Board of Commissioners.

The Board of Commissioners holds a public hearing on the request during its regularly scheduled meeting, held in the Board Room of the Banks County Courthouse Annex (*unless otherwise posted*) on the second & fourth Tuesday of the month at 6:30 p.m. After hearing public comment, the Board of Commissioners decides if the application is approved, denied, approved with conditions, tabled or referred back to the Planning Commission. The decision is final unless appealed to the Superior Court of Banks County within 30 days following action by the Board of Commissioners.

The entire process, from filing the application to final action by the Board of Commissioners, usually takes six to eight weeks.

Criteria for Decisions

The applicant, zoning official, planning commission and governing body should review an application for rezoning with regard to the following criteria:

- The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.
- The extent to which property values are diminished by the particular zoning restrictions.
- The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.
- The relative gain to the public, as compared to the hardship imposed upon the individual property owner.
- The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.
- The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request.
- The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools parks, or other public facilities.
- Whether the proposed zoning will create risk or adverse environmental effects to the community, including, without limitation, air pollution, surface water contamination or groundwater contamination.
- Whether the proposal will create risks that uses with nuisance characteristics will occur.
- Whether the proposed zoning will adversely affect property values of others.
- Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.

Board of Commissioners Procedures

Before acting on a proposed amendment, the Board of Commissioner holds a public hearing, which:

- Is held in conjunction with regular meetings of the Board of Commissioners, with published notice of time and place.

- Is conducted by the Board of Commissioners.
- Is convened when the Zoning Official reads the proposed zoning amendments before the Board of Commissioners.
- Continues with the Zoning Official stating the proposed zoning amendment and party initiating the proposal. Zoning Official then gives the Planning Commissioner's recommendation and summarizes its written report.
- Provides an opportunity to persons both favoring and opposing the proposed amendment to address the Board of Commissioners. When addressing the board:
 - o Each speaker must first state his/her name and address.
 - o Comments are accepted first from the party proposing the amendment, followed by persons speaking in its favor and then from those in opposition. The party proposing the zoning amendment may then offer rebuttal.
 - o The Board of Commissioners may place reasonable limits on the number of persons who may speak for or against the proposal; on the time allowed for each speaker; and on the total time allowed for comment for a minimum of 10 minutes per side.
 - o Comments must pertain only to the merits of the proposed zoning amendment, and must be directed to the Board of Commissioners. Comments are not allowed which may be construed as personal attacks on any other speaker, or as irrelevant to the proposed zoning amendment. Violators will be first cautioned and then prevented from making further comment.
 - o Petitions, studies, letters and other material should be submitted prior to the hearing, allowing ample time for study by the Board of Commissioners. Materials submitted at the hearing may or may not be accepted by the board, and if presented orally are subject to time limitations.

The Board of Commissioners:

- May, if necessary, call on previous speakers for clarification.
- May, if necessary, continue the hearing to a later date.
- May call for additional views, studies or information from any source considered necessary to making a sound decision.